

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Stanley S. Herr to Carol Rasco at 10:40:00.00. Subject: weekly report (copy already delivered to Kathi. (partial) (1 page)	09/08/1993	P6/b(6)
002. email	Carol Rasco ro Rosalyn Miller at 9:48:00.00. Subject: Prepare attached for signature. (partial) (1 page)	11/16/1993	P6/b(6)
003. email	Stanley S. Herr to Carol Rasco at 16:54:00.00. Subject: Comments on homeless plan. (4 pages)	02/17/1994	P5

COLLECTION:

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

FOLDER TITLE:

[03/30/1993 - 02/17/1994]

Adam Bergfeld
2007-0143-F
ab749

RESTRICTION CODES

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

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

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or
financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President
and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of
personal privacy [(a)(6) of the PRA]

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

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

RR. Document will be reviewed upon request.

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of
an agency [(b)(2) of the FOIA]
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b(8) Release would disclose information concerning the regulation of
financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information
concerning wells [(b)(9) of the FOIA]

COPY

RECORD TYPE: PRESIDENTIAL (RECONSTRUCTED EMAIL)

CREATOR: Stanley S. Herr (HERR_S) (OPD)

CREATION DATE/TIME: 17-FEB-1994 16:54:00.00

SUBJECT: Comments on homeless plan

TO: Carol H. Rasco (RASCO_C) (OPD)

READ: UNKNOWN

TEXT:

PRINTER FONT 12_POINT_COURIER

DETERMINED TO BE AN ADMINISTRATIVE
MARKING Per E.O. 12958 as amended, Sec. 3.3(c)

Initials: ACB Date: 06/14/2012

~~CONFIDENTIAL~~

To: Carol H. Rasco

Chris Edley

Andrew Cuomo

From: Stanley S. Herr

Subject: Comments to Second Draft (recv'd 2-15)

"The Federal Plan to End Homelessness: Building a Comprehensive Solution"

Date: February 17, 1994

This draft is considerably improved over the prior version that I reviewed. In its present form, however, it still needs considerable editing and may fall short of being either comprehensive or a plan to end homelessness. Because of the short time frames for comment, I will try to make these comments as concise as possible and highlight the pitfalls rather than the positives. For purposes of illustration, page numbers are in parentheses.

1. First, some of the Plan's good points:

- * themes of increasing affordable housing, especially supportive housing;

- * improving access to treatment, rehabilitation, aftercare and continuing services for persons with mental illness, substance abuse, and other disabilities who are homeless (2, 5, 15);

- * recognition that such persons with disabilities are a minority of homeless Americans but are visibly unserved or ill-served now (15);

- * stress on prevention and creation of continuum of care focused on permanent housing. The earlier draft wisely added that such permanent housing would be offered "at whatever point a person or family is ready" (i.e., person doesn't have to cycle through continuum to get permanent housing) (old p 45), but I can't find this language in the current draft. Can it be restored?

- * in contrast to prior Administrations, a recognition of the scale and complexity of the problems of homelessness and the Governmental and private partnerships to reduce it.

2. But we are vulnerable to criticism from several directions:

- * as the New York Times story of Feb 17th notes, our plan lacks indications of funding and timetables, begging the question of "where will the money come from?" (p. A20)

- * Executive Order 12848 calls for a proposed schedule for "implementing administrative initiatives and transmitting ... proposals to the Congress." I'm not sure I saw such a schedule or breakout of administrative and legislative initiatives

- * the promise to "end homelessness" embodied in the title

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but not the executive order (which is titled "Federal Plan to

Break the Cycle of Homelessness" sets a very long-term goal. The President in his statements on this subject has expressed a more cautious, realistic and shorter-term pledge to reduce the number of currently homeless folks and to alter, over time, the structural conditions and policies that fail to prevent future homelessness

* the current title on the inside cover page is hard to track, namely Priority: Home!

 The Federal Plan to End Homelessness

 Building a Comprehensive Solution

Some possible and shorter alternatives could be

 Ways to Go Home: The Federal Plan to Break the Cycle of Homelessness

 Getting Home: The Federal Plan to Build a Comprehensive Solution to Homelessness

 Heading Home: etc

 or some other variant of the above title elements

One alternative now under consideration, From Main Street to Mainstreams: etc, has some appeal. However, it is a mixed metaphor which a) seems to focus on the so-called "street homeless" and away from the nonvisible doubled-up and sheltered folks, b) folks in rural areas and side streets, and c) leaves a little doubt about the word "mainstream" calls to mind the special education debates about putting kids with disabilities alongside those without disabilities. In any event the link between main streets and mainstreams is a complicated one, and is not that emotively powerful.

* the plan's terminology is inconsistent and may cause needless offense:

* "people first language" such as "people [or persons] with disabilities" (2, 5) is strongly preferred by the disability and homeless advocacy communities over such jarring and monolithic usages as "the disabled homeless poor" (15), "the severely disabled" and "the severely mentally ill" (26), "permanent provision of services for those who are mentally or physically disabled" (11) [It is also unclear what is "permanent provision" since I'm sure we're not implying life-time institutionalization here], "the indigent mentally ill" (64), "the mentally ill indigent" (57), "the severely mentally ill and/or disabled" (65), (64) etc..

* this draft has fewer references to the phrase "this population" which sounds clinical and detached, running counter to the plan's correct assertion that most people (citizens? neighbors? who are homeless are "a distinctly 'different' population..." but are like their fellow Americans who happen to be poor. (14).

* Although we criticize the 1980s, we don't do enough to draw attention to this Administration's positive steps taken over the last year (but see graph at p. 59 on budget growth for homeless assistance programs; and p. 63 which refers only to HUD's budget)

* From the Left, we may open ourselves to attack by admitting that there is "Little sentiment ... for a renewed war

on poverty." (56); by calling for more Section 8 housing vouchers while proposing a budget that cuts back on public housing (63)

* is our strategy only "two-pronged"? (see pp. 3 & 57). What

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of transitional measures? rehabilitation and housing with support for persons with chronic disabilities? The phrase "acute/chronic disabilities" first appears on p. 58, but I'm not sure if we've addressed the needs of persons with "acute disabilities" (do we mean acute illnesses here?). Given that the plan identifies disability as one of the two main streams feeding homelessness (along with crisis poverty), it seems to merit a separate prong and break-out.

3. Style and organization make this a very difficult read:

- * excessive generality (e.g., when and how is the "crisis of current homelessness" resolved so as to permit phasing out McKinney Act programs) (63);.....

- * better flow and transitions (e.g., 69-70)

- * identify acronyms (70)

- * provide reference list for sources cited parenthetically or partially (70)

- * vague referents (e.g, who "we"? (3), which level of "government" (72) since the feds are hardly all to blame for dashed hopes in this field

- * repetition (e.g, "unprecedented ... consultation" (8), (9), "extensive consultation" 44-46; themes and materials are scattered and repeated a bit)

- * too many passive voice constructions (10 et seq)

- * some long, unwieldy sentences (5 et seq.)

- * problems of flow and transition

- * ending with a laundry list of coordination activities rather something stronger (70-71)

- * partially explained major terms (e.g, "Crisis poverty" , "chronic disability")

- * lots of small edits, missing words, missing initials (e.g., if Henry G. Cisneros, why not Carol H. Rasco, Donna E. Shalala etc) (8)

- * glib rhetoric (e.g., solution to homelessness is not a mystery) (11); better differentiation this plan and prior Federal plans (at least cite to prior plans for purpose of making comparison)

- * accuracy and more thorough proofing such as:

- ? The copy of the Executive Order (unpaginated ii?) is missing the words "in order to" on line 3 before the word "provide"

- ? in Sec. 1, it is "Federal plan", not "Plan"

- ? check title of President Kennedy's Act dealing with community mental health centers (64)

4. On substance, we need to make our main points and action recommendations much stronger:

- * the Executive Summary doesn't do it persuasively (1-6) and the long quote from the Douglas report (which incidentally needs

to be more fully identified for the general reader) is not a particularly effective closing to it;

- * over two-thirds of the plan is descriptive of the past or current affairs, while the recommendations that start at (56) are not sufficiently detailed or well-argued to justify being included among the "bold steps on this long-term agenda" (68) and lump together the overly sweeping (68) with the overly particular (71)

- * on disability issues, for instance, these weaknesses are especially glaring, since the reader could be left with the

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impression that the issue of disability is essentially the need to "relocate" the "chronically disabled" who are a fearful, dangerous and economic drain on our streets (2, 65).

