

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 016 - FOLDER -006

[09/09/1997]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. email	William White to Rebecca Cameron et al. re: POTUS disability MTG time change [partial] (1 page)	09/09/1997	P6/b(6)
001b. email attachment	SSN (Partial); DOB (Partial) (1 page)	09/10/1997	P6/b(6)
002. email	Sean Maloney to Cecily Williams et al. re: Phil Caplan's leave [partial] (1 page)	09/09/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[09/09/1997]

2009-1006-F

bm46

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice 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]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Minyon Moore (CN=Minyon Moore/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-SEP-1997 22:21:30.00

SUBJECT: resolutions

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

READ:UNKNOWN

CC: Craig T. Smith (CN=Craig T. Smith/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

I forwarded to you a set of resolutions for your review. Craig and I wanted to make sure the appropriate language was used in the one's that were more policy driven. I would like to hear from your office tomorrow if possible so that I can communicate it back to our allies. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 19:40:20.00

SUBJECT: Kids SSI editorial in the NY Times tomorrow

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I just heard from Brian Coyne that the NYTimes will run a negative editorial tomorrow on SSA's handling of the SSI kids reevaluations. It will echo Jonathan Stein's request that SSA suspend further cutoffs pending a review of their process.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 17:11:09.00

SUBJECT: Lindsey tobacco meeting

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

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Here's what happened at the Bruce Lindsey meeting this afternoon with Gov. Patton and Sen. Ford and a burley grower. Their basic interest is in (1) a guaranteed purchase level by the companies and (2) continuing the price support program. Ford's bill also has about a billion dollars a year of development grants etc. They understood the Administration is supportive generally-- the fund seems high. Two potential hang-ups on a side agreement on purchases were mentioned: GATT and anti-trust. I'd asked USDA to take a look and they have said in the past there is probably not a GATT problem as it is a private contract.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Leanne A. Shimabukuro (CN=Leanne A. Shimabukuro/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 20:57:28.00

SUBJECT: follow up item to today's crack meeting

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Today's crack meeting was primarily a run through of where DOJ and ONDCP stand on contacting the Hill. Things are going fairly slow so far; critical meetings/discussions with key Republicans have yet to take place. Needless to say, we are still without any Republican interest at this point in time.

An issue arose regarding changes to the 10-year mandatory sentence. Jose and I would like to discuss this with you separately.

In addition, the question was raised again as to whether the original AG/Director letter to the President could be released. At the last meeting which DPC hosted, you mentioned that you would check in with Counsel to see if we could release it. Jose and others are less clear as to whether we should release it, regardless of whether we are able to. We should resolve this point soon since there is a CBC event this Thursday-- DOJ and ONDCP are going to be looking for releasable items to explain our position in case they are asked.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 14:19:01.00

SUBJECT: After School

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

FYI -- juvie stat on crimes committed after school....jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 09/09/97
02:17 PM -----

Nicholas Gess @ DOJ

09/09/97 02:09:08 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP, Rahm I. Emanuel/WHO/EOP, Michelle
Crisci/WHO/EOP, Kent Markus/DOJ/GOV @ DOJ

cc:

Subject: After School

Rahm & Jose - I faxed each of you an advance copy of a report being presented to the AG by "Fight Crime Invest in Kids" at a juvie event in Rockville, MD tomorrow. On page 3 of the report, there is a chart which shows that 41.8% of juvenile crime occurs between 3 & 8 PM. This is based on data from 8 states. In the past, both the President & AG have cited the statistic of 50% between 3 & 6 PM. The 50% # is based on only 1 state. While we don't think there is an immediate problem, if we are called on the matter, the answer is simply that we had data from 1 state indicating 50%. Now, we have 7 more states and the more refined # is 41.8%. That's still a lot.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mickey Ibarra (CN=Mickey Ibarra/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-SEP-1997 11:28:05.00

SUBJECT: Proposed Conf.Call

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

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

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

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

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

CC: Lynn G. Cutler (CN=Lynn G. Cutler/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TEXT:

I have asked Emily and Sky Gallegos to propose with you a conf call with the leaders of the 15 cities we rolled out on July 25 for the President's standards and testing initiative. I suggest Sec. Riley be the principal for the call. The objective would be to shore up their support.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 20:22:19.00

SUBJECT: Re: Work issues / FLSA

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

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

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

TEXT:

Here is our attempt to address some of the work issues raised by the new proposal.

Bruce N. Reed
09/08/97 11:30:36 AM
Record Type: Record

To: Diana Fortuna/OPD/EOP
cc: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP
Subject: Re: Podesta-Carper conversation on FLSA

I talked to Carper Friday, and told him not to push this, but I don't think Podesta or I convinced him.

We still need to work out a clear position on the hours/fill-in-the-gap/how-to-count-child-support issues that we dodged last time. They're not going away, but we should find a way that works for us.

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D18]MAIL40927715J.216 to ASCII,
The following is a HEX DUMP:

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DRAFT 9/9 8:00 p.m.

House Ways and Means Welfare Proposal
(based on 9/8 verbal reports)

Talking Points

- The proposal would undermine welfare reform by weakening the welfare law's work requirements.
- Welfare recipients could be required to work just a few hours a week, instead of the 20 hours now required and 30 hour required by the year 2000.
- The proposal would create a loophole making publicly-run workfare programs more attractive than private jobs. Welfare recipients in workfare wouldn't have to do real work for 20 or 30 hours a week -- many of those hours could be filled with non-work activities such as job search, job readiness, and vocational education.
- Welfare recipients receiving child support payments would be able to work even fewer hours, because those support payments retained by the state to repay taxpayers for welfare costs could not be used for salaries for workfare participants. A \$100 child support payment retained by the state could lower the work requirement by nearly 20 hours per month.
- States say they need flexibility to make welfare reform work. We say they already have it. Because they receive a welfare block grant with few restrictions, states can shift the \$3 to \$4 billion a year savings from falling welfare caseloads into workfare programs and still come out ahead. At the same time, states can count both TANF and food stamp benefits as wages. With this flexibility, states that choose to put people in workfare rather than private sector jobs will be able pay the minimum wage for 20 to 30 hours a week.

Options

Option #1: Retain the tough but fair work rates in current law.

Option #2: Retain the tough but fair work rates in current law, but do not allow states to use child support they retain as payment for wages (states would have to fill the gap with other funds).

Option #3: Retain current law for work up to 20 hours a week (only a minimum of 20 hours of work as now defined would count); allow additional job search, etc., for hours of work above 20 hours per week. States could count child support payments to pay wages for up to 20 hours per week.

Current Law

What Counts as Work

The following are the work activities always permitted under the welfare law:

1. Unsubsidized employment
2. Subsidized private sector employment
3. Subsidized public sector employment
4. Work experience
5. On-the-job training
6. The first 6 weeks of job search and job readiness assistance
7. Community service programs
8. The first 12 months of vocational educational training
9. Providing child care for someone in a community service program

The following are additional work activities that can be counted from 20 to 30 hours a week:

1. Job skills training directly related to employment;
2. For those with no high school diploma, high school attendance, GED study, or education directly related to employment

Questions

1. What is the practical difference between a subsidized public sector job and work experience? Between these and community service programs? Is there a grey area between them? What are some examples of subsidized public sector jobs?
2. Are any states creating "private sector work experience," or private workfare? We have heard reports that Ohio is doing so. How does money flow in such a situation? Who pays the worker? Whom does the state pay? Whom does the company pay?

How does this differ from subsidized private employment? Subsidized public employment?

If workfare is exempted from FICA, would that create an incentive for business to shift to private workfare instead of subsidized/unsubsidized jobs?

3. What is the difference between work experience and community service programs? What are real life examples of the differences?
4. Do some of these shifting realities make it advisable that we define some of these terms in the regulation? Does HHS's draft reg address these questions in any way?

Child Support Enforcement

The proposed child support provision coupled with the proposal's "maximum hours" provision would weaken the welfare law's work rates even further. For example, let's consider a welfare recipient receiving \$300 a month in TANF, \$100 a month in food stamps, and \$50 a month in child support which the state "retains" to offset welfare costs.

Under current law that welfare recipient would have to work the minimum 80 hours a month. If the state put that person in workfare slot at the minimum wage, the state would have to contribute an additional \$12 a month in welfare funds to pay the minimum wage for those 80 hours. Under the proposed provision requiring only as much work as the benefit level divided by the minimum wage (the so-called "maximum hours" policy), the person would have to work only 78 hours a month. And if, in addition, the state was required to subtract retained child support payments, the welfare recipient would have to work only 68 hours a month (see chart A below).

Advocates say that custodial parents shouldn't have to "work off their child support." This argument assumes that a parent on welfare is entitled to all her child support; in fact, there's a long history of the government requiring families to give up that right in order to receive welfare. It is true that if the "maximum hours" policy were put into effect but the child support change was not made, a woman getting the same amount of child support would have to work more hours if the state retained the payment than if it passed through the payment but reduced the welfare grant to compensate (compare columns 1 and 3 of Chart C to the same columns on Chart D). However, that "inequity" can be solved by sticking to current 20 hour a week work rates. Another valid but rarely heard argument is that allowing states to count child support as wages would undermine the principle of the minimum wage.

Chart A: Work Effects of Child Support Policies

If state retains \$50 child support payments	Current Law	Maximum Hours Policy but no Child Support Change	Maximum Hours Policy and Child Support Change
Monthly TANF benefit	\$300	\$300	\$300
Adjustment for Child Support	\$0	\$0	\$(50)
Net Benefit Counted for Work	\$300	\$300	\$250
Food Stamps	\$100	\$100	\$100
Total	\$400	\$400	\$350
Hours per month of work	80 hours (State must pay \$5.15 x 80 or	78 hours (\$400/ \$5.15)	68 hours (\$350/ \$5.15)

	\$412)		
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Chart B: Work Required Under Current Law--20 hours Per Week Requirement in Workfare for parents receiving \$50/ month in child support payments

	State Retains Child Support Payments	State Retains, adds to Benefit	State Passes through Child Support Payments but reduces benefit	State Passes Through
Monthly TANF benefit	\$300	\$300	\$300	\$300
Adjustment for Child Support	\$0	\$50	\$(50)	\$50
Net Benefit Counted for Work	\$300	\$350	\$250	\$300
Food Stamps	\$100	\$100	\$100	\$100
Total	\$400	\$450	\$350	\$400
Amount Needed to Pay \$5.15/hour for 80 hours/month	\$412	\$412	\$412	\$412
Excess amount (Shortfall)	(12)	38	(62)	(12)
Hours per month of work required	80	80	80	80

Chart C: Work Required if "Maximum Hours" of Work Required in Workfare Depends on Benefit/Minimum Wage and No Child Support Change for parents receiving \$50/month in child support payments

	State Retains Child Support Payments	State Retains, adds to Benefit	State Passes through Child Support Payments but reduces benefit	State Passes Through
Monthly TANF benefit	\$300	\$300	\$300	\$300
Adjustment for Child Support	\$0	\$50	(\$50)	\$50
Net Benefit Counted for Work	\$300	\$350	\$250	\$300
Food Stamps	\$100	\$100	\$100	\$100
Total	\$400	\$450	\$350	\$400
Divided by Minimum Wage	\$5.15	\$5.15	\$5.15	\$5.15
Maximum number of hours per month of work required	78 hours	87 hours	68 hours	78 hours

Chart D: Work Required if "Maximum Hours" of Work Required in Workfare Depends on Benefit/Minimum Wage and Child Support Change for parents receiving \$50/ month in child support payments

	State Retains Child Support Payments	State Retains, adds to Benefit	State Passes through Child Support Payments but reduces benefit	State Passes Through
Monthly TANF benefit	\$300	\$300	\$300	\$300
Adjustment for Child Support	(\$50)	\$50	(\$50)	\$50
Net Benefit Counted for Work	\$250	\$350	\$250	\$300
Food Stamps	\$100	\$100	\$100	\$100
Total	\$350	\$450	\$350	\$400
Divided by Minimum Wage	\$5.15	\$5.15	\$5.15	\$5.15
Maximum number of hours per month required of work required	68 hours	87 hours	68 hours	78 hours

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 19:46:24.00

SUBJECT: Crime Miscellany

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

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

BR/EK:

I wanted to follow-up on our conversation this morning w/respect to the COPS Report/Radio Address and mention a few other quick crime tid bits:

1. DOJ says they can't make Elena's suggested graph on the crime rates work for a variety of reasons ("too many apples and oranges"). For one, the model cities don't necessarily beat the national average on overall crime rates. And for two, many of our major grantees don't necessarily have enough of their cops "on the street" to claim any credit. In any event, they want to pursue this line, but feel it's too early -- and there are too many differences between cities -- to do this right now. They have, however, put together a graph showing the violent crime index increasing slightly from 1991 to 1993 (+0.75%) and dipping dramatically (-6.1%) from 1993 to 1996 -- the year our COPS program began.

