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**[9/29/1998 - 11/3/1998]**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:29-SEP-1998 08:46:55.00

SUBJECT: C/J/S; INTERIOR; DC APPROPS LETTERS

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 09/29/98 08:46 AM -----

Kate P. Donovan  
09/28/98 08:46:17 PM

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To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: C/J/S; INTERIOR; DC APPROPS LETTERS

Below are draft conferees letters for three appropriations bills: 1) C/J/S; 2) Interior; and 3) District of Columbia. We aim to send all three letters by cob Tuesday, 9/29. Please review & provide comments by 1pm, Tuesday. Thank you very much.

Message Sent

To: \_\_\_\_\_

Rahm I. Emanuel/WHO/EOP

John Podesta/WHO/EOP

Gene B. Sperling/OPD/EOP

Sally Katzen/OPD/EOP

Elena Kagan/OPD/EOP

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The Honorable Bob Livingston  
Chairman  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This letter provides the Administration's views on the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 1999, as passed by the House and by the Senate. As the conferees develop a final version of the bill, your consideration of the Administration's views would be appreciated.

The Administration appreciates the Congress' support for many of the President's priorities within the 302(b) allocation. For example, we appreciate the funding levels provided by both the House and the Senate for law enforcement programs in general and the COPS program in particular. Funding COPS at the requested level of \$1.4 billion is consistent with the Balanced Budget Agreement and would enable us to achieve the goal of hiring 100,000 additional police officers by the year 2000.

However, the allocation is simply insufficient to make the necessary investments in other critical programs funded by this bill. The only way to achieve the appropriate investment level is to offset discretionary spending by using savings in other areas. The President's FY 1999 Budget proposes levels of discretionary spending for FY 1999 that conform to the Bipartisan Budget Agreement by making savings in mandatory and other programs available to help finance this spending. In the Transportation Equity Act, Congress -- on a broad, bipartisan basis -- took similar action in approving funding for surface transportation programs paid for with mandatory offsets. We want to work with the Congress on mutually agreeable mandatory and other offsets that would be used to increase high-priority discretionary programs, including those funded by this bill. In addition, we hope that the Congress will reduce funding for lower priority and unrequested discretionary programs, and redirect funding to programs of higher priority.

The Administration has very serious concerns, discussed below, with the Congress' inadequate funding of a number of priority programs, as well as with objectionable language provisions. If the bill presented to the President does not address these issues, the President's senior advisers would recommend that he veto the bill.

#### Legal Services Corporation

The Administration appreciates the funding level of \$300 million provided for the Legal Services Corporation (LSC) in the Senate bill. While we acknowledge the House amendment to increase funding above the House Committee level, the resulting House funding level for LSC remains unacceptable. The House version of the bill would fund LSC at \$250 million, \$33 million below the FY 1998 level and \$90 million below the President's request of \$340 million. The House level is 38 percent below the FY 1995 level of \$400 million and calls into question

the Government's commitment to ensure that all Americans have access to the judicial system. In addition, the Supreme Court's recent ruling that interest on lawyer trust accounts cannot be used to generate resources for civil legal services eliminates a funding source that provided LSC programs with more than \$57 million last year. We urge the conferees to fully fund the President's request.

#### Department of Commerce

Decennial Census. The language in the House bill that would release funds for only the first half of FY 1999 is unacceptable. It is critical that the Congress provide full-year funding for the Decennial Census without any restrictions on the use of statistical sampling. Delays or disruptions would unacceptably complicate the management of this massive operation. We strongly urge the conferees to remove the onerous House language restrictions and provide funding that will allow the Census Bureau to implement its current plan. This plan was developed by statistical experts and is based on recommendations from the National Academy of Sciences, which found that regardless of the resources committed, the methodologies employed in the past could not achieve satisfactory accuracy. The statistical methods incorporated in the Bureau's plan would produce the most accurate census possible and virtually eliminate the large undercounts of minorities, children, and other groups that occurred in the 1990 census.

National Oceanic and Atmospheric Administration. The Administration urges Congress to fully fund priority programs, including: the Clean Water Initiative, including the Coastal Non-point program, to protect coastal communities; the GLOBE program, to promote scientific discovery and student achievement; Endangered Species Act and Magnuson-Stevens Act implementation; the Global Change Program, to understand the implications of extreme weather events such as El Nino; and, the National Weather Service, to improve services that inform communities of severe weather.

The Administration objects to language in the House-passed bill that would impose severe personnel and funding limitations on NOAA's executive direction and central administrative support areas. These restrictions would result in a loss of accountability in the management of NOAA's operations.

The Administration urges the conferees to restore funding necessary to maintain existing contracts, particularly for geostationary spacecraft procurement and polar instrument development. Both the House and Senate bills fail to include adequate funding to fulfill contract obligations for the converged polar satellite program and the recently-awarded geostationary follow-on contract. Renegotiation of these contracts would jeopardize satellite continuity for both civilian and military weather operations and increase costs.

National Institute for Standards and Technology. The Administration is disappointed by reductions to the Advanced Technology Program (ATP), which fosters cutting-edge research. We urge the conferees to provide the President's request for new awards and to drop bill

language placing restrictions on new awards that reduce ATP's ability to manage carryover balances effectively. Also, the Administration is concerned that Congress' exclusion of the requested advance appropriation for the Advanced Measurement Laboratory would increase costs and delay completion of the facility by at least a year.

Statistics Initiatives. The Administration is concerned that both the House and Senate bills do not include adequate funding for high-priority statistical initiatives, particularly the improvement of National Account measures, the Poverty Measure initiative, and the Continuous Measurement program, which will provide annual demographic information on the population and eliminate the need for the "long form" in the 2010 Census.

National Information Infrastructure Program. The Administration urges the conferees to fully fund the President's request for the National Information Infrastructure Grants Program, which provides seed money for innovative projects that deploy, use, and evaluate advanced information technology.

Economic Development Administration (EDA). The Administration is concerned about the funding level for EDA in the Senate-passed bill. EDA assists distressed communities in dealing with the burdens imposed by industry downsizing and international trade agreements and has achieved significant results in creating jobs, leveraging private sector dollars, and increasing local tax bases.

#### Agricultural Guest Workers

The Administration strongly urges the conferees to delete provisions in the Senate-passed bill that would create a new agricultural guest worker program. We believe that the Agricultural Job Opportunity, Benefits, and Security Act of 1998 is likely to increase illegal immigration to the U.S., reduce job opportunities for legal U.S. farm workers, and depress wages and work standards for U.S. farm workers. These provisions, therefore, are unacceptable. Consistent with the findings and recommendations of two bi-partisan commissions -- the Commission on Immigration Reform and the Commission on Agricultural Workers -- the President opposes a new guest worker program. However, the Administration shares the goal of assuring an adequate, predictable labor supply of farm workers and will work with the Congress to develop reforms to the current program to ensure that it responds to agricultural needs while protecting U.S. farm workers.

#### Small Business Administration

The Administration strongly objects to the funding levels for Small Business Administration (SBA) disaster loans and operating expenses. We urge the conferees to restore funding so that SBA may continue to provide vital services to the Nation's small business community and assistance to the victims of natural disasters.

The House's funding level for SBA's Salaries and Expenses account regular operating expenses represents a 29-percent reduction from the President's request and includes a requirement that all of the reduction be taken from headquarters functions. This funding level would require a reduction in staff of more than 1,300 staff years through severe reductions-in-force. Not even the elimination of all headquarters employees would satisfy the House Report's requirement that all reductions be taken solely from non-district Offices.

The Senate mark of \$94 million to administer the Disaster Loan Program is a 43-percent reduction from the President's request. Such a drastic reduction in funding to originate and service disaster loans would result in the cessation of loans and services to the victims of natural disasters by the beginning of calendar year 1999.

#### Equal Employment Opportunity Commission

The Administration strongly urges the conferees to fully fund the President's request of \$279 million for the Equal Employment Opportunity Commission (EEOC), \$18.5 million above the House level and \$25.4 million above the Senate level. The additional resources are essential and would allow EEOC to reduce the backlog of pending complaints and implement much-needed reforms in the way all complaints are managed, including an enhanced alternative dispute resolution program. We look forward to working with the Congress to provide funding for EEOC and other programs included in the President's civil rights enforcement initiative.

#### Department of Justice

**The Administration appreciates the Congress' continued support for law enforcement and other Department of Justice activities. However, as discussed below, we are concerned about Congress' action in a number of areas.**

**Imposition of State Ethics Rules. The House-passed bill includes unacceptable language that would impose State ethics rules on Federal attorneys and establish an independent board that could fire Federal agents, prosecutors, and civil law enforcement attorneys. These provisions would undermine Federal law enforcement by subjecting Department of Justice attorneys to multiple and inconsistent State rules of conduct, transferring to the States the authority to regulate the conduct of Federal attorneys in the performance of their Federal law enforcement duties. For example, this legislation would hamper investigations of drug operations across State lines as well as other multi-jurisdiction investigations such as the Oklahoma City bombing investigation.**

**Brady Act Implementation. The Senate bill contains unacceptable language that would undermine implementation of the Brady Act and the National Instant Check System. The Administration urges the conferees to reject this language and to continue to work with the Administration to keep guns out of the hands of criminals, the mentally unstable, and other prohibited purchasers.**

**Immigration and Naturalization Service Examination and User Fees.** The Senate bill inappropriately diverts \$166 million in receipts from the Immigration and Naturalization Service's (INS's) Immigration Examination and User Fee accounts for expenses not directly related to the immigration services for which they are assessed. In addition, the Department of Justice has forwarded a reprogramming action for \$171 million to address a funding shortfall in the Examination Fee account and provide necessary resources to reduce the citizenship application backlog and implement management reforms. The Senate recommendation would exacerbate this funding shortfall. The Administration urges the conferees to ensure that immigration fees are used to reduce the backlog of pending citizenship applications, as well as to approve the reprogramming of departmental resources for naturalization process reengineering and application backlog reduction.

**Winstar.** The Justice Department critically needs resources to fund the Winstar litigation, in which the Department is defending against \$20 to \$30 billion in claims against the Government. The Administration appreciates the Senate's willingness to fund Winstar, but opposes the Senate's approach to funding for Winstar, which would require substantial reductions to the litigating divisions' other activities, including Civil Rights, Civil, Criminal, and other legal divisions.

**Title V -- At-Risk Children's Grant Program.** The Administration urges the conferees to provide the \$95 million requested for the At-Risk children's proposal. The At-Risk proposal supports community programs that prevent young people from becoming involved in the criminal justice system, including mentoring, truancy prevention, and gang intervention.

**Drug Testing and Intervention.** The Administration urges the conferees to provide the \$85 million requested for the drug testing and intervention program. Systematic drug testing is a proven, cost-effective means of using the coercive power of the criminal justice system to move non-violent offenders into drug treatment programs.

**Protection Against Chemical and Biological Weapons.** We appreciate the Congress' support of the Administration's efforts to combat terrorism, particularly the use of chemical and biological weapons. However, we encourage the conferees to fully fund all of the items requested by the Administration, and, in particular, detection equipment for State and local bomb squads.

**Protection Against Attacks on Critical Infrastructure.** The Administration urges the conferees to provide the full \$34 million requested for expenses related to protection of the Nation's critical infrastructure, including funding for potential transfer to the Department of Commerce's Critical Infrastructure Assurance Office and for the FBI's National Infrastructure Protection Center. Failure to provide requested funding for these initiatives would endanger the Government's efforts to fight cybercrime.

Indian Country. While the Senate mark for Indian Country criminal justice assistance is preferable to the House level, we urge the conferees to fully fund the Administration's request, including FBI and U.S. Attorneys resources. This initiative seeks to provide much-needed funds to address a serious public safety crisis.

#### International Affairs Programs

**On September 22nd, the President transmitted an FY 1998 emergency supplemental funding request to address urgent needs relating to the terrorist bombings of the U.S. embassies in Nairobi, Kenya and Dar Es Salaam, Tanzania. In consultation with Congress, the Administration has prepared this request and looks forward to working with Congress to enact this proposal as quickly as possible. We are encouraged by the strong bipartisan support and commitment to protect U.S. citizens and U.S. interests around the world including our overseas official presence. In this regard, the Administration urges support for the FY 1999 request for various operating accounts, which are needed in addition to the Emergency Supplemental to support our overseas presence and provide the annual funds for security programs and other activities.**

State Department Operations. The Administration appreciates the Congress' support for the Department of State's Diplomatic and Consular Programs and Salaries and Expenses accounts. However, both versions of the bill include reductions to, or unrequested earmarks in, these accounts totaling over \$30 million. Such reductions would prevent the Department from meeting expected wage and price increases, covering critical overseas staffing gaps, and addressing other infrastructure shortfalls. Further, the exclusion of \$38 million from the House-passed bill for information technology improvements in the Capital Investment Fund would jeopardize the Department's effort to achieve Y2K compliance. In addition, the administration supports the Senate's permanent extension of the Machine Readable Visa authority and opposes the cap on this authority in the House-passed bill. The House version would limit the Department's ability to execute the President's Border Security Program.

International Organizations and Peacekeeping. The Administration is concerned that funding reductions and earmarks, especially in the Senate version, for the Contributions to International Organizations (CIO) and Contributions for International Peacekeeping Activities (CIPA) accounts would increase arrears and impair the ability of the United States to address foreign policy interests through the mechanism of U.N. peacekeeping. Given uncertainties in the Balkan region and elsewhere, the Administration urges that the CIPA request level be provided. **The Administration is also concerned that the CIO account be crafted in a manner that allows sufficient payments to be made to the United Nations before December 31st in order to avoid a loss of vote by the United States in the U.N. General Assembly.**

The Administration appreciates the steps the Congress has taken to fund the request for arrearage payments this year. We want to work with the Congress to ensure that these funds are available in a timely fashion to retain our influence in these organizations and to identify reform

measures that further U.S. interests. However, we strongly oppose the authorization requirement in both versions of the bill that is intended to subject this important foreign policy measure to the unrelated issue of family planning policy.

The Administration strongly believes that activities relating to the Comprehensive Nuclear Test Ban Treaty should be funded at the \$29 million level, as requested in the Nonproliferation, Anti-terrorism, Demining, and Related Programs account. We oppose the House-passed bill's proposal to provide up to \$15 million for these needs by transfer from the CIO account without any increase in funding.

United States Information Agency. The Administration is very concerned about reductions to the United States Information Agency (USIA), which both the House and Senate fund below the President's request, by \$30 million and \$68 million, respectively. Given that the USIA request is virtually at the FY 1998 level, any reductions would hurt core public diplomacy activities, Year 2000 compliance, critical broadcasting activities, including broadcasting to Africa, and important grant programs. The Senate-passed version of the bill is particularly problematic because it severely underfunds international information programs by \$35 million (most of which is due to the bill's omission of funding for overseas administrative costs) and broadcasting programs by \$46 million. For broadcasting, the reduction would require a personnel reduction-in-force, eliminate broadcast language services, and defer necessary capital and technical radio modernization improvements.

Jerusalem. The Administration strongly objects to provisions in the Senate bill concerning Jerusalem that would intrude impermissibly upon the President's constitutional authority to conduct diplomacy and determine recognition and would undermine ongoing efforts to promote a peaceful resolution of the Arab-Israeli conflict.

Anti-Ballistic Missile Treaty. The Administration strongly opposes the House provision that seeks to curtail funding for U.S. participation in the Anti-Ballistic Missile Treaty's Standing Consultative Commission (SCC). The Administration has made clear that the 1997 Memorandum of Understanding (MOU) referred to in the House language will be sent to the Senate for advice and consent as soon as Russia ratifies START II; while we will continue to meet with other states in the SCC to discuss Treaty-related issues, the MOU will not be implemented without Senate approval. (Twice-yearly meetings of the SCC are required under the Treaty, which was ratified by the Senate in 1972 by a vote of 96 to 3. The SCC deals with Treaty related issues and works to resolve disputes and ensure compliance.)

Property Claims. The Administration strongly opposes language in the House-passed bill that would prevent intervention by the Justice Department and other agencies in certain U.S. court proceedings to seize property of foreign governments designated as state sponsors of terrorism. Such a measure likely would result in seizures of property in direct violation of U.S. statutory and treaty law and in giving priority to certain U.S. claimants over long-standing, legitimate claims by other U.S. citizens. It could also lead to costs incurred by the United States

in the event of judgments for foreign governments, retaliation against U.S. diplomatic properties abroad, and seizure of property where the United States is claiming an interest in actual ownership of the property. Moreover, this provision would undermine the Administration's ability to protect the interests of the United States in U.S. courts.

International Emergency Economic Powers Act. The Administration opposes language in the Senate-passed bill that would limit the President's ability to impose sanctions under the International Emergency Economic Powers Act. The provision would interfere with the President's authority to target sanctions in specific situations, restricting an important foreign policy tool.

Vietnam and Haiti. The Administration is concerned that language in both versions of the bill regarding Vietnam would unconstitutionally constrain the President's authority with respect to the conduct of diplomacy. In addition, language in the Senate-passed bill regarding Haiti purports, in some circumstances, to limit the President's unfettered constitutional authority to "receive ambassadors and other public ministers."

