



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D. C. 20201

MAR 1 1994

MEMORANDUM TO MACK McLARTY

RE: Your Request for Comment on Issues Relating to the Crime Bill

1. Potential Secretarial visit during the week of March 13. You have asked that we schedule a Secretarial appearance to highlight crime and violence prevention activities or proposals. I could:

- visit an HHS grantee carrying on promising gang prevention, violence prevention, or substance abuse prevention activities with young people; or
- visit a comprehensive youth-serving program offering the kind of holistic activities to young people -- academic, recreation adult role models, and assistance with preparing to enter the labor market -- that HHS wants to promote with a \$10 million budget request which we have made to Congress for fiscal 1995.

In either case I could meet and talk with young people about their views and ideas concerning what we need to do as a country to reduce crime and violence.

Another possibility is an event that is already scheduled. I have a major address scheduled for March 11 keynoting a very significant national conference on family violence. In this address I will place strong emphasis on the need to enact the Violence Against Women Act which is part of the crime bill. I will also call attention to an important new research and public education initiative on violence against women currently getting under way at the Centers for Disease Control, for which funds have already been appropriated this fiscal year. This speech is an extremely important prevention event.

2. Comments on the "crime and violence initiatives" memorandum shared with Cabinet members last week. First a general comment: The list of options could be enriched with items contained in the report of the Interagency Task Force on Violence which was submitted to the President recently. The report, the work product of over a hundred federal officials, offered numerous policy suggestions in both the law enforcement and the prevention areas. We would be happy to supply additional copies.

Boot camps. Drug treatment in the boot camps should be funded by way of the crime bill. The new HHS hard core treatment initiative reaches 74,000 hard core abusers. It is difficult to justify using those funds in the boot camps, which will be receiving an appropriation of their own under the crime bill.

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Free. Suit. Change already made

The crime bill should, however, provide explicitly that the expertise of HHS' Center for Substance Abuse Treatment (CSAT) is to be utilized in developing the drug treatment programs in the boot camps. Also -- and this is extremely important -- all drug treatment offered in boot camps, prisons, and jails under the crime bill should be for alcohol abuse as well as illegal drug abuse. The appropriate terminology in the legislation is substance abuse, not drug abuse.

Ounce of Prevention. Senators Dodd and Bradley (the latter working with Senators Domenici and Danforth) added two amendments to the crime bill in the Senate that deserve far more attention than they have received. They contemplate turning schools into community centers and involving nonprofit organizations as well in providing constructive activities for young people in the afternoon and evening and during the summer. These are vitally important antiviolence initiatives that should be highlighted in any Administration pronouncements and advocacy that focus on prevention. The President should mention them explicitly when discussing the prevention aspects of the crime bill.

No!

Gangs. The potential involvement of HHS in gang prevention activity is understated in the memorandum. HHS' Office of Community Services, with its extensive ties to community development corporations and community action agencies, can play a major role in gang prevention. Also, the concept of gang prevention should be approached more broadly and more imaginatively. For example, it would still be relevant to consider offering gang members (and other disadvantaged young people) roles serving fellow citizens in earthquake relief activities in Los Angeles. Another example: HHS' Administration on Developmental Disabilities recently suggested recruiting gang members to work with the disabled in various ways. One specific idea was to hire gang members to work on projects to create curb cuts for handicapped accessibility.

No.

Guns. The gun importation suggestion in the memorandum is interesting and undoubtedly worthwhile but lacks a contextual statement of analysis of where it fits into an analytical framework of next possible steps on firearm regulation. It is important that we have a strategic approach to this subject. Instead of ad hoc and reactive approaches to ideas that happen to present themselves, we should have a clear menu of options for next steps, as well as a direction for longer term strategy. One gun-related item of interest to HHS that could be added to the crime bill at little cost is to fund the Centers for Disease Control to undertake data-gathering on the specific facts on individual gun deaths and injuries and also sponsor research on gun safety. Better information on the circumstances of gun deaths and injuries would be enormously helpful in designing prevention strategies and public policies.

