

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 002 - FOLDER -001

[09/19/1996 - 09/25/1996]

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

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

CREATION DATE/TIME:19-SEP-1996 09:37:57.65

SUBJECT: HHS

TO: Carol H. Rasco (RASCO_C) (WHO)
READ:19-SEP-1996 12:05:18.75

TO: Bruce N. Reed (REED_B) (WHO)
READ:19-SEP-1996 10:06:22.10

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

TO: Elena Kagan (KAGAN_E) (WHO)
READ:19-SEP-1996 10:20:30.05

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:19-SEP-1996 09:50:47.03

TEXT:

We are setting a meeting on Friday with you all to go over the HHS memo which you should have. We hope to discuss what the WH position should be and how we should proceed.
Thanks.

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

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

CREATION DATE/TIME:19-SEP-1996 11:21:37.21

SUBJECT: HHS decision memo

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:19-SEP-1996 13:00:49.98

TO: Elena Kagan (KAGAN_E) (WHO)
READ:19-SEP-1996 14:08:22.79

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:19-SEP-1996 12:41:10.52

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

CC: Elizabeth E. Drye (DRYE_E) (OPD)
READ:19-SEP-1996 12:07:15.84

CC: Jeremy D. Benami (BENAMI_J) (WHO)
READ:19-SEP-1996 15:56:12.58

CC: Cathy R. Mays (MAYS_C) (OPD)
READ:19-SEP-1996 11:23:31.81

CC: Cynthia M. Smith (SMITH_CM) (OMB)
READ:19-SEP-1996 11:46:06.96

TEXT:

Carol Rasco has called a meeting on the HHS welfare implementation memo for tomorrow (Friday, September 20) at 11:00 a.m. in OEOB 211. That is the only time we are able to hold the meeting. Everyone has confirmed that time with me except Emily and Ken/Cindy. Please let me know your status. Thank you.

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

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

CREATION DATE/TIME:19-SEP-1996 14:15:30.72

SUBJECT: Welfare/Immigration

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:19-SEP-1996 15:57:59.20

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:19-SEP-1996 14:30:15.48

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ:19-SEP-1996 14:43:30.34

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

CC: Cynthia M. Smith (SMITH_CM) (OMB)
READ:19-SEP-1996 14:23:18.29

TEXT:

The 5:00 meeting today in OEOB 211 will include the following people from agencies.

Seth Waxman will attend and has invited:

from DOJ

David Ogden

Gerri Ratliff

Randy Moss

Eleanor Acheson

from INS

Barbara Strack

And from WH

Jeremy

Diana

Steve

Ken

Elena

Thanks.

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

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

CREATION DATE/TIME:19-SEP-1996 20:34:55.03

SUBJECT: attached email

TO: Carol H. Rasco (RASCO_C) (WHO)
 READ:19-SEP-1996 22:36:17.25

TO: Bruce N. Reed (REED_B) (WHO)
 READ:20-SEP-1996 09:53:03.02

TO: Elena Kagan (KAGAN_E) (WHO)
 READ:20-SEP-1996 10:07:56.01

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
 READ:20-SEP-1996 09:00:49.25

TEXT:

Attached email came from Women's Office.

I have tried to be clear with them that they need to be careful how they represent the White House on this issue.

I am replying and will cc you on my response. Please feel free to add your thoughts if appropriate.

===== ATTACHMENT 1 =====
 ATT CREATION TIME/DATE:19-SEP-1996 19:09:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Betsy Myers

ATT SUBJECT: Exec. Order on Domestic Violence & Welfare

ATT TO: Lyndell Hogan (HOGAN_L)

ATT TO: Deborah L. Fine (FINE_D)

ATT TO: Jeremy D. Benami (BENAMI_J)

ATT CC: Lisa Ross (ROSS_LI)

ATT CC: Jennifer Palmieri (PALMIERI_J)

TEXT:

FYI

From Carrie:

Wellstone's meeting today with HHS, DOJ, advocates and us went well today.

Everyone urged a Presidential directive/exec. order to urge states to exempt battered women from time limits and work requirements -- using their option under the welfare bill (Wellstone-Murray Family Violence Amendment).

Sen. Wellstone called for the groups to pull together and expressed his hope that the President would issue an exec. order/directive.

HHS indicated Shalala's support for urging states to implement their option to exempt battered women, and Edelman said the Secretary supported the idea of reg's to make sure that states are not penalized for low participation rates because of battered women exemptions.

The groups announced that: (1) They support an exec. order/directive;

(2) They want HHS to put out educational material to the states on the following

(and HHS agreed):

- screening for battered women needs to be sensitive - caseworkers need training on how to help women find safety, etc.
- criteria for battered women to get a waiver needs to be carefully thought out (how "battered" do women have to be?)
- women should not be penalized for disclosing the fact they are battered - e.g., they should not then face loss of custody of children, and they should not be excluded from any welfare-to-work job training available)

They also raised:

- HHS should form an advisory committee on welfare & Domestic Violence
- Groups want more research and evaluation (Panetta in their June welfare meeting with him supported the idea of a study on battered women and poverty)
- Groups want more technical assistance funding (HHS said this is limited).
- (something about battered women being included in the denominator count (they didn't specify what they want).

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

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

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

CREATION DATE/TIME:20-SEP-1996 09:22:53.08

SUBJECT: HHS DECISION MEMO MEETING

TO: Dorothy K. Craft (CRAFT_D) (OPD)
READ:20-SEP-1996 09:53:37.59

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:20-SEP-1996 09:53:18.75

TO: Elena Kagan (KAGAN_E) (WHO)
READ:20-SEP-1996 10:08:56.98

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 08:36:56.03

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

TO: Elizabeth E. Drye (DRYE_E) (OPD)
READ:20-SEP-1996 09:59:08.15

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:20-SEP-1996 09:25:31.67

TO: Cathy R. Mays (MAYS_C) (OPD)
READ:20-SEP-1996 09:23:05.06

TO: Cynthia M. Smith (SMITH_CM) (OMB)
READ:21-SEP-1996 13:00:33.79

TEXT:

Today's 11:00 meeting to discuss how to resolve the issues in HHS's draft decision memo on TANF will be in Carol Rasco's office, 2nd Floor, West Wing. Please note the location change. Thanks.

