

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 001 - FOLDER -008

[08/29/1996 - 09/10/1996]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. (Partial) (1 page)	09/05/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[08/29/1996 - 09/10/1996]

2009-1006-F

db1569

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:29-AUG-1996 12:23:44.18

SUBJECT: Securities stuff

TO: Elena Kagan (KAGAN_E) (WHO)

READ:29-AUG-1996 12:59:17.35

TEXT:

Attached is the piece we did on California. I've been looking through my files on the Senate and House bills, and I don't have actual copies of the bills as they now stand. I have a few summaries, but frankly, I'm not certain how up-to-date they are. In any event, they don't answer the critical question whether -- and to what extent -- preemption of the state registration requirements limits the state causes of action. I have a call in to the SEC to discuss this (they've been following the bills much more closely than we have), and I've asked Treasury (which has also been working on this provision more than I have) to think about it. I can offer this, however, that CURRENTLY, most offerings that are listed on the NYSE and other major exchanges DO NOT have to be registered at the state level, and yet suits under state law with respect to those issues are allowed (when you sue under the federal securities laws, you almost always include state law counts too). This suggests that -- given there's no explicit preemption of state private rights of action in the pending bills -- at the very least the issue would be unclear enough that the techies would want something more. But we should try to find out the answer, and I'm working on it.

Ellen

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

ATT CREATION TIME/DATE:29-AUG-1996 12:23:00.00

ATT BODYPART TYPE:p

TEXT:

Unable to convert OA\$SHARC1701:ZWLPHPKR2.FGN to ASCII,
The following is a HEX DUMP:

FF575043E4090000010A000100000000FBFF050032001101000006001000000042000000FFFF47
000000570000000C005A000000AD00000003000A0000000701000008237C007800000001000001
0F0000006370692900436F75726965722031327074202831306370692900436F75726965722031
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2900FFFFFFFFFFFFFFFFFFFFFFFF43616E6F6E204C42502D382049494900000000000000
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80FE
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FFFFFFFFFFFFFFFFFFFFFFFFFBFF0500320000000000020240030000FE0200000700640000
003E060000030240030000A2060000080002000000E2090000000122008200FFFFFFFF3501FFFF
8501FFFFB01FFFFFFFFFFFF4002FFFFFFFFFFFF5E3242526464A79B2442426471324232386464

**INFORMATION CONCERNING CALIFORNIA SECURITIES
LITIGATION INITIATIVE, PROP. 201**

Background

In November, an initiative sponsored by securities plaintiffs attorneys with support from labor and endorsement of the California Democratic party will be on the California ballot. This initiative would make California securities law more favorable to plaintiffs than current federal law.

The law that would be enacted by the initiative would require a minimal California nexus to bring an action. While the issue would undoubtedly be litigated should the initiative pass, the statute attempts to apply California law to non-California corporations on such issues as director indemnification, punitive damages and conditions to bringing a derivative action.

The California Initiative would change California law to make it significantly more pro-plaintiff than federal law (current or pre-1995) or current California law.

- oThe initiative would authorize punitive damages, which have consistently been rejected in securities actions by both federal and California courts;
- oThe initiative would prohibit a company from indemnifying an officer or director for liability under the act, the likely effect of which will be resignations of outside directors from the boards of, in particular, high-tech corporations;
- oThe initiative would codify the fraud on the market theory, while eliminating the truth on the market defense under which a defendant could show that accurate information was also in the market;
- oThe initiative would explicitly permit aiding and abetting actions by private plaintiffs; and
- oThe initiative would permit an individual shareholder to bring a class action on behalf of, e.g., a pension fund, without consulting with the management of the fund.

At the same time, the California Initiative leaves in place state law that is more pro-plaintiff than the federal law enacted last year.

- oIn actions brought under the California securities laws, the provisions of the federal statute limiting professional plaintiffs, requiring disclosure of conflicts by attorneys and class action plaintiffs, providing a preference for the "most adequate plaintiff," and restricting discovery prior to a motion to dismiss, do not apply;
- oIn actions brought under the California securities law, the safe harbor in the federal statute, which was designed to encourage greater availability of information in the market, do not apply; and
- oIn actions brought under the California securities laws, the limitations on joint and several liability contained in the federal statute, do not apply.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Deborah F. Kramer@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME:30-AUG-1996 10:22:00.00

SUBJECT: SSA Meeting on Welfare Implementation --

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)
READ:30-AUG-1996 10:33:33.43

TO: FORTUNA_D (FORTUNA_D@A1@CD) (OPD)
READ: 2-SEP-1996 14:40:36.56

TO: Keith J. Fontenot (Keith J. Fontenot@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Cynthia M. Smith (Cynthia M. Smith@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Jack A. Smalligan (Jack A. Smalligan@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Richard E. Green (Richard E. Green@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Desiree G. Filippone (Desiree G. Filippone@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TEXT:

Message Creation Date was at 30-AUG-1996 10:16:00

The meeting with SSA (Brian Coyne, Judy Chesser and Arthur Fried) has been moved from Tuesday @ 2:00 to Wednesday @ 2:00.
Meeting will be in Ken' s office (260).

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

CREATOR: Dorothy Robyn (ROBYN_D) (OPD)

CREATION DATE/TIME: 3-SEP-1996 10:38:13.41

SUBJECT: FYI

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-SEP-1996 10:45:10.22

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 3-SEP-1996 10:19:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Dorothy Robyn

ATT SUBJECT: PTO Bill

ATT TO: John A. Koskinen (KOSKINEN_J)

ATT TO: Elaine C. Kamarck (KAMARC_E)

TEXT:

One of the remaining issues on H.R. 3460 (Moorhead/Schroeder Patent Reform bill) has to do with congressional notification if the President wants to dismiss the Commissioner of PTO. H.R. 3460 originally said the Pres. could not remove the Comm. prior to the expiration of his/her 5-year term except "for cause." Justice argued that such a restriction raised constitutional concerns, and the Judiciary Committee compromised: the current provision requires only that the Pres. notify both Houses of the reason for removal.

Justice and WH Counsel's office want to press to remove even that requirement. It's not unconstitutional, in their view, but as a "functional invasion" of the President's prerogatives, it violates "constitutional policy."

In the course of arguing over whether that objection should be raised again in an Admin. letter of support on HR 3460, John Kamensky expressed a quite different view -- namely, that the Administration wants the PTO Commissioner to be treated in a relatively non-political way, and therefore a requirement that the President notify Congress of the reasons for removal is actually desirable. Can you give us some guidance on this?

cc: Elena Kagan, WH Counsel
John Kamensky, NPR

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

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

CREATOR: Dorothy Robyn (ROBYN_D) (OPD)

CREATION DATE/TIME: 3-SEP-1996 11:58:25.50

SUBJECT: FYI; I'll call to discuss.

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-SEP-1996 13:09:39.22

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 3-SEP-1996 10:50:00.00

ATT BODYPART TYPE:B

ATT CREATOR: John A. Koskinen

ATT SUBJECT: RE: PTO Bill

ATT TO: Dorothy Robyn (ROBYN_D)

ATT CC: Elaine C. Kamarck (KAMARC_E)

TEXT:

I vote to leave the compormise language as is. John is correct in his statement that we're trying to get people hired as CEOs of the PBOs (love those acronyms) for full terms, rather than have them be viewed as purely political appointees. The language proposed is the same as that used for Inspectors General, so there is precedent for its use. Beyond the merits of the language, we have enough other issues that matter that we shouldn't clutter up the discussion at this time with this discussion.

Somewhat belatedly, let me also respond to your inquiry about whether OMB should be able to "review and approve" or only "review" performance plans for the PTO. The Secretary has the unreviewed authority to hire the CEO, develop a "framework" agreement with him and pay the bonus earned under the performance agreement. We have had questions raised by the Hill about the concern that the Secretary will hire a friend and pay a bonus for showing up on time. Therefore, we have isolated the performance agreement, and its ties to the bonus, as the only place necessary for third party review to provide some assurance that the system works as proposed. The difference in "review and approve" and "review" may be semantics in light of the normal relationship between OMB and the agencies, but OMB's role in many areas is to oversee statutory requirements.

I'm buying the pizza if we ever get this PBO established.

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

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

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

CREATION DATE/TIME: 3-SEP-1996 13:48:14.43

SUBJECT: Agenda for 2pm

TO: Jeremy D. Benami (BENAMI_J) (WHO)
 READ: 3-SEP-1996 15:25:16.80

TO: Elena Kagan (KAGAN_E) (WHO)
 READ: 3-SEP-1996 14:11:02.08

TO: Emily Bromberg (BROMBERG_E) (WHO)
 READ: 3-SEP-1996 17:30:10.71

TO: Kenneth S. Apfel (APFEL_K) Autoforward to: Remote Adresse
 READ: NOT READ

TO: Keith J. Fontenot (FONTENOT_K) Autoforward to: Remote Adresse
 READ: NOT READ

TEXT:

Sorry for the short notice, but here's the 2pm agenda materials.

PRINTER FONT 12_POINT_ROMAN
 SUBGROUP ON IMPLEMENTATION
 WELFARE REFORM WORKING GROUP
 AGENDA
 September 3, 1996

- I. Review of Schedule of External Contacts
- II. Review of Issues List
- III. Review of Work Products due to Implementation Subgroup
- IV. Discussion of NGA/NCSL/APWA September meeting
- V. Next Meeting

□

Sept

1996

SCHEDULE OF EXTERNAL CONTACTS/HEARINGS:

This schedule is to include all letters, guidance, notices, hearings, reports, major notices to field offices, etc.

Note: List must include all items contemplated before the end of September.

HHS:

- o Letter from ACF to state commissioners: went out?
- o Letter from ACF on child care: went out?
- o Letter from Secretary to Governors: went out?
- o Letter to State Medicaid Directors: went out?
- o Briefing of unions? this week
- o Guidance on state plans: by NGA meeting 9/9
- o State child care meeting Sept. 9

□

-10

- o Early read on regulations for states: after NGA meeting
- o Congressional Black Caucus meeting: 9/11

□

-15

o Ways and Means hearing mid

-September

o Child support enforcement annual training institute: week of 9/16

o Medicaid TAG meetings: on

-going

USDA:

o Implementing memo: went out?

o Conference with states Sept. 4

-5

o Guidance to states on 18

-50 year olds: what date?

SSA:

o When is notice to states?

o Letter from Commissioner to states

DOJ/INS:

o Definition of lawfully present: done?

o Interim verification/how to enroll in SAVE: done?

o Info on naturalization for other agencies' packets: when?

o Hearings on naturalization: give us all hearing dates

Sept

1996

ISSUES LIST:

Note: This is currently focused on immediate issues. We will need to add issues to create a more comprehensive list over time.

