

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	Rasco to POTUS re Liver Transplants (2 pages)	12/18/1996	P5 4136
001b. letter	Jim Guy Tucker to POTUS re liver transplants (1 page)	11/26/1996	P5 4137
001c. letter	Watson Bell to Mike (last name unknown) re liver transplants (1 page)	12/12/1996	P5
002. memo	Rasco and Chris Jennings to POTUS re Decline in Medicaid Growth Rate (partial) (1 page)	09/23/1996	P5 4138
003a. memo	Anthony Lake and Rasco to POTUS re Golden Venture Detainees (1 page)	nd	P5 4139
003b. memo	Todd Stern to POTUS re Golden Venture Detainees (1 page)	09/07/1996	P5 4140
003c. memo	Anthony Lake, et al, to POTUS re Golden Venture Detainees (4 pages)	08/23/1996	P5 4141
004a. memo	Rasco to POTUS re Status of FDA Review of the ALS Drug Myotrophin (partial) (1 page)	07/05/1996	P6/b(6)
004b. letter	Rasco to Correspondents re Review of Myotrophin (1 page)	07/05/1996	P6/b(6)
004c. letter	POTUS to Correspondents (1 page)	05/28/1996	P6/b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Carol Rasco (Miscellaneous)
OA/Box Number: 11218

FOLDER TITLE:

CHR Memos to the President

Kim Coryat
2010-0198-S
kc251

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)]

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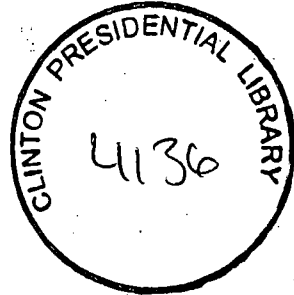
THE WHITE HOUSE
WASHINGTON

December 18, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: Carol H. Rasco *CHR*
Assistant to the President for Domestic Policy

SUBJECT: Liver Transplants



You asked yesterday about the issue of liver transplantation. I mentioned I would be sending this memo as a follow up to my report to you two weeks ago in my regular weekly report where I outlined a meeting I held with Watson Bell, his wife and an official from UNOS. I held a follow up conversation with Senator Beebe this weekend while he was visiting here.

Brief review: Watson's wife had a liver transplant several years ago and on the day of the transplant Watson pledged to do all he could to promote transplantation and donors. He has since been very active in UNOS (United Network for Organ Sharing), the private entity which currently oversees transplantation activity in the United States.

Current request: Watson Bell, his wife and Mr. Graham from UNOS briefed Chris Jennings and myself on the UNOS positions regarding transplantation and their concerns with the current HHS hearings as well as the concerns held by many in the community dedicated to transplantation after your handwritten note to Secretary Shalala accompanying the recent letter sent to you by Mr. Matter. Chris and I tried to assure Watson and the others you were not taking a position, wished only to have the matter reviewed on its merits and that the process followed here of DPC transmitting the letter to HHS was the normal process.

At the close of the meeting Watson requested that I indicate to you his desire for a brief meeting with you. I have told him I would pass along that request to Presidential scheduling which I am doing by way of this memo. I believe it would go a long way toward helping to calm the UNOS supporters if you would at a minimum place a call to Watson. However, any call or meeting MUST have Chris Jennings in attendance.

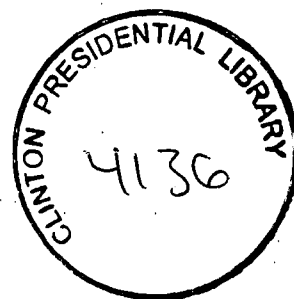
I have received the attached letter from Jim Guy Tucker along with a personal note to me. He is outlining his position on the current discussions and endorsing Watson's request to meet with you.

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Finally, the most important thing you can do on this issue is, quite frankly, urge people to become organ donors. I would suggest that through the DPC you direct HHS to put together a campaign for organ donors. I would suggest such a campaign announcement be part of the overall announcement when HHS resolves the current allocation issues. This would also allow for Jim Guy's transplant to have more than likely taken place, and therefore it would not appear you are promoting the needs of a particular person. You will remember we had to discipline ourselves carefully in the governor's office not to assist with personal solicitations for specific persons in need of a transplant as it would have taken a massive amount of your time due to the many people even in one state awaiting donors. Your time can best be spent speaking broadly about the need for donors.