#### Federal Communications Commission

The Administration is concerned that both versions of the bill exclude funding for the Federal Communications Commission's (FCC's) scheduled move to the Portals complex, and that the House bill provides none of the FCC's requested increases. Denial of funding for Portals would impair the FCC's ability to implement the mandates of the Telecommunications Act of 1996 and carry out critical mission operations. The House's overall level could require an agency-wide furlough or reduction-in-force.

#### Internet Regulation

The Administration strongly supports the objectives of provisions in the Senate-passed bill regarding Internet regulation. However, the Administration has concerns about the provisions as currently drafted and urges the conferees to delete them. Instead, we look forward to working with Congress to develop legislation that will address our mutual goals through the authorization process. Specifically, the Administration supports legislation that would require every school and library using the e-rate to certify that it has developed a plan to protect its schoolchildren from inappropriate content. Such legislation cannot follow a "one-size-fits-all" approach that could interfere with local judgments about how to best address the problem. In addition, while we share the important goal of empowering parents and teachers to protect minors from harmful material that is distributed commercially over the World Wide Web, imposing Federal criminal penalties for such distribution is inadvisable at this time. Such a new criminal statute could divert investigative and prosecutorial resources from combating hard core traffickers in child pornography. Moreover, because such a provision could be subject to serious constitutional challenge, it is important to carefully address the constitutional questions before

enacting any Internet content regulation. Given the progress that the private sector has made and is continuing to make in empowering parents and teachers to protect minors from harmful material, there is no need to rush an appropriations rider now without due consideration of these issues.

#### Year 2000 Computer Conversion

In the FY 1999 Budget, the President requested more than \$1 billion for Year 2000 (Y2K) computer conversion. In addition, the budget anticipated that additional requirements would emerge over the course of the year and included an allowance for emergencies and other unanticipated needs. On September 2nd, the President transmitted to the Congress a request for \$3.25 billion in FY 1998 contingent emergency funding for Y2K computer conversion activities. This supplemental request would create a funding mechanism that is consistent with both the needs anticipated in the President's budget and the Senate's action creating a \$3.25 billion contingent emergency reserve to provide the resources and the flexibility necessary to respond to critical unanticipated Y2K-related requirements. It is essential to make Y2K funding available quickly and flexibly. Efforts to defer action on the emergency fund in the Treasury and General Government appropriations bill are very troubling, particularly in light of the fact that several appropriations bills -- including the House version of Commerce, Justice, State -- do not include funding for base Y2K requests.

Additional Administration concerns are contained in the enclosure. We look forward to working with the conferees to address our mutual concerns.

Sincerely,

Jacob J. Lew  
Director

Identical Letter Sent to The Honorable Bob Livingston,  
The Honorable David R. Obey, The Honorable Harold Rogers,  
The Honorable Alan Mollohan, The Honorable Ted Stevens,  
The Honorable Robert C. Byrd, The Honorable Judd Gregg,  
and The Honorable Ernest F. Hollings

**ADDITIONAL CONCERNS**  
**H.R. 4276 -- DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,**  
**THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1999**  

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**(AS PASSED BY THE HOUSE AND BY THE SENATE)**

Department of Commerce

- Minority Business Development Agency. Management reforms at the Minority Business Development Agency (MBDA) have improved delivery of programs and technical assistance, and MBDA has emerged as a stronger, more focused agency. The Administration objects to the reduction to MBDA's base made by both the House and the Senate and requests restoration of \$2.8 million.

Department of Justice

- Bureau of Prisons/Abortion. The Administration urges the conferees to strike language that would prohibit the Bureau of Prisons from funding abortions except in cases of rape or where the life of the mother is endangered.
- Juvenile Justice Block Grant. The Administration is concerned that the Juvenile Justice Block Grant program, funded at \$250 million in the House-passed bill and \$100 million in the Senate-passed bill, may authorize a broad and unfocused range of spending. We urge the Congress to provide funding for more targeted activities, including direct funds for local prosecutors to address juvenile and quality of life crimes.
- Narrowband Communications. The Administration is disappointed that neither version of the bill would provide the \$86 million requested to establish a fund for the consolidation and coordination of the Department's conversion to narrowband communications systems. We urge the conferees to establish such a fund and to restore the \$24 million in base resources.
- **Federal Bureau of Investigation.** The Administration asks that the conferees provide the \$50 million requested for the FBI's Information Sharing Initiative (ISI). The House level, \$20 million below the request, would prevent the FBI from improving its electronic case file information, thereby increasing the effectiveness and efficiency of the FBI's investigations. Furthermore, the House reporting requirement on ISI would impede the FBI's ongoing efforts to provide critical

**information technology infrastructure support using existing resources.**

- **INS Border Management Strategy.** The Administration appreciates Congress' support for the Administration's border control initiative. However, both the House and Senate marks are insufficient to support our comprehensive, bipartisan border management and enforcement strategy. We urge the conferees to fully fund the President's request for the border infrastructure and technology, detention support, and interior enforcement initiatives.
- **Counterdrug Strategy.** The Administration strongly opposes Senate Report language that would direct the Attorney General to create a new interagency counterdrug strategy. The Director of National Drug Control Policy is mandated by statute to perform this function; it should not be transferred to the Attorney General. However, we understand from a colloquy on the Senate floor that the intent of this language is to encourage the Justice Department to work closely with ONDCP on implementing the National Drug Control Strategy and ONDCP's Performance Measures of Effectiveness. The Report language should be dropped or clarified consistent with the colloquy.
- **Controlled Substances Act.** The Administration has serious concerns about sections 118 and 119 of the Senate-passed bill, which would weaken the Drug Enforcement Administration's authority to regulate the flow of drugs classified as controlled substances. The provisions would allow relief for recordkeeping and reporting violations. Careless, negligent, or unknowing violations, which are properly subject to misdemeanor penalties under current law, create an opportunity to divert drugs to illicit channels just as do knowing or intentional violations.
- **Antitrust Division.** The Administration opposes the Senate-passed bill's provision prohibiting Antitrust Division personnel from traveling abroad to encourage a foreign country to take an antitrust action. This provision would infringe upon the President's constitutional authority to conduct the foreign relations of the United States.
- **Resources for Combating Terrorism.** Section 117 of the Senate bill sets forth requirements for reporting resources devoted to combating terrorism. The Administration is pleased to provide data on these very important efforts. However, the bill proscribes a format and detail that will be difficult and burdensome to provide. In addition, there are other statutory requirements for reporting resources devoted to combating terrorism. Flexibility is essential in order to develop a meaningful report that can satisfy multiple requirements.

#### Nursing Relief for Disadvantaged Areas

- The Administration opposes the Nursing Relief for Disadvantaged Areas Act of 1998, which has been included in the Senate-passed bill. This legislation is unnecessary, since

no national nursing shortage exists; it duplicates currently authorized employment visa programs; and, it fails to provide adequate protections for U.S. workers. We urge the conferees to drop this objectionable provision.

### Environmental Riders

- The Administration objects to a provision of section 619 of the Senate bill that would require certain Exxon Valdez settlement funds to be spent only for grants for marine research and community and economic restoration. This language is contrary to the Clean Water Act and a court-ordered consent decree that require that the State and Federal natural resource trustees determine how these funds should best be used. In addition, section 208 of the Senate bill would create an executive committee within the North Pacific Research Board. The Board does not include a representative from the Department of the Interior. The Administration believes that the Department should be a member of the executive committee because of its major program responsibilities within the State of Alaska.

### Department of State

- **Emergencies in the Diplomatic and Consular Service. The Administration prefers the House version of the Emergencies in the Diplomatic and Consular Service and Representation Allowances accounts over the Senate version, which would transfer funds from the Emergencies account into the Representation Allowances account.**
- Personnel Details. The Administration opposes language in the Senate report purporting to limit the detail of personnel by the Department of State. These details serve a variety of interests, including obtaining information on threats to U.S. missions abroad, recruiting of talented persons to the Foreign Service, and providing expertise to other agencies and offices in the U.S. Government that address foreign policy matters.
- U.N. Budget Certification. The Administration opposes the House version's semi-annual U.N. budget certification, which withholds \$100 million of the \$297 million payment to the U.N. which is funded in the CIO account. The withholding requirement is excessive and it exacerbates our funding problems with the U.N. The provision also ignores extraordinary requirements and is inconsistent with the U.N. budget process.
- **Certification on International Organizations. The Administration opposes the certification process contained in the Senate report regarding the overhead costs of international organizations. The most critical work of many of these organizations is to support meetings of technical and policy experts from member states. This certification process could have the effect of creating additional arrears and detracting from the ability of the United States to achieve meaningful reforms. The Administration would consider an annual certification patterned after that**

**contained in H.R. 1757.**

### Office of the United States Trade Representative

- The Administration urges the conferees to provide the Senate level -- full funding of the President's request -- for the Office of the United States Trade Representative (USTR) and to restore bill language giving USTR no-year funding availability for up to \$2.5 million of the appropriation. In addition, we request that the conferees and strike the Senate provision directing four USTR employees to study the Canadian Wheat Board.

### Other International Programs

- The Administration urges the conferees to provide the Senate-passed level for the Arms Control and Disarmament Agency and is concerned about potential reductions for the Asia Foundation, the American Institute in Taiwan, and the International Commissions. Such reductions would place a disproportionate burden on the operating budgets of these small agencies.

The Honorable David R. Obey  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Obey:

The Honorable Harold Rogers  
Chairman  
Subcommittee on Commerce, Justice,  
State, and Judiciary Appropriations  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

The Honorable Alan Mollohan  
Subcommittee on Commerce, Justice,  
State, and Judiciary Appropriations  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Mollohan:

The Honorable Ted Stevens  
Chairman  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

The Honorable Robert C. Byrd  
Committee on Appropriations

United States Senate  
Washington, D.C. 20510

Dear Senator Byrd:

The Honorable Judd Gregg  
Chairman  
Subcommittee on Commerce, Justice,  
State, and Judiciary Appropriations  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

The Honorable Ernest F. Hollings  
Subcommittee on Commerce, Justice,  
State, and Judiciary Appropriations  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

Dear Senator Hollings:

The Honorable Bob Livingston  
Chairman  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

The purpose of this letter is to provide the Administration's views on H.R. 4193 and S. 2237, the Department of the Interior and Related Agencies Appropriations Bill, FY 1999, as passed by the House and as reported by the Senate Appropriations Committee, respectively. As the conferees develop a final version of the bill, your consideration of the Administration's views would be appreciated. Due to inadequate funding levels for priority programs and at least 30 objectionable language riders, discussed below, the President's senior advisers would recommend that he veto the bill if it were presented to him as approved by the House and as reported by the Senate Committee.

The Administration appreciates efforts by the House and Senate to accommodate certain of the President's priorities within the 302(b) allocation. However, the allocation is simply insufficient to make the necessary investments in programs funded by this bill. The only way to achieve the appropriate **investment level is to offset discretionary spending by using savings in other areas.**

**The President's FY 1999 Budget proposes levels of discretionary spending for FY 1999 that conform to the Bipartisan Budget Agreement by making savings in mandatory and other programs available to help finance this spending. In the Transportation Equity Act, Congress -- on a broad, bipartisan basis -- took similar action in approving funding for surface transportation programs together with mandatory offsets. In addition, this year, as in the past, such mandatory offsets have been approved by the House and Senate in other appropriations bills. The Administration urges the conferees to consider such mandatory proposals for other priority discretionary programs, including those funded through this bill.**

**The Administration's specific concerns with funding and language provisions of the House-passed and Senate Committee-reported bills are discussed below. The Administration recognizes that negotiations are ongoing, and that some of these issues may be resolved prior to conference.**

## **Departments of the Interior and Agriculture**

**The Administration strongly objects to inadequate funding provided by the House-passed and Senate Committee bills for high priority programs within these two departments, including:**

- **Everglades restoration and other land acquisition funding from the Land and Water Conservation Fund;**
- **the Clean Water Action Plan to clean up America's ground and surface waterways;**
- **the Disaster Information Network providing enhanced data to protect Americans and reduce economic loss;**
- **BIA education operations and school construction, the Indian Country law enforcement initiative, and the land consolidation pilot project;**
- **Indian Trust System reforms under BIA and the Office of Special Trustee;**
- **the Endangered Species Programs, including landowner incentive grants;**
- **key Forest Service natural resource protection, road maintenance, and general administration programs, while increasing the timber program by \$12 million in the House-passed bill and \$20 million in the Senate Committee bill; and,**
- **finally, specific earmarks for many unrequested construction and land projects that would limit the land management agencies' ability to allocate funds for high priority needs.**

**The Administration urges the conferees to report a clean bill that does not attempt to roll back environmental protections and circumvent the public hearing process by attaching riders to appropriation bills. Unfortunately, the House-passed bill and Senate Committee bill contain at least 30 objectionable riders, 28 in bill language and two in report language. The Administration strongly objects to such language, including provisions in both bills that would:**

- **unwisely terminate the Interior Columbia Basin Ecosystem Management Project covering parts of six Northwest States;**
- **transfer the jurisdiction over the valued Land Between The Lakes National Recreation Area from the Tennessee Valley Authority, where it has been successfully managed for over 35 years, to the U.S. Forest Service, a disruptive change that would involve additional transition costs without**

**improving service; and,**

- establish specific terms and conditions for the abolishment of purchaser road credits, including the requirement to calculate payments to States based on the value of the road.

The Administration strongly objects to provisions of the House-passed bill that would:

- remove 75 acres in Florida from the coastal barrier protection system, providing taxpayer subsidies for private development of environmentally fragile barrier islands;
- impose a road easement across the Chugach National Forest in Alaska that is inconsistent with the 1982 agreement reached between the Government and the Chugach Alaska Corporation, thereby preventing the Government from making modifications to protect the environment while authorizing environmentally damaging management practices and undermining an ongoing discussion to determine road access options based on the latest survey and environmental analysis;
- shift \$67 million from the General Administration to Wildland fire suppression operations;
- prohibit improvements -- even planning or design of improvements -- to Pennsylvania Avenue in front of the White House; and,
- prevent the BIA and the Indian Health Service from entering into any new or expanded self-determination ("638") contracts or self-governance compacts with tribes, contrary to our government-to-government policy.

The Administration commends the Senate for addressing many of the problems with section 129 concerning Tribal Priority Allocations but strongly objects to provisions of the Senate Committee bill that would:

- establish an unprecedented easement for the community of King Cove for a road and utilities across a wilderness area in Alaska in the Izembek National Wildlife Refuge;
- mandate a high timber offer level on the Tongass National Forest in Alaska, regardless of environmental impacts, other resource priorities, and the ongoing public process for finalizing the Tongass Forest Plan;
- **continue to delay rules that would establish the fair market value for Federal and Indian oil leases, costing the Treasury \$64 million a year in underpaid royalties;**



- **delay implementation of needed regulatory improvements of hardrock mining on public lands to protect the environment and the Federal treasury;**
- **amend an authorizing statute, the 1992 Elwha Act, to change significantly the congressionally approved plan for restoring Elwha River and Olympic National park and leave the National Park Service owning two non-compliant dams without the funds to remove them;**
- **hinder efforts to restore endangered and threatened Pacific salmon runs in the Columbia and Snake Rivers;**
- **require the Forest Service to maximize commercial wood harvesting before the agency conducts prescribed burning projects, effectively stopping most prescribed burns and endangering lives and property;**
- **prohibit Grizzly Bear reintroduction into the Selway-Bitterroot area of Idaho and Montana;**
- **prohibit the Secretary from promulgating and implementing regulations to provide procedures for class III casino operations on Indian lands and also prohibit the initiation of any new rule making (Senate floor amendment 3592);**
- **amend, in two different provisions, the National Forest Management Act, to prohibit forest plan revisions, thus requiring continued use of inadequate and dated forest plans -- even beyond their statutory 15 year lifespan;**
- **prohibit Park Service regulation of commercial fishing in Glacier Bay National Park in Alaska;**
- **place unnecessary limits on Federal land acquisitions in Alaska;**
- **prevent the Forest Service from charging fair market value for summer vacation homes in an Idaho national forest, undermining the current effort to reappraise all such leases nationwide;**
- **require the Forest Service to trade timber in return for restoration practices;**
- **require unauthorized four-wheel-drive roads to be obliterated before any other type of road can be decommissioned, virtually preventing work on regular roads that pose serious environmental and safety risks;**

- **waipe environmental laws and automatically extend the term of grazing leases that are undergoing review by the Bureau of Land Management even though authority already exists to protect lease holders from termination of leases undergoing review;**
- **undermine the CFO Act and the responsibilities of USDA top management by encouraging the Forest Service to select and implement a financial computer system that is independent of the Department of Agriculture;**
- **force the Forest Service to sell all Alaskan timber sales using an outdated, impracticable appraisal method that undermines the public return on national forest management; and,**
- **prohibit the Department of the Interior from using FY 1999 funds to transfer land into trust status in Minnesota, setting a precedent for limitations on trust land acquisition.**

**In addition, the Senate Committee Report includes objectionable language, including language that would:**

- **require timber sale offers from national forests to be 3.8 billion board feet rather than the 3.4 billion board feet assumed in the FY 1999 Budget; and,**
- **direct the National Park Service to maintain aviation access to a gravel airstrip within the Denali National Park, effectively overturning a 1997 Environmental Impact Statement calling for eventually closing the airstrip and relying on a paved airstrip 10 miles away.**

#### Land and Water Conservation Fund

The House-passed and Senate Committee bills have underfunded land acquisitions to protect our national parks, forests, refuges, and public lands. The House-passed bill provides only \$139 million of the \$270 million requested, with Everglades land acquisition funds cut by half. The Senate Committee has provided \$233 million of the \$270 million requested. This reduction in funding would prevent the Administration from making significant land acquisitions such as Cumberland Island National Seashore in Georgia and West Eugene Wetland in Oregon. The Administration urges the conferees to provide full funding of this important priority.