HHS:

o Content of guidance on state plans; 45

-day public comment

period

o Waivers (includes USDA & HCFA)

o What to tell states that come in early

o Regulations

o Tracking system for time limits

o Child care block grant deadlines

o Performance bonus fund implementation

USDA:

o 18

-50 year

-olds: States' ability to track work

o Implementation of waiver to delay recertification

o California request on food stamp recertification

SSA:

o Appeal rights for children on SSI

o Regulation for children's SSI changes

o 40 quarters calculation

o Timing of notices to legal immigrants

DOJ:

o California Prop 187 directive

o Interim verification

o Final version on AG order

- o State reporting requirements 4x/year
- o Easing naturalization
- o Treaty issue

Treasury:

- o How to do contingency fund

Government

-wide:

- o Definition of means

-tested program

- o Gramm amendment
- o Discrimination complaints

Sept

1996

WORK PRODUCTS DUE FROM AGENCIES TO IMPLEMENTATION SUBGROUP

HHS:

- o TANF and child care guidance
- o Listing of regulations, both definite and possible
- o Child support enforcement: flag key issues by Labor Day, along with schedule of regs/guidance
- o HCFA reports on delinking eligibility; loss of Medicaid for SSI children losing benefits; effect on waivers: by Labor Day

USDA:

- o Need timing of potential regulations

SSA:

- o List of regulations and notices, with timeline

DOJ:

- o General timeline of activities (e.g., definition of lawfully present, promulgate affidavit of sponsorship, Sept. hearings on naturalization process, 18 months for verification, potential regs)

- o Non

-means

- tested programs: ALMOST DONE?

Treasury:

- o General timeline, list of tasks, regs, notices, etc.

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

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

CREATION DATE/TIME: 3-SEP-1996 16:08:32.26

SUBJECT: Reminder -- Comments due on LRM 5448 - HUD draft letter

TO: David J. Haun (HAUN_D) Autoforward to: Remote Addressee
READ:NOT READ

TO: Joseph F. Lackey, Jr. (LACKEY_J) (OMB)
READ: 3-SEP-1996 16:48:09.37

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:NOT READ

TO: Molly Brostrom (BROSTROM_M) (WHO)
READ: 3-SEP-1996 16:30:29.32

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ: 3-SEP-1996 16:29:53.85

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ: 3-SEP-1996 16:31:25.31

TO: Mark J. Mazur (MAZUR_M) (WHO)
READ: 3-SEP-1996 16:52:56.17

TO: Robert G. Damus (DAMUS_R) (OMB)
READ: 3-SEP-1996 17:52:04.15

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 3-SEP-1996 16:58:41.72

CC: Francis S. Redburn (REDBURN_F) Autoforward to: Remote Address
READ:NOT READ

CC: Hang T. Tran (TRAN_HT) Autoforward to: Remote Addressee
READ:NOT READ

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ: 4-SEP-1996 10:30:35.81

TEXT:

Reminder -- please forward your comments on LRM 5448 (HUD draft letter on H.R. 2406) to me by 5 p.m. 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: Diana M. Fortuna (FORTUNA_D) (OPD)

CREATION DATE/TIME: 3-SEP-1996 19:53:17.38

SUBJECT: Wisconsin waiver

TO: Jacob J. Lew (LEW_J) Autoforward to: Remote Addressee
READ:NOT READ

TO: Kenneth S. Apfel (APFEL_K) Autoforward to: Remote Addressee
READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 4-SEP-1996 08:39:17.39

TEXT:

Emily Bromberg threw together an impromptu meeting today on the Wisconsin waiver, with Carol, Bruce Reed, and HHS (Monahan, Rosewater, Sally Richardson of HCFA). I thought I should let you know what happened.

The impetus for the meeting was the fact that HHS had a plan to send Wisconsin 3 letters: one from ACF saying that the outstanding waivers were either moot because of the new law, were under continuing review, or were questionable (the residency issue).

There were also draft letters from HCFA and food stamps. We didn't see the food stamp letter, but the HCFA letter said we had big policy problems with what they want to do, but we'd be happy to continue to work with them on a plan to expand coverage. The overall intent of the 3 letters was to say we are "done" with W-2, except for a few minor items.

However, Bruce and Carol pushed strongly for resolving all resolvable welfare issues before sending any letters, including perhaps the conditional approval we had been arguing about on the residency issue. Bruce argued it would be much cleaner to fight on Medicaid if we had done all we could on welfare.

HHS is going to look at what it would take to resolve this (there are also some remaining child support issues that should be resolvable). Elena, I assume they will call you on residency. Then the plan was to reconvene perhaps by conference call this Friday (not yet scheduled). And no letters will go out till this is resolved.

Food stamps is still a mystery; I have to call them to get their story.

No one thinks this is a big rush, but people would like to get it out of the way -- although not before the big NGA meeting at the beginning of next week.

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

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

CREATION DATE/TIME: 4-SEP-1996 14:27:40.72

SUBJECT: Calif food stamp conf call

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 4-SEP-1996 18:15:05.83

TO: Keith J. Fontenot (FONTENOT_K) Autoforward to: Remote Addre
READ: NOT READ

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ: 4-SEP-1996 14:27:57.23

TEXT:

I had been working to set up a conference call on Calif food stamps for today at either 3:30 or 5:30. But we don't know where DOJ is on this yet; so 3:30 won't work. I'll be in touch about a possible 5:30, but it may have to be tomorrow. I'll be in touch.

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

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

CREATION DATE/TIME: 4-SEP-1996 15:37:00.39

SUBJECT: Conference call on church plans

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 4-SEP-1996 18:18:06.79

TO: Ingrid M. Schroeder (SCHROEDER_I) (OMB)
READ: 4-SEP-1996 15:37:10.23

CC: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ: 5-SEP-1996 09:13:57.64

TEXT:

The conference call tomorrow on the DOJ church plan/securities laws exemption letter will be at 3:30. Call 456-6777, code 5792. Don't call early, and don't hang up once you call. If you want others on the call, please put them on a speaker. We'll have Randy Moss from DOJ, Nell Hennessey from PBGC, and Barry Barbash or some similarly knowledgeable person from the SEC. The object of the game is to make certain any DOJ letter (i) doesn't call existing law (primarily the ERISA church plan rules) into question and (ii) takes the structure of ERISA and, in particular, the different treatment in that statute of churches, non-profits and businesses, into account.
Ellen

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

CREATOR: Dorothy Robyn (ROBYN_D) (OPD)

CREATION DATE/TIME: 4-SEP-1996 15:59:16.72

SUBJECT: Congressional Notification Issue/PTO

TO: John A. Koskinen (KOSKINEN_J) (OMB)
READ: 4-SEP-1996 18:25:12.78

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 4-SEP-1996 18:19:32.17

TEXT:

I was just up meeting w/ the House Judiciary Comm. staff on the PTO bill (John: I'm sure John Kamensky will give you a summary; it was a good and short (!!) meeting.) When I indicated that we had not reached a final Administration position on the congressional notification issue, Rep. Schroeder's staff person spoke up to complain about Members reading it in the newspaper rather than being informed by the White House when someone senior is fired. She implied that that was the motivation (at least on Schroeder's part) for the language on notification.

I don't have a view on the disagreement between NPR/OMB and Counsel's office. But if Counsel's view prevails, one compromise w/ the Hill might be to have the President simply notify Congress without giving a reason for the removal of the Commissioner.

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

CREATOR: Lyndell Hogan (HOGAN_L) (OPD)

CREATION DATE/TIME: 4-SEP-1996 17:00:08.26

SUBJECT: Domestic Violence Meeting

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 4-SEP-1996 18:19:57.52

TO: Betsy Myers (MYERS_B) (WHO)
READ: 4-SEP-1996 17:20:00.47

TO: Deborah L. Fine (FINE_D) (OPD)
READ: 4-SEP-1996 17:09:12.07

TO: Dennis Burke (BURKE_D) (OPD)
READ: 4-SEP-1996 22:13:17.56

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ: 4-SEP-1996 17:00:59.79

CC: Elizabeth E. Drye (DRYE_E) (OPD)
READ: 4-SEP-1996 17:41:01.41

CC: Jeremy D. Benami (BENAMI_J) (WHO)
READ: 6-SEP-1996 09:09:40.99

TEXT:

DOMESTIC VIOLENCE/WELFARE REFORM MEETING

Thursday, September 5

4:30-5:50

211 OEOB

As you all know, the Justice Department and HHS have been working on approaches to highlight the Wellstone domestic violence amendment in the welfare reform legislation. One idea is to issue an Executive Order modeled after NOW's document; another is a Presidential statement; still another is a directive to Sec. Shalala and the Attorney General to issue state guidelines for implementing the provision.

I'm pulling this meeting together to discuss a) the various options being batted around; b) the most effective of these options; c) and the best follow-up procedure.

Sorry for the last minute notice -- it just became clear that there are a couple of different paths people are taking. We just need to make sure we are all on the same path.

The following are confirmed for the meeting. Please let me know if you are able to attend.

HHS, Confirmed

--Peter Edelman

--Virginia Cox

--Anna Durand

HHS, Not Confirmed

--Ann Rosewater

Justice, Confirmed

--Virginia Cox

--Liz Hyman

Thanks.

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

CREATOR: Dorothy K. Craft (CRAFT_D) (OPD)

CREATION DATE/TIME: 5-SEP-1996 10:03:53.00

SUBJECT: WELFARE SUBGROUP MEETING

TO: FAX (94014678, MARY JO BANE) (TLXA1MAIL_ \F:94014678\C:MARY JO BANE\\)
READ: NOT READ

TO: FAX (96907383, PETER EDELMAN) (TLXA1MAIL_ \F:96907383\C:PETER EDELMAN\\)
READ: NOT READ

TO: FAX (96907383, ANGELA DURAN) (TLXA1MAIL_ \F:96907383\C:ANGELA DURAN\\)
READ: NOT READ

TO: FAX (96905672, JOHN MONAHAN) (TLXA1MAIL_ \F:96905672\C:JOHN MONAHAN\\)
READ: NOT READ

TO: FAX (96906262, KATHY KING) (TLXA1MAIL_ \F:96906262\C:KATHY KING\\)
READ: NOT READ

TO: FAX (96193437, DENNIS HAYASHI) (TLXA1MAIL_ \F:96193437\C:DENNIS HAYASHI\\)
READ: NOT READ

TO: FAX (96907380, RICH TARPLIN) (TLXA1MAIL_ \F:96907380\C:RICH TARPLIN\\)
READ: NOT READ

TO: FAX (93050134, ROBERT BACH) (TLXA1MAIL_ \F:93050134\C:ROBERT BACH\\)
READ: NOT READ

TO: FAX (914109659063, CAROLYN COLVIN) (TLXA1MAIL_ \F:914109659063\C:CAROLYN COLVI)
READ: NOT READ

TO: FAX (96220073, MICHAEL BARR) (TLXA1MAIL_ \F:96220073\C:MICHAEL BARR\\)
READ: NOT READ

TO: FAX (94827105, BRIAN COYNE) (TLXA1MAIL_ \F:94827105\C:BRIAN COYNE\\)
READ: NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 5-SEP-1996 11:33:11.43

TO: Deborah L. Fine (FINE_D) (OPD)
READ: 5-SEP-1996 10:05:17.75

TO: Peggy A. Lewis (LEWIS_P) (WHO)
READ: 5-SEP-1996 10:05:56.96

TO: Anne E. McGuire (MCGUIRE_A) (WHO)
READ: 5-SEP-1996 10:33:08.21

TO: Richard E. Green (GREEN_R) (OMB)
READ: 9-SEP-1996 09:55:34.37

TO: FAX (95140539, RANDY MOSS) (TLXA1MAIL_ \F:95140539\C:RANDY MOSS\\)
READ: NOT READ

TO: FAX (95149112, KEVIN JONES) (TLXA1MAIL_ \F:95149112\C:KEVIN JONES\\)

