

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 001 - FOLDER -004

[03/19/1996 - 05/03/1996]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. (Partial) (1 page)	03/25/1996	P6/b(6)
002. email	Kumiki Gibson to Whalen, et al.; RE: Sat Night (1 page)	03/25/1996	Personal Misfile
003. email	Kumiki Gibson to Whalen, et al.; RE: Saturday Night (1 page)	03/28/1996	Personal Misfile
004. email	Kathleen Whalen to Marvin Krislov, et al.; RE: Dinner (1 page)	03/29/1996	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[03/19/1996 - 05/03/1996]

2009-1006-F

db1568

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

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

CREATOR: Ellen S. Seidman (SEIDMAN_E) (OPD)

CREATION DATE/TIME:19-MAR-1996 11:36:19.89

SUBJECT: Elena, the meachine's not working. Is this readable?

TO: Elena Kagan (KAGAN_E) (WHO)

READ:19-MAR-1996 11:37:51.06

TEXT:

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

ATT CREATION TIME/DATE:18-MAR-1996 09:13:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Ellen S. Seidman

ATT SUBJECT: Products points

ATT TO: Elena Kagan (KAGAN_E)

TEXT:

I've added three bullets on the top about where we are and made a small change in the bankruptcy bullet. I'm sending these on to Commerce (better something now than perfection later), but if anyone else is going to use these things, we probably should continue working. I'll call Jacoby and see if I can find out what's going on. Ellen

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

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

ATT CREATION TIME/DATE:18-MAR-1996 09:14:00.00

ATT BODYPART TYPE:p

TEXT:

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

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

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

CREATION DATE/TIME:19-MAR-1996 15:41:19.97

SUBJECT: Change to Due Date for LRMs

TO: Elena Kagan (KAGAN_E) (WHO)
READ:19-MAR-1996 17:12:05.16

TO: Dennis Burke (BURKE_D) (OPD)
READ:19-MAR-1996 15:42:21.79

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:21-MAR-1996 11:33:35.26

TO: Mary Jo Siclari (SICLARI_M) (OMB)
READ:19-MAR-1996 15:49:51.39

TO: James A. Nix (NIX_JA) (OMB)
READ:19-MAR-1996 15:54:58.11

TO: Antonio E. Chavez (CHAVEZ_A) (OMB)
READ:19-MAR-1996 15:46:23.53

TO: Margaret E. Evans (EVANS_ME) (OMB)
READ:19-MAR-1996 15:48:14.13

TO: Edward H. Chase (CHASE_E) (OMB)
READ:19-MAR-1996 15:41:38.36

TO: Michael F. Crowley (CROWLEY_M) (OMB)
READ:19-MAR-1996 15:41:39.08

TEXT:

DU e to a change in the date for Senate Governemtnal Affairs hearing on nuclear weapons proliferation, the deadlines for the DOD and Justice testimonies (LRMs 3816 and 3834 respectively) have been extended to 5:00 PM Wednesday.

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

CREATOR: Kristen E. Panerali (PANERALI_K) (OMB)

CREATION DATE/TIME:20-MAR-1996 10:33:40.10

SUBJECT: 2:00 mtg on item veto

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:20-MAR-1996 10:47:40.32

TO: James J. Jukes (JUKES_J) (OMB)
READ:20-MAR-1996 11:12:39.77

TO: Elena Kagan (KAGAN_E) (WHO)
READ:20-MAR-1996 12:54:24.09

TO: Barbara C. Chow (CHOW_B) (WHO)
READ:20-MAR-1996 20:30:17.96

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:20-MAR-1996 10:34:58.19

TO: Joseph Minarik (MINARIK_J) (OMB)
READ:20-MAR-1996 15:08:00.48

TO: Barry B. Anderson (ANDERSON_B) (OMB)
READ:20-MAR-1996 13:17:51.29

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ:20-MAR-1996 11:17:50.57

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ:NOT READ

TO: Martha Foley (FOLEY_M) (WHO)
READ:20-MAR-1996 14:35:53.44

TO: Harry E. Moran (MORAN_H) (OMB)
READ:20-MAR-1996 10:34:32.53

CC: Vanna J. Shields (SHIELDS_V) (OMB)
READ:20-MAR-1996 14:28:14.32

CC: Elisa M. Millsap (MILLSAP_E) (WHO)
READ:20-MAR-1996 10:36:23.88

CC: Ophelia D. West (WEST_O) (OMB)
READ:20-MAR-1996 10:38:01.36

CC: Yvonne T. Bowlding (BOWLDING_Y) (OMB)
READ:20-MAR-1996 11:15:50.22

TEXT:

There is a new item veto draft. Please join Chuck Konigsberg in 248 at 2:00 pm to review the draft. Thank you.

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

CREATOR: Anna M. Briatico (BRIATICO_A) (OMB)

CREATION DATE/TIME:20-MAR-1996 12:46:37.96

SUBJECT: Please note -- Incoming LRM 3845 (FLSA Amendments)

TO: Mary I. Cassell (CASSELL_M) (OMB)
READ:20-MAR-1996 12:49:32.18

TO: Barry White (WHITE_B) (OMB)
READ:20-MAR-1996 15:14:36.05

TO: Larry R. Matlack (MATLACK_L) (OMB)
READ:20-MAR-1996 13:52:25.87

TO: Janet L. Himler (HIMLER_J) (OMB)
READ:20-MAR-1996 13:41:58.78

TO: Daniel J. Chenok (CHENOK_D) (OMB)
READ:20-MAR-1996 13:33:20.55

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:20-MAR-1996 13:14:11.55

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:20-MAR-1996 12:54:06.34

TO: Michael T. Schmidt (SCHMIDT_MT) (OPD)
READ:20-MAR-1996 12:52:07.15

TO: Alice E. Shuffield (SHUFFIELD_A) (OMB)
READ:20-MAR-1996 12:53:51.35

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:20-MAR-1996 14:12:09.71

TO: Elena Kagan (KAGAN_E) (WHO)
READ:20-MAR-1996 12:54:50.55

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:20-MAR-1996 12:48:17.12

TEXT:

Please note -- you will be receiving a copy of LRM 3845 to review with a 4 p.m. deadline. The draft Labor report on HR 1227 and HR 2531 is for tomorrow's markup by the House Economic and Educational Opportunities Committee. Sorry about the short time frame but the deadline is firm. Thanks.

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

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

CREATION DATE/TIME: 20-MAR-1996 13:04:57.00

SUBJECT: ITEM VETO MEETING 2PM IN 248

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ: 21-MAR-1996 11:42:42.30

TO: Robert G. Damus (DAMUS_R) (OMB)
READ: 20-MAR-1996 13:14:49.40

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ: 20-MAR-1996 13:21:49.67

TO: Joseph Minarik (MINARIK_J) (OMB)
READ: 20-MAR-1996 15:11:16.37

TO: Barry B. Anderson (ANDERSON_B) (OMB)
READ: 20-MAR-1996 13:18:46.46

TO: James J. Jukes (JUKES_J) (OMB)
READ: 20-MAR-1996 13:37:29.17

TO: Harry E. Moran (MORAN_H) (OMB)
READ: 20-MAR-1996 13:09:07.55

TO: Betty I. Bradshaw (BRADSHAW_B) (OMB)
READ: 20-MAR-1996 18:18:57.26

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 20-MAR-1996 13:46:44.96

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ: 20-MAR-1996 15:58:15.86

TO: Arthur W. Stigile (STIGILE_A) (OMB)
READ: 20-MAR-1996 13:44:28.84

TO: Martha Foley (FOLEY_M) (WHO)
READ: 20-MAR-1996 14:56:01.55

TO: Barbara C. Chow (CHOW_B) (WHO)
READ: 20-MAR-1996 20:30:47.47

TEXT:

Copies of the new statutory language and the draft joint statement of managers will be available on my table in 243 at 1:15pm. We will go through these documents at the 2pm meeting.

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

CREATOR: Anna M. Briatico (BRIATICO_A) (OMB)

CREATION DATE/TIME:20-MAR-1996 15:33:04.02

SUBJECT: Clarification - Comments on LRM 3845 Due at 4 p.m. TODAY!

TO: Mary I. Cassell (CASSELL_M) (OMB)
READ:20-MAR-1996 15:34:47.77

TO: Barry White (WHITE_B) (OMB)
READ:20-MAR-1996 15:45:26.58

TO: Larry R. Matlack (MATLACK_L) (OMB)
READ:20-MAR-1996 15:56:46.50

TO: Janet L. Himler (HIMLER_J) (OMB)
READ:20-MAR-1996 15:33:18.34

TO: Daniel J. Chenok (CHENOK_D) (OMB)
READ:20-MAR-1996 15:35:57.25

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:20-MAR-1996 16:27:06.57

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:20-MAR-1996 15:35:59.27

TO: Michael T. Schmidt (SCHMIDT_MT) (OPD)
READ:20-MAR-1996 15:55:10.91

TO: Alice E. Shuffield (SHUFFIELD_A) (OMB)
READ:22-MAR-1996 21:29:12.93

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:20-MAR-1996 16:25:07.80

TO: Elena Kagan (KAGAN_E) (WHO)
READ:20-MAR-1996 15:33:49.86

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:20-MAR-1996 16:10:13.66

TEXT:

Please note comments on LRM 3845 are due at 4 p.m. today. The deadline on the LRM incorrectly states tomorrow (3/21). Sorry for any confusion.

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

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

CREATION DATE/TIME:21-MAR-1996 10:00:05.93

SUBJECT: EOP USE ONLY: ITEM VETO UPDATE

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:21-MAR-1996 10:07:46.86

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:21-MAR-1996 10:03:44.16

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ:21-MAR-1996 11:32:20.00

TO: Joseph Minarik (MINARIK_J) (OMB)
READ:25-MAR-1996 11:01:50.97

TO: Barry B. Anderson (ANDERSON_B) (OMB)
READ:21-MAR-1996 14:55:58.90

TO: James J. Jukes (JUKES_J) (OMB)
READ:21-MAR-1996 10:13:22.85

TO: Harry E. Moran (MORAN_H) (OMB)
READ:21-MAR-1996 10:00:18.69

TO: Betty I. Bradshaw (BRADSHAW_B) (OMB)
READ:21-MAR-1996 10:32:21.16

TO: Elena Kagan (KAGAN_E) (WHO)
READ:21-MAR-1996 12:26:11.90

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:21-MAR-1996 10:00:32.78

TO: Arthur W. Stigile (STIGILE_A) (OMB)
READ:21-MAR-1996 10:22:58.39

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ:21-MAR-1996 18:43:57.46

TO: Robert E. Litan (LITAN_R) (OMB)
READ:NOT READ

TO: T J Glauthier (GLAUTHIER_T) (OMB)
READ:21-MAR-1996 14:32:24.10

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

TO: John A. Koskinen (KOSKINEN_J) (OMB)
READ:21-MAR-1996 12:48:01.74

TO: Kenneth S. Apfel (APFEL_K) (OMB)
READ:21-MAR-1996 11:42:30.72

TO: Gordon Adams (ADAMS_G) (OMB)

READ:21-MAR-1996 10:17:31.32

TO: Nancy-Ann E. Min
READ:21-MAR-1996 10:41:59.27

(MIN_N) (OMB)

