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IN BRIEF.....

• The Managed Competition Act of 1993 (H.R.3222/S.1579) has been introduced in the House and the Senate. Sponsors cite it as a "moderate approach" to health system reform. The Arc and other disability and health care reform advocacy organizations believe that this proposal falls far short of meeting the needs of people with mental retardation and other disabilities (p.2).

• The Leadership Council of Aging Organizations and the Long-term Care Campaign held a Dec. 7 press conference to announce a "Mid-Term Report Card" on how the major health care reform proposals address long-term services. Of the six major proposals rated, only President Clinton's proposal (S.1757/H.R.3600) and the Wellstone/McDermott single payor proposal (S.491/H.R.1200) received passing grades (p.4).

• The U.S. Department of Housing and Urban Development has been in a state of flux since the Clinton administration took over. Plans abound to restructure HUD in the effort to "reinvent government;" to make HUD planning procedures more unified; to step up efforts to promote fair housing; and to cut the HUD budget once again. The Arc continues to work to raise the level of visibility of disability issues in all of these discussions (p.6).

FYI -- Mark your calendars. The 18th annual Governmental Affairs Seminar of The Arc is scheduled for March 20-22, in Washington, D.C. The seminar will be held at a new site, the J.W. Marriott Hotel, since we have outgrown our previous site. Issues covered at the seminar will include such topics as health care reform, long-term services reform, the balanced budget amendment proposal, fiscal year 1995 budget and appropriations issues, prevention, and the reauthorization of the Individuals with Disabilities Education Act. Materials related to the seminar will be included in the January and February editions of The Arc Now and more information will be in upcoming issues of Government Report.

NOTES: National Fair Housing Summit planned for Washington D.C. on January 19-22 (p.8).

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Iraqi civilian population and depriving it of humanitarian assistance. The United Nations Security Council passed resolutions that permit Iraq to sell \$1.6 billion of oil under U.N. auspices to fund the provision of food, medicine, and other humanitarian supplies to the people of Iraq. Under the U.N. resolutions, the equitable distribution within Iraq of this assistance would be supervised and monitored by the United Nations. The Iraqi regime continued to refuse to accept these resolutions and has thereby chosen to perpetuate the suffering of its civilian population.

The regime of Saddam Hussein continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, as well as to regional peace and security. Because of Iraq's failure to comply fully with United Nations Security Council resolutions, the United States will therefore continue to apply economic sanctions to deter Iraq from threatening peace and stability in the region, and I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

William J. Clinton

The White House,
February 16, 1993.

Exchange With Reporters Prior to a Meeting With the Congressional Leadership

February 17, 1993

Economic Program

Q. Mr. President, if you count Social Security as a tax increase, you don't have a one-to-one ratio. Are you going to have enough cuts in this program to be able to sell this thing?

The President. I think so. There are 150 specific ones, and I'll be glad to entertain some more if anybody's got any specific ideas.

The Vice President. At this point—

Q. Can you honestly say, as Senator Dole has asked, that you have made all the cuts you could possibly make in this program?

The President. I can honestly say I've made more specific cuts that affect me personally than I can think that any of my predecessors have made and that I intend to find more as I go along. I've just been here 4 weeks, and I'll continue to work on it. But I've made an awful lot of cuts; I'm going to make some more.

Q. Have you convinced Senator Dole and Michel and all of the other Republican leaders? And did you call Ross Perot?

The President. My duty is to try to convince them that I will.

The Vice President. In the words of the old hymn, "they're almost persuaded."

The President. I thought that was a country and western song. [Laughter]

Q. They don't look it.

Q. How about Ross Perot, Mr. President?

Jogging Track

Q. Why build a jogging track when you're making cuts across the board in Government?

The President. I thought the thing was going to be paid for with contributions; that's what I was told. I think it would be a good thing to have but I think if we can pay for it with contributions, otherwise I don't think we ought to spend any tax money on it.

Q. You don't have an alternative way to pay for it?

The President. I was told that the stuff had been donated already. I told them if it was all going to be donated, it was fine with me if it was built. That's what I was told from the very beginning, so that's all I know about it.

NOTE: The exchange began at 2:22 p.m. in the Cabinet Room at the White House.

Address Before a Joint Session of Congress on Administration Goals February 17, 1993

Mr. President, Mr. Speaker, Members of the House and the Senate, distinguished Americans here as visitors in this Chamber, as am I. It is nice to have a fresh excuse for giving a long speech. [Laughter]

When Presidents speak to Congress and the Nation from this podium, typically they comment on the full range and challenges and opportunities that face the United States. But this is not an ordinary time, and for all the many tasks that require our attention, I believe tonight one calls on us to focus, to unite, and to act. And that is our economy. For more than anything else, our task tonight as Americans is to make our economy thrive again.

Let me begin by saying that it has been too long, at least three decades, since a President has come and challenged Americans to join him on a great national journey, not merely to consume the bounty of today but to invest for a much greater one tomorrow.

Like individuals, nations must ultimately decide how they wish to conduct themselves, how they wish to be thought of by those with whom they live, and later, how they wish to be judged by history. Like every individual, man and woman, nations must decide whether they are prepared to rise to the occasions history presents them.

We have always been a people of youthful energy and daring spirit. And at this historic moment, as communism has fallen, as freedom is spreading around the world, as a global economy is taking shape before our eyes, Americans have called for change. And now it is up to those of us in this room to deliver for them.

Our Nation needs a new direction. Tonight I present to you a comprehensive plan to set our Nation on that new course. I believe we will find our new direction in the basic old values that brought us here over the last two centuries: a commitment to opportunity, to individual responsibility, to community, to work, to family, and to faith. We must now break the habits of both political parties and say there can be no more something for nothing and admit frankly that we are all in this together.

The conditions which brought us as a Nation to this point are well-known: two decades of low productivity, growth, and stagnant wages; persistent unemployment and underemployment; years of huge Government deficits and declining investment in our future; exploding health care costs and lack of coverage for millions of Americans; legions

of poor children; education and job training opportunities inadequate to the demands of this tough, global economy. For too long we have drifted without a strong sense of purpose or responsibility or community.

And our political system so often has seemed paralyzed by special interest groups, by partisan bickering, and by the sheer complexity of our problems. I believe we can do better because we remain the greatest nation on Earth, the world's strongest economy, the world's only military superpower. If we have the vision, the will, and the heart to make the changes we must, we can still enter the 21st century with possibilities our parents could not even have imagined and enter it having secured the American dream for ourselves and for future generations.

I well remember 12 years ago President Reagan stood at this very podium and told you and the American people that if our national debt were stacked in thousand-dollar bills, the stack would reach 67 miles into space. Well, today that stack would reach 267 miles. I tell you this not to assign blame for this problem. There is plenty of blame to go around in both branches of the Government and both parties. The time has come for the blame to end. I did not seek this office to place blame. I come here tonight to accept responsibility, and I want you to accept responsibility with me. And if we do right by this country, I do not care who gets the credit for it.

The plan I offer you has four fundamental components. First, it shifts our emphasis in public and private spending from consumption to investment, initially by jump-starting the economy in the short term and investing in our people, their jobs, and their incomes over the long run. Second, it changes the rhetoric of the past into the actions of the present by honoring work and families in every part of our public decisionmaking. Third, it substantially reduces the Federal deficit honestly and credibly by using in the beginning the most conservative estimates of Government revenues, not, as the executive branch has done so often in the past, using the most optimistic ones. And finally, it seeks to earn the trust of the American people by paying for these plans first with cuts in Government waste and efficiency; second, with

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cuts, not gimmicks, in Government spending; and by fairness, for a change, in the way additional burdens are borne.

Tonight I want to talk with you about what Government can do because I believe Government must do more. But let me say first that the real engine of economic growth in this country is the private sector, and second, that each of us must be an engine of growth and change. The truth is that as Government creates more opportunity in this new and different time, we must also demand more responsibility in turn.

Our immediate priority must be to create jobs, create jobs now. Some people say, "Well, we're in a recovery, and we don't have to do that." Well, we all hope we're in a recovery, but we're sure not creating new jobs. And there's no recovery worth its salt that doesn't put the American people back to work.

To create jobs and guarantee a strong recovery, I call on Congress to enact an immediate package of jobs investments of over \$30 billion to put people to work now, to create a half a million jobs: jobs to rebuild our highways and airports, to renovate housing, to bring new life to rural communities, and spread hope and opportunity among our Nation's youth. Especially I want to emphasize, after the events of last year in Los Angeles and the countless stories of despair in our cities and in our poor rural communities, this proposal will create almost 700,000 new summer jobs for displaced, unemployed young people alone this summer. And tonight I invite America's business leaders to join us in this effort so that together we can provide over one million summer jobs in cities and poor rural areas for our young people.

Second, our plan looks beyond today's business cycle because our aspirations extend into the next century. The heart of this plan deals with the long term. It is an investment program designed to increase public and private investment in areas critical to our economic future. And it has a deficit reduction program that will increase the savings available for the private sector to invest, will lower interest rates, will decrease the percentage of the Federal budget claimed by interest payments, and decrease the risk of financial

market disruptions that could adversely affect our economy.

Over the long run, all this will bring us a higher rate of economic growth, improved productivity, more high-quality jobs, and an improved economic competitive position in the world. In order to accomplish both increased investment and deficit reduction, something no American Government has ever been called upon to do at the same time before, spending must be cut, and taxes must be raised.

The spending cuts I recommend were carefully thought through in a way to minimize any adverse economic impact, to capture the peace dividend for investment purposes, and to switch the balance in the budget from consumption to more investment. The tax increases and the spending cuts were both designed to assure that the cost of this historic program to face and deal with our problems will be borne by those who could readily afford it the most. Our plan is designed, furthermore, and perhaps in some ways most importantly, to improve the health of American business through lower interest rates, more incentives to invest, and better trained workers.

