

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 002 - FOLDER -002

[09/26/1996 - 10/04/1996]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. (Partial) (1 page)	10/04/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[09/26/1996 - 10/04/1996]

2009-1006-F

wr78

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: Diana M. Fortuna (FORTUNA_D) (OPD)

CREATION DATE/TIME:26-SEP-1996 11:39:38.40

SUBJECT: Illinois and food stamp grace period

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:26-SEP-1996 12:19:18.56

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:26-SEP-1996 12:09:30.07

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-SEP-1996 13:32:54.65

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

TEXT:

I hear Illinois is asking for the same treatment as Calif. on food stamps and the grace period.

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

CREATOR: Betsy Myers (MYERS_B) (WHO)

CREATION DATE/TIME:26-SEP-1996 12:40:21.45

SUBJECT: Late Term Today

TO: Deborah L. Fine (FINE_D) (OPD)
READ:26-SEP-1996 12:44:24.05

TO: Lyndell Hogan (HOGAN_L) (OPD)
READ:26-SEP-1996 13:49:11.13

TO: Todd Stern (STERN_T) (WHO)
READ:NOT READ

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

TO: Tracey E. Thornton (THORNTON_T) (WHO)
READ:26-SEP-1996 17:19:27.97

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-SEP-1996 13:35:24.44

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:26-SEP-1996 14:35:07.06

TO: Jennifer Palmieri (PALMIERI_J) (WHO)
READ:26-SEP-1996 13:04:09.36

TO: Mary Ellen Glynn (GLYNN_M) (WHO)
READ:26-SEP-1996 12:42:56.18

TO: John P. Hart (HART_J) (WHO)
READ:26-SEP-1996 17:57:00.03

TO: Lee A. Satterfield (SATTERFIEL_L) (WHO)
READ:26-SEP-1996 12:41:15.71

TO: Holly Carver (CARVER_H) (WHO)
READ:26-SEP-1996 18:42:06.83

CC: Lisa Ross (ROSS_LI) (WHO)
READ:27-SEP-1996 15:10:43.44

CC: Mary A. Dixon (DIXON_M) (WHO)
READ:26-SEP-1996 13:47:40.92

TEXT:

I. MEMBERS

- Leahy just announced on the floor he is switching his vote against the President.
 - Lieberman told NARAL will vote with the President.
 - Specter told Planned Parenthood he will vote to override the President's veto.
 - Graham's office told Nat'l Abortion Fed that he will vote with the President
- No news on Nunn or Byrd.
No commitment from Bradley.

II. TIME AGREEMENT ON DEBATE & VOTE

Lott & Boxer agreed this a.m. to: Debate this morning until 12, then they'll break entirely or take up another topic from 12 to 2 while Democrats are with the President & VP, then they'll debate from 2 to 3 and VOTE AT 3 p.m. Planned Parenthood is worried that not enough Democrats are getting up to speak. The groups are getting their members to call D offices this a.m.

III. PRESS

We are faxing to you:

- New York Times Editorial - very positive
- Koop's NYT op ed - opposes the late term procedure
- Wall Street Journal's editorial - not favorable

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

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

CREATION DATE/TIME:26-SEP-1996 13:41:05.27

SUBJECT: RE: Conversation with HHS

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-SEP-1996 13:49:59.19

CC: Jeremy D. Benami (BENAMI_J) (WHO)
READ:26-SEP-1996 15:06:34.36

CC: Bruce N. Reed (REED_B) (WHO)
READ:26-SEP-1996 14:04:53.02

CC: Emily Bromberg (BROMBERG_E) (WHO)
READ:26-SEP-1996 15:21:07.10

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

CC: Carol H. Rasco (RASCO_C) (WHO)
READ:26-SEP-1996 17:29:22.23

TEXT:
Uh-oh.

I think the decision is to say the following, more or less:
It is our intention that states should not use waivers to evade the work requirements and the time limits of the bill. While there seems to be conflict between the language of the law and Congress's intent, states should not attempt to evade the law's requirements, or we will seek a legislative fix to the bill, as doubtless Congress would as well.
Reactions?

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

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

CREATION DATE/TIME:26-SEP-1996 13:43:37.55

SUBJECT: Illinois issue on 40 quarters verification

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-SEP-1996 13:56:38.93

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:26-SEP-1996 14:01:43.58

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:26-SEP-1996 15:44:42.63

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:26-SEP-1996 15:21:45.35

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:

A voice mail I just got has alarmed me that we should try to quickly get out something to the states on interim verification. Hope I'm not overreacting.

Bruce Goldstein of the Farmworker Justice Fund called. I think I had sent you all a letter from him arguing that Social Security's records would be incomplete for most farm workers.

