

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 001 - FOLDER -001

[07/18/1995 - 12/06/1995]

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

CREATOR: Ian R. Van Praagh (VANPRAAGH_I) (OPD)

CREATION DATE/TIME:18-JUL-1995 12:02:02.09

SUBJECT: Choice Meeting

TO: Elena Kagan (KAGAN_E) (WHO)
READ:18-JUL-1995 12:05:10.05

CC: Ian R. Van Praagh (VANPRAAGH_I) (OPD)
READ:18-JUL-1995 12:02:56.85

TEXT:

There will be a meeting on Choice on thursday at 5:00 pm in OEOB
100. I hope you can make it.

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

CREATOR: Ian R. Van Praagh (VANPRAAGH_I) (OPD)

CREATION DATE/TIME:20-JUL-1995 14:59:46.15

SUBJECT: Choice Meeting Rescheduled

TO: Elena Kagan (KAGAN_E) (WHO)

READ:21-JUL-1995 08:38:50.04

TEXT:

The choice meeting scheduled today at 5:00 p.m. has been rescheduled. The Choice meeting will now take place Friday at 4:00 pm in OEOB 100.

Please RSVP to Ian Van Praagh at 6-5390 or by e-mail.

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

CREATOR: Ian R. Van Praagh (VANPRAAGH_I) (OPD)

CREATION DATE/TIME: 26-JUL-1995 09:14:30.59

SUBJECT: Choice /Abortion Meeting

TO: Jeremy D. Benami (BENAMI_J) (OPD)
READ: 26-JUL-1995 10:15:19.55

TO: Karen R. Guss (GUSS_K) (WHO)
READ: 26-JUL-1995 09:52:41.14

TO: Susan Brophy (BROPHY_S) Autoforward to: Stacey L. Rubi
READ: 26-JUL-1995 10:22:36.43

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ: 26-JUL-1995 10:18:04.08

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ: 26-JUL-1995 10:04:35.83

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ: 26-JUL-1995 09:22:31.63

TO: Elizabeth L. Rossman (ROSSMAN_E) (OMB)
READ: 26-JUL-1995 09:51:46.52

TO: Janet Murguia (MURGUIA_J) (WHO)
READ: 26-JUL-1995 15:07:36.56

TO: Barbara C. Chow (CHOW_B) (WHO)
READ: 26-JUL-1995 10:14:58.14

TO: Martha Foley (FOLEY_M) (OMB)
READ: 26-JUL-1995 10:14:02.76

TO: James Castello (CASTELLO_J) (WHO)
READ: 26-JUL-1995 10:05:06.85

TO: Julia Moffett (MOFFETT_J) (WHO)
READ: 26-JUL-1995 11:34:05.06

TO: Karen L. Hancox (HANCOX_K) (WHO)
READ: 26-JUL-1995 11:03:22.23

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 26-JUL-1995 09:33:40.02

TO: Betsy Myers (MYERS_B) (WHO)
READ: 26-JUL-1995 09:47:33.51

TO: George Stephanopoulos (STEPHANOPO_G) (WHO)
READ: NOT READ

CC: Nicole R. Rabner (RABNER_N) (WHO)
READ: 26-JUL-1995 10:02:06.28

CC: Dorothy L. Karayannis (KARAYANNIS_D) (WHO)

READ:26-JUL-1995 09:15:00.40

CC: Laura Capps

(CAPPS_L) (WHO)

READ:26-JUL-1995 09:24:04.94

CC: Stacey L. Rubin

(RUBIN_S) (WHO)

READ:26-JUL-1995 10:22:36.43

CC: Odetta S. Walker

(WALKER_O) (WHO)

READ:26-JUL-1995 09:20:30.27

TEXT:

There will be a Choice/abortion meeting on Thursday, July 27 at 5:00 p.m. in OEOB 180.

Please RSVP by E-Mail to @ VanPraagh_I

Thank You!

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

CREATOR: Ian R. Van Praagh (VANPRAAGH_I) (OPD)

CREATION DATE/TIME: 1-AUG-1995 10:00:50.91

SUBJECT: Choice/ Communications Meeting Cancelled

TO: Jeremy D. Benami (BENAMI_J) (OPD)
READ: 1-AUG-1995 20:36:24.05

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ: 1-AUG-1995 10:09:19.76

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ: 1-AUG-1995 10:48:26.81

TO: James Castello (CASTELLO_J) (WHO)
READ: 1-AUG-1995 12:07:52.16

TO: Karen L. Hancox (HANCOX_K) (WHO)
READ: 1-AUG-1995 12:31:50.77

TO: Betsy Myers (MYERS_B) (WHO)
READ: 2-AUG-1995 08:55:48.77

TO: Susan Brophy (BROPHY_S) Autoforward to: Stacey L. Rubi
READ: 1-AUG-1995 10:01:25.37

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 1-AUG-1995 10:15:42.22

TO: Janet Murguia (MURGUIA_J) (WHO)
READ: 1-AUG-1995 18:47:11.44

TO: Barbara C. Chow (CHOW_B) (WHO)
READ: 1-AUG-1995 10:03:06.06

TO: Martha Foley (FOLEY_M) (OMB)
READ: 1-AUG-1995 10:17:29.43

TO: George Stephanopoulos (STEPHANOPO_G) (WHO)
READ: NOT READ

TO: Julia Moffett (MOFFETT_J) (WHO)
READ: 1-AUG-1995 10:05:12.69

CC: Nicole R. Rabner (RABNER_N) (WHO)
READ: NOT READ

CC: Dorothy L. Karayannis (KARAYANNIS_D) (WHO)
READ: 2-AUG-1995 12:29:28.93

CC: Laura Capps (CAPPS_L) (WHO)
READ: 1-AUG-1995 10:03:48.62

CC: Stacey L. Rubin (RUBIN_S) (WHO)
READ: 1-AUG-1995 10:01:25.37

CC: Odetta S. Walker (WALKER_O) (WHO)

READ: 1-AUG-1995 10:14:21.63

CC: Ian R. Van Praagh

(VANPRAAGH_I) (OPD)

READ: 1-AUG-1995 10:54:40.05

TEXT:

The Choice/Communications meeting scheduled for Wednesday, August 2 at 5:00 p.m. has been cancelled.

I will call to reschedule the meeting as soon as possible. I apologize for the inconvenience.

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

CREATOR: Karen R. Guss (GUSS_K) (WHO)

CREATION DATE/TIME: 4-AUG-1995 18:09:58.62

SUBJECT: Carol's briefing time w/POTUS on Choice

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ: 5-AUG-1995 12:06:51.09

TO: Martha Foley (FOLEY_M) (OMB)
READ: 4-AUG-1995 19:16:17.07

TO: Betsy Myers (MYERS_B) (WHO)
READ: 4-AUG-1995 18:26:33.20

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 6-AUG-1995 14:22:36.87

TO: Janet Murguia (MURGUIA_J) (WHO)
READ: 7-AUG-1995 09:29:31.20

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ: 4-AUG-1995 18:10:58.46

CC: Jeremy D. Benami (BENAMI_J) (OPD)
READ: 7-AUG-1995 08:54:41.52

TEXT:

Carol, George S. and Jeremy met with the President today and ran down the list of abortion-related activities in the Congress with him. The President stated that he is comfortable with us communicating that he is strongly opposed to these restrictive measures. With respect to whether he would veto the Appropriations bills if the only objectionable thing left in them were the abortion provisions, the President said: (1) on the Treasury/Postal bill, he would need the cover of the unions asking him for the veto, and (2) he couldn't imagine the Labor/HHS bill getting cleaned up to that extent. Although the D & X issue was not discussed at length (POTUS will be getting a decision memo from James on that topic), the President indicated that he would be comfortable with legislation that prohibited most third trimester abortions but that he objected to attempts to ban specific procedures.

I will be circulating the talking points and a draft one-pager early next week. Does anyone have comments on the talking points for me?

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

CREATOR: Ian R. Van Praagh (VANPRAAGH_I) (OPD)

CREATION DATE/TIME: 7-AUG-1995 14:19:08.51

SUBJECT: Choice/Communications Meeting

TO: George Stephanopoulos (STEPHANOPO_G) (WHO)
READ: NOT READ

TO: Martha Foley (FOLEY_M) (OMB)
READ: 7-AUG-1995 14:19:11.67

TO: Jeremy D. Benami (BENAMI_J) (OPD)
READ: 7-AUG-1995 14:30:09.72

TO: Karen R. Guss (GUSS_K) (WHO)
READ: 7-AUG-1995 14:19:57.28

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ: 7-AUG-1995 17:45:10.59

TO: James Castello (CASTELLO_J) (WHO)
READ: 7-AUG-1995 14:32:27.90

TO: Karen L. Hancox (HANCOX_K) (WHO)
READ: 7-AUG-1995 14:26:46.23

TO: Betsy Myers (MYERS_B) (WHO)
READ: 8-AUG-1995 15:21:11.77

TO: Katharine M. Button (BUTTON_K) (WHO)
READ: 7-AUG-1995 14:23:42.53

TO: Susan Brophy (BROPHY_S) Autoforward to: Stacey L. Rubi
READ: 7-AUG-1995 14:42:36.82

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 7-AUG-1995 14:42:14.44

TO: Janet Murguia (MURGUIA_J) (WHO)
READ: 7-AUG-1995 19:31:39.85

TO: Barbara C. Chow (CHOW_B) (WHO)
READ: 7-AUG-1995 14:25:49.62

TO: Julia Moffett (MOFFETT_J) (WHO)
READ: 7-AUG-1995 14:22:44.83

TO: Lorraine McHugh (MCHUGH_L) (WHO)
READ: 7-AUG-1995 16:31:55.75

CC: James I. Blount (BLOUNT_J) (OMB)
READ: 7-AUG-1995 14:26:37.60

CC: Stacey L. Rubin (RUBIN_S) (WHO)
READ: 7-AUG-1995 14:42:36.82

CC: Nicole R. Rabner (RABNER_N) (WHO)

READ:NOT READ

CC: Dorothy L. Karayannis
READ: 7-AUG-1995 14:21:35.85

(KARAYANNIS_D) (WHO)

CC: Laura Capps
READ: 7-AUG-1995 14:35:52.40

(CAPPS_L) (WHO)

CC: Odetta S. Walker
READ: 7-AUG-1995 14:21:02.42

(WALKER_O) (WHO)

TEXT:

There will be a Choice/Communications meeting Thursday at 5:00
p.m. in OEOB 100.

Please RSVP to Ian Van Praagh via email at @vanpraagh_I.

Thank You

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

CREATOR: Ian R. Van Praagh (VANPRAAGH_I) (OPD)

CREATION DATE/TIME: 9-AUG-1995 09:46:19.38

SUBJECT: Choice Meeting

TO: Jeremy D. Benami (BENAMI_J) (OPD)
READ: 9-AUG-1995 19:04:44.75

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ: 9-AUG-1995 10:02:45.98

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ: 9-AUG-1995 16:26:42.01

TO: James Castello (CASTELLO_J) (WHO)
READ: 10-AUG-1995 09:53:12.70

TO: Karen L. Hancox (HANCOX_K) (WHO)
READ: 9-AUG-1995 11:02:46.96

TO: Betsy Myers (MYERS_B) (WHO)
READ: 9-AUG-1995 10:26:11.29

TO: Susan Brophy (BROPHY_S) Autoforward to: Stacey L. Rubi
READ: 9-AUG-1995 09:54:17.45

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 9-AUG-1995 09:47:35.05

TO: Janet Murguia (MURGUIA_J) (WHO)
READ: 10-AUG-1995 10:24:40.70

TO: Barbara C. Chow (CHOW_B) (WHO)
READ: 9-AUG-1995 18:57:35.24

TO: Martha Foley (FOLEY_M) (OMB)
READ: 9-AUG-1995 12:10:52.64

TO: George Stephanopoulos (STEPHANOPO_G) (WHO)
READ: NOT READ

TO: Julia Moffett (MOFFETT_J) (WHO)
READ: 9-AUG-1995 09:55:06.59

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ: 9-AUG-1995 09:47:27.58

TO: Elizabeth L. Rossman (ROSSMAN_E) (OMB)
READ: 9-AUG-1995 09:51:25.75

TO: Lorraine McHugh (MCHUGH_L) (WHO)
READ: 9-AUG-1995 09:53:24.59

CC: Nicole R. Rabner (RABNER_N) (WHO)
READ: NOT READ

CC: Katharine M. Button (BUTTON_K) (WHO)

READ: 9-AUG-1995 13:26:31.65

CC: Dorothy L. Karayannis

(KARAYANNIS_D) (WHO)

READ: 9-AUG-1995 11:57:41.95

CC: Laura Capps

(CAPPS_L) (WHO)

READ: 9-AUG-1995 09:53:04.01

CC: Stacey L. Rubin

(RUBIN_S) (WHO)

READ: 9-AUG-1995 09:54:17.45

CC: Odetta S. Walker

(WALKER_O) (WHO)

READ: 9-AUG-1995 12:11:17.46

TEXT:

The Choice meeting originally scheduled for 5:00 on thursday, will now take place at 5:30 pm on thursday in OEOB 100.

