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DPC Weekly Report (June 4, 1999)

6-7-99

THE WHITE HOUSE

'99 JUN 5 PM 12:34

WASHINGTON

June 4, 1999

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MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena KaganSUBJECT: DPC Weekly Report

1. Crime/Guns – House Republican Bill: Congressmen Hyde and McCollum are still working on the juvenile justice bill to be marked up in the House Judiciary Committee this week. McCollum's existing bill, which has bipartisan support and is likely to form the basis of the new bill, is very different from the one passed in the House two years ago. Most significantly, it preserves the "core mandates" intended to protect juveniles in state custody, and conditions juvenile justice funds only on states' adoption of graduated sanctions schemes for juvenile offenders (as the just-passed Senate bill and our proposal do), rather than on the adoption of laws subjecting juveniles to prosecution as adults (as the old House bill did). We are hopeful that these aspects of the McCollum bill will remain unchanged, but conservatives no doubt will try to reinsert some of the old House bill's provisions. The \$500 million program that the current McCollum bill sets up is essentially a block grant that states can use for a wide variety of purposes, including graduated sanctions programs, juvenile drug and gun courts, and new prosecutors, probation officers, and juvenile judges. We are working with Congressman Conyers on a strategy to beat back objectionable Republican amendments; we also may try, as we did successfully in the Senate, to establish a set-aside of some of the funds authorized in the legislation for prevention activities.

Hyde and McCollum are now adding gun provisions to this bill, but the exact content and scope of these provisions remain uncertain. It is possible that Hyde and McCollum will add the measures recently passed in the Senate (~~background checks at gun shows, juvenile Brady, child safety locks, and a juvenile ban on assault weapons~~) plus additional provisions to raise the age for handgun purchases (but not for handgun possession, as in our proposal) from 18 to 21; similarly raise the age for long gun purchases; require background checks for explosives purchases; prohibit the dissemination of bombmaking instructions on the Internet; increase penalties for gun traffickers and individuals who transfer guns to juveniles; and require mandatory sentences for juveniles who use guns to hurt others on school property. Hyde and McCollum may try, however, to water down the measures passed in the Senate -- particularly the gun show provision -- and to keep other provisions to a minimum in order to ensure broad Republican support. They also plan to include a contentious IDEA provision, passed in the Senate over the vigorous objection of Senator Harkin, to allow school officials to discipline disabled

children in the same manner as they can discipline other students for bringing guns to schools. We are working with Congressman Gephardt's office to maximize Democratic support for a set of strong gun provisions.

 2. **Crime -- Gun Free-Schools Report:** The Education Department is planning to release within a few weeks the Gun-Free Schools Act report for the 1997-98 school year. The report will show that about 3,000 students were expelled for bringing a gun to school during the year -- ~~only half the number expelled in the previous year.~~ The Department believes that some school districts, particularly in California, are underenforcing the Act, and is putting together a plan to work with states and school districts on enforcement issues.

3. **Crime -- Study on Citizen Perceptions of Police:** The Department of Justice's Bureau of Justice Statistics released on Thursday the results of a survey on police protection conducted in 12 cities: Chicago, Kansas City, Knoxville, Los Angeles, Madison, New York, San Diego, Savannah, Spokane, Springfield, Tucson, and Washington, DC. The study found widespread support for local police: 85 percent of the residents surveyed said that they were satisfied with the police who served their neighborhoods, and only three percent reported that they were very dissatisfied. Although white residents were more likely than black residents to be satisfied with local police, both reported high levels of satisfaction: 90 percent for white residents, and 76 percent for black residents. In each of the 12 cities, residents who had been victims of violent crime and those who were fearful of crime in their neighborhoods reported less satisfaction with the police. About 30 percent of the residents of each city had some contact with the police within the past 12 months. In addition, a large percentage of respondents were familiar with community policing, with 54 percent reporting that police officers practiced community policing in their neighborhoods and 60 percent indicating that police had worked with neighborhood residents within the last year on crime prevention and safety issues.

4. **Education -- D.C. College Access Act:** The House recently passed the D.C. College Access Act to provide greater higher education opportunities to D.C. residents, but at a cost greatly in excess of the Administration's similar proposal. Under the House-passed bill, the federal government would pay the difference between in-state and out-of-state tuition for any qualified D.C. undergraduate attending a public college or university in any of the 50 states. The bill also would provide grants of up to \$3,000 annually to D.C. residents who choose to attend a private college or university in D.C., Maryland, or Virginia. Initial projections indicate that this bill would cost two or three times as much as the \$17 million proposal included in your FY 2000 Budget. The Administration's proposal, now incorporated in legislation introduced by Senator Jeffords, would limit subsidies to D.C. residents with family incomes of less than \$50,000 who attend college or university in D.C., Maryland, or Virginia; the subsidy would be the difference between in-state and out-of-state tuition for students attending

public colleges and universities and up to \$2,000 annually for students attending private institutions. Secretary Riley sent a letter to the Senate noting the Administration's support for the intent of the House-passed bill, but expressing reservations about the design of the subsidy and urging adoption of Senator Jeffords' alternative proposal.

5. Tobacco -- Treasury Ruling on Smoking Cessation: The Treasury Department is ready to issue a tax ruling that the cost of smoking cessation products prescribed by physicians is a medical expense for purposes of income tax treatment. (Current tax law allows taxpayers to deduct medical expenses, including drugs prescribed by physicians, to the extent they exceed 7.5 percent of income). The ruling uses new evidence on the addictiveness and harmfulness of smoking to reverse an opinion issued in 1979 prohibiting taxpayers from deducting the cost of these products.

6. Health Care -- Arkansas' 1915(b) Waiver Proposal: You recently asked about Arkansas' 1915(b) waiver proposal to use a managed care delivery system to provide intensive case management services to children with special mental health needs. As you know, Arkansas believes that this demonstration will ensure that these children receive inpatient, outpatient, and rehabilitation services in a coordinated and cost-effective fashion. HCFA has now concluded that the Arkansas proposal meets the necessary standards for managed care demonstrations (including requirements that enrollees have a choice of providers, access to specialists, and an effective complaint and appeals process) and expects to approve the waiver by the middle of this month.

7. Health Care -- Dissemination of Contaminated Polio Vaccine: You recently asked for an evaluation of Walter Kyle's contention that the distribution of contaminated polio vaccine by the FDA between 1955 and 1963 and again in 1977 is responsible for the spread of a variety of viruses that cause cancer and immune depressive diseases, such as HIV. Mr. Kyle is correct that the FDA released several batches of polio vaccine between 1955 and 1963 that were contaminated with a simian virus called SV40. Researchers at the FDA and NIH have concluded, however, that exposure to these vaccines is not associated with a significantly increased rate of cancer or other disease. The FDA also has concluded, after testing numerous lots of polio vaccine from 1977 and surrounding years, that no additional distribution of contaminated vaccine took place in these years. The vast majority of the scientific community stands behind FDA's findings on this issue. Given these findings, medical ethicists at the Centers for Disease Control do not believe there is any need to discuss the chance that polio vaccine is contaminated by simian viruses before obtaining parents' consent to vaccination.