The Administration objects to the House and Senate Appropriations Committees' continued inaction in not yet approving the release of a substantial portion of the FY 1998 Title V priority land acquisition funds. We would like to work with you to resolve this expeditiously.

## Millennium Program

The Administration is concerned that the House-passed bill does not provide any of the \$50 million requested for the Millennium Program. The Administration appreciates very much the \$13 million provided by the Senate Committee to the National Park Service and the Smithsonian Institution for Millennium Program projects. We strongly urge the Senate to provide full funding with maximum flexibility and discretion for allocation in order to preserve other important cultural and historic treasures for the next millennium that are in danger of deteriorating beyond repair. Many of these projects are time-sensitive and cannot be delayed.

## Department of Energy

**The Administration objects to cuts to the request for Energy Conservation made by the House and by the Senate Committee -- \$177 million and \$162 million, respectively. These cuts would be damaging to progress in partnerships with industry on improved industrial energy efficiency, development of more efficient autos and trucks, and designs and materials for more efficient buildings.**

**The President's budget requests \$36 million for payment to the State of California for the Retired Teachers System associated with the sale of Elk Hills, which is not included in either the House or Senate bill. The Administration prefers that this payment be appropriated consistent with the FY 1996 Defense Authorization Act (P.L. 104-106).**

**The Administration would like to work with the conferees to restore funding to these important Department of Energy programs.**

## Indian Health Service

The Administration is concerned that the House-passed and Senate Committee bills do not include funding for many requested programs. In particular, neither the House nor Senate Committee bills include the \$4 million increase requested for an alcohol and substance abuse initiative, nor a \$10 million increase requested as a part of an HHS-wide effort to reduce health disparities in minority populations. In addition, the Senate Committee bill does not include the funding increase requested for first-year construction of the Fort Defiance Health Facility. We urge the conferees to provide the request levels for these activities.

**The Administration strongly objects to the House and Senate's inclusion of authorizing language, without hearings or tribal consultation, that requires contract support costs to be distributed to tribes on a pro-rata (proportional) basis.**

## Cultural Agencies

**The Administration** appreciates the House and Senate's support for the National Endowment for the Arts (NEA). We urge the conferees to provide funding for NEA and the National Endowment for the Humanities at the President's requested level of \$136 million each and for the Institute for Museum and Library Services at the requested level of \$26 million.

Likewise, the Administration appreciates the House and Senate's support for the other cultural agencies funded by this bill, including the full request for the National Gallery of Art. However, the Administration urges the conferees to fully fund the John F. Kennedy Center for the Performing Arts and the Smithsonian's National Museum of the American Indian. The Administration also urges the conferees to provide the full \$40 million request for repair and restoration in the Smithsonian Institution and the requested funding for digitization of the Smithsonian collections.

We look forward to working with the conferees to address our mutual concerns.

Sincerely,

Jacob J. Lew  
Director

Identical Letter Sent to The Honorable Bob Livingston,  
The Honorable David R. Obey, The Honorable Ralph Regula,  
The Honorable Sidney R. Yates, The Honorable Ted Stevens,  
The Honorable Robert C. Byrd, and The Honorable Slade Gorton

The Honorable David R. Obey  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Obey:

The Honorable Ralph Regula  
Chairman  
Subcommittee on Interior and  
Related Agencies Appropriations  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

The Honorable Sidney R. Yates  
Subcommittee on Interior and  
Related Agencies Appropriations  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Yates:

The Honorable Ted Stevens  
Chairman  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

The Honorable Robert C. Byrd  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

Dear Senator Byrd:

The Honorable Slade Gorton  
Chairman  
Subcommittee on Interior and  
Related Agencies Appropriations  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

The Honorable Bob Livingston  
Chairman  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

The purpose of this letter is to provide the Administration's views on H.R 4380 and S. 2333, the District of Columbia Appropriations Bill, FY 1999, as passed by the House and as reported by the Senate Appropriations Committee, respectively. As the conferees develop a final version of the bill, your consideration of the Administration's views would be appreciated.

The Administration commends the Senate for producing a bill that is consistent with the goals of the National Capital Revitalization and Self-Government Improvement Act of 1997 and that is free of extraneous micromanagement provisions that would impose the will of Congress on the Government of the District of Columbia. Regrettably, the House-passed bill contains numerous instances of congressional micromanagement, provides insufficient funding for the D.C. economic development initiative, and includes three highly objectionable provisions. We urge the conferees to adopt a bill that addresses these concerns.

#### Objectionable Provisions

The House-passed bill contains three provisions that would seriously undermine local control. If these provisions were included in the bill presented to the President, his senior advisers would recommend that the President veto the bill. These unacceptable provisions are:

- A provision to provide for the use of private school vouchers in the District. The Administration would strongly oppose any legislation allowing the use of Federal taxpayer funds for private school vouchers. Instead of investing additional resources in public schools, vouchers would allow a few selected students to attend private schools and would draw resources and attention away from the hard work of reforming public schools that serve the overwhelming majority of D.C. students. Establishing a private school voucher system in the Nation's Capital would set a dangerous precedent for using Federal taxpayer funds for schools that are not accountable to the public.
- A provision that would prohibit adoptions in the District by couples that are unmarried or not related by blood. The Administration supports section 149 of the Senate Committee bill, The District of Columbia Adoption Improvement Act of 1998. This legislation would provide much needed administrative and management reforms in the D.C. Child

and Family Services Agency, including requiring Family Services to contract with private service providers to perform adoption and recruitment services and eliminating all administrative barriers to adoption.

- A provision that would prohibit the use of Federal and local funds for needle exchange programs and would prohibit private agencies from supporting needle exchange programs if they receive Federal or local funds (even if the funds used for the needle exchange programs are their own).

### Economic Development Initiative

The House-passed bill does not contain funding for critically needed management reforms or funding to capitalize the locally-chartered National Capital Revitalization Corporation (NCRC). The Senate Committee bill provides \$500,000 to conduct a study and prepare a report on the feasibility of an economic development corporation in the District and \$25 million in support of management reforms. Like the House, the Senate has not provided any of the \$50 million requested in the FY 1999 Budget to capitalize the NCRC. The Administration believes that an independent economic development corporation is essential in order to ensure effective management coordination and oversight of projects in the District. Further, we believe that it is critical to the District's economic future to capitalize the NCRC in FY 1999. The Administration strongly urges the conferees to allocate additional resources for economic development.

### D.C. Charter Schools

The Administration appreciates the House's full support of charter schools and public schools in the District and supports the appropriation of \$32.6 million for D.C. charter schools. We are concerned that the Senate Committee bill does not provide sufficient funding to support educational services for all the students who wish to attend charter schools and other public schools in the District of Columbia. We look forward to working with the conferees and with D.C. Public Schools to ensure that there are adequate resources to allow all eligible charter schools and their students to receive sufficient funding.

### Abortion

The Administration strongly opposes the language included in both the House-passed and Senate Committee-reported bills that would prohibit the use of Federal and local funds to pay for abortions in the District except in those cases where the life of the mother is endangered or in situations involving rape or incest. The Administration continues to view the prohibition on the use of local funds as an unwarranted intrusion into the affairs of the District and would support striking this provision.

We look forward to working with the conferees to address our mutual concerns.

Sincerely,

Jacob J. Lew  
Director

Identical Letter Sent to The Honorable Bob Livingston,  
The Honorable David R. Obey, The Honorable Charles H. Taylor,  
The Honorable James P. Moran, The Honorable Ted Stevens,  
The Honorable Robert C. Byrd, The Honorable Lauch Faircloth,  
and The Honorable Barbara Boxer

The Honorable David R. Obey  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Obey:

The Honorable Charles H. Taylor  
Chairman  
Subcommittee on District  
of Columbia Appropriations  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

The Honorable James P. Moran  
Subcommittee on District  
of Columbia Appropriations  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Moran:

The Honorable Ted Stevens  
Chairman  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

The Honorable Robert C. Byrd  
Committee on Appropriations  
United States Senate

Washington, D.C. 20510

Dear Senator Byrd:

The Honorable Lauch Faircloth  
Chairman  
Subcommittee on District  
of Columbia Appropriations  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

The Honorable Barbara Boxer  
Subcommittee on District  
of Columbia Appropriations  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

Dear Senator Boxer:



September 26, 1998

MEMORANDUM FOR THE PRESIDENT AND VICE PRESIDENT

FROM: Bruce Reed  
Elena Kagan

SUBJECT: Federal Tobacco Claims

Over the last few months, we and Bruce Lindsey have had many conversations with Department of Justice attorneys regarding the feasibility of bringing suit against the tobacco companies for Medicare and other losses stemming from the use of tobacco products. We also have asked DOJ lawyers to consult with a number of law professors and trial attorneys who have considered the viability of a lawsuit.

The Department now has concluded that it should not bring suit against the companies. Almost everyone at DOJ agrees that such a suit could be brought consistent with Rule 11 (i.e., with minimum professional standards). Most DOJ lawyers also acknowledge that given the size of the claim and other factors, the companies might well choose to settle the suit (as they are settling state claims) for a substantial sum of money plus public health concessions. DOJ attorneys believe, however, that they should not bring suit unless they would stand a reasonable prospect of actually winning the suit at trial and on appeal (i.e., putting aside all settlement possibilities). The attorneys have concluded that under existing law governing Medicare and other potential federal claims, they cannot meet this standard. The lawyers principally argue that current law precludes the federal government from aggregating (i.e., bringing in a single suit) claims for each Medicare beneficiary's tobacco-related health care costs.

At the same time, most DOJ attorneys appear amenable to settling federal claims against the tobacco companies without bringing a prior lawsuit. (The lawyers reason that although they cannot bring suit against the companies for want of an effective aggregation device, they do in fact have millions of individual claims against the companies, which they could settle all at once.) Under this approach, the government would enter into negotiations with the tobacco companies to resolve potential federal claims; if an agreement were reached, the parties would file in court a settlement agreement and proposed consent decree, which would release federal claims against the tobacco companies in exchange for some combination of monetary damages and injunctive relief. No legislation would be necessary.

We have some reason to believe that the companies -- at least Philip Morris and Lorillard -- would have an interest in entering into this kind of negotiation in the wake of a settlement with the states (which, as you know, is rumored to be in the offing). The principal outside counsel for Philip Morris (Meyer Koplow) recently suggested to Elena that his client wants to resolve all

government claims against it, including potential claims by the federal government. He implied that a potential settlement agreement could include money, FDA jurisdiction, and marketing restrictions.

The prospects of actually reaching a good agreement with the companies are uncertain. We know that the companies want to rid themselves of potential government litigation, primarily so they can spin off non-tobacco assets. But without an actual suit against the companies, we would have relatively little leverage in negotiations. Moreover, we could encounter serious legal difficulties in trying to achieve some of our objectives -- particularly, an assurance of FDA jurisdiction -- through a non-legislated settlement.

We believe the Administration should attempt to engage the companies in such a negotiation, but we wanted your approval first. There is always some risk that Democrats will fret that we are letting the companies off too easily. However, they will be reassured somewhat by the Justice Department's involvement in these negotiations -- and the only relief the companies can get out of these talks is from a suit we have not brought. The advantage of entering into negotiation is that we might be able to get something done on tobacco without Congress -- and if not, we could lay the groundwork for legislative action next year.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 5-OCT-1998 13:09:09.00

SUBJECT: Re: civil rights/single sex

TO: Maria Echaveste ( CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

"solving it" suggests active, purposive activity. we instead applied a strategy of doing nothing and hoping it would go away (on the theory that success was more likely to result from passivity than action). so far, it seems to have worked, but i wouldn't hold your breath.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 7-OCT-1998 10:12:57.00

SUBJECT: Re: EMBARGOED TO THE EVENT at 11:15am

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 10/07/98 10:11 AM -----

Robert M. Shireman

10/07/98 09:58:51 AM

Record Type: Record

To: Melissa G. Green/OPD/EOP

cc: See the distribution list at the bottom of this message

Subject: Re: EMBARGOED TO THE EVENT at 11:15am

Additional materials on each of the five Administration victories in the Higher Education legislation are attached:

Message Copied

To:

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Brenda M. Anders/WHO/EOP  
Kris M Balderston/WHO/EOP  
David S. Beaubaire/WHO/EOP  
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Karen E. Skelton/WHO/EOP  
Jeffrey A. Forbes/WHO/EOP  
virginia m. terzano/ovp @ ovp  
Mickey Ibarra/WHO/EOP  
Virginia N. Rustique/WHO/EOP  
Elizabeth R. Newman/WHO/EOP  
Emil E. Parker/OPD/EOP  
Leanne A. Shimabukuro/OPD/EOP  
Robin J. Bachman/WHO/EOP  
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Ruby Shamir/WHO/EOP  
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Glen M. Weiner/WHO/EOP  
andrei h. cherny/ovp @ ovp  
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Andrea Kane/OPD/EOP  
Joseph C. Fanaroff/WHO/EOP  
Robert L. Nabors/OMB/EOP



## HELPING MORE STUDENTS PREPARE FOR COLLEGE THROUGH "GEAR UP"

*"I also ask this Congress to support our efforts to enlist colleges and universities to reach out to disadvantaged children starting in the sixth grade so that they can get the guidance and hope they need so they can know that they, too, will be able to go on to college."*

--President Clinton, State of the Union address, January 27,

1998

*The Higher Education Amendments of 1998 launch GEAR UP, a new national effort to encourage more young people to have high expectations, stay in school and study hard, and go to college.*

- High-achieving students from low-income families are five times less likely to attend college than high-achieving students from high-income families [NELS 1998].
- In a recent survey, almost 70% of parents indicated that they have little information or want more information about which courses their child should take to prepare for college, and 89% of parents want more information about how to pay for college, including the use of tax credits [Gallup, Sept. 1998].

*The President's High Hopes Proposal.* Earlier this year, President Clinton proposed the High Hopes for College initiative to create a national ethic that every college should partner with at least one middle school in a low-income community to help raise expectations and ensure that students are well-prepared for college. In the new HEA law, the High Hopes proposal and the National Early Intervention Scholarship and Partnership (NEISP) program are joined, as two different types of grants, under the new GEAR UP program.

*GEAR UP (Gaining Early Awareness and Readiness for Undergraduate Programs).* This new competitive grant program, authorized at \$200 million in FY99, supports early intervention and college awareness activities at both the local and the state level. The Senate's FY99 Appropriations bill allocates to GEAR UP \$75 million of the \$140 million the President requested for High Hopes. The House Appropriations bill did not include funding for GEAR UP. The final appropriations legislation is now pending in Congress. GEAR UP funding will be split between Partnership grants and State grants, with at least one-third allocated to each.

*GEAR UP Partnership grants.* As outlined in the President's High Hopes for College proposal, this initiative will award multi-year grants to locally-designed partnerships between colleges and high-poverty middle schools, plus at least two other partners such as community organizations, businesses, religious groups, state education agencies, parent groups, or non-profits, to increase college-going rates among low-income youth. To be most effective, partnerships will be based on the following proven strategies:

- *Informing students and parents about college options and financial aid*, and every student will receive a 21<sup>st</sup> Century Scholar Certificate -- an early notification of their eligibility for financial aid;
- *Promoting rigorous academic coursework* based on college entrance requirements;
- *Working with a whole grade-level of students* in order to raise expectations for all students; and
- *Starting early, with 6<sup>th</sup> or 7<sup>th</sup> grade students, and continuing through high school graduation* with comprehensive services including mentoring, tutoring, counseling, and other activities such as after school programs, summer academic and enrichment programs, and college visits.

*GEAR UP State grants.* These grants are based on the current National Early Intervention Scholarship and Partnership (NEISP) program and will be awarded to states to provide scholarships, college information and early intervention activities. State programs will target services to low-income students and will provide college scholarships for participating students. College and community partnerships are not required but are encouraged, and many NEISP programs involve local organizations. Nine states received NEISP grants in FY98, totaling \$3.6 million. These NEISP programs provide a variety of early intervention services and

college awareness activities to students ranging in age from 1st to 12th grade.

We anticipate that GEAR UP grant applications will be available in the beginning of next year. You can send questions or request more information by e-mailing [gearup@ed.gov](mailto:gearup@ed.gov).

### ***EXAMPLES OF MENTORING AND EARLY INTERVENTION PROGRAMS***

Many states education agencies, colleges, and secondary schools have had success working together to increase college enrollment rates among low-income students. To this end, the new GEAR UP program will support early intervention initiatives with elements of the successful practices described below.