* on the multiplicity of disability issues, we have unduly narrowed it down to Making Mental Health Services Work for the Poor" (5, 63). One could insert the words "and other Disability" before "Services Work" in the heading to recognize some of the issues that even the plan flags. While clearly the largest segment of homeless people with disabilities, we should not ignore those whose disabilities include tuberculosis, AIDS, developmental disabilities, physical disabilities etc.. Very few of the nations homeless facilities meet the standards of the Americans with Disabilities Act. Very few systems in the continuum of care have addressed accessibility needs for persons with physical, behavioral or cognitive impairments. We could add something on these topics.

*interesting ideas need to be teased out further from general statements, such as conditioning federal funds on states and their mental health providers coming up with plans of access to treatment for persons with disabilities, or the Health Care Security Act (no longer just a Clinton "Plan") actually covering street outreach efforts, supportive housing services and other needed community-based services; the low-income housing deduction idea is interesting, too, but the argumentation needs to be stronger but less provocative (66), or the criteria or conditions for phasing out McKinney Act programs in favor of mainstream programs (66)

* a real concrete description is needed of how long-term care is to be offered, let alone outreach and emergency services, to persons with a variety of disabilities such as mental illness, AIDS, tuberculosis, developmental disabilities, and physical disabilities and functionally limiting health conditions;

* the relationship between HUD and other departments still need clarification in terms of implementing this Plan; particularly in view of the rather global and generalized solution for ending homelessness (e.g., achieving welfare reform, health care reform, community development, job creation and training, education over the course of a lifetime, drug and alcohol-use prevention, supporting family and personal responsibility (16).

* The closing seems written in haste and is perhaps too perfunctory and unduly negative by ending with "compassion fatigue" responses.

For the sake of brevity, I will not add further comments. To sum up, we have an encouraging story to tell of our efforts and priorities that have already raised homelessness to a higher and more hopeful place on our political and policy agenda. I hope that we will have enough time to revise this document to make that case, skillfully express this valuable call for "long-term programs and social structures ... to reduce poverty" (30) and define our comprehensive solution. Mindful of the time crunch ahead I wanted to get these concerns to each of you as soon as possible.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Diana M. Fortuna to Carol Rasco an Jeremy Benami at 10:35:17.74. Subject: Ideas from Bob Williams. (partial) (1 page)	07/21/1995	P6/b(6)
002. email	Diane Ikemiyashiro to Diana M. Fortuna at 13:13:06.04. Subject: ADA curb ramp provisions letter. (1 page)	11/06/1996	P5

COLLECTION:

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

FOLDER TITLE:

[06/02/1995 - 10/04/1995]

Adam Bergfeld
2007-0143-F
ab970

RESTRICTION CODES

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

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

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

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

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

RR. Document will be reviewed upon request.

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RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Diane Ikemiyashiro (IKEMIYASHI_D) (WHO)

CREATION DATE/TIME: 6-SEP-1995 13:13:06.04

SUBJECT: ADA curb ramp provisions letter

TO: Diana M. Fortuna

(FORTUNA_D) (OPD)

READ: 7-SEP-1995 10:52:35.42

TEXT:

Diana --

Here is another disabilities letter. I've spoken to numerous people about how to respond. John Wodatch at the Justice Dept. told me to forward the letter to him, and he will send out his response. Since the Justice Dept. sued Philadelphia regarding a different curb ramp issue last year, I've been advised that POTUS would be better off not to specifically answer the issues raised in the incoming letter. I'll fax the incoming and John Wodatch's response. Can you please let me know if my draft is appropriate?

Thanks for your help, Diana.

p.s. - what do you think of my "Lighthouse" letter?

PROPOSED DRAFT

Thank you for your letter regarding the ADA's curb ramp installation provisions. I have passed along a copy of your letter to the Disability Rights Section of the Civil Rights Division at the United States Department of Justice for further review. I'm sure that your views will be taken into careful consideration.

Integrating persons with physical disabilities into mainstream American society is vital to our strength as a nation. My Administration will remain dedicated to vigorously implementing and enforcing the ADA so that people with disabilities will have the opportunity to pursue the American Dream. With the continued activation of the Americans with Disabilities Act, individuals will be judged not by their disabilities, but by their abilities. As we work to promote inclusion and independence for all of our citizens, I look forward to your continued participation in the process.

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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	William White to Diana M. Fortuna at 13:42:15.65. Subject: Do you receive these messages? (partial) (1 page)	02/14/1996	P6/b(6)
002. email	Diana M. Fortuna to Elizabeth E. Drye at 10:42:24.17. Subject: ACIR and Disability. (1 page)	02/23/1996	P5
003. email	Diana M. Fortuna to Elizabeth E. Drye at 18:05:31.39. Subject: Comments on ACIR Letter. (1 page)	02/28/1996	P5

COLLECTION:

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

FOLDER TITLE:

[02/12/1996 - 02/28/1996]

Adam Bergfeld
2007-0143-F
ab753

RESTRICTION CODES

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

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

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COPY

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Diana M. Fortuna (FORTUNA_D) (OPD)

CREATION DATE/TIME: 23-FEB-1996 10:42:24.17

SUBJECT: ACIR and disability

TO: Elizabeth E. Drye

(DRYE_E) (OPD)

READ: 23-FEB-1996 11:42:53.63

TEXT:

You probably know this, but on the ACIR report's recommended changes to ADA and IDEA, I am very wary/skeptical of the notion that we can compromise our way out of this. Since these are civil rights laws, the community is understandably very paranoid about losing any ground on them. They are viewed as sacred, and changing them is touching the "third rail" of disability politics. Certainly any legislative change is viewed as a horrible setback; also the President said last year at the 5th anniversary of the ADA that he would veto any substantive change to the ADA in a heartbeat -- and he said it in front of 100 disability advocates. We are perceived by that community as having a pretty good record on enforcing these 2 laws.

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RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Diana M. Fortuna (FORTUNA_D) (OPD)

CREATION DATE/TIME: 28-FEB-1996 18:05:31.39

SUBJECT: Comments on ACIR letter

TO: Elizabeth E. Drye (DRYE_E) (OPD)

READ: 28-FEB-1996 18:06:02.44

TEXT:

PRINTER FONT 12_POINT COURIER

Re the Gov. Winter letter: It is quite critical of ACIR's work and may offend Gov. Winter; and it sounds too much to me like a critique of their research techniques and doesn't outline enough the substantive disagreements. I tried to mark the spots that concerned me (I will bring you back your copy).

Also, we will be in hot water with the disability community if the letter doesn't have a freestanding paragraph on disability issues -- unless the letter is made much shorter, and doesn't give the Family and Medical Leave example.

Here is a potential paragraph (if you added this, you would presumably also have to add a paragraph on the environment for balance):

One area of particular concern is civil rights laws for people with disabilities. Both the ADA and the IDEA are clearly outside the scope of ACIR's mandate. The Administration fully supports the enforcement of these critical statutes. I would note that both these laws allow Federal agencies to emphasize education and voluntary compliance as much as possible in our enforcement efforts. ACIR's recommendations to eliminate a private right of action and allow voluntary compliance for the ADA and IDEA would set back our efforts to guarantee equal rights for citizens with disabilities. Hope this is somewhat helpful.

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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001: email	Diana M. Fortuna to Elizabeth E. Drye at 13:48:23.37 at 13:48:23.37. Subject: I know you're interested in this issue... (3 pages)	04/11/1996	P5

COLLECTION:

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

FOLDER TITLE:

[02/29/1996 - 04/16/1996]

Adam Bergfeld
2007-0143-F
ab971

RESTRICTION CODES

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

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COPY

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Diana M. Fortuna (FORTUNA_D) (OPD)

CREATION DATE/TIME: 11-APR-1996 13:48:23.37

SUBJECT: I know you're interested in this issue...

TO: Elizabeth E. Drye (DRYE_E) (OPD)

READ: 11-APR-1996 14:22:16.42

CC: Jeremy D. Benami (BENAMI_J) (WHO)

READ: 11-APR-1996 15:42:10.40

CC: Gaynor R. McCown (MCCOWN_G) (OPD)

READ: 12-APR-1996 10:56:40.78

TEXT:

Here is a copy of my draft memo for Carol on special ed/discipline. I showed it to her earlier today, and she said it was OK, and that she is going to add a bit on where she comes down on this issue policy

□

-wise. She said she would say something about how she doesn't entirely agree with the advocates here, but that it looks like we (the federal government) are moving in a sensible and moderate direction on this.

PRINTER FONT 12_POINT_COURIER

April 11, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: Carol H. Rasco

SUBJECT: Expelling Students with Disabilities
You asked about the attached item from Cabinet Affairs' weekly report. Virginia is suing the Department of Education over its position that states may not expel children with disabilities without offering them alternative instruction outside of the classroom. You asked whether this is a double standard, and whether it is bad policy.