Because small business has created such a high percentage of all the new jobs in our Nation over the last 10 or 15 years, our plan includes the boldest targeted incentives for small business in history. We propose a permanent investment tax credit for the smallest firms in this country, with revenues of under \$5 million. That's about 90 percent of the firms in America, employing about 40 percent of the work force but creating a big majority of the net new jobs for more than a decade. And we propose new rewards for entrepreneurs who take new risks. We propose to give small business access to all the new technologies of our time. And we propose to attack this credit crunch which has denied small business the credit they need to flourish and prosper.

With a new network of community development banks and \$1 billion to make the dream of enterprise zones real, we propose to bring new hope and new jobs to storefronts and factories from south Boston to south Texas to south central Los Angeles. This plan invests in our roads, our bridges,

our transit systems, in high-speed railways, and high-tech information systems. And it provides the most ambitious environmental cleanup in partnership with State and local government of our time, to put people to work and to preserve the environment for our future.

Standing as we are on the edge of a new century, we know that economic growth depends as never before on opening up new markets overseas and expanding the volume of world trade. And so, we will insist on fair trade rules in international markets as a part of a national economic strategy to expand trade, including the successful completion of the latest round of world trade talks and the successful completion of a North American Free Trade Agreement, with appropriate safeguards for our workers and for the environment.

At the same time—and I say this to you in both parties and across America tonight, all the people who are listening—it is not enough to pass a budget or even to have a trade agreement. This world is changing so fast that we must have aggressive, targeted attempts to create the high-wage jobs of the future. That's what all our competitors are doing. We must give special attention to those critical industries that are going to explode in the 21st century but that are in trouble in America today, like aerospace. We must provide special assistance to areas and to workers displaced by cuts in the defense budget and by other unavoidable economic dislocations.

And again I will say we must do this together. I pledge to you that I will do my best to see that business and labor and Government work together for a change.

But all of our efforts to strengthen the economy will fail—let me say this again; I feel so strongly about this—all of our efforts to strengthen the economy will fail unless we also take this year, not next year, not 5 years from now but this year, bold steps to reform our health care system.

In 1992, we spent 14 percent of our income on health care, more than 30 percent more than any other country in the world, and yet we were the only advanced nation that did not provide a basic package of health care benefits to all of its citizens. Unless we

change the present pattern, 50 percent of the growth in the deficit between now and the year 2000 will be in health care costs. By the year 2000 almost 20 percent of our income will be in health care. Our families will never be secure, our businesses will never be strong, and our Government will never again be fully solvent until we tackle the health care crisis. We must do it this year.

The combination of the rising cost of care and the lack of care and the fear of losing care are endangering the security and the very lives of millions of our people. And they are weakening our economy every day. Reducing health care costs can liberate literally hundreds of billions of dollars for new investment in growth and jobs. Bringing health costs in line with inflation would do more for the private sector in this country than any tax cut we could give and any spending program we could promote. Reforming health care over the long run is critically essential to reducing not only our deficit but to expanding investment in America.

Later this spring, after the First Lady and the many good people who are helping her all across the country complete their work, I will deliver to Congress a comprehensive plan for health care reform that finally will bring costs under control and provide security to all of our families, so that no one will be denied the coverage they need but so that our economic future will not be compromised either. We'll have to root out fraud and overcharges and make sure that paperwork no longer chokes your doctor. We'll have to maintain the highest American standards and the right to choose in a system that is the world's finest for all those who can access it. But first we must make choices. We must choose to give the American people the quality they demand and deserve with a system that will not bankrupt the country or further drive more Americans into agony.

Let me further say that I want to work with all of you on this. I realize this is a complicated issue. But we must address it. And I believe if there is any chance that Republicans and Democrats who disagree on taxes and spending or anything else could agree on one thing, surely we can all look at these numbers and go home and tell our people the truth. We cannot continue these spend-

ing patterns in public or private dollars for health care for less and less and less every year. We can do better. And I will work to do better.

Perhaps the most fundamental change the new direction I propose offers is its focus on the future and its investment which I seek in our children. Each day we delay really making a commitment to our children carries a dear cost. Half of the 2-year-olds in this country today don't receive the immunizations they need against deadly diseases. Our plan will provide them for every eligible child. And we know now that we will save \$10 later for every \$1 we spend by eliminating preventable childhood diseases. That's a good investment no matter how you measure it.

I recommend that the women, infants, and children's nutrition program be expanded so that every expectant mother who needs the help gets it. We all know that Head Start, a program that prepares children for school, is a success story. We all know that it saves money, but today it just reaches barely over one-third of all the eligible children. Under this plan, every eligible child will be able to get a head start. This is not just the right thing to do; it is the smart thing to do. For every dollar we invest today we'll save \$3 tomorrow. We have to start thinking about tomorrow. I've heard that somewhere before. [Laughter]

We have to ask more in our schools of our students, our teachers, our principals, our parents. Yes, we must give them the resources they need to meet high standards, but we must also use the authority and the influence and the funding of the Education Department to promote strategies that really work in learning. Money alone is not enough. We have to do what really works to increase learning in our schools.

We have to recognize that all of our high school graduates need some further education in order to be competitive in this global economy. So we have to establish a partnership between businesses and education and the Government for apprenticeship programs in every State in this country to give our people the skills they need. Lifelong learning must benefit not just young high school graduates but workers too, throughout

their career. The average 18-year-old today will change jobs seven times in a lifetime. We have done a lot in this country on worker training in the last few years, but the system is too fractured. We must develop a unified, simplified, sensible, streamlined worker-training program so that workers receive the training they need regardless of why they lost their jobs or whether they simply need to learn something new to keep them. We have got to do better on this.

And finally, I propose a program that got a great response from the American people all across this country last year: a program of national service to make college loans available to all Americans and to challenge them at the same time to give something back to their country as teachers or police officers or community service workers; to give them the option to pay the loans back, but at tax time so they can't beat the bill, but to encourage them instead to pay it back by making their country stronger and making their country better and giving us the benefit of their knowledge.

A generation ago when President Kennedy proposed and the United States Congress embraced the Peace Corps, it defined the character of a whole generation of Americans committed to serving people around the world. In this national service program, we will provide more than twice as many slots for people before they go to college to be in national service than ever served in the Peace Corps. This program could do for this generation of Members of Congress what the land grant college act did and what the GI bill did for former Congressmen. In the future, historians who got their education through the national service loan will look back on you and thank you for giving America a new lease on life, if you meet this challenge.

If we believe in jobs and we believe in learning, we must believe in rewarding work. If we believe in restoring the values that make America special, we must believe that there is dignity in all work, and there must be dignity for all workers. To those who care for our sick, who tend our children, who do our most difficult and tiring jobs, the new direction I propose will make this solemn, simple commitment: By expanding the refundable earned income tax credit, we will

make history. We will reward the work of millions of working poor Americans by realizing the principle that if you work 40 hours a week and you've got a child in the house, you will no longer be in poverty.

Later this year, we will offer a plan to end welfare as we know it. I have worked on this issue for the better part of a decade. And I know from personal conversations with many people that no one, no one wants to change the welfare system as badly as those who are trapped in it. I want to offer the people on welfare the education, the training, the child care, the health care they need to get back on their feet, but say after 2 years they must get back to work, too, in private business if possible, in public service if necessary. We have to end welfare as a way of life and make it a path to independence and dignity.

Our next great goal should be to strengthen our families. I compliment the Congress for passing the Family and Medical Leave Act as a good first step, but it is time to do more. This plan will give this country the toughest child support enforcement system it has ever had. It is time to demand that people take responsibility for the children they bring in this world.

And I ask you to help to protect our families against the violent crime which terrorizes our people and which tears our communities apart. We must pass a tough crime bill. I support not only the bill which didn't quite make it to the President's desk last year but also an initiative to put 100,000 more police officers on the street, to provide bootcamps for first-time nonviolent offenders for more space for the hardened criminals in jail, and I support an initiative to do what we can to keep guns out of the hands of criminals. Let me say this. I will make you this bargain: If you will pass the Brady bill. I'll sure sign it.

Let me say now, we should move to the harder parts.

I think it is clear to every American, including every Member of Congress of both parties, that the confidence of the people who pay our bills in our institutions in Washington is not high. We must restore it. We must begin again to make Government work for ordinary taxpayers, not simply for organized interest groups. And that beginning

must start with real political reform. I am asking the United States Congress to pass a real campaign finance reform bill this year. I ask you to increase the participation of the American people by passing the motor voter bill promptly. I ask you to deal with the undue influence of special interest by passing a bill to end the tax deduction for lobbying and to act quickly to require all the people who lobby you to register as lobbyists by passing the lobbying registration bill.

Believe me, they were cheering that last section at home. I believe lobby reform and campaign finance reform are a sure path to increased popularity for Republicans and Democrats alike because it says to the voters back home, "This is your House. This is your Senate. We're your hired hands, and every penny we draw is your money."

Next, to revolutionize Government we have to ensure that we live within our means, and that should start at the top and with the White House. In the last few days I have announced a cut in the White House staff of 25 percent, saving approximately \$10 million. I have ordered administrative cuts in budgets of Agencies and Departments. I have cut the Federal bureaucracy, or will over the next 4 years, by approximately 100,000 positions, for a combined savings of \$9 billion. It is time for Government to demonstrate, in the condition we're in, that we can be as frugal as any household in America.

And that's why I also want to congratulate the Congress. I noticed the announcement of the leadership today that Congress is taking similar steps to cut its costs. I think that is important. I think it will send a very clear signal to the American people.

But if we really want to cut spending, we're going to have to do more, and some of it will be difficult. Tonight I call for an across-the-board freeze in Federal Government salaries for one year. And thereafter, during this 4-year period, I recommend that salaries rise at one point lower than the cost of living allowance normally involved in Federal pay increases.