He says that the state of Illinois is taking the position that only the Social Security Administration can verify the 40 quarters count and that no other evidence counts. The state is blaming this on the failure of USDA to tell them otherwise.

I know we are a long way from resolving this issue, but:

Couldn't we quickly draft something to states saying that there are many questions we must answer on verification, but that in the interim they can use their judgment or choose from a variety of options to verify eligibility? This would include considering the use of things like attestations by the client, and the other types of things that SSA has said they are already using (knowledgeable people swearing that the person was working).

Perhaps doing this would be just as hard as giving definitive guidance; and perhaps it would sow confusion and risk making us look like we don't have our act together.

But our silence may allow states to blame us.

I think we should meet on this tomorrow.

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

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

CREATION DATE/TIME:26-SEP-1996 15:15:15.68

SUBJECT: INTERIM VERIFICATION

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:26-SEP-1996 16:17:54.44

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-SEP-1996 15:37:05.70

TO: Deborah F. Kramer FOR KEN/KEITH (KRAMER_D) Autoforward to: Remote Address
READ:NOT READ

TO: Suzanne E. Dale FOR EMILY CALL IN (DALE_S) (WHO)
READ:26-SEP-1996 16:09:43.48

TEXT:

Diana Fortuna and Steve Warnath would like to set up a meeting on interim verification tomorrow, Friday, September 27 at either 10:00 a.m. or 11:00 a.m. in OEOB 211. Please let me know if one of those times DOES NOT work for you.

The meeting will include

steve

diana

jeremy

elena

ken or keith

emily calling from home, if she'd like to call in.

Thank you.

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

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

CREATION DATE/TIME:26-SEP-1996 16:13:40.97

SUBJECT: INTERIM VERIFICATION MEETING

TO: Dorothy K. Craft (CRAFT_D) (OPD)
READ:26-SEP-1996 16:34:35.91

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:26-SEP-1996 16:18:04.11

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-SEP-1996 16:24:56.97

TO: Deborah F. Kramer FOR KEN/KEITH (KRAMER_D) Autoforward to: Remote Address
READ:NOT READ

TO: Suzanne E. Dale FOR EMILY CALL IN (DALE_S) (WHO)
READ:26-SEP-1996 16:15:11.95

TEXT:

The Interim Verification Meeting will take place Friday, September 27 from 10:30 a.m. until 11:30 in OEOB 211. Thanks.

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:26-SEP-1996 15:00:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Dorothy K. Craft

ATT SUBJECT: INTERIM VERIFICATION

ATT TO: Stephen C. Warnath (WARNATH_S)

ATT TO: Elena Kagan (KAGAN_E)

ATT TO: Deborah F. Kramer FOR KEN/KEITH (KRAMER_D)

ATT TO: Suzanne E. Dale FOR EMILY CALL IN (DALE_S)

TEXT:

Diana Fortuna and Steve Warnath would like to set up a meeting on interim verification tomorrow, Friday, September 27 at either 10:00 a.m. or 11:00 a.m. in OEOB 211. Please let me know if one of those times DOES NOT work for you.

The meeting will include

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ken or keith

emily calling from home, if she'd like to call in.

Thank you.

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

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

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

CREATION DATE/TIME:26-SEP-1996 16:23:43.34

SUBJECT: ** URGENT ** Justice Draft Bill for Clearance by COB Today

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

TO: Cynthia M. Smith (SMITH_CM) Autoforward to: Remote Address
READ:NOT READ

TO: Barry White (WHITE_B) (OMB)
READ:27-SEP-1996 07:39:22.36

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: Robert G. Damus (DAMUS_R) (OMB)
READ:26-SEP-1996 18:35:47.65

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

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

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-SEP-1996 16:25:26.97

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:26-SEP-1996 16:55:51.03

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:26-SEP-1996 16:41:45.77

TO: Bruce N. Reed (REED_B) (WHO)
READ:27-SEP-1996 10:20:09.08

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:27-SEP-1996 11:43:40.71

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:26-SEP-1996 16:33:30.14

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

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

TO: E. Irene James (JAMES_E) Autoforward to: Remote Addressee
READ:NOT READ

TO: Raymond P. Kogut (KOGUT_R) Autoforward to: Remote Addressee

READ:NOT READ

TO: Lynn C. Ross (ROSS_L) Autoforward to: Remote Addressee
READ:NOT READ

CC: James C. Murr (MURR_J) (OMB)
READ:26-SEP-1996 16:54:01.12

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:26-SEP-1996 16:36:15.98

CC: Ronald E. Jones (JONES_RE) (OMB)
READ:26-SEP-1996 16:25:53.35

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

TEXT:

Shortly, you should be receiving a Department of Justice draft bill for review. Comments are due by 5:30 p.m. today.