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Family violence, hate violence, and sexual assault. Looking toward the future, it is important to begin broadening the discussion of violence to include violence in the home, sexual assault, and hate and interethnic violence. These are all pressing problems. The crime bill does address violence against women, which is worthy of emphasis in public discussion.

HHS Initiatives. We are developing new proposals and better coordination of existing activities to deal with prevention and amelioration of adolescent violence, violence in families, hate violence, and research on gun injuries and gun safety. In addition, we are re-examining and strengthening our messages on substance abuse prevention. We will keep you advised on the progress of these activities.



Donna E. Shalala
Secretary



January 11, 1994

MEMORANDUM

TO : Phil Heymann
Eleanor Acheson
Sheila Anthony
Jeff Robinson
Grace Mastelli
Lauri Robinson
~~Jose Cerda~~

FROM : Peter B. Edelman *PBE*
Counselor to the Secretary

SUBJECT: DHHS Memo to White House Concerning the Crime Bill

Attached is a memo sent to the White House about DHHS' concerns with the crime bill. Sarah Walzer and I would like to sit down with whoever you designate to follow up on these concerns and discuss how we can work together as the bill goes to conference.



JAN 11 1994

TO: George Stephanopoulos, Senior Advisor to the President
Bruce Reed, Deputy Domestic Policy Advisor

THROUGH: Kevin Thurm, Chief of Staff

FROM: Peter Edelman, Counselor to the Secretary *PBE*

SUBJECT: Provisions in the Violent Crime Control and Law
Enforcement Act of Particular Interest to HHS

The Department of Health and Human Services has concerns about both specific provisions of the Violent Crime Control and Law Enforcement Act as passed by the Senate and the allocation of the limited amount of funding available for crime bill programs in fiscal year 1995. There are a number of specific items in the Senate bill that we hope the Administration will support in conference. On the other hand, there are several provisions, in the areas of substance abuse treatment and prevention, gang prevention and child abuse, that duplicate existing programs and provide for insufficient coordination between DHHS and DOJ. We believe these issues must also be addressed in conference.

In addition, since we understand that \$2.4 billion will be set aside for crime bill programs in fiscal year 1995, we believe that at least \$100 million should be made available for prevention activities. We have taken this opportunity to highlight several programs that are particularly important pieces of a violence prevention agenda. If we are going to address the issue of dramatically increasing violence in our homes and on our streets, we must provide substantial funding for comprehensive community-based prevention programs targeted at children and their families and for local economic development and job creation.

We understand that the House may only agree to conference on those provisions that have passed both the House and Senate. If this is the case, action will need to be taken in the House early this session in order to ensure that the prevention provisions remain in the bill Congress passes. We also understand that the Congressional Black Caucus (CBC) has requested a meeting with members of the Administration to discuss the crime bill. The prevention initiatives and economic development provisions are of great interest to the CBC and are an important part of the balanced attack on crime the bill sets forth. It is also important to note that there is bipartisan support for the

prevention provisions in the Senate, so strong support from the Administration for these initiatives would please members across the political spectrum.

I. ISSUES TO BE ADDRESSED IN CONFERENCE

(A) Keeping "Prevention" Pieces in the bill

There are a number of provisions in the bill that focus on prevention and are important to retain in conference. Several of these provisions, we strongly believe, should be funded in fiscal year 1995. They will be discussed again in the funding section below.

The Violence Against Women Act contains a number of provisions that focus on prevention. These provisions are an important piece of our efforts to ensure that women and children are safe in their homes and in their communities. We believe the following programs should be included in the final bill and should remain housed at DHHS, as provided in the Senate bill:

*** Education and Prevention Grants to Reduce Sexual Assaults** -- This program authorizes funding for rape prevention and education programs conducted by rape crisis centers or similar nonprofit entities. Twenty-six percent of the funds must be used for programs targeted for junior high and high school students.