What do you think? Have you talked to Rahm? Please advise or I'll assume we've finally bailed on this report.

2. Gil Gallegos meeting. EK -- Do we need to get a memo to Erskine on the collective bargaining issue to try and bring this to closure, or is this already in the works? The FOP folks are still pushing for a POTUS meeting.

3. Curios and Relics. Barry Toiv sent Rahm and me a note on what we can or can't say on the curios and relics amendment in the Treasury-Postal approps. I understand that, while we are strongly opposed, Rahm was cautioned that we could not use the V-word -- is this right? Treasury is sending over some updated info on this in the a.m. and Leanne or I will re-work it into a Q&A for McCurry before the 1pm briefing.

4. Senate Leg. Affairs has asked me to fill-in some facts on a "call sheet" for POTUS to Senator Feinstein on assaults. It's a re-hash of old issues (grandfathered clips, assault copy cats and gun shows) that I'm pretty sure are either undoable or require new legislation. I told Leg. Affairs that I thought it was a waste for the Pres. to call Senator Feinstein and possibly agree to a meeting (which is what she wants) on these issues. What we should do is send Ray Kelly over to her office to walk her through the substance of this stuff. Anyway, I can't imagine that any good will come out of this proposed call/meeting.

Thanks,

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: William H. White Jr. (CN=William H. White Jr./OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-SEP-1997 20:43:10.00

SUBJECT: POTUS Disability MTG Time Change

TO: Rebecca A. Cameron (CN=Rebecca A. Cameron/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Sylvia M. Mathews (CN=Sylvia M. Mathews/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Christopher C. Jennings (CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

CC: Joseph D Eyer (CN=Joseph D Eyer/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

CC: David K. Chai (CN=David K. Chai/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

CC: Toby Donenfeld (CN=Toby Donenfeld/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

CC: Cheryl M. Carter (CN=Cheryl M. Carter/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

CC: Ashley L. Raines (CN=Ashley L. Raines/OU=OA/O=EOP @ EOP [OA])
READ:UNKNOWN

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

TEXT:

The pre-brief will now take place from 10:00 to 10:30 in the Oval and the meeting with the disability community will take place from 10:30 to 11:45 AM in the Cabinet Room. Attached is the final briefing paper.

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

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

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. email	William White to Rebecca Cameron et al. re: POTUS disability MTG time change [partial] (1 page)	09/09/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[09/09/1997]

2009-1006-F
bm46

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
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- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

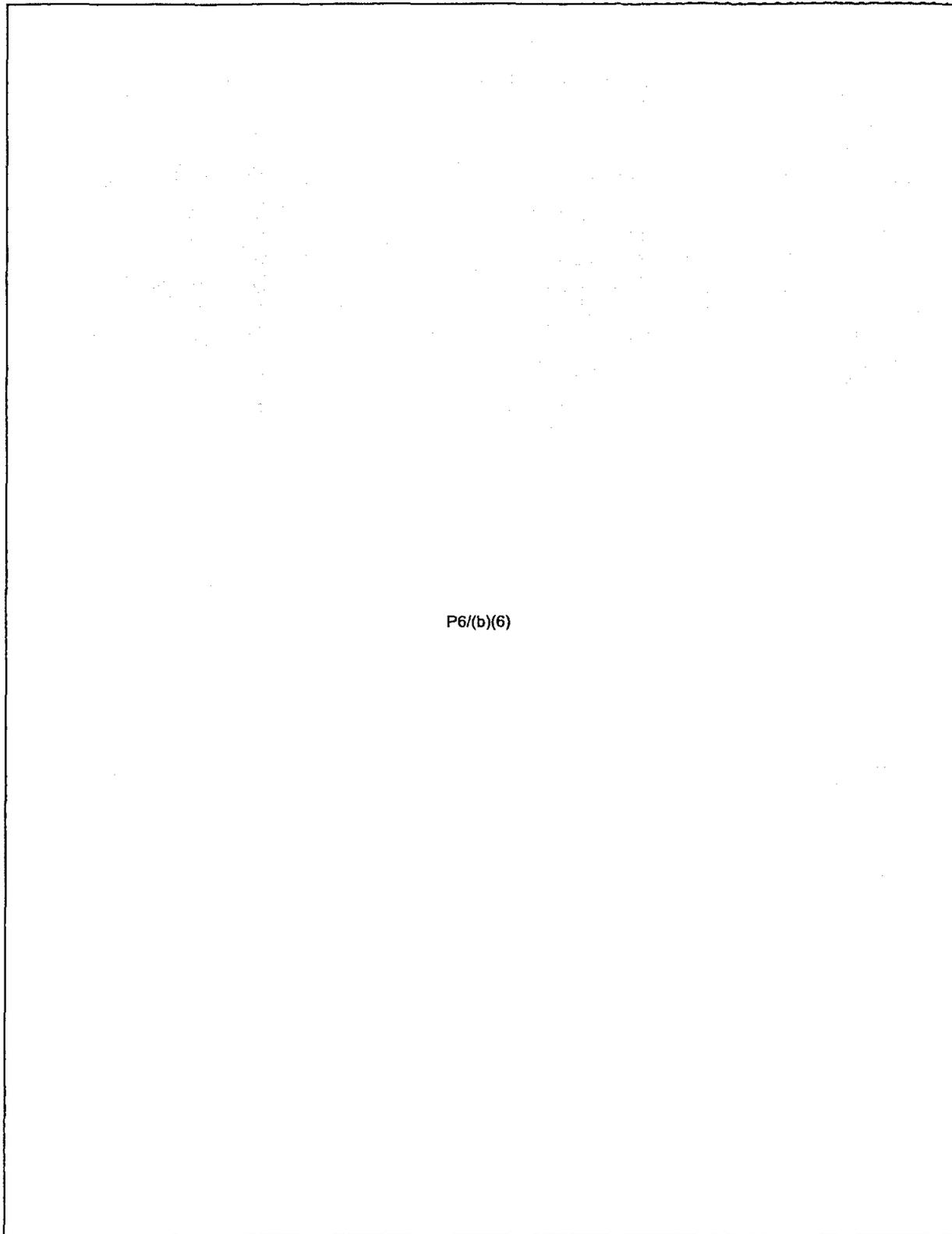
Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D82]MAIL43847715N.216 to ASCII,
The following is a HEX DUMP:

[001a]



P6(b)(6)

MEETING WITH LEADERS OF THE DISABILITY COMMUNITY

DATE: September 10, 1997
LOCATION: Cabinet Room
TIME: 10:30 AM to 11:45 AM
FROM: Maria Echaveste
Bill White
Diana Fortuna

I. PURPOSE

To discuss policy issues affecting people with disabilities.

II. BACKGROUND

You are meeting 13 national leaders from the disability community as part of your continuing effort to hear directly from key constituencies. The following are the primary issues that will be raised at the meeting: the Americans with Disabilities Act (ADA), Supplemental Security Income eligibility for children (SSI Kids), personal assistant services (CASA), the Individuals with Disabilities Education Act (IDEA), and employment for people with disabilities. Also in the room will be three of your top Administration appointees with disabilities, who have been included because of their substantive knowledge and credibility within the disability community.

After your opening statement, Justin Dart will set the tone for the meeting and congratulate you for your past leadership on issues important to people with disabilities. Justin will assist in moderating the discussion, calling upon 2-3 people to make short presentations on each issue. You will make remarks after each issue is presented as appropriate (see attached talking points). In addition to Justin, you should give special thanks to Fred Fay, Chair of Disability Outreach for Clinton/Gore in '92 and '96, and Becky Ogle, Director of Disability Outreach for Clinton/Gore '96. Fred will be joining us via phone from Concord, Massachusetts because of a severe disability.

Although a variety of disability views will be represented, most of the leaders will have a civil rights orientation (as opposed to a cure focus), and will be discussing ways to empower people with disabilities and assist them in leading independent lives.

A key agenda item is Supplemental Security Income (SSI) eligibility for children. **Last year's welfare law tightened the eligibility standards for childhood disability**

benefits in the SSI program. The disability community has complained that the Administration's interpretation of the legislation was too restrictive. (Tab 6)
 Attending the meeting will be two representatives from ADAPT (Americans with Disabilities for Attendant Programs Today). ADAPT was the group that staged a protest at the Georgia Democratic Headquarters on November 4, 1996, and persuaded Alexis Herman to commit to a Presidential meeting. While we have agreed to include ADAPT in the meeting, we have made it clear that this is not ADAPT's meeting, but a meeting with key representatives of the disability community that would have taken place with or without the protest. ADAPT will focus on the issue of personal assistant services and ask you to endorse the Community Attendant Service Act (CASA). (Tab 7)

The final major issue concerns next year's funding for the Individuals with Disabilities Education Act (IDEA). The Republicans have skillfully pulled money from parts of your new education initiatives and given it to IDEA. Advocates are upset about our position that we should stick with our original budget proposal. (Tab 8)

This will be your last event with Bruce Vladeck as HCFA Administrator. You will do a short photo-op with Bruce and his wife Fredda Vladeck before the pre-brief.

III. PRE-BRIEF PARTICIPANTS

Maria Echaveste
 Christopher Jennings
 Bruce Vladeck HCFA Administrator
 Elena Kagan DPC
 Diana Fortuna DPC
 Bill White OPL

IV. PARTICIPANTS

Justin Dart	Justice for All	Washington, DC
Nancy Diehl	Parents Network on Disability	Tennessee
Paul Edwards	American Council of the Blind	Florida
Fred Fay (Via Phone)	Chair, Clinton/Gore Disability Campaign	Concord, MA
John Harper	Student with a disability	Illinois
Bob Kafka	ADAPT	Texas
Paul Marchand	Consortium of Citizens with Disabilities	Washington, DC
Gina McDonald	National Council on Independent Living	Kansas
Becky Ogle	Justice For All	Maryland
Michael Oxford	ADAPT	Kansas
Debbie Robinson	Person with mental retardation	Pennsylvania

ADMINISTRATION APPOINTEES WITH DISABILITIES

Marca Bristo	Chair, National Council on Disability
Tony Coelho	President's Comte. on Employment for People with Disabilities
Susan Daniels	Social Security Administration
Judy Heumann	Department of Education
Bob Williams	Department of Health and Human Services

IV. *PRESS PLAN*

Closed press

V. *SEQUENCE OF EVENTS*

- o You will enter the Cabinet Room, walk around the room and greet the participants, and make opening remarks.
- o You will turn to Justin Dart, who will make remarks and outline the issues to be discussed. Justin will then assist in moderating the issue discussion, calling upon 2-3 people to make presentations on each topic.
- o You will make remarks after each topic is presented (see attachments).
- o After the issue discussion, Tony Coelho and Marca Bristo will thank you.
- o You will make closing remarks and depart.

VI. *REMARKS*

Talking points attached.