I apologize for the change in time.

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

CREATOR: Karen R. Guss (GUSS_K) (WHO)

CREATION DATE/TIME:15-AUG-1995 12:33:31.13

SUBJECT: Choice One-pager

TO: Jeremy D. Benami (BENAMI_J) (OPD)
READ:15-AUG-1995 15:49:04.26

TO: Susan Brophy (BROPHY_S) Autoforward to: Stacey L. Rubi
READ:15-AUG-1995 12:37:56.92

TO: James Castello (CASTELLO_J) (WHO)
READ:16-AUG-1995 13:21:20.59

TO: Barbara C. Chow (CHOW_B) (WHO)
READ:15-AUG-1995 13:05:56.98

TO: Martha Foley (FOLEY_M) (OMB)
READ:15-AUG-1995 15:05:45.23

TO: Karen L. Hancox (HANCOX_K) (WHO)
READ:21-AUG-1995 07:51:01.90

TO: Elena Kagan (KAGAN_E) (WHO)
READ:15-AUG-1995 13:36:17.18

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ:15-AUG-1995 12:37:45.01

TO: Lorraine McHugh (MCHUGH_L) (WHO)
READ:15-AUG-1995 12:40:39.59

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ:15-AUG-1995 14:37:33.37

TO: Julia Moffett (MOFFETT_J) (WHO)
READ:15-AUG-1995 13:06:37.35

TO: Janet Murguia (MURGUIA_J) (WHO)
READ:15-AUG-1995 20:10:32.33

TO: Betsy Myers (MYERS_B) (WHO)
READ:16-AUG-1995 08:32:59.23

CC: James I. Blount (BLOUNT_J) (OMB)
READ:15-AUG-1995 16:31:26.20

CC: Katharine M. Button (BUTTON_K) (WHO)
READ:15-AUG-1995 13:03:11.57

CC: Richard L. Siewert (SIEWERT_R) (WHO)
READ:15-AUG-1995 13:25:19.57

TEXT:
I have incorporated the suggestions I received on the "one-pager" that was distributed at last week's Choice Working Group meeting. As you may recall, the one-pager is to be distributed outside for

Automated Records Management System
Hex-Dump Conversion

Republicans in Congress are using the complicated budget process to launch a stealth attack on the reproductive health of American women. **The House and Senate have already passed more than a dozen anti-choice provisions in committee and on the floor.**

.Both the House and the Senate voted to restrict federal employees from choosing a health plan that includes coverage for abortion services -- including, under the House version, in cases where pregnancy is the result of rape or incest.

.The House has also voted to:

.Deny poor women access to abortions under Medicaid even if they are victims of rape and incest -- causing additional suffering for victims of sexual violence.

.Restore the ban on privately-funded abortion services in military hospitals, threatening the quality of the medical care available to servicewomen and women in military families -- especially those stationed in countries where abortion is illegal, the blood supply unsafe, and sterile conditions and reliable physicians difficult to come by.

.Deny all funding to any family planning organization that provides abortion services overseas or attempts to influence governmental policy on abortion.

.Undermine the requirement that ob/gyn residency programs provide training in abortion procedures -- even though current standards already exempt programs and residents with religious and moral objections to abortion.

.In addition, the House Appropriations Committee voted to defund the federal family planning program. Recognizing that eliminating a program that provides family planning services to millions of women is the wrong way to make abortion less necessary, moderate Republicans joined with Democrats to narrowly defeat this proposal on the House floor.

In contrast to the Congressional majority, the President has acted to protect women's reproductive health from his very first week in office. He signed a host of executive orders -- now in jeopardy -- that protected servicewomen and international family planning efforts, repealed the "Gag Rule" that restricted abortion counseling at federally funded family planning clinics, ended the ban on funding of fetal tissue research, and revoked the import ban on RU-486. The President also signed the Freedom of Access to Clinic Entrances Act to fight violence and intimidation against women and their doctors. And he has worked to make abortion rare as well as safe and legal by calling for a National Campaign Against Teen Pregnancy, proposing sensible welfare reforms, and requesting increases for the federal family planning program each year he has been in office.

Now American women must get involved to stop the Congressional majority's war on women. Making our voices heard has never been more important than it is today.

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

CREATOR: Ian R. Van Praagh (VANPRAAGH_I) (OPD)

CREATION DATE/TIME:17-AUG-1995 15:12:10.46

SUBJECT: Choice Meeting Cancelled

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ:17-AUG-1995 17:20:08.03

TO: Karen R. Guss (GUSS_K) (WHO)
READ:17-AUG-1995 15:43:19.83

TO: Betsy Myers (MYERS_B) (WHO)
READ:18-AUG-1995 08:03:46.49

TO: Elena Kagan (KAGAN_E) (WHO)
READ:17-AUG-1995 15:34:30.87

TO: Janet Murguia (MURGUIA_J) (WHO)
READ:17-AUG-1995 18:02:05.39

TO: Julia Moffett (MOFFETT_J) (WHO)
READ:17-AUG-1995 17:51:53.28

TO: Lorraine McHugh (MCHUGH_L) (WHO)
READ:17-AUG-1995 17:01:11.73

TO: Martha Foley (FOLEY_M) (OMB)
READ:17-AUG-1995 15:22:11.08

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ:17-AUG-1995 15:12:38.76

TO: Susan Brophy (BROPHY_S) Autoforward to: Stacey L. Rubi
READ:17-AUG-1995 15:13:10.63

TO: Karen L. Hancox (HANCOX_K) (WHO)
READ:21-AUG-1995 08:03:38.27

TO: Barbara C. Chow (CHOW_B) (WHO)
READ:17-AUG-1995 15:19:06.46

TO: Nicole R. Rabner (RABNER_N) (WHO)
READ:17-AUG-1995 15:18:10.56

TO: Katharine M. Button (BUTTON_K) (WHO)
READ:17-AUG-1995 15:40:48.62

CC: James I. Blount (BLOUNT_J) (OMB)
READ:17-AUG-1995 15:35:41.35

CC: Ian R. Van Praagh (VANPRAAGH_I) (OPD)
READ:17-AUG-1995 16:12:56.54

TEXT:

The Choice Meeting scheduled for today at 5:00 pm in OEOB 100 has been cancelled.

We will reschedule after Labor Day.

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

CREATOR: Ian R. Van Praagh (VANPRAAGH_I) (OPD)

CREATION DATE/TIME:15-SEP-1995 15:15:53.48

SUBJECT: Choice Meeting Rescheduled

TO: Jeremy D. Benami (BENAMI_J) (OPD)
READ:15-SEP-1995 15:36:14.82

TO: George Stephanopoulos (STEPHANOPO_G) Autoforward to: Laura Capp
READ:15-SEP-1995 15:34:32.71

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ:15-SEP-1995 16:13:02.72

TO: Susan Brophy (BROPHY_S) Autoforward to: Stacey L. Rubi
READ:15-SEP-1995 15:40:36.41

TO: Janet Murguia (MURGUIA_J) (WHO)
READ:16-SEP-1995 17:47:00.44

TO: Barbara C. Chow (CHOW_B) (WHO)
READ:15-SEP-1995 19:21:23.04

TO: Martha Foley (FOLEY_M) (WHO)
READ:15-SEP-1995 15:16:07.07

TO: James Castello (CASTELLO_J) (WHO)
READ:15-SEP-1995 16:06:15.53

TO: Julia Moffett (MOFFETT_J) (WHO)
READ:15-SEP-1995 19:39:26.96

TO: Karen L. Hancox (HANCOX_K) (WHO)
READ:15-SEP-1995 17:19:46.43

TO: Betsy Myers (MYERS_B) (WHO)
READ:15-SEP-1995 15:45:00.70

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ:15-SEP-1995 15:38:26.30

TO: Elizabeth L. Rossman (ROSSMAN_E) (OMB)
READ:15-SEP-1995 15:32:59.49

TO: Deborah L. Fine (FINE_D) (WHO)
READ:15-SEP-1995 18:57:49.39

TO: Elena Kagan (KAGAN_E) (WHO)
READ:15-SEP-1995 15:22:28.35

CC: James I. Blount (BLOUNT_J) (OMB)
READ:15-SEP-1995 15:58:22.05

CC: Odetta S. Walker (WALKER_O) (WHO)
READ:26-SEP-1995 09:29:44.03

CC: Nicole R. Rabner (RABNER_N) (WHO)

READ:15-SEP-1995 16:17:40.86

CC: Katharine M. Button (BUTTON_K) (WHO)

READ:15-SEP-1995 15:43:51.86

CC: Stacey L. Rubin (RUBIN_S) (WHO)

READ:15-SEP-1995 15:40:36.41

CC: Dorothy L. Karayannis (KARAYANNIS_D) (WHO)

READ:15-SEP-1995 15:28:26.93

CC: Ian R. Van Praagh (VANPRAAGH_I) (OPD)

READ:15-SEP-1995 15:16:26.83

TEXT:

The Choice meeting originally scheduled on Thursday, September 14 at 5:00 p.m.. was cancelled.

The meeting has been rescheduled for Tuesday at 3:00 p.m..

The meeting will be held in OEOB 100.

Would you please RSVP via email to VANPRAAGH_I.

Thank You!

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

CREATOR: Ingrid M. Schroeder (SCHROEDER_I) (OMB)

CREATION DATE/TIME: 21-SEP-1995 09:45:26.14

SUBJECT: Draft SAP on HR 1170 - Three Judge Court

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 21-SEP-1995 14:24:22.20

TO: David J. Haun (HAUN_D) (OMB)
READ: 21-SEP-1995 09:49:20.82

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ: 21-SEP-1995 09:46:02.49

TO: Karin L. Kizer (KIZER_K) (OMB)
READ: 21-SEP-1995 10:47:03.54

TO: Lydia Muniz (MUNIZ_L) (OMB)
READ: 21-SEP-1995 10:11:12.92

TO: Arthur W. Stigile (STIGILE_A) (OMB)
READ: 21-SEP-1995 09:49:27.11

TEXT:

HR 1170, which would require that a three judge court determine the constitutionality of laws passed by State referendum, is scheduled for House floor action next week. We originally circulated a draft SAP in June. Please provide any comments on this draft SAP by Noon Friday - Sept. 22nd. Karin and David - since this is an oppose we should have a PAD (Litan) sign off.

Art - the CBO report says that HR 1170 is not paygo - do we agree?

DRAFT -- NOT FOR RELEASE September , 1995
(House)

H.R. 1170 - Three

-Judge District Court
(Bono (R) California and 46 cosponsors)

The Administration opposes H.R. 1170 because it would unnecessarily burden the Federal judicial system and delay appellate review.

H.R. 1170 would require applications for injunctions, based on the constitutionality of laws passed by State referendum, to be determined by three

-judge district courts and the decisions to be appealable directly to the Supreme Court. A requirement, similar to the three

-judge

-court provision

contained in H.R. 1170, was repealed by Congress in 1976. The requirement was

repealed because (1) limiting statutes and jurisdictional decisions made the requirements obsolete and (2) the three

□

-judge

□

-courts were complicated to administer and were an inefficient use of judicial resources. These reasons are equally valid today, and the repeal should remain in effect.

* * * * *

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

CREATOR: Ronald E. Jones (JONES_RE) (OMB)

CREATION DATE/TIME:11-OCT-1995 15:31:50.83

SUBJECT: National Gambling commission Bill

TO: Elena Kagan (KAGAN_E) (WHO)
READ:11-OCT-1995 15:40:14.86

CC: Michael T. Schmidt (SCHMIDT_MT) (OPD)
READ:11-OCT-1995 15:57:15.74

TEXT:

The email I described is attached.
Is the recommendation you mentioned support for the creation a
commission or support for this bill? DOJ has some concerns about
the breadth of powers HR 497 would grant to the proposed
commission.