Next, I recommend that we make 150 specific budget cuts, as you know, and that all those who say we should cut more be as specific as I have been.

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Finally, let me say to my friends on both sides of the aisle, it is not enough simply to cut Government; we have to rethink the whole way it works. When I became President I was amazed at just the way the White House worked, in ways that added lots of money to what taxpayers had to pay, outmoded ways that didn't take maximum advantage of technology and didn't do things that any business would have done years ago to save taxpayers' money.

So I want to bring a new spirit of innovation into every Government Department. I want to push education reform, as I said, not just to spend more money but to really improve learning. Some things work, and some things don't. We ought to be subsidizing the things that work and discouraging the things that don't. I'd like to use that Superfund to clean up pollution for a change and not just pay lawyers.

In the aftermath of all the difficulties with the savings and loans, we must use Federal bank regulators to protect the security and safety of our financial institutions, but they should not be used to continue the credit crunch and to stop people from making sensible loans.

I'd like for us to not only have welfare reform but to reexamine the whole focus of all of our programs that help people, to shift them from entitlement programs to empowerment programs. In the end we want people not to need us anymore. I think that's important.

But in the end we have to get back to the deficit. For years there's been a lot of talk about it but very few credible efforts to deal with it. And now I understand why, having dealt with the real numbers for 4 weeks. But I believe this plan does; it tackles the budget deficit seriously and over the long term. It puts in place one of the biggest deficit reductions and one of the biggest changes in Federal priorities, from consumption to investment, in the history of this country at the same time over the next 4 years.

Let me say to all the people watching us tonight who will ask me these questions beginning tomorrow as I go around the country and who've asked it in the past: We're not cutting the deficit just because experts say it's the thing to do or because it has some

intrinsic merit. We have to cut the deficit because the more we spend paying off the debt, the less tax dollars we have to invest in jobs and education and the future of this country. And the more money we take out of the pool of available savings, the harder it is for people in the private sector to borrow money at affordable interest rates for a college loan for their children, for a home mortgage, or to start a new business.

That's why we've got to reduce the debt, because it is crowding out other activities that we ought to be engaged in and that the American people ought to be engaged in. We cut the deficit so that our children will be able to buy a home, so that our companies can invest in the future and in retraining their workers, so that our Government can make the kinds of investments we need to be a stronger and smarter and safer nation.

If we don't act now, you and I might not even recognize this Government 10 years from now. If we just stay with the same trends of the last 4 years, by the end of the decade the deficit will be \$635 billion a year, almost 80 percent of our gross domestic product. And paying interest on that debt will be the costliest Government program of all. We'll still be the world's largest debtor. And when Members of Congress come here, they'll be devoting over 20 cents on the dollar to interest payments, more than half of the budget to health care and to other entitlements. And you'll come here and deliberate and argue over 6 or 7 cents on the dollar, no matter what America's problems are. We will not be able to have the independence we need to chart the future that we must. And we'll be terribly dependent on foreign funds for a large portion of our investment.

This budget plan, by contrast, will by 1997 cut \$140 billion in that year alone from the deficit, a real spending cut, a real revenue increase, a real deficit reduction, using the independent numbers of the Congressional Budget Office. [Laughter] Well you can laugh, my fellow Republicans, but I'll point out that the Congressional Budget Office was normally more conservative in what was going to happen and closer to right than previous Presidents have been.

I did this so that we could argue about priorities with the same set of numbers. I

did this so that no one could say I was estimating my way out of this difficulty. I did this because if we can agree together on the most prudent revenues we're likely to get if the recovery stays and we do right things economically, then it will turn out better for the American people than we say. In the last 12 years, because there were differences over the revenue estimates, you and I know that both parties were given greater elbow room for irresponsibility. This is tightening the rein on the Democrats as well as the Republicans. Let's at least argue about the same set of numbers so the American people will think we're shooting straight with them.

As I said earlier, my recommendation makes more than 150 difficult reductions to cut the Federal spending by a total of \$246 billion. We are eliminating programs that are no longer needed, such as nuclear power research and development. We're slashing subsidies and canceling wasteful projects. But many of these programs were justified in their time, and a lot of them are difficult for me to recommend reductions in, some really tough ones for me personally. I recommend that we reduce interest subsidies to the Rural Electric Administration. That's a difficult thing for me to recommend. But I think that I cannot exempt the things that exist in my State or in my experience, if I ask you to deal with things that are difficult for you to deal with. We're going to have to have no sacred cows except the fundamental abiding interest of the American people.

I have to say that we all know our Government has been just great at building programs. The time has come to show the American people that we can limit them too; that we can not only start things, that we can actually stop things.

About the defense budget, I raise a hope and a caution. As we restructure our military forces to meet the new threats of the post-cold-war world, it is true that we can responsibly reduce our defense budget. And we may all doubt what that range of reductions is, but let me say that as long as I am President, I will do everything I can to make sure that the men and women who serve under the American flag will remain the best trained, the best prepared, the best equipped fighting force in the world. And every one of you

should make that solemn pledge. We still have responsibilities around the world. We are the world's only superpower. This is still a dangerous and uncertain time, and we owe it to the people in uniform to make sure that we adequately provide for the national defense and for their interests and needs. Backed by an effective national defense and a stronger economy, our Nation will be prepared to lead a world challenged as it is everywhere by ethnic conflict, by the proliferation of weapons of mass destruction, by the global democratic revolution, and by challenges to the health of our global environment.

I know this economic plan is ambitious, but I honestly believe it is necessary for the continued greatness of the United States. And I think it is paid for fairly, first by cutting Government, then by asking the most of those who benefited the most in the past, and by asking more Americans to contribute today so that all of us can prosper tomorrow.

For the wealthiest, those earning more than \$180,000 per year, I ask you all who are listening tonight to support a raise in the top rate for Federal income taxes from 31 to 36 percent. We recommend a 10-percent surtax on incomes over \$250,000 a year, and we recommend closing some loopholes that let some people get away without paying any tax at all.

For businesses with taxable incomes in excess of \$10 million we recommend a raise in the corporate tax rate, also to 36 percent, as well as a cut in the deduction for business entertainment expenses. Our plan seeks to attack tax subsidies that actually reward companies more for shutting their operations down here and moving them overseas than for staying here and reinvesting in America. I say that as someone who believes that American companies should be free to invest around the world and as a former Governor who actively sought investment of foreign companies in my State. But the Tax Code should not express a preference to American companies for moving somewhere else, and it does in particular cases today.

We will seek to ensure that, through effective tax enforcement, foreign corporations who do make money in America simply pay

the same taxes that American companies make on the same income.

To middle class Americans who have paid a great deal for the last 12 years and from whom I ask a contribution tonight, I will say again as I did on Monday night: You're not going alone any more, you're certainly not going first, and you're not going to pay more for less as you have too often in the past. I want to emphasize the facts about this plan: 98.8 percent of America's families will have no increase in their income tax rates, only 1.2 percent at the top.

Let me be clear: There will also be no new cuts in benefits for Medicare. As we move toward the 4th year, with the explosion in health care costs, as I said, projected to account for 50 percent of the growth of the deficit between now and the year 2000, there must be planned cuts in payments to providers, to doctors, to hospitals, to labs, as a way of controlling health care costs. But I see these only as a stopgap until we can reform the entire health care system. If you'll help me do that, we can be fair to the providers and to the consumers of health care. Let me repeat this, because I know it matters to a lot of you on both sides of the aisle. This plan does not make a recommendation for new cuts in Medicare benefits for any beneficiary.

Secondly, the only change we are making in Social Security is one that has already been publicized. The plan does ask older Americans with higher incomes, who do not rely solely on Social Security to get by, to contribute more. This plan will not affect the 80 percent of Social Security recipients who do not pay taxes on Social Security now. Those who do not pay tax on Social Security now will not be affected by this plan.

Our plan does include a broad-based tax on energy, and I want to tell you why I selected this and why I think it's a good idea. I recommend that we adopt a BTU tax on the heat content of energy as the best way to provide us with revenue to lower the deficit because it also combats pollution, promotes energy efficiency, promotes the independence, economically, of this country as well as helping to reduce the debt, and because it does not discriminate against any area. Unlike a carbon tax, that's not too hard

on the coal States; unlike a gas tax, that's not too tough on people who drive a long way to work; unlike an ad valorem tax, it doesn't increase just when the price of an energy source goes up. And it is environmentally responsible. It will help us in the future as well as in the present with the deficit.

Taken together these measures will cost an American family with an income of about \$40,000 a year less than \$17 a month. It will cost American families with incomes under \$30,000 nothing because of other programs we propose, principally those raising the earned income tax credit.

Because of our publicly stated determination to reduce the deficit, if we do these things, we will see the continuation of what's happened just since the election. Just since the election, since the Secretary of the Treasury, the Director of the Office of Management and Budget, and others who have begun to speak out publicly in favor of a tough deficit reduction plan, interest rates have continued to fall long-term. That means that for the middle class, who will pay something more each month, if they had any credit needs or demands, their increased energy costs will be more than offset by lower interest costs for mortgages, consumer loans, credit cards. This can be a wise investment for them and their country now.

I would also point out what the American people already know, and that is because we're a big, vast country where we drive long distances, we have maintained far lower burdens on energy than any other advanced country. We will still have far lower burdens on energy than any other advanced country. And these will be spread fairly, with real attempts to make sure that no cost is imposed on families with incomes under \$30,000 and that the costs are very modest until you get into the higher income groups where the income taxes trigger in.

Now, I ask all of you to consider this: Whatever you think of the tax program, whatever you think of the spending cuts, consider the cost of not changing. Remember the numbers that you all know. If we just keep on doing what we're doing, by the end of the decade we'll have a \$650-billion-a-year deficit. If we just keep on doing what we're doing, by the end of the decade 20 percent

of our national income will go to health care every year, twice as much as any other country on the face of the globe. If we just keep on doing what we're doing, over 20 cents on the dollar will have to go to service the debt.