TO: LAWRENCE J. HAAS
READ:21-MAR-1996 10:21:53.98

(HAAS_L) (OMB)

TO: Jill M. Blickstein
READ:21-MAR-1996 10:43:18.12

(BLICKSTEIN_J) (OMB)

TO: Chantale Wong
READ:23-MAR-1996 10:20:41.80

(WONG_C) (OMB)

TO: William A. Halter
READ:21-MAR-1996 10:22:06.00

(HALTER_W) (OMB)

TO: James C. Murr
READ:21-MAR-1996 10:17:16.24

(MURR_J) (OMB)

TO: Janet R. Forsgren
READ:21-MAR-1996 10:04:42.21

(FORSGREN_J) (OMB)

TO: Ronald K. Peterson
READ:21-MAR-1996 10:06:02.31

(PETERSON_RK) (OMB)

CC: Charles S. Konigsberg
READ:21-MAR-1996 10:07:46.86

(KONIGSBERG_C) (OMB)

CC: Philip R. Dame
READ:21-MAR-1996 10:17:19.43

(DAME_P) (OMB)

CC: Richard P. Emery Jr.
READ:21-MAR-1996 10:16:23.94

(EMERY_R) (OMB)

CC: Alan B. Rhinesmith
READ:21-MAR-1996 12:27:30.60

(RHINESMITH_A) (OMB)

CC: Kenneth L. Schwartz
READ:21-MAR-1996 10:14:21.00

(SCHWARTZ_K) (OMB)

CC: Barry T. Clendenin
READ:21-MAR-1996 10:06:02.24

(CLENDENIN_B) (OMB)

CC: Bruce D. Long
READ:21-MAR-1996 11:46:20.28

(LONG_B) (OMB)

CC: Philip A. DuSault
READ:21-MAR-1996 10:02:01.40

(DUSAULT_P) (OMB)

CC: Phebe N. Vickers
READ:24-MAR-1996 20:43:41.21

(VICKERS_P) (OMB)

CC: Kathleen Peroff
READ:21-MAR-1996 11:06:00.78

(PEROFF_K) (OMB)

CC: Ron Cogswell
READ:21-MAR-1996 10:01:08.92

(COGSWELL_R) (OMB)

CC: Barry White

(WHITE_B) (OMB)

READ:21-MAR-1996 13:08:07.66

CC: Susanne D. Lind (LIND_S) (OMB)

READ:21-MAR-1996 11:38:56.23

CC: Andrew M. Schoenbach (SCHOENBACH_A) (OMB)

READ:21-MAR-1996 11:00:34.42

CC: Robert E. Barker (BARKER_R) (OMB)

READ:21-MAR-1996 10:12:08.39

CC: Edward M. Rea (REA_E) (OMB)

READ:21-MAR-1996 10:03:15.60

CC: Edward Brigham (BRIGHAM_E) (OMB)

READ:21-MAR-1996 11:19:42.13

CC: Francis S. Redburn (REDBURN_F) (OMB)

READ:21-MAR-1996 10:28:37.98

CC: Harry G. Meyers (MEYERS_H) (OMB)

READ:21-MAR-1996 13:32:36.39

CC: Louisa Koch (KOCH_L) (OMB)

READ:21-MAR-1996 10:16:47.22

CC: David E. Tornquist (TORNQUIST_D) (OMB)

READ:21-MAR-1996 10:15:11.24

CC: David J. Haun (HAUN_D) (OMB)

READ:21-MAR-1996 10:17:27.36

CC: Richard J. Turman (TURMAN_R) (OMB)

READ:25-MAR-1996 14:33:20.96

CC: Mark E. Miller (MILLER_ME) (OMB)

READ:21-MAR-1996 10:30:55.04

CC: Toni S. Husted (HUSTEAD_T) (OMB)

READ:21-MAR-1996 10:03:17.98

CC: Robert B. Rideout (RIDEOUT_R) (OMB)

READ:21-MAR-1996 12:52:24.70

CC: Lisa B. Fairhall (FAIRHALL_L) (OMB)

READ:25-MAR-1996 09:04:22.19

CC: Keith J. Fontenot (FONTENOT_K) (OMB)

READ:21-MAR-1996 15:00:02.75

CC: Larry R. Matlack (MATLACK_L) (OMB)

READ:21-MAR-1996 10:22:09.62

CC: Rodney G. Bent (BENT_R) (OMB)

READ:21-MAR-1996 14:05:01.65

CC: Bruce K. Sasser (SASSER_B) (OMB)

READ:21-MAR-1996 10:09:32.29

CC: Bryan R. Smith (SMITH_BR) (OMB)

READ: 1-APR-1996 14:52:31.61

CC: Robert S. Dotson (DOTSON_R) (OMB)

READ:21-MAR-1996 12:31:24.99

CC: David Morrison (MORRISON_D) (OMB)

READ:22-MAR-1996 08:27:09.34

CC: Gary L. Bennethum (BENNETHUM_G) (OMB)

READ:21-MAR-1996 12:17:53.53

CC: Jack D. Fellows (FELLOWS_J) (OMB)

READ:21-MAR-1996 14:35:22.98

CC: Robert S. Fairweather (FAIRWEATHE_R) (OMB)

READ:21-MAR-1996 10:16:48.27

CC: Bruce D. Beard (BEARD_B) (OMB)

READ:21-MAR-1996 10:03:25.16

CC: Mark A. Weatherly (WEATHERLY_M) (OMB)

READ:21-MAR-1996 11:55:54.12

TEXT:

PRINTER FONT 12_POINT_COURIER

EOP USE ONLY:

Congressional conferees were concluding their work on
line

□

-item veto legislative language and the joint statement of
managers late today. Based on the latest drafts we have seen,
following are the details we expect to be in the item veto
conference agreement.

Positive aspects of the conference agreement:

- o Adopts the House's enhanced rescission model, i.e.
cancellations transmitted within 5 days of enactment are
immediately effective, and remain effective unless overturned by
a disapproval law (thereby requiring a 2/3 vote to overturn
cancellations, since disapproval bills would likely be vetoed).
- o Applies item veto authority to discretionary BA, new direct
spending and targeted tax benefits.
- o The President may cancel spending down to the level of
individual programs, projects and activities, provided they are
specifically referenced in appropriations language, report
language or separate authorizing legislation (although authority
to reduce specific programs or projects is not provided).
- o The conference agreement uses the term "cancel" to describe
item veto action, rather than the term "veto", which improves the
chances that application of the authority to direct spending and
taxes will be upheld by the courts (DOJ had advised that
authority to "veto" a provision within a bill which has been
signed, would likely be held unconstitutional); the theory is
that "canceled" tax and entitlement provisions would still remain
in law, but would have no legal force or effect.

Aspects of the plan which we would have done differently:

- o Includes a "lockbox" mechanism intended to make sure that
cancellations are applied to deficit reduction and not shifted
over to other priorities; under the mechanism, discretionary

cancellations would trigger automatic cap reductions in the budget year and the outyears, and cancellations of mandatory or tax provisions would not be credited with new PAYGO balances. (The lockbox will be a disincentive for using cancellation authority, because automatic discretionary cap reductions would limit the ability to find offsets for supplemental appropriations later in the year.)

o The targeted tax benefit authority is very limited, for two

reasons --

(1) The definition of "targeted tax benefits" is limited to provisions applying to 100 or fewer beneficiaries in a fiscal year (or transitional relief to 10 or fewer beneficiaries); and even then, provisions would be protected from item veto if the 100 or fewer beneficiaries are similarly treated.

□

(2) Congress will include in tax legislation, determinations of which tax benefits are subject to this limited cancellation authority; moreover, these congressional determinations will not be subject to judicial review. The President can interpret what falls within the narrow definition of targeted tax benefit only in those rare situations when Congress fails to make its own determination.

o The President must transmit cancellation messages to Congress within the very limited period of 5 calendar days (excluding Sundays) after signing a bill. (House conferees had wanted to provide no time for Administration review; OMB convinced Senate conferees that at least this minimal amount of time was essential.)

o The conference agreement delays the effective date to January 1, 1997 or passage of a balanced budget (in 2002) -- whichever occurs earlier.

o The agreement requires that the special message include the specific states and congressional districts impacted and the total number of cancellations imposed during the current session of Congress on those states and congressional districts.

o The conference agreement sunsets the item veto authority 8 years after the law becomes effective.

Additional details

o The President is to transmit a separate special message for each law from which a cancellation is made, including detailed reporting requirements such as the reasons for cancellation and the economic impact of each cancellation.

o The Congress has a period of 30 session days following a cancellation message to consider disapproval legislation, under expedited procedures (however, the cancellations are already in effect during this review period, and remain in effect unless overturned by a disapproval law).

o Cancellations of direct spending and tax benefits are retroactive to the time of enactment (i.e. no entitlement to benefits arises between the signing of a bill and the cancellation).

o Disapproval bills introduced in the House must disapprove all cancellations made with respect to a particular law, while bills introduced in the Senate may select particular cancellations.

However, the bills may be amended in both chambers to alter the

list of cancellations.

o Cancellation authority applies only to dollar amounts; it does not apply to conditions or restrictions (for example, the striker replacement language in the Labor/HHS bill).

o "New direct spending" need not cause a net spending increase in order to qualify for cancellation; a provision that creates new direct spending will be subject to cancellation authority even if its cost is fully offset.

o Reauthorization of existing mandatory spending programs are not subject to cancellation as new direct spending.

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

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

CREATION DATE/TIME:21-MAR-1996 18:06:42.76

SUBJECT: HR 1833

TO: George Stephanopoulos (STEPHANOPO_G) Autoforward to: Laura Capp
READ:21-MAR-1996 18:40:14.65

TO: Martha Foley (FOLEY_M) (WHO)
READ:21-MAR-1996 18:49:06.80

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ:21-MAR-1996 20:07:21.51

TO: Carol H. Rasco (RASCO_C) (WHO)
READ:24-MAR-1996 15:59:06.11

TO: Elena Kagan (KAGAN_E) (WHO)
READ:21-MAR-1996 18:09:45.88

TO: Betsy Myers (MYERS_B) (WHO)
READ:22-MAR-1996 18:02:14.84

TO: Ashley Oliver (OLIVER_A) (WHO)
READ:21-MAR-1996 18:59:06.05

TO: Holly Carver (CARVER_H) (WHO)
READ:21-MAR-1996 18:15:48.95

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ:21-MAR-1996 18:07:15.61

TO: Katharine M. Button for Verveer (BUTTON_K) (WHO)
READ:21-MAR-1996 18:07:38.64

TO: Deborah L. Fine (FINE_D) (OPD)
READ:21-MAR-1996 18:15:23.94

TEXT:

FYI HR1833 will be in the House Rules Committee tomorrow and on the floor next week.

They will pass the Senate version most likely so it would come straight to the President's desk. No need for conference.

Veto would then end up being right around Easter.

