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Series: Saunders, G. Timothy (Tim) - Bill Files

Folder Title: 01/15/2002 [S.1202]

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Letter	[Letter on S. 1202] - To: The Honorable Mitchell E. Daniels, Jr. - From: Amy L. Comstock	1	12/20/2001	P5;

COLLECTION TITLE:
Executive Clerk, Office Of the

SERIES:
Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:
01/15/2002 [S.1202]

FRC ID:
782

RESTRICTION CODES

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P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

A. Closed by Executive Order 13526 governing access to national security information.
B. Closed by statute or by the agency which originated the document.
C. Closed in accordance with restrictions contained in donor's deed of gift.

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b(1) National security classified information [(b)(1) of the FOIA]
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Records Not Subject to FOIA

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SS/ RM NO. 505294

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-4-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-7-02 11:00 AM

Subject: ENROLLED BILL S. 1202 - REAUTHORIZATION OF THE OFFICE OF GOVERNMENT ETHICS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☑	☐	HUBBARD	☑	☐
CARD	☑	☐	HUGHES	☑	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☑	☐	JOHNSON	☐	☐
CALIO	☑	☐	LINDSEY	☑	☐
CONNAUGHTON	☑	☐	MIERS	☐	☑
DANIELS	☐	☑	RICE	☐	☐
FLEISCHER	☑	☐	RIDGE	☐	☐
GERSON	☐	☐	ROVE	☑	☐
GONZALES	☑	☐	SPELLINGS	☑	☐
HAGIN	☐	☐	CLERK	☐	☑
HAWKINS	☑	☐	____________	☐	☐

REMARKS:
Please forward comments directly to Staff Secretary, x62702, no later than Monday, January 7, 2002. Thanks.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

1/15/02

'02 JAN 4 PM3:56

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 4, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1202 - Reauthorization of the Office of Government Ethics
Sponsors - Sen. Lieberman (D) CT and Sen. Thompson (R) TN

Last Day for Action

January, 15, 2002 - Tuesday

Purpose

Authorizes the Office of Government Ethics through FY 2006.

Agency Recommendations

Office of Management and Budget	Approval
Office of Government Ethics (OGE)	Approval
Department of Justice	No comment (Informally)

Discussion

P.L. 95-521 originally created OGE as an office within the Office of Personnel Management to provide guidance to Executive Branch employees in preventing and resolving conflicts of interest. In 1988, OGE was established as a separate Executive Branch agency. OGE issues regulations and provides interpretive guidance, training, and administrative support on conflict of interest rules, post-employment restrictions, standards of conduct, public and confidential financial disclosures, and other related areas. The most recent appropriations authorization for OGE expired in 1999, but the agency has continued to receive appropriations.

S. 1202 would authorize appropriations for OGE of such sums as may be necessary through FY 2006. The enacted FY 2002 appropriation for OGE is $10 million.

Conclusion and Recommendations

We join OGE in recommending approval of S. 1202, which passed the Senate by unanimous consent and the House by voice vote.

M E Daniels, Jr

Mitchell E. Daniels, Jr.
Director

Enclosures

THE PRESIDENT HAS SEEN
1-15-02

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

'02 JAN 4 PM 3:25

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Attached to
Following Page

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WHITE HOUSE STAFFING MEMORANDUM

Date: 1-402 ACTION / CONCURRENCE / COMMENT DUE BY: 1-7-02 11:00 AM

Subject: ENROLLED BILL S. 1202 - REAUTHORIZATION OF THE OFFICE OF GOVERNMENT ETHICS

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VICE PRESIDENT concur	☑	☐	HUBBARD concur	☑	☐
CARD ok	☑	☐	HUGHES	☑	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN ✓	☑	☐	JOHNSON	☐	☐
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THE DIRECTOR

January 4, 2002

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SUBJECT: Enrolled Bill S. 1202 - Reauthorization of the Office of Government Ethics
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This marker identifies the original location of the withdrawn item listed above. For a complete list of items withdrawn from this folder, see the Withdrawal/Redaction Sheet at the front of the folder.

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FRC ID:
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OA Num.:
733

NARA Num.:
1459

FOIA IDs and Segments:

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This Document was withdrawn on 8/14/2015 by AW

Calendar No. 207

107th Congress *1st Session*	SENATE	REPORT 107–88

OFFICE OF GOVERNMENT ETHICS AUTHORIZATION ACT OF 2001

REPORT

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

TO ACCOMPANY

S. 1202

TO AMEND THE ETHICS IN GOVERNMENT ACT OF 1978 (5 U.S.C. APP.) TO EXTEND THE AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF GOVERNMENT ETHICS THROUGH FISCAL YEAR 2006

OCTOBER 30, 2001.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
99–010 WASHINGTON : 2001

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COMMITTEE ON GOVERNMENTAL AFFAIRS

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DANIEL K. AKAKA, Hawaii	TED STEVENS, Alaska
RICHARD J. DURBIN, Illinois	SUSAN M. COLLINS, Maine
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DAN G. BLAIR, *Minority Senior Counsel*
DARLA D. CASSELL, *Chief Clerk*

Calendar No. 207

107TH CONGRESS 1st Session | SENATE | REPORT 107–88

OFFICE OF GOVERNMENT ETHICS AUTHORIZATION ACT OF 2001

OCTOBER 30, 2001.—Ordered to be printed

Mr. LIEBERMAN, from the Committee on Governmental Affairs, submitted the following

REPORT

[To accompany S. 1202]

The Committee on Governmental Affairs, to whom was referred the bill (S. 1202) to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006, having considered the same, reports favorably thereon and recommends that the bill do pass.

CONTENTS

I. PURPOSE AND SUMMARY

The purpose of S. 1202 is to continue programs that foster high ethical standards for employees in the Executive Branch by extending the authorization of appropriations for the Office of Government Ethics (OGE) through the end of the 2006 fiscal year.

II. BACKGROUND AND NEED FOR LEGISLATION

OGE was established by Title IV of the Ethics in Government Act of 1978 (Ethics Act), 5 U.S.C. App., to provide "overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency."

OGE's role has subsequently expanded by statute and executive order. In addition to its programs relating to prevention of conflict of interest, OGE now provides interpretive guidance, training, and administrative support on a number of other requirements related to employee conduct, such as potential misuse of one's official position and the rules governing gifts between employees. More recently, in light of the corrosive effect of corruption upon certain foreign governments and economies, U.S. foreign-policy agencies have called upon OGE to provide technical assistance to foreign governments regarding methods for preventing conflict of interest and other ethics violations as part of broader anti-corruption efforts.