Special education is governed by the Individuals with Disabilities Education Act (IDEA), a 20

□

-year

□

-old civil rights

law. Legally, there appears to be a strong consensus that the IDEA requires that children with disabilities be educated and therefore prohibits "cessation of services." Since there is no such Federal protection for students without disabilities, there is in a sense a double standard in those states that allow cessation for non

□

-disabled students (roughly 30 states).

Disability advocates argue that history justifies this distinction, since schools have used discipline as an excuse to remove disabled students from class, and that proposals to treat disabled students "equally" are flawed because some disabilities manifest themselves as behavioral problems. School boards, principals, and the teachers' unions feel that the double

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standard encourages irresponsible behavior and endangers non

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-disabled children. (Unfortunately, there are few statistics about how prevalent such discipline problems are.) This question is now being debated from a policy perspective on the Hill, since IDEA is up for reauthorization. Discipline is the most controversial issue. The pressure for change centers less on cessation of services than it does on the question of when a school can act unilaterally to remove a student from the classroom on a temporary basis. In fact, a coalition of school boards, principals, administrators, the NEA, and the AFT split last year over the school boards' insistence that they push for cessation of services. The other groups did not want to take on that issue, choosing instead to focus on the latter issue. The Department of Education opposes cessation of services. Its IDEA reauthorization proposal would allow schools to act unilaterally to remove from the classroom students who bring weapons to school (current law allows this for guns only). It would also allow a hearing officer to remove a child who exhibits "dangerous" behavior.

□

□

-2-

The key leaders on this issue in both the Senate and the House are sympathetic to the disability community's perspective, and are attempting to proceed in a bipartisan way. They are trying to satisfy individual members who might be inclined to offer more extreme amendments so that this does not blow up into a very public issue.

The Senate Labor and Human Resources Committee has passed a bill that would allow schools to cease services for students who bring drugs or weapons to school. It would also allow a hearing officer to remove a student from the classroom for "disruptive" behavior, a lesser standard than "dangerous".

Senators Frist and Harkin, the key Senate leaders on this issue, did not want to go as far as they did. However, they reached a compromise with the school boards, principals, unions, and disability advocates, with none of the groups enthusiastic about it. The Department of Education has concerns about defining terms like "disruptive". The House is likely to adopt the Senate position on cessation, but may take a stand closer to that of disability advocates and the Department on other issues.

This is a thorny issue that raises the question of whether twenty years of inclusion of children with disabilities has brought us to the point where students with and without disabilities can be disciplined "equally". Moderate change appears inevitable here, but there does not appear to be widespread political support for the state of Virginia's policy, which goes beyond the Senate plan to cease services only for students who bring drugs or weapons to school.

It is interesting to note that the Department of Education tells us privately they oppose cessation of services for any student, even the non

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-disabled, but the only area where they have influence is in special education.

cc: Leon Panetta

John Hilley?

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Kitty Higgins?

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Diane Regas to Carol H. Rasco at 21:36:13.31. Subject: ACIR Info. (3 pages)	06/24/1996	P5

COLLECTION:

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

FOLDER TITLE:

[06/03/1996 - 07/24/1996]

Adam Bergfeld
2007-0143-F
ab973

RESTRICTION CODES

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

COPY

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Diane Regas (REGAS_D) (OPD)

CREATION DATE/TIME: 24-JUN-1996 21:36:13.31

SUBJECT: ACIR Info

TO: Carol H. Rasco (RASCO_C) (WHO)
READ: 25-JUN-1996 09:29:02.23

CC: Elizabeth E. Drye (DRYE_E) (OPD)
READ: 26-JUN-1996 10:03:47.02

CC: Jill Pizzuto (PIZZUTO_J) (OPD)
READ: 25-JUN-1996 08:17:32.23

TEXT:

I couldn't seem to get a fax through to your home. Here is info. for your meeting at 9:15 with Leon Panetta. Let me know if I can help further. I apologize for sending you late info (again!)--I was stuck on a Superfund and a dredging issue. I hope this is helpful--I talked it through with Elizabeth.

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 24-JUN-1996 21:31:00.00

ATT BODYPART TYPE: p

ATT CREATOR: Diane Regas

TEXT:

PRINTER FONT 12_POINT_COURIER
June 24, 1996

MEMORANDUM FOR CAROL RASCO

FROM: Diane Regas

SUBJECT: Advisory Commission on Intergovernmental Relations
- Meeting June 25, 1996, 9:15 A.M.

NOTE: This material supplements your memo of June 12 to Leon Panetta (attached). Marcia Hale has asked Elizabeth Drye and Sally Katzen to call into the meeting.

PURPOSE OF THE MEETING: To decide whether the Administration should continue efforts to improve the ACIR report or should plan to oppose the report and present dissenting views.

BACKGROUND: The current draft of the ACIR report contains several recommendations that the Administration likely could not support. In particular, the ACIR recommends changes to five statutes (Americans with Disabilities Act (ADA), the Clean Water Act (CWA), the Fair Labor Standards Act (FLSA), Davis

□

-Bacon and related acts, and the Transportation Employee Testing Act. While narrow changes to several of these statutes might make policy sense, re

□

-opening the statutes would infuriate important sectors of the public. Those stakeholders would consider the process of

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amending the statutes an open invitation to attack their underlying important goals.

In addition, the report is wholly inadequate as a balanced presentation of views. In general, the benefits of, and the reasons for, federal laws are given short shrift. For example, the discussion of private rights of action against local governments does not discuss the importance of these actions in making sure that localities live up to appropriate responsibilities in providing education, environmental protection and other benefits that affect the public as a whole. Lastly, the report repeatedly cites additional money and technical assistance as the primary solution, without adequate discussion of the implications for a balanced budget.

The recommendation in your memorandum of June 12 is to oppose the revised draft and urge other Democratic members to oppose it. I understand from Elizabeth Drye that there is now

serious doubt about whether all other Democratic members will be willing to oppose the report of the ACIR.

DISCUSSION

The unfunded mandates issue is extremely important, and continues to have a tremendous influence on the debate over federal statutes. Democrats and Republicans alike feel tremendous pressure to adjust underlying statutes based on concerns about unfunded mandates. For example, the Clean Water Act debate last year was driven in large part by local governments seeking to be released from the strict requirements of the Act. (An industry

□
-agriculture coalition was also seeking relief from the standards and deadlines.) The demise of the Clean Water Act rollback efforts was almost wholly because of the egregious industry

□
-related provisions. The equally disturbing provisions that would relax local governments requirements were mostly left outside the debate. In my view, this demonstrates the potential of an effort to relax solely the local and state government issues. Part of the information clearly influencing both parties were controversial and problematic reports over the extent and impact of unfunded mandates in the Clean Water Act. My experience was that controversy over findings and recommendations of a report were lost details in the discussion of the conclusions.

Therefore, one of the drawbacks to abandoning efforts to fix the report is that the report may, in the long run, still be used to justify changes in the five statutes listed above. That is, dissenting views may be ignored in the long run.

RECOMMENDATION

If the Administration has to vote against the ACIR report, we should endeavor to include in the report (not as a separate document) dissenting views.

One alternative is to provide the ACIR with a list of necessary changes and agree to support the report if the changes are made. ACIR's expressed anxiousness to finish the report may create more room for discussion of the contents than we have seen up to now. For example, we might successfully press that there is a conflict between the recommendation regarding private rights of action (i.e. no statute with such rights should be

COPY

reauthorized pending a study) and the recommendation that the Safe Drinking Water Act be promptly reauthorized (the Safe Drinking Water Act has such rights).

OMB would like a head's up (call Sally Katzen at home) if

you are likely to change your recommendation that the Administration should vote against the report.

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

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	William H. White J. to Michael Deich at 10:14:33.00. Subject: POTUS Meeting - ADA Enforcement. (partial) (1 page)	09/08/1997	P5

COLLECTION:

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

FOLDER TITLE:

[05/12/1997 - 11/21/1997]

Adam Bergfeld
2007-0143-F
ab974

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
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COPY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-SEP-1997 10:14:33.00

SUBJECT: POTUS Meeting - ADA Enforcement

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

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

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

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

TEXT:

Thanks for listening to my plea this morning. It would make a great impact if the President could state at this Wednesday's disability meeting that we will call for a 19% (which is only \$2 million) increase in funding for ADA Enforcement in our FY99 DOJ Budget request. Please see the attached proposed talking points. Thanks.

ADA ENFORCEMENT

o Vigorous enforcement of the Americans with Disabilities Act (ADA) has been a top priority of my Administration. The Justice Department, the EEOC and other federal agencies have established aggressive enforcement programs. We have emphasized voluntary compliance, but have not been afraid to litigate when entities fail to comply with the law.

o Although we have been quite successful, we all know we have a long way to go. All of you are all too familiar with the backlogs at the Justice Department and the EEOC. We all know that our resources are not sufficient to address the majority of meritorious complaints received.

o My budgets have consistently called for an increase for ADA enforcement at the Department of Justice. However, the Congress has failed to approve these increases.