*** Education and Prevention Grants to Reduce Sexual Abuse of Female Runaway, Homeless and Street Youth** -- This provision authorizes the Secretary of HHS to make grants to non-profits for treatment, counseling and information and referral for female runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

*** Domestic Violence and Family Support Grant Program** -- This provision authorizes grants to support programs to prevent and stop domestic violence, including training of law enforcement officers, victims services programs, education and prevention programs, and shelters.

*** Additional Funds for the Family Violence Prevention and Services Act** -- This provision provides additional funds for programs to prevent violence within families and assist families at risk of experiencing violence.

*** Educating Youth About Domestic Violence** -- This program funds the development and implementation of four model programs for educating young people about domestic violence and violence among intimate partners. Responsibility for carrying out this section is delegated to the Secretary of Education.

In addition to the programs in the Violence Against Women Act, there are a number of other prevention programs that we consider very important:

*** The Ounce of Prevention Fund** -- This provision establishes The Ounce of Prevention Fund to be chaired by the Attorney General and the Secretaries of HHS and Education and to include the Secretaries of Agriculture, Housing and Urban Development, and Labor and the Director of the Office of National Drug Control Policy. The Fund would provide grants for a range of prevention activities, including youth enrichment and recreation programs, mentoring and tutoring programs, and substance abuse treatment and prevention programs.

*** National Community Economic Partnership** -- This provision is an important part of a prevention strategy because it provides funds to communities to establish businesses and create jobs. The inclusion of a job creation initiative in the crime bill is of particular interest to the Congressional Black Caucus. This provision authorizes the Secretary of HHS to provide nonrefundable lines of credit to community development corporations to establish revolving loan funds that will increase business and employment opportunities in distressed communities.

*** Community Schools Youth Services and Supervision Grant Program** -- This program would also be run under the auspices of the Ounce of Prevention Council. Under this program, the Council will provide grants to community-based organizations in each state to develop school-based after-school, weekend, and summer recreation and education programs for children in disadvantaged communities. Both this provision and the Olympic Youth Development Centers have strong bipartisan support.

*** Olympic Youth Development Centers** -- This program would also operate under the auspices of the Ounce of Prevention Council. The Council will make a grant to the United States Olympic Committee to establish youth development centers for use after school, on weekends and holidays, and in the summer.

*** Youth Violence Prevention Block Grants** -- This provision provides funds to states to establish and coordinate programs to prevent youth violence and make grants to public and private agencies to develop education, training, prevention, treatment and rehab programs in the area of youth violence. As currently drafted, the program will be administered by the Office of Juvenile Justice and Delinquency Prevention. While we strongly endorse the idea of providing additional funds to prevent youth violence, this initiative would largely duplicate work already being done at DHHS in the Drug Education and Prevention for Runaway and Homeless Youth program and the Youth Gang Drug Prevention program. We believe funding in this area should go to DHHS to continue its work in this area or, at the very least, language should be added requiring collaboration with DHHS in this area and coordination with existing DHHS programs.

(B) Problems with Substance Abuse Treatment and Prevention Provisions in the bill

Although H.R. 3355 now includes a single paragraph instructing the Attorney General to consult with the Secretary of Health and Human Services on the bill's substance abuse treatment and prevention components, the requirement does not track individual authorization language nor does it ensure that each DOJ program will collaborate with existing programs in DHHS. Given the degree of overlap between the programs created in the bill and existing programs at DHHS and the limited funds available for substance abuse treatment and prevention, these programs must be carefully coordinated to avoid duplication and ensure the most efficient use of resources.

We are particularly concerned about the duplicative nature of two programs, **Juvenile Drug Trafficking and Gang Prevention Grants** and the **Department of Justice Community Substance Abuse Prevention**. The **Juvenile Drug Trafficking and Gang Prevention** grant programs overlaps with DHHS programs that fund both gang prevention activities and substance abuse treatment for juveniles. The Substance Abuse and Mental Health Services Administration's (SAMHSA) High Risk Youth Project has already initiated programs in this area including grants specific to the juvenile justice system and treatment networks. The portions of this provision that deal with substance abuse prevention and treatment should be authorized to DHHS to avoid the establishment of duplicative programs.