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

CREATOR: Marilyn Yager (YAGER_M) (WHO)

CREATION DATE/TIME:22-MAR-1996 12:59:21.33

SUBJECT: product liability meeting

TO: Kathryn Higgins (HIGGINS_K) (WHO)
READ:22-MAR-1996 13:18:30.50

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:26-MAR-1996 17:06:17.47

TO: Elena Kagan (KAGAN_E) (WHO)
READ:22-MAR-1996 13:21:28.50

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:22-MAR-1996 15:03:01.23

TO: Barry J. Toiv (TOIV_B) (WHO)
READ:22-MAR-1996 13:12:21.18

TO: John P. Hart (HART_J) (WHO)
READ:22-MAR-1996 13:02:49.20

TO: Karen L. Hancox (HANCOX_K) (WHO)
READ:22-MAR-1996 14:04:43.69

TO: Susan Brophy (BROPHY_S) Autoforward to: Stacey L. Rubi
READ:22-MAR-1996 14:46:50.76

TO: Tracey E. Thornton (THORNTON_T) (WHO)
READ:22-MAR-1996 15:16:52.02

TO: Lorraine McHugh (MCHUGH_L) (WHO)
READ:22-MAR-1996 13:11:47.02

TO: Mary Ellen Glynn (GLYNN_M) (WHO)
READ:22-MAR-1996 15:39:15.60

TO: Michael Waldman (WALDMAN_M) (OPD)
READ:22-MAR-1996 13:00:20.31

TEXT:

We have scheduled a brief internal meeting today at 3:30 pm in Room 122 (lee Satterfield's office) to discuss coordination of public response to our product liability position, and more specifically to organize the Tuesday morning meeting between Leon Panetta and consumer groups. Please come or assign someone from your office to come.

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

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

CREATION DATE/TIME:25-MAR-1996 12:02:04.63

SUBJECT: State Department letter on Counter Terrorism Bill

TO: Remote Addressee (LEGISLATIVE LIAISON@1=US@2=ATTMAIL@3=@*ID
READ:NOT READ

TO: Remote Addressee (bricks@osdgc.osd.mil@INET)
READ:NOT READ

TO: Remote Addressee (ENERGY-GC71-LEGIS@1=US@2=ATTMAIL@3=USDOE@
READ:NOT READ

TO: Remote Addressee (DOT LRM@1=US@2=ATTMAIL@3=GOV+DOT@4=QMAIL@
READ:NOT READ

TO: Remote Addressee (RONALD LEVY@1=US@2=TELEMAIL@3=GOV+TREAS@M
READ:NOT READ

TO: Dennis Burke (BURKE_D) (OPD)
READ:25-MAR-1996 19:30:15.10

TO: Peter Jacoby (JACOBY_P) (WHO)
READ:25-MAR-1996 12:42:35.07

TO: Tracey E. Thornton (THORNTON_T) (WHO)
READ:25-MAR-1996 12:17:28.71

TO: Elena Kagan (KAGAN_E) (WHO)
READ:25-MAR-1996 12:02:23.30

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ:25-MAR-1996 15:54:35.15

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:25-MAR-1996 18:47:12.58

TO: Steven D. Aitken (AITKEN_S) (OMB)
READ:25-MAR-1996 12:08:37.64

TO: Phebe N. Vickers (VICKERS_P) (OMB)
READ:25-MAR-1996 12:03:53.57

TO: J. Michael Daniel (DANIEL_J) (OMB)
READ:25-MAR-1996 12:02:03.65

TO: Mary Jo Siclari (SICLARI_M) (OMB)
READ:25-MAR-1996 12:49:14.96

TO: Alan B. Rhinesmith (RHINESMITH_A) (OMB)
READ:25-MAR-1996 13:56:36.66

TO: Harry G. Meyers (MEYERS_H) Autoforward to: Mark J. Schwar
READ:25-MAR-1996 12:04:36.21

TO: Mark J. Schwartz (SCHWARTZ_M) (OMB)

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. (Partial) (1 page)	03/25/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[03/19/1996 - 05/03/1996]

2009-1006-F

db1568

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

READ:25-MAR-1996 12:04:36.21

TO: Kenneth L. Schwartz (SCHWARTZ_K) (OMB)
READ:25-MAR-1996 13:29:21.91

TO: David J. Haun (HAUN_D) (OMB)
READ:25-MAR-1996 13:07:48.91

TO: Bruce W. McConnell (MCCONNELL_B) (OMB)
READ:25-MAR-1996 17:39:15.61

TO: Gary L. Bennethum (BENNETHUM_G) (OMB)
READ:25-MAR-1996 13:12:16.46

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:25-MAR-1996 12:02:29.72

TO: Steven M. Mertens (MERTENS_S) (OMB)
READ:25-MAR-1996 13:35:41.87

TO: David E. Tornquist (TORNQUIST_D) (OMB)
READ:25-MAR-1996 12:42:14.56

TEXT:

PRINTER FONT 10_POINT_COURIER

Unless I hear otherwise by 5:00 P.M. today, Monday, March, 25, I will assume you have no objection to 3876 (dated 3/22), which requested comments on a draft State Department letter concerning S. 735, the counter terrorism bill. The letter is addressed to the conferees and describes problems with the two versions of the bill. The letter will be signed by the Secretary of State. If you need another copy of the LRM or have provided comments that I may have overlooked, please let me know by answering this fax/E

☐

-mail.

Thanks,

Ron Jones

P6/(b)(6)

[00]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Kumiki Gibson to Whalen, et al.; RE: Sat Night (1 page)	03/25/1996	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[03/19/1996 - 05/03/1996]

2009-1006-F
db1568

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

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

CREATOR: Anna M. Briatico (BRIATICO_A) (OMB)

CREATION DATE/TIME:25-MAR-1996 14:32:43.73

SUBJECT: Reminder - Comments on Senate SAP for H.R.849 Due

TO: Francis S. Redburn (REDBURN_F) (OMB)
READ:25-MAR-1996 14:42:09.95

TO: Susan M. Carr (CARR_S) (OMB)
READ:25-MAR-1996 14:34:01.42

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:25-MAR-1996 14:40:01.73

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:25-MAR-1996 14:33:05.60

TO: Elena Kagan (KAGAN_E) (WHO)
READ:25-MAR-1996 14:45:52.68

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:25-MAR-1996 16:58:39.96

TEXT:

Reminder -- please forward your comments on the proposed SAP on H.R. 849 to me by no later than 3 p.m. today. If I do not hear from you by then, I will assume that you have no comments on the SAP. Thanks.

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

CREATOR: Jennifer L. Klein (KLEIN_J) (OPD)

CREATION DATE/TIME:25-MAR-1996 15:55:07.48

SUBJECT: Phone Call

TO: Elena Kagan (KAGAN_E) (WHO)

READ:25-MAR-1996 16:17:49.90

TEXT:

I just gave your name to a very good friend named Greg Lawler who used to work here on health care reform. He would like to talk about product liability. I told him I thought you might be working on it but I wasn't sure.

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

CREATOR: Marilyn Yager (YAGER_M) (WHO)

CREATION DATE/TIME:26-MAR-1996 07:34:26.47

SUBJECT: you are welcome to come

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-MAR-1996 08:25:12.65

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)

READ:28-MAR-1996 14:10:58.01

TEXT:

you are welcome to come to the consumer groups meeting this morning with Leon in the Roosevelt Room at 10:00am.

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

CREATOR: Deborah L. Fine (FINE_D) (OPD)

CREATION DATE/TIME:26-MAR-1996 09:06:23.30

SUBJECT: fyi on hr1833 hearing

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ:26-MAR-1996 11:13:20.23

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-MAR-1996 11:47:14.36

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:26-MAR-1996 09:11:25.29

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:26-MAR-1996 09:01:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Ashley Oliver

ATT SUBJECT: FYI - 1833 info

ATT TO: Deborah L. Fine (FINE_D)

TEXT:

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

===== ATTACHMENT 2 =====
ATT CREATION TIME/DATE:25-MAR-1996 18:39:00.00

ATT BODYPART TYPE:E

ATT CREATOR: PolWoman

ATT SUBJECT: Fwd: Abortion Hearings & Congressional Abuse

ATT TO: PolWoman (PolWoman@aol.com@INET@EOPMRX)

TEXT:

We're *steaming* over this one...
This rises to the level of legislative violence against women.
Maybe we should hold *citizen* hearings on Canady's committee?
E-mail Canady at canady@hr.house.gov
Regards,
Bob & Antonia

Forwarded message:
From: ATNFR@ASUVM.INRE.ASU.EDU (NANCY FELIPE RUSSO)
Sender: owner-abigails-l@netcom.com
Reply-to: abigails-l@netcom.com
To: abigails-l@netcom.com
Date: 96-03-24 23:56:15 EST

was always very anti-abortion. She has been horrified at the behavior of the Republicans in these hearings.

Particularly hateful was Congressman Bob Inglis (D-SC), who, as he had in the original markup of the bill, accused the women of being "exterminators" who hate children. (Coreen has two kids already and will have her third in June; Mary-Dorothy is expecting her first child in September.)

Congresswoman Schroeder was so upset by the outrageous behavior and manipulation of Canady and his cohorts that she literally had to move the microphone away as she was brought to tears. She said that she was happy to be leaving Congress if this was what the House of Representatives had deteriorated into, and that she was ashamed to be a Member of Congress if this was the way women were treated. "A witch hunt," she called it. Even Canady and Hyde were stunned into silence by Schroeder's condemnation, but Inglis didn't shut up even then.

It's ugly up here, folks. The House will vote on the Senate-passed version of H.R. 1833 next week. We know it will pass, of course, and then go to the President, but we would like to win back some of the usually pro-choice or squishy Members who were swayed by the propaganda to vote against the bill the second time. They had a veto-proof majority in the House the first time (though not in the Senate); let's give Clinton a little more reinforcement so that his spine doesn't give way on this one. Members who need calls:

Charlie Rose (D-NC)
Blanche Lambert Lincoln (D-AR)
Jim Moran (D-VA)
Patrick Kennedy (D-RI)
Jim Traficant (D-OH)
Rick Lazio (R-NY)
Marcy Kaptur (D-OH)
Susan Molinari (R-NY)
Bill Zeliff (R-NH)

Obviously, you should call your members regardless of whether they're on this list or not and tell them to vote against the bill.

By the way, does anyone know who, if anyone, is running against Canady and against Inglis this year?

Sorry for the long post but I thought everyone should know about the unbelievable behavior that just went on. People at the hearing were saying they had never seen things get quite this bad in terms of abuse of power.