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

(MICHAEL, THE NEXT TALKING POINT IS THE ONE WE WOULD LIKE TO MAKE STRONGER.)

o We are considering a proposal to significantly increase ADA enforcement resources in the FY 1999 budget I will submit to Congress early next year. (DOJ*s OMB request calls for a 19% increase (\$2,173,000).

o Members of both houses of Congress have said they will never weaken the ADA. (As Senator Hutchinson (R-AR) recently told a reporter *P]oliticians see it as political nitroglycerin... They*re afraid to handle it, afraid to touch it.*)

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Diana Fortuna to Todd Summers at 16:43:36.00. Subject: Here are my thoughts on your draft statement. (3 pages)	06/24/1998	P5
002. email	Diana Fortuna to Jordan Tamagni at 12:28:13. Subject: Memo to Chuck Ruff. (partial) (1 page)	07/27/1998	P5

COLLECTION:

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

FOLDER TITLE:

[06/22/1998 - 07/28/1998]

Adam Bergfeld
2007-0143-F
ab975

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

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COPY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 24-JUN-1998 16:43:36.00

SUBJECT: Here are my thoughts on your draft statement

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

TEXT:

1. I find it hard to sign off on language before we know the content/reasoning of the opinion. I understand that DOJ's civil rights division wants to wait to comment, too.
2. I'm no expert on when or how the President reacts to negative Supreme Court decisions, but saying that we "sincerely hope the decision won't weaken the ADA" sounds odd to me -- it seems like an ineffectual statement.
3. At the end, you say, "I call again on Congress to join us in the effort to afford all Americans, including those with disabilities, equal access to health care, housing, and other essential services." Not sure if this refers to our civil rights efforts or our policy efforts, or both, and I think we have to be clear.

Todd A. Summers
06/24/98 02:46:08 PM

Record Type: Record

To: Sean P. Maloney/WHO/EOP

cc: See the distribution list at the bottom of this message

Subject: POTUS Statement on Bragdon v. Abbott

Below is a proposed statement to be released by the President in response to a decision by the Supreme Court that we expect to be released tomorrow. The Administration has a compelling interest in this case in that it has filed an amicus brief with the Supreme Court, as well as in

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related adjudication by lower courts. In addition, this is very likely to receive significant press attention.

Essentially, this case will determine whether people living with HIV but not yet symptomatic are protected by the Americans With Disabilities Act. The statement is designed to respond to a negative decision by the Court (that the ADA does not provide such protection). Once the decision is released, we will work with the White House Counsel's office to determine if the proposed POTUS statement is applicable. We will then notify you that the statement should be released by the WH Press Office.

I have submitted this statement to several Administration officials for review, including:

Elena Kagan (DPC)
Diana Fortuna (DPC)
Sarah Bianchi (DPC)
Rob Weiner (WH Counsel)
Rachel Levinson (OSTP)
Matt Nosanchuck (Justice)
Richard Sorian (HHS)
Eric Goosby (HHS)

Matt has circulated it internally at Justice, and will include the Solicitor General in the discussion loop. We have agreed that this statement will not be released until the decision is released and reviewed by the White House (OGC, OPD, and ONAP), Justice, and HHS. At that point (probably tomorrow morning), we will jointly decide whether a statement by the President is appropriate, and if this proposed statement is acceptable as is or needs modification.

However, in anticipation of the need for a fast turn-around, I would appreciate it if you circulate this internally for comment to facilitate a rapid approval of a final version tomorrow.

DRAFT STATEMENT BY THE PRESIDENT

"I sincerely hope that today's decision by the Supreme Court in *Bragdon v. Abbott*, will not weaken the protections offered by the landmark Americans With Disabilities Act. The ADA was enacted with strong bi-partisan support to protect Americans with disabilities from discrimination. The Administration filed a brief in this case arguing that people with HIV are disabled whether or not they are symptomatic, and that the protections offered by the ADA therefore apply.

I want to assure all Americans with disabilities, including those living with HIV disease and AIDS, that this Administration is firmly committed to protecting them from discrimination. I have asked the Secretary of Health and Human Services, the Attorney General, and the Director of the Office of National AIDS Policy to: (1) assess the implications of today's decision; (2) review other Federal anti-discrimination protections -- in such programs as Medicare, Medicaid, the Ryan White CARE Act, veteran's health care, and publicly assisted housing -- potentially available to people living with HIV; and (3) recommend ways to strengthen existing protections.

I call again on Congress to join us in the effort to afford all Americans, including those with disabilities, equal access to health care, housing, and other essential services."

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Message Copied

To: _____

Elena Kagan/OPD/EOP

Diana Fortuna/OPD/EOP

Sarah A. Bianchi/OPD/EOP

Robert N. Weiner/WHO/EOP

Rachel E. Levinson/OSTP/EOP

DvonZinkernagel @ osophs.dhhs.gov @ inet

Richard_Sorian @ ASPA.dhhs.gov @ inet

Matt Nosanchuck @ 12023073137 @ fax

COPY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 27-JUL-1998 12:28:13.00

SUBJECT: Re: Memo to Chuck Ruff

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

CC: Cecilia E. Rouse (CN=Cecilia E. Rouse/OU=OPD/O=EOP @ EOP [OPD])

READ: UNKNOWN

TEXT:

We met with Erskine on this event on Thursday, and we agreed on very specific goals/plans for this event -- including the general ADA/disability accomplishment stuff you listed, but also:

1-- thanking the leadership/members of the new Task Force on Employment of Adults with Disabilities for their work to date (Secretary Herman and Tony Coelho, co-chairs of the TF, have been the moving forces behind doing this event, and cabinet secretaries who are members of the TF will attend).

2-- he will sign an executive memorandum directing 4 agencies to do outreach on disability laws.

3-- he will make some statement about how we are working with Sens. Jeffords and Kennedy on health care legislation for people with disabilities. That will be the big news of this event, because the 2 senators have introduced legislation that the advocates love, but it's way too expensive, probably going nowhere, and we haven't weighed in on it yet. Advocates will be very happy to hear this statement.

Does this makes sense to you?

And when you say they're just talking points: does that mean your office is still responsible for them? When are they due? The exact language of point 3 above will be crucial to us -- we don't want him to wing it and promise more or less than we all agree to internally. (Erskine was starting to write the exact language himself when we met Thursday.)

Will you or someone else on speechwriting be on the 5pm conference call on this event?

Jordan Tamagni
07/27/98 11:45:15 AM
Record Type: Record

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Cynthia Dailard to Kate P. Donovan at 11:38:54.00. Subject: Draft House Rules Labor/HHS/Ed SAP. (partial) (1 page)	08/04/1998	P5

COLLECTION:

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

FOLDER TITLE:

[07/28/1998 - 09/09/1998]

Adam Bergfeld
2007-0143-F
ab976

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

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COPY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia Dailard (CN=Cynthia Dailard/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 4-AUG-1998 11:38:54.00

SUBJECT: Draft House Rules Labor/HHS/Ed SAP

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TEXT:

Everything looks fine on the abortion front.

----- Forwarded by Cynthia Dailard/OPD/EOP on 08/04/98
11:38 AM -----

Laura Emmett

08/04/98 09:03:33 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Kate P. Donovan/OMB/EOP

Subject: Draft House Rules Labor/HHS/Ed SAP

Can everyone please review this SAP as it has many DPC issues involved.
Get all comments to Kate by 11:00 TODAY.

Specifically I noticed:

Education- MIke, Tanya, Jon

Civil Rights- Julie

Abortion/Family Planning- Cynthia D, Jen, Neera

Child Care- Jen, Neera, Nicole

Drugs/Smoking- Jose, leanne, Cynthias

needle exchange, AIDS- health care- Chris, Sarah

service- ?????