***Early Identification Program (Fairfax, Virginia):*** George Mason University (GMU) and the Fairfax County Public Schools developed the Early Identification Program (EIP) in 1987 to increase the number of minority students who enter college. Since then, additional school districts and new partners have joined the effort, including Booz Allen and Hamilton, Mobil Corporation, NationsBank and Crestar Bank. The program works with minority students that demonstrate academic potential and provides year-round tutoring, mentoring and other support throughout high school, including weekend and summer academic programs, special projects in math, science, English and computer science, campus visits, and workshops for parents. The program reports that they have graduated 6 classes from high school, and have a 71 percent retention rate. Of those who completed 4 years in EIP, 95 percent go on to college.

***Pace Hispanic Outreach Program (White Plains, NY):*** The program is a unique tutorial initiative for Hispanic immigrant students at the White Plains High School that is run through a collaborative effort involving the White Plains School District, Pace University and Centro Hispano. One-to-one tutorial sessions are held during study hall periods and are designed to complement and reinforce classroom instruction in English, mathematics and social studies. In addition, the program enlists high school counselors to provide weekly clinics to help high school seniors prepare college applications, financial aid forms and essays. Active community support and parental involvement has helped build confidence among participants by reducing the sense of powerlessness that language barriers cause in some Hispanic families.

***Passport to College (Riverside, California):*** At the core of this effort is a partnership between Riverside Community College in California, the local school district, and a number of schools and local businesses, and its purpose is to encourage disadvantaged students to continue on to college. The program works with an entire grade of students, beginning in 5<sup>th</sup> grade, and follows them through high school graduation. Currently, 11,500 students are participating. Volunteers work with the students, teachers and parents in activities, including: campus tours, classroom presentations, teacher training workshops, parent meetings, and financial aid workshops. All participating students who graduate from high school are guaranteed admission to Riverside Community College.

***Project GRAD (Houston, Texas):*** Project GRAD (Graduation Really Achieves Dreams) is a school-community collaboration to improve the instructional quality and school environment for children in Houston's inner city schools. This effort combines research-based curricular reform in math, reading and language arts with comprehensive services, including tutoring, mentoring and counseling, for children starting in Kindergarten through high school. The project works with whole networks of schools -- elementary through high school -- to develop a consistent emphasis on high standards for

all students. Project GRAD also promises all 9th grade students a \$1,000 per year college scholarship if they reach basic academic standards. Currently, 24 schools in Houston and over 17,000 students are involved with Project GRAD. This massive effort is supported by a partnership of school, corporate, and community-based organizations and foundations.

**MAKING COLLEGE MORE AFFORDABLE  
BY LOWERING STUDENT LOAN INTEREST RATES**

*Well into this Year, Many Doubted That Student Loan Interest Rates Would Drop*

*"This summer, the interest rate on federally backed student loans is set to drop from the current 8.25 percent... But chances that students will ever see those savings are about as slim as finding a campus parking space during orientation or a private moment in the dorms. The nation's biggest student lenders have banded together and are lobbying Congress to scrap the government-mandated cut, which they say will wipe out their returns."*

*--Knight Ridder Tribune Business News, February 27,*

1998

The Higher Education Amendments of 1998 adopt the Clinton Administration's proposal to slash student loan interest rates. Specifically, the new law:

*Cuts Interest Rates on New Student Loans by Almost a Full Percentage Point -- Saving Students \$11 Billion Over the Life of Their Loans.* The new law extends for 5 years the low student interest rate on new loans first won in the 1993 budget, proposed again in February by Vice President Gore, and available on a temporary basis since July 1. This lower student rate is set at the 3-month Treasury Bill + 2.3 (currently 7.46 ), a substantial drop from the pre-July 1 rate of T-Bill + 3.1 (about 8.25 ) on new student loans. The low rate is now available on all new student loans in the Direct Loan and Government-Guaranteed Loan (FFEL) programs. Students will save roughly \$50 per \$1,000 of debt, over a ten-year repayment period, as result of the interest rate reduction.

*Allows Borrowers to Refinance Outstanding Loans at the Lower Rate.* The new law extends for four months the current 7.46 interest rate on Direct Consolidation Loans. After four months, the interest rate on Direct Consolidation Loans will rise to the weighted average rate of the underlying loans, rounded up to the nearest one-eighth and capped at 8.25 .

The Administration is disappointed that the law contains an unnecessary new lender subsidy, and that it does not extend the low Direct Consolidation Loan rate for a longer period of time or ensure that it is available to borrowers who consolidate their student loans through private lenders in the FFEL program. The Administration hopes Congress will revisit these issues in the future.

*Helps Millions of Americans Pay for College.*

More than half of all undergraduates have to borrow money to pay for college today, and more than half of those with student loans have incomes under \$30,000.

- An elementary school teacher in Boston, who earned a Master's degree in Early Childhood Education and is struggling to repay \$43,000 in student loan debt on her \$16,000 annual income, can save about \$3,500 in interest from the new low interest rate; and
- A young married couple, trying to pay back \$160,000 in loans from law school while working in public interest jobs, can save almost \$25,000 in interest from the new low interest rate.

*Builds on Clinton Administration Initiatives to Make College More Affordable for Students and Families.* These include: the historic higher education tax cuts enacted last year -- the HOPE Scholarship and the Lifetime Learning Tax Credit, the flexible repayment options available through Direct Lending, the expansion of College Work Study, AmeriCorps, and the increase in the maximum Pell Grant.

## CREATING THE GOVERNMENT'S FIRST PERFORMANCE-BASED ORGANIZATION TO MODERNIZE STUDENT AID DELIVERY

*"We're going to dramatically change the way many agencies provide their services. Today, I'm proposing to create within existing departments something we call 'Performance-based Organizations.' These PBOs would be run by chief executives who sign contracts and will be personally accountable for delivering results. Their pay and job security will be tied directly to performance."*

The Higher Education Amendments of 1998 establish a performance-based organization (PBO) to modernize the delivery of student financial aid. This is an historic milestone in the Administration's efforts to improve services to millions of students and the postsecondary institutions they attend. The PBO will make it possible to meet these challenges and to keep pace with the rapid rate of technological change in the financial services industry. Customer service will improve, and the public's confidence in the administration of student aid programs will grow.

**Context for Change.** Under the leadership of Vice President Gore, the National Partnership for Reinventing Government developed model legislation for establishing PBOs in federal offices. The new HEA law is the first legislation to formally establish a PBO in the federal government. During the past 15 years, numerous state, local and foreign governments have implemented similar performance-based models to improve services and reduce costs.

**Reinventing for Results.** A PBO is a new way of getting things done in the public sector -- a results-driven organization created to deliver the best possible services -- by establishing incentives for high performance and accountability for results, while also allowing more flexibility to promote innovation and increased efficiency.

Specifically, the PBO will be held accountable for performance objectives that include: improving customer satisfaction; providing high quality, cost-effective services; enhancing the ability to respond to the rapid rate of technological change; implementing a common, open, integrated system for student financial aid delivery; and providing complete, accurate and timely data to ensure program integrity.

**Establishing New Flexibility and Accountability.** The new HEA law that creates the PBO includes the following major provisions:

**Leadership.** The PBO will be led by a chief operating officer (COO) with a strong background in information technology and management, who is employed through a performance-based contract and reports directly to the Secretary;

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**Management and personnel flexibility.** The PBO will have limited new flexibility in personnel management, including hiring and evaluating senior managers, and recruiting technical personnel; and

**Accountability for results.** The COO and employees of the PBO will have specific, measurable performance goals, ensuring accountability for defined results.

The Secretary will continue to be responsible for setting federal student aid policy.

The PBO will complement and strengthen reinvention initiatives already underway within the Department, including Project EASI (Easy Access for Students and Institutions) and other efforts to modernize student aid programs.

## IMPROVING TEACHER QUALITY, RECRUITMENT, AND PREPARATION

*"Every community should have a talented and dedicated teacher in every classroom.... [We have] an enormous need to be well-prepared to teach all students to the highest standards."*

*The Higher Education Amendments of 1998 respond to the Nation's critical need for high-quality teachers by strengthening the Clinton Administration's proposal to improve the recruitment and preparation of new teachers. Our Nation's schools will need 2.2 million new teachers over the next decade, and these teachers*

Title II of the new law authorizes a \$300 million investment in teacher preparation and recruitment in the upcoming fiscal year. The House's FY99 Appropriations bill allocates \$2.2 million for teacher recruitment, and the Senate's Appropriations bill allocates \$77.2 million for the following HEA initiatives:

**Teacher Preparation Partnerships.** This new initiative will provide grants to partnerships -- based on the Administration's proposed Lighthouse Partnerships -- between teacher preparation institutions and local school districts in high-need areas. To ensure that new teachers can meet the many challenges of today's classrooms, the partners will work to strengthen teacher education through activities such as:

- Implementing reforms that hold teacher education programs accountable for preparing high-quality teachers.*
- Improving the academic content knowledge of prospective teachers through increased collaboration between faculty at schools of education and departments of arts and sciences;*
- Ensuring that teachers are well-prepared for the realities of the classroom by providing strong hands-on classroom experience and strengthening links between university and K-12 school faculties;*
- Preparing prospective teachers to use technology as a tool for teaching and learning;*
- Preparing prospective teachers to work effectively with diverse students; and*

**Recruitment Partnerships.** Modeled after the highly successful Dewitt Wallace Reader's Digest Foundation's "Pathways to Teaching" program, this new recruitment initiative will provide grants to states and to partnerships between high-quality teacher education programs and local schools in high-need communities to recruit new teachers. Prospective teachers who agree to teach in high-need areas for a set number of years will receive scholarships and other support during their preparation and first years of teaching.

**State Teacher Quality Enhancement Grants.** These new grants encourage states to improve the quality of their teaching force by:

- Strengthening their teacher certification standards to ensure that new teachers have the necessary teaching skills and academic content knowledge;*
- Implementing reforms that hold institutions of higher education accountable for preparing teachers who have strong teaching skills and knowledge of their content areas;*
- Establishing or strengthening alternative pathways into teaching for highly qualified individuals, including mid-career professionals and former military personnel; and*
- Recruiting new high-quality teachers.*

**Accountability.** The new law helps ensure accountability in teacher education by requiring states and institutions of higher education to prepare "report cards" on the quality of teacher preparation, including their students' performance on teacher licensing examinations.

## *EXAMPLES OF TEACHER RECRUITMENT AND PREPARATION PARTNERSHIPS*

The new HEA teacher preparation and recruitment initiatives will promote partnerships and teacher preparation activities similar to the award-winning projects described below.

*Massachusetts:* Samuel Mason Elementary School in Roxbury, Massachusetts, had a great need for teachers qualified to work with children who need special education services, because 25 of these students were fully included in regular classrooms. The school solved its problem by partnering with Wheelock College to develop a teacher preparation program that provides new and experienced teachers with dual certification in special education and regular education.

*Pennsylvania:* In Philadelphia, Drexel University has partnered with the Philadelphia Public Schools to recruit a diverse teaching force to serve as early childhood, math, and science teachers. Also in Philadelphia, Temple University is working with the local school district to recruit and prepare returned Peace Corps volunteers to be early childhood, elementary, math, science, and ESL teachers.

*Texas:* The teacher preparation program at the University of Texas at El Paso is designed, implemented, and evaluated through a collaboration of elementary and secondary school teachers and administrators, university faculty, the staff of the regional Texas Education Service Center, and community members. The curriculum emphasizes bilingual and cross-cultural education to prepare students to teach effectively in predominately Hispanic elementary and secondary schools. The program also uses a strong clinical model in which students work intensively in 18 professional development schools committed to school improvement.

*Virginia:* Capitalizing on the nearby military base, Norfolk State University in Virginia has collaborated with Old Dominion University and Norfolk Public Schools to recruit and prepare paraprofessionals and retired military personnel to become successful teachers. The program offers both financial and academic support for prospective teachers through a grant from the DeWitt Wallace Reader's Digest Fund.

*Wisconsin:* Alverno College in Milwaukee, Wisconsin, works with local schools to provide an innovative, performance-based teacher preparation program. Students are expected to demonstrate their mastery of a variety of skills essential to good teaching, such as: problem solving, involving the community in education, and integrating content knowledge with classroom practice. Upon completion of their extensive student teaching experience, the clinical preparation of Alverno students is assessed by a panel of Alverno faculty and teachers and administrators at their elementary or secondary schools. Currently, faculty and administrators at the College are working with three other institutions to improve their teacher preparation programs by adopting elements of the Alverno model.

## PROMOTING HIGH-QUALITY DISTANCE EDUCATION

*"Valuable technologies also are important for providing opportunities in higher education at a time when college is becoming ever more crucial... making courses available at convenient locations; reducing time constraints for students; and providing a variety of learning opportunities."*

The Higher Education Amendments of 1998 significantly increase the number of students who can benefit from distance education by authorizing or adapting two Administration Initiatives: Distance Education Demonstration Programs and the Learning Anytime Anywhere Partnerships (LAAP) program.

Distance education can help all Americans -- including workers, parents, people in rural communities and people with disabilities -- go to college by removing barriers of time and place through innovative uses of technology.

While colleges and universities have been exploring the uses of technology, its capacity for increasing access to higher education has been limited because of restrictions on financial aid availability for distance learners. Only about one-third of all higher education institutions offered distance education in 1995, and they served fewer than one million students.

***Distance Education Demonstration Programs.*** The new law authorizes Demonstration Programs to increase student access to higher education and to determine the best way to deliver quality education through distance learning. Because the current eligibility requirements for higher education institutions do not address the special needs and circumstances of distance learners, needy students are sometimes ineligible for financial aid. The Demonstration Programs will expand student aid eligibility for distance learners by allowing the Secretary to waive specific statutory and regulatory student aid requirements for participating institutions. Among the requirements that may be waived are those regarding measures of an academic year, minimum hours spent in the classroom, and the percentage of an institution's students that may be served by distance education. This change will provide new flexibility for institutions to offer high-quality distance education programs. Up to 15 degree-granting institutions, consortia, or systems of institutions may participate in Distance Education Demonstration Programs the first year, and up to 50 may participate in the third year.

***Learning Anytime Anywhere Partnerships (LAAP).*** The new law authorizes the LAAP program, which will provide competitive grants to partnerships to ensure that high-quality learning opportunities are available to distance education students. The partnerships will develop and assess model distance education programs and educational software and find innovative measures of student achievement that are appropriate for distance education. Eligible partnerships will include two or more independent organizations, such as: colleges, community-based organizations, technical institutes, adult education programs, school districts, and businesses. LAAP grants will encourage institutions and their partners to work together to provide high-quality distance education programs that challenge traditional geographic and institutional boundaries. The new law authorizes this program at \$10 million in FY99, and the Senate, but not the House, FY99 Appropriations bill provides the full \$10 million.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 7-OCT-1998 10:12:57.00

SUBJECT: Re: EMBARGOED TO THE EVENT at 11:15am

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:  
ditto

----- Forwarded by Elena Kagan/OPD/EOP on 10/07/98 10:11  
AM -----

Robert M. Shireman  
10/07/98 10:06:06 AM  
Record Type: Record

To: Robert M. Shireman/OPD/EOP  
cc: See the distribution list at the bottom of this message  
Subject: Re: EMBARGOED TO THE EVENT at 11:15am

PBO document has been updated:  
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To: \_\_\_\_\_  
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Lori L. Anderson/WHO/EOP  
Brenda M. Anders/WHO/EOP  
Kris M Balderston/WHO/EOP  
David S. Beaubaire/WHO/EOP  
Marsha E. Berry/WHO/EOP  
Erskine B. Bowles/WHO/EOP  
Phillip Caplan/WHO/EOP  
Cheryl M. Carter/WHO/EOP  
Michael Cohen/OPD/EOP  
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Michael Deich/OMB/EOP  
Rahm I. Emanuel/WHO/EOP  
Daniel D. Heath/OMB/EOP  
Nancy V. Hernreich/WHO/EOP  
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Jonathan A. Kaplan/OPD/EOP  
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Karin Kullman/WHO/EOP  
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Karen E. Skelton/WHO/EOP  
Jeffrey A. Forbes/WHO/EOP  
virginia m. terzano/ovp @ ovp  
Mickey Ibarra/WHO/EOP  
Virginia N. Rustique/WHO/EOP  
Elizabeth R. Newman/WHO/EOP  
Emil E. Parker/OPD/EOP  
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## CREATING THE GOVERNMENT'S FIRST PERFORMANCE-BASED ORGANIZATION TO MODERNIZE STUDENT AID DELIVERY

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The Secretary will continue to be responsible for setting federal student aid policy.

The PBO will complement and strengthen reinvention initiatives already underway within the Department, including Project EASI (Easy Access for Students and Institutions). Modernization is aimed at reducing student loan defaults, increasing use of the Internet and electronic applications for student aid, and better integrating computer systems to administer student aid.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:13-OCT-1998 14:43:52.00

SUBJECT: Class size counter offer

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

Unable to convert ARMS\_EXT:[MESSAGE.D94]MAIL40221368Z.226

The following is a HEX dump of the file:

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D94]MAIL422213680.226 to ASCII,

The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

===== ATTACHMENT 2 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

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The following is a HEX DUMP:

===== END ATTACHMENT 2 =====

===== ATTACHMENT 3 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

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The following is a HEX DUMP:

===== END ATTACHMENT 3 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:13-OCT-1998 13:39:37.00

SUBJECT: Re: Hate Crimes Updates & Wyoming

TO: Mary L. Smith ( CN=Mary L. Smith/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

CC: Thomas L. Freedman ( CN=Thomas L. Freedman/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TEXT:  
sure .