Attachments:

Tab 1:	Seating Chart
Tab 2:	Background on Participants
Tab 3:	Tips on Talking with People with Disabilities
Tab 4:	Welcoming Remarks
Tab 5:	Background and Talkers on the Americans with Disabilities Act
Tab 6:	Background and Talkers on Supplemental Security Income Eligibility
Tab 7:	Background and Talkers on Personal Assistant Services
Tab 8:	Background and Talkers on Individuals with Disabilities Education Act
Tab 9:	Background and Talkers on Employment for People with Disabilities

BACKGROUND ON PARTICIPANTS

1. The Honorable Tony L. Coelho
Coelho Associates, New York, New York
Automated Records Management System
Hex-Dump Conversion

Original House sponsor of the Americans with Disabilities Act (ADA), the landmark civil rights legislation for people with disabilities. Chair of President's Committee on Employment for People with Disabilities. Person with epilepsy.
2. Mr. Justin Dart
Justice for All, Washington, DC

The statesman of the disability rights movement. A lifelong Republican who endorsed the President in a speech last year at the DNC Convention. Topic: Justin will congratulate you for open the meeting on behalf of the community. Will act as moderator and provide opening remarks that will get meeting started properly.
3. Dr. Frederick A. Fay
Chairperson - DNC Disability Advisory Committee, Concord, Massachusetts

Pioneer of disability rights movement. Chair of Clinton/Gore disability outreach in both '92 and '96. Operates largest disability community computer network. Person with severe physical disability. (Via speaker phone.) Topic: The ADA and FDR Memorial.
4. Mr. Paul Marchand
Chairperson of Consortium of Citizens with Disabilities (CCD), Washington, DC

Chair of CCD, an umbrella organization representing 125 disability organizations. Director of government affairs for the ARC, formerly known as the Association for Retarded Citizens. Topic: Supplemental Security Income eligibility for children.
5. Ms. Gina McDonald
President - National Council of Independent Living, Salina, Kansas

Executive Director of Kansas Association for Independent Living. Presidentially appointed member of the National Council on Disability. Gina has a hearing disability, but will be using an assistive listening device. Topic: Personal Assistant Services.
6. Ms. Becky L. Ogle
Justice for All, Bethesda, Maryland

One of the best grassroots disability rights organizers in the country. Director of Disability Outreach for Clinton/Gore '96. National advocate for the President's health care program in '94. (Under consideration for an appointment at Labor.)

7. Mr. Bob Kafka
ADAPT (Americans Disabled for Attendant Programs Today), Austin, Texas

National leader/strategist of ADAPT. Adamant advocate for publicly funded personal care assistance that will allow people with disabilities to get out of nursing homes and participate in their communities. Topic: Personal Assistant Services.
8. Mr. Mike Oxford
ADAPT (Americans Disabled for Attendant Programs Today), Topeka, Kansas

Executive Director of the Topeka Independent Living Resource Center. National leader of ADAPT. Topic: Personal Assistant Services.
9. Ms. Nancy J. Diehl
Director - Parent Training & Information Center in Tennessee, Greenville, Tennessee

Parent of a child with a disability. One of the nation's most articulate and respected parent advocates. Topic: Individuals with Disabilities Education Act.
10. Mr. Paul Edwards
President - American Council of the Blind, Miami, Florida

One of the nation's leading advocates for persons who are blind. Topic: Telecommunications for people with disabilities.
11. Ms. Debbie Robinson
Treasurer - Speaking for Ourselves, Plymouth Meeting, Pennsylvania

National leader of people first movement for the rights of people labeled mentally retarded. Articulate. Presidentially appointed member of the National Council on Disability. African-American. Person with mental retardation. Topic: ADA
12. Mr. John Harper
Student, Jacksonville, Illinois

Youth leader, 17 years old. Person who is deaf. Frequent spokesperson for the National Association of the Deaf. Will use a sign language interpreter at the meeting. Note: When talking to John, speak directly to him, not the interpreter. Topic: Individual with Disabilities Education Act and the importance of qualified teachers for students who are deaf and blind.
13. Ms. Marca Bristo

Chair - National Council on Disability (NCD), Chicago, Illinois

Pioneer of disability rights movement. Appointed by the President in 1993 as Chair of the National Council on Disability. President of Access Living of Metropolitan Chicago.

TIPS ON TALKING TO PEOPLE WITH DISABILITIES

The disability community has a number of sensitivities about language and behavior pertaining to people with disabilities. They are leaders in the emerging civil rights movement for this community, and see this movement as being perhaps 20 years behind African Americans or women in terms of the degree of understanding and sensitivity of the non-disabled community. They believe that denigrating language and behavior is still widely tolerated in our society. In their view, disability is a natural part of life and people with disabilities should be viewed positively, rather than as victims, courageous, or pitied.

The term "people with disabilities" is preferred to "handicapped" or even "the disabled." They often say that, in the spirit of "putting people first," you should look first at the person rather than the disability. People "use" a wheelchair rather than "are in" a wheelchair -- or worse yet, "are confined to" a wheelchair. In general, you should not offer assistance with a basic task such as opening a door or getting seated unless the person appears unable to do so on his or her own.

The Administration's most prominent appointee with a disability is probably Judy Heumann, who is Assistant Secretary at Education in charge of special education and vocational rehabilitation. She played a major role in the development of the independent living movement, which champions people with disabilities living in the community and with their families, and has helped many people leave nursing homes. (The community is very much opposed to nursing homes, viewing them as rarely or never appropriate for people with disabilities.) She is a very constructive internal advocate.

Bob Williams, who is Commissioner of the Administration on Developmental Disabilities (ADD), part of HHS, speaks with a voice machine. When he wishes to speak, he often makes a noise and begins punching into the machine. The etiquette is that other conversations should continue until the artificial voice begins to speak, and then wait until the thought is expressed. Bob is a very thoughtful individual who has also been a leader in the disability movement.

The Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA, which governs special education) are viewed as virtually sacred by the community. The Administration has been extremely strong in supporting these laws. In 1994, the community was very fearful that the Republican takeover of Congress would lead to attempts to weaken these laws. The threat never materialized into proposed legislation, but the community believes it must be ever-vigilant in defending these laws.

WELCOMING REMARKS

- o Welcome to the Cabinet Room of the White House. Joining me today are several key members of my Administration, including Maria Echaveste, who directs my Public Liaison Office, Chris Jennings, my senior health care advisor, Administrator Bruce Vladeck from HCFA, my friend Tony Coelho from the President's Committee on Employment for People with Disabilities, Judy Heumann from the Department of Education, Susan Daniels from SSA, Marca Bristo from the National Council on Disability, and Bob Williams from HHS.
- o I understand that people with disabilities are not looking for special treatment, but equal access to the American dream. I understand the importance of integrating disability issues into all policies and programs of the Administration. We couldn't have gotten this far without the support of so many of you around this table today.
- o On critical civil rights laws, we have vigorously enforced the ADA, and we have defended it from malicious attacks. This year, with the critical assistance of Assistant Secretary Judy Heumann we secured the reauthorization of the IDEA in a manner that reaffirms our nation's commitment to children with disabilities and their parents.
- o On the key issue of health care for people with disabilities, we haven't gotten as far as I would have liked, as you know. But we fought hard and won our fight to preserve the Medicaid guarantee, when it was under attack in 1995 and 1996, a change that would have been so dangerous for people with disabilities, among many others.
- o As part of the balanced budget I just signed, we restored SSI benefits to over 300,000 legal immigrants with disabilities. Most observers predicted that Congress would never agree to amend the welfare law to make this change, but we were able to persuade them with your help. As you know, we made people with disabilities our top priority for restorations.
- o But I also know how far we have to go. There are areas where we can and must do more, and I'm looking forward to a substantive discussion.
- o Before we begin, I want to give special recognition to Fred Fay who is joining us via speaker phone from his home in Concord, Massachusetts, and Becky Ogle, who worked night and day organizing the disability community both in '92 and '96.
- o Justin, why don't you lead us off.

ADA ENFORCEMENT

Advocates Who Will Discuss:

- Fred Fay, Chair, DNC Disability Advisory Committee
- Ms. Debbie Robinson, Speaking for Ourselves

What Advocates Will Say:

- The ADA is so critical to the disability community. We appreciate your strong support for it. We encourage the Administration to increase its enforcement efforts.

ADA Talking Points:

- Vigorous enforcement of the Americans with Disabilities Act (ADA) has been a top priority of my Administration. The Justice Department, the EEOC, and other federal agencies have established aggressive enforcement programs. We have emphasized voluntary compliance, but have not been afraid to litigate when entities fail to comply with the law.
- Although we have been quite successful, we all know we have a long way to go. Our resources are not sufficient to address the majority of meritorious complaints received in a timely fashion.
- My budgets have consistently called for an increase for ADA enforcement at the Department of Justice. However, the Congress has failed to approve these increases, which is indirectly weakening the important law.
 - FY 1998: 5% (\$477,000)
 - FY 1997: 3.9% (\$361,000)
- I am committed to significantly increasing ADA enforcement resources in the FY 1999 budget I will submit to Congress early next year. This Administration recognizes additional resources are necessary to strengthen a comprehensive enforcement program that seeks to achieve greater access for persons with disabilities at home, in their communities, and in the workplace. [DOJ's request to OMB calls for a 19% increase of \$2,173,000.]
- The ADA became law because your organizations, both nationally and at the grassroots level, worked together to educate the Congress on why the law was urgently needed. You won because you were well-organized and persistent. I will fight for greater funding, but the only way to make this a reality is if the disability community can make this a priority with the Congress.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Advocates Who Will Discuss:

- Nancy Diehl, Parent Network on Disability
- John Harper, Student with a Disability

Background: IDEA was reauthorized in June of this year, after an elaborate bipartisan process led by Senator Lott that reconciled all the competing interests of schools, parents, teachers, and others. The Administration has been extremely supportive of the disability community on IDEA.

However, advocates are upset that we oppose the Senate's large increases in IDEA funding. The Senate funds IDEA at the expense of Administration priorities (Goals 2000 and America Reads).

We said in a recent SAP that IDEA is adequately funded at our requested level, and that the Senate should redirect funds to our priorities. Advocates have misread that SAP to say that we consider IDEA a "low priority program." **The Administration has proposed an increase of \$174 million, while the House has proposed \$300 million and the Senate over \$900 million.**

What Advocates Will Say:

- Thank you for your leadership on IDEA reauthorization. It is critical to our kids' futures.

IDEA Talking Points:

- The passage of the IDEA was a tremendous success for the Administration. The bipartisan approach used during reauthorization enabled us to produce a bill which will help to ensure that disabled children across this country can get a quality education. Our principle from the beginning has been that ALL children must be able to take advantage of the educational reforms occurring across this country. Your active support to ensure that this legislation is effectively understood and implemented is critical.

IDEA Funding Controversy: Is IDEA a low priority for the Administration given language included in the SAP on the House and Senate Labor-HHS appropriations bills?

- Special education funding has and always will be a high priority for this Administration. In fact, for the first three budgets of this Administration, Congress funded Special Education programs at levels less than I proposed. Only recently has Congress come around to match or exceed my requests. Because of our leadership, IDEA funding has risen by \$1.1 billion, a 36% increase during this Administration.
- The Administration will work closely with Congress to ensure a balanced education funding bill that makes new investments in a broad range of important education programs, including Special Education programs.
- Finally, IDEA is about much more than funding levels. The Administration worked long and hard with the disability community, the Congress, parents and schools, to construct a reauthorization bill which would ensure that children with disabilities receive a quality education. We think that this has been accomplished, and the Administration's funding request will complement this effort.

SUPPLEMENTAL SECURITY INCOME ELIGIBILITY FOR CHILDREN

Advocates Who Will Discuss:

- Paul Marchand, the Arc; Chair, Consortium of Citizens with Disabilities

Background: The welfare reform law set a stricter definition of disability for children's SSI, after media reports that children faked disabilities to get benefits, and concerns that the program tripled in size since 1989 to one million children. The new law explicitly eliminated an eligibility test that allowed many children with less severe disabilities to qualify for the program, particularly mental disabilities. Estimates at the time were that 180,000 children would lose benefits. After the law was signed, Senators Conrad, Chafee, and Daschle alleged that SSA had legal authority to recreate the old test via regulation, cutting off only 35,000 children. SSA ultimately determined that doing so was contrary to congressional intent and the bipartisan understanding at the time. SSA's regulation had modest changes that brought the impact down to 135,000 children.

SSA is now more than half-way through reevaluations of the cases of 270,000 children. Over 100,000 children have lost eligibility to date. The final number of children cut off is expected to be close to SSA's estimate of 135,000. However, advocates allege SSA is discouraging appeals and is not implementing the new standard consistently across the country. (Mississippi has a termination rate of over 80%, while California and Pennsylvania are just over a third.)

What Advocates Will Say:

- Your administration chose an unnecessarily tough standard when interpreting Congress's intent to tighten up on this program. Advocates have suggested more modest changes to SSA's regulation. SSA should stop the cutoffs to consider and respond to these suggestions.
- In SSA's reviews, disturbing trends have emerged. Few families are appealing SSA's decisions. SSA may be discouraging appeals. SSA should stop and ensure that families have all the rights and information they are entitled to.

