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THE PRESIDENT HAS SEEN  
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THE WHITE HOUSE  
WASHINGTON

September 11, 1998

Copied  
Reed  
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Bowles

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed  
Elena Kagan

SUBJECT: DPC Weekly Report

**1. Health Care -- Medicaid and the Patients' Bill of Rights:** You are currently scheduled to participate in an event on Thursday to announce the application of the patients' bill of rights to the Medicaid program and call on Congress to pass legislation extending these protections to all Americans. As of this writing, Senator Lott does not intend to bring the patients' bill of rights to the Senate floor for a vote. But Senator Daschle is challenging Lott every day to schedule a vote, and a presidential event this week will increase the pressure on Lott to do so.

**2. Health Care -- Assisted Suicide:** The House and Senate are both expected to take action on assisted suicide next week. We expect the full House to approve the Hyde-Hatch bill, which would empower the Drug Enforcement Agency to prosecute physicians who assist the suicide of a patient. We also expect the Senate Judiciary Committee to approve this bill, although we think that the full Senate will be unable to pass the legislation in the limited time left in the session. As you recall, we have opposed this legislation (while underscoring your opposition to assisted suicide) on the ground that the fear of DEA enforcement action of the kind specified in the bill would deter physicians from appropriately prescribing already underutilized pain relief medications for the terminally ill. The AMA and a host of other national health care organizations (most of which also oppose physician-assisted suicide) have joined us in taking this position.

In advance of his mark-up, Senator Hatch has asked us to submit an alternative piece of legislation prohibiting assisted suicides. We are inclined not to do so because we simply do not have enough time to work through the real difficulties involved in developing medically sound legislation prohibiting physician-assisted suicides. In addition, putting forward an alternative proposal of this kind now would anger most respected health care organizations and the whole Oregon delegation, particularly Senator Wyden. Instead, we are working with the Department of Justice on a letter proposing to establish (either by statute or by executive action) a new advisory board to (1) develop guidelines on appropriate (and inappropriate) uses of controlled substances for terminally ill patients and (2) recommend the best mechanism or method to enforce these guidelines. The board's members would include doctors, nurses, consumers, ethicists, and law enforcement officials and would report back to Congress and the

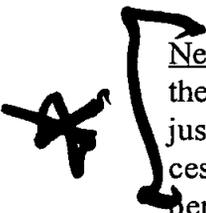
Administration within a specified time period. If you do not favor this suggested way of proceeding, please let us know.

**3. Health Care -- Vice President's Event in New Hampshire:** The Vice President is scheduled to join Governor Shaheen in New Hampshire on Friday to discuss a number of the Administration's health care priorities. The Vice President will highlight the approval of New Hampshire's new Children's Health Insurance Program, the application of the patients' bill of rights to federal health plans, a new grant to the State to provide support services to disabled individuals going to work, and perhaps an initiative related to programs for older Americans.

**4. Education -- Charter Schools Legislation:** We are attempting to broker an agreement to bring charter schools legislation to the Senate floor for a vote, in the face of a recent objection by Senator Harkin. As you recall, a bipartisan coalition on the Senate Labor and Human Resources Committee last month approved a charter schools bill, which is generally similar to the bill that the House passed last year. Harkin, however, is holding up the bill in an effort to insert a provision permitting a small portion of the funds to support "innovative" non-charter schools in states (such as Iowa) where charter schools are not permitted. Senate Republicans oppose this provision because it undermines one purpose of the bill -- to provide incentives to states to enact charter schools legislation. We are trying to break the resulting logjam by helping Harkin to find other funding streams for innovative non-charter schools and/or by suggesting possible legislative compromises, such as a small demonstration program to support these schools. It is unclear whether either Harkin or the Republicans will accept such approaches.

**5. Immigration -- Agricultural Guestworkers Program:** We are beginning meetings this week with a bipartisan group of legislators on proposals to reform the agricultural guestworker (H-2A) program; at the same time, we are continuing to oppose an H-2A provision, sponsored by Senator Wyden, that the Senate attached to the Commerce-Justice-State Appropriations bill. Secretary Herman wrote a strong letter of opposition to the Wyden amendment when it came to the floor, arguing that it would severely weaken labor protections for migrant farmworkers. Although the amendment passed by a large majority (68 votes), Democratic support for it has declined in recent weeks, in part because of increasingly fierce labor opposition; in addition, no one in the House (Republican or Democrat) appears to have a strong interest in including this provision in the final bill. We have told Wyden that we would like to work with him on reforms to the H-2A program, but want to do so through a bipartisan working group that will try to develop consensus legislation (outside the appropriations process) addressing the concerns of both growers and farmworkers. This working group -- which probably also will include Senators Kennedy, Graham, Feinstein, Abraham, and Coverdell and Representatives Lamar Smith, Becerra, and Berman -- will meet for the first time this week. Wyden is unhappy with this approach, preferring to negotiate with us directly on changes to his appropriations rider. Erskine is meeting with him this week to discuss the differences in our approach to this issue.

**6. Welfare Reform -- Caseload Decline:** The rate of decline in welfare caseloads is continuing to hold steady across the nation, at about 2 percent each month and 20 percent each year. (Of course, as the rolls get smaller, this steady rate of decline produces a progressively smaller number of people leaving the rolls each month). For example, the rolls declined by 6 percent between March and June of 1997 and by an identical 6 percent between March and June of 1998. Caseload decline has slowed down some in the states with the largest overall rates of decline since 1993, such as Wisconsin, Idaho, and Wyoming (which all showed declines of more than 80 percent during this period); at the same time, however, caseload decline has quickened in some other, slower-starting states.

 **7. Tobacco -- Smokers' Quitting Rates:** A study published in the latest issue of the New England Journal of Medicine found that smokers were four times more likely to quit if their health insurance plan paid the full cost of smoking cessation services, rather than paying just half. The researchers found that with full coverage, 10 percent of smokers per year use cessation services and 2.8 percent successfully quit smoking; with half coverage, only 2.4 percent use cessation services and 0.7 percent quit. The study involved 90,000 enrollees in the Puget Sound health maintenance organization. In preparation for your FY 2000 budget, we are examining ways to make cessation services more affordable within the Defense, Veterans, Medicaid, Medicare, and federal employees health systems. New proposals to help current smokers quit could complement your continued call for comprehensive legislation to stop children from smoking before they start.

**8. Children and Families -- Child Care Appropriations:** The Senate Appropriations Committee has approved \$182 million in new funding for the Child Care and Dependent Block Grant (CCDBG). This is the exact amount that you requested in new discretionary funding as part of your child care initiative. Because you requested that large mandatory spending increases (from tobacco revenues) go toward CCDBG, you recommended that these additional discretionary monies fund new efforts to enforce quality standards and provide scholarships for child care workers. In the absence of your proposed mandatory spending increases, we and the child care community think that the Senate committee was right to apply the additional discretionary monies to the block grant. We and OMB will work to maintain at least this level of increased support for CCDBG.