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

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

CREATION DATE/TIME: 20-SEP-1996 10:58:44.53

SUBJECT: SSA & Immigration Issues

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ: 20-SEP-1996 11:43:04.20

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 20-SEP-1996 13:10:32.55

TO: Richard E. Green (GREEN_R) (OMB)
READ: 20-SEP-1996 12:00:23.97

CC: Emily Bromberg (BROMBERG_E) (WHO)
READ: 24-SEP-1996 08:38:21.41

TEXT:

Diana has called a SSA and Immigration Issues meeting on Tuesday, September 24 from 2:30 to 3:00 in OEOB 211 (right before the Welfare Implementation Subgroup Meeting).
Judy Chesser, Carolyn Colvin and Brian Coyne from SSA will attend.
Please RSVP to me by email. Thank you.

Richard: you are welcome to bring anyone else from OMB who would like to attend. Emily: FYI for you. You're welcome to attend.

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

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

CREATION DATE/TIME:20-SEP-1996 14:02:39.87

SUBJECT: means tested benefits

TO: Elena Kagan (KAGAN_E) (WHO)

READ:20-SEP-1996 14:42:07.02

CC: Keith J. Fontenot (FONTENOT_K) Autoforward to: Remote Addre

READ:NOT READ

TEXT:

I will forward to you a memo from Sara Rosenbaum that has another idea on how to define a Federal means-tested benefit: things that go directly to individuals, but not things that go to communities. Don't know if this is better than any of the competing theories out there.

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

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

CREATION DATE/TIME:20-SEP-1996 14:46:29.40

SUBJECT: welfare decisions

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

TO: Bruce N. Reed (REED_B) (WHO)
 READ:23-SEP-1996 10:24:21.27

TO: Carol H. Rasco (RASCO_C) (WHO)
 READ:20-SEP-1996 16:46:50.28

TO: Elena Kagan (KAGAN_E) (WHO)
 READ:20-SEP-1996 14:50:32.19

TO: Emily Bromberg (BROMBERG_E) (WHO)
 READ:24-SEP-1996 08:42:20.29

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
 READ:20-SEP-1996 14:54:20.11

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

TEXT:

Please let me know as soon as possible if you feel the following accurately summarizes our positions on the first four issues.

On Wisconsin, should I just say our proposal is to issue the waiver asap?

It looks dicey for a meeting this afternoon. Carol cannot do it, and it may be impossible for Emily and for Ken.

I am out on Monday, as I assume is Kevin and Elena. One possibility is for Bruce, Diana, Elena and I to go over this on the phone with John and company and see where we are.

We will be briefing John Angell on this as well this afternoon. He will keep Leon apprised and is satisfied that as long as our group of WH folks are united, Leon will be where we are.

Please advise.

PRINTER FONT 14_POINT_ROMAN
 ISSUES

PRINTER FONT 12_POINT_ROMAN
 1. Waivers

Guidance to states would require that states identify in their plans specific provisions of their demonstration that they believe are inconsistent with PRWORA. States would be told that they would not be allowed to operate programs that did not comply with the lifetime time limit or from the work participation rates. States would be alerted that subsequent legislative or regulatory action regarding TANF penalties might limit their

flexibility in the future, but such action would be effective only prospectively.

Note: This would allow states to continue experiments with definitions of work that vary from Section 407(d) provided those differences are flagged in the plan. While this approach does not rule out subsequently determining that the demonstration is out of compliance with the spirit of the new law, it does mean that there would be no retrospective financial penalty.

2. 45 day Notice

States would be required to provide the 45 day comment period required by the PRWORA following enactment of the new statute.

If permissible, funding should flow on a finding that the plan is otherwise complete. At a minimum, funding would be retroactive once the comment period is complete.

3. Guidance

Guidance to states would include a one page, ten item list of questions that must be answered for the plan to be complete. There would be no lengthy mandatory checklist, but the guidance could indicate that an optional checklist is available on request by a state to help in the preparation of the state plan.

4. Domestic Violence

The President would issue a memorandum to the Secretary of HHS and the Attorney General that would direct them to (1) work with states to inform them of the options available to them in the treatment of battered women and to encourage states to take advantage of those options; (2) provide technical assistance to states in designing their programs and services for this population; and (3) provide funding for research into the linkage between domestic violence and welfare dependence.

Note: This would not provide a waiver of the 20 percent exemption.

5. Wisconsin Waiver

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

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

CREATION DATE/TIME:20-SEP-1996 15:44:56.19

SUBJECT: HHS DECISION MEMO

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

TO: Cathy R. Mays (MAYS_C) (OPD)
READ:20-SEP-1996 15:47:42.06

TO: Elena Kagan (KAGAN_E) (WHO)
READ:20-SEP-1996 15:45:46.01

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 08:42:27.32

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:20-SEP-1996 15:47:02.05

TO: Cynthia M. Smith (SMITH_CM) (OMB)
READ:NOT READ

TEXT:
Meeting today at 4:15 in OEOB 211. Thank you.

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

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

CREATION DATE/TIME:23-SEP-1996 12:47:45.84

SUBJECT: HHS wants to know if they can start telling people...

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 10:21:51.13

TO: Bruce N. Reed (REED_B) (WHO)
READ:23-SEP-1996 15:20:13.78

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 08:46:47.82

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 09:00:37.62

TEXT:
the decision on the 45 day comment period issue. They are having
some folks in tomorrow that they would like to tell.

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

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

CREATION DATE/TIME:23-SEP-1996 16:51:26.37

SUBJECT: Food stamp cuts

TO: Mary Ellen Glynn (GLYNN_M) (WHO)
READ:23-SEP-1996 17:19:25.64

TO: John C. Angell (ANGELL_J) (WHO)
READ:23-SEP-1996 17:09:06.08

TO: Carol H. Rasco (RASCO_C) (WHO)
READ:25-SEP-1996 07:24:02.51

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

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 08:47:17.19

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 10:22:09.27

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

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 09:01:40.27

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:23-SEP-1996 20:14:59.66

TEXT:

I hear that Judith Havemann of the Wash. Post is poking around today on the implementation date of the food stamp cut-off for legal immigrants. She has spoken to USDA about this in general; and to HHS about the fact that Virginia is stating that they are implementing the cuts.

Here is some background: As of the date of enactment, legal immigrants applying for food stamps were no longer eligible. USDA gave states a 30-day grace period to get this up and running. But the 30 days are just about up, and so states are starting to implement this for new applicants.