Unless we have the courage now to start building our future and stop borrowing from it, we're condemning ourselves to years of stagnation interrupted by occasional recessions, to slow growth in jobs, to no more growth in income, to more debt, to more disappointment. Worse, unless we change, unless we increase investment and reduce the debt to raise productivity so that we can generate both jobs and incomes, we will be condemning our children and our children's children to a lesser life than we enjoyed. Once Americans looked forward to doubling their living standards every 25 years. At present productivity rates, it will take 100 years to double living standards, until our grandchildren's grandchildren are born. I say that is too long to wait.

Tonight the American people know we have to change. But they're also likely to ask me tomorrow and all of you for the weeks and months ahead whether we have the fortitude to make the changes happen in the right way. They know that as soon as I leave this Chamber and you go home, various interest groups will be out in force lobbying against this or that piece of this plan, and that the forces of conventional wisdom will offer a thousand reasons why we well ought to do this but we just can't do it.

Our people will be watching and wondering, not to see whether you disagree with me on a particular issue but just to see whether this is going to be business as usual or a real new day, whether we're all going to conduct ourselves as if we know we're working for them. We must scale the walls of the people's skepticisms, not with our words but with our deeds. After so many years of gridlock and indecision, after so many hopeful beginnings and so few promising results, the American people are going to be harsh in their judgments of all of us if we fail to seize this moment.

This economic plan can't please everybody. If the package is picked apart, there will be something that will anger each of us, won't please anybody. But if it is taken as

a whole, it will help all of us. So I ask you all to begin by resisting the temptation to focus only on a particular spending cut you don't like or some particular investment that wasn't made. And nobody likes the tax increases, but let's just face facts. For 20 years, through administrations of both parties, incomes have stalled and debt has exploded and productivity has not grown as it should. We cannot deny the reality of our condition. We have got to play the hand we were dealt and play it as best we can.

My fellow Americans, the test of this plan cannot be what is in it for me. It has got to be what is in it for us. If we work hard and if we work together, if we rededicate ourselves to creating jobs, to rewarding work, to strengthening our families, to reinventing our Government, we can lift our country's fortunes again.

Tonight, I ask everyone in this Chamber and every American to look simply into your heart, to spark your own hopes, to fire your own imagination. There is so much good, so much possibility, so much excitement in this country now that if we act boldly and honestly, as leaders should, our legacy will be one of prosperity and progress. This must be America's new direction. Let us summon the courage to seize it.

Thank you. God bless America.

NOTE: The President spoke at 9:10 p.m. in the House Chamber of the Capitol.

Proclamation 6529—National Visiting Nurse Associations Week, 1993

February 18, 1993

By the President of the United States of America

A Proclamation

Since 1885, countless men, women, and children have been provided care in their own communities and homes by the staff of Visiting Nurse Associations. These associations are in 422 urban and rural communities in 45 States and provide home health care to more than 1,500,000 people. The associa-

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FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES
WORKING DRAFT (1-13-94)

I. FINDINGS, PURPOSES AND POLICY

A. FINDINGS. The Congress makes the following findings:

1. It is in the best interest of our nation to preserve, strengthen, and maintain the family;
2. Families are the greatest natural resource available to their children and are the major providers of support, care, and training of their children;
3. Children with disabilities* need enduring family relationships with caring people in a home environment;

* NOTE: We used the term "children with disabilities", which is a term of art that includes children with chronic illness, in order to be consistent with other legislation in our Committee.

4. Many families of children with disabilities experience exceptionally high financial outlays and significant physical and emotional challenges;

5. A growing number of families are searching for ways to empower themselves to raise their children with disabilities at home;

6. Supporting families to care for their children at home is efficient and cost effective;

Good 7. There are financial disincentives for families to care for their children with disabilities at home;

8. A substantial portion of families of children with disabilities do not have access to family-centered and family-driven services to support them in their efforts to care for their children with disabilities at home;

9. A comprehensive, coordinated, interagency system of family support avoids duplication, uses existing resources more efficiently, and prevents gaps in services to families in all areas of the State; and

10. The goals of the Nation properly include the goal of providing families of children with disabilities the family support necessary to -

- a. support, not supplant, the family;
- b. enable families of children with disabilities to nurture and enjoy their children at home; and
- c. enable families to make informed choices and decisions

regarding the nature of supports, services, made available to them.

B. PURPOSES. The purposes of this Part are as follows:

1. To provide financial assistance to the States to support systemic change and advocacy activities designed to assist each State to develop and implement, or expand and enhance, a family-centered and family-driven, culturally competent, community-centered, comprehensive, statewide program of family support (hereinafter referred to as a statewide program of family support) for families of children with disabilities, that is designed to -

a. increase the availability of, funding for, access to, and provision of family support for families of children with disabilities (hereinafter referred to as family support);

b. increase the active involvement of families of children with disabilities in the planning, development, implementation and evaluation of such a program;

c. increase the involvement of families of children with disabilities in decisions related to the provision of family support;

d. increase and promote interagency coordination among State agencies, and between State agencies and private entities that are involved in carrying out activities under section (#);

e. increase the awareness of laws, regulations, policies, practices, procedures, and ~~organizational~~ structures, that facilitate the availability or provision of family support;

f. facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that impede the availability or provision of family support; and

g. increase the coordination among agencies at the Federal level among agencies that provide or pay for the provision of family support;

h. promote training activities designed to enhance the ability of family members of children with disabilities to advocate for increased access to, funding for, and provision of family support and to increase their participation, choice and control in the provision of family support.

2. To identify federal policies that facilitate payment for family support for families of children with disabilities, to identify federal policies that impede such payment, and eliminate inappropriate barriers to such payment.

3. To enhance the ability of the Federal Government to provide States with--

a. technical assistance, information, training and public awareness programs relating to the provision of family support; and

b. funding for model demonstration and innovation projects.

C. POLICY. It is the policy of the United States that all programs, projects and activities receiving assistance under this Part shall be family-centered and family-driven and shall be carried out in a manner consistent with the following principles:

1. Children, regardless of the type and severity of their disabilities, benefit from enduring family relationships in a nurturing home;

2. Family support must focus on the needs of the entire family;

3. Family needs change over time and family support must offer options that are flexible and responsive to the unique needs and strengths and cultural values of individual families;

4. Families must be supported in their efforts to promote the integration and inclusion of their children with disabilities into education, recreation and community life;

5. Family support should promote the use of existing social networks, strengthen natural sources of support, and help build connections to existing community resources and services;

6. Families are experts regarding the strengths, competencies, capacities and needs of their children with disabilities;

7. Families are the primary decision-makers regarding services and supports they receive and play decisionmaking roles in policies and programs that affect their lives;

8. Services must be provided in a manner that demonstrates respect for individual dignity, personal responsibility, self-determination, personal preferences, and cultural differences of families; and

9. Families of children with disabilities enrich the lives of all citizens through their contributions to the economic health and social fabric of their community, State, and Nation.

II. DEFINITIONS

1. **ADVOCACY** -- The term 'advocacy'-

(A) means assistance to children with disabilities and their families in accessing family support; and

(B) includes --

(i) individual service coordination for children with disabilities; *types?*

(ii) representation of children with disabilities; and

(iii) training of families of children with disabilities to successfully conduct self-advocacy activities.

2. **CHILD WITH A DISABILITY** -- The term 'child with a disability' is a person from birth through twenty-one years of age who meets the functional disability defined below.

has a disability as defined in _____

3. **CULTURALLY COMPETENT** --- The term 'culturally competent' means services, supports or other assistance that are conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language and behaviors of those individuals receiving services, and in a manner which has the greatest likelihood of ensuring their maximum participation in the program.

Culturally sensitive

4. **DISABILITY** -- The term 'disability' means a disability as defined by the Social Security Administration for the purposes of establishing eligibility for the Supplemental Security Income program (Title XVI of the Act) effective at the time of enactment of this Act, without regard to the deeming of parental assets, resources and income.

5. **FAMILY** -- The term 'family' means a group of **interdependent** persons residing in the same household that consists of a child with a disability and one or more of the following:

(A) A mother, father, brother(s), sister(s) or any combination; or

(B) Extended blood relatives, such as grandparent(s), aunt(s), or uncle(s); or

(C) An adoptive parent(s); or

(D) One or more persons to whom legal custody of a child with a disability has been given by a court; or

(E) Foster families.

The term does not include hospitals, nursing homes, personal care homes, board and care homes, group homes, or any other institutions. Families in the process of adoption of a child

includes

with a disability may receive family supports for a period not to exceed twelve months during the adoption process.

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6. FAMILY-CENTERED AND FAMILY-DRIVEN- The term 'family centered and family-driven' means, with respect to a service or program, that the service or program--

- (A) is easily accessible to and usable by families of children with disabilities;
- (B) responds to the needs of families of children with disabilities in a timely and appropriate manner; and
- (C) facilitates the full and meaningful participation of families of children with disabilities (including families from underrepresented populations), in--
 - (i) decisions relating to the provision of family support; and
 - (ii) the planning, development, implementation, and evaluation of the statewide program of family support for families of children with disabilities.

7. FAMILY SUPPORT - The term 'family support' means services, supports, and other assistance provided to families of children with disabilities, that are designed to --

- (A) support families in their efforts to raise their child with a disability in the family home;
- (B) strengthen the family's role as primary care-giver; ?
- (C) prevent inappropriate out-of-the-home placement and maintain family unity; and
- (D) reunite families with members who have been placed out of the home, whenever possible.

[From Title IV, Social Security Act. Some of this may work. The term 'family support services' means community-based services to promote the well-being of children and families designed to increase the strength and stability of families (including adoptive, foster, and extended families) to increase parents' confidence and competence in their parenting abilities, to afford children a stable and supportive family environment, and otherwise to enhance child development.]