National Abortion Federation
(naf@prochoice.org)
1436 U Street NW, Suite 103
Washington, DC 20009
202/667-5881

Nancy Felipe Russo, Ph.D.
Professor of Psychology and Women's Studies
Psychology Department - Box 871104
Arizona State University, Tempe, AZ 85287-1104
(602)965-0380 FAX:(602)953-2693 BITNET: ATNFR@ASUACAD
INTERNET: ATNFR@ASUVM.INRE.ASU.EDU

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

===== ATTACHMENT 3 =====

ATT CREATION TIME/DATE:25-MAR-1996 17:40:00.00

ATT BODYPART TYPE:D

TEXT:

RFC-822-headers:

Received: from storm.eop.gov (storm.eop.gov)

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01I2RIJEJ88G0002M6@PMDF.EOP.GOV> for
oliver_a@a1.eop.gov; Mon, 25 Mar 1996 17:37:22 -0400 (EDT)

Received: from emout08.mail.aol.com (emout08.mx.aol.com)

by STORM.EOP.GOV (PMDF V5.0-6 #6879) id <01I2RIKNU1QA000070@STORM.EOP.GOV> for
oliver_a@a1.eop.gov; Mon, 25 Mar 1996 17:38:25 -0700 (MST)

Received: by emout08.mail.aol.com (8.6.12/8.6.12) id RAA21420; Mon,
25 Mar 1996 17:39:05 -0500

===== END ATTACHMENT 3 =====

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

CREATOR: James J. Jukes (JUKES_J) (OMB)

CREATION DATE/TIME:26-MAR-1996 14:58:50.88

SUBJECT: FYI - Update on Product Liability timing

TO: James C. Murr (MURR_J) (OMB)
READ:26-MAR-1996 15:36:58.91

TO: Jeffrey A. Weinberg (WEINBERG_J) (OMB)
READ:26-MAR-1996 15:02:49.49

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ:26-MAR-1996 15:13:08.51

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:26-MAR-1996 16:22:42.91

TO: Alice E. Shuffield (SHUFFIELD_A) (OMB)
READ:26-MAR-1996 18:36:29.87

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-MAR-1996 17:43:12.10

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:28-MAR-1996 14:13:08.20

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:26-MAR-1996 12:14:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Peter Jacoby

ATT SUBJECT: RE: Product Liability

ATT TO: James J. Jukes (JUKES_J)

TEXT:

Jim: The House Rules Committee meets tomorrow to consider a rule for floor consideration of the product conference report in the House. It is not clear however, whether this means the House will take up the report this week. The floor schedule is very full already and there is some thought that proponents of the conference report would like to use the recess to whip up support for the veto override. Alternatively, the House Democratic leadership staff is somewhat apprehensive about the conference report coming up late in the week when Members are trying to get out of town and the Democrats needed to oppose the bill are in relatively short supply.
I will keep you posted as things develop.

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

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

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

CREATION DATE/TIME:26-MAR-1996 15:41:33.39

SUBJECT: Justice letter re: Simpson amdt. to S. 1394

TO: John C. Angell (ANGELL_J) (WHO)
READ:26-MAR-1996 16:33:18.95

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-MAR-1996 17:43:35.60

TO: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)
READ:26-MAR-1996 16:05:39.29

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:26-MAR-1996 17:16:23.53

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

TO: Steven D. Aitken (AITKEN_S) (OMB)
READ:26-MAR-1996 15:46:27.60

CC: James J. Jukes (JUKES_J) (OMB)
READ:26-MAR-1996 15:42:26.11

CC: James C. Murr (MURR_J) (OMB)
READ:26-MAR-1996 15:53:47.27

CC: Stephen C. Warnath (WARNATH_S) (OPD)
READ:26-MAR-1996 15:45:12.11

CC: Tracey E. Thornton (THORNTON_T) (WHO)
READ:27-MAR-1996 12:37:48.47

CC: Charles E. Kieffer (KIEFFER_C) (OMB)
READ:26-MAR-1996 19:30:05.94

CC: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:26-MAR-1996 16:23:02.82

CC: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ:26-MAR-1996 15:53:11.24

CC: Alice E. Shuffield (SHUFFIELD_A) (OMB)
READ:26-MAR-1996 18:34:29.71

CC: Robert G. Damus (DAMUS_R) (OMB)
READ:26-MAR-1996 18:06:31.70

TEXT:

Earlier today we sent you a revised Justice letter on a proposed Simpson amendment to S. 1394. The amendment would require persons registering to vote to present certain documents to prove that they are citizens. This amendment would essentially repeal the mail registration option provided by the National Voter Registration Act.

Originally the Justice letter opposed the amendment. The revised Justice letter now states that:

"If Congress sends the President immigration reform legislation which effectively repeals the National Voter Registration Act, I [the Attorney General] would be forced to recommend that he veto it."

Justice is informally negotiating with Simpson's staff to try to get Sen. Simpson to withdraw the amendment. If they are unsuccessful, WHLA (Thornton) has advised that they will want to release the veto threat letter ASAP.

I would therefore appreciate if you would let me know if you have any comments on the letter by 5pm tonight.

Thanks

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

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

CREATION DATE/TIME:26-MAR-1996 20:57:16.75

SUBJECT: URGENT-WED-9:30AM MTG

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:26-MAR-1996 21:00:52.43

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:27-MAR-1996 08:43:49.69

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ:26-MAR-1996 21:00:53.14

TO: Joseph Minarik (MINARIK_J) (OMB)
READ:27-MAR-1996 06:56:55.89

TO: Barbara C. Chow (CHOW_B) (WHO)
READ:28-MAR-1996 08:58:56.98

TO: James J. Jukes (JUKES_J) (OMB)
READ:27-MAR-1996 09:10:06.48

TO: Harry E. Moran (MORAN_H) (OMB)
READ:27-MAR-1996 08:30:31.33

TO: Elena Kagan (KAGAN_E) (WHO)
READ:27-MAR-1996 08:52:53.21

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:27-MAR-1996 09:51:46.29

CC: Jacob J. Lew (LEW_J) (OMB)
READ:27-MAR-1996 08:32:14.78

CC: Martha Foley (FOLEY_M) (WHO)
READ:26-MAR-1996 21:13:30.21

TEXT:

There will be an urgent meeting on Wed. at 9:30am in my office (243 OEOB) to review a Byrd motion to recommit the item veto conference report. At Hilley's request, we need to develop a quick analysis of the Byrd language.

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

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

CREATION DATE/TIME:27-MAR-1996 11:34:36.25

SUBJECT: EOP USE ONLY: ITEM VETO TALKERS

TO: Barbara C. Chow (CHOW_B) (WHO)
READ:28-MAR-1996 09:00:00.48

TO: John Hilley (HILLEY_J) (WHO)
READ:NOT READ

TO: John C. Angell (ANGELL_J) (WHO)
READ:27-MAR-1996 12:16:00.33

TO: Martha Foley (FOLEY_M) (WHO)
READ:27-MAR-1996 21:48:53.90

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:27-MAR-1996 11:58:26.84

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:27-MAR-1996 11:57:32.51

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ:27-MAR-1996 12:13:31.99

TO: Joseph Minarik (MINARIK_J) (OMB)
READ:27-MAR-1996 11:34:56.85

TO: Barry B. Anderson (ANDERSON_B) (OMB)
READ:27-MAR-1996 11:44:33.12

TO: James J. Jukes (JUKES_J) (OMB)
READ:27-MAR-1996 11:43:09.79

TO: Harry E. Moran (MORAN_H) (OMB)
READ:27-MAR-1996 11:41:16.87

TO: Betty I. Bradshaw (BRADSHAW_B) (OMB)
READ:27-MAR-1996 11:47:34.74

TO: Elena Kagan (KAGAN_E) (WHO)
READ:27-MAR-1996 11:35:22.95

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:27-MAR-1996 11:38:10.05

TO: Arthur W. Stigile (STIGILE_A) (OMB)
READ:27-MAR-1996 12:18:58.49

TO: LAWRENCE J. HAAS (HAAS_L) (OMB)
READ:27-MAR-1996 13:50:54.53

TO: Jacob J. Lew (LEW_J) (OMB)
READ: 1-APR-1996 13:26:07.94

TO: Chantale Wong (WONG_C) (OMB)

READ:27-MAR-1996 11:52:36.47

TO: Jill M. Blickstein (BLICKSTEIN_J) (OMB)

READ:27-MAR-1996 13:04:40.72

TO: Janet L. Himler (HIMLER_J) (OMB)

READ:27-MAR-1996 18:08:17.16

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

READ:27-MAR-1996 11:38:49.87

TEXT:

Attached are some talkers on the Byrd motion to recommit item veto (which seeks to substitute an "expedited rescission" proposal). This is for EOP use only; these talking points have NOT been released to the Hill.

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

ATT CREATION TIME/DATE:27-MAR-1996 11:28:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Charles S. Konigsberg

TEXT:

PRINTER FONT 12_POINT_COURIER

3/27/96

Talking points on Byrd motion to recommit item veto conference report (expedited rescission)

o Senator Byrd's "expedited rescission" proposal -- described in the attachment -- is favorable in a number of its details, but the conference agreement is much stronger with regard to the basic mechanism.

o The Byrd motion would permit the President to propose rescissions of spending and repeal of tax benefits, which the Congress would be required to vote upon within 10 session days under expedited procedures. The proposed rescissions (or repeal of tax benefits) would remain effective beyond the congressional review period

only if a majority of both houses of Congress voted to enact the rescission (or repeal) proposals.

o By contrast, the conference report on S. 4 would delegate to the President authority to cancel certain spending and tax provisions; the cancellations would remain effective unless the Congress enacted disapproval legislation (effectively requiring 2/3 of each house to overturn a cancellation).

o The Administration has consistently called for strong item veto authority and therefore prefers the conference report mechanism.

o However, the Byrd proposal includes several details which are favorable: the definition of "targeted tax benefits" is much broader than the narrow definition in the conference report; the proposal would assign the authority to identify "targeted tax benefits" to the President, rather than the Congress; the application of the authority to discretionary spending would cover all or part of appropriated items; the President would have 20 days to review spending and tax bills; and the Byrd proposal

would become effective upon enactment.

o Nevertheless, because of the stronger mechanism -- the

authority to cancel, subject only to congressional disapproval -- the conference agreement is a much stronger authority, and more consistent with the President's longstanding request for the strongest possible item veto authority.

□

COMPARISON OF LINE ITEM VETO CONFERENCE AGREEMENT WITH BYRD MOTION TO RECOMMIT

Significant

S. 4 (Conf. Agreemen

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Provisions

1. Presidential Authority

Cancellations of spending and taxes are immediately effective, but Congress may seek to

Authority to PROPOSE rescission of BA and repeal of ta expedited congressio consideration (spending

enact disapproval law and tax provisions shall
(in effect, it would not be made availabl
take 2/3 to overturn or take effect, unti
a cancellation) expiration of

congressional

cons

2. If Congress
not take
does not act
released

Cancellation

Rescission/repeal does

remains in effect

effect and BA or taxes

3. What is authority
applied to?
spending,

Discretionary projects All or part of any BA,
identified in statute, amounts of direct

or report language;
items of new direct
spending; limited
tax benefits (100
or fewer)

and targeted tax ben

4. Definition of tax
the
benefit
providing

100 or fewer, but

Any provision which has

protects beneficiaries practical effect of

where treated the
same, plus additional
exclusions; Congress

benefit in t
different treatment
taxpayer or limited

of

would have option to
identify tax benefits

taxpayers, but exclu
differences based on

demographic

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income, # of

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Significant

S. 4 (Conf. Agreemen

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Provisions

5. Time for
President to
send up
special
message

Within 5 calendar
days after enactment after enactment
(separate message
for each approps.
or tax bill)

Within 20 calendar d
(separate message an
draft bill for each
approps and tax bill
or,
as t

6. Cancelled amounts enacted	Cancellations trigger	If rescission/repal
applied to deficit?	automatic cap reductions; cancelled direct spending and taxes not credited to	into law, automatic reductions, and repealed direct spending and taxes not credited to PAYGO
scorecard	PAYGO scorecard	
7. Start/Expiration	Earlier of 1/1/97 or enactment of balanced budget; expiration in 1/1/2005	Upon enactment. Expires 9/30/2002.
8. Congressional Procedures	Expedited procedures for overturning cancellations w/in 30 session days	Rescission and repeal bills considered under expedited pr bills must be intro automatic discharge committee w/in 7 ses days; vote SHALL occ
w/in		10 sess. days of int amendments n but motions to strik
in		order if supported b spec
9. Reporting Requirements	Requires identification of affected cong. districts	No similar requirement

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

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

CREATOR: Mary Dixon (DIXON_M) (WHO)

CREATION DATE/TIME:27-MAR-1996 12:43:11.29

SUBJECT: please review for a video taping tomorrow:Deadline today

TO: Deborah L. Fine (FINE_D) (OPD)
READ:27-MAR-1996 13:50:34.88

TO: Donald A. Baer (BAER_D) Autoforward to: Kristin Leight
READ:NOT READ

TO: George Stephanopoulos (STEPHANOPO_G) Autoforward to: Laura Capp
READ:27-MAR-1996 12:43:49.11

TO: Elena Kagan (KAGAN_E) (WHO)
READ:27-MAR-1996 13:05:24.30

TEXT:

Please review the attached script for a Presidential video taping. The taping is tentatively scheduled for tomorrow. Please call Betsy Myers or Judy Gold in the Women's Office for your comments. If you have major edits or comments please feel free to respond to this e-mail directly.