If these programs remain in DOJ, language must be included requiring collaboration between DHHS and DOJ in these areas and coordination between any programs funded under this section and existing DHHS-funded programs.

The Department of Justice Community Substance Abuse Prevention program replicates the existing Community Partnership program in DHHS. This provision should be deleted from the bill and the authorization allocated to SAMHSA's Community Partnership program to enable it to fund more community partnership programs consistent with the goals of this legislation.

The bill also creates a number of new programs that have substance abuse treatment components, **Drug Court Programs**, **Certainty of Punishment for Young Offenders**, **Boot Camps and Prisons for Violent Drug Offenders**, **Residential Substance Abuse Treatment for Prisoners**, and **Drug Treatment in Federal Prisons**. In each instance, the authorizing language should require that these programs provide substance abuse treatment with comprehensive aftercare services and that they coordinate with existing SAMHSA programs on initiatives involving diversionary treatment programs for offenders and the provision of substance abuse treatment in various criminal justice environments. In addition, language should be included in each provision mandating collaboration between DOJ and DHHS on any substance abuse

treatment initiatives and coordination of any programs funded under this sections with existing DHHS-funded programs.

We also believe that the **National Commission to Study the Causes of the Demand for Drugs in the United States** is unnecessary. DHHS already has the expertise and knowledge base to conduct this study. If, however, a commission is to be established its mission should be expanded to cover abuse of alcohol and other licit drugs that have a significant bearing on criminal behavior, the reduction of demand for substances by use of effective treatment methodologies, and effective approaches to treating alcohol and other drug abuse and addiction.

Finally, the bill focuses primarily on drug, rather than substance abuse, treatment and prevention, thereby excluding alcohol from the prevention and treatment-related programs authorized. Authorizing language should be reviewed to ensure that the bill language is consistent throughout and that all programs focus on "substance use and abuse".

(C) Other Provisions of Concern to HHS

There are a range of other provisions in the bill that affect DHHS. We strongly support the **National Domestic Violence Hotline Grant** which would be established through a grant awarded by the Secretary of HHS.

We also support three studies authorized by the bill: (1) a **Study of the Number and Cost of Injuries Resulting from Domestic Violence** that would be conducted by CDC and include recommendations for strategies for reducing the incidence and cost of such injuries; (2) a **Study of Mental Health Treatment within the Juvenile Justice System** that would be conducted by the Attorney General in collaboration with DHHS (SAMHSA) to evaluate the prevalence of mental illness among youth in the juvenile justice system and develop a model system for assessment and treatment of the mental health needs of these youth; and (3) a **Sense of the Senate Regarding A Study of Out-of-Wedlock Births** that would be conducted by HHS and the National Center for Health Statistics to analyze the increase in out-of-wedlock births and present Congress within 12 months an analysis of the problem, its causes and possible remedial measures.

In addition to our concerns about a number of the substance abuse treatment and prevention provisions discussed above, there are several other provisions in the bill that we find problematic.

The provision establishing a **Community Programs on Domestic Violence Grant Program** within DHHS overlaps significantly with the Domestic Violence Grant program authorized in the Violence Against Women Act, and also is redundant since the activities described can be done under the Family Violence Prevention and Services Act. While we certainly support additional funding in

the area of domestic violence prevention, there is no need to create a new program when DHHS already has the authorization to fund these activities.

The **Rural Domestic Violence and Child Abuse Enforcement** initiative which establishes a DOJ grant program to provide funds for domestic violence and child abuse prevention and enforcement in rural areas also duplicates existing Administration for Children and Families' programs. These activities are already funded under the Child Abuse Prevention and Treatment Act and the Family Violence Prevention and Services Act. If additional funds are available in this area, they should be used to expand existing DHHS programs. If the program remains in DOJ, language should be added requiring collaboration with DHHS in this area and coordination with existing DHHS programs to ensure that these programs and activities are complementary and not duplicative.