SSI Kids Talking Points:

- I know that Acting Commissioner Callahan met with advocates (including the Arc) last week to discuss this. We appreciate your constructive involvement in this critical process.
- I am pleased that, as part of the balanced budget, we were able to grandfather Medicaid benefits for all these children, so that none of them will lose health insurance.
- I fought against the SSI block grant and other proposals that would have been far worse than what we ended up with.
- When the law was enacted, SSA examined the evidence and interpreted the law to create a standard that was consistent with her best reading of congressional intent. SSA does not believe that a more liberal interpretation is legally possible.
- I know SSA is committed to ensuring these reviews are conducted fairly. I have asked Commissioner Callahan to report to me on the concerns you are raising within 30 days.

PERSONAL ASSISTANT SERVICES

Advocates Who Will Discuss:

- Gina MacDonald, National Center for Independent Living (“nickel”)
- Bob Kafka and Mike Oxford, ADAPT

Background: ADAPT believes that people with disabilities are “imprisoned” in nursing homes because Medicaid is biased against home and community-based services. Today, states limit these services through waivers that cap the number of participants, while nursing home eligibility is more open-ended.

CASA: ADAPT will push for your support of their bill, the Medicaid Community Attendant Services Act. CASA requires states to cover community-based attendant services for those now eligible for nursing home care. It also gives beneficiaries a greater say in how those dollars are spent. Under pressure from ADAPT, Speaker Gingrich introduced CASA in June without endorsing it, instead calling it a “starting point” for an important dialogue and noting it has cost implications. Rep. Gephardt has also signed on as a co-sponsor. (CASA is not the highest priority of other disability groups, some of which have specific reservations about it.)

The Administration has not taken a position on CASA prior to this meeting. We have two major concerns about it. First, although it has a spending cap, CASA would have significant costs. It would require services for as many as one million people who now live at home but are so severely disabled that they could qualify for nursing home care. Further, any nursing home beds vacated by those moving to the community are likely to be filled promptly. Second, giving beneficiaries control of significant Medicaid dollars raises critical questions about quality standards, fraud, and whether Medicaid should pay family members for care.

Although we can't support CASA, we can support CASA's principles while recognizing our serious concerns. In response to a June meeting with ADAPT, HHS just formed a work group to identify next steps, including working with states on demonstrations of these principles. Finally, you can inform the group that you are writing Speaker Gingrich to lay out your position on CASA.

Date Certain: Recognizing that CASA raises these concerns, ADAPT is now pushing a more immediate fallback option. Known as the “date certain” concept, it would allow all individuals who are actually in nursing homes as of a certain date to move to community settings if they wish. While this approach solves some of CASA's problems, it would still cost money since the nursing home beds would be filled by new patients.

What Advocates Will Say:

- People with disabilities are dying in nursing homes, and incremental steps are not enough. We urge you to support CASA, or at least a “date certain” policy.

Personal Assistant Services Talking Points:

- As many of you know, this is an issue that I have cared about for a long time, and I am pleased that we have made the progress we have made.
- My Administration has made it easier than ever for states to get waivers for home and community-based services. About a quarter of a million people are now served in these programs, and HCFA is continuing to push states to make these services available.
- Because of a meeting with ADAPT in June, HHS has a new work group that is working with you. By the end of the year, it will complete its policy review to identify provisions that contribute to Medicaid's institutional bias. It will also work with states to develop demonstrations of the principles of CASA, and I have asked them to report to me by the end of February with an action plan.
- I am also asking the work group to examine linking the need for more qualified attendants with state welfare reform work requirements under TANF. Linking the needs of people with disabilities for attendants and the needs of low-income families for jobs seems to be well worth pursuing.
- Although Bruce Vladeck, who has been instrumental in this process as HCFA Administrator, is leaving the Administration shortly, I am pleased that Bob Williams [who is in the room] will play a key role in this process. Bob has just been named Deputy Assistant Secretary at HHS.
- I strongly support the principles of CASA but, as you know, it appears that the bill would have significant costs. In addition, there are unanswered questions about quality, particularly if one were to move quickly toward consumer-directed models that are at this point untested. Nevertheless, I want to send a strong signal that I believe CASA is an excellent vehicle for discussing our mutual goals and allowing us to move forward on them. Therefore, I plan to send a letter to Speaker Gingrich applauding his action in introducing CASA, and seeking to work with him and others on this.
- [If you are pushed on the "date certain" concept:] My understanding is that the date certain concept would also increase Medicaid costs. However, the work group is committed to working with states on demonstrations of this idea, along with others.

EMPLOYMENT OF PEOPLE WITH DISABILITIES

Advocates Who Will Discuss:

- Tony Coelho, Chair, President's Cmte. on Employment of People with Disabilities
- Paul Edwards, American Council of the Blind

Background: The unemployment rate of people with severe disabilities is 75%. The disability community argues that we must focus on barriers to work that prevent people with disabilities from working. These problems include eventual loss of Medicaid or Medicare if they return to work and high costs for personal assistants, computer accommodations, and transportation.

Medicaid Buy-in: The balanced budget included a President's budget proposal to help people with disabilities work without losing their health care coverage. Today people on SSI who go to work lose Medicaid if their earnings exceed caps that vary by state. Since it is so difficult for people with disabilities to get private insurance, many people who are eligible for SSI "manage" their income to ensure that they keep Medicaid --by stopping work when they hit the caps, or turning down promotions. This new state option will allow SSI beneficiaries with disabilities who earn more than these caps to keep Medicaid by contributing to the cost of their coverage as their income rises.

SSI Ticket Proposal: The President's budget included a proposal to let SSDI and SSI beneficiaries choose their own rehabilitation providers. Providers who help beneficiaries leave the rolls and return to work would be paid a percentage of the disability benefits saved. Because providers would be rewarded for results rather than for their costs, this should encourage more providers to have a continuing interest in their clients' long term success, which in turn may lead to more beneficiaries returning to work. Republicans and Democrats on the Hill have put forth similar proposals (Rep. Bunning proposed this concept before we did), so there is hope of action.

Note: The Administration's appointees with disabilities, led by Tony Coelho, are urging us internally to issue an executive order that would make this issue a priority and set up a task force to identify further actions to solve this problem.

What Advocates Will Say:

- We appreciate the Administration's efforts on this issue. However, more must be done. The most critical area is health care. Treasury should seriously consider offering tax credits to people with disabilities, who so often face higher costs.

Employment Talking Points:

- A large and growing number of people with disabilities can work, and want to work, but they face a variety of complex barriers to work. That's why I'm so pleased that our proposal for a Medicaid buy-in for people with disabilities was accepted by the Congress as part of the balanced budget. In addition, I am hopeful that bipartisan interest in the "ticket" proposal, to increase the number of people with disabilities who can return to work, will lead to legislative action soon.
- Nevertheless, we must do more. My Administration continues to be actively engaged in identifying further steps we can take, as Tony knows.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001b. email attachment	SSN (Partial); DOB (Partial) (1 page)	09/10/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([Kagan])
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FOLDER TITLE:

[09/09/1997]

2009-1006-F
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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice 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]

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RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Participants:

Justin Dart
Nancy Diehl
Jeness Roth (Nancy's Attendant)
Paul Edwards
John Harper
Joseph Rosenstein (John's Interpreter)
Robert Kafka
Carol A. Jones (Bob's Attendant)
Paul Marchand
Regina McDonald

P6/(b)(6)

Michael Oxford
Debra Robinson
Mark Friedman (Debra's Attendant)

P6/(b)(6)

Administration Participants

Marca Bristo
Tony Coelho
Bruce Vladeck
Fredda Vladeck
Judith Heumann
Susan Brown (Judy's Attendant)
Susan Daniels
Bob Williams

P6/(b)(6)

Becky Ogle

□

[0016]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 19:51:42.00

SUBJECT: Re: Kids SSI editorial in the NY Times tomorrow

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

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

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

CC: Jack A. Smalligan (CN=Jack A. Smalligan/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: William H. White Jr. (CN=William H. White Jr./OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Barry White (CN=Barry White/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

Also regarding the attached, for some reason SSA chose today to send to the Hill and make available to the press a compendium describing 80 randomly-chosen cases of children under review, 40 of whom are keeping benefits, and 40 of whom are losing benefits. I just got a copy, but haven't read it yet. SSA doesn't think it will generate any press coverage by tomorrow, although the NYTimes editorial board has it. Their intention was to rebut horror stories being circulated by the advocates about kids who are clearly still eligible. But it would have been nice to know in advance.

Apparently the NYTimes ed board does know about a case in Brooklyn where SSA erroneously cut off a child with very serious problems.

Diana Fortuna
09/09/97 07:40:15 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Laura Emmett/WHO/EOP
cc:
Subject: Kids SSI editorial in the NY Times tomorrow

I just heard from Brian Coyne that the NYTimes will run a negative editorial tomorrow on SSA's handling of the SSI kids reevaluations. It will echo Jonathan Stein's request that SSA suspend further cutoffs pending a review of their process.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 18:57:29.00

SUBJECT: last tobacco memo

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

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

As part of the tobacco recommendations have you thought about including suggestions to institute an on-going internal process? The tobacco issue is likely to break in any number of ways (tonight ABC carried a story on Mack-Harkin's amendment with Mack saying "so what if it leads to no deal") and it will be useful to have a legislative/press/interest groups watch. The process could suggest the press strategy and the follow-up plan...Given the love of process, might suggesting a formal continuation of a tobacco structure be useful? This is going to happen under your watch anyway, but it might deter others from picking...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Minyon Moore (CN=Minyon Moore/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-SEP-1997 22:49:36.00

SUBJECT: DPC position

TO: Sylvia M. Mathews (CN=Sylvia M. Mathews/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: Bob J. Nash (CN=Bob J. Nash/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

I am hearing through the grapevine that Cong. Waters might have a candidate that she wants to recommend. To avoid any confusion, it might be helpful if someone checks in with her office to see if she has any "recommendations." I spoke with Bob briefly about this, and he is willing to check in with her office. We certainly don't want this to spin out of control. Thanks for your help!

MEETING WITH LEADERS OF THE DISABILITY COMMUNITY

DATE: September 10, 1997
LOCATION: Cabinet Room
TIME: 11:00 AM to 12:15 PM
FROM: Maria Echaveste
Bill White
Diana Fortuna

I. PURPOSE

To discuss policy issues affecting people with disabilities.

II. BACKGROUND

You are meeting 13 national leaders from the disability community as part of your continuing effort to hear directly from key constituencies. The following are the primary issues that will be raised at the meeting: the Americans with Disabilities Act (ADA), Supplemental Security Income eligibility for children (SSI Kids), personal assistant services (CASA), the Individuals with Disabilities Education Act (IDEA), and employment for people with disabilities. Also in the room will be five of your top appointees with disabilities, who have been included because of their substantive knowledge and credibility within the disability community.

After your opening statement, Justin Dart will set the tone for the meeting and congratulate you for your past leadership on issues important to people with disabilities. Justin will assist in moderating the discussion, calling upon 2-3 people to make short presentations on each issue. You will make remarks after each issue is presented as appropriate (see attached talking points). In addition to Justin, you should give special thanks to Fred Fay, Chair of Disability Outreach for Clinton/Gore in '92 and '96, and Becky Ogle, Director of Disability Outreach for Clinton/Gore '96. Fred will be joining us via phone from Concord, Massachusetts because of a severe disability.

Although a variety of disability views will be represented, most of the leaders will have a civil rights orientation (as opposed to a cure focus), and will be discussing ways to empower people with disabilities and assist them in leading independent lives.

A key agenda item is Supplemental Security Income (SSI) eligibility for children. **Last year's welfare law tightened the eligibility standards for childhood disability**

benefits in the SSI program. The disability community has complained that the Administration's interpretation of the legislation was too restrictive. (Tab 6)

Attending the meeting will be two representatives from ADAPT (Americans with Disabilities for Attendant Programs Today). ADAPT was the group that staged a protest at the Georgia Democratic Headquarters on November 4, 1996, and persuaded Alexis Herman to commit to a Presidential meeting. While we have agreed to include ADAPT in the meeting, we have made it clear that this is not ADAPT's meeting, but a meeting with key representatives of the disability community that would have taken place with or without the protest. ADAPT will focus on the issue of personal assistant services and ask you to endorse the Community Attendant Service Act (CASA). (Tab 7)

The final major issue concerns next year's funding for the Individuals with Disabilities Education Act (IDEA). The Republicans have skillfully pulled money from parts of your new education initiatives and given it to IDEA. Advocates are upset about our position that we should stick with our original budget proposal. (Tab 8)

This will be your last event with Bruce Vladeck as HCFA Administrator. You will do a short photo-op with Bruce and his wife Fredda Vladeck before the pre-brief.