A. CREATION AND PAST AUTHORIZATIONS OF THE OFFICE OF GOVERNMENT ETHICS

In response to a 1976 General Accounting Office report to Congress identifying a number of problems with the federal government's ethics system, President Carter submitted draft legislation in 1977 proposing the creation of OGE. The following year, on October 26, 1978, the Ethics Act was signed into law as Public Law 95–521. (For a more detailed history of the creation and past authorizations of OGE, see Senate Report No. 106–216, issued by this Committee on November 5, 1999, regarding S. 1503, 106th Cong.)

OGE was originally established within the Office of Personnel Management (OPM) and was authorized for five years, through September 30, 1983. In 1983, OGE was reauthorized for another five years pursuant to Public Law 98–150. This law extended OGE's authorization through September 20, 1988, gave OGE additional powers and responsibilities, and granted it greater independence from the rest of OPM. OGE was again reauthorized in 1988, this time for six years, through September 30, 1994, by Public Law 100–598. The 1988 law made a number of additional enhancements in OGE's authority and established OGE as an independent agency, separate from OPM.

During the period of 1988 to 1994, the executive branch ethics program and OGE's responsibilities increased as a result adoption of the Ethics Reform Act of 1989 (Public Law 101–194), which included extensive ethics reform provisions, and two Executive Orders. Executive Order 12674 (April 12, 1989) required the promulgation of comprehensive Standards of Ethical Conduct for Executive Branch Employees and Executive Order 12834 (January 20, 1993) created new post-employment rules for political appointees.

After a two-year lapse of authorization, in 1996 OGE was reauthorized by Public Law 104–179 for three years, through September 20, 1999. In the 106th Congress, the Committee reported out S. 1503 on November 3, 1999, to reauthorize OGE for four years, and the Senate passed S. 1503 on November 19, 1999. The House of Representatives also passed a four-year reauthorization bill, H.R. 2904, on November 8, 1999. Neither bill was enacted, however, so the authorization of appropriations remains lapsed. During this period, funding for OGE's activities has continued to be provided by appropriations legislation enacted for FY 2000, Public Law 106–58, and for FY 2001, Public Law 106–554, and would be provided for FY 2002 by the conference report on H.R. 2590, H. Rept. No. 107–253, which was filed October 26, 2001.

B. DEVELOPMENTS SINCE OGE'S LAST REAUTHORIZATION

The statutes and the basic elements of the ethics program administered by OGE have not changed dramatically since the Office was last reauthorized in 1996, and OGE has focused on improving how it provides its ethics services and on evaluating the impact of the program.[1]

In the last four years, OGE has expanded its desk officer program, which assigns OGE staff to specific agencies to provide more direct and consistent services to those agencies. OGE has enhanced the employee training materials it produces for use by agencies and has designed new courses for educating agency ethics officials, including those located outside of the Washington, D.C., area. It has recently redesigned its web site (*www.usoge.gov*) to make ethics information more easily accessible to ethics officials as well as to the public. And it developed a CD-ROM containing all of the basic resource and reference materials important to carrying out its program. It also developed the software used in the completion of the confidential financial disclosure forms filed by more than 250,000 employees in the Executive Branch.

In time for the transition of administrations following the 2000 election, OGE completed the development of software necessary to complete, save the data on, and print the public financial disclosure form, the SF 278. This form must be filed by all senior officials in the Executive Branch, including those individuals who are nominated by the President for Senate-confirmed positions. OGE is required to review and certify the financial disclosure forms of those nominees. From January 1996 through September 2001, OGE has reviewed more than 1,600 of these nominee forms, including approximately 460 during the period from January 2001 through September 2001. OGE also reviews certain of the financial disclosure forms that senior employees file annually and upon termination, and, from January 1996 through September 2001, OGE reviewed approximately 5,600 of these annual and termination reports. Furthermore, OGE has continued to provide interpretive guidance on the criminal conflict of interest statutes and to review and update its regulations for the Standards of Ethical Conduct.

In 2000, OGE, working with an international consulting firm, conducted its first survey of Executive Branch employees in order to begin developing a way to measure the effectiveness of the ethics program and assess employee perceptions of the ethical culture of the agencies for which they worked. Key survey findings and recommendations included: (1) employees are generally aware of the ethics program and are familiar with and use the ethics resources in their agencies; however, improved communication to employees may help reduce the number whose needs have not been met; (2) the frequency of ethics training is related to the perception of a positive ethical culture; therefore, providing additional ethics training may lead to improved employee perception of the ethical culture and increased employee awareness of an agency's ethics program; and (3) supervisory and executive leadership attention to ethics are important factors in creating and maintaining a positive ethics culture; therefore, efforts to get supervisors and agency lead-

[1] This description of developments since OGE's last reauthorization is based largely on briefings and documents provided by OGE to the Committee.

ership to play a more active and visible role in the promotion of an agency's ethics programs may be critical to program success. The survey results also provide a benchmark against which future program changes may be measured.

Finally, in response to a requirement proposed by this Committee in the Presidential Transition Act of 2000, Public Law 106–293, OGE conducted a study and issued a "Report on Improvements to the Financial Disclosure Process for Presidential Nominees." That report led OGE to propose amending the public financial disclosure requirements for Executive Branch officials under the Ethics in Government Act. OGE Director Amy Comstock testified before the Committee on April 5, 2001 in support of these proposals. OGE's research also identified potential overlap and redundant questions on the various disclosure forms that must be completed by Presidential nominees to Senate-confirmed positions, and OGE shared these findings with the Senate committees that consider nominations. OGE has also committed to undertaking a study of the criminal conflict of interest laws.

Recently, as attention has focused on the important effects of corruption on certain governments and economies outside of the United States, OGE has been called upon by U.S. foreign policy agencies to provide technical assistance to other governments regarding the elements of a preventative program as one part of any government's overall anti-corruption efforts.

C. OGE'S BUDGET AND STAFFING

Since OGE's last reauthorization in 1996, its budget and staffing levels have been as follows:

Fiscal year	Funding	Authorized staff levels
1997	$8,078,000	87
1998	8,265,000	84
1999	8,492,000	84
2000	9,114,000	84
2001	9,663,000	82
2002	[2] 10,117,000	82

[2] This funding level for FY 2002 would be provided by the conference report on H.R. 2590, H. Rept. No. 107–253, filed October 26, 2001.