----- Forwarded by Laura Emmett/WHO/EOP on 08/04/98 09:00
AM -----

Kate P. Donovan

08/03/98 08:38:35 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: Draft House Rules Labor/HHS/Ed SAP

House Rules is expected to meet Tuesday at 2:30pm on the
Labor/HHS/Education Appropriations bill. Please note that we do not aim
to provide a "road map" to the Administration's priorities listed under
the Education section. Tomorrow morning, we will re-order the programs in
"bill order." If you have a problem with this ordering - please let me

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Christopher C. Jennings to Erskine Bowles at 16:46:36.00. Subject: Jeffords/Kennedy Work Incentives Bill. (2 pages)	10/12/1998	P5
002. email	Nancybk@aol.com to podesta_J, Sara M. Latham, Dawn L. Smalls, and lambrew_ at 03:53:35. Subject: Fwd: If health care taken out of Work Incentive Improvement act we're all sti... (partial) (1 page)	10/14/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[10/08/1998 - 10/27/1998]

Adam Bergfeld
2007-0143-F
ab756

RESTRICTION CODES

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

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COPY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 12-OCT-1998 16:46:36.00

SUBJECT: Jeffords/Kennedy Work Incentives Bill

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

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

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

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

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

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

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

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

Jeanne Lambrew (CN=Jeanne Lambrew/OU=OPD/O=EOP [OPD])
READ: UNKNOWN

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

TEXT:

The disability community is extremely excited about the prospects of passing the Jeffords-Kennedy "Work Incentive Improvement Act of 1998," which the President endorsed and the Administration has been working on since this past spring. (You will recall your meeting with Tony Coelho and Alexis Herman earlier this year on this subject in preparation for the President's meeting with the disability community.) The disability groups are hoping that it could be added to the omnibus budget bill prior to adjournment and are pressing us to be supportive. DPC, NEC, and OMB believe this is a very strong bill and merits making it one of our priorities. If it does not make it into the final bill, however, it is essential that it is clear that its omission was due to Republican opposition and not our lack of support.

Jeffords-Kennedy "Work Incentive" Disability Bill. This bill provides people with disabilities the ability to buy into the Medicaid and Medicare programs. Because the lack of health insurance is the number one barrier cited by disability community to return to work, this option is extremely important. This bill also provides for a so-called "ticket" to allow for public or private vocational rehabilitation. The disability groups cite this legislation as the most significant initiative since the enactment of the Americans with Disabilities Act (ADA).

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Cost Estimate and Offsets. CBO estimates this bill costs \$77 million in FY 99 and about \$250 million a year when fully implemented (for a five year cost of \$1.2 billion.) We have proposed that the Congress use the Medicare savings offsets we originally dedicated to the 55-65 Medicare buy-in proposal, which clearly is not going anywhere this year. The offsets include a reduction in mark-ups that physicians bill Medicare for certain drugs, stronger enforcement of a provision requiring Medicare to be the secondary payer for beneficiaries who have private coverage, an expansion of a Medicare reform demo that contracts out with specific "Centers of Excellence" to provide certain services, and two Social Security Administration fraud and abuse provisions.

Hill Support. Every Democrat on the authorizing (Moynihan and Dingell) and appropriations committees on both sides of the Capitol are supportive of the Jeffords/Kennedy bill. We are informed that Senator Byrd, Senator Harkin, and Congressman Obey are carrying this bill on their priorities list. Senators' Jeffords, Grassley, and McCain support the bill on the Republican side. Senator Roth supports the policy, but has suggested that some of his Finance Committee Members might have problems with the offsets. The House Republican authorizes are likely to be the more problematic, although there is some optimism that Speaker Gingrich might support this bill would consider overruling any objections from his authorizers.

Politics. The House counterpart to the Work Incentive Improvement Act is H.R. 3433, a bill introduced by Representatives' Bunning and Kennelly. However, H.R. 3433 does not include the Medicaid/Medicare buy-in proposals. Although the disability community supports the provisions in H.R. 3433, they are opposing its passage this year UNLESS the Jeffords/Kennedy health add-ons are included. This should strengthen our hand to oppose Bunning/Kennelly UNLESS we get the health provisions we and the Democrats are seeking.

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Devorah R. Adler to Mindy E. Myers at 17:56:47.00. Subject: background info for dems retreat. (2 pages)	05/19/1999	P5
002. email	June Shih to Cynthia A. Rice at 16:30:09.00. Subject: Re: question. (partial) (1 page)	06/03/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[05/18/1999 - 06/10/1999]

Adam Bergfeld
2007-0143-F
ab978

RESTRICTION CODES

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

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

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

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

RR. Document will be reviewed upon request.

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

COPY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Devorah R. Adler (CN=Devorah R. Adler/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:19-MAY-1999 17:56:47.00

SUBJECT: background info for dems retreat

TO: Mindy E. Myers (CN=Mindy E. Myers/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC: Sarah A. Bianchi (CN=Sarah A. Bianchi/O=OVP@OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

here it is --- there is a submission on Medicare coming. thanks for your patience

Jeffords-Kennedy. Despite being voted out of the Senate Finance Committee by an 18 to 2 vote and attracting 75 cosponsors, Senator Lott has refused to bring up the Jeffords-Kennedy Work Incentives Improvement Act for a vote. The disability community is furious with Senators Lott and Nickles, who they view as the only significant obstacles blocking your enactment of this legislation. As you will recall, this legislation, which you called on Congress to pass both last year and again this year in your State of the Union address, is designed to provide new incentives for people with disabilities (75 percent of whom are unemployed) to work or return to work provides greater incentives and options for states to enable people with disabilities to return or buy into Medicaid coverage. It also extends Medicare coverage for people with disabilities who return to work. Finally, it modernizes employment-related services by creating a ☐ticket☐ that will increase options for people with disabilities to receive employment-related services and creates a Work Incentive grant program for states. The Medicaid buy-in is particularly important to the population because it would enable them to be able to continue to access the prescription drug coverage and other critical health care services. On Thursday, the House Commerce Committee marked up this legislation and Representative Bliley indicated his strong belief that the Congress should move to quickly pass this legislation. We expect the House to bring this up for a vote relatively soon, which will no doubt pressure the Senate to do the same. We released a statement from you Thursday to indicate your ongoing support for this legislation and to call on the Congress to move expeditiously to a final vote. You may want to single out Senators Kennedy and Moynihan for their leadership role in this legislation.

Privacy. In your State of the Union, you called on the Congress to pass privacy legislation this year to ensure that medical records remain confidential and are adequately protected against misuse. Although you indicated at the time that your preference was to pass legislation, you also stated that you would use the regulatory authority Kennedy-Kassenbaum law gave you to implement protections in August if the Congress had not passed legislation by then. The pledge to move forward on the regulation in August is driving the Senate Labor Committee, chaired by Senator Jeffords and ranking Democrat Senator Kennedy, attempt to develop bipartisan legislation later this month and early into June. There are numerous outstanding issues that could stand in the way of Congress passing this legislation, including issues related to state preemption,

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law enforcement access to medical records, access to records by the research community, and patient authorization for release of their medical records. However, the insurance industry and the business community may well be open to compromising on a strong privacy protection bill because they fear the implementation of the our regulation and are at least as concerned that different states are developing privacy legislation that is difficult if not impossible to administer for national companies. In short, they will trade the federal preemption of state laws for a number of provisions that they heretofore opposed. Notwithstanding this fact, achieving consensus will be quite difficult, but if this issue is raised, you may want to particularly praise Senators Kennedy and Leahy for their leadership in this area.

Patients Bill of Rights. The Senate Labor Committee voted on their version of the Patients Bill of Rights several weeks ago. Because it applies patients, rights only to those in self-insured plans, this proposal leaves 120 million Americans in insured and individual plans unprotected. It also does not critical protections, including assuring patients adequate access to specialists, basic standards for network adequacy, continuity of care when the employer drops the plan, and any significant enforcement provisions. Senator Moynihan is now attempting to work with Senator Roth on a bipartisan compromise off the Finance Committee. The proposal appears to have a strong appeals mechanism that could serve as a basis for compromise on that issue and has extended coverage to the group market. However, it has raised serious concerns with Senator Daschle and your administration's advisors because it has serious shortcomings, including the fact that it does not cover people insured in the individual market, guarantee continuity of care or access to specialists, and has no enforcement mechanism. On that same committee, Senator Graham and Chafee working on a bipartisan compromise that is much stronger. This would be far and away our preference since it would achieve all the priorities you have repeatedly advocated for during the last two years. Unlike the Senate Republican leadership, the House Republican leadership believes they need to produce a relatively strong bill to provide cover for their members in the 2000 election. As such, they are trying to work on a compromise with Representatives Coburn, Norwood, and Ganske that would elicit the necessary bipartisan support. However, they are attempting to link, directly or indirectly, movement in this area with legislation that would provide for medical savings accounts and multi-employer welfare associations, which policy experts and your administration's advisors have traditionally opposed because of concerns about destabilization of the insurance market through risk selection. You may wish to encourage Senator Moynihan to work with Graham and Chafee to develop a strong bipartisan bill in the Finance Committee. In so doing, you will want to stress your commitment to a bipartisan process, but one that achieves a bill worth passing. Senators Daschle and Kennedy in particular should be highlighted for their leadership role in this area. (Senator Daschle frequently believes he does not receive the credit he appropriately deserves for his work on this issue.)