III. PRE-BRIEF PARTICIPANTS

Maria Echaveste	
Christopher Jennings	
Bruce Vladeck	HCFA Administrator
Elena Kagan	DPC
Diana Fortuna	DPC
Bill White	OPL

IV. PARTICIPANTS

Justin Dart	Justice for All	Washington, DC
Nancy Diehl	Parents Network on Disability	Tennessee
Paul Edwards	American Council of the Blind	Florida
Fred Fay (Via Phone)	Chair, Clinton/Gore Disability Campaign	Concord, MA
John Harper	Student with a disability	Illinois
Bob Kafka	ADAPT	Texas
Paul Marchand	Consortium of Citizens with Disabilities	Washington, DC
Gina McDonald	National Council on Independent Living	Kansas
Becky Ogle	Justice For All	Maryland
Michael Oxford	ADAPT	Kansas
Debbie Robinson	Person with mental retardation	Pennsylvania

ADMINISTRATION APPOINTEES WITH DISABILITIES

Marca Bristo	Chair, National Council on Disability
Tony Coelho	President's Comte. on Employment for People with Disabilities
Susan Daniels	Social Security Administration
Judy Heumann	Department of Education
Bob Williams	Department of Health and Human Services

IV. *PRESS PLAN*

Closed press

V. *SEQUENCE OF EVENTS*

- o You will enter the Cabinet Room, walk around the room and greet the participants, and make opening remarks.
- o You will turn to Justin Dart, who will make remarks and outline the issues to be discussed. Justin will then assist in moderating the issue discussion, calling upon 2-3 people to make presentations on each topic.
- o You will make remarks after each topic is presented (see attachments).
- o After the issue discussion, Tony Coelho and Marca Bristo will thank you.
- o You will make closing remarks and depart.

VI. *REMARKS*

Talking points attached.

Attachments:

Tab 1:	Seating Chart
Tab 2:	Background on Participants
Tab 3:	Tips on Talking with People with Disabilities
Tab 4:	Welcoming Remarks
Tab 5:	Background and Talkers on the Americans with Disabilities Act
Tab 6:	Background and Talkers on Supplemental Security Income Eligibility
Tab 7:	Background and Talkers on Personal Assistant Services
Tab 8:	Background and Talkers on Individuals with Disabilities Education Act
Tab 9:	Background and Talkers on Employment for People with Disabilities

BACKGROUND ON PARTICIPANTS

1. The Honorable Tony L. Coelho
Coelho Associates, New York, New York

Original House sponsor of the Americans with Disabilities Act (ADA), the landmark civil rights legislation for people with disabilities. Chair of President's Committee on Employment for People with Disabilities. Person with epilepsy.

2. Mr. Justin Dart
Justice for All, Washington, DC

The statesman of the disability rights movement. A lifelong Republican who endorsed the President in a speech last year at the DNC Convention. Topic: Justin will congratulate you for open the meeting on behalf of the community. Will act as moderator and provide opening remarks that will get meeting started properly.

3. Dr. Frederick A. Fay
Chairperson - DNC Disability Advisory Committee, Concord, Massachusetts

Pioneer of disability rights movement. Chair of Clinton/Gore disability outreach in both '92 and '96. Operates largest disability community computer network. Person with severe physical disability. (Via speaker phone.) Topic: The ADA and FDR Memorial.

4. Mr. Paul Marchand
Chairperson of Consortium of Citizens with Disabilities (CCD), Washington, DC

Chair of CCD, an umbrella organization representing 125 disability organizations. Director of government affairs for the ARC, formerly known as the Association for Retarded Citizens. Topic: Supplemental Security Income eligibility for children.

5. Ms. Gina McDonald
President - National Council of Independent Living, Salina, Kansas

Executive Director of Kansas Association for Independent Living. Presidentially appointed member of the National Council on Disability. Gina has a hearing disability, but will be using an assistive listening device. Topic: Personal Assistant Services.

6. Ms. Becky L. Ogle
Justice for All, Bethesda, Maryland

One of the best grassroots disability rights organizers in the country. Director of Disability Outreach for Clinton/Gore '96. National advocate for the President's health care program in '94. (Under consideration for an appointment at Labor.)

7. Mr. Bob Kafka
ADAPT (Americans Disabled for Attendant Programs Today), Austin, Texas

National leader/strategist of ADAPT. Adamant advocate for publicly funded personal care assistance that will allow people with disabilities to get out of nursing homes and participate in their communities. Topic: Personal Assistant Services.
8. Mr. Mike Oxford
ADAPT (Americans Disabled for Attendant Programs Today), Topeka, Kansas

Executive Director of the Topeka Independent Living Resource Center. National leader of ADAPT. Topic: Personal Assistant Services.
9. Ms. Nancy J. Diehl
Director - Parent Training & Information Center in Tennessee, Greenville, Tennessee

Parent of a child with a disability. One of the nation's most articulate and respected parent advocates. Topic: Individuals with Disabilities Education Act.
10. Mr. Paul Edwards
President - American Council of the Blind, Miami, Florida

One of the nation's leading advocates for persons who are blind. Topic: Telecommunications for people with disabilities.
11. Ms. Debbie Robinson
Treasurer - Speaking for Ourselves, Plymouth Meeting, Pennsylvania

National leader of people first movement for the rights of people labeled mentally retarded. Articulate. Presidentially appointed member of the National Council on Disability. African-American. Person with mental retardation. Topic: ADA
12. Mr. John Harper
Student, Jacksonville, Illinois

Youth leader, 17 years old. Person who is deaf. Frequent spokesperson for the National Association of the Deaf. Will use a sign language interpreter at the meeting. Note: When talking to John, speak directly to him, not the interpreter. Topic: Individual with Disabilities Education Act and the importance of qualified teachers for students who are deaf and blind.
13. Ms. Marca Bristo

Chair - National Council on Disability (NCD), Chicago, Illinois

Pioneer of disability rights movement. Appointed by the President in 1993 as Chair of the National Council on Disability. President of Access Living of Metropolitan Chicago.

TIPS ON TALKING TO PEOPLE WITH DISABILITIES

The disability community has a number of sensitivities about language and behavior pertaining to people with disabilities. They are leaders in the emerging civil rights movement for this community, and see this movement as being perhaps 20 years behind African Americans or women in terms of the degree of understanding and sensitivity of the non-disabled community. They believe that denigrating language and behavior is still widely tolerated in our society. In their view, disability is a natural part of life and people with disabilities should be viewed positively, rather than as victims, courageous, or pitied.

The term "people with disabilities" is preferred to "handicapped" or even "the disabled." They often say that, in the spirit of "putting people first," you should look first at the person rather than the disability. People "use" a wheelchair rather than "are in" a wheelchair -- or worse yet, "are confined to" a wheelchair. In general, you should not offer assistance with a basic task such as opening a door or getting seated unless the person appears unable to do so on his or her own.

The Administration's most prominent appointee with a disability is probably Judy Heumann, who is Assistant Secretary at Education in charge of special education and vocational rehabilitation. She played a major role in the development of the independent living movement, which champions people with disabilities living in the community and with their families, and has helped many people leave nursing homes. (The community is very much opposed to nursing homes, viewing them as rarely or never appropriate for people with disabilities.) She is a very constructive internal advocate.

Bob Williams, who is Commissioner of the Administration on Developmental Disabilities (ADD), part of HHS, speaks with a voice machine. When he wishes to speak, he often makes a noise and begins punching into the machine. The etiquette is that other conversations should continue until the artificial voice begins to speak, and then wait until the thought is expressed. Bob is a very thoughtful individual who has also been a leader in the disability movement.

The Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA, which governs special education) are viewed as virtually sacred by the community. The Administration has been extremely strong in supporting these laws. In 1994, the community was very fearful that the Republican takeover of Congress would lead to attempts to weaken these laws. The threat never materialized into proposed legislation, but the community believes it must be ever-vigilant in defending these laws.

WELCOMING REMARKS

- o Welcome to the Cabinet Room of the White House. Joining me today are several key members of my Administration, including Maria Echaveste, who directs my Public Liaison Office, Chris Jennings, my senior health care advisor, Administrator Bruce Vladeck from HCFA, my friend Tony Coelho from the President's Committee on Employment for People with Disabilities, Judy Heumann from the Department of Education, Susan Daniels from SSA, Marca Bristo from the National Council on Disability, and Bob Williams from HHS.
- o I understand that people with disabilities are not looking for special treatment, but equal access to the American dream. I understand the importance of integrating disability issues into all policies and programs of the Administration. We couldn't have gotten this far without the support of so many of you around this table today.
- o On critical civil rights laws, we have vigorously enforced the ADA, and we have defended it from malicious attacks. This year, with the critical assistance of Assistant Secretary Judy Heumann we secured the reauthorization of the IDEA in a manner that reaffirms our nation's commitment to children with disabilities and their parents.
- o On the key issue of health care for people with disabilities, we haven't gotten as far as I would have liked, as you know. But we fought hard and won our fight to preserve the Medicaid guarantee, when it was under attack in 1995 and 1996, a change that would have been so dangerous for people with disabilities, among many others.
- o As part of the balanced budget I just signed, we restored SSI benefits to over 300,000 legal immigrants with disabilities. Most observers predicted that Congress would never agree to amend the welfare law to make this change, but we were able to persuade them with your help. As you know, we made people with disabilities our top priority for restorations.
- o But I also know how far we have to go. There are areas where we can and must do more, and I'm looking forward to a substantive discussion.
- o Before we begin, I want to give special recognition to Fred Fay who is joining us via speaker phone from his home in Concord, Massachusetts, and Becky Ogle, who worked night and day organizing the disability community both in '92 and '96.
- o Justin, why don't you lead us off.

ADA ENFORCEMENT

Advocates Who Will Discuss:

- Fred Fay, Chair, DNC Disability Advisory Committee
- Ms. Debbie Robinson, Speaking for Ourselves

What Advocates Will Say:

- The ADA is so critical to the disability community. We appreciate your strong support for it. We encourage the Administration to increase its enforcement efforts.

ADA Talking Points:

- Vigorous enforcement of the Americans with Disabilities Act (ADA) has been a top priority of my Administration. The Justice Department, the EEOC, and other federal agencies have established aggressive enforcement programs. We have emphasized voluntary compliance, but have not been afraid to litigate when entities fail to comply with the law.
- Although we have been quite successful, we all know we have a long way to go. Our resources are not sufficient to address the majority of meritorious complaints received in a timely fashion.
- My budgets have consistently called for an increase for ADA enforcement at the Department of Justice. However, the Congress has failed to approve these increases, which is indirectly weakening the important law.

-- FY 1998: 5% (\$477,000)
-- FY 1997: 3.9% (\$361,000)

- I am committed to significantly increasing ADA enforcement resources in the FY 1999 budget I will submit to Congress early next year. This Administration recognizes additional resources are necessary to strengthen a comprehensive enforcement program that seeks to achieve greater access for persons with disabilities at home, in their communities, and in the workplace. [DOJ's request to OMB calls for a 19% increase of \$2,173,000.]
- The ADA became law because your organizations, both nationally and at the grassroots level, worked together to educate the Congress on why the law was urgently needed. You won because you were well-organized and persistent. I will fight for greater funding, but the only way to make this a reality is if the disability community can make this a priority with the Congress.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Advocates Who Will Discuss:

- Nancy Diehl, Parent Network on Disability
- John Harper, Student with a Disability

Background: IDEA was reauthorized in June of this year, after an elaborate bipartisan process led by Senator Lott that reconciled all the competing interests of schools, parents, teachers, and others. The Administration has been extremely supportive of the disability community on IDEA.

However, advocates are upset that we oppose the Senate's large increases in IDEA funding. The Senate funds IDEA at the expense of Administration priorities (Goals 2000 and America Reads).

We said in a recent SAP that IDEA is adequately funded at our requested level, and that the Senate should redirect funds to our priorities. Advocates have misread that SAP to say that we consider IDEA a "low priority program." **The Administration has proposed an increase of \$174 million, while the House has proposed \$300 million and the Senate over \$900 million.**

What Advocates Will Say:

- Thank you for your leadership on IDEA reauthorization. It is critical to our kids' futures.

IDEA Talking Points:

- The passage of the IDEA was a tremendous success for the Administration. The bipartisan approach used during reauthorization enabled us to produce a bill which will help to ensure that disabled children across this country can get a quality education. Our principle from the beginning has been that ALL children must be able to take advantage of the educational reforms occurring across this country. Your active support to ensure that this legislation is effectively understood and implemented is critical.