Thanks

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:27-MAR-1996 12:38:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Mary Dixon

TEXT:

PRINTER FONT 12_POINT_ROMAN

Suggested Script:

It is my pleasure to extend warm greetings to the members of the National Abortion Federation, as you gather in San Francisco for your 20th Annual Meeting. I'd like to congratulate your outgoing President, Lynne Randall, on a very successful term. I'd also like to congratulate your Executive Director, Vicki Saporta, and your incoming President, Joan Coombs, on the new energy and initiative they bring to your organization.

As the physicians, nurses, counselors and other health care professionals who work to provide abortion services, you dedicate your lives every day to making choice real for American women and their families. Without your medical expertise, your skill, your compassion, and your commitment, the right to choose would be just a hollow promise. Today, you celebrate 20 years of commitment, as NAF once again brings abortion providers together to pursue the highest standards in medical care.

I'm very proud that, in 1994, we were able to come together and pass the Freedom of Access to Clinic Entrances Act. This law was desperately needed to curb the rising tide of anti

□

-abortion

violence, and thanks to NAF's vigilance, years of detailed information about the extent of this violence helped to convince

even many anti

□

-abortion legislators to support the law. I know that a number of you present today worked hard to help pass the bill and even came to Washington to testify. The FACE law has worked. Although threats and violence against abortion providers do continue, I am pleased to know that NAF's 1995 report on anti

□

-abortion violence and disruption shows declines in several types of violence, including death threats. I am also very proud that the FBI and the Justice Department were able to prevent more deadly violence by arresting a man in Wisconsin who had amassed an arsenal of weapons, planning the murder of abortion providers. Thanks to the FACE law, we have been able to save lives and protect the rights of women.

I want you to know that, despite news reports to the contrary, the U.S. Justice Department remains committed to the investigation and prosecution of acts of anti

□

-abortion violence.

We know that this investigation, and the heightened presence of law enforcement in the field, has helped to prevent acts of violence and we hope that it will also bring more criminals to justice. Investigations like these are usually slow and cumbersome, and I know that when you are under siege, it can feel like nothing is being done. Please be assured that it is a top priority of my administration to put an end to acts of anti

□

-abortion violence.

As you know, I have studied the H.R. 1833 issue and prayed for the families who must face this awful choice. I have heard and read the words of families that the National Abortion Federation has brought forward, families who have gone through the devastating experience, and I was deeply moved by their heartbreaking testimony. Families who discover late in wanted pregnancies that tragedy has struck, robbing them of their hopes and dreams for a healthy baby, are confronted with one of the most agonizing ordeals imaginable. Hillary and I will continue to include them in our prayers.

I'd like to thank NAF for inviting me to send this message to you today. I know that your jobs are not easy. It is a terrible thing to face condemnation, harassment, violence, and even the threat of death because you act on your principles. I want you to know that as your President, I honor your courage and believe we have a duty to find common ground. I pledge to you that I will continue to use my office to make sure that legal abortions, those abortions that the Supreme Court ruled in Roe v. Wade, are protected. I wish you a successful and productive conference.

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

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

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

CREATION DATE/TIME:27-MAR-1996 15:56:07.73

SUBJECT: LIV--Need comments by Thurs.Noon

TO: Martha Foley (FOLEY_M) (WHO)
 READ:27-MAR-1996 21:27:23.62

TO: John C. Angell (ANGELL_J) (WHO)
 READ:27-MAR-1996 16:01:52.14

TO: Barbara C. Chow (CHOW_B) (WHO)
 READ:28-MAR-1996 09:08:34.55

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
 READ:27-MAR-1996 17:00:57.25

TO: Elena Kagan (KAGAN_E) (WHO)
 READ:27-MAR-1996 18:00:23.33

TO: Gene B. Sperling (SPERLING_G) Autoforward to: Daniel Taber
 READ:27-MAR-1996 16:12:58.87

CC: James J. Jukes (JUKES_J) (OMB)
 READ:27-MAR-1996 16:01:05.21

CC: James C. Murr (MURR_J) (OMB)
 READ:27-MAR-1996 16:19:24.65

CC: Charles E. Kieffer (KIEFFER_C) (OMB)
 READ:27-MAR-1996 22:41:16.55

TEXT:

PRINTER FONT 12_POINT_COURIER
 3/27/96

From: Chuck Konigsberg

Following is a draft response to Sen. Byrd for a 3/21 item veto letter to POTUS. [WH/LA asked OMB to prepare a response from POTUS] Byrd's letter to POTUS states that he is "unalterably opposed to giving any President" enhanced rescission authority; he also states that the delegation would do "great harm to the constitutional balance." Much of the letter pertains to Byrd's concern that the 1997 effective date is "blatantly partisan". Let me know by Thursday Noon if you have any revisions to the attached draft. Otherwise, I will pass along to WH/LA. Thanks.

[Paul-

□

-is the sentence referring to his time as Governor consistent w/ previous campaign statements?]

 DRAFT-

□

-NOT FOR RELEASE

Dear Senator Byrd:

I appreciated receiving your letter of March 21, 1996 expressing concerns about the conference agreement on the line

□

-item veto.

I am mindful of your strong, and deeply held convictions on this issue. However, as you know, the line

□

-item veto is

something I have consistently supported over the years. I had the authority as a Governor and found it to be a useful tool for controlling the budget. I am pleased that House and Senate conferees on S. 4 have reported a conference agreement which delegates authority to cancel certain discretionary and direct spending, as well as limited tax benefits.

I must respectfully disagree with your concerns about the effect of this legislation on the constitutional balance of powers. While the conference agreement delegates to the President a useful measure of cancellation authority, that delegation has been carefully limited by the very specific definitions of spending and tax benefits. Moreover, the Congress has retained the authority to consider disapproval legislation under expedited and highly privileged procedures.

Regarding the effective date of the new authority, I would, of course, have preferred that the new authority be effective upon enactment. Nevertheless, I am pleased that the House and Senate have overcome their differences and produced a conference agreement which delegates effective cancellation authority.

Thank you again for expressing your concerns to me about this important legislation.

Sincerely,

BC

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

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

CREATION DATE/TIME:28-MAR-1996 11:58:42.01

SUBJECT: REVISED ITEM VETO LETTER TO BYRD

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:28-MAR-1996 12:30:12.09

TO: Alice M. Rivlin (RIVLIN_A) (OMB)
READ:28-MAR-1996 17:00:00.46

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

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ:29-MAR-1996 16:19:39.82

TO: Joseph Minarik (MINARIK_J) (OMB)
READ:28-MAR-1996 15:38:15.90

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:28-MAR-1996 12:00:00.29

TO: LAWRENCE J. HAAS (HAAS_L) (OMB)
READ: 1-APR-1996 15:48:22.39

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ:28-MAR-1996 14:06:01.31

TO: Martha Foley (FOLEY_M) (WHO)
READ:29-MAR-1996 16:58:36.04

TO: John C. Angell (ANGELL_J) (WHO)
READ:28-MAR-1996 12:06:47.00

TO: Barbara C. Chow (CHOW_B) (WHO)
READ:29-MAR-1996 08:50:12.66

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:28-MAR-1996 12:26:19.59

TO: Elena Kagan (KAGAN_E) (WHO)
READ:28-MAR-1996 13:51:07.10

TO: Gene B. Sperling (SPERLING_G) Autoforward to: Daniel Taber
READ:NOT READ

TO: James J. Jukes (JUKES_J) (OMB)
READ:28-MAR-1996 11:59:29.81

TO: James C. Murr (MURR_J) (OMB)
READ:28-MAR-1996 12:14:46.65

TEXT:

PRINTER FONT 12_POINT_COURIER
3/28/96

From: Chuck Konigsberg

Following is a REVUSED draft response to Sen. Byrd for a 3/21 item veto letter to POTUS. Byrd's letter to POTUS states that he is "unalterably opposed to giving any President" enhanced rescission authority; he also states that the delegation would do "great harm to the constitutional balance." Much of the letter pertains to Byrd's concern that the 1997 effective date is "blatantly partisan". The revision, in bold, is a point suggested by DOJ. (I've also updated the letter to reflect Senate and likely House action.) Let me know by COB Thursday if you have any revisions to the attached draft. Otherwise, I will pass along to WH/LA at end of the day. Thanks.

DRAFT-

□

-NOT FOR RELEASE

Dear Senator Byrd:

I appreciated receiving your letter of March 21, 1996 expressing concerns about the conference agreement on the line

□

-item veto.

I am mindful of your strong, and deeply held convictions on this issue. However, as you know, the line

□

-item veto is

something I have consistently supported over the years. I had the authority as a Governor and found it to be a useful tool for controlling the budget. I am pleased that the House and Senate have approved the conference report on S. 4 which delegates authority to cancel certain discretionary and direct spending, as well as limited tax benefits. [fyi-

□

-the House will be voting early Thursday afternoon]

I must respectfully disagree with your concerns about the effect of this legislation on the constitutional balance of powers. While the conference agreement delegates to the President a useful measure of cancellation authority, that delegation has been carefully limited by the very specific definitions of spending and tax benefits, as well as expedited procedures for consideration of disapproval legislation. Moreover, the carefully defined cancellation authority is a practical and principled means of serving the constitutional balance of powers, by redressing the modern practice of presenting the President with omnibus legislation.

Regarding the effective date of the new authority, I would, of course, have preferred that the new authority be effective upon enactment. Nevertheless, I am pleased that the House and Senate have overcome their differences and produced a conference

agreement which delegates effective cancellation authority.

Thank you again for expressing your concerns to me about this important legislation.

Sincerely,
BC

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Kumiki Gibson to Whalen, et al.; RE: Saturday Night (1 page)	03/28/1996	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[03/19/1996 - 05/03/1996]

2009-1006-F
db1568

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

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

CREATOR: Deborah L. Fine (FINE_D) (OPD)

CREATION DATE/TIME:28-MAR-1996 13:53:41.69

SUBJECT: RE: CHANGE IN MEETING

TO: Elena Kagan (KAGAN_E) (WHO)
READ:28-MAR-1996 13:58:56.81

CC: Jeremy D. Benami (BENAMI_J) (WHO)
READ:28-MAR-1996 16:46:27.29

CC: Jennifer L. Klein (KLEIN_J) (OPD)
READ:28-MAR-1996 14:24:15.28

CC: Dorothy L. Karayannis (KARAYANNIS_D) (OPD)
READ:28-MAR-1996 15:33:43.16

TEXT:

Okay..... let's talk Tuesday. Can anyone do it late in the day on Tuesday?