READ:NOT READ

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ: 6-SEP-1996 09:13:57.39

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ: 5-SEP-1996 09:57:06.40

TO: Dorothy K. Craft (CRAFT_D) (OPD)
READ: 5-SEP-1996 11:09:52.30

TO: FAX (96222633,JOSHUA GOTBAUM) (TLXA1MAIL_\F:96222633\C:JOSHUA GOTBAUM\<\
READ:NOT READ

TO: FAX (96222633,LOUISE SHEINER) (TLXA1MAIL_\F:96222633\C:LOUISE SHEINER\<\
READ:NOT READ

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ: 9-SEP-1996 10:02:18.56

TO: Barry White (WHITE_B) Autoforward to: ACCOUNT, NOTES_
READ:NOT READ

TO: Remote Addressee (JOSHUA.GOTBAUM@OSD.MIL@INET)
READ:NOT READ

TO: Remote Addressee (MOSSR@JUSTICE.USDOJ.GOV@INET)
READ:NOT READ

TO: Remote Addressee (RLBGOV@AOL.COM@INET)
READ:NOT READ

TO: Remote Addressee (CAROLYNW.COLVIN@SSA.GOV@INET)
READ:NOT READ

TO: Remote Addressee (BARRY.EIGEN@SSA.GOV)
READ:NOT READ

TO: FAX (914109661337,DIANE BLACKMAN) (TLXA1MAIL_\F:914109661337\C:DIANE BLACKMA
READ:NOT READ

TO: Remote Addressee (BRIAN.COYNE@SSA.GOV@INET)
READ:NOT READ

TO: Remote Addressee (MBANE@ACF.DHHS.GOV@INET)
READ:NOT READ

TO: Remote Addressee (MMOCKO@ACF.DHHS.GOV@INET)
READ:NOT READ

TO: Remote Addressee (PEDELMAN@OSASPE.DHHS.GOV@INET)
READ:NOT READ

TO: Remote Addressee (ADURAN@OSASPE.DHHS.GOV@INET)
READ:NOT READ

TO: Remote Addressee (ASEGAL@OSASPE.DHHS.GOV@INET)
READ:NOT READ

TO: Remote Addressee (JMONOHAN@OS.DHHS.GOV@INET)

READ:NOT READ

TO: Remote Addressee (K KING@HCFA.GOV@INET)
READ:NOT READ

TO: FAX (96906562,ANN SEGAL) (TLXA1MAIL_\F:96906562\C:ANN SEGAL\\)
READ:NOT READ

TO: FAX (96907380,MARY BOURDETTE) (TLXA1MAIL_\F:96907380\C:MARY BOURDETTE\\)
READ:NOT READ

TO: FAX (97033052576,STEVEN CARLSON) (TLXA1MAIL_\F:97033052576\C:STEVEN CARLSON)
READ:NOT READ

TO: FAX (97033052454,STACY DEAN) (TLXA1MAIL_\F:97033052454\C:STACY DEAN\\)
READ:NOT READ

TO: Keith J. Fontenot (FONTENOT_K) Autoforward to: Remote Adre
READ:NOT READ

TO: Jeffrey A. Farkas (FARKAS_J) Autoforward to: Remote Address
READ:NOT READ

TO: Matthew D. McKearn (MCKEARN_M) Autoforward to: Remote Address
READ:NOT READ

TO: Cynthia M. Smith (SMITH_CM) (OMB)
READ: 5-SEP-1996 15:03:08.11

TO: FAX (94827153,JUDY CHESSER) (TLXA1MAIL_\F:94827153\C:JUDY CHESSER\\)
READ:NOT READ

TO: Remote Addressee (JUDY.CHESSER@SSA.GOV@INET)
READ:NOT READ

TO: FAX (97033052454,YVETTE JACKSON) (TLXA1MAIL_\F:97033052454\C:YVETTE JACKSON)
READ:NOT READ

TO: FAX (96222633,GLEN ROSSELLI) (TLXA1MAIL_\F:96222633\C:GLEN ROSSELLI\\)
READ:NOT READ

TO: Remote Addressee (JMOORE@HCFA.GOV@INET@INET)
READ:NOT READ

TO: FAX (914107860025,JUDY MOORE) (TLXA1MAIL_\F:914107860025\C:JUDY MOORE\\)
READ:NOT READ

TO: FAX (96907380,HELEN MATHIS) (TLXA1MAIL_\F:96907380\C:HELEN MATHIS\\)
READ:NOT READ

TO: Remote Addressee (YVETTE_JACKSON@FCS.USDA.GOV@INET)
READ:NOT READ

TO: Remote Addressee (BONNY.O'NEIL@FCS.USDA.GOV@INET)
READ:NOT READ

TO: FAX (92609183,JON WEINTRAUB) (TLXA1MAIL_\F:92609183\C:JON WEINTRAUB\\)
READ:NOT READ

TO: Remote Addressee (JON_WEINTRAUB@ED.GOV@INET)

READ:NOT READ

TO: Remote Addressee (JESSICA_LEVIN@ED.GOV@INET)
READ:NOT READ

TO: FAX (94014353,JESSICA LEVIN) (TLXA1MAIL_\F:94014353\C:JESSICA LEVIN\\)
READ:NOT READ

TO: Remote Addressee (STACEY.DEAN@FCS.USDA.GOV@INET)
READ:NOT READ

TO: Jack A. Smalligan (SMALLIGAN_J) Autoforward to: Remote Addr
READ:NOT READ

TO: Daniel J. Chenok (CHENOK_D) (OMB)
READ: 9-SEP-1996 12:48:57.91

TO: Wendy A. Taylor (TAYLOR_W) (OMB)
READ: 5-SEP-1996 10:27:23.63

TO: Laura A. Oliven (OLIVEN_L) (OMB)
READ: 6-SEP-1996 09:08:32.17

TO: Debra J. Bond (BOND_D) (OMB)
READ: 5-SEP-1996 09:58:39.47

TEXT:

MEMORANDUM TO WELFARE IMPLEMENTATION SUBGROUP

FROM: Jeremy Ben-Ami
Diana Fortuna
Domestic Policy Council

SUBJECT: NEXT WELFARE IMPLEMENTATION SUBGROUP MEETING

The next meeting of the Welfare Implementation Subgroup will be held on Thursday, September 12, at 2:00 p.m. in OEOB 211. If you have attended a subgroup meeting in the past, you will be cleared into the building for this meeting. If you have never attended a subgroup meeting, please call Dorothy Craft at (202) 456-5571 to provide the spelling of your name and your date of birth. You may leave the clearance information on voice mail. Thank you.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. (Partial) (1 page)	09/05/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[08/29/1996 - 09/10/1996]

2009-1006-F
db1569

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]

[001]

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

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

CREATION DATE/TIME: 5-SEP-1996 10:16:21.32

SUBJECT: Various

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 5-SEP-1996 11:36:45.65

TEXT:

1. The President didn't say anything about any tort or securities law issues in the Money mag interview.
 2. If you want to talk to Nell Hennessey about church plans and ERISA, her number is P6/(b)(6).
 3. What's happening on securities lit preemption?
- Ellen

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

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

CREATION DATE/TIME: 5-SEP-1996 11:05:25.10

SUBJECT: Decision on HHS Proposal on welfare waivers

TO: Carol H. Rasco (RASCO_C) (WHO)
READ: 5-SEP-1996 16:28:01.57

TO: Bruce N. Reed (REED_B) (WHO)
READ: 5-SEP-1996 11:48:20.61

TO: Jacob J. Lew (LEW_J) Autoforward to: Remote Addressee
READ:NOT READ

TO: Kenneth S. Apfel (APFEL_K) Autoforward to: Remote Addressee
READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 5-SEP-1996 11:37:25.18

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ: 6-SEP-1996 09:15:15.12

CC: Emily Bromberg (BROMBERG_E) (WHO)
READ: 9-SEP-1996 10:05:42.26

CC: Keith J. Fontenot (FONTENOT_K) Autoforward to: Remote Addressee
READ:NOT READ

TEXT:

PRINTER FONT 12_POINT_COURIER

HHS now has a proposal on what to tell states about how existing waivers will fit within welfare reform. We still have no paper from them on this (although we are allegedly about to get some). However, John Monahan and Ann Rosewater just laid out their proposed approach to Emily and me. Here is a quick description with some pro's and con's. With Monday's conference coming up, we need to decide quickly whether to go with this approach, bring HHS in immediately for further discussion, or tell them we need more time to decide.

As you know, the law is unclear about how to accommodate existing waivers. The 3 key issues are:

- o whether states can continue to use the looser definition of work that many waivers include, in meeting the law's work participation rates;

- o whether states can enforce time limits as their waivers allow, rather than meet stricter requirements in the bill;
- and

- o how waivers' cost neutrality requirements will be enforced. HHS's preferred approach is surprisingly non

□

-prescriptive. They propose to ask states, via the state plan guidance, to identify areas where their waivers are inconsistent with the law and they would like to continue to operate them. This would be part of a state's plan submission. HHS would then allow the waiver practice to continue, unless it was incredibly egregious (the

example they gave was if a state didn't want to run a child support enforcement system).

Eventually HHS would expect to issue regulations that might affect state waivers, but any changes would only be applied prospectively so states wouldn't be disadvantaged for past behavior, and there would be opportunity for public comment on any regulations.

Rich Tarplin of HHS has been working with congressional staff both to clarify their intent and try to move them toward at least a grudging acceptance of HHS's preferred approach. They are seeing some progress there.

Potential problems with this approach: States may react to HHS's presentation of this on Monday with mistrust, or with a desire for more guidance. Also, relying solely on states' representations may hurt states that fail to flag certain issues. For example, if a state failed to list in its state plan that its waiver allows for a looser definition of work, then HHS would consider the law's tougher requirements to be in place, and the state would potentially be subject to sanction. Also, it is possible that Congress would criticize HHS for not drawing lines if Rich Tarplin's efforts are unsuccessful.

Alternatives: Despite problems, it is not clear that the alternatives are better. If HHS were to try to draw some kind of line as to which waiver practices were OK and which were not, some states would be angry at them. If they explicitly draw the line so broadly that "anything goes", the Congress can say we are thwarting the law. So their concept is to let the states decide. Let me know your recommendation on how to proceed. It may be that we have enough outstanding issues with HHS prior to Monday's conference that we need a meeting today or tomorrow. We are still waiting for the latest draft of their guidance to states, and there is the unsettled issue of whether to require a 45

□

-day

comment period de novo for all states.

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

CREATOR: Lyndell Hogan (HOGAN_L) (OPD)

CREATION DATE/TIME: 5-SEP-1996 11:07:45.40

SUBJECT: Today's Domestic Violence Meeting

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 5-SEP-1996 11:37:39.82

TEXT:

Thanks for returning the call yesterday--I was calling regarding domestic violence. I've got full attendance for the meeting from Justice, HHS, the Women's Office and DPC so we are obviously hoping you can make it. Everyone is anxious to make a decision on what to do and how to proceed. Hope to see you at 4:30 in 211 OEOB.

Thanks!

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

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

CREATION DATE/TIME: 5-SEP-1996 11:49:07.98

SUBJECT: FYI on issue we just discussed, from Bruce

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 5-SEP-1996 11:54:47.93

TEXT:

=====
ATTACHMENT 1
=====
ATT CREATION TIME/DATE: 5-SEP-1996 11:45:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Bruce N. Reed

ATT SUBJECT: RE: 45 day comment period

ATT TO: Carol H. Rasco (RASCO_C)

ATT CC: Diana M. Fortuna (FORTUNA_D)

ATT CC: Jeremy D. Benami (BENAMI_J)

ATT CC: Emily Bromberg (BROMBERG_E)

TEXT:

I think the 45 day comment period is a dumb idea that will needlessly antagonize the states. We're not regulating them on process anymore, we're supposed to keep an eye on results. If there is any legal authority for this, I'm sure it's flimsy. And with Congress considering repealing the DC waiver, we shouldn't forget that HHS is infinitely capable of causing us unnecessary political headaches.