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:13-OCT-1998 13:33:47.00

SUBJECT: Re: Title IX

TO: Jennifer L. Klein ( CN=Jennifer L. Klein/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Nicole R. Rabner ( CN=Nicole R. Rabner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

CC: Julie A. Fernandes ( CN=Julie A. Fernandes/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TEXT:

that's great. what exactly is the purpose of the meeting? to crow, to give a heads-up, or to consult?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:13-OCT-1998 13:33:24.00

SUBJECT: Re: School Safety Proclamation

TO: Christa Robinson ( CN=Christa Robinson/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Jordan Tamagni ( CN=Jordan Tamagni/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Tanya E. Martin ( CN=Tanya E. Martin/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Jose Cerda III ( CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Leanne A. Shimabukuro ( CN=Leanne A. Shimabukuro/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Richard Socarides ( CN=Richard Socarides/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:  
sounds right to me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:14-OCT-1998 14:27:46.00

SUBJECT: school safety conf program at 11am : w/ minor revisions.

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 10/14/98 02:25  
PM -----

Richard Socarides 10/14/98 11:02:56 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: school safety conf program at 11am : w/ minor revisions.

Message Sent

To:

---

Ann F. Lewis/WHO/EOP  
Stacie Spector/WHO/EOP  
Elena Kagan/OPD/EOP  
Maria Echaveste/WHO/EOP  
Minyon Moore/WHO/EOP  
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Kim B. Widdess/WHO/EOP  
Laura D. Schwartz/WHO/EOP

Skye S. Philbrick/WHO/EOP  
 Michael Waldman/WHO/EOP  
 Jordan Tamagni/WHO/EOP  
 Mona G. Mohib/WHO/EOP  
 Leslie Bernstein/WHO/EOP  
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 Christa Robinson/OPD/EOP  
 Karin Kullman/WHO/EOP  
 Clyde E. Williams/WHO/EOP  
 Jordan Tamagni/WHO/EOP  
 Roger V. Salazar/WHO/EOP  
 MATSUI\_D @ A1 @ CD @ LNGTWY  
 JOHNSON\_R @ A1 @ CD @ LNGTWY  
 WOOLLEY\_B @ A1 @ CD @ LNGTWY  
 Robin Leeds/WHO/EOP  
 Deborah B. Mohile/WHO/EOP  
 Sondra L. Seba/WHO/EOP  
 Richard Socarides/WHO/EOP  
 Christine A. Stanek/WHO/EOP  
 Maureen T. Shea/WHO/EOP  
 Tania I. Lopez/WHO/EOP  
 Maritza Rivera/WHO/EOP  
 Ilia V. Velez/WHO/EOP  
 Victoria A. Lynch/WHO/EOP  
 Jena V. Roscoe/WHO/EOP  
 Cheryl M. Carter/WHO/EOP  
 Ansley Jones/OVP @ OVP  
 Kelley L. O'Dell/WHO/EOP  
 Jackson T. Dunn/WHO/EOP  
 lisa.wetzl @ mail.va.gov  
 Bill\_Modzeleski @ ed.gov @ inet  
 Kevin\_sullivan @ ed.gov @ inet  
 Sara\_Strizzi @ ed.gov @ inet  
 Ann\_O'Leary @ ed.gov @ inet  
 Julie\_green @ ed.gov @ inet  
 Ricki.l.seidman @ usdoj.gov @ inet  
 Shay.Bilchik @ usdoj.gov @ inet  
 Charles.a.simon @ usdoj.gov @ inet  
 gregory.king @ usdoj.gov  
 Grace A. Garcia/PIR/EOP  
 Cynthia M. Jasso-Rotunno/WHO/EOP  
 Joseph C. Fanaroff/WHO/EOP  
 Arosewat @ os.dhhs.gov @ inet

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D79]MAIL450301787.226 to ASCII,  
 The following is a HEX DUMP:

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```

**White House Conference on School Safety:  
Causes and Prevention of Youth Violence**  
Program Agenda

**October 15, 1998**

7:30 am - 8:30 am

**Registration** - White House Conference Center

8:30 am - 9:45 am

**Morning Workshop Sessions** - White House Conference Center

Preliminary discussion groups with Senior Administration officials:

1) Education and Safety  
Lincoln Room

*Chaired by Secretary of Education Richard Riley with Deputy Attorney General Eric H. Holder, Jr.*

2) Early Warning Signs, Mental Health Interventions and Crisis Response

Truman Conference Room

*Chaired by Assistant Secretary for Planning & Evaluation Margaret Ann Hamburg, MD, U.S. Department of Health and Human Services*

3) School, Community and Law Enforcement Partnerships  
Jackson Room

*Chaired by Associate Attorney General Ramond C. Fisher with Under Secretary for Enforcement James E. Johnson, U.S. Department of the Treasury*

4) Causes of Youth Violence in Early Childhood Development  
Eisenhower Room

*Chaired by Attorney General Janet Reno with Assistant Secretary For Elementary & Secondary Education Gerald Tirozzi, U.S. Department of Education*

***After these sessions, please follow directions to the East Visitor Gate of the White House for the Morning Plenary Session***

10:30 am - 11:30 pm

**Morning Plenary Session - White House East Room**

Conference Overview

First Lady Hillary Rodham Clinton

Video by MTV

Attorney General Janet Reno

Secretary of Education Richard Riley

Paul Kingery, Ph.D., Director, Hamilton Fish National Institute  
on School and Community Violence, Rosslyn, VA

Marlene Wong, Director, L.A. School of Mental Health,  
Valley Branch, CA

Suzann Wilson, Jonesboro, AR

11:30 pm - 12:30 pm

**Lunch - White House State Dining Room**

First Lady Hillary Rodham Clinton

Robert Chase, President of the National Education Association

Sandra Feldman, President of the American Federation of Teachers

12:45 pm - 2:30 pm

**Afternoon Panel I - White House East Room**

Discussion of the Causes and Prevention of Youth Violence that  
Affect our Schools and Communities

President of the United States William Jefferson Clinton

Vice President of the United States Al Gore

First Lady Hillary Rodham Clinton

Mayor Deedee Corradini, Salt Lake City, UT

Tony Earles, Professor, Harvard University, Cambridge, MA

U.S. Representative Bobby Etheridge (D-NC)

Paul Evans, Commissioner, Boston Police Department,  
Boston, MA

Liberty Franklin, Boys and Girls Club Youth of the Year,  
Everett, WA

Jamon Kent, Public Schools Superintendent, Springfield, OR

Joanna Quintana Barroso, Teacher, Coral Way Elementary School,  
Miami, FL

2:45 pm - 4:00 pm

**Afternoon Panel II - White House East Room**

Discussion of Initiatives and Strategies that Work to Reduce Youth Violence

First Lady Hillary Rodham Clinton  
Attorney General Janet Reno  
Secretary of Education Richard Riley

Thomas C. Frazier, Police Commissioner, Baltimore Police  
Department, Baltimore, MD

Lt. Gary French, Boston's Operation Ceasefire, Roslindale, MA

Mariana R. Gaston, Director, Resolving Conflict Creatively  
Program, New York, NY

Irma Howard, FAST Graduate, New Orleans, LA

Sandy McBrayer, Executive Director, Children's Initiative, San  
Diego, CA

Lynn McDonald, Ph.D., Founder, Families and Schools Together  
(FAST), Madison, WI

4:30 pm - 6:00 pm

**Reception** - Sponsored by the National Education Association and  
the American Federation of Teachers at 1201 16th Street, NW,  
Washington, DC 20036

(buses located at the East Visitor Gate on East Executive Avenue  
beginning at 4:00 p.m. will take you to the NEA. NEA is providing  
buses to bring people back to the White House.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:14-OCT-1998 19:31:57.00

SUBJECT: School Safety Program at 2:45pm: Changes to room assignments in am and list of s

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 10/14/98 07:31 PM -----

Richard Socarides 10/14/98 02:42:45 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: School Safety Program at 2:45pm: Changes to room assignments in am and list of speakers now reflects order of presentation. This will be final at 4pm.

Message Sent

To: \_\_\_\_\_

- Ann F. Lewis/WHO/EOP
- Stacie Spector/WHO/EOP
- Elena Kagan/OPD/EOP
- Maria Echaveste/WHO/EOP
- Minyon Moore/WHO/EOP
- Marsha Scott/WHO/EOP
- Lynn G. Cutler/WHO/EOP
- Jennifer M. Palmieri/WHO/EOP
- Beverly J. Barnes/WHO/EOP
- Mark D. Neschis/WHO/EOP
- Jose Cerda III/OPD/EOP
- Michael Cohen/OPD/EOP
- Neera Tanden/WHO/EOP
- Robin J. Bachman/WHO/EOP
- Andrew J. Mayock/WHO/EOP
- Jon P. Jennings/WHO/EOP
- Leanne A. Shimabukuro/OPD/EOP
- Trooper Sanders/OVP @ OVP
- Tracey E. Thornton/WHO/EOP
- Peter G. Jacoby/WHO/EOP
- Tanya E. Martin/OPD/EOP
- Emory L. Mayfield/WHO/EOP
- Janelle E. Erickson/WHO/EOP
- Christa Robinson/OPD/EOP
- Karen E. Skelton/WHO/EOP
- Andrew J. Mayock/WHO/EOP
- Janelle E. Erickson/WHO/EOP
- Mona G. Mohib/WHO/EOP
- Joseph C. Fanaroff/WHO/EOP
- Essence P. Washington/OPD/EOP
- Brenda M. Anders/WHO/EOP

Kim B. Widdess/WHO/EOP  
 Laura D. Schwartz/WHO/EOP  
 Skye S. Philbrick/WHO/EOP  
 Michael Waldman/WHO/EOP  
 Jordan Tamagni/WHO/EOP  
 Mona G. Mohib/WHO/EOP  
 Leslie Bernstein/WHO/EOP  
 Marjorie Tarmey/WHO/EOP  
 Christa Robinson/OPD/EOP  
 Karin Kullman/WHO/EOP  
 Clyde E. Williams/WHO/EOP  
 Jordan Tamagni/WHO/EOP  
 Roger V. Salazar/WHO/EOP  
 MATSUI\_D @ A1 @ CD @ LNGTWY  
 JOHNSON\_R @ A1 @ CD @ LNGTWY  
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 Robin Leeds/WHO/EOP  
 Deborah B. Mohile/WHO/EOP  
 Sondra L. Seba/WHO/EOP  
 Richard Socarides/WHO/EOP  
 Christine A. Stanek/WHO/EOP  
 Maureen T. Shea/WHO/EOP  
 Tania I. Lopez/WHO/EOP  
 Maritza Rivera/WHO/EOP  
 Ilia V. Velez/WHO/EOP  
 Victoria A. Lynch/WHO/EOP  
 Jena V. Roscoe/WHO/EOP  
 Cheryl M. Carter/WHO/EOP  
 Ansley Jones/OVP @ OVP  
 Kelley L. O'Dell/WHO/EOP  
 Jackson T. Dunn/WHO/EOP  
 lisa.wetzl @ mail.va.gov  
 Bill\_Modzeleski @ ed.gov @ inet  
 Kevin\_sullivan @ ed.gov @ inet  
 Sara\_Strizzi @ ed.gov @ inet  
 Ann\_O'Leary @ ed.gov @ inet  
 Julie\_green @ ed.gov @ inet  
 Ricki.l.seidman @ usdoj.gov @ inet  
 Shay.Bilchik @ usdoj.gov @ inet  
 Charles.a.simon @ usdoj.gov @ inet  
 gregory.king @ usdoj.gov  
 Grace A. Garcia/PIR/EOP  
 Cynthia M. Jasso-Rotunno/WHO/EOP  
 Joseph C. Fanaroff/WHO/EOP  
 Arosewat @ os.dhhs.gov @ inet  
 Kim B. Widdess/WHO/EOP

===== ATTACHMENT 1 =====  
 ATT CREATION TIME/DATE: 0 00:00:00.00

## TEXT:

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**White House Conference on School Safety:  
Causes and Prevention of Youth Violence  
Program Agenda**

**October 15, 1998**

7:30 am - 8:30 am

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8:30 am - 9:45 am

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1) Education and Safety  
Truman Room

*Chaired by Secretary of Education Richard Riley with Deputy Attorney General Eric H. Holder, Jr.*

2) Early Warning Signs, Mental Health Interventions and Crisis Response

Jackson Room

*Chaired by Assistant Secretary for Planning & Evaluation Margaret Ann Hamburg, MD, U.S. Department of Health and Human Services*

3) School, Community and Law Enforcement Partnerships  
Lincoln Room

*Chaired by Associate Attorney General Raymond C. Fisher with Under Secretary for Enforcement James E. Johnson, U.S. Department of the Treasury*

4) Causes of Youth Violence in Early Childhood Development  
Eisenhower Room

*Chaired by Attorney General Janet Reno with Assistant Secretary For Elementary & Secondary Education Gerald Tirozzi, U.S. Department of Education*

***After these sessions, please follow directions to the East Visitor Gate of the White House for the Morning Plenary Session***

10:30 am - 11:30 pm

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Conference Overview

First Lady Hillary Rodham Clinton

Video by MTV

Attorney General Janet Reno

Secretary of Education Richard Riley

Suzann Wilson, Jonesboro, AR

Marlene Wong, Director, L.A. School of Mental Health,  
Valley Branch, CA

Paul Kingery, Ph.D., Director, Hamilton Fish National Institute  
on School and Community Violence, Rosslyn, VA

11:30 pm - 12:30 pm

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First Lady Hillary Rodham Clinton

Robert Chase, President of the National Education Association

Sandra Feldman, President of the American Federation of Teachers

12:45 pm - 2:30 pm

**Afternoon Panel I - White House East Room**

Discussion of the Causes and Prevention of Youth Violence that  
Affect our Schools and Communities

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Vice President of the United States Al Gore

President of the United States William Jefferson Clinton

Jamon Kent, Public Schools Superintendent, Springfield, OR

Paul Evans, Commissioner, Boston Police Department,  
Boston, MA

Liberty Franklin, Boys and Girls Club Youth of the Year,  
Everett, WA

Joanna Quintana Barroso, Teacher, Coral Way Elementary School,  
Miami, FL

Tony Earles, Professor, Harvard University, Cambridge, MA

Mayor Deedee Corradini, Salt Lake City, UT

U.S. Representative Bobby Etheridge (D-NC)

2:45 pm - 4:00 pm

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Discussion of Initiatives and Strategies that Work to Reduce Youth Violence

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Attorney General Janet Reno  
Secretary of Education Richard Riley

Lynn McDonald, Ph.D., Founder, Families and Schools Together (FAST), Madison, WI

Irma Howard, FAST Graduate, New Orleans, LA

Mariana R. Gaston, Director, Resolving Conflict Creatively Program, New York, NY

Thomas C. Frazier, Police Commissioner, Baltimore Police Department, Baltimore, MD

Sandy McBrayer, Executive Director, Children's Initiative, San Diego, CA

Lt. Gary French, Boston's Operation Ceasefire, Roslindale, MA

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**Reception** - Sponsored by the National Education Association and the American Federation of Teachers at 1201 16th Street, NW, Washington, DC 20036

(buses located at the East Visitor Gate on East Executive Avenue beginning at 4:00 p.m. will take you to the NEA. NEA is providing buses to bring people back to the White House.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:14-OCT-1998 19:33:57.00

SUBJECT: School Safety Conf program: Final at 5:30pm

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 10/14/98 07:33  
PM -----

Richard Socarides 10/14/98 05:34:26 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: School Safety Conf program: Final at 5:30pm

Message Sent

To:

---

Ann F. Lewis/WHO/EOP  
Stacie Spector/WHO/EOP  
Elena Kagan/OPD/EOP  
Maria Echaveste/WHO/EOP  
Minyon Moore/WHO/EOP  
Marsha Scott/WHO/EOP  
Lynn G. Cutler/WHO/EOP  
Jennifer M. Palmieri/WHO/EOP  
Beverly J. Barnes/WHO/EOP  
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Michael Cohen/OPD/EOP  
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Laura D. Schwartz/WHO/EOP

Skye S. Philbrick/WHO/EOP  
 Michael Waldman/WHO/EOP  
 Jordan Tamagni/WHO/EOP  
 Mona G. Mohib/WHO/EOP  
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 Marjorie Tarmey/WHO/EOP  
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 Jena V. Roscoe/WHO/EOP  
 Cheryl M. Carter/WHO/EOP  
 Ansley Jones/OVP @ OVP  
 Kelley L. O'Dell/WHO/EOP  
 Jackson T. Dunn/WHO/EOP  
 lisa.wetzl @ mail.va.gov  
 Bill\_Modzeleski @ ed.gov @ inet  
 Kevin\_sullivan @ ed.gov @ inet  
 Sara\_Strizzi @ ed.gov @ inet  
 Ann\_O'Leary @ ed.gov @ inet  
 Julie\_green @ ed.gov @ inet  
 Ricki.l.seidman @ usdoj.gov @ inet  
 Shay.Bilchik @ usdoj.gov @ inet  
 Charles.a.simon @ usdoj.gov @ inet  
 gregory.king @ usdoj.gov  
 Grace A. Garcia/PIR/EOP  
 Cynthia M. Jasso-Rotunno/WHO/EOP  
 Joseph C. Fanaroff/WHO/EOP  
 Arosewat @ os.dhhs.gov @ inet