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

CREATOR: Jeffrey A. Weinberg (WEINBERG_J) (OMB)

CREATION DATE/TIME:29-MAR-1996 09:14:17.03

SUBJECT: Here's the draft enrolled bill memo on HR 956

TO: Elena Kagan (KAGAN_E) (WHO)
READ:29-MAR-1996 09:48:51.34

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:29-MAR-1996 13:25:15.96

TEXT:

PRINTER FONT 12_POINT_ROMAN

DRAFT - For Executive Office of the President Use Only

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 956 - Common Sense Product Liability Legal Reform Act of 1996
Sponsors - Reps. Hyde (R) IL and Hoke (R) OH

Last Day for Action

Purpose

Establishes Federal standards governing product liability lawsuits and preempts certain State laws governing such lawsuits.

Agency Recommendations

Office of Management and Budget Disapproval (Veto message attached)

- Department of Commerce
- Department of Health and Human Services
- Department of the Treasury
- Small Business Administration
- Department of Labor
- Department of Justice

No comment (Informally)
No response

Discussion

Your March 16th letter to the congressional leadership stated that you would veto H.R. 956. The provisions of H.R. 956 to which your letter objected are described below; other provisions are described in the Attachment.

The conference report on H.R. 956 was agreed to in the Senate by a vote of 59

-40 and in the House by _____.
Joint

-and

-Several Liability. H.R. 956 would abolish
 ?joint

 -and

 -several? liability for non

 -economic damages (e.g.,
 pain

and suffering) in product liability cases. Each defendant would only be liable for its percentage of liability as determined at trial. In cases where a defendant goes out of business or is unable to pay its part of a judgment, the other defendants would not be responsible.

Your letter stated that this provision means that ?an innocent victim would suffer when one wrongdoer goes bankrupt and cannot pay his portion of the judgment.?

Cap on Punitive Damages. Punitive damages would generally be limited to the greater of: (1) \$250,000; or (2) two times the award for compensatory damages (economic loss and non-economic loss). However, in an action against an individual whose net worth does not exceed \$500,000 or a business with fewer than 25 full time employees, punitive damages would be limited to the lesser of these two amounts. A court could award additional punitive damages if it determines that the award is insufficient to ?punish . . . egregious conduct? or to ?deter such conduct in the future?.

Your letter stated that the cap on punitive damages would increase an irresponsible company?s incentive to knowingly manufacture and sell defective products.

Preemption of State Law. H.R. 956 preempts State laws that are inconsistent with the bill?s standards for product liability lawsuits. Your letter characterized the manner in which H.R. 956 preempts State law as a ?one

-way street of
 federalism, in which Congress defers to state law when doing so helps manufacturers and sellers, but not when doing so aids consumers.? H.R. 956 would allow a State to have:

? A shorter -- but not a longer -- time limit for filing product liability actions than the bill?s limit of 15 years after delivery of the product.

? Lower -- but not higher -- ceilings for punitive damages than those established by the bill (described in the Attachment).

Proponents? Arguments in Favor of H.R. 956

Proponents of H.R. 956 argue that the enrolled bill would improve the competitiveness of American businesses by:

? Preventing firms with a small share of responsibility for a claim from having to pay a large share of the damages.

? Precluding excessive awards of damages.

? Removing burdens associated with the need to comply with 50 different State laws governing product liability.

Conclusion and Recommendations

We join _____ in recommending that you veto

H.R. 956.

Attached for your consideration is a veto message that was prepared by the Office of the White House Counsel. It has been reviewed and approved by _____.

Alice M. Rivlin
Director

Enclosures

Attachment

Other Provisions of H.R. 956

Statute of Repose. A product liability action involving a durable good could not be filed more than 15 years after the delivery of the product to the first purchaser or lessee. However, State law could shorten the period. The Senate

-passed

version of H.R. 956 provided a 20

-year period.

Statute of Limitations. A product liability action could not be filed more than 2 years after the claimant discovered or should have discovered: (1) the harm that is the subject of the action; and (2) the cause of the harm.

A provision in the Senate

-passed version that stopped the statute of limitations from running in the event of a stay or injunction against an action was dropped. (Such a provision protects claimants when a potential defendant files for liquidation or reorganization, because the bankruptcy court will usually issue a stay pending completion of its proceedings.)

Legal Standard for Punitive Damages. A higher legal standard for punitive damages in product liability cases than the current preponderance of the evidence standard [used by [some] [many] [most] States] would be established. A plaintiff would have to establish by clear and convincing evidence that the defendant's conduct demonstrated a conscious flagrant indifference to the rights and safety of those who might be harmed.

Liability of Retailers. Retailers, including those who rent or lease products, generally would be liable only for damages caused by their own actions -- not for selling or renting a defective product.

Misuse of Alteration of the Product. Damages would have to be reduced by the percentage of responsibility of the claimant's harm attributable to misuse or alteration of the product.

Use of Product When Intoxicated. H.R. 956 would relieve a defendant from liability if: (1) the claimant was intoxicated or under the influence of alcohol or a drug that was not prescribed for the claimant or was not being used as prescribed when the accident or other event occurred; and (2) the claimant, as a result, was more than 50 percent

responsible.

Alternative Dispute Resolution Procedures. A claimant or a defendant in a product liability action could, within a
RESET 2

specified time limit, offer to proceed under certain voluntary, nonbinding alternative dispute resolution procedures.

Workers? Compensation Subrogation. An insurer would be given the right to recover from a manufacturer or product seller the workers? compensation benefits paid to a claimant that are subject to a product liability action.

Biomaterials Suppliers. Suppliers of component parts or raw materials for use in the manufacture of a medical device that is implanted in the body would generally be excluded from liability for harm to a claimant caused by an implant. The Administration supported these provisions of H.R. 956.

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

CREATOR: Jeffrey A. Weinberg (WEINBERG_J) (OMB)

CREATION DATE/TIME:29-MAR-1996 11:33:04.38

SUBJECT: HR 956 Product Liability

TO: Elena Kagan (KAGAN_E) (WHO)
READ:29-MAR-1996 12:18:48.28

CC: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:29-MAR-1996 13:28:53.51

CC: James C. Murr (MURR_J) (OMB)
READ:29-MAR-1996 13:35:54.48

CC: James J. Jukes (JUKES_J) (OMB)
READ:29-MAR-1996 11:33:19.29

TEXT:

This morning, I e-mailed to you and Ellen our draft enrolled bill memo on HR 956. Please let me have any comments by Monday morning.

We have been asked to have our enrolled bill memo to the White House by cob Monday.

Please let me have a copy of the draft veto message this afternoon so that we can have it ready to go with the enrolled bill memo on Monday. Thank you.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Kathleen Whalen to Marvin Krislov, et al.; RE: Dinner (1 page)	03/29/1996	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[03/19/1996 - 05/03/1996]

2009-1006-F
db1568

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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

CREATOR: Michael T. Schmidt (SCHMIDT_MT) (OPD)

CREATION DATE/TIME:29-MAR-1996 13:37:43.09

SUBJECT: Seminole and Indian Gaming

TO: Elena Kagan (KAGAN_E) (WHO)

READ:29-MAR-1996 13:44:52.59

TEXT:

I have been told that you are working on the Supreme Court's recent Seminole ruling and our response to that ruling. I wanted to pass on some information to you that I hope will be helpful. This morning, I was over at John Duffy's Office (DOI -- Counselor to Babbit and Indian Gaming Guru) and took part in a very informal discussion of this issue with John, Jim Simon (DOJ), and some other agency folks. (I apologize for not letting you know about this meeting, but before today I didn't realize you were working on the issue!) Nothing much came from this meeting, just some brainstorming over possible options that the Admin can chose from in dealing with the Indian Gaming side of the Seminole Decision. It is my understanding that the Departments of Justice and Interior will be meeting more formally on Monday to discuss this issue and agency (and Administration) reaction to the issue. Both DOJ and DOI expressed great interest in having someone from WH Counsel attend. Included in this meeting may be some discussion about a possible press release -- I am not sure about this, but I asked John Duffy over at Interior to make sure he ran any public statement from DOI by the WH before releasing. You may be interested in attending this meeting -- if so, call Bob Anderson (Solicitor's Office DOI) at 208-7404, or Craig Alexander (DOJ Office of Tribal Justice) at 514-9080 for time and place. I think that a number of DOJ shops will be at the meeting, not just OTJ.

I will be out of town from this afternoon until Tuesday night. Due to my lack of a skypager, I have left a contact number with WH Operator if you need to reach me before I get back. Also, Pat Romani (Carol Rasco's assistant) has these numbers as well. Hope this helps!

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

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

CREATION DATE/TIME:29-MAR-1996 13:44:57.34

SUBJECT: treasury/postal meeting

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:29-MAR-1996 14:25:08.81

TO: Betsy Myers (MYERS_B) (WHO)
READ:29-MAR-1996 18:02:28.14

TO: Elena Kagan (KAGAN_E) (WHO)
READ:29-MAR-1996 14:04:37.48

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ:29-MAR-1996 13:47:06.35

TO: FAX (67311,JUDY GOLD) (TLXA1MAIL_\F:67311\C:JUDY GOLD\\)
READ:NOT READ

CC: Deborah L. Fine (FINE_D) (OPD)
READ:29-MAR-1996 13:45:53.24

TEXT:

The Treasury/Postal Meeting will be held on Thursday, April 4 at 3:00pm in Jeremy's office, OEOB 218A. Stephanie also will attend. Please let me know if this will not work for you. I am at 6-5571. If I do not hear from you, I will assume that you will all attend. Deb cannot attend the meeting. Please call me with questions. Thanks.

BETSY MYER'S OFFICE: PLEASE DELIVER THIS TO JUDY GOLD. THANKS!!!

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

CREATOR: Jennifer L. Klein (KLEIN_J) (OPD)

CREATION DATE/TIME: 9-APR-1996 12:52:23.78

SUBJECT: RE: op eds

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 9-APR-1996 13:01:41.50

TEXT:

I don't have them. Can you fax them (6-2878)? Thanks.