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:10-OCT-1995 11:01:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Michael T. Schmidt

ATT SUBJECT: Comments on the National Gambling Impact Commission

ATT TO: Ronald E. Jones (JONES_RE)

TEXT:

No substantive comments, just a red flag I want to raise as we
think about our position on this bill. The Tribes see this bill
as a fundamental attack on their gaming establishments, and
therefore their sovereignty. From what I have seen written about
this proposed commission, it makes no distinction between Las
Vegas-style gaming and Tribal Gaming, which funds essential tribal
operations like roads, schools, and health clinics. If we come
out supporting this commission, which we may have to for various
reasons, we need to be prepared for a HUGE backlash from the
Tribes. In the wake of our taking so long to invoke the
sovereignty argument on the Gaming Tax issue, this will look like
another example of the Administration not understanding, or not
caring, about Tribal sovereignty. And let me assure you that the
furor over our position on the gaming tax issue is nothing
compared to what will come if we support this act.

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

ATT CREATION TIME/DATE:10-OCT-1995 11:01:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Michael T. Schmidt

ATT SUBJECT: Comments on the National Gambling Impact Commission

ATT TO: Ronald E. Jones (JONES_RE)

TEXT:

No substantiative comments, just a red flag I want to raise as we think about our position on this bill. The Tribes see this bill as a fundamental attack on their gaming establishments, and therefore their sovereignty. From what I have seen written about this proposed commission, it makes no distinction between Las Vegas-style gaming and Tribal Gaming, which funds essential tribal operations like roads, schools, and health clinics. If we come out supporting this commission, which we may have to for various reasons, we need to be prepared for a HUGE backlash from the Tribes. In the wake of our taking so long to invoke the sovereignty argument on the Gaming Tax issue, this will look like another example of the Administration not understanding, or not caring, about Tribal sovereignty. And let me assure you that the furor over our position on the gaming tax issue is nothing compared to what will come if we support this act.

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

CREATOR: Dennis Burke (BURKE_D) (OPD)

CREATION DATE/TIME:18-OCT-1995 20:03:49.87

SUBJECT: RE: crime bill

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:19-OCT-1995 08:35:19.39

TEXT:

I think that is true because it is the only section that they completely took out from the authorization section. Thanks for looking at this for us. I will let you know how we do through the legislative route.

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

CREATOR: Dorothy L. Karayannis (KARAYANNIS_D) (OPD)

CREATION DATE/TIME:23-OCT-1995 15:34:01.64

SUBJECT: PARTIAL BIRTH ABORTN BILL

TO: Martha Foley (FOLEY_M) (WHO)
READ:23-OCT-1995 15:34:41.12

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ:23-OCT-1995 16:42:55.11

TO: James Castello (CASTELLO_J) (WHO)
READ:23-OCT-1995 16:00:55.39

TO: Elena Kagan (KAGAN_E) (WHO)
READ:23-OCT-1995 15:41:30.44

TO: George Stephanopoulos (STEPHANOPO_G) Autoforward to: Laura Capp
READ:23-OCT-1995 16:50:36.41

TO: Betsy Myers (MYERS_B) (WHO)
READ:23-OCT-1995 16:10:38.37

TO: Janet Murguia (MURGUIA_J) (WHO)
READ:23-OCT-1995 21:45:37.54

TO: Barbara C. Chow (CHOW_B) (WHO)
READ:23-OCT-1995 18:21:11.67

TO: Deborah L. Fine (FINE_D) (OPD)
READ:23-OCT-1995 15:34:18.58

TO: Barbara D. Woolley (WOOLLEY_B) (WHO)
READ:23-OCT-1995 17:29:33.76

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:23-OCT-1995 16:54:04.62

CC: James I. Blount (BLOUNT_J) (OMB)
READ:23-OCT-1995 16:09:06.50

CC: Odetta S. Walker (WALKER_O) (WHO)
READ:23-OCT-1995 16:22:07.20

CC: Nicole R. Rabner (RABNER_N) (WHO)
READ:23-OCT-1995 15:34:13.85

CC: Katharine M. Button (BUTTON_K) (WHO)
READ:23-OCT-1995 17:48:40.32

CC: Stacey L. Rubin (RUBIN_S) (WHO)
READ:23-OCT-1995 15:44:51.82

CC: Laura Capps (CAPPS_L) (WHO)
READ:23-OCT-1995 16:50:36.41

TEXT:

Emailing to confirm that the Partial Birth Abortion Bill meeting will be Wednesday, October 25 from 4:00 - 5:00pm in OEOB Rm 230. Thank you.

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

CREATOR: Cathy R. Mays (MAYS_C) (OPD)

CREATION DATE/TIME: 23-OCT-1995 15:52:23.99

SUBJECT: Ideas Meeting

TO: Rahm Emanuel (EMANUEL_R) (WHO)
READ: NOT READ

TO: Donald A. Baer (BAER_D) Autoforward to: Angus S. King
READ: 23-OCT-1995 16:05:46.56

TO: William Curry (CURRY_W) (WHO)
READ: 23-OCT-1995 17:48:53.66

TO: Kamarck, Elaine C. (Elaine C. Kamarck@EOP_OVP@CCGATE@EOPMRX)
READ: NOT READ

TO: Gene B. Sperling (SPERLING_G) Autoforward to: Daniel Taber
READ: 23-OCT-1995 16:52:22.42

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 25-OCT-1995 15:34:17.73

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ: 23-OCT-1995 16:49:51.79

TO: Michael Waldman (WALDMAN_M) (OPD)
READ: 24-OCT-1995 10:11:11.56

TO: Jonathan M. Prince (PRINCE_J) (WHO)
READ: 24-OCT-1995 11:48:55.64

TO: Paul R. Dimond (DIMOND_P) (OPD)
READ: 23-OCT-1995 18:09:23.07

CC: Christa T. Robinson (ROBINSON_C) (WHO)
READ: 23-OCT-1995 16:15:10.90

CC: Wendy C. New (NEW_W) (VPO)
READ: 23-OCT-1995 16:02:42.15

TEXT:

Bruce Reed is requesting your attendance at an ideas brainstorming session on Thursday, October 26, at 1:00 p.m. in Room 211, OEOB. Please confirm your availability with Cathy Mays, extension 66515. Thanks.

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

CREATOR: Melinda D. Haskins (HASKINS_M) (OMB)

CREATION DATE/TIME:30-OCT-1995 10:41:39.03

SUBJECT: Additional Comments to DOJ Welfare Reform Conferee Letter

TO: Kenneth S. Apfel (APFEL_K) (OMB)
READ:30-OCT-1995 11:43:29.30

TO: Elena Kagan (KAGAN_E) (WHO)
READ:30-OCT-1995 10:43:48.67

TO: Bruce N. Reed (REED_B) (WHO)
READ:30-OCT-1995 10:42:00.13

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:30-OCT-1995 11:06:19.29

CC: James C. Murr (MURR_J) (OMB)
READ:30-OCT-1995 10:59:34.35

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:30-OCT-1995 10:47:07.05

CC: Barry White (WHITE_B) (OMB)
READ:30-OCT-1995 10:48:13.86

CC: Keith J. Fontenot (FONTENOT_K) (OMB)
READ:30-OCT-1995 18:14:58.19

CC: Christine B. Ellertson (ELLERTSON_C) (OMB)
READ:30-OCT-1995 15:14:39.24

CC: Stacy L. Dean (DEAN_S) (OMB)
READ:30-OCT-1995 11:35:59.38

CC: Jack A. Smalligan (SMALLIGAN_J) (OMB)
READ: 1-NOV-1995 09:33:18.17

CC: Melissa Y. Cook (COOK_MY) (OMB)
READ:30-OCT-1995 11:25:38.89

CC: Ingrid M. Schroeder (SCHROEDER_I) (OMB)
READ:30-OCT-1995 10:41:52.37

TEXT:

HHS, SSA, and OMB's Income Maintenance Division have proposed additional changes to DOJ's welfare reform conferee letter that I need you to review. I am faxing you a cover memo and a copy of the marked up draft. Please call me (5-3923) if you have any questions.

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

CREATOR: Melinda D. Haskins (HASKINS_M) (OMB)

CREATION DATE/TIME:30-OCT-1995 17:27:07.96

SUBJECT: DOJ Insert to the DOJ Welfare Conferee Letter

TO: Kenneth S. Apfel (APFEL_K) (OMB)
READ:30-OCT-1995 17:33:29.63

TO: Elena Kagan (KAGAN_E) (WHO)
READ:30-OCT-1995 17:36:36.35

TO: Bruce N. Reed (REED_B) (WHO)
READ:31-OCT-1995 09:40:43.52

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:30-OCT-1995 17:29:22.61

CC: James C. Murr (MURR_J) (OMB)
READ:30-OCT-1995 17:45:09.49

CC: Barry White (WHITE_B) (OMB)
READ:30-OCT-1995 17:41:37.67

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:30-OCT-1995 18:07:27.10

CC: Keith J. Fontenot (FONTENOT_K) (OMB)
READ:30-OCT-1995 17:52:09.44

CC: Stacy L. Dean (DEAN_S) (OMB)
READ:30-OCT-1995 17:29:37.81

CC: Christine B. Ellertson (ELLERTSON_C) (OMB)
READ:30-OCT-1995 17:37:58.93

TEXT:

DOJ proposes to insert the following paragraph into its welfare reform conferee letter.

p. 9, after the first paragraph...

"In addition, any final legislation should include an exemption, which is included in the House bill, for legal permanent residents who are unable to naturalize because of their physical or mental disabilities. An exception should also be made for legal permanent residents who are over 75 years of age and who have lived in the United States for five years."

Please comment.

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

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

CREATION DATE/TIME:31-OCT-1995 19:14:40.11

SUBJECT: Partial Birth SAP

TO: George Stephanopoulos (STEPHANOPO_G) Autoforward to: Laura Capp
READ:31-OCT-1995 19:15:27.07

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ:31-OCT-1995 19:21:33.65

TO: Martha Foley (FOLEY_M) (WHO)
READ:31-OCT-1995 20:23:10.19

TO: James Castello (CASTELLO_J) (WHO)
READ:31-OCT-1995 19:15:48.02

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 1-NOV-1995 08:45:16.07

CC: Laura Capps (CAPPS_L) (WHO)
READ:31-OCT-1995 19:15:27.07

CC: Deborah L. Fine (FINE_D) (OPD)
READ:31-OCT-1995 19:18:30.47

TEXT:

I shared my concern with George that the SAP could backfire in the women's community if based solely on the health exception. He said a reworked version that mentions both the erosion of Roe and the health exception might be OK.

I don't know if the SAP has gone yet, but here would be my edit.

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

ATT CREATION TIME/DATE:31-OCT-1995 19:05:00.00

ATT BODYPART TYPE:A

ATT CREATOR: Jeremy D. Benami

TEXT:

The Administration strongly opposes HR 1833. This legislation undermines the constitutional standard established in Roe v. Wade and specifically fails to provide any exception to protect the health of the mother. The President believes that abortion should be safe, legal and rare. He has long opposed late-term abortions except when they are necessary to protect the life or health of the mother, consistent with the Supreme Court's decision in Roe.

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

ATT CREATION TIME/DATE:31-OCT-1995 19:05:00.00

ATT BODYPART TYPE:A

ATT CREATOR: Jeremy D. Benami

TEXT:

The Administration strongly opposes HR 1833. This legislation undermines the constitutional standard established in Roe v. Wade and specifically fails to provide any exception to protect the health of the mother. The President believes that abortion should be safe, legal and rare. He has long opposed late-term abortions except when they are necessary to protect the life or health of the mother, consistent with the Supreme Court's decision in Roe.

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

CREATOR: Melinda D. Haskins (HASKINS_M) (OMB)

CREATION DATE/TIME: 2-NOV-1995 13:01:02.18

SUBJECT: DOJ's Redraft of its Conferee Letter

TO: Kenneth S. Apfel (APFEL_K) (OMB)
READ: 2-NOV-1995 13:25:21.40

TO: Bruce N. Reed (REED_B) (WHO)
READ: 2-NOV-1995 15:28:12.17

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 2-NOV-1995 13:21:01.00

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ: 2-NOV-1995 13:17:51.09

CC: Barry White (WHITE_B) (OMB)
READ: NOT READ

CC: Keith J. Fontenot (FONTENOT_K) (OMB)
READ: 2-NOV-1995 13:50:07.50

CC: Stacy L. Dean (DEAN_S) (OMB)
READ: 2-NOV-1995 13:10:30.52

CC: Christine B. Ellertson (ELLERTSON_C) (OMB)
READ: 2-NOV-1995 13:54:24.73

CC: James C. Murr (MURR_J) (OMB)
READ: 2-NOV-1995 13:37:05.54

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ: 2-NOV-1995 13:03:59.94

TEXT:

I am faxing you DOJ's redraft of its welfare reform conferee letter. Note that DOJ has recrafted the letter's child support enforcement section. DOJ did not delete mention of the "Califano v. Jobst" paragraph--it's been footnoted. DOJ also failed to delete the "caste system" sentence.