For legal immigrants currently on the rolls, we have allowed states to use a waiver that could extend the cut-off by several months, but not all states benefit from this waiver. As you probably know, we have told California they do not have to implement this change for current recipients while we figure out if we can give them some relief.

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

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

CREATION DATE/TIME:23-SEP-1996 16:55:04.54

SUBJECT: USDA tells me they just sort of made up the 30 day

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-SEP-1996 09:02:22.78

TEXT:

grace period; not clear what authority they had for it. I wonder if we could have made it longer, but it's probably too late now.

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

ATT CREATION TIME/DATE:23-SEP-1996 16:35:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Diana M. Fortuna

ATT SUBJECT: Food stamp cuts

ATT TO: Mary Ellen Glynn (GLYNN_M)

ATT TO: John C. Angell (ANGELL_J)

ATT TO: Carol H. Rasco (RASCO_C)

ATT TO: Kenneth S. Apfel (APFEL_K)

ATT TO: Emily Bromberg (BROMBERG_E)

ATT TO: Jeremy D. Benami (BENAMI_J)

ATT TO: Keith J. Fontenot (FONTENOT_K)

ATT TO: Elena Kagan (KAGAN_E)

ATT TO: Stephen C. Warnath (WARNATH_S)

TEXT:

I hear that Judith Havemann of the Wash. Post is poking around today on the implementation date of the food stamp cut-off for legal immigrants. She has spoken to USDA about this in general; and to HHS about the fact that Virginia is stating that they are implementing the cuts.

Here is some background: As of the date of enactment, legal immigrants applying for food stamps were no longer eligible. USDA gave states a 30-day grace period to get this up and running. But the 30 days are just about up, and so states are starting to implement this for new applicants.

For legal immigrants currently on the rolls, we have allowed states to use a waiver that could extend the cut-off by several months, but not all states benefit from this waiver. As you probably know, we have told California they do not have to implement this change for current recipients while we figure out if we can give them some relief.

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

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

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

CREATION DATE/TIME:23-SEP-1996 18:18:03.75

SUBJECT: First draft of a timeline...

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 09:03:11.15

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 08:49:02.37

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:23-SEP-1996 20:16:01.65

CC: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 10:24:55.65

TEXT:

Give me any comments asap.

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

ATT CREATION TIME/DATE:23-SEP-1996 18:01:00.00

ATT BODYPART TYPE:H

ATT CREATOR: Diana M. Fortuna

ATT SUBJECT: Timeline of critical dates

ATT TO: Kenneth S. Apfel (APFEL_K)

ATT CC: Jeremy D. Benami (BENAMI_J)

ATT CC: Keith J. Fontenot (FONTENOT_K)

ATT CC: Richard E. Green (GREEN_R)

TEXT:

I was hoping to avoid this, but it increasingly appears that we all need a timeline of key dates for welfare reform. I think we might have a better chance of avoiding problems if we do.

I have taken a first and very rough crack at it, and would very much appreciate it if your staff could make any additions or corrections they find appropriate or necessary. I know they are very tied up on a million things, but their input would be very helpful.

I would hope to distribute this at tomorrow's 3pm meeting of our subgroup if it is in decent enough shape, and ask the agencies for their help as well.

I have really tried to keep it to dates that are truly critical or might generate outside interest/scrutiny. Obviously there are zillions of effective dates, regs, etc., but to put them all in the timeline would make it baffling.

I didn't get very far on child support or child care!

Can Keith or Richard throw some dates/advice my way?

PRINTER FONT 12_POINT_COURIER

Timeline: Key Dates

I. TANF

September 30 HHS must act on Wisc/Mich early applications
 October 1 States can enter TANF program
 November Technical corrections legislative proposal? what
 drives this date?
 November 17 States to report on child poverty to HHS
 December HHS to publish initial TANF regs

II. Child Care

November Interim final rule?

III. Child Support

October 1 State laws on expedited procedures and paternity establishment (with exceptions)

IV. Food Stamps

Legal Immigrants:

September 22 30 day grace period up; states rejecting new
 applicants who are legal aliens
 ASAP California question
 January 1997 States can be sanctioned for errors related to
 legal immigrants

18

-50 Year old Work Requirements:

September 30 USDA to give states guidance (?) on waiver process
 When is it effective??

V. SSI

Children:

ASAP New definition needed for field so field offices
 stop holding new cases

October 22 SSA to get draft reg to OMB

November 22 New reg to be published

Mid

-Nov- Children's families to get notices

December

January - Redeterminations drop children from rolls

August '97

Legal Immigrants:

??? Regulations/instructions?

January - Recipients to get notices

March '97

April - Redeterminations drop legal immigrants from rolls

August '97

VI. Other Immigration Dates

ASAP Definition of means tested benefit

November 20 INS to promulgate new sponsorship document
 (affidavit of support)

November One quarter since law passed; states required to
 report quarterly to INS about those unlawfully in

US

January 1 States decide whether legal immigrants are
 eligible for Medicaid, TANF, SSBG; also state and
 local programs??

VII. Medicaid

October 7 HCFA to meet with State Medicaid Directors; should
 have some clarity on issues by then

December HCFA to issue guidance

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

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

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

CREATION DATE/TIME:23-SEP-1996 18:57:57.57

SUBJECT: For you Medicaid afficianados....

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 10:25:07.66

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:23-SEP-1996 20:16:49.55

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 09:03:55.11

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 08:51:09.98

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

TO: Richard E. Green (GREEN_R) (OMB)
READ:23-SEP-1996 19:09:17.90

TEXT:

here are comments from Nancy-Ann Min's staff on implementation issues in Medicaid.

I am debating whether to send you my equally lengthy response. You can ignore all this if you like for now -- but, Elena, I think there are some legal questions that you will have to get involved in eventually.

I am hoping there is discretion here to do interesting things to blunt the legal immigrant cuts, within the parameters of the law.

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

ATT CREATION TIME/DATE:12-SEP-1996 17:39:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Nicolette Highsmith

ATT SUBJECT: Comments on HCFA's Draft White House Report

ATT TO: Diana M. Fortuna (FORTUNA_D)

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

ATT CC: Barry T. Clendenin (CLENDENIN_B)

ATT CC: Mark E. Miller (MILLER_ME)

ATT CC: barbara E. Washington (WASHINGTON_B)

TEXT:

At a meeting of the welfare implementation work group, you requested that HCFA provide a summary of issues facing Medicaid in light of welfare reform. Last week, you sent us a document from HCFA entitled, "White House Report - Delinking Medicaid from AFDC," which addressed such Medicaid issues.