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

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

CREATION DATE/TIME: 10-APR-1996 11:19:26.57

SUBJECT: 3:00 meeting

TO: Katharine M. Button for Verveer (BUTTON_K) (WHO)
READ: 10-APR-1996 11:42:54.50

TO: Betsy Myers (MYERS_B) (WHO)
READ: 10-APR-1996 13:03:21.34

TO: Ashley Oliver (OLIVER_A) (WHO)
READ: 10-APR-1996 11:20:51.33

TO: Lisa Ross (ROSS_LI) (WHO)
READ: 10-APR-1996 12:01:32.33

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 10-APR-1996 11:36:01.09

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ: 10-APR-1996 11:56:46.10

TO: Deborah L. Fine (FINE_D) (OPD)
READ: 10-APR-1996 11:26:03.90

TO: Mary Ellen Glynn (GLYNN_M) (WHO)
READ: 10-APR-1996 11:50:32.70

TEXT:

A brief note to confirm the 3:00 meeting with the women participating in the veto event in the Women's Office on Jackson Place, and a draft agenda:

- I. Welcome/Thank you, etc. Betsy Myers
-- introductions
- II. Review of the Event - walk through Jennifer Klein
-- what will happen when and where
- III. Review President's position - what he Elena Kagan/Jeremy
will say, what he will stress
- IV. Have each woman run through their story the way they will
tell it to the President, press, etc. Focus particularly
on Mary Dorothy Line
-- comments and suggestions by staff
- V. Review of the Press situation Mary Ellen Glynn
-- where we will direct questions, etc.
- VI. Questions

This is just a draft. Please call with suggestions, comments.

See you at 3:00.

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

CREATOR: Michael Waldman (WALDMAN_M) (OPD)

CREATION DATE/TIME:10-APR-1996 12:04:38.61

SUBJECT: free tv????????????

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:10-APR-1996 14:47:34.34

TO: Bruce N. Reed (REED_B) (WHO)
READ:10-APR-1996 15:24:53.52

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:10-APR-1996 12:37:00.97

TO: Elena Kagan (KAGAN_E) (WHO)
READ:10-APR-1996 12:06:04.12

TEXT:

As the sole member of the campaign finance reform kitchen cabinet, it seems to me that we are missing an opportunity to do more about the free tv issue.

It seems from the op-eds and other things I've seen that the blueblood community -- Walter Cronkite etc. -- is petitioning the FCC to do free tv.

Should the administration join their petition or take a position? I would say yes, though we need to carefully vet it with the press and communications office, as well as political, since the industry can't be very happy . . . also, it may violate understandings we have with the industry re: tv violence (I hope not).

This is a chance to actually do something good.

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

CREATOR: Anna M. Briatico (BRIATICO_A) (OMB)

CREATION DATE/TIME:15-APR-1996 16:02:58.43

SUBJECT: Reminder -- comments on LRM 4072 Due

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:15-APR-1996 17:04:04.23

TO: Elena Kagan (KAGAN_E) (WHO)
READ:16-APR-1996 08:53:59.51

TO: Michael T. Schmidt (SCHMIDT_MT) (OPD)
READ:15-APR-1996 16:06:29.50

TO: Thomas J. Kane (KANE_T) (WHO)
READ:NOT READ

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:15-APR-1996 17:42:05.52

TO: Tracey E. Thornton (THORNTON_T) (WHO)
READ:15-APR-1996 16:09:58.39

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:15-APR-1996 16:09:15.70

TEXT:

Reminder -- Please forward any comments on LRM 4072 (Labor report on S. 295, Teamwork for Employees and Management Act of 1995) to me by no later than 4:15 p.m. Please note this report reiterates the Administration's veto threat on the House companion bill. If I do not hear from you by 4 p.m., I will assume that you have no comments. Thanks.

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

CREATOR: M. Jill Gibbons (GIBBONS_M) (OMB)

CREATION DATE/TIME:15-APR-1996 18:42:05.91

SUBJECT: Immigration letter - English only

TO: John C. Angell (ANGELL_J) (WHO)
READ:15-APR-1996 18:42:19.11

TO: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)
READ:15-APR-1996 19:06:35.23

TO: Elena Kagan (KAGAN_E) (WHO)
READ:16-APR-1996 08:54:31.96

TO: Gaynor R. McCown (MCCOWN_G) (OPD)
READ:16-APR-1996 08:57:40.68

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:16-APR-1996 16:44:12.16

TO: S. Lael Brainard (BRAINARD_L) (WHO)
READ:16-APR-1996 13:03:29.78

TO: Laura Capps (CAPPS_L) (WHO)
READ:15-APR-1996 18:56:17.83

TO: Steven D. Aitken (AITKEN_S) (OMB)
READ:16-APR-1996 08:51:09.12

CC: Tracey E. Thornton (THORNTON_T) (WHO)
READ:15-APR-1996 18:58:40.16

CC: Stephen C. Warnath (WARNATH_S) (OPD)
READ:15-APR-1996 21:05:13.80

CC: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:15-APR-1996 21:36:02.95

CC: Alice E. Shuffield (SHUFFIELD_A) (OMB)
READ:16-APR-1996 15:13:18.58

CC: Ingrid M. Schroeder (SCHROEDER_I) (OMB)
READ:15-APR-1996 18:42:32.15

CC: James J. Jukes (JUKES_J) (OMB)
READ:15-APR-1996 18:55:05.13

TEXT:

We are trying to clear the Justice letter strongly opposing S. 356 (english-only) this evening. The bill would "halt Federal government activities conducted in languages other than English". Similar provisions may be offered as an amendment to S. 1664 (the illegal immigration bill). This letter was circulated under LRM 4054.

The veto threat that was originally in the S. 356 letter has been deleted. The letter now strongly opposes the bill.
We are trying to finish this tonight. Please provide any comments

or signoff on the letter.
Thanks

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

CREATOR: Kris Balderston (BALDERSTON_K) (WHO)

CREATION DATE/TIME:17-APR-1996 11:47:11.41

SUBJECT: Quick Mtg on Seminole Decision

TO: John C. Angell (ANGELL_J) (WHO)
READ:17-APR-1996 11:56:47.06

TO: Kathryn Higgins (HIGGINS_K) (WHO)
READ:17-APR-1996 15:52:15.56

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:17-APR-1996 11:57:12.74

TO: Elena Kagan (KAGAN_E) (WHO)
READ:17-APR-1996 13:19:12.43

TO: Michael T. Schmidt (SCHMIDT_MT) (OPD)
READ:17-APR-1996 12:46:17.51

TO: Ray Martinez (MARTINEZ_R) (WHO)
READ:17-APR-1996 17:32:48.41

TO: Marcia L. Hale (HALE_M) Autoforward to: R. Lawton Jordan
READ:17-APR-1996 11:50:25.31

TO: R. Lawton Jordan III (JORDAN_RL) (WHO)
READ:17-APR-1996 11:50:25.31

TO: Marsha Scott (SCOTT_M) (WHO)
READ:23-APR-1996 20:22:32.36

TO: T J Glauthier (GLAUTHIER_T) (OMB)
READ:17-APR-1996 23:18:33.27

CC: David Wofford (WOFFORD_D) (WHO)
READ:17-APR-1996 14:10:16.29

TEXT:

There will be a meeting at 5 pm today with representatives from the Interior Department on the Seminole decision in Room 472. Interior has to move quickly on this important matter.

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

CREATOR: Stephen C. Warnath (WARNATH_S) (OPD)

CREATION DATE/TIME:17-APR-1996 15:39:44.40

SUBJECT: English-only

TO: Elena Kagan (KAGAN_E) (WHO)

READ:17-APR-1996 15:44:02.73

TEXT:

OMB and others have mentioned that you apparently are taking Marvin's place on the English-only issue. I don't know what sort of transitional info Marvin gave you, but I wanted to know that as a result of our interagency meetings on this subject I have a lot of material on this (supplemented by papers from various groups). If you would like any of this, let me know. Also FYI, I should have general talking points finalized on the issue for tomorrow. Thanks.

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

CREATOR: Kevin Moran (MORAN_K1) (WHO)

CREATION DATE/TIME:18-APR-1996 13:13:16.71

SUBJECT: ABORTION MEETING

TO: Nicole R. Rabner (RABNER_N) (WHO)
READ:19-APR-1996 12:43:53.61

TO: John P. Hart (HART_J) (WHO)
READ:18-APR-1996 13:38:49.38

TO: Betsy Myers (MYERS_B) (WHO)
READ:18-APR-1996 13:19:12.36

TO: Patricia F. Lewis (LEWIS_PF) (WHO)
READ:18-APR-1996 13:15:44.21

TO: James T. Edmonds (EDMONDS_J) (WHO)
READ:22-APR-1996 09:56:40.20

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ:20-APR-1996 13:00:17.24

TO: Deborah L. Fine (FINE_D) (OPD)
READ:18-APR-1996 13:24:40.73

TO: Todd Stern (STERN_T) (WHO)
READ:18-APR-1996 14:39:33.38

TO: Lee A. Satterfield (SATTERFIEL_L) (WHO)
READ:18-APR-1996 14:38:53.82

TO: Katherine K. Wallman (WALLMAN_K) (OMB)
READ:18-APR-1996 21:50:57.07

TO: Elena Kagan (KAGAN_E) (WHO)
READ:18-APR-1996 13:20:46.15

TEXT:

THE 5:00 ABORTION MEETING WILL NOW BE HELD AT 5:15 IN DON BAER'S OFFICE.
THANKS! PLEASE CALL IF YOU WILL NOT BE ATTENDING.

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

CREATOR: Anna M. Briatico (BRIATICO_A) (OMB)

CREATION DATE/TIME:19-APR-1996 09:45:29.83

SUBJECT: Reminder - Comments on LRM 40002 Due

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:19-APR-1996 11:15:49.71

TO: Victoria B. Wassmer (WASSMER_V) (OMB)
READ:19-APR-1996 11:42:10.37

TO: Elena Kagan (KAGAN_E) (WHO)
READ:19-APR-1996 10:14:00.62

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:19-APR-1996 10:16:13.80

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:19-APR-1996 10:01:32.46

TEXT:

Reminder -- Please forward any comments on LRM 4002 (Civil Rights Commission Amendments Act of 1996) to me by no later than noon TODAY. If I do not hear from you by then, I will assume that you have no comments.

Thanks

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

CREATOR: James J. Jukes (JUKES_J) (OMB)

CREATION DATE/TIME:22-APR-1996 21:53:58.19

SUBJECT: Draft Signing Statement for Antiterrorism Bill

TO: Christopher D. Cerf (CERF_C) (WHO)
READ:23-APR-1996 10:31:02.29

TO: Elena Kagan (KAGAN_E) (WHO)
READ:23-APR-1996 08:32:13.35

TO: Bruce N. Reed (REED_B) (WHO)
READ:23-APR-1996 10:54:31.02

TO: Dennis Burke (BURKE_D) (OPD)
READ:22-APR-1996 22:03:27.07

TO: Allan J. Kreczko (KRECZKO_A) (NSC)
READ: 6-MAY-1996 14:34:43.53

TO: Steven N. Simon (SIMON_S) (NSC)
READ:23-APR-1996 11:39:19.32

TO: Robert Malley (MALLEY_R) (NSC)
READ:NOT READ

CC: Todd Stern (STERN_T) (WHO)
READ:23-APR-1996 08:36:36.04

CC: Ronald E. Jones (JONES_RE) (OMB)
READ:23-APR-1996 16:10:47.00

TEXT:

You should have in your fax machines (except for Steve, whose machine was busy) a draft Presidential signing statement for the antiterrorism bill. It has a firm 10:00 Tuesday morning deadline for comments.

The statement is based on a draft supplied earlier this evening by Justice, combined with input from State.

On page 3, there is a placeholder for habeas corpus. The Justice draft was silent on this, apparently on the theory that anything to be said on this issue would be prepared by White House staff. Todd Stern has asked me to get him a fully vetted redraft as early Tuesday as possible. I appreciate your efforts to meet the tight deadline. Thank you.