D. DURATION OF THE REAUTHORIZATION

S. 1202 would reauthorize OGE's appropriations through the end of the 2006 fiscal year. This time span accommodates OGE's preference that a reauthorization process not occur during the first or fourth year of Presidential term, when the agency's resources are significantly devoted to matters arising from election and transition activities.

III. LEGISLATIVE HISTORY

S. 1202 was introduced by Senator Lieberman, for himself and Senator Thompson, on July 19, 2001, and referred to the Committee on Governmental Affairs. Senior staff of OGE made a comprehensive presentation to Committee staff with regard to OGE's recently completed and ongoing programs, its future program plans, and its role in the current transition process. No hearings were held on the legislation.

S. 1202 was considered by the Committee at its business meeting on August 2, 2001, and was ordered reported favorably, without amendment, by voice vote. Committee members present were: Senators Levin, Akaka, Torricelli, Carper, Dayton, Thompson, Collins, Cochran, and Lieberman.

IV. REGULATORY IMPACT STATEMENT

Paragraph 11(b)(1) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill evaluate the "regulatory impact which would be incurred in carrying out this bill." Carrying out S. 1202 would have no regulatory impact.

V. CONGRESSIONAL BUDGET COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 9, 2001.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1202, the Office of Government Ethics Authorization Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 1202—Office of Government Ethics Authorization Act of 2001

Summary: S. 1202 would reauthorize the Office of Government Ethics (OGE) for fiscal years 2002 through 2006. Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 1202 would cost $56 million over the 2002–2006 period. This estimate assumes adjustments for anticipated inflation. Without such adjustments, we estimate that implementation would cost $49 million over the 2002–2006 period.

Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. S. 1202 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1202 is shown in the following table. For this estimate, CBO assumes that the necessary amounts will be appropriated by the start of each fiscal year and that outlays will follow the historical spending pattern of the OGE. Estimated authorization levels for 2002 through 2006 are based on the 2001 appropriation for the OGE, and $10 million. The costs of this legislation fall within budget function 800 (general government).

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
OGE Spending Under Current Law						
Budget Authority[1]	10	0	0	0	0	0
Estimated Outlays	10	1	0	0	0	0
Proposed Changes						
Estimated Authorization Level	0	11	11	11	12	12
Estimated Outlays	0	10	11	11	12	12
OGE Spending Under S. 1202						
Estimated Authorization Level[1]	10	11	11	11	12	12
Estimated Outlays	10	11	11	11	12	12

[1] The 2001 level is the amount appropriated for that year.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 1202 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Mark Grabowicz. Impact on State, Local, and Tribal Governments: Susan Sieg Tompkins. Impact on the Private Sector: Patrice Gordon.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

VI. Changes to Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 1202 as reported are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

* * * * * * *

APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

* * * * * * *

TITLE IV. OFFICE OF GOVERNMENT ETHICS

* * * * * * *

§ 405. Authorization of appropriations

There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years [1997 through 1999] *2002 through 2006*.

○

S. 1202

One Hundred Seventh Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Wednesday, the third day of January, two thousand and one

An Act

To amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office of Government Ethics Authorization Act of 2001".

SEC. 2. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "1997 through 1999" and inserting "2002 through 2006".

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 4, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1202 - Reauthorization of the Office of Government Ethics
Sponsors - Sen. Lieberman (D) CT and Sen. Thompson (R) TN

Last Day for Action

January, 15, 2002 - Tuesday

Purpose

Authorizes the Office of Government Ethics through FY 2006.

Agency Recommendations

Office of Management and Budget	Approval
Office of Government Ethics (OGE)	Approval
Department of Justice	No comment (Informally)

Discussion

P.L. 95-521 originally created OGE as an office within the Office of Personnel Management to provide guidance to Executive Branch employees in preventing and resolving conflicts of interest. In 1988, OGE was established as a separate Executive Branch agency. OGE issues regulations and provides interpretive guidance, training, and administrative support on conflict of interest rules, post-employment restrictions, standards of conduct, public and confidential financial disclosures, and other related areas. The most recent appropriations authorization for OGE expired in 1999, but the agency has continued to receive appropriations.

S. 1202 would authorize appropriations for OGE of such sums as may be necessary through FY 2006. The enacted FY 2002 appropriation for OGE is $10 million.

Conclusion and Recommendations

We join OGE in recommending approval of S. 1202, which passed the Senate by unanimous consent and the House by voice vote.

M E Daniels, Jr

Mitchell E. Daniels, Jr.
Director

Enclosures

SS/ RM NO. 505294

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-402 ACTION / CONCURRENCE / COMMENT DUE BY: 1-7-02 11:00 AM

Subject: ENROLLED BILL S. 1202 - REAUTHORIZATION OF THE OFFICE OF GOVERNMENT ETHICS

'02 JAN 5 PM1:24

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☑	☐	HUBBARD	☑	☐
CARD	☑	☐	HUGHES	☑	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☑	☐	JOHNSON	☐	☐
CALIO	☑	☐	LINDSEY	☑	☐
CONNAUGHTON	☑	☐	MIERS	☐	☑
DANIELS	☐	☑	RICE	☐	☐
FLEISCHER	☑	☐	RIDGE	☐	☐
GERSON	☐	☐	ROVE	☑	☐
GONZALES	☑	☐	SPELLINGS	☑	☐
HAGIN	☐	☐	CLERK	☐	☑
HAWKINS	☑	☐	______	☐	☐

REMARKS:

Please forward comments directly to Staff Secretary, x62702, no later than Monday, January 7, 2002. Thanks.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

'02 JAN 4 PM3:55

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 4, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1202 - Reauthorization of the Office of Government Ethics
Sponsors - Sen. Lieberman (D) CT and Sen. Thompson (R) TN

Last Day for Action

January, 15, 2002 - Tuesday

Purpose

Authorizes the Office of Government Ethics through FY 2006.

Agency Recommendations

Office of Management and Budget	Approval
Office of Government Ethics (OGE)	Approval
Department of Justice	No comment (Informally)

Discussion

P.L. 95-521 originally created OGE as an office within the Office of Personnel Management to provide guidance to Executive Branch employees in preventing and resolving conflicts of interest. In 1988, OGE was established as a separate Executive Branch agency. OGE issues regulations and provides interpretive guidance, training, and administrative support on conflict of interest rules, post-employment restrictions, standards of conduct, public and confidential financial disclosures, and other related areas. The most recent appropriations authorization for OGE expired in 1999, but the agency has continued to receive appropriations.