DHHS strongly objects to the approach taken in the provision concerning the **Prohibition on Payment of Federal Benefits to Illegal Aliens**. While we agree with the goal of this provision, we believe that changes in eligibility should be accomplished by amending specific benefit program statutes rather than through a broad-based provision in the crime bill. In addition, these requirements should be consistent with Administration initiatives, particularly in the area of health care reform.

We also have concerns about the **Agreement to Assist in Locating Missing Children Under Parent Locator Service** provision which requires the Secretary of Health and Human Services to enter into an agreement with the Attorney General to make the services of the Parent Locator Service available to the Office of Juvenile Justice and Delinquency Prevention for the purpose of locating any parent or child. We believe DOJ should have access to this service only for the same purposes that HHS has access, to enforce State or Federal law with respect to the unlawful taking or restraint of a child or to make or enforce a child custody determination.

II. CRIME BILL FUNDING FOR FISCAL YEAR 1995

Given the limited amount of crime bill funding available for new programs in fiscal year 1995, it is particularly important that some funds be provided for violence prevention programs. We believe there are several community-based violence prevention initiatives included in the bill as it passed the Senate that could be grouped together to provide critical new services to communities struggling to reduce both youth and domestic violence. These programs were also mentioned in the discussion about keeping "prevention" in the crime bill.

The **Domestic Violence and Family Support Grant Program**, authorized as part of the Violence Against Women Act, will provide communities with funding to support programs designed to

stop and prevent domestic violence. We recommend that \$25 million be allocated for this program.

We also strongly support the **National Community Economic Partnership** amendment to the Senate bill. This provision will provide critical assistance to disadvantaged communities struggling to improve economic opportunities and provide jobs for young people. Jobs and economic infrastructure are an important aspect of a strong violence prevention program. We recommend that \$25 million be provided for this program.

The **Ounce of Prevention Fund** authorized in the Senate bill will enable various federal agencies to work together to strengthen our national efforts to reduce violence and substance abuse among our youth by establishing high quality enrichment and recreation programs for at-risk youth. The Fund would provide grants to community-based applicants for afterschool and summer academic enrichment and recreation programs, mentoring, tutoring, and substance abuse treatment and prevention programs. We recommend that the Fund be allocated \$25 million.

The bill also authorizes the **Community Schools Youth Services and Supervision Grant Program** to be operated under the auspices of the Ounce of Prevention Fund. This program would provide funds for community-based organizations in disadvantaged neighborhoods to establish extracurricular, academic and sports programs primarily utilizing existing public school facilities. The program emphasizes the development of community-based public-private partnerships to operate these programs. We recommend that \$25 million be provided for this program.

Sarah Walzer and I have been handling these issues for DHHS. We would be pleased to meet with whoever you designate for follow-up discussions and to provide any assistance necessary as the bill goes to conference.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

ROUTE SLIP

TO: Justice (Mastelli / Jones)

DPC (Lenda)

Ken Schwartz

Jim Duke

Take necessary action ☐Approval signature ☐Comment ☐Prepare reply ☐Discuss with me ☐For your information ☐See remarks below ☐

FROM: Doug Steiger (395-33X) DATE: 1/12

REMARKS

Senate Crime Bill - HHS Comments

CC: Keith Fontenot
Bill Dorotinsky
Benny Clendenin
Jill Blackstein
Harry Meyers
Barry White
Jim Jukes
Bob Pellicci

2026987309

1-12-94 12:44PM DHHS/OGC/LEGISLATION

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NT BY:



DEPARTMENT OF HEALTH & HUMAN SERVICES

OFFICE OF THE SECRETARY

Office of the General Counsel
Legislation Division
Washington, DC 20201

January 12, 1994

NOTE TO DOUG STEIGER

Below, as requested, are HHS comments concerning the Senate version of H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993 (your LHM #1-1809).

General Support for Senate Version

As a general matter, HHS supports the Senate version, as it recognizes the importance of prevention and treatment activities in relation to violence and substance abuse. We defer to DOJ (the lead agency on this bill) on issues not affecting HHS.