Such term includes --

- (i) service coordination that includes individualized planning and brokering with families in control of decision-making;
- (ii) goods and services, which may include specialized diagnosis and evaluation, adaptive equipment, respite care (in and out of home), personal assistance services, homemaker or chore services, behavioral supports, assistive technology, permanency/future planning, home and vehicle modifications and repairs, equipment and consumable supplies, transportation, recreation and leisure activities, specialized nutrition and clothing, counseling services and mental health services for family members, family education/training services,

communication services, crisis intervention, integrated and inclusionary day care, child care and camps, parent/family member support groups, sitter service/companion service, and education aids and toys; and

(iii) financial assistance, which may include discretionary cash subsidies, allowances, voucher or reimbursement systems, and/or lines of credit.

8. INTEGRATION AND INCLUSION -- The term 'integration and inclusion' with respect to children with disabilities and their families means -

- (A) the use of the same community resources that are used by and available to other individuals;
- (B) the full and active participation in the same community activities and utilization of the same community resources as individuals without disabilities, living, learning, working, and enjoying life in regular contact with individuals without disabilities; and
- (C) having friendships and relationships with individuals and families of their own choosing.

9. SECRETARY -- The term 'Secretary' means the Secretary of Health and Human Services.

Parallel construction
10. SERVICE COORDINATION -- The term 'service coordination' means those activities that assist and enable families to receive the rights, procedural safeguards and to gain access to social, medical, legal, educational and other supports and services and includes:

- (A) Follow-along services that assure through a continuing relationship between an agency or provider and a child with a disability and the child's family that the changing needs of the child and family are recognized and appropriately met.
- (B) Coordinating and monitoring services provided to children with disabilities and their families by two or more persons, organizations, or agencies.
- (C) Providing information to children with disabilities and their families about the availability of services and assisting them in obtaining appropriate services.
- (D) Facilitating and organizing existing social networks, and natural sources of support, and community resources and services.

Self-Parody
11. STATEWIDE PROGRAM OF FAMILY SUPPORT -- The term 'statewide program of family support' means a family-centered and family-driven, culturally competent, community-centered, comprehensive, statewide program of family support developed and implemented by a State under this part that -

- (A) addresses the needs of all families of children with disabilities, including underrepresented populations; and

(B) addresses such needs without regard to the age, type of disability, race, ethnicity, or gender of such children with disabilities or the particular major life activity for which such individuals need the assistance.

Q: offer valid changes

12. SYSTEMS CHANGE -- The term 'systems change' means efforts that result in laws, regulations, policies, practices, or organizational structures that are family-centered and family-driven and that facilitate and increase access to, provision of, and funding for, family support services for families of children with disabilities on a permanent basis, and otherwise accomplish the purposes of this part.

New # review

13. UNSERVED AND UNDERSERVED POPULATIONS -- The term 'unserved and underserved populations' includes populations such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited-English proficiency, individuals from underserved geographic areas (rural or urban), and specific groups of individuals within the population of individuals with disabilities, including individuals with disabilities attributable to physical impairment, mental impairment, or a combination of physical and mental impairments.

III. GRANTS TO STATES

A. IN GENERAL. The Secretary shall make grants to States in accordance with the provisions of this part to support systems change and advocacy activities designed to assist States to develop and implement, or expand and enhance, a statewide program of family support that accomplishes the purposes described in section (#).

B. NUMBER OF GRANTS TO BE AWARDED. From amounts appropriated under section (#), the Secretary shall award any number of grants on a competitive basis, to the extent appropriate applications are submitted.

C. PROJECT PERIOD. Grants shall be awarded for a period of 3 years, with an option for a two year extension, as described in section (#).

D. AMOUNTS OF GRANTS.

1. Grants to States. From amounts appropriated under section (#), the Secretary shall pay to each State that receives a grant under this section -

- a. for the first year of the grant period, an amount that is not less than \$ ##, and not more than \$ ##; and
- b. for the second and third years of the grant period, an amount that is not less than \$ ##, and not more than \$ ##.

2. Grants to Territories. From amounts appropriated under

section (#) for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section not more than \$ ##.

3. Calculation of Amounts. The Secretary shall calculate the amounts described in paragraphs (#) on the basis of-

- a. amounts available for making grants under this section; and
- b. the child population of the State or territory concerned.

4. Definitions. For the purposes of this subsection-

- a. The term "State" does not include the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau.
- b. The term "territory" means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau (until the Compact of Free Association takes effect).

E. PRIORITY FOR PREVIOUSLY PARTICIPATING STATES. Amounts appropriated for purposes of carrying out the provisions of this section in each of the two fiscal years succeeding the fiscal year in which amounts are first appropriated for such purposes shall first be made available to States that received grants under this section during the fiscal year preceding the fiscal year concerned.

F. PRIORITIES FOR DISTRIBUTION. To the extent practicable, the Secretary shall award grants to States under this section in a manner that-

1. is geographically equitable; and
2. distributes the grants among States that have differing levels of development of statewide programs of family support.

IV. APPLICATION

Any State that desires to receive a grant under this Part shall submit an application that contains the following information and assurances:

A. FAMILY-CENTERED AND FAMILY-DRIVEN APPROACH. An assurance that the State will use funds made available under this Part to accomplish the purposes described in section (#) and the goals, objectives, and outcomes described in (#) by carrying out systems change and advocacy activities in partnership with families and in a manner that is family-centered and family-driven.

B. DESIGNATION OF THE LEAD AGENCY. Information identifying the lead agency designated by the Governor under section (#), and evidence documenting the abilities of the lead agency.

C. FAMILY SUPPORT POLICY ADVISORY COUNCIL. An assurance that-

1. the State has established a State Family Support Policy Advisory Council that meets the criteria set forth in section (#);
2. the lead agency seek and seriously consider on a regular and ongoing basis advice from the Council regarding the development and implementation of the strategic plan, and other policies and procedures of general applicability pertaining to the provision of family support in the State;
3. the lead agency includes, in its annual progress reports, a summary of advice provided by the Council, including recommendations from the annual report of the Council, the survey of consumer satisfaction, and the response of the lead agency to such advice and recommendations; and
4. the lead agency transmits all plans, reports, and other information required under this part.

D. CONSUMER INVOLVEMENT. A description of the nature and extent of the involvement of families of children with disabilities and individuals with disabilities in the development of the application, and a description of procedures that-

1. provide for the active involvement of families of children with disabilities and individuals with disabilities in the development, implementation and evaluation of the program;
2. provide for the active involvement of families of children with disabilities who use family support services, in decisions relating to such services; and
3. include mechanisms for determining consumer satisfaction and participation of families of children with disabilities who represent a variety of ages and types of disabilities, in the statewide program of family support.

E. AGENCY INVOLVEMENT. A description of the nature and extent of involvement of various State agencies in the preparation of the application and the continuing role of each agency in the development and implementation, or expansion and enhancement of the statewide program of family support, including the identification of the available resources of each agency for family support.

F. STATE RESOURCES. A description of the State resources and other resources that are available to commit to the development and implementation, or expansion and enhancement of a statewide program of family support.

G. PRELIMINARY NEEDS ASSESSMENT. A tentative assessment of the

extent of need of families of children with disabilities in the State, including families from unserved and underserved populations, for a statewide program of family support and a description of previous efforts and efforts continuing on the date of the application to develop and implement, or expand and enhance a statewide program of family support.

H. PRELIMINARY PLAN. A preliminary plan containing information on the program to be carried out under the grant with respect to the goals and objectives of the State for the program, the activities that the State plans to carry out under the program, and the expected outcomes of the State for the program, consistent with the purposes of this part. This preliminary plan will be reviewed and revised as part of the strategic planning requirement.

I. ACTIVITIES. An assurance that, except for the first year of the grant, the State shall expend not less than ##% of the funds made available to a State under this part for grants and contracts to conduct the activities described in section # (authorized activities).

J. STRATEGIC PLAN. A description of the steps that will be taken by the State to develop a strategic plan in accordance with section (#).

K. REVIEW. An assurance that the State will conduct an annual review of the statewide program of family support in order to determine-

1. the extent to which the State's goals and objectives for systems change and advocacy activities as identified in the State strategic plan have been achieved; and
2. the areas of need that require attention in the next year.

Such review shall include the use of family support satisfaction surveys.

L. DATA COLLECTION. A description of the data collection system used for compiling information as required by the Secretary and procedures that will be used to conduct assessments of the program.

M. REPORTS. An assurance that the State will prepare reports, including annual progress reports as described in section (#), to the Secretary in such form and containing such information as the Secretary may require, and keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this paragraph.

N. COORDINATION WITH STATE COUNCILS. An assurance that the lead agency will coordinate the activities funded through a grant made under this part with the activities carried out by other councils within the State, including-

1. the State Developmental Disabilities Planning Council, established under the Developmental Disabilities Assistance and Bill of Rights Act;

2. the State Interagency Coordinating Council, established under the Individuals with Disabilities Education Act;

O. AVAILABILITY OF INFORMATION. An assurance that the State will make available information to family members of children with disabilities, and to agencies and organizations that are in contact with such families, concerning family support policies and programs. Such information shall be available in a form that will allow such family members to effectively use such information, and in preparing such information, consider the needs of family members with disabilities, and families of diverse racial and ethnic backgrounds.

P. MINORITY PARTICIPATION. An assurance that the State will take affirmative steps to assure that participation in programs under this part is geographically representative of the State, and reflects the diversity of the State with respect to race and ethnicity.

Q. STATE POLICIES WITH RESPECT TO CONTRACTS AND AGREEMENTS. A description of the policies governing contracts, grants, and other arrangements with public agencies, private non-profit organizations, and other entities or individuals for the purposes of providing family support consistent with the provisions of this part.