We wanted to clarify a couple of points made in the document to avoid confusion.

1) HCFA's first paragraph notes that "regardless of whether an individual is eligible for TANF, states in general will be required to maintain Medicaid eligibility for individuals eligible for benefits as of July 16, 1996. The law states that an individual's eligibility for Medicaid will be based on the income and asset standards used to determine AFDC eligibility as of July 16, 1996. This means two things: 1) Medicaid is no longer linked to TANF cash assistance. This could result in families receiving TANF without being eligible for Medicaid, and 2) It is not a "grandfather" provision for people receiving AFDC on 7/16/96. If individual circumstances change, such that they no longer meet the AFDC eligibility standards as of 7/16/96, they would lose Medicaid.

2) HCFA also made the point that "a number of currently eligible individuals may fall through the cracks as a result of the transition from AFDC to TANF and the delinking of AFDC and Medicaid eligibility systems."

"Theoretically," individuals eligible for Medicaid as of 7/16/96 would not lose coverage under the law. What could happen, is that, in implementing the law, states' systems that are currently in place for tracking eligibility may not accurately track the transition from AFDC to Medicaid. Furthermore, Medicaid offices will have the added responsibility of determining Medicaid eligibility for individuals on cash assistance, which could cause administrative complications. Thus, due to the result of systems or administrative problems (not the law), some eligible individuals might lose coverage.

HCFA's document did not fully explain the subtle technicalities of the Medicaid issues. As Judy Moore mentioned in the last meeting, some of these Medicaid issues are extremely technical, but some of them have the impact of either retaining or eliminating Medicaid coverage for individuals.

We wanted you to be aware of our understanding of what the major outstanding issues for Medicaid are:

Immigration

1) Mandatory SSI Ban - In general, SSI eligibility also confers Medicaid eligibility. It is unclear if an immigrant continues to be eligible for Medicaid, if they lose SSI coverage due to the mandatory ban on SSI for current immigrants in the country. The law is vague on this point and HCFA has had different interpretations. HCFA is working through this eligibility complication.

2) Deeming - As you know, this issue cuts across many agencies. The general issue is what types of exclusions (i.e. car, house) are used in the determining income level of the sponsor for the purposes of determining the immigrant's eligibility for federal benefits.

1115 Waivers

HCFA is looking into issues surrounding Medicaid 1115 waivers and eligibility. HCFA is looking into the question of whether states can cover individuals under their 1115 Medicaid waivers (if currently eligible under the 1115 waiver), who could lose coverage under the welfare law (i.e. immigrants).

SSI Kids

HCFA partly addressed this issue in their document by noting that guidance would go out to the states on SSI children losing SSI benefits, and therefore Medicaid eligibility. SSA intends to send letters to beneficiaries that will lose coverage as a result of the redetermination policy. We are not sure if HCFA has consulted with SSA on inserting a Medicaid part to the SSA letter or whether HCFA intends to send out letters to beneficiaries noting the policy change and noting that individuals can reapply for Medicaid, based on other criteria.

Administrative Allocation

The Welfare bill includes \$500 million for increased Federal Medicaid Administrative Matching funds for states to set up new eligibility systems (because Medicaid will have to determine eligibility for individuals who would have received AFDC). The law gives the Secretary the authority to determine the appropriate FMAP percentage (i.e. % Federal versus % state funds). HCFA will also have to determine how the funds will be allocated across the states. We assume that these would be the issues that HCFA would present to the DPC in a more detailed meeting.

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

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

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

CREATION DATE/TIME:23-SEP-1996 19:02:29.22

SUBJECT: Here is my response to the OMB health staff

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 10:26:56.60

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:23-SEP-1996 20:18:49.72

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 09:04:38.44

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 08:55:57.91

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

TO: Richard E. Green (GREEN_R) (OMB)
READ:23-SEP-1996 19:10:20.71

TEXT:

Feel free to ignore if you are feeling overloaded.

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

ATT CREATION TIME/DATE:23-SEP-1996 18:23:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Diana M. Fortuna

ATT SUBJECT: RE: Comments on HCFA's Draft White House Report

ATT TO: Nicolette Highsmith (HIGHSMITH_N)

ATT CC: Nancy-Ann E. Min (MIN_N)

ATT CC: Barry T. Clendenin (CLENDENIN_B)

ATT CC: Mark E. Miller (MILLER_ME)

ATT CC: barbara E. Washington (WASHINGTON_B)

TEXT:

Thank you so much for your helpful analysis. Here are several thoughts and questions about these issues.

1. I am very interested in your point that immigrants losing SSI may not automatically lose Medicaid too. Would this be true even if the state chose not to exercise their option to keep Medicaid for legal immigrants as of 1/1/97?

Your point about waivers being a vehicle to keep legal immigrants is also very interesting. I imagine we will want to pursue this. You probably know that, on the food stamp side, we worked hard to design a waiver to delay the implementation in several states so that they have a bit more time to develop an interim verification system for immigration status.

2. If legal immigrants don't lose SSI until, say, June of next year, when SSA gets around to looking at their case, but the Governor of the state declares on 1/1/97 that his state no longer provides Medicaid to legal immigrants, does the person have Medicaid from January through June? (I think the issue of legal immigrants in nursing homes will become big on the radar screen in the coming weeks, and this would be relevant to that.)

3. On SSI kids, I am very interested in how many will be able to keep Medicaid under Waxman and other provisions, and how many will lose Medicaid altogether. Is this a HCFA question only, or do you guys have any thoughts here? DPC thinks we should be proactive in reaching out to families here, so that those who have a right to continuing Medicaid know about it.

4. On Medicaid vs. TANF eligibility, I understand your point. So, if a woman now on Medicaid goes to work as a result of a work program/work requirement and raises her income beyond the AFDC level in effect on 7/16/96, then she is no longer eligible for Medicaid beyond the one year of transitional Medicaid that the law offers, right? Her kids may qualify under Waxman's provisions, but probably not her.

At the NGA/NCLS/APWA conference, someone from one of those organizations said they thought there was potentially a chance for states to add a SECOND year of transitional Medicaid coverage. But I have never seen any basis for that in the law, have you? I assume this could be done through a (budget neutral) waiver, though.