S. 1202 would authorize appropriations for OGE of such sums as may be necessary through FY 2006. The enacted FY 2002 appropriation for OGE is $10 million.

Conclusion and Recommendations

We join OGE in recommending approval of S. 1202, which passed the Senate by unanimous consent and the House by voice vote.

M E Daniels, Jr

Mitchell E. Daniels, Jr.
Director

Enclosures

SS/ RM NO. 505294

WHITE HOUSE STAFFING MEMORANDUM

'02 JAN 7 AM5:57

Date: 1-402 ACTION / CONCERNENCE / COMMENT DUE BY: 1-7-02 11:00 AM

Subject: ENROLLED BILL S. 1202 - REAUTHORIZATION OF THE OFFICE OF GOVERNMENT ETHICS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☑	☐	HUBBARD	☑	☐
CARD	☑	☐	HUGHES	☑	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☑	☐	JOHNSON	☐	☐
CALIO	☑	☐	LINDSEY	☑	☐
CONNAUGHTON	☑	☐	MIERS	☐	☑
DANIELS	☐	☑	RICE	☐	☐
FLEISCHER	☑	☐	RIDGE	☐	☐
GERSON	☐	☐	ROVE	☑	☐
GONZALES	☑	☐	SPELLINGS	☑	☐
HAGIN	☐	☐	CLERK	☐	☑
HAWKINS	☑	☐	______	☐	☐

REMARKS:
Please forward comments directly to Staff Secretary, x62702, no later than Monday, January 7, 2002. Thanks.

RESPONSE:

[illegible]

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

'02 JAN 4 PM3:56

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 4, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1202 - Reauthorization of the Office of Government Ethics
Sponsors - Sen. Lieberman (D) CT and Sen. Thompson (R) TN

Last Day for Action

January, 15, 2002 - Tuesday

Purpose

Authorizes the Office of Government Ethics through FY 2006.

Agency Recommendations

Office of Management and Budget	Approval
Office of Government Ethics (OGE)	Approval
Department of Justice	No comment (Informally)

Discussion

P.L. 95-521 originally created OGE as an office within the Office of Personnel Management to provide guidance to Executive Branch employees in preventing and resolving conflicts of interest. In 1988, OGE was established as a separate Executive Branch agency. OGE issues regulations and provides interpretive guidance, training, and administrative support on conflict of interest rules, post-employment restrictions, standards of conduct, public and confidential financial disclosures, and other related areas. The most recent appropriations authorization for OGE expired in 1999, but the agency has continued to receive appropriations.

S. 1202 would authorize appropriations for OGE of such sums as may be necessary through FY 2006. The enacted FY 2002 appropriation for OGE is $10 million.

Conclusion and Recommendations

We join OGE in recommending approval of S. 1202, which passed the Senate by unanimous consent and the House by voice vote.

M E Daniels, Jr

Mitchell E. Daniels, Jr.
Director

Enclosures

SS/ RM NO. 505294

WHITE HOUSE STAFFING MEMORANDUM

Moose

02 JAN 7 AM10:25

Date: 1-4-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-7-02 11:00 AM

Subject: ENROLLED BILL S. 1202 - REAUTHORIZATION OF THE OFFICE OF GOVERNMENT ETHICS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☑	☐	HUBBARD	☑	☐
CARD	☑	☐	HUGHES	☑	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☑	☐	JOHNSON	☐	☐
CALIO	☑	☐	LINDSEY	☑	☐
CONNAUGHTON	☑	☐	MIERS	☐	☑
DANIELS	☐	☑	RICE	☐	☐
FLEISCHER	☑	☐	RIDGE	☐	☐
GERSON	☐	☐	ROVE	☑	☐
GONZALES	☑	☐	SPELLINGS	☑	☐
HAGIN	☐	☐	CLERK	☐	☑
HAWKINS	☑	☐	______	☐	☐

REMARKS:
Please forward comments directly to Staff Secretary, x62702, no later than Monday, January 7, 2002. Thanks.

RESPONSE:
OKAY / No comment
MW Cobb

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

OFFICE OF THE VICE PRESIDENT
WASHINGTON

'02 JAN 7 AM10:45

January 7, 2002

MEMORANDUM FOR HARRIET MIERS
STAFF SECRETARY

FROM: **JONATHAN BURKS** JB
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

SUBJECT: **Enrolled Bill S. 1202 – Reauthorization of the Office of Government Ethics**

The Office of the Vice President has reviewed the above-referenced memo and concurs in the recommendation to sign the enrolled bill.

SS/ RM NO. 505294

WHITE HOUSE STAFFING MEMORANDUM

'02 JAN 7 AM11:54

Date: 1-402 ACTION / CONCURRENCE / COMMENT DUE BY: 1-7-02 11:00 AM

Subject: ENROLLED BILL S. 1202 - REAUTHORIZATION OF THE OFFICE OF GOVERNMENT ETHICS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☑	☐	HUBBARD	☑	☐
CARD	☑	☐	HUGHES	☑	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☑	☐	JOHNSON	☐	☐
CALIO	☑	☐	LINDSEY	☑	☐
CONNAUGHTON	☑	☐	MIERS	☐	☑
DANIELS	☐	☑	RICE	☐	☐
FLEISCHER	☑	☐	RIDGE	☐	☐
GERSON	☐	☐	ROVE	☑	☐
GONZALES	☑	☐	SPELLINGS	☑	☐
HAGIN	☐	☐	CLERK	☐	☑
HAWKINS	☑	☐	____________	☐	☐

REMARKS:
Please forward comments directly to Staff Secretary, x62702, no later than Monday, January 7, 2002. Thanks.