Thank you.

cc: Chris Jennings
Stephanie Streett
Anne Walley



COPY

JIM GUY TUCKER
19 Valley Club Circle
Little Rock, Arkansas 72212

November 26, 1996

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, D.C.

Dear Mr. President:

In June of 1990 you telephoned me and asked that I give Watson Bell a call about his wife's liver disease and need for a liver transplant. As you know, the transplant was a success. Watson became very interested in transplantation policies and has served on the patient affairs committee of UNOS for some time now. I hope you will visit with him so that he may share his view on the pending HHS rule making on liver transplant policies.

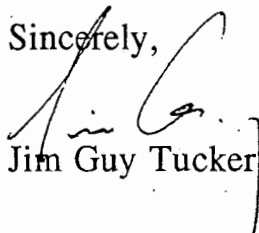
The HHS rule making will not affect me or my pending transplant. However, I believe it will adversely affect organ donations.

Arkansas, and some other States have been very successful in their effort to encourage organ donations. We need more organ donors. But if we have to tell folks here that the federal government will decide what will happen to the liver of their dying mother, husband or child---well, you know what the response will be. At present, we can provide some assurance that the liver will be available for someone in Arkansas, or nearby---and that patient's doctors and hospitals, and not a federal rule will make the final decision.

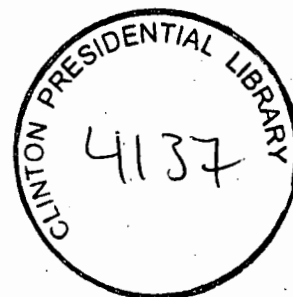
I have watched the development of this life saving process with amazement for fourteen years. The United States is the absolute unquestioned world leader in this field. It has managed to do that under the policies of UNOS without rules from the federal government.

Congratulations on your re-election, and thanks for the hug you gave Sarah! She needed it!

Sincerely,


Jim Guy Tucker

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THE WHITE HOUSE

WASHINGTON

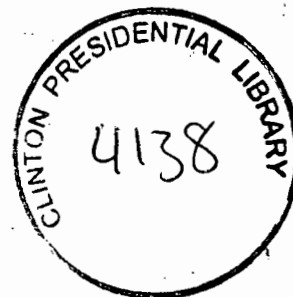
September 23, 1996

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MEMORANDUM TO THE PRESIDENT

FROM: Carol Rasco and Chris Jennings

SUBJECT: Decline in the Medicaid Growth Rate and Baseline



Largely unnoticed, Medicaid baseline reductions have made a significant contribution to the decline in the Federal deficit. In fact, in their recently-released budget outlook report that reduced the 1996 Federal deficit to \$116 billion, the Congressional Budget Office (CBO) stated that "the largest single re-estimate is a (1 year) \$4 billion reduction in Medicaid outlays." The reduction in expenditures has produced an aggregate Medicaid growth rate of 3 percent between 1995 and 1996, the lowest growth rate in over 20 years. This translates into an astounding 1 to 2 percent per capita (or per person) increase in spending -- well below the 20-year average annual Medicaid per capita growth rate of 11 percent.

Since you unveiled your balanced budget last year, the CBO Medicaid baseline has declined by \$52 billion. The comparable reduction in the Administration Medicaid baseline is about \$20 billion; (it is less because OMB started with a lower spending base, has been assuming lower growth rates, and has integrated more accurate economic assumptions all along.) This trend will continue as we fully expect this winter's baseline adjustments (off both the CBO and OMB baselines) to produce tens of billions of dollars of additional savings. As a result, without enacting a single Medicaid cut, you will preside over a program whose CBO baseline (after this winter's adjustment) will have been reduced in the budget window by as much as (if not more than) \$80 billion since 1995, and more than \$50 billion off of the OMB baseline during that same period.

Many factors have contributed to the decline in the Medicaid baseline. They include: (1) increased utilization of managed care and other cost-cutting initiatives implemented by the states; (2) an improved economy with much lower inflation; and (3) reduced use of "creative" Disproportionate Share and provider donation financing mechanisms by states.