IDEA Funding Controversy: Is IDEA a low priority for the Administration given language included in the SAP on the House and Senate Labor-HHS appropriations bills?

- Special education funding has and always will be a high priority for this Administration. In fact, for the first three budgets of this Administration, Congress funded Special Education programs at levels less than I proposed. Only recently has Congress come around to match or exceed my requests. Because of our leadership, IDEA funding has risen by \$1.1 billion, a 36% increase during this Administration.
- The Administration will work closely with Congress to ensure a balanced education funding bill that makes new investments in a broad range of important education programs, including Special Education programs.
- Finally, IDEA is about much more than funding levels. The Administration worked long and hard with the disability community, the Congress, parents and schools, to construct a reauthorization bill which would ensure that children with disabilities receive a quality education. We think that this has been accomplished, and the Administration's funding request will complement this effort.

SUPPLEMENTAL SECURITY INCOME ELIGIBILITY FOR CHILDREN

Advocates Who Will Discuss:

Paul Marchand, the Arc; Chair, Consortium of Citizens with Disabilities

Background: The welfare reform law set a stricter definition of disability for children's SSI, after media reports that children faked disabilities to get benefits, and concerns that the program tripled in size since 1989 to one million children. The new law explicitly eliminated an eligibility test that allowed many children with less severe disabilities to qualify for the program, particularly mental disabilities. Estimates at the time were that 180,000 children would lose benefits. After the law was signed, Senators Conrad, Chafee, and Daschle alleged that SSA had legal authority to recreate the old test via regulation, cutting off only 35,000 children. SSA ultimately determined that doing so was contrary to congressional intent and the bipartisan understanding at the time. SSA's regulation had modest changes that brought the impact down to 135,000 children.

SSA is now more than half-way through reevaluations of the cases of 270,000 children. Over 100,000 children have lost eligibility to date. The final number of children cut off is expected to be close to SSA's estimate of 135,000. However, advocates allege SSA is discouraging appeals and is not implementing the new standard consistently across the country. (Mississippi has a termination rate of over 80%, while California and Pennsylvania are just over a third.)

What Advocates Will Say:

- Your administration chose an unnecessarily tough standard when interpreting Congress's intent to tighten up on this program. Advocates have suggested more modest changes to SSA's regulation. SSA should stop the cutoffs to consider and respond to these suggestions.
- In SSA's reviews, disturbing trends have emerged. Few families are appealing SSA's decisions. SSA may be discouraging appeals. SSA should stop and ensure that families have all the rights and information they are entitled to.

SSI Kids Talking Points:

- I know that Acting Commissioner Callahan met with advocates (including the Arc) last week to discuss this. We appreciate your constructive involvement in this critical process.
- I am pleased that, as part of the balanced budget, we were able to grandfather Medicaid benefits for all these children, so that none of them will lose health insurance.
- I fought against the SSI block grant and other proposals that would have been far worse than what we ended up with.
- When the law was enacted, SSA examined the evidence and interpreted the law to create a standard that was consistent with her best reading of congressional intent. SSA does not believe that a more liberal interpretation is legally possible.
- I know SSA is committed to ensuring these reviews are conducted fairly. I have asked Commissioner Callahan to report to me on the concerns you are raising within 30 days.

PERSONAL ASSISTANT SERVICES

Advocates Who Will Discuss:

- Gina MacDonald, National Center for Independent Living (“nickel”)
- Bob Kafka and Mike Oxford, ADAPT

Background: ADAPT believes that people with disabilities are “imprisoned” in nursing homes because Medicaid is biased against home and community-based services. Today, states limit these services through waivers that cap the number of participants, while nursing home eligibility is more open-ended.

CASA: ADAPT will push for your support of their bill, the Medicaid Community Attendant Services Act. CASA requires states to cover community-based attendant services for those now eligible for nursing home care. It also gives beneficiaries a greater say in how those dollars are spent. Under pressure from ADAPT, Speaker Gingrich introduced CASA in June without endorsing it, instead calling it a “starting point” for an important dialogue and noting it has cost implications. Rep. Gephardt has also signed on as a co-sponsor. (CASA is not the highest priority of other disability groups, some of which have specific reservations about it.)

The Administration has not taken a position on CASA prior to this meeting. We have two major concerns about it. First, although it has a spending cap, CASA would have significant costs. It would require services for as many as one million people who now live at home but are so severely disabled that they could qualify for nursing home care. Further, any nursing home beds vacated by those moving to the community are likely to be filled promptly. Second, giving beneficiaries control of significant Medicaid dollars raises critical questions about quality standards, fraud, and whether Medicaid should pay family members for care.

Although we can't support CASA, we can support CASA's principles while recognizing our serious concerns. In response to a June meeting with ADAPT, HHS just formed a work group to identify next steps, including working with states on demonstrations of these principles. Finally, you can inform the group that you are writing Speaker Gingrich to lay out your position on CASA.

Date Certain: Recognizing that CASA raises these concerns, ADAPT is now pushing a more immediate fallback option. Known as the “date certain” concept, it would allow all individuals who are actually in nursing homes as of a certain date to move to community settings if they wish. While this approach solves some of CASA's problems, it would still cost money since the nursing home beds would be filled by new patients.

What Advocates Will Say:

- People with disabilities are dying in nursing homes, and incremental steps are not enough. We urge you to support CASA, or at least a “date certain” policy.

Personal Assistant Services Talking Points:

- As many of you know, this is an issue that I have cared about for a long time, and I am pleased that we have made the progress we have made.
- My Administration has made it easier than ever for states to get waivers for home and community-based services. About a quarter of a million people are now served in these programs, and HCFA is continuing to push states to make these services available.
- Because of a meeting with ADAPT in June, HHS has a new work group that is working with you. By the end of the year, it will complete its policy review to identify provisions that contribute to Medicaid's institutional bias. It will also work with states to develop demonstrations of the principles of CASA, and I have asked them to report to me by the end of February with an action plan.
- I am also asking the work group to examine linking the need for more qualified attendants with state welfare reform work requirements under TANF. Linking the needs of people with disabilities for attendants and the needs of low-income families for jobs seems to be well worth pursuing.
- Although Bruce Vladeck, who has been instrumental in this process as HCFA Administrator, is leaving the Administration shortly, I am pleased that Bob Williams [who is in the room] will play a key role in this process. Bob has just been named Deputy Assistant Secretary at HHS.
- I strongly support the principles of CASA but, as you know, it appears that the bill would have significant costs. In addition, there are unanswered questions about quality, particularly if one were to move quickly toward consumer-directed models that are at this point untested. Nevertheless, I want to send a strong signal that I believe CASA is an excellent vehicle for discussing our mutual goals and allowing us to move forward on them. Therefore, I plan to send a letter to Speaker Gingrich applauding his action in introducing CASA, and seeking to work with him and others on this.
- [If you are pushed on the "date certain" concept:] My understanding is that the date certain concept would also increase Medicaid costs. However, the work group is committed to working with states on demonstrations of this idea, along with others.

EMPLOYMENT OF PEOPLE WITH DISABILITIES

Advocates Who Will Discuss:

- Tony Coelho, Chair, President's Cmte. on Employment of People with Disabilities
- Paul Edwards, American Council of the Blind

Background: The unemployment rate of people with severe disabilities is 75%. The disability community argues that we must focus on barriers to work that prevent people with disabilities from working. These problems include eventual loss of Medicaid or Medicare if they return to work and high costs for personal assistants, computer accommodations, and transportation.

Medicaid Buy-in: The balanced budget included a President's budget proposal to help people with disabilities work without losing their health care coverage. Today people on SSI who go to work lose Medicaid if their earnings exceed caps that vary by state. Since it is so difficult for people with disabilities to get private insurance, many people who are eligible for SSI "manage" their income to ensure that they keep Medicaid --by stopping work when they hit the caps, or turning down promotions. This new state option will allow SSI beneficiaries with disabilities who earn more than these caps to keep Medicaid by contributing to the cost of their coverage as their income rises.

SSI Ticket Proposal: The President's budget included a proposal to let SSDI and SSI beneficiaries choose their own rehabilitation providers. Providers who help beneficiaries leave the rolls and return to work would be paid a percentage of the disability benefits saved. Because providers would be rewarded for results rather than for their costs, this should encourage more providers to have a continuing interest in their clients' long term success, which in turn may lead to more beneficiaries returning to work. Republicans and Democrats on the Hill have put forth similar proposals (Rep. Bunning proposed this concept before we did), so there is hope of action.

Note: The Administration's appointees with disabilities, led by Tony Coelho, are urging us internally to issue an executive order that would make this issue a priority and set up a task force to identify further actions to solve this problem.

What Advocates Will Say:

- We appreciate the Administration's efforts on this issue. However, more must be done. The most critical area is health care. Treasury should seriously consider offering tax credits to people with disabilities, who so often face higher costs.

Employment Talking Points:

- A large and growing number of people with disabilities can work, and want to work, but they face a variety of complex barriers to work. That's why I'm so pleased that our proposal for a Medicaid buy-in for people with disabilities was accepted by the Congress as part of the balanced budget. In addition, I am hopeful that bipartisan interest in the "ticket" proposal, to increase the number of people with disabilities who can return to work, will lead to legislative action soon.
- Nevertheless, we must do more. My Administration continues to be actively engaged in identifying further steps we can take, as Tony knows.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 11:28:07.00

SUBJECT: Draft Agenda -- Weekly Welfare Meeting

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

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

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

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

CC: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TEXT:

Weekly Welfare Meeting
Draft Agenda
9/9/97

- I. FLSA/Workfare -- Our Response to Latest Proposal
- II. Child Support Enforcement
 - Ways and Means testimony tomorrow
 - Work w/Hill on computer systems penalties
 - Letter to States not Certified and to California (wants permission for sub-state system)
 - Press around October 1st deadline
- III. \$3 Billion Implementation
- IV. Privatization -- Arizona waiver request -- must respond by October 4
- V. Letter to Senator Bingaman re: New Mexico housing/welfare policy

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 18:43:47.00

SUBJECT: Roth objection to Welfare to Work Appropriation

TO: Keith J. Fontenot (CN=Keith J. Fontenot/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Emil E. Parker (CN=Emil E. Parker/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TO: Barry White (CN=Barry White/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

TEXT:

Chairman Roth has objected to the \$6.2 million appropriation in the Specter-Harkin managers substitute, and proposes to knock it down to \$4 million. He or his staff seem annoyed that as authorizers they were not properly consulted. I'm trying to help DOL work this out.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sean P. Maloney (CN=Sean P. Maloney/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-SEP-1997 09:05:07.00

SUBJECT: Phil Caplan's Leave

TO: Cecily C. Williams (CN=Cecily C. Williams/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Christopher F. Walker (CN=Christopher F. Walker/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Ann F. Walker (CN=Ann F. Walker/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Peter G. Umhofer (CN=Peter G. Umhofer/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

TO: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Stephanie S. Streett (CN=Stephanie S. Streett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Darby E. Stott (CN=Darby E. Stott/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Craig T. Smith (CN=Craig T. Smith/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

TO: Jennifer M. Palmieri (CN=Jennifer M. Palmieri/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Elizabeth R. Newman (CN=Elizabeth R. Newman/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Kevin S. Moran (CN=Kevin S. Moran/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Linda L. Moore (CN=Linda L. Moore/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Anne E. McGuire (CN=Anne E. McGuire/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Sylvia M. Mathews (CN=Sylvia M. Mathews/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Bruce R. Lindsey (CN=Bruce R. Lindsey/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Christopher J. Lavery (CN=Christopher J. Lavery/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Kirk T. Hanlin (CN=Kirk T. Hanlin/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Cynthia M. Jasso-Rotunno (CN=Cynthia M. Jasso-Rotunno/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Phu D. Huynh (CN=Phu D. Huynh/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Russell W. Horwitz (CN=Russell W. Horwitz/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Julia R. Green (CN=Julia R. Green/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Jeremy M. Gaines (CN=Jeremy M. Gaines/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Karen E. Finney (CN=Karen E. Finney/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Paul K. Engskov (CN=Paul K. Engskov/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: Catherine A. Cornelius (CN=Catherine A. Cornelius/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

READ:UNKNOWN

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

TO: David S. Beaubaire (CN=David S. Beaubaire/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Nicholas R. Baldick (CN=Nicholas R. Baldick/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Brenda M. Anders (CN=Brenda M. Anders/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Dorian V. Weaver (CN=Dorian V. Weaver/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Kathleen M. Wallman (CN=Kathleen M. Wallman/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Beth A. Viola (CN=Beth A. Viola/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