Funding (subtitle E of title XIII)

Subtitle E of title XIII provides for funding of the many initiatives in the bill by establishing a Violent Crime Reduction Trust Fund, transferring specified amounts from the Treasury's general fund into that special fund, and exempting from the Budget process any appropriations from that special fund. Our support for various initiatives in the Senate version assumes this (or another) funding mechanism that does not require reductions in existing HHS programs.

Duplication of Existing HHS Programs

The following provisions in the Senate version duplicate existing HHS authorities:

- Substance abuse activities under §631 (juvenile drug trafficking and gang prevention)
- §1012 (community coalitions on substance abuse)
- Substance abuse activities under §1203 (certainty of punishment for young offenders)
- Treatment and counseling, and education and prevention activities under §1421 (rural domestic violence and child abuse)

Ideally, funding for these activities should be provided directly to HHS. At a minimum, specific collaboration provisions should be added (see next heading).

Collaboration with Existing HHS Programs

In addition to the activities listed under the preceding heading, the following provisions are closely related to HHS activities:

- §633 (youth development centers)
- Title XII (drug court programs)
- §1304 (drug treatment in Federal prisons)
- §1321 (boot camps and prisons)

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1-12-94 12:45PM :HHS/OGC/LEGISLATION-

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The authorities for each of these programs (including the ones listed under the preceding heading) should include a specific requirement for DoJ collaboration with HHS; the general coordination requirement of \$5106 is helpful, but not sufficient. In addition, applicants for funds should be required to explain their proposed efforts to coordinate activities under these and related HHS programs.

Inclusion of Alcohol Abuse Prevention and Treatment

The Senate version focuses in a number of places solely on illicit drug abuse, excluding alcohol abuse. The following sections in particular should be amended to ensure that there is consistent language throughout and that all programs focus on the entire spectrum of substance abuse:

\$1202 (drug testing upon arrest)

\$1203 (certainty of punishment for young offenders)

\$1304 (drug treatment in federal prisons)

\$1535 (national drug control strategy)

Subtitle B of title XVII (national commission on the causes of the demand for drugs)

Ounce of Prevention Fund (in \$103)

HHS supports the Ounce of Prevention Fund, which will enable HHS, Education, and DoJ to work together to strengthen national efforts to reduce violence and substance abuse among youth. The Ounce of Prevention Council should coordinate Federal efforts in this area.

Protection of Children, the Elderly, and the Disabled (Subtitle B of title VIII)

This subtitle appears to incorporate the National Child Protection Act of 1993 (P.L. 103-209), which the President has already signed into law.

Residential Substance Abuse Treatment for Prisoners (\$1204)

The specific limits on duration of treatment should be deleted. The section should include a requirement that relapse prevention methodologies be developed and that aftercare services be incorporated in any treatment program. Treatment should not be limited solely to in-prison treatment.

Drug Treatment in Federal Prisons (\$1304)

The specific limits on duration of treatment should be deleted. Treatment should not be limited solely to in-prison treatment.

National Commission on the Causes of the Demand for Drugs (subtitle B of title XVII)

This commission does not appear to be necessary, as HHS has the expertise and knowledge base to conduct this study. Any such study should examine how the demand for substances is reduced by the use of effective treatment methodologies and review what

SENT BY:

1-12-94 12:40PM :DHHS/OGC/LEGISLATION-

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currently constitutes effective approaches to substance abuse treatment.

Battered Women's Syndrome Report (\$\$2964 & 3708)

These two sections are duplicative. \$3708 should be eliminated, as \$2964 appropriately requires a joint DOJ-HHS report.

Violence Against Women (titles XXXII and XXXIII)

HHS supports these titles. Provisions in these titles will enable HHS to expand its work in the areas of domestic violence prevention, family support programs, and prevention of sexual abuse of runaways and homeless youth.

Functions of National Commission on Violence Against Women (\$3242)

The commission should also evaluate the relationship between substance abuse and domestic violence.

Domestic Violence and Family Support Grants (\$3341)

Grants should be permitted to support substance abuse treatment and mental health services.

Information for Judicial Training Concerning Domestic Violence (\$3612)

The information should include data on the role of substance abuse in leading to victimization and as a consequence of abuse.

