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THE PRESIDENT HAS SEEN

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THE WHITE HOUSE

WASHINGTON

November 6, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed  
Elena Kagan

SUBJECT: DPC Weekly Report

**1. Health Care -- Patients' Bill of Rights:** This week's election has virtually assured us a working majority in the House for strong patients' rights legislation. The Dingell-Ganske legislation that we supported lost last summer by a 217-212 vote. Of the 201 Democrats who supported this legislation, 189 are returning to the House, and of the ten Republicans and one Independent who supported the bill, all but one are returning. In addition, we expect all or almost all of the 22 Democrats newly elected to the House to support the bill. We therefore have about 220 votes, even assuming that no Republicans alter their position. And Congressman Ganske thinks that we can pick up an additional five or more votes from Republicans. In the Senate, we think a majority could form around a slightly strengthened version of the Graham-Chafee bill. As you recall, that bill includes virtually all of the patient protections in the Dingell-Ganske bill, but has a somewhat weaker enforcement provision. If Senate Democrats agree to accept an enforcement provision more similar to Graham-Chafee than to Dingell-Ganske, Senators Chafee and Spector and possibly Senators Snowe, Collins, Jeffords, Voinovich, and Bunning would join them. Because many unions also prefer the Graham-Chafee approach, this kind of compromise may make sense to Senate Democrats.

**2. Health Care -- Contraceptive Benefits for Federal Employees:** The Office of Personnel Management issued a benefits directive letter on Friday requiring the approximately 280 health plans in the FEHBP to provide coverage of all FDA-approved, prescription contraceptives to federal employees. As you know, we insisted on including this requirement, which Congresswoman Lowey sponsored, in the omnibus appropriations bill. The requirement will become fully effective in January 1999.

**3. Health Care -- Massachusetts Medicare Issue:** We are working with Senator Kennedy, Congressman McGovern, and other members of the Massachusetts delegation to find a way to provide administrative relief to an HMO in Massachusetts that otherwise will have to withdraw from the Medicare Choice program. This HMO contracted to provide a comprehensive drug benefit to beneficiaries, on the mistaken belief that a state law required it to do so. As a result, it is now facing severe financial difficulty and is close to pulling out of the program. As you recall, Senator Kennedy requested that we attempt to include a provision in the omnibus appropriations bill to address this problem, but the Republican leadership refused to do so. We are now considering whether we should act administratively

to allow this HMO -- and perhaps others in the same market -- to modify its drug benefit. The trick here is to do so without establishing a precedent that will allow Medicare HMOS generally to renege on their contractual commitments to provide particular benefits. We will let you know whether we and HHS, working with Senator Kennedy, can find a solution to this problem.

**4. Abortion -- Task Force on Violence Against Abortion Providers:** The Attorney General will announce on Monday the formation of a task force to address violence committed against abortion providers. Bill Lee of the Civil Rights Division will lead the task force, which also will include attorneys from the Criminal Division and investigators from the FBI, ATF, and Marshals Service. The task force will coordinate the Department of Justice's activities regarding the investigation and prosecution of acts of violence against abortion providers. It also will make recommendations to clinics and providers regarding security and provide training to federal, state, and local law enforcement personnel. We are working with the Justice Department and other agencies on further actions that can be taken -- perhaps involving additional budgetary commitments -- to curb the recent increase in violence against abortion clinics and providers.

**5. Crime -- Gang Study:** The Justice Department's National Institute of Justice (NIJ) released last week a study on youth gangs. The study, which was conducted in Colorado, Florida, and Cleveland, found that: (1) gang members committed significantly more violent crime, including homicides and drive-by shootings, than other at-risk youth; (2) gang members were over 12 times more likely to be involved in drug sales, and were much more likely to own a gun, than other at-risk youth; and (3) reprisals suffered by youths who refused to join a gang were often milder than the serious assaults endured during gang initiations.

**6. Crime -- Community Policing Conference:** More than 750 police and community leaders from across the country will attend this week a community policing conference sponsored by the Justice Department's COPS Office and the National Institute of Justice. The conference will focus on problem-solving and community-building strategies that are helping law enforcement agencies respond to crime, fear, and disorder in their jurisdictions. In addition, this week the COPS Office released \$18 million in grants to 139 law enforcement agencies to hire 276 officers. These grants bring the total number of officers funded through the COPS program to 88,797.