If you plan to comment on the DOJ letter, please coordinate your response. I would appreciate your comments by 3:30 PM TODAY. Thanks!

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

CREATOR: Melinda D. Haskins (HASKINS_M) (OMB)

CREATION DATE/TIME: 2-NOV-1995 15:33:12.59

SUBJECT: HHS' Comments to DOJ Welfare Reform Conferee Letter.

TO: Kenneth S. Apfel (APFEL_K) (OMB)
READ: 2-NOV-1995 15:37:36.06

TO: Bruce N. Reed (REED_B) (WHO)
READ: 2-NOV-1995 15:52:49.08

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 2-NOV-1995 17:17:56.19

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ: 2-NOV-1995 16:22:50.21

TO: Barry White (WHITE_B) (OMB)
READ: 2-NOV-1995 17:27:28.30

TO: Keith J. Fontenot (FONTENOT_K) (OMB)
READ: 2-NOV-1995 17:32:58.57

TO: Stacy L. Dean (DEAN_S) (OMB)
READ: 2-NOV-1995 18:10:42.93

TO: Christine B. Ellertson (ELLERTSON_C) (OMB)
READ: 2-NOV-1995 15:37:15.46

CC: James C. Murr (MURR_J) (OMB)
READ: 2-NOV-1995 15:47:57.00

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ: 2-NOV-1995 15:33:50.86

TEXT:

HHS wants the following changes made to the CSE section of the DOJ welfare reform conferees letter.

p. 6, first paragraph of "Comments Related to Child Support Enforcement" section:

a) SECOND SENTENCE: Delete " While neither the House nor the Senate bills take full advantage of the range of legislative enforcement options that have been considered during the 104th Congress,"

b) LAST SENTENCE: Delete. ("From the standpoint of child support enforcement, we prefer the Senate bill.")

Please comment.

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

CREATOR: Ronald E. Jones (JONES_RE) (OMB)

CREATION DATE/TIME: 6-NOV-1995 10:04:08.81

SUBJECT: National Gambling Commission Bill

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 6-NOV-1995 10:29:11.98

TO: Michael T. Schmidt (SCHMIDT_MT) (OPD)
READ: 6-NOV-1995 11:34:56.87

TO: James C. Murr (MURR_J) (OMB)
READ: 6-NOV-1995 10:19:44.96

TO: James J. Jukes (JUKES_J) (OMB)
READ: 6-NOV-1995 10:09:43.92

TO: Bruce D. Beard (BEARD_B) (OMB)
READ: 6-NOV-1995 10:44:11.37

TEXT:

Justice tells me the House judiciary has scheduled a markup of HR 497 (Wolf's gambling commission bill) for tomorrow. They are preparing a letter to send. The letter is expected to be very similar to the memo they forwarded last month -- the do not object to the study but do have problems with Sec. 5(b), which authorizes the Commission to obtain information from any Federal agency. DOJ believes the authority is too broad and could jeopardize ongoing investigations.

They are aware of the President's letter and have been told their letter should cross reference that letter.

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

CREATOR: Ronald E. Jones (JONES_RE) (OMB)

CREATION DATE/TIME: 7-NOV-1995 11:31:45.65

SUBJECT: DOJ Letter on National Gambling Commission is being ...

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 7-NOV-1995 11:51:32.39

TO: Michael T. Schmidt (SCHMIDT_MT) (OPD)
READ: 7-NOV-1995 11:38:07.38

TO: Bruce D. Beard (BEARD_B) (OMB)
READ: 7-NOV-1995 11:35:43.53

TO: Richard H. Kodl (KODL_R) (OMB)
READ: 7-NOV-1995 11:33:19.04

TEXT:
circulated now. Comments due by 5:00 today.

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

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

CREATION DATE/TIME: 7-NOV-1995 17:05:56.58

SUBJECT: status of abortion bill

TO: Carol H. Rasco (RASCO_C) (WHO)
READ: 7-NOV-1995 20:09:33.03

TO: Deborah L. Fine (FINE_D) (OPD)
READ: 7-NOV-1995 17:06:42.47

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ: 7-NOV-1995 17:19:07.45

TO: James Castello (CASTELLO_J) (WHO)
READ: 7-NOV-1995 17:06:15.55

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 7-NOV-1995 17:07:03.51

TO: Barbara D. Woolley (WOOLLEY_B) (WHO)
READ: 8-NOV-1995 09:35:48.33

TO: Martha Foley (FOLEY_M) (WHO)
READ: 7-NOV-1995 18:41:23.95

TO: George Stephanopoulos (STEPHANOPO_G) Autoforward to: Laura Capp
READ: 7-NOV-1995 17:33:12.40

TEXT:

Tracey tells me that the latest odds are that the motion to go to Committee may well pass. We have 6-7 R's on the motion. Vote will not come till tomorrow.

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

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

CREATION DATE/TIME: 8-NOV-1995 15:56:39.78

SUBJECT: PBA bill

TO: Martha Foley (FOLEY_M) (WHO)
READ: 8-NOV-1995 17:59:45.08

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ: 8-NOV-1995 16:17:32.17

TO: James Castello (CASTELLO_J) (WHO)
READ: 8-NOV-1995 16:24:23.76

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 8-NOV-1995 17:51:55.45

TO: Deborah L. Fine (FINE_D) (OPD)
READ: 8-NOV-1995 16:34:21.76

TO: Barbara D. Woolley (WOOLLEY_B) (WHO)
READ: 8-NOV-1995 18:40:09.53

TO: Betsy Myers (MYERS_B) (WHO)
READ: 8-NOV-1995 16:19:51.17

TEXT:

Motion to commit carried 91-6

They did not have the votes

We now have 19 days to think about how to get a health amendment.

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

CREATOR: James A. Brown (BROWN_JA) (OMB)

CREATION DATE/TIME:20-NOV-1995 14:45:55.75

SUBJECT: draft s440 signing statement for your approval

TO: Elena Kagan (KAGAN_E) (WHO)
READ:20-NOV-1995 14:59:56.08

TO: Michael D. Deich (DEICH_M) (OPD)
READ:20-NOV-1995 15:48:12.37

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:20-NOV-1995 14:24:00.00

ATT BODYPART TYPE:H

ATT CREATOR: James A. Brown

ATT SUBJECT: Draft Signing Statement For S440 for approval

ATT TO: Robert E. Litan (LITAN_R)

ATT TO: Robert G. Damus (DAMUS_R)

ATT TO: Charles E. Kieffer (KIEFFER_C)

ATT CC: Lydia Muniz (MUNIZ_L)

ATT CC: Karin L. Kizer (KIZER_K)

ATT CC: Kenneth L. Schwartz (SCHWARTZ_K)

ATT CC: David E. Tornquist (TORNQUIST_D)

ATT CC: Daniel J. Corbett (CORBETT_D)

ATT CC: Daniel M. Tangherlini (TANGHERLIN_D)

ATT CC: Kevin F. Neyland (NEYLAND_K)

ATT CC: James J. Jukes (JUKES_J)

ATT CC: James C. Murr (MURR_J)

TEXT:

PRINTER FONT 12_POINT_COURIER
STATEMENT BY THE PRESIDENT

Today, I have signed into law S. 440, the "National Highway System Designation Act of 1995." I am pleased that this Act releases more than \$5 billion in funding for highway projects and advances my Administration's continued commitment to prudent investment in our Nation's infrastructure.

This Act is the culmination of several years work by all levels of government to identify highways of national

significance -- routes that will support our Nation's needs for efficient, safe, and reliable transportation. S. 440's designation of the National Highway System makes clear that transportation infrastructure should be viewed as a single system, with each mode complementing the others. There has been a marked increase in the number of manufacturers and shippers that rely on several modes of transportation to deliver their products to consumers in the most efficient manner possible. The National Highway System unites these different modes by providing access to major ports, airports, rail stations, public transit facilities, and border crossings to Canada and Mexico.

The National Highway System is a prime example of the strategic investment of Federal resources, not only supporting our Nation's economic, national defense, and mobility needs, but directly and significantly improving the safety of these key national roadways. The funds released by this legislation and used to upgrade non

□
-Interstate highways will provide significant safety benefits.

S. 440 also includes an essential and common sense highway safety measure. Last June, I called on Congress to make "Zero Tolerance" the law of the land and require States to adopt a Zero Tolerance standard for drivers under the age of 21. It is already against the law for young people to drink. This national standard will put teeth in this prohibition by making it effectively illegal for young people who have been drinking to drive an automobile.

Many States have already enacted Zero Tolerance laws. These laws work -- alcohol

□
-related crashes involving teenage drivers are down as much as 20 percent in those States. When all States have these laws, hundreds more lives will be saved and thousands of injuries will be prevented. I commend the Congress for heeding my call and making Zero Tolerance the standard Nationwide for drivers under the age of 21.

This Act establishes innovative ways to attract new forms of investment in transportation and gives States greater flexibility and more options to utilize limited Federal transportation funds effectively. It also eliminates unnecessary Federal requirements such as those concerning highway building material requirements and program management. This will enable Federal transportation officials to focus their efforts on the most useful and cost-effective ways of achieving important safety aims and increase States' discretion to implement their highway programs in ways best suited to their own circumstances.

In approving S. 440, however, I must note that some of my most serious concerns with this legislation have not been remedied. I am deeply disturbed by the repeal of both the

National Maximum Speed Limit law and the law encouraging States to enact motorcycle helmet use laws. Without question, these laws have saved lives. The States, now given greater authority over issues of highway safety, must exercise this authority responsibly. I am, therefore, strongly committed to the requirement in this Act for Federal and State officials to work together to assess the costs and benefits of any change in speed limits. And, my Administration will continue to be vigilant in

protecting the safety of those who travel on our Nation's highways.

Although I am seriously disappointed by the Congress's actions on these important safety measures, I believe that this legislation will, on balance, benefit the Nation. Its approval will also release immediately more than \$5 billion for the National Highway System, thereby funding vital transportation projects in every State.

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

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

CREATOR: Ingrid M. Schroeder (SCHROEDER_I) (OMB)

CREATION DATE/TIME:21-NOV-1995 14:17:40.25

SUBJECT: H.R. 1058 - Securities Litigation

TO: Elena Kagan (KAGAN_E) (WHO)
 READ:29-NOV-1995 08:50:46.97

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
 READ:21-NOV-1995 16:05:28.15

TEXT:

Any reports regarding how the Administration will respond to the new draft of HR 1058? Did a decision memo go to the President on this? if so - do we have any readout?

===== ATTACHMENT 1 =====
 ATT CREATION TIME/DATE:21-NOV-1995 13:33:00.00

ATT BODYPART TYPE:B

ATT CREATOR: James J. Jukes

ATT SUBJECT: DRE on HR 1058

ATT TO: Ingrid M. Schroeder (SCHROEDER_I)

TEXT:

SENATE CONFIRMS CONFEREES ON SECURITIES LITIGATION REFORM BILL
 After weeks of delay, the Senate Nov. 17 approved conferees for the House-Senate conference on the proposed 'Private Securities Litigation Reform Act of 1995' (HR 1058).

The appointment of Senate conferees followed shortly after the Securities and Exchange Commission Nov. 15--in a letter to Senate Banking Committee Chairman Alfonse D'Amato (R-NY)--expressed measured support for the Nov. 9 compromise version of the bill's safe harbor provisions.

The Nov. 9 version of the major securities litigation reform bill, which includes a safe harbor to protect some forward-looking corporate statements from liability under the securities laws. The safe harbor is the chief aspect of the bill that would affect high technology companies, Bruce Vanyo, a partner at Wilson, Sonsini, Goodrich & Rosati, Palo Alto, Calif., told BNA Nov. 20.

The Nov. 9 draft bill reflects changes that were requested by the SEC. The high technology sector remains fully supportive of the bill, Vanyo maintained. The SEC's concerns extend, to some extent, to areas beyond the scope of the legislation that might also be affected by it, the litigator noted. Vanyo said Nov. 20 that he expects the bill to go 'as it stands today' to the conference committee.

The appointment of Senate conferees was delayed by in late October when Sen. Richard Bryan (D-Nev), who was opposed to elements of the draft bill, temporarily placed a 'hold' on their appointment. This means that he indicated to other senators in advance that he would not give his consent to the appointment of any conferees, so they therefore did not request Senate confirmation. The appointment of conferees requires unanimous consent of the chamber appointing them.

The conference committee is expected to convene sometime during the week of Nov. 27, a Senate Banking Committee staff member told BNA.