The fact that Medicaid's growth has slowed so rapidly is good news. It mirrors the positive news about health care inflation in the private sector you occasionally cite. However, we must be cautious about heralding it too much because it tends to undermine our criticism of the magnitude of the Republicans' Medicare cuts. For example, we appropriately criticized the Republicans' Medicare cuts, but their proposal (at the time of the veto) would have allowed for a 4.9 percent per person growth rate -- above what the 1995 to 1996 per capita Medicaid growth rate was by 2 to 3 percentage points. In short, when we highlight the success of the private and Medicaid sectors in constraining costs, we risk someone charging that we are being inconsistent in not suggesting that Medicare be held to the same standard.

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THE WHITE HOUSE

WASHINGTON

cc's to
original
to Staff Sec

cc to Tony
Lalo
~~cc to Tony Lalo~~

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM:

ANTHONY LAKE

CAROL RASCO

CAR

SUBJECT:

Golden Venture Detainees

You asked two questions regarding the possible disposition of the Golden Venture detainees (see attached memorandum at Tab. A).

1. How many of the 67 who remain in detention are alleging coercive family practices?

Although the Immigration and Naturalization Service (INS) does not have exact figures, almost all of the remaining detainees -- certainly more than 60 -- have raised asylum claims based on fear of coercive family practices. Their claims were rejected by the INS as lacking credibility.

2. What does fear of "severe mistreatment" mean?

Under the administrative, humanitarian relief program you approved in 1994, Chinese nationals who have suffered severe mistreatment related to coercive family planning practices or who have well-founded fears of return to severe mistreatment are released from detention and protected from deportation.

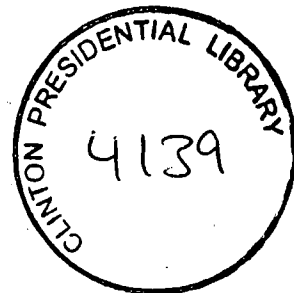
"Severe mistreatment" includes physical harm, destruction of property, draconian fines and imprisonment.

RECOMMENDATION

That you review the action memorandum at Tab A.

Attachment

Tab A Original memorandum on Golden Venture detainees



COPY

cc: Vice President
Chief of Staff

Lake
Quinn
Rascoe
Hilley

PLEASE STAFF

Malley Schwartz

THE WHITE HOUSE

WASHINGTON

September 7, 1996

THE PRESIDENT HAS SEEN

9-9-96

Q: HOW MANY OF
THEM ARE ALLEGING

COERCIVE FAMILY
PRACTICES?

WHAT DOES FEAR
OF "SEVERE
MISTREATMENT"
MEAN?

MEMORANDUM FOR THE PRESIDENT

FROM: TODD STERN

SUBJECT: Golden Venture Detainees

Sixty-seven Chinese migrants of the original 282 on the *Golden Venture* remain in detention - 49 are still pursuing *habeas* relief, while 18 have abandoned legal appeals and are awaiting deportation. You recently told Rep. Goodling that you would review options concerning 46 of these migrants being held in York County, Pa. The attached memo discusses five options, but only two -- continued detention and supervised release -- have any support as solutions. Two others -- "soft detention" on a military base or halfway houses -- are discussed, but none of your advisors favor them. Finally, it is agreed that third country resettlement could be pursued in tandem with one of the viable options, but would not solve the problem alone.

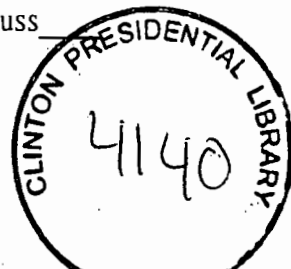
Background. U.S. law requires detention of persons caught entering the country illegally. Pursuant to administrative action you took in 1994, *Golden Venture* detainees deemed by INS to have credible claims based on coercive family planning practices were released from detention and protected from deportation. But INS has applied this policy strictly, to maintain deterrence of alien smuggling. Many of the 67 still detained also raised family planning claims, but INS has not deemed them eligible for relief. **The viable options are:**

Continued detention pending resolution of deportation cases -- INS has already rejected their claims; changing their status now could undermine deterrence; it could also encourage the 18 who have dropped their appeals to raise new claims. *DOJ, INS, Coast Guard, Quinn and Hilley favor.* **Supervised release** -- INS would parole to responsible persons who would post bond. Advocacy groups would applaud, but DOJ and INS strongly oppose saying it would result in flight or abduction. Also, since government will likely win the *habeas* cases, more visible controversy will be stirred when we then have to deport people who *aren't* in detention. On other hand, deterrent effect may have been achieved already by the long detention to date. *Tony and Carol favor, as does George.* **Removal to third countries** -- all favor as a complement to one of the other options, but not enough placements could be found to dispose of whole problem this way.