TO: June G. Turner (CN=June G. Turner/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Michael V. Terrell (CN=Michael V. Terrell/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

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

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

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

TO: Stephen B. Silverman (CN=Stephen B. Silverman/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Dan K. Rosenthal (CN=Dan K. Rosenthal/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Sarah J. Reber (CN=Sarah J. Reber/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

TO: Simeona F. Pasquil (CN=Simeona F. Pasquil/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Peter R. Orszag (CN=Peter R. Orszag/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

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

TO: Megan C. Moloney (CN=Megan C. Moloney/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Andrew J. Mayock (CN=Andrew J. Mayock/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Joseph P. Lockhart (CN=Joseph P. Lockhart/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Ann F. Lewis (CN=Ann F. Lewis/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Sara M. Latham (CN=Sara M. Latham/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Joshua A. King (CN=Joshua A. King/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: Nancy V. Hernreich (CN=Nancy V. Hernreich/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Jason S. Goldberg (CN=Jason S. Goldberg/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: D. Stephen Goodin (CN=D. Stephen Goodin/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Shelley N. Fidler (CN=Shelley N. Fidler/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

TO: Anne M. Edwards (CN=Anne M. Edwards/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Jennifer D. Dudley (CN=Jennifer D. Dudley/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Brenda B. Costello (CN=Brenda B. Costello/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Daniel K. Chang (CN=Daniel K. Chang/OU=CEA/O=EOP @ EOP [CEA])

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Sean Maloney to Cecily Williams et al. re: Phil Caplan's leave [partial] (1 page)	09/09/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[09/09/1997]

2009-1006-F
bm46

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice 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]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

READ:UNKNOWN

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

TO: Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Barbara A. Barclay (CN=Barbara A. Barclay/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Kris M Balderston (CN=Kris M Balderston/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Lori L. Anderson (CN=Lori L. Anderson/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

P6(b)(6)

[002]

Phil will be out of the office for the next couple of weeks, though he will be calling in frequently. During this time, please direct materials (especially e-mail and voicemail messages) intended for Phil to Sean Maloney. Please update all electronic distribution lists accordingly. Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jerold R. Mande (CN=Jerold R. Mande/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME: 9-SEP-1997 12:55:13.00

SUBJECT: Re: New lookback scenerios

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

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Here are the latest penalties scenerios that you requested.

----- Forwarded by Jerold R. Mande/OSTP/EOP on 09/09/97
12:53 PM -----

Patrick G. Locke

09/09/97 12:48:11 PM

Record Type: Record

To: Jerold R. Mande/OSTP/EOP

cc: joseph j. minarik/omb/eop, Hugh T. Connelly/OMB/EOP, Susanne D. Lind/OMB/EOP

Subject: Re: New lookback scenerios

Here are the new scenarios you asked for. All the scenarios assume that the BBA excise tax credit is repealed. For each of the three teen surcharge variants, I have run one version where teen consumption responds only to the deal's price increases, and a second version where the deal's nonprice provisions cause a 30% reduction in teen smoking on top of the price effect.

Note that with tier 1 of the surcharge specified as nondeductible, there is now an increase in corporate income taxes in all the scenarios. The assumption is that in addition to passing through the surcharge, the companies tack on a further price increase that allows them to pay taxes on the surcharge payments and preserve the same profits as they would otherwise have booked.

I have not done any modeling of the "brand by brand" concept for the surcharge. Without more data on differential marketing to teens across firms, I have no way to model this right now.

Because the excise tax increases in tier 2 of the youth surcharge are buried in the spreadsheet files, I'm showing them in the table below. With a 30% nonprice effect, tier 2 of the surcharge doesn't kick in until year 10. Otherwise, you get fairly hefty excise taxes starting in year 5.

	Year 5	Year 7	Year 10
Noncumulative excise tax above 5/10/15			
Price effects only	21	31	35
30% nonprice effect	0	0	

Cumulative excise tax above 5/10/15			
Price effects only	21	52	83
30% nonprice effect	0	0	

5

Noncumulative excise tax above 10/10/10			
Price effects only	16	32	40
30% nonprice effect	0	0	10

Here are the files for the noncumulative excise tax above 5/10/15 percentage points. The first file (tobacl3.wk4) is price effects only; the second file (tobacl3n.wk4) has the 30% nonprice effect.

Here are the files for the cumulative excise tax above 5/10/15 percentage points.

Here are the files for the noncumulative excise tax above 10/10/10 percentage points.

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

TEXT:
Unable to convert ARMS_EXT: [ATTACH.D69]MAIL41603515S.216 to ASCII,
The following is a HEX DUMP:

00001A000210040000000000C80005FEC5002000010A0000000000000001F0008000000013000
0033001F0008000001013004001D001F00080000020130040022001F0008000003013004002200
1F00080000040130040022001F00080000050130040022001F00080000060130040030001F0008
0000070130040023001F00080000080130040023001F00080000090130040023001F000800000A
0130040023001F000800000B0130040023001F000800000C013004001D001F000800000D013004
001D001F000800000E013000001D001F0008000100013000004C001F0008000101013004003A00
1F0008000102013004003A001F0008000103013004003A001F0008000104013004003A001F0008
000105013004003A001F0008000106013004003A001F0008000107013004003A001F0008000108
013004003A001F0008000109013004003A001F000800010A013004003A001F000800010B013004
003A001F000800010C013004003A001F000800010D013000003A001F000800010E013000003A00
1F000800020001300000B8001F000800020101300300B8001F000800020201300300B8001F0008
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01300300BD001F000800020701300300BD001F000800020801300300BD001F0008000209013003
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1F000800020D01300300BD001F000800020E01300300BD001F000800020F01300300B8001F0008
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01300300B8001F000800021401300300B8001F000800021501300300B8001F0008000216013003
00B8001F000800021701300300B8001F000800021801300300B8001F000800021901300300B800
1F000800021A01300300B8001F000800021B01300300B8001F000800021C01300300B8001F0008
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1F00080003050130030078001F0008000306013003007B001F0008000307013003007A001F0008
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013003007B001F000800030C013003007B001F000800030D013003007B001F000800030E013000
007B001F000800030F0130030070001F00080003100130030070001F0008000311013003007000

Clinton Presidential Records Automated Records Management System [EMAIL]

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: p_r5153060_opd_html_1.xls

Attachment Number: [ATTACH.D69]MAIL41603515S.216

Clinton Presidential Records Automated Records Management System [EMAIL]

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: p_r5153060_opd_html_2.xls

Attachment Number: [ATTACH.D69]MAIL42803515T.216

Clinton Presidential Records Automated Records Management System [EMAIL]

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: p_r5153060_opd_html_3.xls

Attachment Number: [ATTACH.D69]MAIL43013515U.216

Clinton Presidential Records Automated Records Management System [EMAIL]

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: p_r5153060_opd_html_4.xls

Attachment Number: [ATTACH.D69]MAIL44213515V.216

Clinton Presidential Records Automated Records Management System [EMAIL]

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: p_r5153060_opd_html_5.xls

Attachment Number: [ATTACH.D69]MAIL43413515W.216

Clinton Presidential Records Automated Records Management System [EMAIL]

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: p_r5153060_opd_html_6.xls

Attachment Number: [ATTACH.D69]MAIL43613515X.216

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 10:14:38.00

SUBJECT: Lindsey growers meeting

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

TO: Jerold R. Mande (CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

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

TEXT:

Bruce Lindsey's meeting with grower reps is scheduled for 3:30 in the Ward room. His person said it was fine for anyone to come from our group.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 13:19:51.00

SUBJECT: HHS letters to states re: child support enforcement

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

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

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

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

Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TEXT:

I will fax you each copies of the two letters:

1) One Shalala wants to send to governors of states which do not yet have a certified computer system saying statewide systems are crucial and by law HHS must withhold all federal funds to states that do not meet have them in place by October 1.

2) One from Monahan to the California child support enforcement director saying we do not intend to modify our current regulations, practice or policy to allow California to have a child support computer system that is not statewide, unless, as currently allowed, the alternative would function as well as a statewide system and meet all the current statutory requirements.

Please let me know if you have any comments.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Leanne A. Shimabukuro (CN=Leanne A. Shimabukuro/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 11:53:46.00

SUBJECT: crack meeting at ONDCP TODAY at 1:00pm

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

ONDCP 6th floor conference room. I will attend.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: William P. Marshall (CN=William P. Marshall/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-SEP-1997 11:41:45.00

SUBJECT: Workplace Freedom Meeting

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

READ:UNKNOWN

TEXT:

We should ask:

Andy Pincus (Commerce)
Ellen Vargyas (EEOC)
Marvin Krislov (Labor)
DOJ-OLC
SBA
Public Liason (Deborah Mohile)
Other agencies?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: William P. Marshall (CN=William P. Marshall/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-SEP-1997 09:01:51.00

SUBJECT: Workplace Freedom Act

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

READ:UNKNOWN

TEXT:

I have been told from a number of Hill sources that the Workplace Freedom Act is likely to move quickly. Have you had any thoughts about when to set up an inter-agency meeting?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 10:09:43.00

SUBJECT: Upcoming Meetings

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Here's a list of Bruce's meetings scheduled for this week:

Tues., Sept. 9:

10:30 Penn Meeting (Bruce's office)

1:30 Meeting with Tobacco Execs--no room yet, Lindsey setting this up

2:30 Welfare-to-Work--Eli Segal/Kate Carr/Lynn Hogan (Bruce's office)

5:00 Meeting with Ron Klain/Don Gips--Tobacco (Room 286, OEOB)
May get rescheduled

Wed., Sept. 10:

10:30 Mtg with Dan Tate/Paul Carey/Jerry Mande--Tobacco (Bruce's office)

11:30 Mtg with Lynn Cutler, National Association of Counties (Cutler set this up)--Tobacco, short meeting (Cutler's office, 106 OEOB).

2:00 Sandy Thurman/Todd Summers meeting with Bruce (30 minutes--his office)

4:00 Interviewing Peggy Dotzel (his office)

Thurs., Sept. 11:

Meeting with VP--Tobacco (time has not been set yet)

1:00 Meeting with Reno/Shalala--Agency Collaboration (Room 5111, DOJ)

2:30 Meeting with Shalala/Daschle/others--Tobacco (Capitol, S-221)

5:00 Meeting with Shalala (HHS) -- Trying to reschedule this one for some other time

Friday, Sept. 12:

11:30--12:00 Timeframe--meeting not set yet -- Tobacco premeet with
Erskine/Shalala/others
(Bruce is working this out)

5:15 Meeting with POTUS--Tobacco

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 20:08:37.00

SUBJECT: Re: Kids SSI editorial in the NY Times tomorrow

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

READ:UNKNOWN

TEXT:

just gave a few sentences on this to staff secretary, as you requested.

Elena Kagan

09/09/97 07:45:16 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP

cc:

Subject: Re: Kids SSI editorial in the NY Times tomorrow

write a supplemental note to the president. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer L. Klein (CN=Jennifer L. Klein/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 18:51:34.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

I've been away from my desk all day and I have a felling you have been too. Let's talk tomorrow about the conference.

Jen

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 18:04:24.00

SUBJECT: AP Story -- Docs owe child support get \$ from Medicare

TO: Sarah A. Bianchi (CN=Sarah A. Bianchi/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Christopher C. Jennings (CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Emil E. Parker (CN=Emil E. Parker/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Jeanne Lambrew (CN=Jeanne Lambrew/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Elisabeth Stock (CN=Elisabeth Stock/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

TO: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

The HHS IG has found that despite the President's executive order making the federal government a model employer regarding child support, that HHS paid Medicare payments to doctors owing \$21.5 million in child support payments. I'm getting the executive summary.

One recommendation -- something we could tie to Medicare fraud package?? -- is for

doctors to sign statements swearing they aren't delinquent in child support before they can receive Medicare payments or grants. That may require new legislation punishing doctors if they lied. Three out of every thousand doctors in the sample were in arrears in paying child support.

Date: 09/09/97 Time: 16:03

CFederal agencies not checking up on doctors' child support

WASHINGTON (AP) The federal department responsible for

enforcing child support laws continues to write checks to nearly 1,200 Medicare doctors and medical researchers who owe \$21.5 million in unpaid child support, an internal report finds.