5. Also at the NGA conference, there was discussion of some limitation in the law in Medicaid growth to the CPI. Can you explain how that works?

I have been pushing HHS/HCFA to sit down and meet with us on all this soon. At the moment, Monahan has promised me a meeting on October 1, with paper to arrive in advance. (I will let you know time and place as soon as I do.) I am a bit concerned about whether this is early enough, given that the State Medicaid Directors are meeting 10/7-9, and people will certainly be expecting some straight answers from HCFA by then -- not on everything, but on some things. At the moment, I think HCFA is not as far along in terms of giving NGA/NCSL/APWA guidance as other agencies.

By the way, I hear from Monahan that HHS is discussing the mechanism by which states can signal their intention on whether legal immigrants are still eligible for Medicaid. One option is to make the default position that they ARE covered. This way, a Governor would have to take a proactive position to drop them. I also assume the state legislature can get involved in this decision if they pass a law, but otherwise the Governor's actions control.

Hope someone from your unit is coming to our welfare reform subgroup meeting tomorrow (Tuesday) at 3 in room 211. We are going to try to make it at the same time every week. Let me know if you think we need a WH/OMB meeting to take stock of where we are on Medicaid, with counsel's office and intergovernmental in attendance as well.

I am also going to send Mark and Nicolette a copy of a draft timeline of critical dates that I am just beginning. Let me know if you have any comments.

Sorry for the long note!

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

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

CREATOR: Barbara D. Woolley (WOOLLEY_B) (WHO)

CREATION DATE/TIME:23-SEP-1996 19:48:11.91

SUBJECT: Amicus Brief Filed in Ohio/Partial Birth

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 09:05:09.41

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ:24-SEP-1996 09:15:34.19

TEXT:

Elena and Jennifer:

If you haven't already seen, ACOG, NAF, and AMCL shared copy of brief on partial abortion. If you are interested in copy, let me know.

BW

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

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

CREATION DATE/TIME:24-SEP-1996 09:26:04.24

SUBJECT: RE: HHS wants to know if they can start telling people...

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 09:57:30.93

CC: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 10:18:39.37

CC: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 10:38:25.92

CC: Bruce N. Reed (REED_B) (WHO)
READ:24-SEP-1996 09:41:21.41

TEXT:

Good point on whether the money will flow at beginning or end of 45 days. I have put in a call to Monahan telling him not to announce it at this point.

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

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

CREATION DATE/TIME:24-SEP-1996 09:33:02.54

SUBJECT: WELFARE IMPLEMENTATION SUBGROUP MEETING REMINDER

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

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 10:14:10.24

TO: Deborah L. Fine (FINE_D) (OPD)
READ:24-SEP-1996 09:27:41.90

TO: Peggy A. Lewis (LEWIS_P) (WHO)
READ:25-SEP-1996 13:15:08.67

TO: Anne E. McGuire (MCGUIRE_A) (WHO)
READ:24-SEP-1996 12:59:22.78

TO: Richard E. Green (GREEN_R) (OMB)
READ:24-SEP-1996 09:31:29.22

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:24-SEP-1996 10:38:32.87

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:24-SEP-1996 09:28:08.00

TO: Dorothy K. Craft (CRAFT_D) (OPD)
READ:NOT READ

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:24-SEP-1996 10:20:40.66

TO: Barry White

(WHITE_B) (OMB)

READ:24-SEP-1996 09:30:15.54

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: 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

(MMOCKO@ACF.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: 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 Addre

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) Autoforward to: Remote Address

READ:NOT READ

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:24-SEP-1996 09:28:10.14

TO: Wendy A. Taylor (TAYLOR_W) (OMB)
READ:24-SEP-1996 17:23:07.28

TO: Laura A. Oliven (OLIVEN_L) Autoforward to: Remote Address
READ:NOT READ

TO: Debra J. Bond (BOND_D) (OMB)
READ:24-SEP-1996 09:30:11.26

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

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

TO: Betsy Myers (MYERS_B) (WHO)
READ:24-SEP-1996 09:55:00.88

TO: FAX (97033052486,ARTHUR FOLEY) (TLXA1MAIL_\F:97033052486\C:ARTHUR FOLEY\\)

READ:NOT READ

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:24-SEP-1996 09:28:53.67

TO: Mark E. Miller (MILLER_ME) (OMB)
READ:24-SEP-1996 09:49:52.58

TO: Steven M. Mertens (MERTENS_S) Autoforward to: Remote Addres
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: Welfare Implementation Subgroup
The next subgroup meeting will be held on Tuesday, September 24 at 3:00 p.m. in Room 211 of the Old Executive Office Building. Also, below is the most updated list of subgroup members and their contact numbers.

Please call Dorothy Craft (202) 456

□

-5571 with your clearance information only if you have never attended a 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

FORTUNA_D@A1.eop.gov

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□

-5570

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Steve Warnath, DPC

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□

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-7028

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-0563

fax: 622

-2633

Glen Rosselli, Treas.

ph: 622

-0090

fax: 622

-2633

Mike Compson, Treas.

ph: 622

-2351

fax: 622

-1294

Randy Moss, Justice

ph: 514

-3745

fax: 514

-0539

Kevin R. Jones, Justice

ph: 514

-4604

fax: 514

-9112

Robert Bach, INS

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-3242 or 616

-7767

fax: 305

-0134

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-4562

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-3848

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-2486

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-4353

Lori Bamberger, HUD

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-4093

Peggy Lewis, FLOTUS

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Debbie Fine, Polit. Affrs.

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-7929 or 6

-7163

Elena Kagan, Gen. Counsel

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fax: 456

-1647

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-6704

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Keith Fontenot, OMB

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-6974

Dan Chenok, OMB

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-6974

Laura Oliven, OMB

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fax: 395

-6974

Debra Bond, OMB

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fax: 395

□

-6974

Steven M. Mertens

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ph: 395

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-4935

fax: 395

□

-0850

Carrie Wofford for Betsy Myers MYERS_B@Al.eop.gov

Women's Office

ph: 456

□

-7300

fax: 456

□

-7311

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

CREATOR: Terri Tingen (TINGEN_T) (WHO)

CREATION DATE/TIME:24-SEP-1996 10:29:21.26

SUBJECT: Welfare Reform Implementation Mtg.