'Hotly Contested'

In some quarters the bill is still viewed as controversial and "hotly contested," a source told BNA Nov. 20. Other aspects of the bill--such as its failure to extend the current statute of limitations for private fraud suits--would prevent adequate investor protection, the source argued. Further, the SEC has endorsed the safe harbor provisions, but has not "flatly endorsed" the measure, according to the source, who opposes the bill. The original House and Senate (S 240) measures--each designed to curb frivolous securities litigation--differed significantly, impeding the reconciliation process. Following an Oct. 23 draft compromise, SEC Chairman Arthur Levitt told a legal gathering he had "profound reservations" regarding some aspects of the draft bill, particularly about what the safe harbor for corporate forward-looking statements implied for investor protection.

The Nov. 9 draft bill's safe harbor for corporate forward-looking statements incorporates the judicially fashioned "bespeaks caution" doctrine under which forward-looking statements are not fraudulent if they are accompanied by, in this case, "meaningful cautionary statements." Such statements must identify "important factors that could cause actual results to differ materially from those in the forward-looking statement." The use of the term "important" was requested by the SEC in lieu of the word "substantive," Vanyo explained.

In addition, the Nov. 9 draft of the bill incorporates other diverse changes to the safe harbor provisions. Among a dozen or so discrete changes, some concern clarifying the nature of forward looking statements that may be made by an underwriter; including a definition of "person acting on behalf of an issuer"; and changing certain "boilerplate" language borrowed from 1934 Securities and Exchange Act Rule 10b-5 to "false and misleading," as part of a standard of proof for plaintiffs.

Conferees

The appointees to the conference committee confirmed by the Senate Nov. 17 are as follows: D'Amato, Sen. Phil Gramm (R-Texas), Sen. Robert Bennett (R-Utah), Sen. Rod Grams (R-Minn), Senate Appropriations Committee Chairman Peter Domenici (R-NM), Banking Committee ranking minority member Sen. Paul Sarbanes (D-Md), Sen. Christopher Dodd (D-Conn), Sen. John Kerry (D-Mass), and Sen. Richard Bryan (D-Nev).

Despite the confidence of some that the bill is in good shape to be taken up by the conference committee, sources indicated to BNA Nov. 20 that pending the convening of the committee, negotiators may still make changes to the bill. However, those opposed to the bill are not getting much access to the process, one source stated.

Groups that have opposed the measure include: the National League of Cities, National Association of Counties, the Municipal Treasurers' Association, the Conference of Mayors, the Government Finance Officers Association, and the National Association of Securities and Commercial Law Attorneys.

Strong proponents of the reform measure are the American Electronics Association, which has served as the leader for high technology firms who favor it; the National Association of Investors Corp.; and the "Big Six" accounting firms.

Text of the safe harbor provision contained in the Nov. 9 draft is in section M.

European Union

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

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

CREATOR: James A. Brown (BROWN_JA) (OMB)

CREATION DATE/TIME:22-NOV-1995 10:58:11.70

SUBJECT: Proposed Senate ICC SAP

TO: Kenneth L. Schwartz (SCHWARTZ_K) (OMB)
READ:22-NOV-1995 13:25:55.86

TO: Daniel M. Tangherlini (TANGHERLIN_D) (OMB)
READ:22-NOV-1995 11:52:59.52

TO: Edward H. Clarke (CLARKE_E) (OMB)
READ:22-NOV-1995 12:33:11.30

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:22-NOV-1995 10:58:39.80

TO: Carolyn Frank (cfrank@ustr.gov@INET)
READ:NOT READ

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:22-NOV-1995 11:45:22.04

TO: David E. Tornquist (TORNQUIST_D) (OMB)
READ:22-NOV-1995 11:17:25.07

TO: Larry R. Matlack (MATLACK_L) (OMB)
READ:22-NOV-1995 11:01:56.56

TO: Michael D. Deich (DEICH_M) (OPD)
READ:22-NOV-1995 11:06:47.59

TO: Raymond P. Kogut (KOGUT_R) (OMB)
READ:22-NOV-1995 11:02:37.63

TO: Rosalyn J. Rettman (RETTMAN_R) (OMB)
READ:22-NOV-1995 11:02:47.73

TO: Edward M. Rea (REA_E) (OMB)
READ:22-NOV-1995 11:00:21.33

TO: Kim H. Burke (BURKE_K) (OMB)
READ:22-NOV-1995 10:58:50.33

TO: Arthur W. Stigile (STIGILE_A) (OMB)
READ:22-NOV-1995 11:35:50.55

TO: Elena Kagan (KAGAN_E) (WHO)
READ:29-NOV-1995 08:53:29.00

CC: James J. Jukes (JUKES_J) (OMB)
READ:22-NOV-1995 11:01:55.17

CC: James C. Murr (MURR_J) (OMB)
READ:22-NOV-1995 11:45:28.08

TEXT:

DRAFT
November 22, 1995
(Senate)

S. 1396 - Interstate Commerce Commission Sunset Act of 1995
(Pressler (R) Pennsylvania and 6 cosponsors)

The Administration strongly supports the termination of the Interstate Commerce Commission (ICC), and has proposed legislation (H.R. 1436) for this purpose. Eliminating those elements of economic regulation that no longer enhance productivity and competitiveness is a primary Administration priority.

S. 1396, however, would accomplish no genuine deregulation but would simply merge the ICC's most burdensome regulatory elements with the Federal Maritime Commission in a new Federal entity. The Administration therefore strongly opposes S. 1396 unless it is amended to:

- o Eliminate the proposed Intermodal Surface Transportation Board. Rather than abolish all non-productive economic regulatory functions currently performed by the ICC, S. 1396 simply merges them with the FMC in new independent agency. (Although the new organization would technically be located in the Department of Transportation, it would not be responsible to the Secretary and would function much like the ICC does today.) Any regulations which continue to serve a useful purpose (such as protection of captive shippers under the Staggers Act), should be enforced by the Department of Transportation, not a new ICC. Nonproductive economic regulations affecting the trucking, intercity bus, household goods freight forwarder, broker, pipeline, interstate water carrier, interstate rail passenger, and ferry industries should, as the Administration has proposed, be terminated.
- o Delete the extension of antitrust immunity for the railroad and motor-carrier industries. Consumers and rail and motor carriers should be permitted to benefit from the removal of unproductive economic regulatory burdens. This will not occur if rail and motor carriers are permitted to impose artificially high rates on consumers. Price-fixing is not tolerated in the economy as a whole, and should not be permitted in the rail and motor carrier industries.
- o Conform rail merger review standards to those which apply to other industries. Mergers in the railroad industry should be reviewed by the Department of Justice under the same standards which apply to other industries, rather than under a separate standard interpreted by a successor to the ICC.
- o Delete unilateral changes in rail labor protection provisions. The Administration

believes that the existing standards enable carriers to improve efficiency while protecting the interests of affected employees, and therefore should not be changed by Congress. Should a legislative solution be deemed necessary, however, the Administration believes that it should afford no less protection than comparable provisions in H.R. 2539, "The ICC Termination Act of 1995," as passed by the House. In addition, rail employee protection provisions should be administered by the Department of Labor which already administers several similar provisions, rather than by a new entity.

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

CREATOR: Melinda D. Haskins (HASKINS_M) (OMB)

CREATION DATE/TIME:28-NOV-1995 13:39:09.25

SUBJECT: Clearance of Labor's Testimony on S. 1423

TO: Janet L. Himler (HIMLER_J) (OMB)
READ:28-NOV-1995 13:53:44.78

TO: Barry White (WHITE_B) (OMB)
READ:28-NOV-1995 14:01:41.27

TO: Larry R. Matlack (MATLACK_L) (OMB)
READ:28-NOV-1995 14:13:19.05

TO: Lori R. Schack (SCHACK_L) (OMB)
READ:28-NOV-1995 13:45:05.16

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:28-NOV-1995 15:00:23.30

TO: Daniel J. Chenok (CHENOK_D) (OMB)
READ:28-NOV-1995 13:50:44.21

TO: Elena Kagan (KAGAN_E) (WHO)
READ:29-NOV-1995 09:49:28.09

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:28-NOV-1995 14:47:38.41

TO: Richard J. Turman (TURMAN_R) (OMB)
READ:28-NOV-1995 20:22:05.85

TO: Lydia Muniz (MUNIZ_L) (OMB)
READ:28-NOV-1995 14:01:37.41

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ:28-NOV-1995 14:15:26.01

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:28-NOV-1995 13:40:46.46

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:28-NOV-1995 13:40:33.72

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:28-NOV-1995 14:58:48.50

TO: Michael T. Schmidt (SCHMIDT_MT) (OPD)
READ:28-NOV-1995 14:20:36.78

TO: Michael Waldman (WALDMAN_M) (OPD)
READ:28-NOV-1995 14:08:27.95

TO: Arthur W. Stigile (STIGILE_A) (OMB)
READ:28-NOV-1995 17:31:16.09

CC: James C. Murr (MURR_J) (OMB)

READ:28-NOV-1995 14:00:01.66

CC: Janet R. Forsgren

(FORSGREN_J) (OMB)

READ:28-NOV-1995 14:25:52.47

TEXT:

You should be receiving a copy of the Department of Labor's proposed testimony before the Senate Labor and Human Resources Committee on S. 1423, The Occupational Safety and Health Reform Act (Kassebaum). The testimony is scheduled to be delivered by Joseph Dear tomorrow morning. As a result, we are on a tight deadline for clearance. Please review Dear's testimony and provide comments to me no later than 4:00 pm today. Thank you.

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

CREATOR: Ingrid M. Schroeder (SCHROEDER_I) (OMB)

CREATION DATE/TIME: 29-NOV-1995 12:51:53.69

SUBJECT: Conference Report on H.R. 1058

TO: William F. Wiggins (WIGGINS_W) (OMB)
READ: 29-NOV-1995 13:29:21.93

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ: 29-NOV-1995 12:54:36.46

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 29-NOV-1995 12:52:53.80

TO: David J. Haun (HAUN_D) (OMB)
READ: 29-NOV-1995 13:15:51.41

TO: Ellen J. Balis (BALIS_E) (OMB)
READ: 29-NOV-1995 15:11:03.05

TO: Jefferson B. Hill (HILL_J) (OMB)
READ: 29-NOV-1995 13:11:39.39

TO: Daniel Tate (TATE_D) (WHO)
READ: 1-DEC-1995 08:35:45.67

CC: Edward Brigham (BRIGHAM_E) (OMB)
READ: 29-NOV-1995 14:16:16.17

CC: James J. Jukes (JUKES_J) (OMB)
READ: 29-NOV-1995 13:11:09.27

TEXT:

Last night H.R. 1058 was reported from conference. The conference bill language is in the 11/28/95 Congressional Record on pages H13692 - H13705.

This bill could be taken up at any time in the House and Senate. If you do not have access to the Congressional Record please let me know and I will make you a copy of the bill language.

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

CREATOR: Ingrid M. Schroeder (SCHROEDER_I) (OMB)

CREATION DATE/TIME:30-NOV-1995 11:58:02.99

SUBJECT: Treasury Report on H.R. 2131

TO: William F. Wiggins (WIGGINS_W) (OMB)
READ:30-NOV-1995 11:58:17.37

TO: Edward Brigham (BRIGHAM_E) (OMB)
READ:30-NOV-1995 13:57:05.37

TO: Jefferson B. Hill (HILL_J) (OMB)
READ:30-NOV-1995 19:04:36.84

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:30-NOV-1995 12:06:12.76

TO: Elena Kagan (KAGAN_E) (WHO)
READ:30-NOV-1995 12:03:56.23

TO: Mark A. Wasserman (WASSERMAN_M) (OMB)
READ:30-NOV-1995 12:28:34.73

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:30-NOV-1995 13:05:19.84

TO: Joseph Minarik (MINARIK_J) (OMB)
READ:30-NOV-1995 13:01:42.61

CC: James J. Jukes (JUKES_J) (OMB)
READ:30-NOV-1995 11:58:27.72

CC: James C. Murr (MURR_J) (OMB)
READ:30-NOV-1995 12:59:41.41

TEXT:

I just sent around a copy of the Treasury draft report on H.R. 2131 - Capital Markets Deregulation Liberalization Act of 1995, for comment by 4pm today.

Treasury just called to request that we speed up the clearance process because Sec. Rubin is leaving town today and they need him to sign the letter.

Please provide comments on the letter by 1:30pm today. If you do not think you can meet this deadline please let me know ASAP.

Thanks

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

CREATOR: Charles S. Konigsberg (KONIGSBERG_C) (OMB)

CREATION DATE/TIME: 6-DEC-1995 19:41:42.24

SUBJECT: SENDING AGAIN....