Study on Campus Sexual Assault (\$3707)

The study should include an analysis (in relation to violence) of the policies of educational institutions regarding substance abuse, and the availability of substance abuse prevention and treatment, and mental health treatment.

Fraud (title XXXVIII)

HHS supports title XXXVIII, which is similar to provisions in health care reform. We defer to DOJ as to minor differences or changes needed.

Prohibition on Payment of Federal Benefits to Illegal Aliens (\$5102)

HHS supports the goal of this provision, but objects to the approach used. Changes in eligibility requirements for our programs should be accomplished by amending the specific benefit program laws, rather than in a provision in a crime bill. In addition, the requirements should be consistent with Administration initiatives, in particular with health care reform.

Specifically, in relation to the Aid to Families with Dependent Children, Supplemental Security Income, and Medicaid programs, HHS is developing a uniform proposal to limit the categories of aliens eligible to receive benefits, based on a list of specific

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1-12-84 12:46PM DHHS/OGC/LEGISLATION-

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INS classifications. The definition is intended to be consistent with the definition under health care reform.

HHS agrees with the provision in §5102 that permits emergency care to be provided to aliens otherwise ineligible.

Restriction on Social Security Payments for Individuals Confined when Found Not Guilty Due to Mental Disorder (§5113)

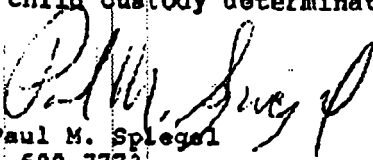
We may provide comments on this section at a later time.

Community Programs on Domestic Violence (§§5122 & 5140)

These two provisions are redundant. Whichever appears in the final bill should add to the list of community organizations to be represented substance abuse treatment and mental health services agencies.

Parent Locator Service (§5129)

DOJ should have access to the HHS Parent Locator Service only for the same purposes that HHS has access: to enforce State or Federal law with respect to the unlawful taking or restraint of a child, or to make or enforce a child custody determination.


Paul M. Spiegel
690-7773



APR 21 1994

TO: Ron Klain
Jeff Robinson
Andrew Fois
Grace Mastelli
Chris Edley
Bruce Reed
Jose Cerda
Ken Schwartz

FROM: *pb* Peter Edelman and *SW* Sarah Walzer, Department of Health
and Human Services

SUBJECT: Coordination of Prevention Provisions in the Violent
Crime Control and Law Enforcement Act

We remain concerned that the coordination approach being taken for the youth pieces of the bill will not do the job. It appears that it would still necessitate separate applications to each department, or at least, separate grantmaking based on some kind of "menu" application. This will be enormously cumbersome. We still do not understand the reluctance to create an option to consolidate funding, and we question the conclusion that the Hill would not buy a partial consolidation option, without trying to sell it to the members involved. At a minimum, allowing partial pooling of some YES, some Ounce of Prevention, and some Model Intensive Grant funds requires assent from a limited number of members. We should explore it.

This is an enormous opportunity and we are concerned that we are going to surrender it without pursuing it further. We have attached a slightly amended version of our proposed language which we think addresses these concerns without mandating anything that could cause problems on the Hill.

cc: Bill Modzeleski
Michele Cavataio
Pat Fahey
Isaac Shapiro
Jim Duke
Paul Diamond
Jim Jukes
Bruce Katz
Liz Arky
Shay Bilchik

Proposed Prevention Consolidation Language
(Page Numbers from Bill as Reported out of Committee)

TITLE X, SUBTITLE B, PART I -- THE OUNCE OF PREVENTION
COUNCIL

Page 116, line 23, insert following "conditions", "(d) FEDERAL PROGRAM COORDINATION.--(1) All programs administered by the Ounce of Prevention Council shall be administered in coordination with other relevant programs".

"(2) All other programs related to youth development and youth crime prevention in this bill shall be administered in coordination and collaboration with Ounce of Prevention Council programs. In order to maximize the impact of these programs and simplify the grantmaking process, the Ounce of Prevention Council is authorized to consult with and be consulted by other federal agencies with an interest in youth development and youth crime prevention programs."