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

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

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

CREATION DATE/TIME: 5-SEP-1996 12:31:53.29

SUBJECT: 45 day comment period issue

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 5-SEP-1996 13:27:31.35

CC: Bruce N. Reed (REED_B) (WHO)

READ: 5-SEP-1996 15:36:57.52

TEXT:

FYI, on the 45 day comment period, the relevant section of the law is in Title I, Section 402 (a)(4).

In sum, it says that a state must submit a plan that includes the following:

"a certification ... which shall include assurances that local governments and private sector organizations--

(A) have been consulted....

(B) have had at least 45 days to submit comments on the plan and the design of such services."

I am trying to reach Anna Durand, who did HHS's legal work on this. I'll follow up with you.

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

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

CREATION DATE/TIME: 5-SEP-1996 13:37:51.64

SUBJECT: RE: are you sure ...

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 5-SEP-1996 15:31:38.20

TEXT:

it's really section 103 of title I, which then goes on to list sections 401, 402, etc. (You can tell I'm not a lawyer.) Does that work?

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

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

CREATION DATE/TIME: 5-SEP-1996 15:48:45.36

SUBJECT: Calif. food stamp issue

TO: Kenneth S. Apfel (APFEL_K) Autoforward to: Remote Adresse
READ: NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 5-SEP-1996 15:56:49.99

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ: 5-SEP-1996 23:02:39.97

CC: Emily Bromberg (BROMBERG_E) (WHO)
READ: 9-SEP-1996 10:07:44.59

TEXT:

Emily tells me that they talked to LA County about the food stamp/immigrant issue. The county said that, while they were surprised Wilson would ask for this, they did not think it was a trick, and thought it would be great. We told them it's not at all clear it's doable, to keep expectations down. So, at this point, we're waiting from a further read from Elena (sorry, Elena).

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

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

CREATION DATE/TIME: 5-SEP-1996 11:52:50.97

SUBJECT: Bruce R. on waivers

TO: Carol H. Rasco (RASCO_C) (WHO)
READ: 5-SEP-1996 16:57:02.10

TO: Jacob J. Lew (LEW_J) Autoforward to: Remote Addressee
READ:NOT READ

TO: Kenneth S. Apfel (APFEL_K) Autoforward to: Remote Addressee
READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 5-SEP-1996 11:55:03.77

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ: 5-SEP-1996 22:55:53.85

CC: Emily Bromberg (BROMBERG_E) (WHO)
READ: 9-SEP-1996 10:06:13.94

CC: Keith J. Fontenot (FONTENOT_K) Autoforward to: Remote Addre
READ:NOT READ

TEXT:

FYI, Bruce's inclination on the waiver question is that HHS should not present any of this as a final policy, but more ask the states what they think. This has the strength of letting Governors of both parties ask for this flexibility before we give it to them. Related to this, he feels strongly that the guidance HHS presents on Monday should be a draft, with a short window for states to comment, rather than a final.

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

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

CREATION DATE/TIME: 5-SEP-1996 15:56:31.81

SUBJECT: Draft memo on SSI kids cutoff date

TO: Kenneth S. Apfel (APFEL_K) Autoforward to: Remote Adresse
READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 5-SEP-1996 16:02:29.39

TO: Keith J. Fontenot (FONTENOT_K) Autoforward to: Remote Adresse
READ:NOT READ

CC: Jeremy D. Benami (BENAMI_J) (WHO)
READ: 6-SEP-1996 09:24:23.12

TEXT:

I know we are not yet agreed between us on the need for this memo, but I believe Carol wants it, at a minimum if we end up deciding on the earlier cut

□

-off. So I thought I would send you the draft I am sending to Carol for her review, just so we are keeping in touch.

I was hoping to use whatever SSA is drafting on this, but I haven't received it yet. Maybe it is just as well. Obviously I am interested in any comments. This will just barely fit on 1 page; so if you think I should add things (and the draft is a bit oversimplified), it will go over a page unless we cut.

PRINTER FONT 12_POINT_ROMAN

DRAFT -- doesn't (yet) lay out a recommendation

September -, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: Carol H. Rasco

SUBJECT: When to Cease SSI Benefits for Disabled Children

A decision must be made in the next few days about when to stop benefits for disabled children whose families are appealing SSA's decision to drop them from the rolls.

Background: Under the welfare reform statute, 190,000 disabled children will lose eligibility for SSI benefits because their impairments are not severe enough to qualify under the new law. The families of these children will get notices this December that they will lose benefits unless they can prove that they meet the new, tougher standards. SSA will then review all these cases, with the goal of making decisions within one year of enactment.

These children have the right to appeal SSA's decision, and are guaranteed continued benefits during the appeals process until they have a "face to face interview." However, from a legal perspective that interview could take place either at the point when a state reviews the case, or at a later point when an SSA administrative law judge issues a ruling. The first choice cuts kids off in late 1997 or early 1998; the second choice pushes it off to 1999.

Arguments Favoring Earlier Cut

□

-off:

o We reluctantly supported the tougher eligibility standards, and included savings in our budget based on kids being dropped at the earlier point. This could create a credibility problem with Congress if we go with the later date.

o If they lose on appeal, families would be liable for substantial overpayments. However, SSA can waive this debt on a case by case basis. (Budget Implications?)

o SSA's workload will be far greater if the later date is chosen. The large backlog in initial applications could get worse. It will encourage more families to appeal.

Arguments Favoring Later Cut

□

-off:

o Losing these benefits will be difficult for these families, with many of them affected by other parts of welfare reform. We should give them more time to adjust, and ensure continued benefits for the 50% who will win their appeals. Although this change arose out of reports that families were

abusing the system by having children feign mental disabilities, such abuse was never shown to be widespread, and many of the families losing benefits have compelling stories.

o Advocates will definitely sue if we choose the earlier date, and could win.

cc: Jack Lew

Jack Quinn

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

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

CREATION DATE/TIME: 5-SEP-1996 16:12:12.58

SUBJECT: More thoughts from Bruce

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 5-SEP-1996 18:14:02.64

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 5-SEP-1996 15:37:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Bruce N. Reed

ATT SUBJECT: RE: 45 day comment period issue

ATT TO: Diana M. Fortuna (FORTUNA_D)

TEXT:

That sounds different from a public comment period -- that's a cooperation requirement for local govt and the private sector.

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

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

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

CREATION DATE/TIME: 5-SEP-1996 16:25:28.97

SUBJECT: Here is Carol's interpretation of his marginal notes

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 5-SEP-1996 18:15:43.62

TEXT:

I am having the memo itself sent to you.

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

ATT CREATION TIME/DATE: 4-SEP-1996 10:05:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Carol H. Rasco

ATT SUBJECT: Welfare Reform memo to POTUS

ATT TO: Jacob J. Lew (LEW_J)

ATT TO: Kenneth S. Apfel (APFEL_K)

ATT CC: Bruce N. Reed (REED_B)

ATT CC: Jeremy D. Benami (BENAMI_J)

ATT CC: Diana M. Fortuna (FORTUNA_D)

ATT CC: Elizabeth E. Drye (DRYE_E)

ATT CC: Deborah F. Kramer (KRAMER_D)

TEXT:

I was sure everyone would need an interpretive reading of the remarks by POTUS and had tried to get this email off earlier...here goes! I will put any comments I have as to follow up in () and we can then talk next week when I am back in office, okay?

Page 1:

CRasco: looks good
but see notes-
BC

Also should stay in touch with counties and cities
(I had earlier today put on email to intergovernmental that we need to talk about how to work with counties and mayors groups now that we are working regularly with NGA/APWA/NCSL)

Page 2:

oRegulations

Q: Can we require states to offer, or allow local gov't to offer, wage subsidies to private emplyers plus local gov't's?

oApproved Waivers

Can we at least condition waivers on work participation rate to

I want to discuss time limits issue before a decision is made and announced OR leaked.

oOther issues

Agree- I want to discuss before decision made.

Page 3

CHILD SUPPORT ENFORCEMENT

Regarding the FPLS he drew arrow and said:

Important

All agreed to this

On the \$50 issue he wrote:

I didn't know this!

IMMIGRANTS

oFood Stamps

Can we slow walk this on reevaluation grounds- (this memo was read before he got our follow up memo on issuing the directive to Glickman...we don't need to do anything further here)

oSSI

Take the year and work with INS on these to get as many citizens as possible.

Page 4

oNaturalization

Left side: Should do this ASAP

Right side: How big an increase over last year? (Isn't it nice he will be so pleased with the huge increase over last year?)

SSI for Children:

We must use REAL care on this-

(I can assure you this hit him very seriously and that is why we must have careful, thorough memo to him that I have requested previously...I must review the memo before it is sent and co-sign some kind of cover sheet or he will return it to me asking what I think.)

Medicaid:

This one did not copy well on my copy of memo and I don't have the full writing; however it appears he is saying we should discuss what this does with Wisconsin...what this says to me is that we need to make SURE POTUS is briefed on the proposed letters to Wisconsin before HHS sends them.

Child Care:

Good-

do ASAP as we must show POSITIVE aspects of law

(Diana: This says to me we should definitely ask Child Care folks to a meeting of the coordinating group in two to four weeks as we discussed earlier)

Monitoring and Evaluation:

Agree

JOB OPPORTUNITIES

Should give discretion [he abbreviated the word] to cities (this was taken care of in the formatting of his jobs initiative)

NEED FOR LEGISLATION

1st paragraph: YES

Second paragraph:

+What about Joe Califano's concern in Sat. 8/25 New York Times?

(Can someone look up that article and see what it is about...I missed it)

=====
 =====NOTE: On any of these where he said he wants to discuss, etc. it will mean more than likely we need to do a good decision memo. AGAIN, I will be in on Monday, will be reading email from the road on Thursday afternoon and sometime midday on Friday.

Let's talk...thanks.

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

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

CREATOR: Lyndell Hogan (HOGAN_L) (OPD)

CREATION DATE/TIME: 5-SEP-1996 20:01:26.91

SUBJECT: Today's Domestic Violence Meeting

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 6-SEP-1996 09:44:30.90

TEXT:

To let you know how the meeting ended...

Debbie and I are going to draft an options memo to go to Carol Rasco and Bruce. Basically the memo will list three options: the NOW Executive Order; a softer Presidential Directive to the Secretary and Attorney General directing them to provide states with guidance and technical assistance; and a letter from the President to the states encouraging states to address domestic violence in the context of welfare reform by, among other things, providing services to victims of domestic violence to help them safely and effectively move from welfare to work.

What is your opinion on all of this? Do you prefer one option over the other, or none of the above? Are we proceeding corectly? Feedback is welcome and encouraged.

Thanks.