R. SUPPLEMENT OTHER FUNDS. An assurance that amounts received under the grant-

1. will be used to supplement and not supplant amounts available from other sources that are expended for family support programs, including the provision of family support; and

2. will not be used to pay a financial obligation for family support that would have been paid with amounts available from other sources if amounts under the grant has not been available unless-

- a. such payment is made only to prevent a delay in the receipt of family support by a family of a child with a disability; and

b. the entity or agency responsible subsequently reimburses the appropriate account with respect to programs and activities under the grant in an amount equal to the amount of payment.

S. AUTHORITY TO USE FUNDS. An assurance that the lead agency designated under section (#) will have the authority to use funds made available under this part to comply with the requirements of this part, including the ability to hire qualified staff necessary to carry out activities under the program.

T. COMMINGLING OF FUNDS. An assurance that amounts received under the grant will not be commingled with State or other funds.

U. FISCAL CONTROL AND ACCOUNTING PROCEDURES. An assurance that the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for amounts received under the grant.

V. COMPLIANCE WITH ACT. An assurance that amounts received under the grant will be expended in accordance with the provisions of this part.

W. OTHER INFORMATION AND ASSURANCES. Such other information and assurances as the Secretary may reasonably require.

V. EXTENSION GRANTS

A. GENERAL AUTHORITY. The Secretary may award a 2-year extension grant to any State that meets the standards described below.

B. STANDARDS. In order to receive an extension grant, the designated lead agency of the State shall-

1. provide the evidence described in section (#) (on applications); and

2. demonstrate that the State has made significant progress, and has carried out systems change and advocacy activities described in section (#) that have resulted in significant progress toward the development and implementation, or expansion and enhancement of a statewide program of family support, consistent with section, (#).

C. AMOUNT OF GRANTS.

1. States. From amounts appropriated under section (#) for any fiscal year, the Secretary shall pay to each State that receives an extension grant an amount that is not less than \$ ## and not more than \$ ##.

2. Territories. From amounts appropriated under section (#) for any fiscal year, the Secretary shall pay to each territory that receives an extension grant an amount that is not more than \$ ##.

3. Definitions. For the purposes of this subsection-
The term "State" does not include the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau.

The term "territory" means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau (until the Compact of Free Association takes effect).

4. Calculation of the Amount. The Secretary shall calculate the amount described above with respect to a State on the basis of-

a. the amounts available for making grants under this subsection;

b. the child population of the State; and

c. the amount of resources committed by the State and available to the State from other sources.

D. APPLICATION. A State that has successfully completed a 3 year grant under section (#) and desires to receive an extension grant under this section shall submit an application that contains the following information and assurances with respect to the statewide program of family support in the State:

1. Information and Assurances. The information and assurances described in section (#), except the preliminary needs assessment and preliminary plan.

2. Needs, Problems, Strategic Plan, and Outreach.

a. Needs. A description of the needs relating to family-centered and family-driven family support of families of children with disabilities.

b. Problems. A description of the problems or gaps that remain with the development and implementation, or expansion and enhancement of a statewide program of family support in the State.

c. Strategic Plan. An updated strategic plan that describes the strategies that the State will pursue during the grant period to remedy the problems or gaps with the development and implementation, or expansion and enhancement of such a program, and that otherwise meets the requirements in section (#).

d. Outreach. A description of outreach activities to be conducted by the State, including dissemination of information to eligible populations, with special attention to unserved and underserved populations.

3. Activities and Progress Under Previous Grant. A description of-

a. the specific systems change and advocacy activities described in section (#) carried out under the grant received under section (#), including-

i. a description of state actions that were undertaken to produce systems change on a permanent basis for families of children with disabilities;

ii. a description of activities undertaken to improve the involvement of families of children with disabilities in the program, including training and technical assistance efforts to improve individual access to family support services, and including actions taken to improve the participation of unserved and underserved populations, such as outreach efforts; and

iii. an evaluation of the above;

b. the relationship of such systems change and advocacy activities to the development and implementation, or expansion and enhancement of a statewide program of family support; and

c. the progress made toward the development and implementation, or expansion and enhancement of such a program.

4. Family Involvement. A description of State actions, other than such a hearing, designed to obtain the comments of the State Family Support Policy Advisory Council and other families of children with disabilities concerning-

a. the degree of their ongoing involvement in the development and implementation, or expansion and enhancement of a statewide program of family support;

b. the specific systems change and advocacy activities carried out by the State under section (#);

c. progress made toward the development and implementation, or expansion and enhancement of a statewide program of family support; and

d. the ability of the lead agency to carry out the

activities described in section (#).

5. Comments. A summary of any comments received concerning the issues described above, and response of the State to such comments, solicited through public hearings and other means, from individuals affected by the statewide program of family support.

6. Report. A report on the hearing described below, and a response of the State to comments received.

E. PUBLIC HEARING. To be eligible to receive a grant under this section, a State shall hold a public hearing in the third year of a program carried out under a grant made under section (#), after providing appropriate and sufficient notice to allow interested groups and organizations and all segments of the public an opportunity to comment on the program.

VI. DESIGNATION OF THE LEAD AGENCY

A. DESIGNATION. In each State that desires to receive a grant under this section, the Governor shall designate the office or entity (referred to in this Part as the "lead agency") responsible for-

1. submitting the application described in subsection () on behalf of the State;
2. administering and supervising the use of the amounts made available under the grant;
3. coordinating efforts related to and supervising the preparation of the application;
4. coordinating the planning, development, implementation (or expansion and enhancement), and evaluation of a statewide program of family support services among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements; and
5. coordinating efforts related to the meaningful participation by families with respect to activities carried out under this grant.

B. QUALIFICATIONS. In designating the lead agency, the Governor may designate-

1. an office of the Governor;
2. a commission appointed by the Governor;
3. a public agency;
4. a Council established under Federal or State law; or

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5. another appropriate office, agency, or entity.

C. ABILITIES OF THE LEAD AGENCY. The State shall provide, in accordance with subsection ()(), evidence that the lead agency has the ability-

- 1. to promote the availability throughout the State of a statewide program of family support;
- 2. to promote and implement systems change and advocacy activities;
- 3. to promote and develop interagency coordination and collaboration;
- 4. to maximize access to public and private funds for family support services;
- 5. to promote parent-professional partnerships and leadership by families in planning, policy development, implementation and evaluation of family support services;
- 6. to promote and implement family support services that are family-centered and family-driven, and flexible, and that provide families with the greatest possible decision-making authority and control regarding the nature and use of services and supports; and
- 7. to exercise leadership in implementing effective strategies for capacity building, family and professional training, and access to and funding for family support services across agencies.

work verbs

Q: make for 20 years olds in class. compare younger people

VII. STATE FAMILY SUPPORT POLICY ADVISORY COUNCIL

A. ESTABLISHMENT. In General. Any State which desires to receive financial assistance under this Part shall establish a State Family Support Policy Council (referred to in this part as the "Council"). Such Council shall be established prior to the receipt of any funds to the State under this part.

B. APPOINTMENTS.

1. Members. Members of the Council shall be appointed by the Governor or appropriate entity within the State responsible for making appointments. The appointing authority shall select members after soliciting recommendations from the State Developmental Disabilities Council, and parent advocacy organizations representing the full range of disabilities covered under this part. The appointing authority shall ensure that the membership of the Council reasonably represents the population of the State.

2. Chairperson. The appointing authority shall designate a member of the Council to serve as the Chairperson of the Council or shall require the Council to so designate such a member. The Chairperson shall be a family member, and may not be a representative of a State agency, a service provider, or an individual involved with personnel preparation.

C. COMPOSITION. The Council shall be composed of:

1. a majority of members who are family members of children with disabilities and individuals with disabilities, representing all age groups of children with disabilities, types and severity of disabilities, the racial and ethnic diversity of the State, and all geographic areas of the State;

2. at least one member from each of the State agencies involved in the provision of, or payment for, family support services to families of children with disabilities, who has sufficient authority to engage in policy planning and implementation on behalf of such agencies; (including State Developmental Disabilities Council, Medicaid, State Mental Retardation/Developmental Disability Agency, Title V, Child Welfare, Protection and Advocacy Program, Parent Training and Information Center, Lead Agency for Part H, Education, Mental Health)

3. at least two members who are public or private providers of family support services; and

4. at least one member who is involved with personnel preparation. *A ?*

D. MEETINGS. The Council shall meet at least quarterly and in such places as it deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

E. FUNCTIONS. The Council shall-

1. advise and assist the lead agency designated under () in the performance of responsibilities set out in section (), particularly the promotion of interagency agreements, and the promotion of meaningful participation by families in all aspects of the statewide program of family support;

2. advise and assist the lead agency in the development of all aspects of the strategic plan, including-

a. the development of the mission, philosophy, values and principles of the statewide family support program;

b. the development of goals, objectives and activities;

c. the quality assurance mechanism and the appeals process; and

d. the eligibility criteria to be used for all programs, projects and activities carried out under this part;

3. advise and assist the lead agency in the implementation of systems change and advocacy activities;

4. advise and assist the lead agency in assessing family satisfaction with the statewide program of family support;

5. review, analyze and comment on the State's application (?), strategic plan and updates to the plan, progress reports, and annual budget(s); and

6. prepare and submit an annual report to the Governor and to the Secretary on the status of family support services for families of children with disabilities, and make the report available to the public.

F. HEARINGS AND FORUMS. The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

G. CONFLICT OF INTEREST. No member of the Council shall cast a vote on any matter which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.

H. COMPENSATION AND EXPENSES. The Council may use such resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.

I. USE OF EXISTING COUNCILS. To the extent that a State has established a Council before (date), that is comparable to the Council described in this section, such established Council shall be considered in compliance with this section. Within 1 year after the date the State accepts funds under this Part, such State shall establish a Council that complies in full with this section.