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Cynthia A. Rice to Lisa M. Brown at 14:31:40.00. Subject: Speech for VP ADA Drop-by in Tennessee. (partial) (1 page)	07/23/1999	P5

COLLECTION:

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

FOLDER TITLE:

[07/19/1999 - 07/28/1999]

Adam Bergfeld
2007-0193-F
ab979

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

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

RR. Document will be reviewed upon request.

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

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

COPY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 23-JUL-1999 14:31:40.00

SUBJECT: Speech for VP ADA Drop-by in Tennessee

TO: Lisa M. Brown (CN=Lisa M. Brown/O=OVP@OVP [UNKNOWN])

READ: UNKNOWN

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

READ: UNKNOWN

CC: J. Eric Gould (CN=J. Eric Gould/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TEXT:

Few things:

When he discusses what we're doing, what's there is fine, but the speech leaves out the big stuff. Right after he says we've acted on all the Task Force's recommendations, he should at least say we're fighting for Patients Bill of Rights and for the Administration's -- could describe like this:

historic new \$2 billion initiative that removes significant barriers to work for people with disabilities. It includes the Work Incentives Improvement Act that invests \$1.2 billion in health care and employment services for people with disabilities so they can work. I urge Congress to take swift action in passing this legislation, which will make a critical difference in empowering people with disabilities to become employed and maintain health care coverage. Our budget also contains a new \$700 million investment in a \$1,000 tax credit for workers with disabilities and an increase of \$35 million in assistive technologies that make it possible for individuals with disabilities to work.

Here's a list of all the things the Task Force recommended that we've done:

-- Work to pass the Work Incentive Improvement Act -- included in Administration's budget.

-- Work to pass a strong Patients, Bill of Rights -- high Administration priority.

-- Examine tax options to assist with expenses of work -- included in budget

Foster interdisciplinary consortia for employment services -- included in budget

-- Accelerate development and adoption of assistive technology -- included in Administration's budget.

-- Direct Small Business Administration to expand outreach -- Vice President announced in December.

-- Remove Federal hiring barriers for people with mental illness -- Presidential executive order in June

-- Direct OPM to develop model plan for Federal hiring of people with disabilities -- Vice President unveiled in December.

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Bethany Little to schnurjhs at 00:20:16.00. Subject: [none] (partial) (1 page)	09/29/1999	P5
002. email	Bethany Little to schnurjhs@aol.com at 11:49:45.00. Subject: per yourn request. (partial) (1 page)	10/03/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[07/30/1999 - 10/05/1999]

Adam Bergfeld
2007-0143-F
ab980

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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group for two reasons. First, the memo and the policies described in it are not that clear. Second, I believe the right approach for the VP would be to instead 1) articulate 4 principles that would guide his approach to special education policy and budgets in a Gore Administration, 2) Listen to the participants describe the problems and their views on special ed that would reinforce the need for policy and budget that reflect his 4 principles.

1) We must maintain our commitment to helping every child -- including children with disabilities -- get access to a free and appropriate public education. This nation should be proud that we have opened the doors of public schools to millions of disabled children, building on our commitment to opportunity and education for all.

The big policy question here is:

b) make a specific down payment on this amount.

CON. Any amount will seem small in comparison to the full 40% and will raise the question of how long will it take

3) No town should be placed in precarious

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

TEXT:

The following is a HEX DUMP:

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Melissa Benton to Barbara Chow at 21:37:14.00. Subject: Guidance needed--EEOC enforcement of Federal procedures regarding reasonab... (2 pages)	07/20/2000	P5

COLLECTION:

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

FOLDER TITLE:

[07/20/2000 - 07/21/2000]

Adam Bergfeld
2007-0143-F
ab981

RESTRICTION CODES

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

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

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

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

RR. Document will be reviewed upon request.

b(1) National security classified information [(b)(1) of the FOIA]
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b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

COPY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melissa N. Benton (CN=Melissa N. Benton/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 20-JUL-2000 21:37:14.00

SUBJECT: Guidance needed--EEOC enforcement of Federal procedures regarding reasonable

TO: Barbara Chow (CN=Barbara Chow/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Sarah Zambon (CN=Sarah Zambon/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Lisa B. Fairhall (CN=Lisa B. Fairhall/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: David Rowe (CN=David Rowe/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Alison Perkins-Cohen (CN=Alison Perkins-Cohen/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Jennifer E. McGee (CN=Jennifer E. McGee/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

CC: Joanne Cianci (CN=Joanne Cianci/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: J. Eric Gould (CN=J. Eric Gould/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

CC: Alejandra O. Ceja (CN=Alejandra O. Ceja/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Larry R. Matlack (CN=Larry R. Matlack/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TEXT:

We need your guidance on an issue that came up today during an interagency meeting, chaired by OMB GC (Mac Reed), to finalize a number of Executive Orders and Memoranda being developed as part of the Administration's events to commemorate the 10th anniversary of the Americans with Disabilities Act. The plan is to release these on Wednesday, July 26th, as part of a Presidential event.

The E.O. in question sets forth requirements for agencies to establish procedures to provide "reasonable accommodations" to individuals with disabilities, as required under the ADA and the Rehabilitation Act. The draft E.O. sets forth a number of general requirements for agencies, and makes the Equal Employment Opportunity Commission responsible for issuing guidance to implement the Order.

In addition, the E.O. in its current form would require agencies to submit their reasonable accommodation procedures to the EEOC. EEOC would like to add language granting the EEOC authority to "require modifications to an agency's procedures" in order to ensure compliance with the E.O. This amounts to a significant expansion of the EEOC's authority--without this language, the Commission is not authorized to compel action on the part of Federal agencies. EEOC argues it needs this authority in order to give

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the E.O. "teeth."

Alex Ceja and I recommend against expanding the EEOC's enforcement authority in this manner. (Eric Gould, who was also present at this meeting, agrees with this recommendation. In addition, we expect that a number of agencies would object to this expansion.) Arguments against expansion follow.

We question the fairness and feasibility of having the EEOC "police" the manner in which Federal agencies have chosen to accomodate individuals with disabilities. We don't believe other enforcement agencies have such authority (e.g., OSHA in the context of Federal workplace safety). In cases where an employee or applicant believes reasonable accomodation has not been provided, he or she has the right to file a complaint alleging discrimination.

It is not clear how disputes between EEOC and agencies--regarding appropriate procedures to achieve reasonable accomodations--would be resolved.

The EEOC has insufficient Federal enforcement resources to assume this new responsibility.

This E.O., which is being cleared on an expedited basis, is an inappropriate vehicle for a change of this significance. Agencies will have had less than one day to respond to this specific change (which was proposed today by EEOC).

We've been asked to provide our comments by tomorrow afternoon. Please advise as to how you would like us to proceed on this issue.

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Carol Rasco ro FAX at 18:25:00.00. Subect: homeless. (3 pages)	03/02/1994	P5

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
Default ([Disabilities])
OA/Box Number: 1100000

FOLDER TITLE:

[03/02/1994] [1]

Adam Bergfeld
2007-0143-F
ab982

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

COPY

RECORD TYPE: FEDERAL (RECONSTRUCTED EMAIL)

CREATOR: Carol H. Rasco (RASCO_C) (OPD)

CREATION DATE/TIME: 02-MAR-1994 19:25:00.00

SUBJECT: homeless

TO: FAX (9-703-370-1340,rasco) (TLXA1MAIL_\F:9-703-370-1340\C:rasco\\) (

READ: UNKNOWN

TEXT:

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

ATT CREATOR: Stanley S. Herr (HERR_S)

ATT CREATION DATE/TIME: 02-MAR-1994 17:15:00.00

ATT BODY PART TYPE: B

ATT SUBJECT: comments on homeless plan

ATT TO: Carol H. Rasco (RASCO_C)

READ: UNKNOWN

ATT TO: Christopher F. Edley, Jr (EDLEY_C)

READ: UNKNOWN

ATT TO: Janet R. Forsgren (FORSGREN_J)

READ: UNKNOWN

ATT CC: Christopher J. Mustain (MUSTAIN_C)

READ: UNKNOWN

ATT CC: Paul J. Weinstein, Jr (WEINSTEIN_P)

READ: UNKNOWN

ATT CC: Suzan D. Johnson (JOHNSON_SD)

READ: UNKNOWN

ATT TEXT:

PRINTER FONT 12_POINT_COURIER

March 2, 1994

To: Carol H. Rasco
Chris Edley
Jacquie Lawing
From: Stanley S. Herr

Re: COMMENTS ON LRM #m-1154
LARGER ISSUES

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3-

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NOTE: not all changes from prior draft are in bold

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Title page: "Priority: Home!" is visually and substantively confusing. It will also make for a very awkward full citation. i.e., Priority: Home!: The Federal Plan to end the Cycle of Homelessness. Alternatives have been suggested or other ones could be devised. (see my memo of 2-17) HHS and I believe the title "Heading Home" would be preferable as its alliterative, suggests the direction of our policy, and doesn't focus as much on one element of the solution, housing. The fact that leaked version had one particular title in no way should limit our attempts to improve it or other portions of this document. Indeed, we have already made a positive change in the subtitle. If a change is made, conform title listed on page iv.

p.2 The numbers. I am a little uneasy that we are highlighting the "at some point" 7 million estimate in the Executive Summary when that number is so uncertain, the study on which it is based so recent and surprising, and the more nuanced discussion which draws distinctions between "point in time" and longitudinal estimates is far back in the report (pp. 16-18).

pp. 16-18 An OMB insert also reflected some consensus discussion about frustration with the inadequate data, but our political will and need to move ahead to responding to a problem however great its magnitude. That language could be reinserted somewhere in this section.