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

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

CREATION DATE/TIME: 6-SEP-1996 09:27:09.16

SUBJECT: Welfare issues meeting today

TO: Bruce N. Reed (REED_B) (WHO)
READ: 6-SEP-1996 10:03:54.27

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 6-SEP-1996 10:24:46.49

TO: Kenneth S. Apfel (APFEL_K) Autoforward to: Remote Adresse
READ: NOT READ

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ: 9-SEP-1996 10:14:02.24

CC: Diana M. Fortuna (FORTUNA_D) (OPD)
READ: 6-SEP-1996 10:45:24.14

CC: Dorothy K. Craft (CRAFT_D) (OPD)
READ: 6-SEP-1996 11:33:23.45

TEXT:

Several issues are floating that need WH decision and coordination prior to the Monday NGA/NCSL/APWA meeting:

- are we OK with the HHS guidance document (you all have a copy)
- are we OK with HHS proposal on 45 day comment period
- are we OK on the proposed approach to waivers outlined in the guidance?

Other issues are obviously out there (Cal Food Stamps, SSI kids timing, etc.) but the three above need our input ASAP. Dorothy is calling your offices to try to set this up.

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

CREATOR: Dorothy K. Craft (CRAFT_D) (OPD)

CREATION DATE/TIME: 6-SEP-1996 10:24:38.45

SUBJECT: WELFARE MEETING TODAY

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ: 6-SEP-1996 10:39:34.39

TO: Kenneth S. Apfel (APFEL_K) Autoforward to: Remote Adresse
READ: NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 6-SEP-1996 10:34:31.87

TO: Barry White (WHITE_B) Autoforward to: ACCOUNT, NOTES_
READ: NOT READ

TO: Keith J. Fontenot (FONTENOT_K) Autoforward to: Remote Adresse
READ: NOT READ

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ: 6-SEP-1996 10:47:42.63

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ: 9-SEP-1996 10:14:25.09

TO: Bruce N. Reed (REED_B) (WHO)
READ: 6-SEP-1996 11:56:50.88

TO: Cathy R. Mays (MAYS_C) (OPD)
READ: 6-SEP-1996 10:50:27.61

TEXT:

The Welfare Meeting Jeremy emailed about today will be at 12:00 noon today in OEOB 211. Emily Bromberg will be calling in. Thank you.

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

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

CREATION DATE/TIME: 6-SEP-1996 12:14:43.31

SUBJECT: comparison of noncitizen benefits provisions

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ: 6-SEP-1996 14:43:41.04

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 6-SEP-1996 14:15:21.61

CC: Kenneth S. Apfel (APFEL_K) Autoforward to: Remote Adresse
READ:NOT READ

TEXT:

I was asked to contact you to work with you and OMB on the analysis comparing the noncitizen benefit provisions of the immigration and welfare reform bills -- specifically what could come out of the immigration bill conference that would be even more objectionable than what is in the welfare reform legislation. Could you let me know how we can work with you on this memo and generally be helpful on this?
Ken has a couple of issue-spotting memos from different sources that are quite useful in getting started. If you do not have them, let me know.
Thanks.

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

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

CREATION DATE/TIME: 6-SEP-1996 16:33:54.61

SUBJECT: I hear the revised guidance is almost done(!)

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ: 6-SEP-1996 16:35:47.78

TO: Kenneth S. Apfel (APFEL_K) Autoforward to: Remote Adresse
READ:NOT READ

TO: Bruce N. Reed (REED_B) (WHO)
READ: 6-SEP-1996 16:47:01.52

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 6-SEP-1996 17:38:31.54

TO: Laura A. Oliven (OLIVEN_L) (OMB)
READ: 6-SEP-1996 17:30:11.47

TO: Wendy A. Taylor (TAYLOR_W) (OMB)
READ: 6-SEP-1996 17:00:13.49

TO: Barry White (WHITE_B) Autoforward to: ACCOUNT, NOTES_
READ:NOT READ

TO: Keith J. Fontenot (FONTENOT_K) Autoforward to: Remote Addre
READ:NOT READ

TEXT:

and we will get it shortly. I will get you all copies as soon as I get it. Please be on the look-out for it, and call me or Jeremy with any remaining comments; it would be good if we can resolve this tonight. (And certainly easier if HHS has reflected our views.)

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

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

CREATION DATE/TIME: 6-SEP-1996 18:44:02.18

SUBJECT: You probably know about this, but...

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 6-SEP-1996 18:45:04.26

TEXT:

=====
ATTACHMENT 1
ATT CREATION TIME/DATE: 6-SEP-1996 18:41:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Jeremy D. Benami

ATT SUBJECT: fyi

ATT TO: Diana M. Fortuna (FORTUNA_D)

TEXT:

=====
END ATTACHMENT 1

=====
ATTACHMENT 2
ATT CREATION TIME/DATE: 6-SEP-1996 15:36:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Jeanine D. Smartt

ATT SUBJECT: APWA Child Support Case Update

ATT TO: Carol H. Rasco (RASCO_C)

ATT CC: Jeremy D. Benami (BENAMI_J)

TEXT:

With about 98.9% certainty the Solicitor General will file a "Friend of the Court" brief that supports the plaintiff in the Blessing v. Freestone case on either September 26th or 27th.

Background

The plaintiff (Freestone) is actually 6 individual plaintiffs who sued Arizona for failure to administer an adequate child support system. The case was thrown out of District court on August 12, 1993. The plaintiffs found success on October 12, 1995 when the 9th Circuit reversed the decision. On May 3, 1996 Arizona appealed under the Supreme Court - where we are now.

Freestone's Argument

There arguments range from the state's failure to establish a child support order to the state's failure to enact wage withholding even when given the employment information of the non-custodial parent. The plaintiffs simply want action. Please note, nothing in this suit entitles the plaintiffs to success, ie. receiving child support payments. A positive outcome for the plaintiff can only force Arizona to take some action.

Arizona's Case and APWA's Argument

(Linda Blessing is the Director of Arizona's Dept. of Economic Security) As you

know, APWA sent a letter to you encouraging the Administration not to file a brief. The argument of Arizona and APWA is that according to IV-A statutes states only have to "substantially comply" which means adequately serve 75% of the population. (Please note that IV-D does not have compliance language therefore IV-A is used since states must run a child support system in order to receive IV-A funds.) APWA is also saying that the federal government is imposing additional requirements.

HHS General Counsel and Solicitor General Perspective

The dilemma here is that to a certain degree the state is accurate. The definition of "substantially comply" is ambiguous. However, since states have clearly stated Congressional guidelines as well as federal incentives to provide better services, they should do so. Thus, while the Administration files a brief that is diplomatic and outlines the complexity of this case it will support the plaintiff. (HHS Counsel really wants the case to be pushed back to the 9th Circuit for further consideration, particularly given the new welfare rules.)

One of the issues is that states currently have no fair hearing requirements. (some states may have volunteer systems) So there is no way for an individual to complain about the system and have action taken on their behalf. In this particular case Arizona has had one of the worst child support programs and have been both penalized and audited in the past by HHS.

I hope this is helpful. If any additional issues come up during the Sept. 9 -10 conference please let me know. HHS Counsel stands ready to assist if it becomes a major issue.

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

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

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

CREATION DATE/TIME: 9-SEP-1996 09:20:36.76

SUBJECT: RE: attached

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 9-SEP-1996 09:23:55.54

CC: Bruce N. Reed (REED_B) (WHO)
READ: 9-SEP-1996 10:14:03.20

CC: Diana M. Fortuna (FORTUNA_D) (OPD)
READ: 9-SEP-1996 09:21:52.55

TEXT:

The issue here goes to state administrative discretion. States as you know will always take the position in any situation that they should be free to administer programs free from outside interference (and that includes the feds, citizens and the courts).

APWA and other state types are upset that we are filing an amicus brief in a situation they believe there should not be a right of action.

Carol and the President would be among the more sympathetic to the state arguments, but on the flip side we have been very tough on the child support issue and supported a larger federal role here than say in welfare.

Carol has never expressed a strong opinion on this case.

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

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

CREATION DATE/TIME: 9-SEP-1996 09:21:22.64

SUBJECT: Education Talking Points on the Gallegly Amendment

TO: John C. Angell (ANGELL_J) (WHO)
READ: 9-SEP-1996 09:44:57.74

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 9-SEP-1996 09:41:13.08

TO: Tracey E. Thornton (THORNTON_T) (WHO)
READ: 9-SEP-1996 11:53:25.60

TO: Janet Murguia (MURGUIA_J) Autoforward to: Annette E. Jo
READ: 9-SEP-1996 10:19:05.18

TO: Michelle Crisci (CRISCI_M) (WHO)
READ: 9-SEP-1996 09:21:50.42

CC: Stephen C. Warnath (WARNATH_S) (OPD)
READ: 9-SEP-1996 09:28:37.84

TEXT:

On Friday, Sept. 6th, I circulated (under LRM#5484) Education talking points on the Gallegly amendment compromise that may be included in the immigration conference report. A draft version of the talking points was given to some Hill staff on Friday with a promise that we would get them any revisions today, Monday, Sept. 9th.

Please provide any comments or your sign-off ASAP.

Thanks

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

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

CREATION DATE/TIME: 9-SEP-1996 09:28:00.93

SUBJECT: Draft of Carol's NGA speech FYI; let me know if ...

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 9-SEP-1996 09:52:25.84

TEXT:

you see anything wrong with it asap; she's delivering it at lunchtime.

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

ATT CREATION TIME/DATE: 9-SEP-1996 09:17:00.00

ATT BODYPART TYPE:H

ATT CREATOR: Jill Pizzuto

ATT SUBJECT: CHR / today's speech

ATT TO: Diana M. Fortuna (FORTUNA_D)

ATT TO: Jeremy D. Benami (BENAMI_J)

ATT TO: Emily Bromberg (BROMBERG_E)

TEXT:

fyi: speech is also saved on our i: drive. This is the version WITH CHR corrections -- should be final draft unless you all make a few more changes in your 10:30 meeting.

PRINTER FONT 12_POINT_ROMAN

Draft

NGA/NCSL/APWA CONFERENCE ON WELFARE REFORM

Carol H. Rasco

September 9, 1996

Thank you, _____. I thank NGA, NCSL, and APWA for inviting the Administration to be a part of this conference and for working with us as you prepared for this meeting.

As I prepared to come here, I could not help but think back eight years ago to the signing of the Family Support Act....then Governors Clinton and Castle represented the NGA in the Rose Garden as President Reagan signed that version of welfare reform....as part of my reflection I also wondered how I could come here today and not convey the message of, "I'm a Fed and I'm here to help you"....some of the most dreaded words to state officials -- I know, I've been in your seat.

In those years in the statehouse, I also experienced major systems changes at this point in the state legislative calendar. But I don't think I ever faced a system change as far reaching as found in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and I can only imagine the anxiety you feel, with many of your states' budgets prepared, pre

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-session

hearings now being held and an early 1997 legislative session start date facing you. You probably feel like many of us here in

Washington as we read and re

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-read this law: Stop the World -- at least for a few moments -- I need to get off!

But time, legislative schedules, deadlines set in law and, most importantly, the lives of our

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clients march on, and so must we.

Less than three weeks ago, President Clinton -- again in the Rose Garden with, by the way, Congressman Castle and several of your governors present -- signed legislation with strong bipartisan support that makes the most dramatic changes in the country's social welfare system in thirty years. Welfare as we knew it is no more.

But, as President Clinton said on signing the bill, while the legislation may have marked the end of "welfare as we know it", it is really only the beginning of welfare reform.

We now have an historic opportunity to create a new program that provides those who need it with a hand up and out of poverty.

But the challenging work now begins.