CEA concurs

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

SS/ RM NO. ____________

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-7-02 3:00 PM

Subject: ENROLLED BILL H.R. 1 - NO CHILD LEFT BEHIND ACT OF 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☑	☐	HUBBARD	☑	☐
CARD	☑	☐	HUGHES	☑	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☑	☐	JOHNSON	☑	☐
CALIO	☑	☐	LINDSEY	☑	☐
CONNAUGHTON	☑	☐	MIERS	☐	☑
DANIELS	☐	☑	RICE	☐	☑
FLEISCHER	☑	☐	RIDGE	☐	☑
GERSON	☐	☐	ROVE	☑	☐
GONZALES	☑	☐	SPELLINGS	☑	☐
HAGIN	☐	☐	CLERK	☐	☑
HAWKINS	☑	☐	____________	☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO THE STAFF SECRETARY, EXTENSION 62702, BY 3:00 PM , AND SEND A COPY TO JIM JUKES, OMB. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1 - No Child Left Behind Act of 2001
Sponsors - Rep. Boehner (R) Ohio and 84 cosponsors

Last Day for Action

January 16, 2002 - Wednesday

Purpose

Reauthorizes for six years the Elementary and Secondary Education Act of 1965 (ESEA), and amends the ESEA and other Federal programs by: (1) requiring States, by the 2005-2006 school year, to administer annual reading and math tests for students in grades three through eight; (2) requiring States to take corrective action against and, if necessary, reorganize, schools that fail to demonstrate proficiency of all students; (3) expanding school choice options, including permitting parents to move children in low-performing schools to better public schools; (4) giving States and localities more flexibility to direct Federal resources to unique and pressing educational needs; (5) establishing programs to ensure that children can read by the end of third grade; (6) authorizing funding for teacher quality improvement programs; and (7) consolidating limited English proficiency programs.

Agency Recommendations

Office of Management and Budget	Approval
Department of Education (ED)	Approval
Department of Labor	Approval (Informally)
National Institute for Literacy	Approval (Informally)
Department of Justice	No objection
Department of the Treasury	No objection (Informally)
National Commission on Libraries and Information Science	No objection (Informally)
Department of the Interior	Defers to ED
Department of Defense	Defers to ED (Informally)
Department of Health and Human Services	Defers to ED (Informally)
Department of Housing and Urban Development	Defers to ED (Informally)

National Science Foundation	Defers to ED (Informally)
Department of Commerce	No comment (Informally)
Department of State	No comment (Informally)
Department of Transportation	No comment (Informally)
Council on Environmental Quality	No comment (Informally)
Environmental Protection Agency	No comment (Informally)
National Endowment for the Arts	No comment (Informally)
Office of Government Ethics	No comment (Informally)
Office of National Drug Control Policy	No comment (Informally)
Office of Personnel Management	No comment (Informally)
Office of Science and Technology Policy	No comment (Informally)

Discussion

H.R. 1 would reauthorize and amend the Elementary and Secondary Education Act of 1965 (ESEA) and other education programs for six years, through FY 2007. The enrolled bill is the product of intensive negotiations, and it conforms substantially with the priorities articulated in the "No Child Left Behind" blueprint that you transmitted to Congress last January. However, there are some differences, such as the enrolled bill's provisions limiting school choice options to public schools and authorizing appropriations that exceed your FY 2002 Budget. Major provisions of H.R. 1 are described below. Other significant provisions are described in an Attachment.

Appropriation Authorizations. H.R. 1 would authorize appropriations totaling $26.5 billion for ESEA programs in FY 2002. Your FY 2002 Budget requested $19.1 billion for ESEA programs. The Departments of Labor, Health and Human Services (HHS), Education, and Related Agencies FY 2002 Appropriations Act contains $22.1 billion for these programs. For FYs 2003-2007, the enrolled bill generally authorizes "such sums" as may be necessary, except that specific amounts are authorized for certain Title I grants.

Approximately half of ESEA funding supports programs in Title I of the Act, which authorizes grants to States and school districts to benefit disadvantaged children and help improve instruction in high-poverty schools. The ESEA also authorizes programs for professional development of educators, educational technology, reading and literacy services, bilingual education, drug and violence prevention, education of Indian children, rural and migratory education, neglected or delinquent children, and impact aid (compensation to school districts for costs associated with educating children from families living or working on Federal property, such as military bases and Indian lands).

Title I Grants. H.R. 1 would authorize appropriations of $13.5 billion in FY 2002 and a total of $102.8 billion for FYs 2003-2007 for ESEA Title I basic programs operated by local school districts. It also would authorize appropriations of $500 million in FY 2003 and "such sums" in each of FYs 2003-2007 for formula grants to States for a new Assistance for Local

School Improvement grant program. States would make subgrants to help local school districts comply with the school improvement activities required by the enrolled bill to assist low-performing schools. The Labor, HHS, Education FY 2002 Appropriations Act contains $10.35 billion for Title I basic programs and $235 million for the new school improvement grants.

Student Testing. The ESEA currently requires reading and math assessments once within each of three grade spans (3-5, 6-9, and 10-12). H.R. 1 would maintain this requirement through the 2004-2005 school year, after which time States would be required to implement annual reading and math tests for students in grades 3 through 8. The enrolled bill also would require science assessments in the three grade spans beginning in the 2007-2008 school year. H.R. 1 would authorize appropriations of $490 million in FY 2002 and "such sums" for each of FYs 2003-2007 to help States design these assessment tests. States could delay implementation of the new tests if Congress does not annually appropriate amounts specified in H.R. 1. (The FY 2002 appropriation exceeds the specified level.)

The enrolled bill would further require all States, as a condition of receiving Title I funds, to participate in the National Assessment of Educational Progress (NAEP), an independent test in reading and math that is currently administered biennially to a small sample of 4th and 8th graders in forty States that currently participate on a voluntary basis. This test would be used as a benchmark to measure State programs and standards. Federally sponsored national testing, Federally controlled curricula, and mandatory national teacher certification would be specifically prohibited by the enrolled bill.

School Improvement and Corrective Action for Low-Performing Schools. The enrolled bill would establish a system of rewards and sanctions to hold schools and local school districts accountable for increasing student achievement. States and schools would be required to make "adequate yearly progress" (AYP) towards achieving the goal of all students being proficient in reading and math within 12 years after the 2001-2002 school year. AYP must be made by the State, school district, school, and by disaggregated groups, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. States would set AYP goals, intermediate goals for achieving 100 percent proficiency, and the standard for 100 percent proficiency. The intermediate goals must be increased in equal increments at least once every three years. The enrolled bill would require that specific amounts of administrative funds be withheld from States that fail to meet requisite deadlines for implementing standards and a system for measuring AYP.