VIII. AUTHORIZED ACTIVITIES

discussing
A. IN GENERAL. Any State that receives a grant under section (#) may use the funds made available through the grant to carry out such systems change and advocacy activities, including the following activities.

1. Pilot Demonstration Projects. The State may support pilot demonstration projects to demonstrate new approaches to the provision of family support. Projects may include the demonstration of family-centered and family-driven service coordination, and approaches to improve access to services, including independent service coordination.

2. Outreach. The State may conduct outreach activities to locate families who are eligible for family support, and to identify groups who are unserved or underserved. This may involve the creation or maintenance of, support, or provision of assistance to statewide and community parent advocacy organizations, and organizations that provide family support to families of children with disabilities.

3. Advocacy Services. The State may support advocacy services to enable families of children with disabilities to receive family support.

4. Training and Technical Assistance. The State may support training and technical assistance activities for family members, service providers, community members, professionals, students and others to-

a. enhance the ability of family members of children with disabilities to advocate for increased access to, funding for, and provision of family support;

X b. increase family participation, choice and control in the provision of family support;

c. promote partnerships with families at all levels of the service system;

d. develop or strengthen family-centered and family-driven approaches to services, including service coordination services, service planning services, and respite care services; and

e. assist families in accessing natural and community supports and in obtaining benefits and services.

5. Interagency Coordination. The State may support activities to-

a. identify and coordinate Federal and State policies, resources, and services, relating to the provision of family support services for families with children with disabilities, including entering into interagency agreements;

b. convene interagency work groups to enhance public funding options and coordinate access to funding for

family support services for families with children with disabilities, with special attention to the issues of family involvement in the identification, planning, use, delivery, and evaluation of such services; and

c. document and disseminate information about interagency activities that promote coordination with respect to family support services, including evidence of increased participation of State and local health, maternal and child health, Tittle V, social service, mental health, mental retardation and developmental disabilities, child protection, education, early intervention, developmental disabilities council agencies and departments;

6. Local/Regional Councils. The State may support the development or enhancement of local or regional councils to review the status of family support in the local or regional area, advise and assist with the planning, development, implementation and evaluation of family support in that region, and provide recommendations to the State regarding improvements and plans.

7. Program Data. The State may support the compilation and evaluation of appropriate data related to the statewide program of family support.

8. Policy Studies. The State may support policy studies that relate to the development and implementation, or expansion and enhancement of a statewide program of family support. Such studies may address issues regarding eligibility and access to services.

9. Hearings and Forums. The State may conduct hearings and forums to solicit input from families regarding family support programs, policies, and plans.

10. Public Awareness and Education. The State may develop and disseminate information relating to family support designed to provide information to families of children with disabilities, parent advocacy groups and organizations, public and private agencies that are in contact with children with disabilities and their families, students, policymakers and the public. Such information may relate to the nature, cost, and availability of, and accessibility to, family support, and the efficacy of family support with respect to enhancing the quality of family life.

11. Needs Assessment. The State may conduct a needs assessment, which may be based on existing data and may include-

- a. data on the numbers of families of children with disabilities categorized by type of disability, age, race, ethnicity, and gender;
- b. the number of families and children in need of family support;
- c. the numbers of families being served and the types of services provided;
- d. information on the cost of providing services;
- e. a description of the State and local resources that are available to provide family support; and
- f. information identifying Federal and State laws, regulations, policies, practices, procedures, and organizational structures that facilitate or interfere with the operation of a statewide program of family support.

12. Other Activities. The State may support other systems change and advocacy activities that accomplish the purposes described in section (#).

IX. STRATEGIC PLAN

A. IN GENERAL. Within 1 year of receiving assistance under this part, the State will prepare and submit to the Secretary a strategic plan designed to achieve the purposes and policy of this part.

B. CONTENTS. The strategic plan shall include-

1. a statement of the mission, philosophy, values, and principles of the statewide family support program in the State;
2. specific goals and objectives for developing and implementing, or expanding and improving the system for providing family support services;
3. specific multifaceted and systemic approaches for accomplishing the objectives, including interagency coordination and cooperation, that builds upon state-of-the-art practices and research findings;
4. a description of the specific programs, projects, and activities funded under this part and how the programs, projects and activities accomplish the objectives;

5. a description of a formal quality assurance mechanism to assure that family support services meet minimum standards of quality;

6. a description of an appeals process with appropriate procedural safeguards, for families to appeal any dispute they may have regarding determination of eligibility or provision of family support services to the family or to the child with a disability;

7. a description of the eligibility criteria to be used to carry out programs, projects and activities under this part, that includes all eligible families;

8. an analysis of the extent to which family support for an individual family is defined as a benefit and not as income; and

9. specific criteria for determining whether the objectives have been achieved, an assurance that the State will conduct an annual evaluation to determine the extent to which the objectives have been achieved, and, if specific objectives have not been achieved, the reasons that the objectives have not been achieved and a description of alternative approaches that will be taken.

C. PERIOD AND UPDATES. The strategic plan shall cover a 4 year period and shall be updated on an annual basis to reflect actual experience over the previous year and input from the State Family Support Policy Advisory Council, families of children with disabilities and other interested parties.

D. RECOMMENDATIONS. Prior to developing the strategic plan, the State shall hold public hearings, with adequate notice, to obtain public comment and recommendations. The State shall also obtain the comments and recommendations of the State Family Support Policy Advisory Council. The State shall consider the recommendations and, if the State rejects the recommendations, shall include a written explanation of the rejection in the strategic plan.

E. COMMENT. The State shall develop a procedure for ensuring ongoing comment from the State Family Support Policy Advisory Council.

F. DISSEMINATION. The State shall widely disseminate the strategic plan to families of children with disabilities, parent advocacy organizations, and other interested persons.

X. PROGRESS CRITERIA AND REPORTS

A. GUIDELINES. The Secretary shall develop guidelines to be used

in assessing the extent to which a State that received a grant under section (#) is making significant progress in developing and implementing, or expanding and enhancing a statewide program of family support consistent with the purposes of this part.

B. REPORTS. Each State that receives a grant under section (#) shall submit annually to the Secretary a report that documents progress in developing and implementing, or expanding and enhancing a statewide program of family support consistent with sections (#), and that documents the following:

1. The progress the State has made in achieving the State's goals, objectives and outcomes as identified in the State's application or strategic plan, and areas of need that require attention in the next year, including unanticipated problems with the achievement of the goals, objectives and outcomes described in the application or strategic plan and activities the State has taken to rectify these problems.

2. The systems change and advocacy activities carried out by the State including-

- a. documentation of increases in the availability of, funding for, access to, and provision of family support;

- b. an analysis of the laws, regulations, policies, practices, procedures, and organizational structures that the State has changed, has attempted to change, or will attempt to change during the next (year) grant period, to facilitate and increase access to, provision of, and funding for family support;

- c. a description of any written policies and procedures that the State has developed and implemented regarding access to, provision of, and funding for family support;

- d. the degree of involvement of various state agencies in the development, implementation and evaluation of the program, including interagency agreements that the State has developed and implemented regarding access to, provision of, and funding for family support;

- e. the activities undertaken to collect and disseminate information, including outreach activities to unserved and underserved populations;

- f. the involvement of families of children with disabilities who represent a variety of ages and types of disabilities, in the planning, development and implementation and evaluation of the statewide program of family support, including activities undertaken to improve such involvement, such as family training and

outreach activities to unserved and underserved populations; and

g. the degree of family satisfaction with the program.

3. For the annual progress report concerning the first year of the grant period, the strategic plan developed by the State during the first year, and for the annual progress report concerning subsequent years of the grant period, the updated strategic plan.

XI. ADMINISTRATIVE PROVISIONS

A. EVALUATION OF GRANT APPLICATIONS. The Secretary shall convene panels of experts who are competent, by virtue of their training or experience, to evaluate grant applications, including extension grant applications, under this part. Panels shall be composed of family members of children with disabilities, service providers, State administrative personnel, and professionals. Panels shall include a majority of non-Federal members. Such non-Federal members shall receive travel, per diem and consultant fees not to exceed the rate provided to other consultants used by the Department. The Secretary may use funds available under this section to pay expenses and fees of non-Federal members of the panels.

(? compensation at a rate not to exceed the daily equivalent of the rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of their duties as members of a panel of experts. ??? In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.??)

B. PROVISION OF INFORMATION. To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

C. CORRECTIVE ACTION PLAN. Any State that fails to comply with the requirements of this part shall be subject to a corrective action plan. A State that fails to comply with the requirements of this part may be subject to corrective actions such as partial or complete fund termination, ineligibility to participate in the grant program in the following year, or reduction in funding for the following year.

D. APPEALS. The Secretary shall establish appeals procedures for States that are found in noncompliance with the provisions of this part as the result of failure to supply information required under

section (#).

E. EFFECT ON OTHER ASSISTANCE. This part may not be construed as authorizing a State or Federal agency to reduce medical or other assistance available or to alter eligibility under any Federal law.

F. UNOBLIGATED FUNDS. Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which such amount was paid.

XII. TECHNICAL ASSISTANCE

A. IN GENERAL. The Secretary shall enter into grants, contracts or cooperative agreements with appropriate public or private agencies and organizations, including institutions of higher education, with documented experience, expertise and capacity for the purpose of providing technical assistance and information with respect to the development and implementation, or expansion and enhancement of a statewide program of family support.

B. PURPOSE. Such technical assistance and information shall be provided to the State agency designated as the Lead agency, the State Family Support Policy Advisory Council, family members of, and advocates for, children with disabilities, service providers, and policymakers involved with children with disabilities and their families. Such technical assistance and information shall-

1. facilitate effective systems change activities;
2. promote effective approaches to the development and implementation, or expansion and enhancement of the statewide programs of family support that increase access to, funding for and awareness of family support;
3. promote partnerships with families at all levels of the service system;
4. foster awareness and understanding of Federal, State and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for and access to family support;
5. foster the development and replication of effective approaches to strategic plan development, interagency coordination, training, outreach to underserved groups, and public awareness activities;
6. facilitate service delivery capacity, training, and improvement of data collection and evaluation systems; and

7. promote effective approaches to the development of family-centered and family-driven services.