3. p. 3 & 11 "chronic disability refers to homeless persons with"

4. p. 10 ??? add something on homeless children after words "veterans are disproportionately represented". I previously suggested words along the lines: Another significant, and often overlooked segment of America's homeless citizens are families with children.

5. p. The Section on "Drugs, Disabilities, and chronic Health Problems" focuses almost exclusively on substance abuse problems. For balance and to avoid misrepresenting the folks with disabilities, suggest add phrase. "For one example, ..." or add a sentence recognizing persons with physical or mental disabilities, and without drug problems.

OTHER MATTERS AND TECHNICAL CORRECTIONS

p. 1 homeless people as symptoms of urban decay is an a jarring way to refer to people.

p. 3 chronic disability reference is unclear

p. 4 grammar

p. 5 "

p. 6 Douglas Commission Report" 2nd time

Typographical errors and omissions on pages;

unnumbered front page with quotes

" table of contents

unnumbered Executive Order 12848;

p. 40 The awkward phrasing identified by OMB could be changed to: In some places, people coping with poverty by "doubling up" were now viewed as deserving homeless assistance.

p. 43 "None of them is keen...." This phrase may invite rebuttal from the ACLU or other advocates that they are in fact keen to defend the rights of people who live on the streets. See, e.g.

COPY

Joyce Brown case in NYC. Substitute "Few are keen ... to avoid
this type of reponse. This also provides a parallel construction
with the next sentence.

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

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Lynn Margherio to Elizabeth C. Bowyer at 13:02:00.00. Subject: provider memo. (4 pages)	04/17/1994	P5

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
Default ([Disabilities])
OA/Box Number: 1100000

FOLDER TITLE:

[04/17/1994 - 04/29/1994]

Adam Bergfeld
2007-0143-F
ab983

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

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COPY

RECORD TYPE: FEDERAL (RECONSTRUCTED EMAIL)

CREATOR: Lynn M. Margherio (MARGHERIO_L) (DEFAULT)

CREATION DATE/TIME: 17-APR-1994 13:02:00.00

SUBJECT: provider memo

TO: Elizabeth C. Bowyer (BOWYER_E) (WHO)

READ: UNKNOWN

TEXT:

PRINTER FONT 12_POINT_ROMAN

April 17, 1994

MEMORANDUM FOR HILLARY RODHAM CLINTON

FROM: LYNN MARGHERIO

SUBJECT: MEETING WITH PROVIDERS

BACKGROUND

You will be meeting with the following types of providers:

- Community and teaching hospital executives
- Mental health providers
- Doctors
- Pharmacist
- Advocates for the retarded and the handicapped
- AIDS advocate
- Long-term care program director

Hospital executives -

Their primary concerns will be the Medicare hospital market basket reductions and teaching hospital concerns (see attached memo on teaching hospitals).

1) Medicare reductions -

The Health Security Act proposes to reduce Medicare payments to hospitals by \$73 billion over the period 1996-2000.

Recommended response: Even with these reductions, Medicare payments to hospitals will increase. They will just increase more slowly - - instead of increasing by 9%, they will increase by 6%.

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2) Disproportionate Share Reductions -

As you know, we dramatically reduce both Medicare and Medicaid DSH payments to hospitals.

Recommended response: It's important to look at this in the overall context of reform. Under a system of universal coverage, the amount of uncompensated care in hospitals virtually disappears. The President's approach means that 39 million new paying customers will come into the health care system. Millions more who today are underinsured will see their coverage enhanced. This means a predictable flow of funding for hospitals.

We understand, however, that some hospitals will continue to serve low-income and vulnerable populations. To make sure they can continue to meet the special needs of these

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populations, we've set up a special fund for these institutions (note: This fund is about \$1 billion/year).

3) Academic Health Center issues - (See attached memo)

Basically, they want more money.

Recommended response: We believe the mission and leadership of teaching hospitals and academic medical centers in research and education are critical to ensuring that America remains at the forefront in the world in innovation and quality.

We understand the concerns raised by teaching hospitals and the need to protect their ability to perform their special functions in graduate medical education and research. The issue has clearly been raised by a number of members of Congress, including the members of the Maryland delegation. In the Health Security Act, and more recently, in remarks the president at a meeting with Boston teaching hospitals, the Administration has underscored its commitment on this issue. While Congress is marking up the bill, they will resolve this and many other issues. (Note: the legislative team cautions that it would have significant negative ramifications if we allude to support for increases in funding for academic health centers. It's important that the Administration is not seen as supporting specific changes at a time when we're saying we're not micromanaging the process.)

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Mental health providers -

The community mental health centers and the director of a private psychiatrist hospital are likely to be concerned that the benefit is not robust enough.

Recommended response: For the first time ever, every American will have some mental health and substance abuse coverage. There are no preexisting condition exclusions and no more lifetime limits. All of those who need services will be able to get them. By January 1, 2001 day and visit limits, deductible days specific to this benefit and higher cost sharing are eliminated.

Doctors -

These state medical society leaders and community doctors will have the typical physicians' concerns:

? Malpractice reforms don't go far enough because there are no caps on noneconomic damages.

? Patients don't have enough choice of physician.

? Managed care plans shouldn't be allowed to exclude providers.

(Note: Maryland is #6 in the U.S. in managed care penetration. The doctors have recently tried to get the state legislature to pass an any willing provider law. They did not succeed.)

? Antitrust reforms don't go far enough. They would like to negotiate with managed care plans. (Note: we are currently working with Department of Justice to see whether there are additional regulatory changes that could be done to better enable doctors and hospitals to band together in local community networks.)

Recommended response: Refer them to the current system in which insurance companies increasingly are in the driver's seat, making medical decisions and locking up their patients. We're trying to put patients and doctors in the driver's seat by increasing family choice and by encouraging the development of provider-run networks.

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(Note: Maryland already regulates doctors' fees. They just recently passed a law which sets a statewide fee schedule for physician services.)

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Pharmacist

This person will likely be supportive, especially with the new prescription drug benefit for the elderly and the inclusion of the benefit in the comprehensive benefit package.
Advocates for the retarded and the handicapped

They will probably be pretty supportive of the Health Security Act, especially the home and community-based long-term care program. One area they may have concerns about is the same as NACHRI's: lack of coverage for children born with congenital illness.

Recommended response: Under the Health Security Act, families of children with disabilities will no longer be denied health coverage, or charged exorbitant insurance premiums, or locked into jobs for fear of losing their health coverage, or denied renewal just when they need health care the most.

Any child born with a birth defect that requires surgery or any other professional services will have full coverage for these services and will be covered for any necessary rehabilitation that may be necessary following these services.

Nonetheless, we know that the comprehensive benefit package will not meet all of the long-term support needs for some children. To help address this, two new programs have been proposed:

- A major new expansion in community-based long-term care that provides a range of community supports to people with disabilities.

- A new federal program for poor children which will include Medicaid services that are not included in the comprehensive benefit package.

The over \$38 billion per year in new federal funding for long term care at full phase in is a significant improvement over the limited, means tested long term supports currently available to Americans with disabilities.

Also, the Maternal and Child Health Block Grant and its component for children with special health care needs will continue in its mission of assuring family centered community-based coordinated systems of care. States will continue to be able to use these funds to complement services available through the guaranteed benefit package.

(Note: Senator Kennedy's office is looking into language that expands the benefit package to fix this problem.)

AIDS advocate

This person will likely be supportive, particularly due to eliminating discriminatory insurance practices - eliminating the preexisting condition exclusion, guaranteed issue of policies and community rating. In addition, we direct additional NIH funding to AIDS research.

Long-

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term care program director

This person used to run a network of nursing homes, and will probably want to know what we're doing for long-term care services.