Officials say it may be more trouble than it's worth to go after so few delinquents. But the report argues that the Department of Health and Human Services should try harder to set a good example.

"It is untenable for this department to pay what amounts to income to individuals who it knows are out of compliance with child support obligations," wrote HHS Inspector General June Gibbs Brown.

In 1995, President Clinton made the same argument as he ordered a crackdown designed to make the federal government "a model employer" regarding child support.

"We will find you. We will catch you. We will make you pay," Clinton warned then, as he signed an executive order requiring agencies to withhold past-due child support from payments to federal employees and contractors.

But that order, signed in February 1995, has not been uniformly enforced, said Michael Kharfen, spokesman for the HHS agency that handles child support. Some agencies have been more willing than others to garnishee wages and payments, he said.

HHS Secretary Donna Shalala, who supervises all of the agencies involved, could not be reached for comment Tuesday.

Nationwide, parents owe \$34.5 billion in overdue child support. Just 20 percent of families who are owed child support receive payments.

The inspector general's report focused on a set of doctors and found 1,184 deadbeats who owed \$21.5 million. That was less than 1 percent of the 422,643 cases examined.

Using databases, the report matched child support delinquents with doctors who treat Medicare patients, researchers with grants from the National Institutes of Health and health care professionals who received loans or grants for school through the National Health Service Corps.

Most of the delinquent parents 1,105 of them were doctors serving in the Medicare program for the nation's elderly.

But the inspector general was only able to examine the records of 55 percent of Medicare doctors, so the actual number who owe child support could be much higher.

The report recommends that HHS start enforcing Clinton's executive order, saying it can start by doing the same computer matches that investigators did.

Beyond that, it suggests that agencies require doctors to sign statements swearing they aren't delinquent in child support before they can receive Medicare payments or grants. That would require new legislation punishing doctors if they lied.

Finally, it recommends that HHS cross-check applicants for federal money with a new database of all delinquents that is being created. The department should then deny payments to those not paying child support, it said.

A spokesman for the HHS agency that administers Medicare, Chris Peacock, said the agency "absolutely believes that doctors who are delinquent in child support payments shouldn't be getting Medicare money."

Peacock said Medicare is working to find a solution. But in written comments, the agency objected to every suggestion by the inspector general.

It argued that a doctor caught through a computer match could simply reapply as a corporation and that even if a new computer system worked it would "disrupt patient service" if doctors were

kicked out of the program.

The agency also complained that requiring doctors to sign a statement would be an ``administrative burden'' for doctors when very few are in violation. Plus, it said, doctors might easily lie, and investigations would be expensive.

The National Institutes of Health also argued it is not worth denying grants to a few researchers when 99.72 percent owe no child support.

``This is an extremely high compliance rate, one which we would be pleased to achieve in other areas,'' said Anthony L. Itteilag, NIH deputy director for management.

But \$21.5 million means a lot to the families who have it coming, said Debbie Kline of the Association for the Enforcement of Child Support.

``There isn't really an amount that is too small to overlook,'' she said. ``The federal government should not be paying money to criminals who are neglecting their children.''

APNP-09-09-97 1604EDT

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-SEP-1997 17:44:58.00

SUBJECT: NC4733: Deb Price

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

READ:UNKNOWN

TEXT:

If same-sex marriage soon becomes legal in Hawai, as this writer suggests, we will quickly have to deal with a whole serier of legal/policy questions that I don't think we are really now prepared for.

----- Forwarded by Richard Socarides/WHO/EOP on 09/09/97
05:43 PM -----

Wockner @ cris.com

09/09/97 01:06:00 AM

Record Type: Record

To: Stuart D. Rosenstein, Richard Socarides

cc:

Subject: NC4733: Deb Price

Deb Price column

September 8, 1997

SAME-SEX UNION COMING

Deb Price

From its perch atop Hawai`i's judicial branch, the state's farsighted Supreme Court can, no doubt, see just how close same-sex marriage is to becoming a reality.

That legal miracle is probably only months away. It's absolutely critical that it occur before November 1998, when Hawai`i's voters will be asked whether to amend their constitution to let lawmakers block same-sex marriage.

Dan Foley, attorney for the three same-sex couples suing for marriage licenses, expects the Hawai`i Supreme Court to announce soon whether it will hold oral arguments. "Once we get (a court) order, we can expect a (final) decision within a number of months," Foley predicts. "We're just waiting.

"I don't think there's any question -- when the decision comes down -- what it will be," Foley adds with well-placed confidence. "Everybody knows there's really nothing to decide because the state abysmally failed to meet its burden."

In a preliminary ruling, the Hawai`i Supreme Court declared in 1993 that refusing to grant marriage licenses to same-sex couples is sex discrimination, which Hawai`i's constitution prohibits. The court's conclusion rested on a simple fact. No one, regardless of sexual orientation, is allowed to marry someone of the same sex.

A three-member majority of Hawai'i's top court sent the case back to a lower court, demanding the state prove a "compelling" reason for the discrimination. The state's attempts have failed miserably. As a result, Judge Kevin Chang ruled in favor of same-sex marriage last December, and the case is now back before the Hawai'i Supreme Court.

After flailing about trying to concoct a believable "compelling" reason, the state has switched its chief argument. Gone almost entirely is the "children would suffer" claim, which the state's own witnesses demolished during an embarrassing two-week trial a year ago. The state has turned to mainland hired guns for legal help. But, having already had all its arguments shot down, the state has been reduced to begging the Hawai'i Supreme Court to say its ruling of "sex discrimination" was wrong in the first place.

That's a sign of total desperation because all three justices who gave us that decision are still on the court. And three votes are all we need on the five-member court to legalize same-sex marriage.

The historic 1993 decision was written by Justice Steven Levinson. It was supported by Ronald Moon, now chief justice, and Paula Nakayama. A more recent appointee, Justice Mario Ramil, is an unknown on gay issues but is considered a pro-consumer, pro-worker, progressive Democrat. Chief Justice Moon will appoint someone to cast the fifth vote. (Justice Robert Klein won't participate because he heard the case as a lower court judge.)

If the court doesn't rule soon, the November 1998 vote on amending the constitution could be devastating.

Polls show most Hawai'i voters oppose same-sex marriage but are evenly split over amending the constitution. But if gay couples start legally marrying before the election, voters will actually face a very different issue: Should citizens lose rights they already have? That would make it much more likely that same-sex marriage would win not only in the courts but also at the ballot box.

In July, the Hawai'i Supreme Court rejected the state's plea for it to intentionally delay its ruling until after the November 1998 vote. It's a positive sign that the court rebuffed the state's insulting suggestion that, instead of protecting rights, it should wait to see if those rights are amended out of existence.

Meanwhile, two Hawai'i federal cases bear watching. The first questions whether the state's new "reciprocal beneficiaries" law -- giving many marriage-like benefits to partners who can't legally marry -- covers private employers' health plans. The other will decide whether Hawai'i must vote again on whether to hold a constitutional convention, a potential nightmare.

Marriage can be the union of a man and woman, a man and man or a woman and woman. That's already the emotional reality. Count on the Hawai'i Supreme Court to make it a legal reality as well.

Deb Price writes on gay issue for The Detroit News

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)
id <01INF5AKYH8W00608C@PMDF.EOP.GOV>; Tue, 09 Sep 1997 01:07:47 -0400 (EDT)
Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01INF5AIC0IO00E5YF@PMDF.EOP.GOV>; Tue,

09 Sep 1997 01:07:42 -0400 (EDT)

Received: from darius.concentric.net ([207.155.184.79])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTP id <01INF59YZN6M004HJ7@STORM.EOP.GOV>; Tue,
09 Sep 1997 01:07:17 -0400 (EDT)

Received: from voyager.cris.com (voyager [206.173.119.82])
by darius.concentric.net (8.8.7/(97/08/22 5.5)) id BAA22810; Tue,
09 Sep 1997 01:07:01 -0400 (EDT)

Received: from localhost by voyager.cris.com (8.8.5) id BAA14397; Tue,
09 Sep 1997 01:06:47 -0400 (EDT)

Errors-to: Wockner@cris.com

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Peter Rundlet (CN=Peter Rundlet/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-SEP-1997 17:40:00.00

SUBJECT: Agenda for Minority Issues Meeting

TO: Judith A. Winston (CN=Judith A. Winston/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

TO: Ananias Blocker III (CN=Ananias Blocker III/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: James T. Edmonds (CN=James T. Edmonds/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Robert B. Johnson (CN=Robert B. Johnson/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Doris O. Matsui (CN=Doris O. Matsui/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Cheryl D. Mills (CN=Cheryl D. Mills/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Ann F. Lewis (CN=Ann F. Lewis/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Thurgood Marshall Jr (CN=Thurgood Marshall Jr/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Robert N. Weiner (CN=Robert N. Weiner/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Richard L. Hayes (CN=Richard L. Hayes/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Bob J. Nash (CN=Bob J. Nash/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Dawn M. Chirwa (CN=Dawn M. Chirwa/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Robert Wexler (CN=Robert Wexler/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

TO: Jennifer M. Palmieri (CN=Jennifer M. Palmieri/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Joseph P. Lockhart (CN=Joseph P. Lockhart/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Beverly J. Barnes (CN=Beverly J. Barnes/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Lynn G. Cutler (CN=Lynn G. Cutler/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

TO: Ann F. Walker (CN=Ann F. Walker/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: Tracey E. Thornton (CN=Tracey E. Thornton/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Andrew J. Mayock (CN=Andrew J. Mayock/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Susan M. Liss (CN=Susan M. Liss/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

TEXT:

I am putting together the agenda for Thursday's Minority Issues meeting.
Please send me any items you would like me to include by noon on
Wednesday. Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 12:09:42.00

SUBJECT: Tobacco farmers

TO: Jennifer D. Dudley (CN=Jennifer D. Dudley/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: Bruce R. Lindsey (CN=Bruce R. Lindsey/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TEXT:

The proposal regarding tobacco farmers sent by Mike Easley to Bruce Lindsey seemed like a reasonable starting place according to the tobacco program experts at USDA. Its central elements-- a commitment by manufacturers to annually purchase a minimum quantity of tobacco and for the government to continue the price support program is similar to other proposals that have been floated. In addition, its contemplation of a possible transition and quota compensation program is similar to other programs-- although USDA thinks it will be somewhat cheaper than the current Ford proposal for instance.

There seems to be a problem with the numbers, however, in the proposal for quota program costs. Briefly put, the estimates contemplate an increase in subsidy of a fixed 873 million pounds of tobacco in the top half of the chart, and in the second chart estimate that the amount of tobacco in the program will have declined to 555 million pounds by 2005. If one assumes the program will shrink, than the program will be somewhat cheaper than the projections in the chart.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 12:30:19.00

SUBJECT: WTW Meeting with Eli Segal

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

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

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

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Today's meeting with WTW is being rescheduled for another day -- I have a call into them and will let you know the new date/time.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-SEP-1997 12:38:13.00

SUBJECT: Child Support Q&A

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

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

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

TEXT:

We've taken out the reference to additional penalties in Judge Ross' testimony, and have been going back and forth on a Q&A instead. HHS wants to say simply we're willing to work with the Committee to keep from hurting children. OMB and I have worked up a more aggressive version, below:

New schedule from Haskins: he wants to put together a bipartisan Congress/Admin group to develop a proposal on systems penalties to move forward at the first of the year. He apparently doesn't think it can get done by end of this session. He's apparently planning to have Shaw say tomorrow something like: 16 states are now certified, 35-40 will be by end of year. We're concerned that states haven't made it. We want to work with Administration and others to find ways to ensure all states have functioning state-wide computer systems in place...

Q: Do you really intend to disapprove State plans for those States whose automated systems are not in compliance? What other options do you have for responding to such States?

A: The federal law is very clear that States must have a comprehensive state-wide computer system in place in order to continue to receive federal child support funds. We intend to enforce the law. But obviously, no one wants to hurt children by jeopardizing State child support systems. Thus, should the Congress be willing to discuss additional penalties which would allow the State child support programs to continue running while providing strong financial incentives for them to come into compliance, we would be happy to work with you.

Withholding all federal funds would still remain a very real possibility, but new penalties, which were tough, automatic, and rapid when a State fails to meet the deadline for certification and continued to increase as long as a State remains out of compliance, would create a real and immediate incentive for States to comply while maintaining the operation of the program. The Administration would be very interested in working with the Committee to develop additional penalties along these lines.