Schools exceeding AYP goals for two consecutive years could receive additional funds from the State (including funds for individual teacher awards). However, if the school fails to meet these goals, parents would receive new options for their children's education. Specifically, if a school fails to make AYP for two consecutive years, a district would be required to offer students in the school the opportunity to transfer to another public school within the same district (unless public school choice is prohibited by State law). School districts would be required to pay the cost of transporting students to other public schools and to provide technical assistance to help failing schools improve. Failure by schools to make AYP for three consecutive years would require districts to provide low-achieving disadvantaged students within the school supplemental instructional services (e.g., tutoring, after-school classes, and summer classes) from a provider chosen by the parents, including services provided by private or faith-based organizations. If a school fails to make AYP for four consecutive years, the district would be required to take corrective action to improve the school, including replacing staff or implementing new curricula. Finally, if a school fails to make AYP for five consecutive years, the local district would be required to restructure the school, including through a State takeover or converting the school to a charter school.

While a school is undergoing corrective action or being restructured, districts must continue to offer public school choice and provide supplemental services. Once a school makes AYP for two consecutive years, it would no longer be required to take remedial actions.

Other Parental Options. H.R. 1 would authorize competitive grant awards of up to five years for States, local school districts, or public or private sector partnerships to establish or expand programs that provide students and parents with greater voluntary public school choice. To enable parents to make informed choices, the enrolled bill would require that parents receive data, through annual report cards, about the quality of their children's schools, teacher qualifications, and their children's progress in key subjects.

The bill would permit transfer of students from low-performing schools to charter schools. Charter schools can be publicly or privately run enterprises operating within public school systems, which are generally exempt from regulatory requirements to help them develop innovative approaches to education. H.R. 1 also would authorize appropriations of $300 million in FY 2002 and "such sums" in each of FYs 2003-2007 for charter schools. In FY 2002, the first $200 million would be authorized for grants to charter schools and the remainder would be for a new program of competitive 5-year grants to States to assist charter schools with facility costs. The FY 2002 Labor, HHS, Education Appropriations Act provides $200 million for charter schools and no funds for the facilities program. In addition, a student who is the victim of a crime, or who attends a public school designated by the State as unsafe, would be permitted to transfer to a safe public school or charter school.

Flexibility for States and Local School Districts. H.R. 1 would provide greater flexibility to States and local school districts in deciding how to use Federal funds to address their unique needs and priorities. States would be authorized, after notifying the Secretary, to transfer up to 50 percent of "State activity funds" (Federal funds reserved for use at the State level for purposes other than administration) they receive under certain programs (e.g., teacher training, technology education, etc.) among those programs, as well as into the State's Title I allotment. The requirements of the program to which the funds are transferred would apply to those funds. Local school districts would be afforded similar flexibility to decide how to distribute certain program funds without State approval. Districts could distribute up to 50 percent (30 percent for districts identified for improvement, with some limitations) of the Federal funds allocated for local use under certain programs (e.g., teacher training, technology education, etc.) among those programs, as well as into the district's allocation under Title I.

H.R. 1 would provide additional flexibility by authorizing new State and local demonstration projects. Up to seven States could participate in a demonstration program that would give them the flexibility to combine State activity and administrative funds from certain Title I programs and other programs, including teacher training and technology education, and use the funds for any educational purpose authorized under the ESEA. As part of the demonstration program, States would be required to enter into 4-10 performance agreements with local school districts (at least half of which must be high-poverty districts) to align the local district's use of funds with the State's use of the funds it combined under the demonstration program. In addition, up to 80 local school districts in other States could participate in a demonstration programs directly with the Secretary where the districts could consolidate and use formula grant funds made available to the district under certain programs, for any educational purpose authorized under the ESEA. Certain Federal requirements would be waived for States and districts participating in the demonstration programs in exchange for their agreement to improve student achievement and meet AYP.

Reading First Literacy Initiatives. H.R. 1 adopts your Reading First and Early Reading First initiatives. The enrolled bill would authorize appropriations of $900 million in FY 2002 (the same funding level included in the FY 2002 Labor, HHS, Education Appropriations Act) and "such sums" for each of FYs 2003-2007 for the Reading First program. The FY 2002 program level is three times the amount appropriated for FY 2001. Under this program, grants are provided to States and local school districts to implement scientifically-based reading programs from kindergarten through second grade, with the goal of ensuring that every student reads by the third grade.

H.R. 1 also would authorize appropriations of $75 million in FY 2002 (the same funding level included in the FY 2002 Labor, HHS, Education Appropriations Act) and "such sums" in each of FYs 2003-2007 for the new Early Reading First initiative. This program is designed to provide the early identification and early reading interventions necessary to prevent reading failure and otherwise enhance reading readiness for children in high poverty areas. Support to States for this program would be directed to preschool programs, including Head Start centers.

Improving Teacher Quality. The enrolled bill would authorize appropriations totaling $3.18 billion in FY 2002 and "such sums" in each of FYs 2003-2007, $1 billion over the level in the FY 2002 Labor, HHS, Education Appropriations Act, for grants to States for professional development, recruitment, and retention activities to improve teacher quality. Each school receiving Title I funds would be required to ensure that all teachers hired and teaching in a program supported with those funds are "highly qualified" (e.g., State-certified, holding at least a bachelor's degree, and, for new teachers, passing a rigorous State test on subject knowledge and teaching skills). States must submit plans to ensure that all public school teachers of core academic subjects are "highly qualified" by the end of the 2005-2006 school year.

The enrolled bill would consolidate the Eisenhower Professional Development program (grants to States, local school districts, and institutions of higher education to improve teacher performance) and the Class-Size Reduction program (grants to States to reduce class sizes in the primary grades) into a single new Teacher Quality program. The new program would give local school districts flexibility to decide how to allocate resources to put more highly qualified teachers in every classroom. These resources could be used for professional development, recruitment, and hiring of teachers.

The bill also would authorize grants to partnerships among States, local institutions, and institutions of higher education to improve math and science teacher education, with the goal of improving student performance in those subjects. Grants could be used for activities such as summer workshops for teachers or teacher recruitment programs. H.R. 1 would authorize appropriations of $450 million in FY 2002 and "such sums" in each of FYs 2003-2007 to ED for this program. The FY 2002 Budget proposed to house this program in the National Science Foundation (NSF) and fund it at $200 million. For FY 2002, Congress has appropriated $12.5 million to ED for the program and $160 million to NSF for similar activities.