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ: 6-DEC-1995 19:50:36.73

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ: 6-DEC-1995 19:43:55.80

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ: 6-DEC-1995 21:39:07.37

TO: Robert G. Damus (DAMUS_R) (OMB)
READ: 7-DEC-1995 08:24:50.57

TO: Joseph Minarik (MINARIK_J) (OMB)
READ: 7-DEC-1995 08:27:48.00

TO: Barry B. Anderson (ANDERSON_B) (OMB)
READ: 6-DEC-1995 21:44:31.23

TO: James J. Jukes (JUKES_J) (OMB)
READ: 6-DEC-1995 19:54:47.97

TO: Jill M. Blickstein (BLICKSTEIN_J) (OMB)
READ: 7-DEC-1995 15:46:21.60

TO: James C. Murr (MURR_J) (OMB)
READ: 6-DEC-1995 19:42:32.26

TO: Jacob J. Lew (LEW_J) (OMB)
READ: NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 7-DEC-1995 08:52:41.39

TO: Patrick J. Griffin (GRIFFIN_P) (WHO)
READ: NOT READ

TO: Barbara C. Chow (CHOW_B) (WHO)
READ: 7-DEC-1995 09:10:37.38

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ: 7-DEC-1995 10:10:24.54

TO: Laura D. Tyson (TYSON_L) Autoforward to: Thomas O'Donnel
READ: NOT READ

TO: John C. Angell (ANGELL_J) (WHO)
READ: 6-DEC-1995 19:59:40.13

TO: Martha Foley (FOLEY_M) (WHO)
READ: 6-DEC-1995 21:11:56.18

TO: Robert E. Litan (LITAN_R) (OMB)

READ: 6-DEC-1995 21:06:03.68

TO: T J Glauthier (GLAUTHIER_T) (OMB)

READ: 6-DEC-1995 23:10:06.52

TO: Gordon Adams (ADAMS_G) (OMB)

READ: 7-DEC-1995 14:41:08.54

TO: Kenneth S. Apfel (APFEL_K) (OMB)

READ: 6-DEC-1995 19:44:41.95

TO: Nancy-Ann E. Min (MIN_N) (OMB)

READ: 6-DEC-1995 20:08:41.41

TO: Stacey L. Rubin (RUBIN_S) (WHO)

READ: 6-DEC-1995 20:45:03.19

TO: Dena B. Weinstein (WEINSTEIN_D) (WHO)

READ: 6-DEC-1995 19:53:02.43

TEXT:

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

ATT CREATION TIME/DATE: 6-DEC-1995 18:52:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Charles S. Konigsberg

ATT SUBJECT: ITEM VETO

ATT TO: Charles S. Konigsberg (KONIGSBERG_C)

ATT TO: Charles E. Kieffer (KIEFFER_C)

ATT TO: Lisa Kountoupes (KOUNTOUPES_L)

ATT TO: Robert G. Damus (DAMUS_R)

ATT TO: Joseph Minarik (MINARIK_J)

ATT TO: Barry B. Anderson (ANDERSON_B)

ATT TO: James J. Jukes (JUKES_J)

ATT TO: Jill M. Blickstein (BLICKSTEIN_J)

ATT TO: James C. Murr (MURR_J)

ATT TO: Jacob J. Lew (LEW_J)

ATT TO: Elena Kagan (KAGAN_E)

ATT TO: Patrick J. Griffin (GRIFFIN_P)

ATT TO: Barbara C. Chow (CHOW_B)

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

ATT TO: Laura D. Tyson (TYSON_L)

ATT TO: John C. Angell (ANGELL_J)
ATT TO: Martha Foley (FOLEY_M)
ATT TO: Charles S. Konigsberg (KONIGSBERG_C)
ATT TO: Robert E. Litan (LITAN_R)
ATT TO: T J Glauthier (GLAUTHIER_T)
ATT TO: Gordon Adams (ADAMS_G)
ATT TO: Kenneth S. Apfel (APFEL_K)
ATT TO: Nancy-Ann E. Min (MIN_N)
ATT CC: Stacey L. Rubin (RUBIN_S)
ATT CC: Dena B. Weinstein (WEINSTEIN_D)

TEXT:

Attached are the informal line-item veto comments I hope to take to the Senate late on Thursday. Senate staff are this week preparing a counter-offer to the House item veto proposal. Our best opportunity to affect the legislation is to give our comments -- this week -- to Senate staff who are preparing the counter-offer. Several key staffers have indicated an interest in our substantive comments. Note that the comments are NOT labeled as Administration comments. Please let me know by 3pm Thursday if you have any additional comments. (This has been vetted by Treasury, DOJ, OMB, DPC, AND WH/COUNSEL.) I know that everyone is very busy right now, but this is our best opportunity to affect the process. (Since this is not a formal conference letter, we can certainly communicate additional comments later on.) Thanks.

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

===== ATTACHMENT 2 =====

ATT CREATION TIME/DATE: 6-DEC-1995 18:52:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Charles S. Konigsberg

TEXT:

WPCd.

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□Summary of comments on House item veto offer #1□:

1. Provide a special rule for FY 1996 appropriations so that amounts may be rescinded in bills enacted prior to enactment of lineitem veto authority.
2. Drop the Senate's mandatory "lockbox" language; the language is technically unclear and could impair the ability to pay for necessary supplementals.
3. In order to make the application to tax benefits more workable and effective, use the more generic definition of targeted tax benefit recommended in the attachment.
4. Constitutional concern: In applying the authority to direct spending and taxes, use "suspend" instead of "veto," and include language explaining the effect of suspension.
5. Constitutional concern: giving JCT authority to determine targeted tax benefits raises Chadha concerns.
6. In applying the authority to direct spending, use the terminology "new direct spending."
7. The language defining "item" is unnecessary and confusing.
8. Drop the Senate provision prohibiting the inclusion of nonemergency items in an emergency bill.
9. Add conforming amendments to the BEA to clarify that OMB discretionary spending reports and PAYGO reports, required under current law to be issued 5 days after enactment of legislation, need to be adjusted following a rescission of discretionary appropriations or suspension of new direct spending or targeted tax benefits.
10. Enhance the ability of the Administration to review carefully all tax and spending provisions by increasing the window for transmittal of special messages from 10 days to 20 days.
11. Delete the 3-judge court judicial review mechanism but retain the requirement for expedited consideration (considerable litigation experience has shown that 3-judge courts are often inefficient and cumbersome and can actually cause co

nsiderable
delay).

12. Include a severability provision in the legislation.

%,**□

Comments on the House Offer:

□□

□? □□ HOUSE OFFER: Include new direct spending□□.□

XThe attached legislative language reflects two technical corrections. First, the authority should be applied to "new direct spending" rather than "any item of direct spending."

The legislative draft defines "item of direct spending" as

"any section that increases direct spending." This definition is problematic

because direct spending is often the result of the interactive effects of many provisions and cannot be

isolated in a section or sections of a bill. It is therefore

more workable to permit the President simply to identify and suspend "

new direct spending." (#

XSecond, the Department of Justice continues to urge, for constitutionality rea

sons, that the bill use the term

"suspend" in lieu of "veto". The Presentment

Clause of the

Constitution provides that the President only can exercise his "v

eto" power before a provision becomes law, i.e. when a bill is presented for ap

proval or disapproval whereas this

legislation which calls for a "veto" after a bill is signed.

By contrast, the Supreme Court has long upheld the constitu

tionality of provisions that delegate to the President

the power to suspend the

operation of particular laws. This

alternative approach is reflected in the a

ttached language. (#

□?p□□ HOUSE OFFER: Use JCT approved compromise language on new targeted

□?8□tax

benefits.□

XThe Justice Department continues to urge that the bill use the term "suspend"

in lieu of "veto" (for the reasons described

above); and the Treasury Departmen

t urges that a provision be

added to authorize the IRS to take enforcement acti

on against individuals or entities seeking to use a targeted tax benefit when that benefit has been suspended. Language reflecting these suggestions is set forth in the attachment. (#

XThe House offer would define targeted tax benefit as "any revenue losing provision that provides a federal income tax deduction, credit, exclusion or preference to 100 or fewer beneficiaries" with several exceptions; the definition also

includes transition rules that provide special treatment to 5 or fewer taxpayers, with exceptions. (#

XThe Treasury Department notes that it will be difficult, if not impossible for

anyone, including JCT, to determine the number of persons affected by any particular tax provision.

This test requires too much precision and is too easy to avoid

or manipulate in the drafting process and by taxpayers. It creates an i

ncentive for tax benefit provisions to be drafted too broadly. In addition, it

provides no time limit within which this "100 or fewer" standard must be met. (#

XA definition of targeted tax benefit closer to the Senate definition is preferable

i.e., causing a revenue loss and "having the practical effect of providing

more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers." Language to accomplish this is set forth in the

attachment. (#

XIn addition, the Justice Department notes that the language of the House offer

presents a constitutional problem. The JCT determinations of what is a "targeted tax benefit" would

apparently not be incorporated into bills. As a result, the

scope of the President's "veto" authority would be established by JCT alone.

In short, law would be made by a committee of Congress in a report, not by

Congress as a whole in legislation. This would appear to violate the "[e]xplicit and

unambiguous provisions" of the Constitution that prescribe "a single, fi

nely wrought and exhaustively considered, procedure," by which laws are to be made: bicameral passage by both Houses of Congress followed by presentment to the President for his approval. *INS v. Chadha*, 462 U.S. 919, 945 (1983). This problem is remedied in the attached legislative draft which would give the President authority to determine when an item is a targeted tax benefit. However, even if this determination is to be made by the Congress it would, at a minimum, have to be made through the normal legislative process not by a committee of Congress acting unilaterally. (#

p~~XXXX~~ HOUSE OFFER: Use Senate definition of "item" (including specific exceptions for limitations and reductions in BA) unnumbered paragraph numbered section allocation or suballocation within an unnumbered X ~~paragraph or numbered section~~

~~XXXX~~XThis proposal appears to be unnecessary and problematic. It was necessary as part of the Senate's separate enrollment legislation to very carefully identify "items" which were to be separately enrolled by congressional clerks. However, no such necessity exists under the House enhanced rescission legislation, since the President would be sending detailed messages to Congress identifying amounts of budget authority being rescinded, as well as new direct spending and targeted X~~(#tax benefits being suspended.~~

XMoreover, the Senate definition is problematic. "Allocation or suballocation within a an unnumbered paragraph or numbered section" is unclear. (#

X~~'XXXX~~ HOUSE OFFER: Accept Senate lockbox language.

XThe Senate approach would require the President to reduce the statutory discretionary spending caps to reflect rescissions* of discretionary budget authority and to reduce PAYGO balances under the Budget Enforcement Act to reflect suspended direct spending or targeted tax benefits. This proposal is unclear and unworkable. (#

XTechnical concern: The bill language is unclear on two

counts. First, it requires a reduction in discretionary caps "by the amount by which the Act would have increased the deficit..." Since the rescission authority is applied to it

ems of discretionary spending, what does it mean to refer to the amount by which "the Act" increases the deficit? Second, since the amount of the cap reduction is tied to a deficit calculation, does this mean that only the outlay caps are to be affected?#(#

XPolicy concern: With regard to discretionary spending a mandatory cap reduction would make it very difficult for Congress to provide necessary supplemental appropriations later in the year (as it did this year in response to the Oklahoma City bombing and the Northridge earthquake). Or, it could have the perverse effect of encouraging the increased use of emergency designations. (#

X` hp x (#%'0*,.8135@8:<H?A!

XThe language of the Housepassed bill, which authorizes the President to propose reductions in the discretionary caps without making the reductions automatic, is preferable. (#

XIn addition, since the caps on total discretionary spending are carefully negotiated as part of multiyear budget plans, serious thought should be given as to whether it makes sense for an automatic budget mechanism to be changing the caps on an ad hoc basis. (#

XWith regard to the mandatory reductions in PAYGO balances, the House conferees are apparently proposing that any amounts saved by the President by suspending new direct spending or targeted tax benefits should not be added back to the PAYGO balances, and would thereby not be available to offset other legislation.