===== ATTACHMENT 1 =====  
 ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:  
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 The following is a HEX DUMP:

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```

# **White House Conference on School Safety:**

## **Causes and Prevention of Youth Violence**

October 15, 1998 -- Program Agenda

7:30 am - 8:30 am

**Registration** - White House Conference Center

8:30 am - 9:45 am

**Morning Workshop Sessions** - White House Conference Center

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*Chaired by Secretary of Education Richard Riley with Deputy Attorney General Eric H. Holder, Jr.*

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*Chaired by Assistant Secretary for Planning & Evaluation Margaret Ann Hamburg, MD, U.S. Department of Health and Human Services*

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*Chaired by Associate Attorney General Raymond C. Fisher with Under Secretary for Enforcement James E. Johnson, U.S. Department of the Treasury*

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*Chaired by Attorney General Janet Reno with Assistant Secretary For Elementary & Secondary Education Gerald Tirozzi, U.S. Department of Education*

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10:30 am - 11:30 pm

**Session I - White House East Room**

Discussion of the Causes of Youth Violence

First Lady Hillary Rodham Clinton

Video by MTV

Attorney General Janet Reno

Secretary of Education Richard Riley

Suzann Wilson, Jonesboro, AR

Marlene Wong, Director, L.A. School of Mental Health,  
Valley Branch, CA

Paul Kingery, Ph.D., Director, Hamilton Fish National Institute  
on School and Community Violence, Rosslyn, VA

11:30 pm - 12:30 pm

**Lunch - White House State Dining Room**

First Lady Hillary Rodham Clinton

Representative Carolyn McCarthy

Robert Chase, President of the National Education Association

Sandra Feldman, President of the American Federation of Teachers

12:45 pm - 2:30 pm

**Session II - White House East Room**

Remarks by the President and Discussion of Prevention Strategies  
That Address Youth Violence

First Lady Hillary Rodham Clinton

Vice President of the United States Al Gore

President of the United States William Jefferson Clinton

Jamon Kent, Public Schools Superintendent, Springfield, OR

Paul Evans, Commissioner, Boston Police Department,  
Boston, MA

Liberty Franklin, Boys and Girls Club Youth of the Year,  
Everett, WA

Joanna Quintana Barroso, Teacher, Coral Way Elementary School,  
Miami, FL

Tony Earles, Professor, Harvard University, Cambridge, MA

Mayor Deedee Corradini, Salt Lake City, UT

Representative Bobby Etheridge

2:45 pm - 4:00 pm

**Session III - White House East Room**

Discussion of Programs that Work to Reduce Youth  
Violence

First Lady Hillary Rodham Clinton  
Attorney General Janet Reno  
Secretary of Education Richard Riley

Lynn McDonald, Ph.D., Founder, Families and Schools Together  
(FAST), Madison, WI

Irma Howard, FAST Graduate, New Orleans, LA

Mariana R. Gaston, Director, Resolving Conflict Creatively  
Program, New York, NY

Thomas C. Frazier, Police Commissioner, Baltimore Police  
Department, Baltimore, MD

Sandy McBrayer, Executive Director, Children's Initiative, San  
Diego, CA

Lt. Gary French, Boston's Operation Ceasefire, Roslindale, MA

4:30 pm - 6:00 pm

**Reception** - Sponsored by the National Education Association and  
the American Federation of Teachers at 1201 16th Street, NW,  
Washington, DC 20036

(buses located at the East Visitor Gate on East Executive Avenue  
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buses to bring people back to the White House.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:14-OCT-1998 19:33:38.00

SUBJECT: latest

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 10/14/98 07:33 PM -----

Paul J. Weinstein Jr.  
10/14/98 04:38:38 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: latest

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on 10/14/98 04:38 PM -----

Charles R. Marr  
10/14/98 04:32:34 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: latest

pls check: (Note: Linda/Chris this is same as I just sent)

Message Sent

- To: \_\_\_\_\_
- Melissa G. Green/OPD/EOP
  - Jonathan Orszag/OPD/EOP
  - Jake Siewert/OPD/EOP
  - Paul J. Weinstein Jr./OPD/EOP
  - Jennifer L. Klein/OPD/EOP
  - Emil E. Parker/OPD/EOP
  - Michael Cohen/OPD/EOP
  - Jeanne Lambrew/OPD/EOP
  - Sarah A. Bianchi/OPD/EOP
  - Thomas A. Kalil/OPD/EOP
  - Elliot J. Diringier/CEQ/EOP
  - Barbara Chow/OMB/EOP
  - Linda Ricci/OMB/EOP
  - Christopher Ferris/OMB/EOP

Message Sent

To: \_\_\_\_\_  
 Jennifer L. Klein/OPD/EOP  
 Christopher C. Jennings/OPD/EOP  
 Sarah A. Bianchi/OPD/EOP  
 Michael Cohen/OPD/EOP  
 Tanya E. Martin/OPD/EOP  
 Jonathan H. Schnur/OPD/EOP  
 Jose Cerda III/OPD/EOP  
 Bruce N. Reed/OPD/EOP  
 Elena Kagan/OPD/EOP  
 Cynthia A. Rice/OPD/EOP  
 Thomas L. Freedman/OPD/EOP  
 Julie A. Fernandes/OPD/EOP  
 Cynthia A. Rice/OPD/EOP

===== ATTACHMENT 1 =====  
 ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D22]MAIL471544780.226 to ASCII,  
 The following is a HEX DUMP:

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# PRESIDENT CLINTON, VICE PRESIDENT GORE, AND CONGRESSIONAL DEMOCRATS WIN ON THE BUDGET, BUT THERE IS STILL MORE WORK TO DO

*October 14, 1998*

Today's budget agreement represents a significant step forward for America, protecting the surplus until Social Security is reformed, forging a bipartisan agreement on funding the International Monetary Fund, and putting in place critical investments in education and training, from smaller class sizes to after-school care, and from summer jobs to college mentoring. While the final budget agreement is a win for President Clinton, Vice President Gore, and Congressional Democrats, there is still more work to do to prepare America for the 21st century. Unfortunately, Republicans blocked school modernization, Patients Bill of Rights, comprehensive tobacco legislation, child care investments, and campaign finance reform.

## **Budget Victories:**

**Saving Social Security First** -- the President's commitment to Save Social Security First held the line against several Republican efforts to drain the surplus.

**Investing in Education and Training** -- in the face of House Republican efforts to slash his education budget by more than \$2 billion, President Clinton delivered on his education agenda:

- **More High-Quality Teachers With Smaller Class Sizes** -- \$1.1 billion for the first year of the President's new initiative to hire 100,000 new teachers to reduce class size in the early grades to a national average of 18. Through smaller classes this initiative will help recruit high-quality teachers and will insure that students will receive more individual attention, a solid foundation in the basics, and greater discipline in the classroom.
- **After School Programs** -- \$200 million to expand programs and serve nearly 500,000 children.
- **Child Literacy** -- \$260 million for a new literacy initiative, consistent with the President's America Reads proposal.
- **College Mentoring for Middle School Children** -- \$120 million (???) for GEAR-UP, a new mentoring initiative to help low income middle school children prepare for college.
- **Education Technology** - a \$137 million increase to ensure that every child has access to computers, the Internet, high-quality educational software, and teachers that can use technology in the classroom.
- **Child Care Quality** -- The President fought to secure \$182 million to improve the quality of child care for America's working families.
- **Teacher Recruitment** -- \$75 million for new teacher quality programs including to recruit and prepare thousands of teachers to teach in high-poverty areas.
- **Head Start** -- A \$313 million increase to fund President's request of up to an additional 36,000 slots for children and keeping on track towards 1 million children served by 2002.
- **Charter Schools** -- A 25% increase in funding for Charter Schools to keep on track toward 3,000 quality charter schools early in next century.
- **Hispanic Education Initiative** -- Increases of \$615 million to enhance educational opportunities.
- **Pell Grants** -- The largest maximum award ever for Pell grants -- \$3,125 a year.
- **Summer Jobs** -- \$871 million to provide up to 530,000 young people Summer Jobs.

**Investing in a Cleaner Environment** -- President Clinton won important new investments to combat water pollution, protect national parks, restore salmon and other endangered species, and develop clean

energy technologies and defeated scores of anti-environment riders:

- \_ An additional \$xxx million for the President's **Clean Water Action Plan**.
- \_ An additional \$xx million to preserve precious lands.
- \_ \$ccc million increase for protecting and restoring **National Parks**.
- \_ \$ccx billion more to fight against **global warming**.

**Responding to the Farm Crisis at Home...** --- the final budget includes xxx billion in emergency assistance to farmers, ranchers, and their families.

**And to the Financial Turmoil Abroad** -- the final budget includes the President's full funding request of \$17.9 billion for the IMF .

### **Moving People from Welfare to Work and Empowering Communities:**

- \_ **Welfare to Work housing vouchers** -- \$283 million for 50,000 vouchers.
- \_ **Access to Jobs** -- \$100 million to link people on welfare to jobs.
- \_ **Community Development Financial Institutions (CDFI) Fund** -- a \$15 million, 20% expansion.
- \_ **Empowerment Zones** -- \$60 million in flexible funding.

### **A Robust Research and Development Agenda:**

- \_ **National Science Foundation** -- an 8.8 percent increase in support for science and engineering research.
- \_ **National Institutes of Health** -- a 14 percent, \$1.9 billion increase to support greater research on diabetes, cancer, genetic medicine, and the development of an AIDS vaccine;
- \_ **Next Generation Internet** -- a more than \$100 million for a federal R&D initiative which will connect more than 100 universities at speeds that are up to 1,000 times faster than today's Internet.
- \_ **Advanced Technology Program** -- \$66 million for new awards for leading-edge civilian technology projects.

### **Other Highlights:**

- \_ **EEOC** -- A \$20 million (???) increase to reduce the average time it takes to resolve private sector complaints and reduce the backlog of cases.
- \_ **Fighting Abusive Child Labor** -- a 10-fold increase, from \$3 million to \$30 million, in our commitment to the International Programme for the Elimination of Child Labor (IPEC).
- \_ **Food Safety Initiative** -- \$79 million (??) to expand food safety research, risk assessment capabilities, education, surveillance activities, and food import inspections
- \_ **HIV/AIDS Prevention and Treatment** -- an unprecedented \$360 million increase to help prevent and treat HIV/AIDS, with special efforts to address the needs of the minority community.

### **Much Work Still Left to Do:**

In the waning days of the session, the President and Congressional Democrats prevailed in making critical investments to advance the President's comprehensive education agenda. Much work remains for the future

because Republicans in Congress killed, at least for now, critical priorities, including:

- **School Modernization** -- Beginning with his State of the Union address, the President fought all year to modernize our schools. His fully paid for tax credits would have leverage nearly \$22 billion in bonds to build and renovate schools. In the final days of the budget negotiations, Republicans in Congress refused to even meet on the critical issue of school construction.
- **Patients Bill of Rights** -- President Clinton repeatedly urged the Congress to pass a strong, enforceable patients' bill of rights that would assure Americans the quality health care they need. Congressional Republicans killed this year's effort to pass a Patients Bill of Rights.
- **Comprehensive Tobacco Legislation** -- This year, President Clinton made passage of legislation to reduce youth smoking a top priority, in order to stop kids from smoking before they start through a significant price increase, measures to prevent tobacco companies from marketing to children, and critical public health prevention and education programs. Congressional Republicans opted to act as politicians instead of parents, and killed this year's effort to pass bipartisan comprehensive tobacco legislation to reduce youth smoking.
- **Campaign Finance Reform** -- At the beginning of the year, the President made passage of bipartisan, comprehensive campaign finance reform a priority for his Administration. After months of delay, the House of Representatives overcame defenders of the status quo and passed the Shay-Meehan bill. However, the Senate Republicans killed this historic legislation.
- **Child Care** -- In his State of the Union, the President proposed an historic child care initiative to make child care better, safer and more affordable for America's working families. The President's proposal included \$7.5 billion over 5 years for child care subsidies for low-income working families and tax credits to help 3 million working families pay for child care. The Republicans refused to support these critical investments.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:20-OCT-1998 19:52:10.00

SUBJECT: Re: state of the union

TO: Michael Waldman ( CN=Michael Waldman/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

sorry. (but sally was in charge of the invites)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:28-OCT-1998 08:23:20.00

SUBJECT: FY00 Entitlements Meeting

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 10/28/98 08:23  
AM -----

Sandra Yamin  
10/27/98 02:04:56 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: See the distribution list at the bottom of this message  
Subject: FY00 Entitlements Meeting

Please join Barbara Chow and Staff on Mon., Nov 2 from 1:30 - 3:00PM in  
OEOB 260 to discuss FY00 Entitlements. Please confirm your attendance.

We have scheduled one session from 1:30PM - 3:00PM to cover the topics  
listed in the sequence below, with each of the sections below allotted  
about 20 minutes (allowing for a little slippage). You are more than  
welcome to participate in any of these sections.

TANF (including contingency and supplemental growth); Welfare to Work;  
WTOC and WTW tax credits; Independent Living; Child Support Enforcement

Food stamps; child nutrition

UI; TAA; PBGC

Message Sent

To: \_\_\_\_\_  
Elena Kagan/OPD/EOP  
Broderick Johnson/WHO/EOP  
Cynthia A. Rice/OPD/EOP  
Andrea Kane/OPD/EOP  
Rebecca M. Blank/CEA/EOP  
Martha Foley/WHO/EOP  
Jonathan Orszag/OPD/EOP

Message Copied

To: \_\_\_\_\_  
Barry White/OMB/EOP  
Larry R. Matlack/OMB/EOP  
Jack A. Smalligan/OMB/EOP  
Wayne Upshaw/OMB/EOP  
Barbara Chow/OMB/EOP  
Iratha H. Waters/OMB/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 28-OCT-1998 08:22:09.00

SUBJECT: White House Public Tour Closing, October 27, 1998

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )

READ: UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 10/28/98 08:22 AM -----

PostMaster

10/26/98 04:45:08 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: White House Public Tour Closing, October 27, 1998

MEMORANDUM FOR ALL EOP PASSHOLDERS

FROM: MELINDA N. BATES  
SPECIAL ASSISTANT TO THE PRESIDENT

AND

DIRECTOR, VISITORS OFFICE

SUBJECT: White House Public Tour Closing, October 27, 1998

Because of an official event in the Residence on Tuesday, October 27, the White House will be closed for public tours only. Since there are no public tours on October 27, this means there are no passholder head-of-line privileges that morning. All Congressional ticketed tours, Members tours, and 8:00 a.m. group tours will take place as usual.

This information is also on the White House Staff Tour and Information Line at extension 6-2002.

Please encourage your guests to call the 24-hour tour information line for the most up-to-date information (202-456-7041).

Information and displays on the White House are available at the White House Visitor Center. It is open seven days per week from 7:30 a.m. until 4 p.m. You are encouraged to send your guests to the Visitor Center whenever White House tours are not available.

We appreciate your cooperation when the White House must close for official events.

Thank you.

Message Sent

To: \_\_\_\_\_  
All WHO Users  
All Staff  
All CEA Users

All CEQ Users  
All NSC Users  
All OA Users  
All OMB Users  
All ONDCP Users  
All OPD Users  
All OSTP Users  
All PIR Users  
All USTR Users  
All WHCCTF Users

----- Forwarded by Elena Kagan/OPD/EOP on 10/28/98 08:22  
AM -----

Paul J. Weinstein Jr.  
10/26/98 05:06:07 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
cc:  
Subject: SOTU Process

DPC staff have asked for a timeline post this week's project on new ideas. For example, when do we want to submit an options memorandum to POTUS.

Second, Elena, folks have asked if you could make it clear at the NEC-DPC Deputies meeting that the agencies should be working through NEC and DPC staff. Apparently there is some confusion in the agencies about processes. When need to make it clear to them that there is one process.

----- Forwarded by Elena Kagan/OPD/EOP on 10/28/98 08:22  
AM -----

Bruce N. Reed  
10/26/98 05:28:44 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: High-tech ideas

Our list of ideas is light on science and technology ideas, which is unfortunate, since this will be the last State of the Union of the Millennium. In addition to Chris's crusade against Superbug, we might consider: 1) smart gun technology; 2) gun detectors; 3) more high-tech wrinkles in our child support crackdown; 4) the next idea in education technology; 5) an adoption registry; 6) cures for the various diseases that will plague the globe once the new Millennium hits; etc. We should also think about some possible consumer-oriented responses to this technological advance -- privacy protections, etc.

Anybody who comes up with a good high tech idea wins a free clock radio.