TO: Jill Pizzuto (PIZZUTO_J) (OPD)
READ:24-SEP-1996 10:32:17.41

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

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

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 10:39:38.16

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:24-SEP-1996 10:32:22.26

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 10:37:10.43

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 10:35:59.90

TO: Michelle Crisci (CRISCI_M) (WHO)
READ:24-SEP-1996 10:29:57.26

CC: John C. Angell (ANGELL_J) (WHO)
READ:24-SEP-1996 11:27:04.15

TEXT:

We will be doing a welfare reform implementation meeting in Leon's office tomorrow at 12 noon.

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

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

CREATION DATE/TIME:24-SEP-1996 11:19:08.33

SUBJECT: Reminder -- Comments due on OSHA testimony

TO: Lori R. Schack (SCHACK_L) Autoforward to: Remote Address
READ:NOT READ

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:24-SEP-1996 11:24:01.77

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 11:19:49.20

TO: Sally Katzen (KATZEN_S) Autoforward to: Remote Address
READ:NOT READ

TO: Daniel J. Chenok (CHENOK_D) (OMB)
READ:24-SEP-1996 12:48:19.75

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:24-SEP-1996 11:26:19.15

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

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:24-SEP-1996 13:44:13.93

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

TO: Phillip B. Levine (LEVINE_P) (WHO)
READ:24-SEP-1996 11:27:08.52

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

CC: Larry R. Matlack (MATLACK_L) (OMB)
READ:24-SEP-1996 11:44:41.60

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:24-SEP-1996 11:33:25.49

TEXT:

Reminder -- Please forward your comments on LRM 5661 (Labor testimony on H.R. 3234, Small Business OSHA Relief Act of 1996) to me by no later than 12:30 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:24-SEP-1996 13:44:50.66

SUBJECT: New mexico and TANF

TO: Carol H. Rasco (RASCO_C) (WHO)
READ:25-SEP-1996 08:34:29.69

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 13:47:16.93

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 14:05:04.04

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 13:48:15.14

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

TEXT:

FYI, as you may know, New Mex. has problems with their TANF block grant because their caseload is increasing. So, unlike most states, the block grant squeezes them.

Domenici is trying to find a fix for them. His latest idea is to let them tap into the contingency fund. However, HHS has advised Domenici that they're not sure that works until New Mex. files a TANF plan and becomes a TANF state, which the state doesn't plan to do for some time.

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

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

CREATION DATE/TIME:24-SEP-1996 13:56:31.19

SUBJECT: I think Elena should be invited

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

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 14:06:23.70

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:24-SEP-1996 12:50:00.00

ATT BODYPART TYPE:E

ATT CREATOR: Deborah F. Kramer

ATT SUBJECT: 4:00 Meeting w/ SSA --

ATT TO: FORTUNA_D (FORTUNA_D@A1@CD)

ATT TO: Keith J. Fontenot (Keith J. Fontenot@EOP@LNGTWY@EOPMRX)

ATT TO: Richard E. Green (Richard E. Green@EOP@LNGTWY@EOPMRX)

ATT TO: Cynthia M. Smith (Cynthia M. Smith@EOP@LNGTWY@EOPMRX)

ATT TO: Daniel J. Chenok (Daniel J. Chenok@EOP@LNGTWY@EOPMRX)

ATT TO: Laura Oliven Silberfarb (Laura Oliven Silberfarb@EOP@LNGTWY@EO

ATT TO: Phyllis Kaiser-Dark (Phyllis Kaiser-Dark@EOP@LNGTWY@EOPMRX

TEXT:

Message Creation Date was at 24-SEP-1996 12:50:00

This message confirms that Ken Apfel will be having a 4:00 meeting in Room 260
w/ SSA on Child Disability.
Please forward this message if additional staff should attend.
thanks.

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

Welfare Reform Implementation Issues

1. Should states be allowed to continue to operate previously approved welfare waivers that waive the five year time limit either directly or indirectly through their exemptions/extensions policy?

•States would like guidance on what aspects of their waivers they will be allowed to continue to operate - specifically, more generous time limits, extensions, exemptions and more lenient definitions of work. The welfare reform law allows grandfathering of waivers. It is clear some members are very concerned we will use this provision to gut the time limit – see, e.g., District of Columbia waiver.

•HHS proposal: No need to answer question now. Ask states to identify in their plans what in their waivers is inconsistent with new law. Warn them that future legislative or regulatory action could limit their ability to continue the waiver, but assure them that they would suffer no financial penalty.

•White House Staff Recommendation – Guidance to states must make clear that the administration intends that all states comply with the work requirements, exemptions policy, and five year lifetime time limit in the welfare reform bill. If states still indicate that they will operate programs out of compliance, we would indicate an intention to submit clarifying legislation.

2. In guiding states on how to prepare "Complete" plans, how detailed should HHS be in the questions it asks states to answer?

•The new law gives HHS the authority only to evaluate state plans for completeness – it does not permit substantive review and approval.

•HHS would like to send a nine-page list of over eighty specific questions that states must answer for their plan to be considered complete.

•White House Staff Recommendation – HHS should reduce the list to one page of roughly ten key questions that states must answer. The eighty-question list runs counter to the intent of Congress in shifting authority to run the program to the states.

3. Should States be allowed to meet the 45 day public notice requirements of the law by citing previous public processes?

•HHS proposes that states be required to have new 45 day comment periods. They are not willing to let states count previous public processes such as state legislation.

•White House Staff Recommendation – While some of us might prefer to give states some flexibility if their welfare plans have been subject to lengthy public debate,

there are a number of constituencies who feel strongly about having input. We are prepared to accept HHS recommendation.

4. Should victims of domestic violence be given automatic exemption from the time limit?

- HHS, the Women's Office, and some women's groups are proposing that the President direct the Secretary not to penalize states that fail to meet the work participation standards or exceed their 20 percent exemption because they exempt victims of domestic violence.
- The welfare reform bill contains the Wellstone amendment - which offers states the option of exempting people in these circumstances from the time limit - within the 20 percent limit.
- White House Staff Recommendation – Since Congress explicitly included this as a state option within the 20 percent hardship exemption, we recommend that the President issue a memorandum to HHS and DOJ asking them to work with states on appropriate services, fund research and provide technical assistance.