However, this is contrary to the payasyougo concept of the Budget Enforcement Act, which has operated effectively, now, for 5 years. If mandatory funds or revenues are saved by reason of suspending tax benefits or new direct spending, it would be consistent with the BEA for those savings to be credited to the PAY

GO scorecard to be available
as offsets for other legislation. (#

□?\$\$□ HOUSE OFFER: Accept Senate emergency spending point of order,
□?%□with a
majority waiver requirement.□

XThis refers to the Senate provision prohibiting the inclusion
of nonemergency
items in an emergency bill (except for
rescissions and reductions to pay for th
e emergency
provisions) and providing a point of order against legislation
that

includes such items. This would impair an0*,**Administration's ability to dev
elop appropriations packages
which include both supplemental and emergency prov
isions, as
was the case in the FY 1995 supplemental/rescission bill. (#

□□

□?□□Additional Comments□:!!U

In addition to the issues raised in the House conferees' proposal
to the Senate
, the following changes to the Housepassed bill are
recommended (and are reflec
ted in the attached legislative
language):

1. Enhance the ability of the Administration to review carefully
all tax and s
pending provisions by increasing the window for
transmittal of special messages
from 10 days to 20 days.
2. Include a severability provision in the legislation.
3. Delete the 3judge court judicial review mechanism but retain
the requiremen
t for expedited consideration (considerable
litigation experience has shown tha
t 3judge courts are often
inefficient and cumbersome and can actually cause con
siderable
delay).
4. Provide a special rule for FY 1996 appropriations so that
amounts may be re
scinded in bills enacted prior to enactment of
lineitem veto authority (similar
to the Housepassed provision for
FY 1995 appropriations). Provide twenty days
following enactment
for such authority to be exercised.
5. Make conforming changes to the Budget Enforcement Act to clarify
that OMB di

cretionary spending reports and PAYGO reports, required under current law to be issued 5 days after enactment of legislation, need to be adjusted following a rescission of discretionary appropriations or suspension of new direct spending or targeted tax benefits. This is reflected in the attached language.

,**Recommended amendments to House Offer Number 1 Regarding S. 4 (Line item veto):

(Following is the legislative language proposed by the House conferees; proposed changes are indicated with linetype and boldface.) #d6X`70e@# 104TH CONGRESS 1ST SESSION

S. 4

=====

AN ACT

An Act to give the President item veto authority respecting appropriations, increases in new direct spending, and tax benefits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Line Item Veto Act of 1995".

SEC. 2. LINE ITEM VETO AUTHORITY.

(a) IN GENERAL.--Notwithstanding the provisions of part B of title X of The Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind in whole or in part any dollar amount of any item of

discretionary budget authority provided in an appropriation act, veto

suspend any item of new direct spending, or veto suspend any targeted tax

ben
efit which is subject to the terms of this Act if the President
(1) determines that--

□s5F□ (A) such rescission or

item veto

□suspension□ would help red

uce

the Federal budget deficit;

□s5□ (B) such rescission or

item veto

□suspension□ will not impair

any essential Government functions; and

□s5□ (C) such rescission or

item veto

□suspension□ will not harm t

he

national interest; and

(2) notifies the Congress of such rescission or

item veto

□s5□□suspen

sion□ by a special message not later than

ten

□twenty□ calendar days

(not inc

luding Sundays) after the date of enactment of an appropriation or
authorizatio

n Act providing such budget authority or a revenue or

□s5□

reconciliation

□oth

er□ Act containing a targeted tax benefit □or new direct

□s5x□spending□.

□s5 □ (b) DEFICIT REDUCTION.--□In each special message, the President may

□s

4o!□also propose to reduce the □□appropriate discretionary spending limit set

□

s4"□forth in section 601(a)(2) □□of the Congressional Budget Act of 1974 by an

□s4"□amount that does not □□exceed the total amount of discretionary budget

□s5

d#□authority rescinded by □□that message.□

(1) IN GENERAL. Not later than 45 days of continuous session
after the Presid

ent rescinds an item in an appropriations Act or vetoes an
item in an authoriza

tion, revenue, or reconciliation Act, the President
shall

(A) with respect to appropriations Acts, reduce the

discretionary spending limits under section 601 of the

Congressional Budget Act of 1974 for the budget year and each

outyear by the amount by which the Act would have increased

the deficit in each respective year;

),**

(B) with respect to a v
eto of direct spending or of a targeted tax

benefit, reduce the balances
for the budget year and each outyear

under section 252(b) of the Bal
anced Budget and Emergency Deficit

Control Act of 1985 by the amount
by which the Act would have

increased the deficit in each respect
ive year.

(2) EXCEPTIONS.--

(A) This subsection shall not apply if the rescinded item in an

appropriation Act or the vetoed item in an authorization, revenue,

or reconciliation Act becomes law, over the objections of the

Pre
sident, before the President orders the reduction required by

paragr
aph (1) (A) or (1) (B).

(B) If the rescinded item in an appropriation Act or the vetoed

item in an authorization, revenue, or reconciliation Act becomes law

ov
er the objections of the President, after the President has ordered

the r

eductions required by paragraph (1) (A) or (1) (B), then the

President

t shall restore the discretionary spending limits under section

601 of th

e Congressional Budget Act of 1974 or the balances under

section 252 (

b) of the Balanced Budget and Emergency Deficit Control Act

of 1985 to re

flect the limits and balances existing before the

reduction ordere

d by the President in compliance with paragraph (1).

(c) SEPARATE MESSAGES.--(1) The President shall submit a separate special message for each appropriation Act, for each authorization Act, and for

each revenue or reconciliation Act under this section.

(2) In the case of any such special message regarding an appropriation Act

that message shall specify

(A) the amount of budget authority which he proposes to be

rescinded,

the direct spending to be suspended, or the

targeted tax benefit to be suspended;

(B) any account, department, or establishment of the

Government to which such budget authority is available for

obligation, or which has jurisdiction over the direct spending or

targeted tax benefit affected, and the specific project or

governmental functions involved;

(C) the reasons why the budget authority should be rescinded, or

the direct spending or targeted tax benefit should be suspended;

(D) to the maximum extent practicable, the estimated fiscal,

economic, and budgetary effect of the proposed rescission or

suspension; and

(E) all facts, circumstances, and considerations relating to or

bearing upon the proposed rescission or suspension and the decision to

effect the proposed rescission or suspension and to the maximum extent

practicable, the estimated effect of the proposed rescission or

practicable, the estimated effect of the proposed rescission or

§5 (b) suspension upon the objects, purposes, and programs for which the budget authority, direct spending, or tax benefit is provided.

(d) SPECIAL RULE FOR FISCAL YEAR 1995 and FISCAL YEAR 1996 APPROPRIATION MEASURES.--

Notwithstanding subsection (a)(2), in the case of any unobligated discretionary budget authority provided by any appropriation Act for fiscal year 1995 and for fiscal year 1996, the President may rescind all or part of that discretionary budget authority under the terms of this Act if the President notifies the Congress of such rescission by a special message not later than ten

twenty calendar days (not including Sundays) after the date of enactment of this Act.

(e) Amendments to the Budget Enforcement Act.

(1) Section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting in the second sentence,

following "within 5 calendar days after the enactment of any discretionary appropriations," the following: "or following a special message rescinding any amount of discretionary spending pursuant to the Line Item Veto Act of 1995 or after a disapproval bill relating thereto is enacted,".

(2) Section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting in the second sentence,

following "within 5 calendar days after the enactment of any direct spending or receipts legislation enacted after the date of enactment of this section," the following: "or following a special message suspending any new direct spending or targeted tax benefit pursuant to the Line Item Veto Act of 1995 or after a disapproval bill relating thereto is enacted,".

§5 (f) Discretionary Budget Authority.-- Any amount of discretionary budget authority rescinded under this Act as set forth in a special message by the President shall not be made available unless, during the

period beginning on the date of such rescission and ending on the date of the special message, such amount is available for the purposes for which it was originally appropriated.

§5 (g) Discretionary Budget Authority.-- Any amount of discretionary budget authority rescinded under this Act as set forth in a special message by the President shall not be made available unless, during the

period beginning on the date of such rescission and ending on the date of the special message, such amount is available for the purposes for which it was originally appropriated.

§5 (h) Discretionary Budget Authority.-- Any amount of discretionary budget authority rescinded under this Act as set forth in a special message by the President shall not be made available unless, during the

period beginning on the date of such rescission and ending on the date of the special message, such amount is available for the purposes for which it was originally appropriated.

§5 (i) Discretionary Budget Authority.-- Any amount of discretionary budget authority rescinded under this Act as set forth in a special message by the President shall not be made available unless, during the

period beginning on the date of such rescission and ending on the date of the special message, such amount is available for the purposes for which it was originally appropriated.

§5 (j) Discretionary Budget Authority.-- Any amount of discretionary budget authority rescinded under this Act as set forth in a special message by the President shall not be made available unless, during the

period beginning on the date of such rescission and ending on the date of the special message, such amount is available for the purposes for which it was originally appropriated.

§5 (k) Discretionary Budget Authority.-- Any amount of discretionary budget authority rescinded under this Act as set forth in a special message by the President shall not be made available unless, during the

period beginning on the date of such rescission and ending on the date of the special message, such amount is available for the purposes for which it was originally appropriated.

SEC. 3. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Discretionary Budget Authority.-- Any amount of discretionary budget authority rescinded under this Act as set forth in a special message by the President shall not be made available unless, during the

period beginning on the date of such rescission and ending on the date of the special message, such amount is available for the purposes for which it was originally appropriated.

§5 (2) Discretionary Budget Authority.-- Any amount of discretionary budget authority rescinded under this Act as set forth in a special message by the President shall not be made available unless, during the

period described in subsection (b), a disapproval bill making available all or part of the amount rescinded is enacted into law.

(2) New Direct Spending and Targeted Tax Benefits.

(A) Any provision of law which increases
provides new direct

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spending or provides a targeted tax benefit vetoed

which has been

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suspended under this Act, as set forth in a special message by the

President shall take effect only if a disapproval bill restoring that

provision is enacted into law during the period described in

subsection (b). For purposes of this Act, the suspension of new

direct spending or targeted tax benefits shall be deemed to extinguish

any legal entitlement to benefits or other rights deriving therefrom.

(B) In the case of a suspension of a targeted tax benefit, the

Internal Revenue Service is authorized and directed to take

appropriate enforcement actions against individuals or entities

seeking to use a targeted tax benefit that has been suspended.

(b) The period referred to in subsection (a) is--

(1) a congressional review period of twenty calendar days of session, beginning on the first calendar day of session after the date of submission of the special message, during which Congress must complete action on the disapproval bill and present such

bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the disapproval bill; and

(3) if the President vetoes the disapproval bill during the period

provided in paragraph (2), an additional five calendar days of session

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after the date of the veto

is

provided for congressional review.

[(c) If a special message is transmitted by the President under this Act and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the

rescission or
veto

suspension, as the case may be, shall not take effect.

The message shall be deemed to have been retransmitted on the first calendar day of session in February of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message)

shall

run beginning after such first day.] (The House offer displays

this para

graph in brackets.)

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "item" means

(A) with respect to an appropriation Act

(i) any numbered section, or

(ii) any unnumbered paragraph;

but shall not include a provision which does not appropriate funds,),**

direct the President to expend funds for any specified project, or

create an express or implied obligation to expend funds and shall not

include a provision that

(I) rescinds or cancels existing budget authority;

(II) only limits, conditions, or otherwise restricts

the President's authority to spend otherwise appropriated

funds; or

(III) imposes conditions on an item of appropriation not

involving a positive allocation of funds by explicitly

prohibiting the use of any funds; and

(B) with respect to an authorization, revenue, or

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reconciliation Act, any section that increases direct spending or

provides a targeted tax benefit.

(2) The term "direct spending" means
(A) budget authority provided by law other than appropriation

Acts;

(B) entitlement authority as defined in section 3(9) of the
Congressional Budget and Impoundment Control Act of 1974; and

(C) the food stamp program.

(3) (A) Except as otherwise provided in this paragraph, the term
"targeted tax benefit" means any revenue losing tax provision which is

identified by the

Joint Committee on Taxation

as

(i) a provision which provides a Federal tax

deduction, credit, exclusion, or preference to
100 or fewer

beneficiaries,

(i) a particular taxpayer or limited group of

taxpayers, or

(ii) a transitional rule or other provision which provides

a

special treatment

for 5 or fewer beneficiaries
to a particular

taxpayer or limited group of taxpayers, or any portion of a

provision that has substantially the same effect.

(B) A provision shall be treated as not described in subparagraph

(A) (i) if the

Joint Committee on Taxation

as

(i) all persons engaged in the same type of activity receive

the same treatment under the provision,

(ii) all persons owning the same type of property, or issuing

the same type of investment, receive the same treatment under

the provision, or

(iii) any difference in the treatment of persons is based

solely on

(I) in the case of entities, the size or type of the

entities involved,

(II) in the case of individuals, their filing status,

(III) the amount involved, or

(IV) a generally available election made by taxpayers.

(C) A provision shall be treated as not described in subparagraph

§ 501

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A)(ii) if the

Joint Committee on Taxation

§ 501 President determines that

it

provides for the retention of prior law with respect to all binding

contracts

in existence on the date of first public notice that a

change in

law is actively being considered by a committee of either

House of Congress,

or a conference

committee.