"(3) (a) The Ounce of Prevention Council is authorized to enter into Memoranda of Understanding and Cooperative Agreements with other federal agencies to collaborate and jointly fund youth development and youth crime prevention programs, including such programs authorized in this bill.

(b) Federal agencies administering youth development and youth crime prevention programs are authorized to enter into Memoranda of Understanding and Cooperative Agreements with the Ounce of Prevention Council regarding such programs."

"(4) In making grants the Ounce of Prevention Council shall take into account a community's status as an empowerment zone or an enterprise community."



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D. C. 20201

MAR 1 1994

MEMORANDUM TO MACK MCCLARTY

RE: Your Request for Comment on Issues Relating to the Crime Bill

1. Potential Secretarial visit during the week of March 13. You have asked that we schedule a Secretarial appearance to highlight crime and violence prevention activities or proposals. I could:

- visit an HHS grantee carrying on promising gang prevention, violence prevention, or substance abuse prevention activities with young people; or
- visit a comprehensive youth-serving program offering the kind of holistic activities to young people -- academic, recreation adult role models, and assistance with preparing to enter the labor market -- that HHS wants to promote with a \$10 million budget request which we have made to Congress for fiscal 1995.

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The crime bill should, however, provide explicitly that the expertise of HHS' Center for Substance Abuse Treatment (CSAT) is to be utilized in developing the drug treatment programs in the boot camps. Also -- and this is extremely important -- all drug treatment offered in boot camps, prisons, and jails under the crime bill should be for alcohol abuse as well as illegal drug abuse. The appropriate terminology in the legislation is substance abuse, not drug abuse.

Ounce of Prevention. Senators Dodd and Bradley (the latter working with Senators Domenici and Danforth) added two amendments to the crime bill in the Senate that deserve far more attention than they have received. They contemplate turning schools into community centers and involving nonprofit organizations as well in providing constructive activities for young people in the afternoon and evening and during the summer. These are vitally important antiviolence initiatives that should be highlighted in any Administration pronouncements and advocacy that focus on prevention. The President should mention them explicitly when discussing the prevention aspects of the crime bill.

Gangs. The potential involvement of HHS in gang prevention activity is understated in the memorandum. HHS' Office of Community Services, with its extensive ties to community development corporations and community action agencies, can play a major role in gang prevention. Also, the concept of gang prevention should be approached more broadly and more imaginatively. For example, it would still be relevant to consider offering gang members (and other disadvantaged young people) roles serving fellow citizens in earthquake relief activities in Los Angeles. Another example: HHS' Administration on Developmental Disabilities recently suggested recruiting gang members to work with the disabled in various ways. One specific idea was to hire gang members to work on projects to create curb cuts for handicapped accessibility.

Guns. The gun importation suggestion in the memorandum is interesting and undoubtedly worthwhile but lacks a contextual statement of analysis of where it fits into an analytical framework of next possible steps on firearm regulation. It is important that we have a strategic approach to this subject. Instead of ad hoc and reactive approaches to ideas that happen to present themselves, we should have a clear menu of options for next steps, as well as a direction for longer term strategy. One gun-related item of interest to HHS that could be added to the crime bill at little cost is to fund the Centers for Disease Control to undertake data-gathering on the specific facts on individual gun deaths and injuries and also sponsor research on gun safety. Better information on the circumstances of gun deaths and injuries would be enormously helpful in designing prevention strategies and public policies.

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Family violence, hate violence, and sexual assault. Looking toward the future, it is important to begin broadening the discussion of violence to include violence in the home, sexual assault, and hate and interethnic violence. These are all pressing problems. The crime bill does address violence against women, which is worthy of emphasis in public discussion.

HHS Initiatives. We are developing new proposals and better coordination of existing activities to deal with prevention and amelioration of adolescent violence, violence in families, hate violence, and research on gun injuries and gun safety. In addition, we are re-examining and strengthening our messages on substance abuse prevention. We will keep you advised on the progress of these activities.



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Secretary