As many of you know from Governor Clinton's tenure in the NGA, the President has a profound understanding of the state perspective on welfare reform. And it is certainly fitting that the law relies so heavily on the states. Clearly, states have long been ahead of the curve on welfare reform. You have demonstrated a record of innovation reflected in the nearly 80 state waiver programs approved to date. States have known for some time that federal welfare laws were not working, and the push for waivers was a manifestation of that. This legislation recognizes that states are in the best position to accomplish the goals we all want to reach.

Now you have the opportunity you have long sought. Each of us has an awesome responsibility to fulfill in making this law work to improve the lives of people now on welfare. We in the federal government will be working with you, but we will play a very different role than we have in the past. We will be prescribing processes a lot less than we used to, and instead working with you on outcomes and goals. You will have many other partners, as well -- the business community, the non

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-profit sector, the religious community, state agencies who have not worked on this issue previously, and welfare recipients themselves. And we must all work to ensure that everyone does their part. But in so many ways, it will be up to you.

Vision

What does truly successful welfare reform look like to the President and his Administration?

The President has 3 primary goals for welfare reform:

(1) to create a genuine transitional system of support for families in need;

(2) to make work pay; and

(3) to do everything we can to achieve those two goals while protecting children during this difficult transition period.

(1) The fundamental problem with the old welfare system was its answer to the question, "What does a poor family need?" The answer was a check. Plain and simple. The less income you brought into the household the larger your check. The system contained all the wrong incentives and was out of step with our values and culture.

I think it is fair to say that a new consensus has emerged in this country that the right answer to the question of what a family in poverty needs is work. Work gives shape and meaning and dignity to all of our lives. It has to be the centerpiece of our social compact. All those who can work, should. All those who work full time should not have to raise their children in poverty.

So the first goal of welfare reform is to transform welfare offices and programs from check

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-writing operations to work preparation, placement, and support. Welfare offices should be places where people who need help temporarily -- because of family crisis, unemployment, or for whatever reason -- can go to get it. And the help they get will be help in preparing for, finding, and holding a job.

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(2) The second goal of welfare reform is to ensure that work pays. I'm sure I don't need to tell all of you that for many years it simply made rational sense for a mother in many states to choose to stay on welfare rather than to work.

The decision was based on simple economics: A mother leaving welfare to go to work would often bring home less cash while facing increased expenses for child care, transportation and work clothes, and of course putting her family's health care and other benefits at risk.

It was no wonder so many people chose welfare over work. The only real surprise is how many people chose to leave welfare for work despite the economics.

Let me tell you a bit about what's been accomplished so far to change these economics.

First, we've taken two critical steps to increase the incomes of the working poor -- the expansion of the Earned Income Tax Credit and the increase in the minimum wage. When both of these changes are fully phased in, a person working a full

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-time minimum wage job will have over \$14,000 in annual income after taxes, excluding other benefits. That is a major improvement over four years ago.

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The second critical element is child care. The new law increases federal funding for child care over the next six years by \$4 billion. The President is also proposing to expand Head Start to over 1 million children in the next six years, and is leading a national challenge to support efforts to keep schools open late, so that parents have a safe, secure place for their children while they are still at work.

A final piece of the puzzle is health care. The welfare bill guarantees a year of Medicaid for those leaving welfare for work and severs the link between Medicaid and welfare. Several states have developed plans to extend coverage to more working poor families, and the Kassebaum

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-Kennedy law will help families keep their insurance if they have to switch jobs, which so often happens at entry levels. Of course, there is more to be done to expand health care coverage so that all working Americans and their children have it, and the President is committed to moving step by step toward that goal. The bottom line is that welfare must never again pay better than work.

(3) Our third goal is to ensure that children are protected. Families and their children will be better off in the long run with a system that substitutes paychecks for welfare checks and ensures that those who do take a job, any job, can raise their kids out of poverty.

The bill also includes the child support enforcement measures the President proposed two years ago. These sweeping changes could increase child support collections by \$24 billion over 10 years. They will make it easier to establish paternity, track delinquent parents across state lines, and streamline procedures for withholding child support from wages. As a result, children will get more of the support they need and deserve.

Problems with the Bill

The President signed this legislation because it presented a historic opportunity to reform welfare. However, as you all know, he did so with strong objections to certain provisions that are not related to welfare reform.

He has vowed to correct the deep cuts in Food Stamps for working families with high shelter costs. He is also committed to changing provisions that are so unfair to legal immigrant families who have followed the rules, worked hard, and paid taxes, and who have suffered a calamity that has forced them to seek assistance. In addition to placing an undue hardship on these individuals, this will shift costs to states, local governments, and communities that serve large immigrant populations. The President is committed to working with Congress to fix these parts of the bill in the legislative process.

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In implementing the bill, the Administration has already taken actions to treat legal immigrants fairly. We have offered states a waiver of food stamp recertification requirements, so that many states will have more time to develop the procedures needed to make accurate determinations about eligibility. We are continuing to reduce the bureaucratic delays in the citizenship process, so that legal immigrants who are eligible to become citizens can do so as quickly as possible. The Attorney General has issued a memorandum pursuant to the new law listing non

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-cash services that may not be denied to immigrants because they are necessary for the protection of life and safety. Finally, we are widely disseminating information on naturalization. I hope you will include the issue of naturalization in your discussions with the ever

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-widening circle of stakeholders with whom you will be working -- public and private.

Implementation Issues

Let me now touch briefly on some of the steps we will be taking over the coming months to ensure that our goals for welfare

reform are fulfilled.

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The central issue in a reformed welfare system that requires work is, "Where are the jobs?" The President understands this, and that's why he unveiled a new \$3.4 billion job creation and placement initiative -- called the Welfare to Work Jobs Challenge. This fund will provide money to support job creation and placement initiatives, targeted to the hardest

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welfare recipients. This three

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-part initiative includes a targeted welfare

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-work tax credit, tax incentives to increase investment in distressed areas, and a major welfare

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-to

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-work jobs

initiative. We have provided information on this challenge for your notebooks.

In addition to this proposal, we are eager to know from you if there are steps we in the federal government can take to assist you, as you work to create an atmosphere where state programs and departments -- that might never have done so in the past -- come to view jobs for welfare clients as part of their mission.

This will be a critical step in your planning. I was pleased to see reported in my home state this weekend that the DHS Director acknowledged to a legislative committee last week,

Sure, we will be initially receiving more money, but the major outcome has to do with jobs, and it will be necessary for us to look at the current jobs and economic development programs in Arkansas that can be re

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-focused to make certain

we can meet the work requirements.

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How can -- or perhaps more appropriately -- CAN the federal government assist in that effort in your state?

The President is committed to an active, but appropriate, role for the Federal government in the implementation of this welfare reform law -- our role will be modified to reflect more of a partnership, and less of the traditional bureaucratic approach.

The White House is bringing together on a regular basis the agencies with the major responsibility for implementing this bill, including the Department of Health and Human Services, the Department of Agriculture, the Social Security Administration, and the Immigration and Naturalization Service, to ensure that all of us are working together in a coordinated fashion across agencies to implement this law smoothly and effectively.

It is with this group of four agencies and several White House departments that your three organizations met as planning proceeded for this conference. The White House has committed to

convening this group regularly for a reporting and sharing session in order to better ensure that we act in partnership with you, the states. We will meet next week for a debriefing process from this conference.

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A larger group of 11 federal agencies and departments is meeting bi

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-weekly at the White House to discuss the implications of the law more broadly. Included in this group are the Departments of Labor, Commerce, Justice, Housing, and Education, the Small Business Administration, and the EPA due to the brownfields initiative and its relation to jobs creation.

We are all here these two days to learn from one another. All of us have questions about how to interpret the statute and how programs will work on the ground level. The Administration officials who are here today and tomorrow will do their best to discuss these questions with you and to listen. But it would be misleading to suggest that we have all the answers at this point. In fact, one benefit of this conference coming so soon after the enactment of the law is that we can all take advantage of this opportunity to learn from one another.

On the other hand, from the perspective of state officials, I know that the law's effective dates must seem very near indeed. There is so much to do: developing work programs; changing the culture of welfare offices; writing new state plans; implementing a new child support enforcement system and a new child care block grant; managing major changes to food stamps and other nutrition programs; delinking Medicaid from welfare and other systems; and getting a handle on performance bonuses and contingency funds.

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Conclusion

Working together, I know we can bring all these strands together and make this law a success. But the success of welfare reform will depend on the work that goes on each and every day in each and every state -- and, quite frankly, most importantly the work that occurs every day in the communities, large and small across this country.

I have already heard or read that this law has numerous analogies to various processes in our lives. There are those who have said we will move from chaos and confusion, to a state of change, on to competence. There are even those who have said the law is like the eye of the fiercest storm, and we must work to keep the devastation and churning off

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-shore, out of the lives of the clients.

However, if you look at the list of programs where you will be trying to bring about major change -- the new TANF block grant, Food Stamps, WIC, Medicaid in all its variations, SSI, child care, child support, education and training, employment...and the list goes on -- then perhaps the best image to keep before us throughout the process of implementation is the life of the current welfare recipient. She or he and the children involved have been trying for years to make sense out of these programs, and more often than not have been their own case managers, trying desperately to create a life, a support system for making the family whole.

We now have the framework through this law to build on the

lessons we in government -- whatever the level -- have learned from one another AND from the clients. Over the last 18 months, I have traveled to 27 of your states and the District, visiting programs at various levels of government, private and public. Always, I have tried to learn something about how you are approaching welfare in your state or community. On each visit, I always heard how you are seeking to learn the best ways to coordinate, collaborate, and achieve results for the families trapped in this system -- and make changes that are long

-term and focused on jobs... and how difficult the job is. I doubt anyone in this room has escaped countless hours in the last 5

-7 years in workshops, conferences, academies, etc., exploring just how we get to these long

-lasting, systemic changes. We must apply those hours of lessons to our work in the days ahead as we seize this opportunity.

In closing, I would like to share with you the three groups of persons that I believe we must keep before us at all times as we proceed. I challenge you to pause often in your work and picture beside you a real person from your state in each of these categories. I certainly pledge to keep in my sight some of the people I've met in your states. And then we must all listen as the person standing by us asks his or her questions.

1. First, the front line worker.

a. Will you listen to me while I tell you about the tools I genuinely need to assist my clients who really want to be self

-sufficient?

b. Will you take a half day, or a couple of hours, and sit with me while I do an intake or a home visit or fill out my required forms?

c. Do you really respect and value my work and worth, or am I simply a regulation enforcer who is there to meet your stated numerical goals and avoid penalties?

2. Second, the welfare mother, or the welfare dad.

a. What kind of system are you creating for my family that I care about so much?

b. Can you help me figure out how I can get a REAL job?

c. Would you mind sitting down and talking to me about how I put my life back together?

3. And finally, and in my mind, most importantly, the third group is the children. You have an eight year old standing by you in the months ahead...an eight year old from a welfare family, an eight year old whose eyes still light up as she enters the classroom each morning:

a. Mister, what you doing to my life?

b. If I get sick, can my mama take me to a doctor?

c. Will my little brother be safe at day care?

d. Do I have a chance when I grow up?

I firmly believe children whose chances were dimmer in the past DO now have a better chance and we all together hold that chance

before us. The outcome will depend on the creativity and dedication of all of us in making the most of this opportunity. Let us work together so that all our nation's children can soar! Thank you very much.