XIII. EVALUATION

A. IN GENERAL. The Secretary shall enter into grants, contracts or cooperative agreements with appropriate public or private agencies and organizations, including institutions of higher education, with documented experience, expertise and capacity for the purpose of conducting a national evaluation of the program of grants to States authorized by this part.

B. PURPOSE. The purpose of the evaluation shall be to assess the status and effects of State efforts to develop and implement, or expand and enhance statewide programs of family support in a manner consistent with the provisions of this part, particularly in terms of the impact of such efforts on families of children with disabilities, and to recommend amendments to this part that are necessary to assist States to fully accomplish the purposes of this part. The Secretary (or contractor?) shall work with the States to consider and develop an information system designed to report and compile, from information provided by the States, a qualitative and quantitative description of the impact of this program of grants to States authorized by this part on-

1. families of children with disabilities;

2. access to and funding for family support; and

3. the involvement of families at all levels of the service system.

C. REPORT. The Secretary shall report to the Congress on the results of the evaluation conducted not later than (date).

D. CONFLICT OF INTEREST. The Secretary shall assure that the recipient of this grant, contract or cooperative agreement is independent from, and free from any financial or personal relationships with the contractor chosen to perform the technical assistance described in section #.

XIV. PROJECTS OF NATIONAL SIGNIFICANCE

A. STUDY BY THE NATIONAL COUNCIL ON DISABILITY (OR FEDERAL INTERAGENCY COORDINATING COUNCIL, OR OTHER EXISTING FEDERAL INTERAGENCY GROUP???). The National Council on Disability established under the Rehabilitation Act of 1973, shall review Federal programs to determine the extent to which they facilitate or impede access to, provision of, and funding for family support.

B. DEMONSTRATION AND INNOVATION PROJECTS

The Secretary shall enter into grants or contracts for projects of national significance to support the development of national and State policy related to the development and implementation, or expansion and enhancement of family-centered and family-driven programs of family support for families of children with disabilities.

XV. AUTHORIZATION OF APPROPRIATIONS

A. IN GENERAL. There are authorized to be appropriated to carry out this part, \$5,000,000 for fiscal year (year), and such sums as may be necessary for each of the fiscal years (year) through (year).

B. RESERVATION

1. Technical Assistance. The Secretary shall reserve # percent of funds appropriated in any fiscal year under section (3) or \$#, whichever is greater, for the purpose of providing States with technical assistance and information with respect to the development and implementation, or expansion and enhancement of a statewide program of family support.

2. Evaluation. The Secretary shall reserve up to \$# of the funds appropriated in any fiscal year under section (3) for the purpose of conducting a national evaluation of the program of grants to States authorized by this part to assess the status and effects of State efforts to develop and implement, or expand and enhance statewide programs of family support in a manner consistent with the provisions of this part.

3. Evaluation of Grant Applications. The Secretary may reserve, from amounts appropriated in any fiscal year under section (#), such sums as the Secretary considers necessary for the purposes of evaluating grant applications as required by section (#).

4. Projects of National Significance.

Victims of China's Birth-Control Policy Are Entitled to Asylum, a U.S. Judge Says

By ROBERT PEAR

Special to The New York Times

WASHINGTON, Jan. 20 — A Federal judge ruled today that victims of China's coercive population control policies were eligible for asylum in the United States, despite the Clinton Administration's efforts to expel some of them.

The case involved a passenger on the Golden Venture, a vessel that ran aground on a sand bar in New York Harbor on June 6. The 28-year-old passenger, Guo Chundi (pronounced Gwo JUN-dee), said he had fled China because he and his wife were resisting sterilization orders. He also said they feared persecution because of their opposition to China's policy limiting them to only one child.

The Immigration and Naturalization Service said Mr. Guo had tried to enter the United States without valid documents in violation of Federal law. And the Justice Department said that opposition to coercive population control policies was not a form of political opinion entitling a person to protection under refugee laws.

But the judge, Thomas S. Ellis, 3d of Federal District Court in Alexandria, Va., declared that political opinion encompasses an individual's views regarding procreation because the right to bear children is one of the basic human rights.

Egregious Infringement

Involuntary sterilization as practiced in China is "an egregious infringement on the fundamental right to

procreate," the judge said. Accordingly, Mr. Guo's opposition to China's population control policies "constitutes political opinion" and thus he is eligible for asylum, the judge ruled. Mr. Guo's wife remains in China.

Doris M. Meissner, the Commissioner of Immigration and Naturalization, said she had no comment on the decision. David M. McConnell, a Justice Department lawyer who worked on the case, said the Government had not decided whether to appeal.

The ruling, though not binding on other judges, has potential significance for hundreds of cases in which Chinese are seeking asylum in the United States. In opposing Mr. Guo's plea for asylum, the Clinton Administration warned that its approval could increase the smuggling of Chinese citizens in inhuman conditions aboard cargo freighters like the Golden Venture, which resulted in the deaths of at least six people.

In the Reagan and Bush Administrations, three Attorneys General — Edwin Meese 3d, Dick Thornburgh, and William P. Barr — ordered favorable treatment for people fleeing China to avoid forced sterilization or abortion. Clinton Administration officials withdrew one such directive, signed by Mr. Barr on Jan. 15, 1993. They now say they worry that they will encourage the smuggling of human cargo if they are too generous to Chinese refugees.

The United States recently sent 118 Chinese back to their homeland after finding that they had been smuggled

To bear children is held to be a basic human right.

into this country. Immigration officials said that none of the 118 had arrived on the Golden Venture, but that some of them had objected to China's restrictive birth-control policies.

In the last year, China has stepped up efforts to limit the growth of its population of 1.2 billion people. State Department officials and Western journalists have quoted peasants as saying that the Chinese authorities often order the sterilization of women who have filled their quota of births.

But the Justice Department has said Congress had never intended to afford asylum eligibility to aliens who feared being subjected to their country's coercive population control policies. In a legal brief submitted to Judge Ellis last month, the Justice Department argued that involuntary sterilization was not a manifestation of Communist doctrine, a punishment for Chinese dissidents or a form of persecution on the basis of political opinion.

In the brief, the Clinton Administration and the Board of Immigration Appeals, a unit of the Justice Department, said that Mr. Guo had not been

singled out for persecution, it said. China's population control policies were applied equally to all citizens.

But Judge Ellis, who was appointed by President Ronald Reagan in 1987, wrote: "This argument is fallacious. Nothing in the Immigration and Nationality Act precludes asylum for aliens persecuted by a government because of political opposition to uniformly applied governmental policies."

Indeed, he said, the uniform policy of most totalitarian governments is to persecute those who challenge the government's legitimacy. At a hearing on Dec. 10, Judge Ellis scorned the Justice Department's position, saying: "How many people in Stalinist Russia could say, 'Hey, this is invidiously enforced against us? It was enforced against everybody. If you didn't like what he did, you went to jail. He didn't play favorites.'"

Since 1989, the Board of Immigration Appeals has repeatedly denied asylum claims by people expressing a fear of persecution under China's population control policies. The Clinton Administration urged Judge Ellis to defer to the board's expertise on this issue.

But Judge Ellis said that deference is appropriate only where an agency's interpretation of its own statutes and regulations has been consistent. Courts need not defer to the Justice Department on this issue because there has been a cacophony of administrative voices, he said.

Judge Ellis said that Mr. Guo and his wife showed their opposition to China's population policies by refusing to com-

ply with sterilization orders and by fleeing from their home village in Fujian Province. The local government then confiscated their property and destroyed their home, he said.

"It simply defies logic to contend that these governmental actions do not amount to persecution," the judge said.

The ruling came from northern Virginia because the board has its headquarters in Falls Church, Va., and Mr. Guo had sought a writ of habeas corpus to gain his release from a jail in Winchester, Va.

GET UP AND GO

The Travel Section
Every Sunday
The New York Times

PRESERVATION PHOTOCOPY

January 14, 1994

MEMORANDUM FOR BILL GALSTON
KATHI WAY

FROM: Stan Herr
SUBJECT: Accomplishments 1993

In the disabilities field, many of the accomplishments may be captured under broader initiatives. Some items that may be worth nothing include:

- Vigorous implementation of the Americans with Disabilities Act through telecommunication relay systems in place in all 50 states, advances in transportation accessibility , and balanced enforcement strategies involving extensive "alternative dispute resolution" and first-ever court cases.

- Health care reform initiatives that move toward a consensus around universal converse and no exclusions based on "prior condition" or disability, thus closing a gap in protection from disability-based discrimination.

- Enactment of National Service legislation that will increase opportunities for community services by, and for, persons with disabilities.

- Enactment of Family Leave legislation that will safeguard the jobs of family with disability members facing medical emergencies.

- Unprecedented access by the disability community to the Clinton Administration through substantive sessions with the President, Carol, the First Lady, Mrs. Gore and other key advisors and appointees, including key office holders who themselves have disabilities.

- Revitalization of the President's Committee on Mental Retardation and other federal agencies and committees with a disabilities focus.

I assume "homelessness" accomplishments will be reported by Suzan. (E.G., D.C. - HUD initiative as a potential model for federal-local partnerships for homeless relief.

- The largest single allocation of Federal funds for supported housing and "SROs plus care" projects on December 22nd, 1993;

•HUD's making homelessness prevention and relief its number one priority;

•planned summit on homeless veterans in February.)

Obviously many of these initiatives will target the needs of homeless persons with disabilities, as the Administration's strategies take a more realistic assessment of the mental health needs and substance-abuse prevention needs of these citizens.