The bill would update and authorize appropriations totaling $150 million in FY 2002 and "such sums" for each of FYs 2003-2007 for the: (1) Troops-to-Teachers program, which helps armed forces personnel obtain certification or licensure as teachers or vocational technical leaders; and (2) Transition to Teaching recruiting program, which helps high-need local school districts recruit and train highly qualified individuals to make a transition to teaching.

H.R. 1 also would provide teachers with new tools to improve classroom management and foster better quality education. It would provide civil immunity to teachers and other school personnel, as well as school board members, for certain actions taken to maintain discipline in the classroom or school. Through amendments to the Safe and Drug-Free Schools Act, the bill would authorize schools to develop new policies that allow teachers to maintain control of the classroom. For example, school districts would be required to have plans for effective disciplinary policies, security procedures, prevention activities, student codes of conduct, and crisis management for responding to violent or traumatic incidents on school grounds.

Teaching Students with Limited English Proficiency. H.R. 1 would authorize appropriations of $750 million in FY 2002 and "such sums" for each of FYs 2003-2007 for education to benefit children with limited English proficiency (LEP). The FY 2002 Labor, HHS, Education Appropriations Act includes $665 million for this function. The enrolled bill would consolidate several current bilingual education and immigrant education programs into a streamlined single formula grant program that would focus on helping LEP students learn English. It would eliminate the current requirement that 75 percent of bilingual education funding support programs that instruct children by using the student's native language. The bill would require that LEP children be tested for reading and language arts in English after they have attended school in the United States for three consecutive years. All teachers in language instruction classes for LEP students would be required to be fluent in English. States would be required to monitor the progress of LEP students in attaining English proficiency and be held accountable for meeting those objectives. The bill would require parents to be notified that their child is in need of English language instruction and of the befits of LEP instruction. Parental choice would be fostered by allowing parents to: (1) opt out of English instruction programs for their children; and (2) choose their child's instructional program if more than one is offered.

Conclusion and Recommendations

The Department of Education strongly recommends approval of H.R. 1 and notes that the enrolled bill incorporates many of the specific proposals from the "No Child Left Behind" comprehensive reform plan, including annual student testing, holding schools accountable for student achievement, empowering parents with options for choice, new reading programs, and greater flexibility for States and localities in using Federal education funds. ED states that this legislation "is of tremendous importance for America's children" and "a major accomplishment for the President."

We join ED and other interested agencies in recommending approval of H.R. 1, which passed the House by a vote of 381-41 and the Senate by 87-10.

M. E. Daniels, J

Mitchell E. Daniels, Jr.
Director

Enclosures

Attachment

Other Provisions of H.R. 1

Technology Education. H.R. 1 would authorize appropriations of $1 billion in FY 2002 and "such sums" for each of FYs 2003-2007 for consolidation of two educational technology programs into a single State formula grant program to support the integration of educational technology into classrooms to improve teaching and learning. It would require additional targeting of resources to school districts with poor children and those with schools identified as needing improvement. The FY 2002 Labor, HHS, Education Appropriations Act contains $785 million for the current technology education programs.

21st Century Learning Centers. The enrolled bill would authorize appropriations of $1.25 billion in FY 2002 and a total of $10 billion for FYs 2003-2007 for grants to school districts or nonprofit organizations, including faith-based organizations, to provide after-school learning programs. For FY 2002, the Labor, HHS, Education Appropriations Act contains $1 billion for this program.

Safe and Drug-Free Schools. H.R. 1 would authorize appropriations of $650 million in FY 2002 and "such sums" for each of FYs 2003-2007 for grants to States for drug and violence prevention programs in schools.

Rural Education. H.R. 1 would authorize appropriations of $300 million in FY 2002 and "such sums" in each of FYs 2003-2007 for new initiatives that address the unique needs of schools in rural areas. Eligible districts (generally areas of low population, low student attendance, or in non-urban locations) would be able to combine funds under various programs, and would be afforded special flexibility in using ESEA funds to support school improvement efforts. While each district would generally be held accountable to the performance requirements in the enrolled bill, rural schools would be eligible to receive additional assistance in helping to improve failing schools because actions required by the bill, such as restructuring or alternative placement of students, might not be feasible.

Education of Indian Children. H.R. 1 would authorize appropriations totaling $120.4 million in FY 2002 and "such sums" in each of FYs 2003-2006 for grants and other assistance to meet the educational needs of Indian children and and to train teachers in schools with substantial numbers of Indian children. The FY 2002 Labor, HHS, Education Appropriations Act includes $120.4 million for these programs. The enrolled bill also would authorize appropriations of "such sums" in each of FYs 2002-2007 for Native Hawaiian and Alaska Native education programs.

Education of Homeless Children. The enrolled bill would amend the McKinney-Vento Homeless Assistance Act to authorize appropriations of $70 million in FY 2002 and "such sums" in each of FYs 2003-2007 to provide grants to States to help ensure that homeless children and youth have access to the same public education as other children and youth. H.R. 1 would modify the McKinney Act to improve services for homeless children, including: (1) prohibiting States from segregating homeless students, except in specified counties where separate schools have been approved; and (2) requiring local school districts to provide or arrange transportation to the homeless child's school.

Miscellaneous. H.R. 1 contains various new requirements and prohibitions relating to the Federal role in education. For example, it would require each local school district receiving ESEA funds to certify to its State educational agency that it has no policy that prevents constitutionally protected prayer in public schools. Currently, ESEA funds may only be withheld from districts or States in cases where Federal courts have determined that the State or district has violated a Federal court order to refrain from violating the constitutional right of any student with respect to public school prayer. The enrolled bill also would prohibit States, school districts, or schools that receive ESEA funds and permit outside youth or community groups to meet on school premises before or after school from denying equal access to those facilities to the Boy Scouts based on the scout group's membership criteria or oath of allegiance. H.R. 1 also would require each school district receiving ESEA funds to provide, on request by a military recruiter or an institution of higher education, access to the names, addresses, and telephone listings for secondary students, except in cases where parents have requested that such information not be released without their prior written consent.