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

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

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

CREATION DATE/TIME: 9-SEP-1996 10:00:41.91

SUBJECT: RE: Any news on the preemption front?

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 9-SEP-1996 10:11:26.63

TEXT:

If Dodd wants to stay away, probably the only Dem likely to want to move on it is Lieberman. I can't believe Feinstein will be seriously in favor of a bill preempting her own state, although maybe I'm wrong. How serious is the PRESident? Does Bruce know? Should we poke around with Lieberman's staff? I know his LA well. Ellen

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

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

CREATION DATE/TIME: 9-SEP-1996 11:13:06.92

SUBJECT: RE: Any news on the preemption front?

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 9-SEP-1996 11:36:39.20

TEXT:

Laura and Dan are firmly of the view that we should do all we can to let this die, for what that's worth to the powers that be. Ellen
P.S. I certainly agree with them.

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

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

CREATION DATE/TIME: 9-SEP-1996 13:26:10.16

SUBJECT: Ways and Means Hearings on Welfare Reform Implementation

TO: Kenneth S. Apfel (APFEL_K) Autoforward to: Remote Addressee
READ: NOT READ

TO: Cynthia M. Smith (SMITH_CM) (OMB)
READ: 9-SEP-1996 13:34:16.90

TO: Barry White (WHITE_B) Autoforward to: ACCOUNT, NOTES_
READ: NOT READ

TO: Keith J. Fontenot (FONTENOT_K) Autoforward to: Remote Addre
READ: NOT READ

TO: Lester D. Cash (CASH_L) Autoforward to: Remote Addressee
READ: NOT READ

TO: Jeffrey A. Farkas (FARKAS_J) Autoforward to: Remote Address
READ: NOT READ

TO: Jack A. Smalligan (SMALLIGAN_J) Autoforward to: Remote Addr
READ: NOT READ

TO: Laura A. Oliven (OLIVEN_L) (OMB)
READ: 9-SEP-1996 14:16:55.78

TO: Bruce N. Reed (REED_B) (WHO)
READ: 9-SEP-1996 15:09:46.05

TO: Nancy-Ann E. Min (MIN_N) Autoforward to: Remote Addressee
READ: NOT READ

TO: Sarah A. Bianchi (BIANCHI_S) Autoforward to: Remote Address
READ: NOT READ

TO: Barry T. Clendenin (CLENDENIN_B) (OMB)
READ: 9-SEP-1996 13:28:32.19

TO: Mark E. Miller (MILLER_ME) (OMB)
READ: 9-SEP-1996 13:40:24.00

TO: Christopher C. Jennings (JENNINGS_C) (WHO)
READ: 11-SEP-1996 10:34:56.22

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 9-SEP-1996 14:13:43.97

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ: 9-SEP-1996 18:21:04.39

CC: James C. Murr (MURR_J) (OMB)
READ: 9-SEP-1996 13:35:27.70

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

READ: 9-SEP-1996 15:30:08.75

CC: Robert J. Pellicci

(PELLICCI_R) (OMB)

READ: 9-SEP-1996 13:56:45.79

TEXT:

I've heard that Ways and Means will be holding hearings on welfare reform implementation on September 17th and 19th. HHS will try to get us its testimony by the 12th.

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

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

CREATION DATE/TIME: 9-SEP-1996 14:46:41.83

SUBJECT: RE: california

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 9-SEP-1996 15:48:10.68

TEXT:

I won't tell them... but someday they'll find out when these e-mails become public record... (Speaking of, I wonder how many times the word "oy" appears in the records of White House e-mails historically!)

By the way, I wanted to tell you that I saw someone I know this weekend who is a first-year at U. of Chicago Law School. He asked about you and whether or not I knew when you'd be going back there. He has heard from "everybody" that you are THE BEST professor there.

Heard something nice, so I thought I'd pass it on.

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

CREATOR: Dorothy K. Craft (CRAFT_D) (OPD)

CREATION DATE/TIME:10-SEP-1996 13:15:12.16

SUBJECT: WELFARE IMPLEMENTATION SUBGROUP MEETING REMINDER

TO: FAX (94014678,MARY JO BANE) (TLXA1MAIL_\F:94014678\C:MARY JO BANE\\)
READ:NOT READ

TO: FAX (96907383,PETER EDELMAN) (TLXA1MAIL_\F:96907383\C:PETER EDELMAN\\)
READ:NOT READ

TO: FAX (96907383,ANGELA DURAN) (TLXA1MAIL_\F:96907383\C:ANGELA DURAN\\)
READ:NOT READ

TO: FAX (96905672,JOHN MONAHAN) (TLXA1MAIL_\F:96905672\C:JOHN MONAHAN\\)
READ:NOT READ

TO: FAX (96193437,DENNIS HAYASHI) (TLXA1MAIL_\F:96193437\C:DENNIS HAYASHI\\)
READ:NOT READ

TO: FAX (96907380,RICH TARPLIN) (TLXA1MAIL_\F:96907380\C:RICH TARPLIN\\)
READ:NOT READ

TO: FAX (93050134,ROBERT BACH) (TLXA1MAIL_\F:93050134\C:ROBERT BACH\\)
READ:NOT READ

TO: FAX (914109659063,CAROLYN COLVIN) (TLXA1MAIL_\F:914109659063\C:CAROLYN COLVI
READ:NOT READ

TO: FAX (96220073,MICHAEL BARR) (TLXA1MAIL_\F:96220073\C:MICHAEL BARR\\)
READ:NOT READ

TO: FAX (94827105,BRIAN COYNE) (TLXA1MAIL_\F:94827105\C:BRIAN COYNE\\)
READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ:10-SEP-1996 15:44:24.94

TO: Deborah L. Fine (FINE_D) (OPD)
READ:10-SEP-1996 14:10:51.36

TO: Peggy A. Lewis (LEWIS_P) (WHO)
READ:10-SEP-1996 13:22:08.91

TO: Anne E. McGuire (MCGUIRE_A) (WHO)
READ:10-SEP-1996 13:53:12.61

TO: Richard E. Green (GREEN_R) (OMB)
READ:10-SEP-1996 13:22:49.31

TO: FAX (95140539,RANDY MOSS) (TLXA1MAIL_\F:95140539\C:RANDY MOSS\\)
READ:NOT READ

TO: FAX (95149112,KEVIN JONES) (TLXA1MAIL_\F:95149112\C:KEVIN JONES\\)
READ:NOT READ

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

READ:10-SEP-1996 15:22:25.77

TO: Dorothy K. Craft (CRAFT_D) (OPD)
READ:10-SEP-1996 13:42:00.80

TO: FAX (96222633,JOSHUA GOTBAUM) (TLXA1MAIL_\F:96222633\C:JOSHUA GOTBAUM\<\
READ:NOT READ

TO: FAX (96222633,LOUISE SHEINER) (TLXA1MAIL_\F:96222633\C:LOUISE SHEINER\<\
READ:NOT READ

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:10-SEP-1996 13:47:22.89

TO: Barry White (WHITE_B) Autoforward to: ACCOUNT, NOTES_
READ:NOT READ

TO: Remote Addressee (JOSHUA.GOTBAUM@OSD.MIL@INET)
READ:NOT READ

TO: Remote Addressee (MOSSR@JUSTICE.USDOJ.GOV@INET)
READ:NOT READ

TO: Remote Addressee (RLBGOV@AOL.COM@INET)
READ:NOT READ

TO: Remote Addressee (CAROLYNW.COLVIN@SSA.GOV@INET)
READ:NOT READ

TO: Remote Addressee (BARRY.EIGEN@SSA.GOV)
READ:NOT READ

TO: FAX (914109661337,DIANE BLACKMAN) (TLXA1MAIL_\F:914109661337\C:DIANE BLACKMA
READ:NOT READ

TO: Remote Addressee (BRIAN.COYNE@SSA.GOV@INET)
READ:NOT READ

TO: Remote Addressee (MBANE@ACF.DHHS.GOV@INET)
READ:NOT READ

TO: Remote Addressee (MMOCKO@ACF.DHHS.GOV@INET)
READ:NOT READ

TO: Remote Addressee (PEDELMAN@OSASPE.DHHS.GOV@INET)
READ:NOT READ

TO: Remote Addressee (ADURAN@OSASPE.DHHS.GOV@INET)
READ:NOT READ

TO: Remote Addressee (ASEGAL@OSASPE.DHHS.GOV@INET)
READ:NOT READ

TO: Remote Addressee (JMONOHAN@OS.DHHS.GOV@INET)
READ:NOT READ

TO: Remote Addressee (KKing@HCFA.GOV@INET)
READ:NOT READ

TO: FAX (96906562,ANN SEGAL) (TLXA1MAIL_\F:96906562\C:ANN SEGAL\<\
READ:NOT READ

READ:NOT READ

TO: FAX (96907380,MARY BOURDETTE)
READ:NOT READ

(TLXA1MAIL_\F:96907380\C:MARY BOURDETTE\\)

TO: FAX (97033052576,STEVEN CARLSON)
READ:NOT READ

(TLXA1MAIL_\F:97033052576\C:STEVEN CARLSON)

TO: FAX (97033052454,STACY DEAN)
READ:NOT READ

(TLXA1MAIL_\F:97033052454\C:STACY DEAN\\)

TO: Keith J. Fontenot
READ:NOT READ

(FONTENOT_K) Autoforward to: Remote Adresse

TO: Jeffrey A. Farkas
READ:NOT READ

(FARKAS_J) Autoforward to: Remote Address

TO: Matthew D. McKearn
READ:NOT READ

(MCKEARN_M) Autoforward to: Remote Address

TO: Cynthia M. Smith
READ:10-SEP-1996 14:21:44.04

(SMITH_CM) (OMB)

TO: FAX (94827153,JUDY CHESSER)
READ:NOT READ

(TLXA1MAIL_\F:94827153\C:JUDY CHESSER\\)

TO: Remote Addressee
READ:NOT READ

(JUDY.CHESSER@SSA.GOV@INET)

TO: FAX (97033052454,YVETTE JACKSON)
READ:NOT READ

(TLXA1MAIL_\F:97033052454\C:YVETTE JACKSON)

TO: FAX (96222633,GLEN ROSSELLI)
READ:NOT READ

(TLXA1MAIL_\F:96222633\C:GLEN ROSSELLI\\)

TO: Remote Addressee
READ:NOT READ

(JMOORE@HCFA.GOV@INET@INET)

TO: FAX (914107860025,JUDY MOORE)
READ:NOT READ

(TLXA1MAIL_\F:914107860025\C:JUDY MOORE\\)

TO: FAX (96907380,HELEN MATHIS)
READ:NOT READ

(TLXA1MAIL_\F:96907380\C:HELEN MATHIS\\)

TO: Remote Addressee
READ:NOT READ

(YVETTE_JACKSON@FCS.USDA.GOV@INET)

TO: Remote Addressee
READ:NOT READ

(BONNY.O'NEIL@FCS.USDA.GOV@INET)

TO: FAX (92609183,JON WEINTRAUB)
READ:NOT READ

(TLXA1MAIL_\F:92609183\C:JON WEINTRAUB\\)

TO: Remote Addressee
READ:NOT READ

(JON_WEINTRAUB@ED.GOV@INET)

TO: Remote Addressee
READ:NOT READ

(JESSICA_LEVIN@ED.GOV@INET)

TO: FAX (94014353,JESSICA LEVIN)