5. Should we grant the Wisconsin waiver?

- There is only one outstanding issue with Wisconsin - relating to the residency requirement. It is a provision that Wisconsin would have the authority to implement under the new law. HHS recommends that we deny the waiver.
- Wisconsin has made this a part of their state plan as well. HHS does not want to find the plan complete with this provision in it.
- White House Staff Recommendation – Grant Wisconsin the waiver with language that says we are granting it if it meets Constitutional scrutiny. The provision will certainly land in court. By granting the waiver, we avoid a fight with the state.

6. How should we handle the food stamp certification issue if it cannot be fixed in the Continuing Resolution?

- We would like your reaction to using the demonstration authority within food stamps to grant waivers to states with one-year recertification periods to permit them to effectively postpone recertification until next August. Does this push the use of the waiver authority too far? Does it put the program at risk for future block granting or capping?

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Kenneth S. Apfel@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME:24-SEP-1996 14:37:00.00

SUBJECT: Re: calif food stamp proposal

TO: KAGAN_E (KAGAN_E@a1@cd) (WHO)
READ:24-SEP-1996 16:22:20.55

CC: reed_b (reed_b@a1@cd) (WHO)
READ:24-SEP-1996 15:04:00.68

CC: benami_j (benami_j@a1@cd) (WHO)
READ:24-SEP-1996 17:38:12.12

CC: fortuna_d (fortuna_d@a1@cd) (OPD)
READ:24-SEP-1996 16:03:47.36

CC: bromberg_e (bromberg_e@a1@cd) (WHO)
READ:24-SEP-1996 16:08:20.29

CC: angell_j (angell_j@a1@cd) (WHO)
READ:24-SEP-1996 14:38:58.37

CC: warnath_s (warnath_s@a1@cd) (OPD)
READ:24-SEP-1996 15:03:48.95

TEXT:

Message Creation Date was at 24-SEP-1996 14:37:00

If there are drafting issues, they need to be nailed down by COB today, since leon MAY decide to spring this tomorrow. Can you work with Keith to nail this today?

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

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

CREATION DATE/TIME:24-SEP-1996 14:41:40.09

SUBJECT: LEON PRE-MEETING

TO: Bruce N. Reed (REED_B) (WHO)
READ:24-SEP-1996 15:03:45.60

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

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 16:22:48.13

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 16:08:28.82

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 17:38:30.07

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:24-SEP-1996 16:04:17.64

CC: Jill Pizzuto (PIZZUTO_J) (OPD)
READ:24-SEP-1996 16:02:56.72

CC: Cathy R. Mays (MAYS_C) (OPD)
READ:24-SEP-1996 14:56:00.54

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

TEXT:

The Pre-Meeting (with Carol Rasco and everyone listed) for tomorrow's noon welfare meeting with Leon Panetta will be from 10:00 to 10:30 a.m. in Carol Rasco's office, 2nd Floor, West Wing.

Thank you.

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

CREATOR: Jill Pizzuto (PIZZUTO_J) (OPD)

CREATION DATE/TIME:24-SEP-1996 15:54:05.32

SUBJECT: FYI re: tomorrow's 1:00pm meeting

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 17:38:43.73

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:24-SEP-1996 16:05:36.08

TO: Bruce N. Reed (REED_B) (WHO)
READ:24-SEP-1996 17:56:22.90

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 16:08:41.12

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 16:23:03.29

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

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

CC: Cathy R. Mays (MAYS_C) (OPD)
READ:24-SEP-1996 15:56:05.64

CC: Dorothy K. Craft (CRAFT_D) (OPD)
READ:24-SEP-1996 15:55:15.02

TEXT:

fyi to all from Carol Rasco:
the NGA/ APWA/ NCSL weekly meeting is CANCELLED tomorrow and RE-SCHEDULED FOR
THIS MONDAY, SEPTEMBER 30TH, 1:00p-2:00p, RM 180.
(note: there may/may not be another meeting that Wed, Oct. 2nd as well. It
will be determined at Monday's meeting.)

if there are any questions, please call Jill at 6-2249.
thanks.

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

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

CREATION DATE/TIME:24-SEP-1996 17:48:45.43

SUBJECT: fyi on waiver grandfathering

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 18:30:14.39

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 19:41:49.90

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:25-SEP-1996 11:10:33.38

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:24-SEP-1996 15:00:00.00

ATT BODYPART TYPE:H

ATT CREATOR: Melinda D. Haskins

ATT SUBJECT: WH Bulletin on Possible Welfare Reform Waiver Provision

ATT TO: Kenneth S. Apfel (APFEL_K)

ATT TO: Barry White (WHITE_B)

ATT TO: Keith J. Fontenot (FONTENOT_K)

ATT TO: Lester D. Cash (CASH_L)

ATT TO: Bruce N. Reed (REED_B)

ATT TO: Diana M. Fortuna (FORTUNA_D)

ATT TO: Charles Konigsberg (KONIGSBERG_C)

ATT TO: Lisa M. Kountoupes (KOUNTOUPES_L)

ATT TO: Cynthia M. Smith (SMITH_CM)

ATT CC: James C. Murr (MURR_J)

ATT CC: Janet R. Forsgren (FORSGREN_J)

TEXT:

PRINTER FONT 12_POINT_COURIER

24

□

-Sep.

□

-1996 02:56pm

IN THE WHITE HOUSE AND AROUND TOWN:

o Nickles seeks to enforce five

□

-year limit on welfare benefits.

Senate Majority Whip Don Nickles reportedly plans to push a measure aimed at keeping states from exceeding a five

□

-year lifetime limit on

welfare benefits -- a component of the new welfare law. After a fast

□

-track waiver was approved by the Clinton Administration --

allowing the District of Columbia to extend benefits past the five-year limit -- Nickles drafted legislation to codify the time limit, and the GOP leadership made plans to bring it to the floor before the close of the 104th Congress. However, before floor action occurred, the DC waiver was rescinded. According to a Senate GOP leadership source, "HHS had a technical reason for doing that. But basically, they got caught trying to have their cake and eat it, too."

Although the DC waiver has already been revoked, Nickles still wants to pass a bill to set in stone the five

□

-year limit, an aide

said. "We want to clarify that the Secretary of HHS does not have waiver authority on time limit provisions," the aide said, adding: "Generally, the time limits on welfare benefits were a non-controversial idea, accepted as being necessary for reforming the welfare system." The aide said that out of 8 fast track waivers approved by the Administration between the time the bill was passed and the time it was signed by Clinton, "only the waiver sought by DC had virtually no limits. The way it was constructed and the loose definitions that were given for work requirements, et cetera -- really, there were no time limits in the DC waiver. The waiver provided at least a ten

□

-year exemption from the time limits in the

welfare reform bill. We felt that, because it was a provision everyone felt was important and necessary, it should not be something that should be subject to change."