Secondary issue. If you choose supervised release, issue arises as to whether it would apply to all 67; only the 46 in Goodling's district; or only the 49 pursuing *habeas* release. Those who favor release agree it would have to apply to all 67.

Continued Detention _____ Supervised release _____ Also removal _____ Discuss _____

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THE WHITE HOUSE

WASHINGTON

August 23, 1996 96 AUG 23 P 4: 29

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM:

ANTHONY LAKE
JACK QUINN
CAROL RASCOCHR (info)
JOHN HILLEY

SUBJECT: Golden Venture Detainees

Purpose

To review current Administration policy concerning the detention of Chinese nationals from the *Golden Venture*.

Background

In a recent conversation with Representative Goodling, you suggested that you would review options to address the continued detention of 46 Chinese nationals in York County, Pennsylvania.

The Golden Venture: The 46 detainees in York County were among some 282 Chinese nationals who tried to enter the United States illegally in 1993 aboard the *Golden Venture*. The aliens were placed in exclusion or deportation proceedings, and many have raised asylum claims based on China's coercive family planning practices. They have been held in jail for three years.

A total of 67 *Golden Venture* migrants remain in detention nationwide; of these, eighteen have abandoned their legal appeals and are awaiting deportation while forty-nine have pending habeas petitions in federal court. Final resolution of their cases is not expected until the end of the year at the earliest. The geographic breakdown is as follows: 46 are at York County; 16 at Bakersfield (CA); and the rest in New Orleans and Winchester (VA).

Legal background: Under current law, coercive family practices generally are not grounds for asylum. However, pursuant to an administrative, humanitarian relief program you approved in 1994, release from detention and protection from deportation may be provided Chinese nationals who have suffered severe mistreatment related to coercive family planning practices or who have well-founded fears of return to severe mistreatment.

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cc: Vice President
Chief of Staff

INS detention policy: While U.S. law mandates the detention of persons who have attempted to enter our country without permission, the Immigration and Naturalization Service (INS) is authorized to parole them where it would be "strictly in the public interest." However, in order to deter future alien smuggling, the Administration strictly applied its detention policy to the Chinese migrants. DOJ, INS and Coast Guard believe this detention policy has discouraged alien smuggling from China.

Appeals from Congress and other groups: Twenty-eight Representatives have written to urge the immediate release of the *Golden Venture* detainees. They include Representatives Goodling, Gilman, Hyde, Smith, Berman and Pelosi. Numerous advocacy groups have made the same request.

ISSUE #1: POSSIBLE COURSES OF ACTION

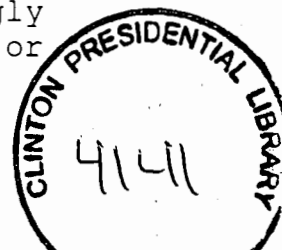
Option 1: Stay the course -- maintain current detention: DOJ, INS and Coast Guard strongly recommend that we maintain the 67 aliens in detention pending resolution of their cases. They stress that INS has determined all detainees in this group are not eligible for asylum or administrative relief and argue that a change in detention status could undermine our deterrence of alien smuggling. Finally, a change could convince those detainees who have given up their legal appeals and are awaiting deportation to initiate new claims.

Option 2: Soft Detention on a Military Base: The INS has placed small numbers of detainees in "soft custody" on military bases in some circumstances, for example for minors at risk of harm. DoD recommends against this option, pointing to prior instances of violence. To address this issue, the aliens could be moved to a base that is being closed and is unoccupied. However, it is unclear whether the detainees would regard moving to a military base as an improvement given the broad support network they enjoy at York County.

Option 3: Soft Detention in Halfway Houses: Halfway houses have been used to hold aliens on prior occasions. DOJ and INS recommend against this option because of the risk of flight or of abduction by representatives of the smuggling organizations. (This already has happened with children who were placed in soft detention or foster homes.)