SS/ RM NO. 505294

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-402 ACTION / CONCURRENCE / COMMENT DUE BY: 1-7-02 11:00 AM

Subject: ENROLLED BILL S. 1202 - REAUTHORIZATION OF THE OFFICE OF GOVERNMENT ETHICS

'02 JAN 7 PM1:22

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☑	☐	HUBBARD	☑	☐
CARD	☑	☐	HUGHES	☑	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☑	☐	JOHNSON	☐	☐
CALIO	☑	☐	LINDSEY	☑	☐
CONNAUGHTON	☑	☐	MIERS	☐	☑
DANIELS	☐	☑	RICE	☐	☐
FLEISCHER	☑	☐	RIDGE	☐	☐
GERSON	☐	☐	ROVE	☑	☐
GONZALES	☑	☐	SPELLINGS	☑	☐
HAGIN	☐	☐	CLERK	☐	☑
HAWKINS	☑	☐	______	☐	☐

REMARKS:

Please forward comments directly to Staff Secretary, x62702, no later than Monday, January 7, 2002. Thanks.

ok

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

'02 JAN 4 PM3:55

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 4, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1202 - Reauthorization of the Office of Government Ethics
Sponsors - Sen. Lieberman (D) CT and Sen. Thompson (R) TN

Last Day for Action

January, 15, 2002 - Tuesday

Purpose

Authorizes the Office of Government Ethics through FY 2006.

Agency Recommendations

Office of Management and Budget	Approval
Office of Government Ethics (OGE)	Approval
Department of Justice	No comment (Informally)

Discussion

P.L. 95-521 originally created OGE as an office within the Office of Personnel Management to provide guidance to Executive Branch employees in preventing and resolving conflicts of interest. In 1988, OGE was established as a separate Executive Branch agency. OGE issues regulations and provides interpretive guidance, training, and administrative support on conflict of interest rules, post-employment restrictions, standards of conduct, public and confidential financial disclosures, and other related areas. The most recent appropriations authorization for OGE expired in 1999, but the agency has continued to receive appropriations.

S. 1202 would authorize appropriations for OGE of such sums as may be necessary through FY 2006. The enacted FY 2002 appropriation for OGE is $10 million.

Conclusion and Recommendations

We join OGE in recommending approval of S. 1202, which passed the Senate by unanimous consent and the House by voice vote.

M E Daniels, Jr

Mitchell E. Daniels, Jr.
Director

Enclosures

SS/ RM NO. 505294

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-4-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-7-02 11:00 AM

Subject: ENROLLED BILL S. 1202 - REAUTHORIZATION OF THE OFFICE OF GOVERNMENT ETHICS

'02 JAN 7 PM1:22

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☑	☐	HUBBARD	☑	☐
CARD	☑	☐	HUGHES	☑	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☑	☐	JOHNSON	☐	☐
CALIO	☑	☐	LINDSEY	☑	☐
CONNAUGHTON	☑	☐	MIERS	☐	☑
DANIELS	☐	☑	RICE	☐	☐
FLEISCHER	☑	☐	RIDGE	☐	☐
GERSON	☐	☐	ROVE	☑	☐
GONZALES	☑	☐	SPELLINGS	☑	☐
HAGIN	☐	☐	CLERK	☐	☑
HAWKINS	☑	☐	____________	☐	☐

REMARKS:
Please forward comments directly to Staff Secretary, x62702, no later than Monday, January 7, 2002. Thanks.

RESPONSE:
Legislative Affairs (Howard) - ok

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 4, 2002

MEMORANDUM FOR THE PRESIDENT

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Last Day for Action

January, 15, 2002 - Tuesday

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M E Daniels, Jr

Mitchell E. Daniels, Jr.
Director

Enclosures

SS/ RM NO. 505294

WHITE HOUSE STAFFING MEMORANDUM

'02 JAN 7 PM2:35

Date: 1-4-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-7-02 11:00 AM

Subject: ENROLLED BILL S. 1202 - REAUTHORIZATION OF THE OFFICE OF GOVERNMENT ETHICS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	X		HUBBARD	X	
CARD	X		HUGHES	X	
BLAKEMAN			IRASTORZA		
BOLTEN	X		JOHNSON		
CALIO	X		LINDSEY	X	
CONNAUGHTON	X		MIERS		X
DANIELS		X	RICE		
FLEISCHER	X		RIDGE		
GERSON			ROVE	X	
GONZALES	X		SPELLINGS	X	
HAGIN			CLERK		X
HAWKINS	X				

2215
fax- 6

REMARKS:
Please forward comments directly to Staff Secretary, x62702, no later than Monday, January 7, 2002. Thanks.

No comment - CEQ, 1/7/02

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

SS/ RM NO. 505294

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-402 ACTION / CONCURRENCE / COMMENT DUE BY: 1-7-02 11:00 AM

Subject: ENROLLED BILL S. 1202 - REAUTHORIZATION OF THE OFFICE OF GOVERNMENT ETHICS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☑	☐	HUBBARD	☑	☐
CARD	☑	☐	HUGHES	☑	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☑	☐	JOHNSON	☐	☐
CALIO	☑	☐	LINDSEY	☑	☐
CONNAUGHTON	☑	☐	MIERS	☐	☑
DANIELS	☐	☑	RICE	☐	☐
FLEISCHER	☑	☐	RIDGE	☐	☐
GERSON	☐	☐	ROVE	☑	☐
GONZALES	☑	☐	SPELLINGS	☑	☐
HAGIN	☐	☐	CLERK	☐	☑
HAWKINS	☑	☐	______________	☐	☐

REMARKS:

Please forward comments directly to Staff Secretary, x62702, no later than Monday, January 7, 2002. Thanks.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

'02 JAN 4 PM3:56

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 4, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1202 - Reauthorization of the Office of Government Ethics
Sponsors - Sen. Lieberman (D) CT and Sen. Thompson (R) TN

Last Day for Action

January, 15, 2002 - Tuesday

Purpose

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Department of Justice	No comment (Informally)

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S. 1202 would authorize appropriations for OGE of such sums as may be necessary through FY 2006. The enacted FY 2002 appropriation for OGE is $10 million.

Conclusion and Recommendations

We join OGE in recommending approval of S. 1202, which passed the Senate by unanimous consent and the House by voice vote.

M E Daniels, Jr

Mitchell E. Daniels, Jr.
Director

Enclosures

S. 1202

One Hundred Seventh Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Wednesday, the third day of January, two thousand and one

THE WHITE HOUSE
JAN 3 2002

An Act

To amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office of Government Ethics Authorization Act of 2001".

SEC. 2. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "1997 through 1999" and inserting "2002 through 2006".

Tom Davis

Speaker of the House of Representatives pro tempore.

~~Vice President of the United States and~~
President of the Senate, pro tempore

APPROVED
JAN 15 2002