(D) For purposes of subparagraph (A)

(i) all entities which are related shall be treated as 1

entity;

(ii) all qualified plans of an employer shall be treated as

1 plan;

(iii) all holders of tax-exempt bonds which are part of the

same issue shall be counted as 1 beneficiary, and

(iv) shareholders of a corporation, partners in a

partnership, and beneficiaries of a trust or estate, shall not be

treated as beneficiaries if the corporation, partnership, trust,

or estate is treated as a beneficiary.

§ 501

(D) For purposes of subparagraph (A), a provision is "revenue"

losing" when the Secretary of the Treasury determines that the

provision,

when compared to the rest of the bill if the provi

sion were

not included, reduces governmental receipts for any one of the four

following periods--

(1) the first fiscal year for which the most recent budget

has been submitted by the President;

(2) the fiscal year immediately preceding the first fiscal

year for which the most recent budget has been submitted by the

President;

(3) the period comprised of the first fiscal year for which

the most recent budget has been submitted by the President and t

he

four immediately succeeding fiscal years; or

(4) the period comprised of the five fiscal years immediately

succeeding the period described in paragraph (3).

(4) The term "disapproval bill" means a bill or joint resolution

wh

ich only disapproves, in whole, rescissions of discretionary budget

authority;

or

only disapproves vetoes

suspensions of

increases in

new

direct spending or of targeted tax benefits in a special message

transmitted by the President under this Act and--

(A) which does not have a preamble;

(B) (i) in the case of a special message regarding rescissions, the matter after the enacting clause of which is as follows: "That Congress disapproves each rescission of discretionary budget authority of the President as submitted by the President in a special message on _____", the blank space being filled in with the appropriate date and the public law to which the message relates; and

(ii) in the case of a special message regarding

item vetoes of

increases in

suspensions of new direct spending, the matter after

the enacting clause of which is as follows: "That Congress

disapproves each

item veto of increases in

suspension of new

direct spending

of the President

as submitted by the President in

a special message on _____", the blank space being filled in with the appropriate date and the public law to which the message relates; and (iii) in the case of a special message regarding item vetoes

§ 520 suspensions of targeted tax benefits, the matter after the enacting clause of which is as follows: "That Congress disapproves each item veto suspension of targeted tax benefits of the

President as submitted by the President in a special message on _____", the blank space being filled in with the appropriate

§ 520 date and the public law to which the message relates; and (C) the title of which is as follows: "A bill disapproving the recommendations submitted by the President on _____", the blank space being filled in with the date of submission of the relevant special message and the public law to which the message relates.

(5) The term "calendar days of session" shall mean only those days on which both Houses of Congress are in session.

(6) The term "appropriation Act" means any general or special appropriation Act, or any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

SEC. 5. CONGRESSIONAL CONSIDERATION OF LINE ITEM VETOES.

(a) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.--

(1) Each special message transmitted under this Act shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under this Act shall be printed in the first issue of the Federal Register published after such transmittal.

(b) INTRODUCTION OF DISAPPROVAL BILLS.--The procedures set forth in subsection (c) shall apply to any disapproval bill introduced in the House of Representatives not later than the third calendar day of session

beginning on the day after the date of submission of a special message by the President under section 2.

(c) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.--(1) The committee of the House of Representatives to which a disapproval bill is referred shall report it without amendment, and without recommendation, not later than the seventh calendar day of session after the date of its introduction. If the committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge may be made only by an individual favoring the bill (but only at a time or place designated by the Speaker in the legislative schedule) after the calendar day on which the Member offering the motion announces to the House his intention to do so and the form of the motion). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(2) After a disapproval bill is reported or the committee has been discharged from further consideration, it is in order to move that the House resolve in favor of the bill. If the bill is reported by a committee, it shall not be considered in the House until the first calendar day (excluding Saturdays, Sundays, and legal holidays) on which the report of that committee has been available to the Members of the House. All points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed, shall be confined to the bill, and shall not exceed two hours equally divided and controlled by a proponent and an opponent of the

he bill. One motion to rise shall be in order. No amendment
 to the bill i
 s in order, except any Member may move except from [unclear
 what is inten
 ded here?] the disapproval bill any item or items if
 supported by one-fifth of
 the Members of the Committee of the Whole (a
 quorum being present). At the co
 nclusion of the consideration of the bill
 for amendment, the Committee shall ri
 se and report the bill to the House.
 The previous question shall be considered
 as ordered on the bill and
 amendments thereto to final passage without interven
 ing motion. A motion
 to reconsider the vote on passage of the bill shall not be
 in order.

(3) Appeals from the decisions of the Chair relating to the
 application of the rules of the House of Representatives to the
 procedure relating to a bill described in subsection (b) shall be
 decided without debate.

(4) It shall not be in order to consider more than one bill
 described in subsection (b) or more than one motion to discharge
 described in paragraph (1) with respect to a particular special
 message.),**

(5) Consideration of any disapproval bill under this subsection is
 governed
 by the rules of the House of Representatives except to the extent
 specifically
 provided by the provisions of this Act.

(d) CONSIDERATION IN THE SENATE.--

(1) Any disapproval bill received in the Senate from the House
 s
 hall be considered in the Senate pursuant to the provisions of this
 Act.

(2) Debate in the Senate on any disapproval bill and debatable
 m
 otions and appeals in connection therewith, shall be limited to not
 more t
 han ten hours. The time shall be equally divided between, and
 controlled
 by, the majority leader and the minority leader or their
 designees.

(3) Debate in the Senate on any debatable motions or appeal
 in connection with such bill shall be limited to one hour, to be
 equally divided between, and controlled by the mover and the
 manager of the bill, except that in the event the manager of the
 bill is in favor of any such motion or appeal, the time in
 opposition thereto shall be controlled by the minority leader or
 his designee. Such leaders, or either of them, may, from the
 time under their control on the passage of the bill, allot
 additional time to any Senator during the consideration of any
 debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A
 motion to recommit (except a motion to recommit with
 instructions to report back within a specified number of days
 not to exceed one, not counting any day on which the Senate is

not in session) is not in order.

(e) CONSIDERATION IN CONFERENCE

(1) In the case of any disagreement between the two Houses of Congress with respect to a disapproval bill passed by both Houses, conferees shall all be promptly appointed and a conference promptly convened. If the committee of conference makes and files a report with respect to the bill not later than two calendar days before the expiration of the 20 calendar days of session period set forth in this section for congressional consideration, the conference report on the bill shall be highly privileged for consideration in both Houses until the expiration of the 20-day period. Notwithstanding any other rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such 20-day period.

(2) Debate in the House of Representatives on the conference report on any disapproval bill shall be limited to not more than one hour equally divided and controlled by a proponent and an opponent. A motion to further limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(3) The conference report on the disapproval bill shall be highly privileged for consideration in the Senate. Debate in the Senate on any conference report on a disapproval bill shall be limited to no more than 2 hours equally divided and controlled by the majority leader and the minority leader or their designees.

(4) Complete congressional consideration of the disapproval bill and any conference report thereon shall not exceed the expiration of the 20 calendar days of session provided for this purpose as set forth in this section.

(f) POINTS OF ORDER.--

(1) It shall not be in order in the Senate to consider any disapproval bill that relates to any matter other than the rescission

□s5)

□ of budget authority or veto

□suspension□ of the provision of law)

□,** transmitted by the President under this Act.

(2) It shall not be in order in the Senate to consider any amendment to a disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

SEC. 6. REPORTS OF THE GENERAL ACCOUNTING OFFICE.

Beginning on January 6, 1997, and at one-year intervals thereafter, the Comptroller General shall submit a report to each House of Congress which provides the following information:

(1) A list of each proposed Presidential rescission of

□s5(□ discretionary budget authority and veto

□suspension□ of an increase

in

□

□s5# □□ □new□ direct spending or of a targeted tax benefit □□submitted through

special messages for the fiscal year ending during the preceding

calendar year, together with their dollar value, and an indication

of whether each rescission of discretionary budget authority or veto

□s5□ □suspension□ of an increase in

□new□ direct spending or of a targeted tax

benefit was accepted or rejected by Congress.

(2) The total number of proposed Presidential rescissions

□s5 □ of discretionary budget authority and vetoes

□suspensions□ of an

□s5^□ increase in

□new□ direct spending or of a targeted tax benefit □□submitted

through special messages for the fiscal year ending during the

preceding calendar year, together with their total dollar value.

(3) The total number of Presidential rescissions of

□s5□ discretionary budget authority or vetoes

□suspensions□ of an increase

in

§ 501(c)(2) direct spending or of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year and approved by Congress, together with their total dollar value.

(4) A list of rescissions of discretionary budget authority or

§ 501(c)(2)

veto of suspensions of an increase in

§ 501(c)(2) direct spending or of a

targeted tax benefit initiated by Congress for the fiscal year ending during the preceding calendar year, together with their dollar value,

and an indication of whether each such rescission was accepted or rejected by Congress.

(5) The total number of rescissions of discretionary budget or

§ 501(c)(2)

veto of suspensions of an increase in

§ 501(c)(2) direct spending or of a

targeted tax benefit initiated and accepted by Congress for the fiscal

year ending during the preceding calendar year, together with their total dollar value.

(6) A summary of the information provided by paragraphs (2), (3) and (5) for each of the ten fiscal years ending before the fiscal year during this calendar year.

SEC. 7. DUTIES OF CONGRESSIONAL COMMITTEES.

(a) IN GENERAL. Any report accompanying a bill or joint resolution or a joint explanatory statement accompanying a conference report in which there is any Federal income tax benefit shall include a determination

§ 501(c)(2) report by the Joint Committee on Taxation of whether it contains any targeted tax benefit and an identification of each such benefit.

(b) STATEMENT BY JOINT COMMITTEE ON TAXATION. The Joint Committee on Taxation shall determine whether any bill, joint resolution, or conference report described in subsection (a) contains a targeted tax benefit.

(c) LEGISLATION SUBJECT TO POINT OF ORDER. It shall not be in order in the Senate or the House of Representatives to consider any bill, joint

resolution, o
r conference report that is not in compliance with subsection
(a).

[(d) CONFORMING AMENDMENT TO THE RULES OF THE HOUSE OF
REPRESENTATIVES. Clau

se 2(1) of rule XI of the Rules of the House of)

,**Representatives is amended

by redesignating subparagraphs (5), (6), and
(7) as subparagraphs (6), (7), and

(8), respectively, and by inserting

after subparagraph (4) the following new s
ubparagraph:

"(5) Each report of a committee that includes any Federal income tax
b
enefit shall comply with section 7(a) of the Line Item Veto Act."

SEC. 8. TREATMENT OF EMERGENCY SPENDING.

(a) EMERGENCY APPROPRIATIONS.--Section 251(b)(2)(D)(i) of the
Balanced Budget and Emergency Deficit Control Act of 1985 is amended
by adding at the end the following new sentence: "However, OMB shall
not adjust any discretionary spending limit under this clause for
any statute that designates appropriations as emergency requirements
if that statute contains an appropriation for any other matter,
event, or occurrence, but that statute may contain rescissions of
budget authority."

(b) EMERGENCY LEGISLATION.--Section 252(e) of the Balanced
Budget and Emergency Deficit Control Act of 1985 is amended by
adding at the end the following new sentence: "However, OMB shall
not designate any such amounts of new budget authority, outlays, or
receipts as emergency requirements in the report required under
subsection (d) if that statute contains any other provisions that
are not so designated, but that statute may contain provisions that
reduce direct spending."

(c) NEW POINT OF ORDER.--Title IV of the Congressional Budget
Act of 1974 is amended by adding at the end the following new
section:

"POINT OF ORDER REGARDING EMERGENCIES

"SEC. 408. It shall not be in order in the House of
Representatives or the Senate to consider any bill or joint
resolution, or amendment thereto or conference report thereon,
containing an emergency designation for purposes of section
251(b)(2)(D) or 252(e) of the Balanced Budget and Emergency Deficit
Control Act of 1985 if it also provides an appropriation or direct
spending for any other item or contains any other matter, unless it
rescinds bu
dget authority or reduces direct spending, or reduces an amount
for a designate
d emergency."

(d) CONFORMING AMENDMENT.--The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 407 the following new item:

"Sec. 408. Point of order regarding emergencies."

SEC. 9. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.--

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this Act violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard

and determined by a three-judge court in accordance with section

2284 of title 28, United States Code.

),**

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.--Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeals shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection

(a).

(d) SEVERABILITY.If any provision of this Act, an amendment made by this A

ct, or the application of such provision or amendment, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of this Act shall not be affected thereby.

===== END ATTACHMENT 2 =====