(TLXA1MAIL_\F:94014353\C:JESSICA LEVIN\\)

READ:NOT READ

TO: Remote Addressee (STACEY.DEAN@FCS.USDA.GOV@INET)
 READ:NOT READ

TO: Jack A. Smalligan (SMALLIGAN_J) Autoforward to: Remote Addr
 READ:NOT READ

TO: Daniel J. Chenok (CHENOK_D) (OMB)
 READ:10-SEP-1996 14:00:13.95

TO: Wendy A. Taylor (TAYLOR_W) (OMB)
 READ:10-SEP-1996 13:18:46.00

TO: Laura A. Oliven (OLIVEN_L) (OMB)
 READ:10-SEP-1996 13:34:52.31

TO: Debra J. Bond (BOND_D) (OMB)
 READ:10-SEP-1996 13:20:29.26

TO: FAX (96907383,JOHN MERKOWITZ) (TLXA1MAIL_ \F:96907383\C:JOHN MERKOWITZ\
 READ:NOT READ

TO: Remote Addressee (jmerkowi@osaspe.dhhs.gov@INET)
 READ:NOT READ

TO: Betsy Myers (MYERS_B) (WHO)
 READ:10-SEP-1996 14:36:54.12

TO: FAX (97033052486,ARTHUR FOLEY) (TLXA1MAIL_ \F:97033052486\C:ARTHUR FOLEY\
 READ:NOT READ

TO: Deborah F. Kramer (KRAMER_D) Autoforward to: Remote Address
 READ:NOT READ

TEXT:

PRINTER FONT 12_POINT_ROMAN
 MEMORANDUM TO WELFARE IMPLEMENTATION SUBGROUP
 FROM: Jeremy Ben

□

-Ami

Diana Fortuna
 Domestic Policy Council

SUBJECT: Meeting Reminder and Updated List of Subgroup Members
 The next subgroup meeting will be held on Thursday, September 12 at
 2:00 p.m. in room 211 of the Old Executive Office Building.
 Also, please find below the most updated list of subgroup members. If
 you have ever attended a welfare subgroup meeting, you already have
 been cleared into the building for Thursday's meeting. Thank you.

NAME, PH & FAX EMAIL
 Jeremy Ben

□

-Ami, DPC BENAMI_J@A1.eop.gov

ph: 456

□

-5584

fax: 456

□

-7028 or

-7431

Diana Fortuna, DPC

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-5570

fax: 456

-7028

Dorothy K. Craft

CRAFT_D@A1.eop.gov

ph: 456

-5571

fax: 456

-7028

Michael Barr, Treas.

ph: 622

-0016

fax: 622

-0073

Joshua Gotbaum, Treas.

joshua.gotbaum@treas.sprint.com

ph: 622

-2200

fax: 622

-2633

Louise Sheiner, Treas.

ph: 622

-0563

fax: 622

-2633

Glen Rosselli, Treas.

ph: 622

-0090

fax: 622

-2633

Randy Moss, Justice

mossr@justice.usdoj.gov

ph: 514

-3745

fax: 514

-0539

Kevin R. Jones, Justice

ph: 514

-4604

fax: 514

-9112
Robert Bach, INS rlbgov@aol.com
ph: 514

-3242 or 616

-7767
fax: 305

-0134
Carolyn Colvin, SSA carolynw.colvin@ssa.gov
ph: 410

-965

-4512
fax: 410

-965

-9063
Barry Eigen, SSA barry.eigen@ssa.gov
ph: 410

-965

-2528
fax: 410

-966

-3372
Diane Blackman, SSA
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-965

-9814
fax: 410

-966

-1337
Brian Coyne, SSA brian.coyne@ssa.gov
ph: 482

-7128
fax: 482

-7105
Judy Chessser, SSA judy.chessser@ssa.gov
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-7148
fax: 482

-7153
Glenna Donnelly, SSA
Mary Jo Bane, HHS mbane@acf.dhhs.gov
ph: 401

-2337

fax: 401

-4678

Madeline Mocko, HHS

mmocko@acf.dhhs.gov

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-9223

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-4562

Ann Rosewater, HHS

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-5180

fax: 205

-3848

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-7858

fax: 690

-7383

John Merkowitz, HHS

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-7699

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-8410

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-6562

John Monahan, HHS

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-6060

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-5672

Judy Moore, HHS (HCFA)

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-786

-3230

fax: 410

-786

-0025

Dennis Hayashi, HHS
ph: 619

dhayashi@os.dhhs.gov

-0403
fax: 619

-3437

Rich Tarplin, HHS
ph: 690

-7627
fax: 690

-7380

Mary Bourdette, HHS
ph: 690

-6311
fax: 690

-7380

Helen Mathis, HHS
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fax: 690

-7380

Yvette Jackson, FNS
ph: 703

Yvette_Jackson@FCS.USDA.GOV

-305

-2026
fax: 703

-305

-2454

Steven Carlson, FNS
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-305

-2133
fax: 703

-305

-2576

Stacey Dean, FNS
ph: 703

Stacey.Dean@FCS.USDA.GOV

-305

-2022
fax: 703

-305

-2454

Bonnie O'Neil, FNS

Bonny_O'Neil@FCS.USDA.GOV

ph: 703

-305

-2022

fax: 703

-305

-2454

Arthur Foley, FNS

ph: 703

-305

-2490

fax: 703

-305

-2486

Jon Weintraub, DOE

jon_weintraub@ed.gov

ph: 205

-5602

fax: 260

-9183

Jessica Levin, DOE

jessica_levin@ed.gov

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-3389

fax: 401

-4353

Lori Bamberger, HUD

ph: 708

-4093

Peggy Lewis, FLOTUS

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-6266

fax: 456

-6244

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-6220

Debbie Fine, Polit. Affrs.

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-5572

fax: 456

-7929 or 6

-7163

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-7900

fax: 456

-1647

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-2572

fax: 456

-6704

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ph: 395

-4532

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-7752

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-7398

fax: 395

-0851

Keith Fontenot, OMB

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-4686

fax: 395

-0851

Jeff Farkas, OMB

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ph: 395

-4686

fax: 395

-0851

Matthew McKearn, OMB

MCKEARN_M@A1.eop.gov

ph: 395

-4686

fax: 395

-0851

Cindy Smith, OMB

SMITH_CM@A1.eop.gov

ph: 395

□

-4686

fax: 395

□

-0851

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

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

CREATION DATE/TIME:10-SEP-1996 14:47:58.99

SUBJECT: Mtg on securities litigation

TO: John C. Angell (ANGELL_J) (WHO)
READ:10-SEP-1996 14:49:53.22

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:10-SEP-1996 15:07:59.46

TO: Dan Tarullo (TARULLO_D) (OPD)
READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ:10-SEP-1996 17:03:51.40

CC: Kristen E. Panerali (PANERALI_K) (WHO)
READ:10-SEP-1996 15:45:55.03

CC: Wendy J. Einhellig (EINHELLIG_W) (OPD)
READ:10-SEP-1996 15:04:11.34

TEXT:

Laura Tyson would like to have a short meeting on securities litigation today at 5:45 in her office. It should be no more than half an hour. Please let me know if you cannot make it, at X65805. Thanks, Dena.

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

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

CREATION DATE/TIME:10-SEP-1996 15:50:12.07

SUBJECT: Update on HR 3460 - Patent Reform

TO: John A. Koskinen (KOSKINEN_J) Autoforward to: Remote Addre
READ:NOT READ

TO: Deborah L. Shaw (SHAW_D) Autoforward to: Remote Addressee
READ:NOT READ

TO: Dorothy Robyn (ROBYN_D) (OPD)
READ:10-SEP-1996 16:46:55.51

TO: Elena Kagan (KAGAN_E) (WHO)
READ:10-SEP-1996 20:04:59.64

CC: Kenneth L. Schwartz (SCHWARTZ_K) (OMB)
READ:11-SEP-1996 08:06:22.46

CC: Louisa Koch (KOCH_L) (OMB)
READ:10-SEP-1996 16:01:39.43

CC: Robert Nabors (NABORS_R) Autoforward to: Remote Address
READ:NOT READ

CC: Jonathan D. Breul (BREUL_J) (OMB)
READ:10-SEP-1996 15:57:04.85

CC: James C. Murr (MURR_J) (OMB)
READ:10-SEP-1996 15:57:32.52

CC: James J. Jukes (JUKES_J) (OMB)
READ:10-SEP-1996 16:26:27.76

CC: Robert G. Damus (DAMUS_R) (OMB)
READ:10-SEP-1996 16:26:52.93

CC: Steven D. Aitken (AITKEN_S) (OMB)
READ:10-SEP-1996 15:51:01.05

TEXT:

I understand from Commerce staff that:

1. The letter has not been sent but Commerce staff and Peter Jacoby have discussed it with subcommittee staff.
2. Subcommittee staff have rejected the Counsel's Office substitute language on removal of the Commissioner. Hill staff have offered a floor colloquy saying that the intent of the provision in the manager's amendment is notification of Congress of removal by the President.
3. Subcommittee staff say that Justice's problem with section 604 of the bill - attorneys' fees - is for the Administration to work out with Rep. Frost, the sponsor of the provision.
4. Subcommittee staff are pressing for a letter of unqualified Administration support for House passage of the bill, with the current manager's amendment - without any mention of items 2 and 3 above.

Peter Jacoby may be contacting you and Justice to discuss.

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

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

CREATION DATE/TIME:10-SEP-1996 16:38:17.74

SUBJECT: I heard a rumor...

TO: Elena Kagan (KAGAN_E) (WHO)

READ:10-SEP-1996 20:05:17.63

TEXT:

that there is some resolution on Calif. food stamps. True?

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

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

CREATION DATE/TIME:10-SEP-1996 17:43:38.36

SUBJECT: TRANSMITTAL LETTER FOR PROPOSAL TO CONDITION PRISONS GRANTS

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

TO: Peter Jacoby (JACOBY_P) (WHO)
READ:10-SEP-1996 19:06:53.40

TO: Dennis Burke (BURKE_D) (OPD)
READ:10-SEP-1996 21:19:17.50

TO: Kenneth L. Schwartz (SCHWARTZ_K) (OMB)
READ:11-SEP-1996 08:08:55.57

TO: James Boden (BODEN_J) Autoforward to: Remote Adresse
READ:NOT READ

TO: Richard J. Turman (TURMAN_R) Autoforward to: Remote Address
READ:NOT READ

TO: Lisa M. Kountoupes (KOUNTOUPES_L) Autoforward to: Remote Add
READ:NOT READ

TO: Charles Konigsberg (KONIGSBERG_C) Autoforward to: Remote Add
READ:NOT READ

TO: David Fein (FEIN_D) (WHO)
READ:10-SEP-1996 17:50:05.18

TO: Elena Kagan (KAGAN_E) (WHO)
READ:10-SEP-1996 20:07:43.39

CC: James C. Murr (MURR_J) (OMB)
READ:10-SEP-1996 17:58:56.70

CC: James J. Jukes (JUKES_J) (OMB)
READ:10-SEP-1996 17:44:21.83

TEXT:

You will receive shortly a draft transmittal letter for the proposed "Drug-Free Felon" legislation the President is expected to announce on Wednesday, September 11th. I will also attach a copy of the draft legislation and a DOJ memo providing additional context.

If I do not hear otherwise from you by 3:00 P.M. tomorrow, I will assume you have no objection to the proposed letter.