Recommended response: The Health Security Act establishes a new home and community-based long-term care program which enables

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people to stay in their homes longer, where they want to be. For those people who need to be in nursing homes, states have the option to allow residents to retain up to \$12,000 in personal assets in determining eligibility for Medicaid coverage. In addition, the personal needs allowance is raised from \$20 per month to \$50 per month.

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001.	Paul R. Diamond to William A. Galston and Gene B. Sperling at 15:16:46.13. Subject: I.D.E.A. (2 pages)	09/22/1994	P5
002a. email attachment	Memo. Kevin Thurm to Kitty Higgins. Subject: Connecticut Profile. (1 page)	none	P6/b(6)
002b. email attachment	Memo. Kevin Thurm to Kitty Higgins. Subject: New Jersey Profile. (1 page)	none	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
Default ([Disabilities])
OA/Box Number: 1100000

FOLDER TITLE:

[09/22/1994 - 04/07/1995]

Adam Bergfeld
2007-0143-F
ab796

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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

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COPY

RECORD TYPE: FEDERAL (ALL-IN-1 MAIL)

CREATOR: Paul R. Dimond (DIMOND_P) (OPD)

CREATION DATE/TIME: 22-SEP-1994 15:16:46.13

SUBJECT: I.D.E.A.

TO: William A. Galston (GALSTON_W) (OPD)
READ: 23-SEP-1994 09:28:54.27

TO: Gene B. Sperling (SPERLING_G) (PDONE)
READ: 22-SEP-1994 16:13:39.41

TEXT:

Gene and Bill,

While we have been struggling with other matters, a working group headed by Judy Hueman of DoEd has been working on the reauthorization of the Individuals with Disabilities Education Act. I fear that we are setting ourselves up for a political and policy debate not worth fighting for here.

As I understand it, business (witness the CED report on Putting Learning First) objects both to labeling more kids special and to mainstreaming kids who disrupt the "regular" classroom. On the other hand, many of the constituency groups are demanding that more kids get special services (for which they must be labelled exceptional on some basis in order to qualify) and that some want more kids mainstreamed, while others demand separate and special treatment. Meanwhile, I have no idea where the traditional civil rights groups are who long protested labelling more and more minority kids special and giving them dead-end, watered down schooling. I assume that the NEA and AFT will straddle the issue in some way. This looks like the makings of a political firefight, with no winners. With respect to policy, I think it is clear that the basic principles we established almost a quarter century ago -- that the State may not give up on the education of any child no matter how disabled and that the state may not classify anyone as disabled without some fair procedure -- have been transmogrified: into a procedural model of bureaucratic I.E.P.s and a total distortion of financing local schooling through federal and state mandates to fund categorical programs for the disabled. The curious part is that the fair procedure principal was originally intended to put the brakes on calling more and more kids -- particularly minority -- retarded or learning disabled. I have seen no evidence that the rise in the number of children labeled disabled, the development of individual education plans to remediate whatever presumed diagnosis of their problem may be, or the huge rise in dollars spent on persons labeled disabled has improved education for the kids called special or for the rest of the students.

The entire diagnostic model of education is, in my opinion, dubious. In fact, it is totally inconsistent with the growing understanding that the primary work of learning is done by the learner (not by the teacher, and certainly not by some diagnostician who is going to define what's wrong or defective about a child and prescribe a plan to overcome those defects); and that the role of the teacher is that of a tutor or coach (not a remediator) to help learners find their own best pathways to learning, and to point out resources and goals, to nurture small flashes of discovery and understanding. The diagnostic model of human capital development just doesn't fly for most kids; yet parents, understandably, want to find a modern day equivalent of an educational medicine man, who will provide the answer...through an I.E.P. [By the way, this is another good reason to push learning technologies so that all teachers can be coaches, all students can be actively engaged in doing the primary work of learning in school and at home, and parents can really be a new kind of first learning coach for their children.]

I may be an outlier from the traditional education bureaucracy on this, but the

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IDEA deserves a full airing of alternative approaches before we proceed along the current course of merely seeking reauthorization of IDEA (with an incremental call for less labeling and for more mainstreaming). Why not consider an approach that goes back to the basic principles: a state can't give up on any kid, and some process is required before labeling a child as impaired by one disability or another. Then leave it up to the states and local districts to fight out the details -- within the context of our real focus, which is GOALS 2000 (and its explication of higher objectives for all kids, without imposing mandates on the States). After all, if we propose such an approach, we can also stand y and let the Congress fight it out with the warring factions -- and try to stay above the fray, rather than getting into the thick of it.

Is Carol or Secretary Riley so wedded to the common wisdom about the benefit of IDEA with some minor reforms? Has anyone thought through how this fits with the politics of Goals 2000 and the message on education that we want to send to the nation?

Please let me know whether to shut up and stay out of this or to get involved to propose consideration of an alternative approach.

Dimond aka Paul

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Diana M. Fortuna to Carol H. Rasco at 13:04:53.61. Subject: Here is the discipline memo. (2 pages)	05/19/1996	P5
002. email	Diana M. Fortuna to Jennifer Palmieri at 18:19:55.86. Subject: If you hear anything on the attached issue, let me know. (2 pages)	05/20/1996	P5
003. email	William White to Diana Fortuna at 09:07:35.94. Subject: Evelyn. (partial) (2 pages)	05/23/1996	P5, P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[05/15/1996 - 05/29/1996]

Adam Bergfeld
2007-0143-F
ab972

RESTRICTION CODES

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

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

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RR. Document will be reviewed upon request.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: William White (WHITE_WI) (WHO)

CREATION DATE/TIME: 23-MAY-1996 09:07:35.94

SUBJECT: Evelyn

TO: Diana M. Fortuna (FORTUNA_D) (OPD)

READ: 23-MAY-1996 09:08:02.04

TEXT:

PRINTER FONT 12_POINT_ROMAN

May 22, 1996

TO: EVELYN LIEBERMAN
FROM: Bill White
Office Of Public Liaison
SUBJECT: POTUS Briefing for Remarks to the President's Committee
on Employment of People with Disabilities.

Some political background, that I did not include in the President's briefing memo, may provide context for briefing the President before he delivers remarks via satellite to the President's Committee:

ACKNOWLEDGEMENTS:

o Tony Coelho chairs the President's Committee. We have been working closely with him on the speech, and he reports that the now 2,200 (not 1,500 reported in memo) people attending the conference are fire

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-up to hear the President's remarks.

o Justin Dart is the former Chair of the President's Committee. He is a Republican who served under Reagan and Bush. Probably the most powerful statesman from the disability community. He is traveling the country and making the case to the disability community on why he has decided to support the President. [REDACTED] [003]

[REDACTED] [REDACTED]

[REDACTED]

, but the President should still recognize him.

o There are six Vice Chairs of the President's Committee appointed by the President. (List Attached)

o John Sweeney, President of the AFL

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-CIO, will be speaking about a half hour before the President on what organized labor must do to increase employment opportunities for people with disabilities.

o Al Checchi, Co

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-Chairman of Northwest Airlines, will speak about 15 minutes before the President and announce a new Northwest Airlines initiative involving individuals with disabilities.

THE DISABILITY COMMUNITY:

o 1994 Census estimates there are 49 million Americans with disabilities. In 1992, 10% of all voters were individuals with disabilities. An April Lou Harris Poll of people with disabilities showed 54% supporting the President while only 23% for Dole. They are working through motor

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-voter to
increase their numbers.

(b)(6)

o This community wants to take responsibility. They want to move off benefits and into jobs. Coelho often like to say, "We are looking to pay taxes."

FDR MEMORIAL COMMISSION:

o The President is the Honorary Chair of the FDR Commission, which is tasked with overseeing the design of the FDR Memorial. The Commission is coming under pressure because the design does not depict FDR as a man with a disability.

o The disability community and national opinion leaders (President Bush, Doris Kearns Goodwin, Time, NYT, George Will, Maureen Dowd) have voiced strong support for including FDR's disability in the Memorial. A Harris poll indicates that 73% of Americans said the Memorial should include "visible recognition of FDR's disability."

o Leon Panetta held a meeting on the subject today (Tuesday) and approved a statement by the President to support capturing FDR's disability in the FDR memorial. John Hilley consulted Senator Inouye (D

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-HI) (Co

□

-Chairs the FDR
Commission) and Senator Levin (D

□

-MI).

o The Roosevelt grandchildren have been split on the subject. Today, I spoke to David Roosevelt, FDR's Grandson and member of the FDR Commission, and he said he supported the statement as long as we don't further delay the Memorial. I also spoke to another grandson, Jim Roosevelt, who was

totally supportive.

o We use the Christopher Reeve visit to the Oval Office last week to transition into the announcement.

o As noted in the attached, other elected officials may be taking a position on this subject in the near future.