The aide said Nickles and other GOP leaders are still deciding whether to move the time

□

-limit provision before the close of the

104th Congress. "We're not sure what form it'll take and what vehicle will be used," the aide said, "But Senator Nickles does intend to move that...bill."

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

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

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

CREATION DATE/TIME:24-SEP-1996 18:17:05.93

SUBJECT: food stamp QC requests

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 18:32:08.48

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 19:42:20.42

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:25-SEP-1996 11:10:53.93

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:

I just heard from USDA that states are getting interested in California's deal of having a hold harmless from QC errors while their food stamp waiver request is being evaluated. First Illinois called USDA to learn more. Then USDA heard that APWA had a conference call with states on this and plans to publicize the option to its members.
So, watch out.

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

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

CREATION DATE/TIME:25-SEP-1996 07:26:34.65

SUBJECT: LEON MTG CHANGE

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

TO: Cathy R. Mays (MAYS_C) (OPD)
READ:25-SEP-1996 09:16:59.93

TO: Jill Pizzuto (PIZZUTO_J) (OPD)
READ:25-SEP-1996 08:32:54.24

TO: Suzanne E. Dale (DALE_S) (WHO)
READ:25-SEP-1996 09:49:52.44

TO: Elena Kagan (KAGAN_E) (WHO)
READ:25-SEP-1996 08:31:03.43

TEXT:

Location change -- the LEON PRE-MEETING will take place today at 10:00 a.m. in Jeremy's office, OEOB 218A (to the left). It was originally scheduled in Carol Rasco's office. Thank you.

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

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

CREATION DATE/TIME:25-SEP-1996 11:48:12.14

SUBJECT: Why couldn't both of the legislative fixes you are

TO: Elena Kagan (KAGAN_E) (WHO)
READ:25-SEP-1996 14:15:34.47

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

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

TEXT:

working on (12 month extension for those who file a declaration of intention to naturalize, and April 1 effective date for food stamps) apply to NEW applicants for food stamps and SSI, not just current applicants?
I am sure I must be forgetting something.

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

CREATOR: Betsy Myers (MYERS_B) (WHO)

CREATION DATE/TIME: 25-SEP-1996 17:36:58.74

SUBJECT: Late Term Update

TO: Jennifer Palmieri (PALMIERI_J) (WHO)
READ: 25-SEP-1996 17:48:53.39

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ: 25-SEP-1996 17:51:15.91

TO: Lyndell Hogan (HOGAN_L) (OPD)
READ: 25-SEP-1996 17:52:27.84

TO: Deborah L. Fine (FINE_D) (OPD)
READ: 25-SEP-1996 17:37:02.55

TO: John P. Hart (HART_J) (WHO)
READ: 26-SEP-1996 09:50:43.39

TO: Lee A. Satterfield (SATTERFIEL_L) (WHO)
READ: 25-SEP-1996 19:18:03.34

TO: Holly Carver (CARVER_H) (WHO)
READ: 25-SEP-1996 17:40:29.15

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 25-SEP-1996 18:24:59.10

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

TO: Todd Stern (STERN_T) (WHO)
READ: 25-SEP-1996 17:49:34.90

TO: Tracey E. Thornton (THORNTON_T) (WHO)
READ: 25-SEP-1996 17:37:53.99

TEXT:

I. MEMBERS

After their Hill meetings and contact today, Planned Parenthood and the National Abortion Federation are worried about:

Harkin
Bradley
Leahy
Lieberman
Nunn
Kohl
Graham

II. RESPONSE TO WASHINGTON POST OP ED

- The Post is likely to print Dr. Warren Hern's letter tomorrow supporting the President and challenging Richard Cohen's op ed (faxed to you earlier today).
- Richard Cohen is getting beaten up today by the women's groups, and he told them he would urge that Hern's letter be published and that he would consider printing another op ed himself.

- New York Times appears more likely to publish an op ed tomorrow supporting the President.

- Columbia School of Public Health Dean Allan Rosenfield has sent a letter to the WPost editor that was also delivered to Senate offices this afternoon. (On your fax now).

- Kate Michelman sent a letter to Senaté offices today. (On your fax)

III. OTHER EDITORIALS

We are also faxing to you several recent editorials supporting the President:

- Self Magazine's profile of Claudia Ades, a woman who had the procedure and stood with the President at the veto. SELF Magazine reaches 3.4 million American women. (September issue).

- Atlanta Constitution, "It's a Private Choice." (9/24)

- Roanoake Times & World News, "Real Families Need Late Term Abortions." (9/18)

Opposing the President:

- Richmond Times Dispatch, "Override the Veto" (9/19).

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

CREATOR: Lyndell Hogan (HOGAN_L) (OPD)

CREATION DATE/TIME:25-SEP-1996 19:10:03.21

SUBJECT: Domestic Violence Initiative

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:26-SEP-1996 08:41:33.75

TO: Betsy Myers (MYERS_B) (WHO)
READ:26-SEP-1996 10:11:55.34

TO: Deborah L. Fine (FINE_D) (OPD)
READ:25-SEP-1996 19:31:35.08

TO: Dennis Burke (BURKE_D) (OPD)
READ:25-SEP-1996 19:19:02.83

TO: Elena Kagan (KAGAN_E) (WHO)
READ:25-SEP-1996 19:11:43.39

TO: Bruce N. Reed (REED_B) (WHO)
READ:26-SEP-1996 10:09:36.67

CC: Elizabeth E. Drye (DRYE_E) (OPD)
READ:25-SEP-1996 19:15:59.58

TEXT:

FYI,

As I think everyone knows, The Women's Office has an Oct. 1 date for a Presidential event around Domestic Violence. They would like to announce the Domestic Violence Directive at that event.

I have talked with Joan Silverstein at DOJ and Ann Rosewater at HHS. Both DOJ and HHS support the decision to go with a Presidential Directive to the AG and Sec. Shalala without any regulatory measure.

DOJ and HHS will fax me drafts of their portion of the directive tomorrow, we'll combine them, iron out any differences, and pass it around for comment.

Obviously, Oct. 1 is approaching quickly, so we need to move fast.

Thanks!