(Todd, I faxed one to you, too.)

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

CREATOR: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)

CREATION DATE/TIME:24-APR-1996 12:00:52.66

SUBJECT: RE: camp fin mtg

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:24-APR-1996 13:24:36.90

TEXT:

she is invited.

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

CREATOR: Stephen C. Warnath (WARNATH_S) (OPD)

CREATION DATE/TIME:24-APR-1996 16:33:25.98

SUBJECT: RE: english-only

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-APR-1996 16:52:49.46

TEXT:

I would be happy to let you know about meetings, etc.

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

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

CREATION DATE/TIME:26-APR-1996 13:15:02.94

SUBJECT: FDA talking points for Kay Holcumb on 3 House bills

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ:26-APR-1996 15:50:26.01

TO: Gregory C. Simon (SIMON_G) Autoforward to: Remote Adresse
READ:NOT READ

TO: Ira C. Magaziner (MAGAZINER_I) (WHO)
READ: 2-MAY-1996 09:09:51.23

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-APR-1996 13:30:31.57

TO: Barry T. Clendenin (CLENDENIN_B) (OMB)
READ:26-APR-1996 13:19:06.32

TO: Richard J. Turman (TURMAN_R) (OMB)
READ:26-APR-1996 13:15:47.43

TO: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:29-APR-1996 13:36:31.37

TO: Sally Katzen (KATZEN_S) (OMB)
READ:26-APR-1996 15:37:58.70

TO: Daniel Tate (TATE_D) (WHO)
READ:26-APR-1996 16:45:59.76

TO: Tracey E. Thornton (THORNTON_T) (WHO)
READ:29-APR-1996 11:56:46.03

TEXT:

Regarding three FDA reform documents Bob has circulated for review.

1. PROBLEMS WITH HOUSE BILLS. FDA has redrafted the paper highlighting the many problems with the three House FDA reform bills (HR 3199, 3200, 3201). There was some confusion yesterday about the purpose of the document. FDA prepared the draft for Kay Holcomb to share with House Dem. staff before the Commerce Cmt's May 1 hearing. HHS/FDA want to print the document on plain paper and give to Kay. The new draft is more affirmative about reform generally and less explosive. It is still -- appropriately, in my view -- very critical of the House bills. Bob will get it to you. I suggest we clear today for the use they propose.
2. IMPACT OF S. 1477 (Kassebaum bill). -- Senate Democrats have also asked for an assesment of outstanding problems. As you know, we're working with FDA this week to get closure on an Administration position on the Senate bill -- we hope to reach closure today or Monday. FDA will redraft this document once we reach closure so WE DON'T NEED TO CLEAR THIS VERSION -- FDA/HHS WILL HOLD.
3. SECTION-BY-SECTION ON THE THREE HOUSE BILLS -- House staff have asked for this type of analysis and FDA would like to get them something. FDA/HHS would like our edits and clearance.
4. TESTIMONY -- FYI Commissioner Kessler is testifying May 1 so we will have to clear his testimony early next week.

Hope this minimizes any confusion. Call me if you have questions.

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

CREATOR: Anna M. Briatico (BRIATICO_A) (OMB)

CREATION DATE/TIME:29-APR-1996 18:20:47.32

SUBJECT: Reminder Comments Due on LRM 4212

TO: Keith J. Fontenot (FONTENOT_K) (OMB)
READ:29-APR-1996 18:21:14.71

TO: Stacy L. Dean (DEAN_S) (OMB)
READ:29-APR-1996 18:33:47.82

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:29-APR-1996 18:56:37.05

TO: Joseph F. Lackey, Jr. (LACKEY_J) (OMB)
READ:30-APR-1996 12:58:28.88

TO: Laura A. Oliven (OLIVEN_L) (OMB)
READ:30-APR-1996 08:34:58.88

TO: Wendy A. Taylor (TAYLOR_W) (OMB)
READ:29-APR-1996 18:22:50.43

TO: Jeffrey A. Farkas (FARKAS_J) (OMB)
READ:29-APR-1996 18:21:00.58

TO: Lester D. Cash (CASH_L) (OMB)
READ:30-APR-1996 13:05:08.47

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ:29-APR-1996 19:14:34.70

TO: Joseph Minarik (MINARIK_J) (OMB)
READ:29-APR-1996 18:37:44.21

TO: Jonathan D. Breul (BREUL_J) (OMB)
READ:30-APR-1996 08:47:22.03

TO: Donna M. Rivelli (RIVELLI_D) (OMB)
READ:30-APR-1996 08:48:15.34

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:29-APR-1996 18:57:29.82

TO: Mark J. Mazur (MAZUR_M) (WHO)
READ:29-APR-1996 19:32:02.56

TO: Bruce N. Reed (REED_B) (WHO)
READ:30-APR-1996 10:20:59.56

TO: Molly Brostrom (BROSTROM_M) (WHO)
READ:30-APR-1996 08:43:46.33

TO: Thomas J. Kane (KANE_T) (WHO)
READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)

READ:29-APR-1996 18:21:18.00

TO: Richard H. Kodl (KODL_R) (OMB)

READ:30-APR-1996 08:58:02.64

TO: E. Irene James (JAMES_E) (OMB)

READ:30-APR-1996 09:13:17.67

CC: Francis S. Redburn (REDBURN_F) (OMB)

READ:30-APR-1996 08:31:07.25

CC: Janet R. Forsgren (FORSGREN_J) (OMB)

READ:29-APR-1996 18:41:59.12

TEXT:

Reminder - please forward your comments on LRM 4212- HUD Drafting Services for H.R. 2406 (United States Housing Act of 1995 introduced by Rep. Lazio) to me by no later than 10:30 a.m. Tuesday morning. Thanks.

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

CREATOR: James S. Rubin (RUBIN_J) (WHO)

CREATION DATE/TIME:29-APR-1996 18:33:23.35

SUBJECT: campaign finance

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:30-APR-1996 09:53:28.28

TO: Michael Waldman (WALDMAN_M) (OPD)
READ:29-APR-1996 18:33:27.85

TO: Victoria L. Radd (RADD_V) (WHO)
READ:29-APR-1996 18:34:24.24

TO: William Curry (CURRY_W) (WHO)
READ:30-APR-1996 10:24:20.11

TO: Elena Kagan (KAGAN_E) (WHO)
READ:29-APR-1996 18:33:40.31

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:29-APR-1996 19:48:33.96

TEXT:

Peter Jacoby and I prepared the attached one-pager as a summary of the current state of play in terms of legislative proposals. We hope you find it useful.

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

ATT CREATION TIME/DATE:29-APR-1996 18:32:00.00

ATT BODYPART TYPE:p

ATT CREATOR: James S. Rubin

TEXT:

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

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

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

CREATION DATE/TIME: 1-MAY-1996 11:32:21.39

SUBJECT: Product Liability Veto

TO: Marilyn Yager (YAGER_M) (WHO)
READ: 1-MAY-1996 13:26:35.34

TO: Victoria L. Radd (RADD_V) (WHO)
READ: 1-MAY-1996 11:32:49.14

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 1-MAY-1996 13:45:42.08

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ: 1-MAY-1996 14:31:29.50

CC: Deborah L. Fine (FINE_D) (OPD)
READ: 1-MAY-1996 11:32:30.43

CC: Carol H. Rasco (RASCO_C) (WHO)
READ: 1-MAY-1996 11:40:25.05

TEXT:

Wanted to pass along a message from Phyllis Greenberger re the Product Liability veto.

Phyllis is Executive Director of the Society for the Advancement of Women's Health Research and is also a member of the President's AIDS Advisory Council. She is a friend of the administration's and of the First Lady.

She wanted to stress that it would not be a good idea for the President to highlight the breast implant issue as part of the veto ceremony - i.e., not have one of the people with the President tell that particular story.

I don't know whether this is good or bad advice since I am not involved in the issue, but I did want to pass it along to you folks who I assume are putting the event together.

Marilyn: I suggested that Phyllis call you directly to discuss.

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

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

CREATION DATE/TIME: 1-MAY-1996 16:12:49.65

SUBJECT: Local Flexibility - Committee Markup

TO: Jonathan D. Breul (BREUL_J) (OMB)
READ: 1-MAY-1996 18:23:34.58

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ: 1-MAY-1996 17:36:25.01

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 1-MAY-1996 17:34:09.32

TO: Steven D. Aitken (AITKEN_S) (OMB)
READ: 1-MAY-1996 16:26:54.21

TO: Gregory M. Jones (jonesgre@justice.usdoj.gov@INET@EOPMRX)
READ:NOT READ

CC: James J. Jukes (JUKES_J) (OMB)
READ: 1-MAY-1996 16:18:01.49

TEXT:

On page 36 line 12, of the House Government Reform and Oversight Committee markup of H.R. 2086 there is a provision which requires the President to certify the CEB's approval or disapproval of a flexibility plan before the plan can take effect or before a plan is terminated.

The bill states that the President "shall make a certification" or "issue a finding that the certification may not be made" within 15 days after the CEB makes a decision on the plan.

Does this provision rise to the level of mentioning it specifically in the SAP?

Justice - please check this provision with OLC

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

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

CREATION DATE/TIME: 3-MAY-1996 14:56:48.44

SUBJECT: DOJ Position on HR 2974 -- increased penalties for --

TO: Dennis Burke (BURKE_D) (OPD)

READ: 3-MAY-1996 17:48:04.58

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-MAY-1996 15:01:52.38

TEXT:

crimes against the elderly and children.

Just a heads up ..

DOJ staff say they want to have SAP that says we support the bill. REASON: We've had our shot at it, the House won't amend it to our liking, and for policitcal rasons we should say we support it.

Any objections to this change?

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

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

CREATION DATE/TIME: 3-MAY-1996 15:27:47.84

SUBJECT: Revised SAP (per DOJ) on HR 2974

TO: Dennis Burke (BURKE_D) (OPD)
READ: 3-MAY-1996 17:49:46.87

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 3-MAY-1996 15:34:56.79

TO: Peter Jacoby (JACOBY_P) (WHO)
READ: 3-MAY-1996 15:50:10.34

TO: Robert G. Damus (DAMUS_R) (OMB)
READ: 3-MAY-1996 17:05:33.22

TO: Kenneth L. Schwartz (SCHWARTZ_K) (OMB)
READ: 3-MAY-1996 16:26:39.79

TO: David J. Haun (HAUN_D) (OMB)
READ: 3-MAY-1996 15:46:37.68

TO: Julie Haas (HAAS_J) (OMB)
READ: 3-MAY-1996 16:21:18.20

TO: John E. Thompson (THOMPSON_J) (OMB)
READ: 3-MAY-1996 15:30:01.58

TEXT:

PRINTER FONT 12_POINT_COURIER

Revised SAP from Justice. Staff tell me it's based on agreement between Andy Foiss and Rahm Emanuel.

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DRAFT -- NOT FOR RELEASE
(House)

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H.R. 2974 - Crimes Against Children and Elderly Persons
Increased Punishment Act
(Chrysler (R) Michigan)

The Administration supports House passage of H.R. 2974, which is consistent with the Administration's commitment to protecting the rights of victims of crime. This bill builds upon the principles of the 1994 Crime Act, which recognized that vulnerable victims deserve special protection under the law.