Message Sent

To: \_\_\_\_\_

Jose Cerda III/OPD/EOP  
 Michael Cohen/OPD/EOP  
 Thomas L. Freedman/OPD/EOP  
 Elena Kagan/OPD/EOP  
 Christopher C. Jennings/OPD/EOP  
 Paul J. Weinstein Jr./OPD/EOP  
 Cynthia A. Rice/OPD/EOP  
 Julie A. Fernandes/OPD/EOP  
 Jennifer L. Klein/OPD/EOP

----- Forwarded by Elena Kagan/OPD/EOP on 10/28/98 08:22  
 AM -----

Bruce N. Reed  
 10/26/98 05:32:31 PM  
 Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP  
 cc: Elena Kagan/OPD/EOP  
 Subject: Re: SOTU Process

We're going to submit a joint DPC-NEC new ideas memo to the President next week. Hence the urgency of finishing a draft.

We met with Maria today. She did not reveal any ulterior process, but we'll send a clear message anyway.

----- Forwarded by Elena Kagan/OPD/EOP on 10/28/98 08:22  
 AM -----

Andrea Kane  
 10/26/98 05:34:13 PM  
 Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
 cc: Cynthia A. Rice/OPD/EOP  
 Subject: Two more thoughts re: WTW bonus

1) A bonus formula which only rewards unsubsidized employment (i.e. excludes even subsidies paid with TANF funds) may disproportionately affect those areas and populations the WTW funds were intended to serve, i.e. concentrated poverty and hardest to serve. While we don't yet have hard data on how much subsidized employment is occurring with TANF funds, it may be used more where it's harder for someone to get an unsubsidized job. Also, it may take longer for people to move from subsidized to unsubsidized jobs where the economy is worse or the individuals have more barriers. Given the one-shot, short-term time frame for the WTW bonus, we'd penalize these places by only counting unsubsidized placements.

2) Just a reminder that it was never our intention to reward fully subsidized jobs, i.e. workfare. The TANF bonus only rewards jobs that are less than 100% subsidized, and it's always been our intent to do the same here. In other words, the employer is paying someone \$6.00 hour, but gets a subsidy that partially offsets these costs (typically a cash out of the person's welfare check). I'm pretty sure OMB knows this at a staff level, but just wanted to make you had this info if it should come up with

Jack.

----- Forwarded by Elena Kagan/OPD/EOP on 10/28/98 08:22  
AM -----

Bruce N. Reed  
10/26/98 06:15:47 PM  
Record Type: Record

To: Andrea Kane/OPD/EOP  
cc: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Jeanne Lambrew/OPD/EOP  
Subject: Re: Poverty Measures

I read the memo. My position would still be, we should stay out of this, let Census do what Census is planning to do. The more we meddle, the sooner we're going to get drawn into the benchmarking debate, where we don't want to be. The 2000 Census is already a time bomb for us. It was the one issue that came closest to destroying the budget agreement. If we start getting Robert Pear stories about White House Considers Raising Poverty Rate, the Republicans will go nuts to blow up the Census, the Dems will go nuts in the other direction, and we'll be stuck counting dead bodies. We should stay a million miles away from this, and not meddle in any distributional issues.

Even if that weren't the case, I still think non-benchmarking is a big mistake for this President. He's presided over a big reduction in poverty over his term. We shouldn't turn around at the end and leave everyone with the impression that things have actually gotten worse. The poverty rate is an arbitrary, imperfect measure -- and if we change it, it will still be an arbitrary, imperfect measure, just bigger.

I'll talk to Gene.

----- Forwarded by Elena Kagan/OPD/EOP on 10/28/98 08:22  
AM -----

Cynthia A. Rice  
10/26/98 06:28:45 PM  
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP,  
Andrea Kane/OPD/EOP  
cc:  
Subject: Re: Two more thoughts re: WTW bonus

FYI: Cathy just told me Kitty Higgins' office called her today about setting up a meeting on this topic.  
-----

Bruce N. Reed  
10/26/98 06:02:09 PM  
Record Type: Record

To: Andrea Kane/OPD/EOP  
cc:

[http://172.28.127.30:8082/ARMS/servlet/getEmailArchive?URL\\_PATH=/nlcp-1/Arms405/who/WHO\\_1998...](http://172.28.127.30:8082/ARMS/servlet/getEmailArchive?URL_PATH=/nlcp-1/Arms405/who/WHO_1998...)

Subject: Re: Two more thoughts re: WTW bonus

I agree -- I made those points to Barbara; I'll raise them with Jack.

----- Forwarded by Elena Kagan/OPD/EOP on 10/28/98 08:22 AM -----

Jeanne Lambrew  
10/26/98 08:42:55 PM  
Record Type: Record

To: Bruce N. Reed/OPD/EOP  
cc: Andrea Kane/OPD/EOP, Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP,  
Christopher C. Jennings/OPD/EOP  
bcc:  
Subject: Re: Poverty Measures

I definitely, positively agree with your opinion and reasons for it -- and would like to add an additional one.

One of the more controversial aspects of these new thresholds is the subtraction of out-of-pocket medical expenditures from resources. This creates a large change in the nature of the "poor" -- more sick people would be classified as poor due to medical expenses.

This has, among others, two bad effects. First, it makes Medicaid participation / coverage rates look worse, since we have encouraged Medicaid to move towards an income-related health insurance program -- irrespective of health status. Second, it would now appear that many more seniors are poor, since they have the highest out-of-pocket health expenditures. This has large ramifications for Medicare policies (e.g. premium assistance programs, policies). While this direct link between health spending and poverty might put us in a better position to advocate for additional health policies, we already have enough problems to deal with.

I will take these issues up with Gene as well through the NEC process (which I have not been a part of, until now).

Jeanne

Bruce N. Reed  
10/26/98 06:15:47 PM  
Record Type: Record

To: Andrea Kane/OPD/EOP  
cc: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Jeanne Lambrew/OPD/EOP

[http://172.28.127.30:8082/ARMS/servlet/getEmailArchive?URL\\_PATH=/nlcp-1/Arms405/who/WHO\\_1998...](http://172.28.127.30:8082/ARMS/servlet/getEmailArchive?URL_PATH=/nlcp-1/Arms405/who/WHO_1998...)

Subject: Re: Poverty Measures

I read the memo. My position would still be, we should stay out of this, let Census do what Census is planning to do. The more we meddle, the sooner we're going to get drawn into the benchmarking debate, where we don't want to be. The 2000 Census is already a time bomb for us. It was the one issue that came closest to destroying the budget agreement. If we start getting Robert Pear stories about White House Considers Raising Poverty Rate, the Republicans will go nuts to blow up the Census, the Dems will go nuts in the other direction, and we'll be stuck counting dead bodies. We should stay a million miles away from this, and not meddle in any distributional issues.

Even if that weren't the case, I still think non-benchmarking is a big mistake for this President. He's presided over a big reduction in poverty over his term. We shouldn't turn around at the end and leave everyone with the impression that things have actually gotten worse. The poverty rate is an arbitrary, imperfect measure -- and if we change it, it will still be an arbitrary, imperfect measure, just bigger.

I'll talk to Gene.

----- Forwarded by Elena Kagan/OPD/EOP on 10/28/98 08:22 AM -----

Bruce N. Reed  
10/27/98 10:12:33 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP  
cc:  
Subject: conspiracies

According to the February 9, 1998 issue of Newsweek, a tobacco lobbyist named WILLIAM HECHT helped place LINDA TRIPP in a White House job during the Bush Administration. After the 1992 election, Tripp stayed on at the White House as a "confidential assistant" to White House advisor BERNIE NUSSBAUM, a senior member of WACHTEL LIPTON ROSEN & KATZ, which happens to be one of the leading law firms representing the tobacco industry. . . Later, after Tripp had accumulated a complete collection of Lewinsky tapes, she turned the tapes over to another partner of Wachtel Lipton named GEORGE CONWAY, who gave them to one James MOODY (who, to our knowledge, has no tobacco connection), who gave them to STARR. Conway was the author of the brief that persuaded the U.S. Supreme Court to permit the PAULA JONES case to proceed. . . Another mysterious coincidence occurred when VERNON JORDAN, a member of RJR Nabisco's Board of Directors and President Clinton's supposed friend, agreed to help MONICA LEWINSKY find a job in New York. According to Newsweek, Jordan got her an interview at BURSON-MARSTELLER, a public relations firm that happens to have Philip Morris as a long-standing client and is currently managing the grass roots movement in California to overturn the smoking ban in bars.

----- Forwarded by Elena Kagan/OPD/EOP on 10/28/98 08:22  
AM -----

Sean P. Maloney

10/27/98 10:30:25 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: The President's Trip to FL

On Thursday, October 29, 1998, the President will travel to the Kennedy Space Center in Cape Canaveral, Florida, to tour the facilities, meet with astronauts and their families, and witness the space shuttle launch. While there, he will present the Medal of Freedom to former Representative Dante Fascell. He will then travel to West Palm Beach and attend a reception for Representative Peter Deutsch and a dinner for the Florida Democratic party. He will return to the White House late Thursday night.

Deadlines for the President's trip book are as follows:

Background Memos: DUE WED., OCT. 28, AT NOON

- Political Memo
- CEQ Hot Issues
- Cabinet Affairs Hot Issues
- Accomplishments

Event Memos: DUE WED., OCT. 28, AT 6:00 P.M.

- Tour, Meet & Greet, and Shuttle  
Launch at Cape Canaveral
- Medal of Freedom Presentation
- Deutsch Reception
- State Party Dinner

Please call or e-mail me if you have any questions. Thanks.

Message Sent

To:

---

Lori L. Anderson/WHO/EOP  
Brenda M. Anders/WHO/EOP  
Kris M Balderston/WHO/EOP  
Barbara A. Barclay/WHO/EOP  
David S. Beaubaire/WHO/EOP  
Debra D. Bird/WHO/EOP  
Jose Cerda III/OPD/EOP  
Carolyn E. Cleveland/WHO/EOP  
Michael Cohen/OPD/EOP  
Brenda B. Costello/WHO/EOP  
Maria Echaveste/WHO/EOP  
Anne M. Edwards/WHO/EOP  
Paul K. Engskov/WHO/EOP  
Laura A. Graham/WHO/EOP  
Nancy V. Hernreich/WHO/EOP

Phu D. Huynh/WHO/EOP  
Cynthia M. Jasso-Rotunno/WHO/EOP  
Cynthia M. Jasso-Rotunno/WHO/EOP  
Elena Kagan/OPD/EOP  
Kirk T. Hanlin/WHO/EOP  
Karin Kullman/WHO/EOP  
Sara M. Latham/WHO/EOP  
Christopher J. Lavery/WHO/EOP  
Ann F. Lewis/WHO/EOP  
Bruce R. Lindsey/WHO/EOP  
Joseph P. Lockhart/WHO/EOP  
Andrew J. Mayock/WHO/EOP  
Anne E. McGuire/WHO/EOP  
Megan C. Moloney/WHO/EOP  
Linda L. Moore/WHO/EOP  
Minyon Moore/WHO/EOP  
Kevin S. Moran/WHO/EOP  
Mary Morrison/WHO/EOP  
Elizabeth R. Newman/WHO/EOP  
Jennifer M. Palmieri/WHO/EOP  
Simeona F. Pasquil/WHO/EOP  
John Podesta/WHO/EOP  
Christa Robinson/OPD/EOP  
Dan K. Rosenthal/WHO/EOP  
Laura D. Schwartz/WHO/EOP  
Jake Siewert/OPD/EOP  
Craig T. Smith/WHO/EOP  
Todd Stern/WHO/EOP  
Aviva Steinberg/WHO/EOP  
Stephanie S. Streett/WHO/EOP  
Jordan Tamagni/WHO/EOP  
Marjorie Tarmey/WHO/EOP  
Michael V. Terrell/CEQ/EOP  
Barry J. Toiv/WHO/EOP  
June G. Turner/WHO/EOP  
Beth A. Viola/CEQ/EOP  
Michael Waldman/WHO/EOP  
Christopher Wayne/WHO/EOP  
Dorian V. Weaver/WHO/EOP  
Paul J. Weinstein Jr./OPD/EOP  
Daniel Wexler/WHO/EOP  
Cecily C. Williams/WHO/EOP  
Jonathan H. Adashek/WHO/EOP  
Jon P. Jennings/WHO/EOP  
Jonathan Orszag/OPD/EOP  
Phillip Caplan/WHO/EOP  
Julianne B. Corbett/WHO/EOP  
Craig Hughes/WHO/EOP  
Ryland M. Willis/WHO/EOP  
Robert S. Kapla/CEQ/EOP  
Maria E. Soto/WHO/EOP  
Lawrence J. Stein/WHO/EOP  
Janet Murguia/WHO/EOP  
Malcolm R. Lee/OPD/EOP



November 1, 1998

## **PATIENTS BILL OF RIGHTS CEREMONY**

**DATE:** November 2, 1998  
**LOCATION:** Rose Garden  
**BRIEFING TIME:** 12:15 pm - 12:55 pm  
**EVENT:** 1:00 pm - 2:00 pm  
**FROM:** Bruce Reed/Chris Jennings

### **I. PURPOSE**

**To urge voters to elect a Congress that supports increasing patient protections, and to release a report detailing actions the federal government has taken to implement a Patients Bill of Rights while the Republican Leadership stalled on this issue.**

### **II. BACKGROUND**

This is an opportunity for you to urge voters to elect a Congress that shares your commitment to passing a strong enforceable Patients' Bill of Rights next year. You should emphasize that while the Republican Leadership stalled on the patients' bill of rights, the Administration has been doing everything possible to implement these protections in Federal health plans. To that end, you will be releasing a new report from the Vice President documenting action that the Federal government is taking within its authority to implement the Patients' Bill of Rights in the health plans it administers or oversees. In your remarks, you should make the following points:

**Criticize the Republican Leadership for allowing Congress to adjourn without passing a strong Patients' Bill of Rights.** For a full year, you have been calling on the Congress to pass a strong enforceable patients' bill of rights. For months, the Republican Leadership used every possible stall tactic to thwart the patients' bill of rights. When the Republican Leadership finally did introduce a bill, their proposal contained more loopholes than patient protections. It did not contain critical protections, such as access to specialists, and offered false promises, such as an appeals process that left the decisions in the hands of HMO accountants. In fact, Senator Lott would not even allow an up or down vote to be held on this issue.

**Urge Voters to Choose A Congress Committed to Passing A Strong Enforceable Patients' Bill of Rights.** You should reiterate your strong commitment to passing a Patients' Bill of Rights in the next Congress and urge Americans to go to the polls

tomorrow to elect a Congress that shares this commitment. This legislation should include enforceable patient protections, such as access to specialists, coverage of emergency room services when and where the need arises, continuity of care protections, an internal and independent external appeals process to appeal decisions made by HMO accountants, and protections to assure that HMOs are held accountable when patients are harmed or injured due to a health plans' decisions.

**Announce the Release of a New Report From the Vice President That Highlights the Administration Is Doing Everything Possible to Implement Patient Protections.** In February, you directed Medicare, Medicaid, the Federal Employee Health Benefits Program, the Department of Defense Military Health Program, and the Veteran's Health Program -- which serve over 85 million Americans -- to, where possible, come into compliance with the Patients' Bill of Rights outlined by the President's Quality Commission. Today, the Vice President released a report highlighting that these agencies have taken all the action within their statutory authority to implement patient protections. As a result, the Federal health plans are now, or soon will be, in virtual compliance with the Patients' Bill of Rights. The report documents that:

- *The 285 participating health plans, covering nine million Federal employees and their dependents, have been directed to implement new patient protections this year. OPM which oversees the Federal Health Employees Benefits Program (FEHBP) serving nine million Federal employees and dependents, has directed their 285 participating health plans to come into compliance with the Patients' Bill of Rights. Through their annual call letter, OPM has specifically requested that plans implement new protections including access to specialists, continuity of care, disclosure of financial incentives, and access to emergency room services. Finally, OPM has issue new regulations to prevent "gag clauses." OPM is also sending information to beneficiaries to assure they are fully aware of their new patient protections.*

- **The 39 million Medicare beneficiaries are benefitting from critical patient protections.** Building on Medicare's commitment to providing essential patient protections, HHS published an Interim Final rule in June that includes a series of new patient protections for Medicare beneficiaries. When this rule is fully implemented, Medicare will be virtually in compliance with the Patients' Bill of Rights, including new protections such as **access to emergency services when and where the need arises, patient participation in treatment decisions, and access to specialists.**

- **The 38 million Medicaid beneficiaries are being assured essential protections in the Patients' Bill of Rights. In September, HCFA published a Notice of Proposed Rulemaking (NPRM) adding new patients protections for Medicaid beneficiaries, such as access to specialists**

and an expedited independent appeals process to bring the program in compliance with the Patients' **Bill of Rights**, where possible.