Option 4: Supervised Release: The INS can parole the detainees pending final disposition and seek to place them with responsible persons who would post bond. This option would be applauded by advocacy groups and some on the Hill, but DOJ and INS strongly oppose it, arguing that it likely will result in the flight or

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abduction of migrants, and it would undermine the government's legal position. Moreover, given the likelihood that the government ultimately will prevail in the 49 *habeas* cases, they believe that trying to remove the migrants after they have been released will create a more visible and controversial issue.

On the other hand, releasing the detainees arguably would not hurt law enforcement objectives because much of the desired deterrent effect may have been achieved by the long detention period. In addition, provisions in the antiterrorism legislation you signed earlier this year should further deter alien smuggling.

Option 5: Removal to Third Countries: An attorney representing some of the detainees has resettled ten of them in Ecuador, and he is willing to continue his efforts. The United States also could *démarche* countries of the region. Prior experience suggests, however, that it will be difficult to find interested third countries, particularly within an acceptable timeframe. Still, this could be pursued together with either of the above options.

ISSUE #2: DETAINEES AFFECTED BY DECISION

Any option other than maintaining the status quo will require deciding who among the *Golden Venture* detainees should benefit from the change in detention status. There are two questions:

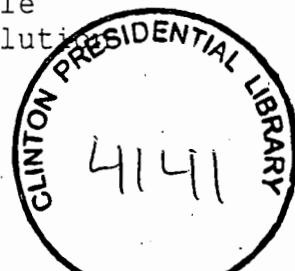
1. **Whether the decision should affect all *Golden Venture* detainees or only those in York County:** The York County detainees are the only ones you discussed with Representative Goodling. However, it would be difficult to distinguish between these and other *Golden Venture* detainees, and some migrants could challenge such a distinction in court.

2. **Whether the decision should reach all detainees or only those whose *habeas* proceedings are still underway:** Eighteen of the sixty-seven *Golden Venture* detainees have abandoned their legal appeals and are awaiting deportation. Therefore, a decision to transfer or release the detainees could be limited to the forty-nine whose *habeas* petitions remain active. Such a limitation could, however, lead detainees who have abandoned their legal appeals to file new *habeas* actions at any time before actual deportation.

RECOMMENDATION

That all *Golden Venture* detainees be released to responsible persons, subject to reasonable bond and pending final resolution.

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of the deportation cases. (Mr. Lake's and Ms. Rasco's recommendation, although the DOJ arguments have merit.)

Approve _____

Disapprove _____

That Golden Venture detainees remain in detention pending final resolution of the deportation cases. (DOJ, INS and Coast Guard recommendation. Jack Quinn and John Hilley concur in this recommendation.)

Approve _____

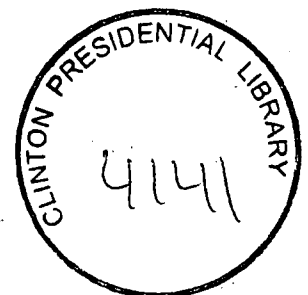
Disapprove _____

That third-country resettlement be pursued in the interim. (All agree.)

Approve _____

Disapprove _____

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Domestic Policy Council
Carol Rasco (Miscellaneous)
OA/Box Number: 8510

CLINTON LIBRARY PHOTOCOPY

FOLDER TITLE:

DPC Weekly Key Initiatives Seen By the President

Kim Coryat
2010-0198-S
kc738

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9/23/96

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THE WHITE HOUSE

WASHINGTON

96 SEP 16 P3: 17

September 16, 1996

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM:

ANTHONY LAKE
CAROL RASCO

SUBJECT:

Golden Venture Detainees

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1. How many of the 67 who remain in detention are alleging coercive family practices?

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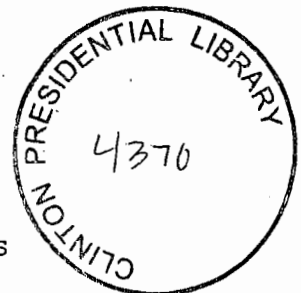
"Severe mistreatment" includes physical harm, destruction of property, draconian fines and imprisonment.

RECOMMENDATION

That you review the action memorandum at Tab A.

Attachment

Tab A Original memorandum on Golden Venture detainees



cc: Vice President
Chief of Staff

CLINTON LIBRARY PHOTOCOPY