- **Over eight million Americans will receive the protections in the patients' bill of rights by the end of this year as a result of the new policy directive assured by the Defense Department's Military Health System (MHS). In response to your directive, DoD issued "The Patients' Bill of Rights and Responsibilities in the Military Health System," a major policy directive to all participants in the MHS. This directive outlined new protections for the over 8 million beneficiaries served by MHS, including access to appropriate specialists for women's health needs and chronic illnesses and rights for the full discussion of treatment options and of financial incentives. With this directive, which will be fully implemented by the end of this year, DoD will now be in compliance with the Patients' Bill of Rights.**
- **Over three million veterans are or will soon be assured virtually all patient protections. In July, the Department of Veteran Affairs (DVA) issued an Information Memorandum to participating health providers announcing its intention to have an external appeals process in place by the end of the year. Similarly, DVA established a task force to make recommendations as to how best implement information disclosure requirements consistent with Commission's recommendations and has developed a new brochure to provide beneficiaries the necessary information. With the implementation of these new protections DVA is virtually in compliance with the Patients' Bill of Rights.**
- **The 125 million Americans covered by ERISA still are not assured critical patient protections because the Department of Labor does not have the authority to implement them without legislation. DoL oversees the Employee Retirement Income Security Act (ERISA), governing approximately 2.5 million private sector health plans, that cover about 125 million Americans, issued new regulation to implement an expedited internal appeals process and information disclosure requirements. However, DoL's report underscores unless Congress passes Federal legislation, they do not have the authority to implement most patient protections.**

### III. PARTICIPANTS

Briefing Participants:

Bruce Reed

Chris Jennings

Karen Tramantano

Program Participants:

**YOU**

Beverly Malone, President of the American Nurses Association

Dr. Robert Weinmann, advocate of HMO reform

Frances Jennings, victim of HMO abuse. Her husband was delayed two months for a refe

To be greeted before event:

Secretary Alexis Herman, Department of Labor

Director Janice LaChance, Office of Personnel Management

Deputy Secretary Gober, Veterans Administration

Gerald McEntee, President of AFSCME

Bill Lucy, Secretary Treasurer of AFSCME

Linda Chavez-Thompson, Executive Vice-President of the AFL-CIO

**IV. PRESS PLAN**

Open Press.

**V. SEQUENCE OF EVENTS**

- **YOU** will be announced onto the stage accompanied by program participants.
- Beverly Malone will make remarks and introduce Dr. Robert Weinmann.
- Dr. Robert Weinmann will make remarks and introduce Frances Jennings.
- Frances Jennings will make remarks and introduce **YOU**.
- **YOU** will make remarks, work a ropeline, and then depart.

**VI. REMARKS**

Provided by Speechwriting.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 2-NOV-1998 08:58:57.00

SUBJECT: patients' bill of rights paper

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 11/02/98 08:58  
AM -----

Sarah A. Bianchi

11/01/98 09:51:50 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: patients' bill of rights paper

Message Sent

To:

Bruce N. Reed/OPD/EOP

Elena Kagan/OPD/EOP

Joseph P. Lockhart/WHO/EOP

Barry J. Toiv/WHO/EOP

Melissa G. Green/OPD/EOP

Nanda Chitre/WHO/EOP

Lori L. Anderson/WHO/EOP

Elizabeth R. Newman/WHO/EOP

Barbara D. Woolley/WHO/EOP

Neera Tanden/WHO/EOP

William H. White Jr./WHO/EOP

Julia M. Payne/WHO/EOP

Marsha E. Berry/WHO/EOP

Katharine Button/WHO/EOP

Stacie Spector/WHO/EOP

Ruby Shamir/WHO/EOP

Christa Robinson/OPD/EOP

Laura Emmett/WHO/EOP

Jonathan M. Young/WHO/EOP

Janet Murguia/WHO/EOP

Lawrence J. Stein/WHO/EOP

Sara M. Latham/WHO/EOP

Dawn L. Smalls/WHO/EOP

Kevin S. Moran/WHO/EOP

Nanda Chitre/WHO/EOP

Barbara D. Woolley/WHO/EOP

Jason H. Schechter/WHO/EOP

Beverly J. Barnes/WHO/EOP

Neera Tanden/WHO/EOP

Megan C. Moloney/WHO/EOP

**PRESIDENT CLINTON RELEASES REPORT DOCUMENTING ACTIONS FEDERAL GOVERNMENT IS TAKING TO IMPLEMENT A PATIENTS' BILL OF RIGHTS AND URGES VOTERS TO SEND BACK A CONGRESS THAT SHARES HIS COMMITMENT TO PASS LEGISLATION TO ASSURE PROTECTIONS FOR ALL HEALTH PLANS**

**November 2, 1998**

Today, President Clinton urged voters to send back a Congress that shares his commitment to passing a strong enforceable patients' bill of rights next year. The President also emphasized that while the Republican Leadership has stalled on the patients' bill of rights, the Administration has been doing everything possible to implement these protections in Federal health plans. To that end, he unveiled a report from the Vice President documenting action that the Federal government is taking within its authority to implement the patients' bill of rights in the health plans it administers or oversees. Today, the President:

**Criticized Republican Leadership for allowing Congress to adjourn without passing a strong patients' bill of rights.** For a full year, the President has been calling on the Congress to pass a strong enforceable patients' bill of rights. For months, the Republican Leadership used every possible stall tactic to thwart the patients' bill of rights. When the Republican Leadership finally did introduce a bill, their proposal contained more loopholes than patient protections. It did not contain critical protections such as access to specialists and offered false promises such as an appeals process that left the decisions in the hands of HMO accountants. In fact, Senator Lott would not even allow an up or down vote to be held on this issue.

**Urged voters to choose a Congress committed to passing a meaningful patients' bill of rights.** President Clinton committed to doing everything possible to pass a strong patients' bill of rights in the next Congress and urged Americans to go to the polls tomorrow to elect a Congress that shares this commitment. This legislation should include enforceable patient protections, such as access to specialists, coverage of emergency room services when and where the need arises, continuity of care protections, an internal and independent external appeals process to appeal decisions made by HMO accountants, and protections to assure that HMOs are held accountable when patients are harmed or injured due to a health plans' decisions.

**Released report from the Vice President that highlighted that while the Republican Leadership delayed, the Administration is acting to implement patient protections in Federal health plans.** In February, the President directed Medicare, Medicaid, the Federal Employee Health Benefits Program, the Department of Defense Military Health Program, and the Veteran's Health Program -- which serve over 85 million Americans -- to, where possible, come into compliance with the patients' bill of rights outlined by the President's Quality Commission. Today, the Vice President released a report highlighting that these agencies have taken all the action within their statutory authority to implement patient protections. As a result, the Federal health plans are now, or soon will be, in virtual compliance with the patients' bill of rights. The report documents that:

- **The 285 participating health plans, covering nine million Federal employees and their dependents, have been directed to implement new patient protections this year.** The Office of Personell Management (OPM), which oversees the Federal Health Employees Benefits Program (FEHBP) serving nine million Federal employees and dependents, has directed their 285 participating health plans to come into compliance with the patients' bill of rights. Through their annual call letter, OPM has specifically requested that plans implement new protections including access to specialists, continuity of care, disclosure of financial incentives, and access to emergency room services. Finally, OPM has issue new regulations to prevent "gag clauses." OPM is also sending information to beneficiaries to assure they are fully aware of their new patient protections.

- **The 39 million Medicare beneficiaries are benefitting from critical patient protections.** Building on Medicare's commitment to provide essential patient protections, HHS published an Interim Final rule, in June, that includes a series of new patient protections for Medicare beneficiaries. When this rule is fully implemented, Medicare will be virtually in compliance with the patients' bill of rights including new protections such as access to emergency services when and where the need arises, patient participation in treatment decisions, and access to specialists.
- **The 38 million Medicaid beneficiaries are being assured essential protections in the patients' bill of rights.** In September, the Health Care Financing Administration published a Notice of Proposed Rulemaking (NPRM) adding new patients protections for Medicaid beneficiaries, such as access to specialists and an expedited independent appeals process to bring the program in compliance with the patients' bill of rights, where possible.
- **Over eight million Americans will receive the protections in the patients' bill of rights by the end of this year as a result of the new policy directive assured by the Defense Department's Military Health System (MHS).** In response to the President's directive, DoD issued "The Patients' Bill of Rights and Responsibilities in the Military Health System," a major policy directive to all participants in the MHS. This directive outlined new protections for the over 8 million beneficiaries served by MHS, including access to appropriate specialists for women's health needs and chronic illnesses and rights for the full discussion of treatment options and of financial incentives. With this directive, which will be fully implemented by the end of this year, DoD will now be in compliance with the patients' bill of rights .
- **Over three million veterans are or will soon be assured virtually all patient protections.** In July, the Department of Veteran Affairs (DVA) issued an Information Memorandum to participating health providers announcing its intention to have an external appeals process in place by the end of the year. Similarly, DVA established a task force to make recommendations as to how best implement information disclosure requirements consistent with Commission's recommendations and has developed a new brochure to provide beneficiaries the necessary information. With the implementation of these new protections DVA is in virtual compliance with the patients' bill of rights
- **The 125 million Americans covered by ERISA still are not assured critical patient protections because the Department of Labor does not have the authority to implement them without legislation.** DoL oversees the Employee Retirement Income Security Act (ERISA), governing approximately 2.5 million private sector health plans, that cover about 125 million Americans, issued a new regulation to implement an expedited internal appeals process and information disclosure requirements. However, DoL's report underscores that unless Congress passes Federal legislation, they do not have the authority to implement most patient protections.



October 17, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed  
Elena Kagan

SUBJECT: DPC Weekly Report

**Education -- Budget Deal:** While your victory on class size reduction and your other education initiatives was remarkable, a number of key pieces of your education agenda remains unfinished. In addition to school modernization, there are two key areas we will focus on in the near term. First, the final provision on national standards allows some test development work to continue (while banning pilot testing or implementation), and calls on NAGB and NAS to conduct additional studies in anticipation of possible Congressional consideration of this issue when NAEP is reauthorized in the next Congress. Because the likelihood of ever getting full Congressional support is so slim, we will develop a number of additional options for how to best continue to press for national standards. Second, as we work with the Education Department on a proposal for the reauthorization of the Elementary and Secondary Education Act, we will ensure that the concepts in the Education Opportunity Zones are fully reflected in that proposal and remain a central part of our education agenda.

**Health Care -- Kennedy-Jeffords Legislation:** Despite our efforts, the Work Incentives Improvement Act (Kennedy-Jeffords) did not make into the final Omnibus budget appropriations bill. This bipartisan legislation, that you endorsed at the commemoration of the Americans with Disabilities Act (ADA) last July, enables people with disabilities to go back to work by providing an option to buy into Medicaid and Medicare, as well as other pro-work initiatives. The disability community believes this is the most significant legislation since the ADA. Although this bill was on the list of top Administration priorities throughout the final budget negotiations and received broad-based bipartisan support, it was rejected by Republicans because they did not want to have significant health expansions and because they thought it was too late in the process to approve such a significant piece of legislation. However, the disability community as well as the AIDS community and others are extremely appreciative that the Administration fought so hard to pass this legislation.

**Health Care -- AIDS Issues in the Budget:** The Omnibus bill included significant new funding for HIV/AIDS. In particular, it included \$110 million for funding to address the critical AIDS problem in the minority community. This increase, plus an additional \$20 million that HHS has agreed to allocate from existing funds, meets the Congressional Black Caucuses' full funding request for this problem. In addition to this important victory, the Ryan White Program

which provides a range of treatment and services for people with HIV/AIDS, also received a \$250 million -- or nearly 30 percent increase. The AIDS community and the CBC are quite pleased with this remarkable outcome. However, there is disappointment regarding the inclusion in the final bill of a needle exchange provision that prevents the District of Columbia from using their own funds for needle exchange programs. We strongly opposed this provision because it strips federal funds from community-based agencies trying to stop the spread of HIV through needle exchange programs.

**Health Care -- Race and Health in the Budget:** The Congress has taken a critical first step in investing in your multi-year proposal to eliminate racial health disparities in six health areas, including HIV/AIDS, cancer, diabetes, and immunizations. As you know some of these disparities are startling. For example, African Americans under the age of 65 have twice the rate of heart disease as whites, and Native Americans suffer from diabetes at nearly three times the average rate. The budget gives sufficient funding to finance the \$80 million you included in your budget request, including new grants for communities to develop new strategies to address these disparities.

**Health Care -- Historic Increases in Biomedical Research.** The Congress agreed to fund your proposal to increase biomedical research at the NIH with a \$2 billion expansion of NIH research funding --a 14-percent increase. This increase will enable scientists to pursue a wide range of important new breakthroughs in critical diseases, from Alzheimers to AIDS to genetic discoveries. In addition, the Centers for Disease Control also received your requested increases for new research to improve prevention efforts, including fighting emerging infectious diseases and combating new resistance to anti-biotics, and the Agency for Health Care Policy Research (AHCPR) received your requested increases to improve quality outcomes. For example, overuse of antibiotics has been shown to lead to resistance and cost as much as \$7.5 billion a year. AHCPR's development and dissemination of guidelines for the appropriate use of antibiotics will result in better patient care and significant health care savings.

*Health Care --Pennsylvania DSH Payments.* The entire Pennsylvania Congressional delegation is aggressively lobbying the Administration to waive administratively potentially hundreds of millions of dollars that HCFA's fiscal intermediaries have concluded that the state's hospitals owe as a result of inappropriate Medicare DSH payments. The Congressional delegation, the state, and the hospitals have taken the position that they were unaware that billing for these DSH payments was problematic. Some even argue that their interpretation of the law is that the payments are legal. The delegation decided not to pursue a legislative fix in this area because CBO scores such an intervention as costing the Treasury and the Medicare Trust Fund over \$300 million. They are, instead, advocating for HCFA to step in administratively and place a moratorium on their FI's collections of past (and future) liabilities for a long enough period to fight HCFA in court or for Congress to intervene legislatively next year. Particularly because of the strong Democratic interest in this area and because it appears that HCFA has been inconsistently been applying the reimbursement rules, we are urging HCFA to be responsive as

possible. We have been informed that HCFA will probably be able to announce a temporary moratorium late next week. We will make sure the roll-out is done to reflect the interest of the Members.

**Tobacco -- Medicaid Recoupment:** During negotiations over the omnibus appropriations bill, the Republican Leadership proposed including language which would have waived our right to the federal share of state tobacco recoveries. They would not, however, agree to conditions requiring states to spend a portion of the funds on a menu of items and the language was therefore not included in the bill. We plan to tell the states and others that we are willing to consider this issue next year, but only **if the federal share of settlement funds to a list of specified activities along the lines of the menu negotiated in the McCain bill and preferably including tobacco control activities.**

**Crime -- Prison Drug Testing/Treatment:** In the budget agreement we succeeded in including legislative language to allow states to use up to 10% of federal prison funds to implement drug testing and treatment plans for prisoners and parolees. As you know, you called for this change in law in a directive on coerced abstinence that you signed last year.

**Crime -- Brady Implementation:** The final budget agreement ensures that the Brady National Instant Criminal Background Check System (NICS) will go on-line as planned at the end of next month. While the final compromise does not allow the FBI to charge a user fee, it appropriates 42 million dollars to pay for these checks and, more importantly it does not require the immediate destruction of records. This latter provision would have delayed implementation of the NICS by 6-8 months.

**Community Empowerment -- Final Budget Agreement:** The final budget agreement included almost all of the major initiatives proposed in your State of the Union and FY99 Budget. Some of the highlights include: 1) 50,000 new Welfare-to-Work Housing Vouchers; 2) the first year funding for the Round II Empowerment Zones; 3) a 19 percent increase in the Community Development Financial Institution Fund budget; 4) enactment of the landmark public housing reform legislation; 5) extension of the Work Opportunity Tax Credit (WOTC) and the Welfare-to-Work Tax Credit (WTWTC); 6) an 18 percent increase in homeless assistance; 7) a 33 percent expansion of HUD's Fair Housing programs that are part of your One America Initiative; 8) full funding for EPA's Brownfield's program; 9) and the creation of a new program to provide Individual Development Accounts (IDA) to empower individuals to save for a first home, post secondary education, or to start a new business. The enactment of the IDA legislation means that you have fulfilled, at some level, all of the promises made in ***Putting People First*** in the area of community empowerment.

The one initiative which Congress was unwilling to consider as part of the tax extenders legislation was your proposal to expand the Low-Income Housing Tax Credit (LIHTC). However, we believe that the ground work has been laid to secure Congressional approval next year for the LIHTC and a longer extension of the WOTC and the WTWTC. Over the next

several week, DPC, NEC, and the Office of the Vice President will be finalizing a set of new proposals for your FY2000 budget and State of the Union that will build on the victories we achieved in this year's budget.

**Welfare Reform -- Teen Birth and Pregnancy Rates:** Two recent reports show continued good news regarding teen birth and pregnancy rates. CDC announced preliminary data showing a 3 percent drop in the teen birth rate from 1996 to 1997, the sixth annual decline in a row and a drop of 15 percent since 1991. The latest rate, for 1997, is 52.9 births per 1,000 girls between 15 and 19 years old. Teen birth rates declined for all racial groups, though the rate of decline for blacks was slightly less than for other groups. A new report from the Alan Guttmacher Institute shows the teen pregnancy rate dropped nearly 13 percent from 1991 to 1995 and now stands at the lowest level since 1975, at 101 pregnancies per 1,000 15- to 19-year-old girls. Researchers attribute the drop in pregnancy rates to a decline in sexual activity among teens and improved use of contraceptives. The teen pregnancy data lag several years behind the teen birth data because the pregnancy data depend on abortion data which take longer to collect. In several months, CDC will produce its own estimate of the teen pregnancy rate which will show a similar trend but will be estimated using a slightly different methodology. CDC's report will also contain teen pregnancy rates by race and ethnicity.