The Justice draft bill would amend the Child Support Recovery Act to make it a felony offense for a person who willfully fails to pay child support to a child in another state if there has been an egregious failure to meet these obligations. The draft bill was prepared in response to a July 21st Presidential memorandum to Attorney General Reno that directed the Department to draft this legislation.

Justice plans to transmit the draft bill as soon as possible tomorrow morning. We appreciate your expedited review.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Keith J. Fontenot@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME:26-SEP-1996 16:54:00.00

SUBJECT: Language

TO: FORTUNA_D (FORTUNA_D@A1@CD) (OPD)
READ:26-SEP-1996 16:55:21.94

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)
READ:26-SEP-1996 17:22:15.49

TO: Barry White (Barry White@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Deborah F. Kramer (Deborah F. Kramer@EOP@LNGTWY@EOPMRX)
READ:NOT READ

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

TO: Kenneth S. Apfel (Kenneth S. Apfel@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TEXT:

Message Creation Date was at 26-SEP-1996 16:54:00

Ken shared with me your draft language on the HHS waiver issue. I wouldn't fomulate it quite that way, I'd suggest something along the following lines:

The Administration believes that waivers should not exempt people from work requirements and time limits. We hope that States (and the Congress?) will share this view, but if it becomes apparent that is not the case, the Administration will seek legislation to clarify the issue.

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

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

CREATION DATE/TIME:26-SEP-1996 17:03:11.33

SUBJECT: Latest HHS interaction

TO: Carol H. Rasco (RASCO_C) (WHO)
READ:26-SEP-1996 17:48:00.17

TO: Bruce N. Reed (REED_B) (WHO)
READ:27-SEP-1996 10:19:54.35

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:26-SEP-1996 17:08:44.78

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-SEP-1996 17:23:20.02

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

CC: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:26-SEP-1996 17:16:21.22

TEXT:

Diana and I spoke with Monahan to urge him to put the answers to the two questions (waivers and 45 days) in a Revised Draft of the Plan Guidance for Monday.

He says HHS will not agree to put anything in writing relating to the waiver policy. They want a purely oral strategy.

I urged that (1) we are getting hit hard publicly for not providing clear guidance to states on difficult questions; (2) telling the 3 organizations on Monday orally does not guarantee that all 50 states get a clear read on the definitive policy since word-of-mouth from the meeting is likely to get mis-reported; (3) leaving it to all of us to individually report this to those we speak to is bound to lead to confusion.

I told him that if HHS would not agree to this, then the Secretary would have to call Leon to explain - or we might have to do it ourselves for Monday.

That's how we left it. I will do a note for John Angell so that Leon is briefed if she calls.

I will also call Kevin to discuss.

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

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

CREATION DATE/TIME:26-SEP-1996 17:10:28.72

SUBJECT: sorry

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-SEP-1996 17:23:52.69

TEXT:

Tomorrow's interim verification meeting --
I'm sorry to bug you -- diana mentioned that you're having a crazy
day today and i questioned whether i had decided on a time without
you ever seeing the email -- is 10:30 to 11:30 okay w/you?

=====
ATT CREATION TIME/DATE:26-SEP-1996 15:48:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Dorothy K. Craft

ATT SUBJECT: INTERIM VERIFICATION MEETING

ATT TO: Dorothy K. Craft (CRAFT_D)

ATT TO: Stephen C. Warnath (WARNATH_S)

ATT TO: Elena Kagan (KAGAN_E)

ATT TO: Deborah F. Kramer FOR KEN/KEITH (KRAMER_D)

ATT TO: Suzanne E. Dale FOR EMILY CALL IN (DALE_S)

TEXT:

The Interim Verification Meeting will take place Friday, September
27 from 10:30 a.m. until 11:30 in OEOB 211. Thanks.

=====
END ATTACHMENT 1

=====
ATT CREATION TIME/DATE:26-SEP-1996 15:00:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Dorothy K. Craft

ATT SUBJECT: INTERIM VERIFICATION

ATT TO: Stephen C. Warnath (WARNATH_S)

ATT TO: Elena Kagan (KAGAN_E)

ATT TO: Deborah F. Kramer FOR KEN/KEITH (KRAMER_D)

ATT TO: Suzanne E. Dale FOR EMILY CALL IN (DALE_S)

TEXT:

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interim verification tomorrow, Friday, September 27 at either

10:00 a.m. or 11:00 a.m. in OEOB 211. Please let me know if one of those times DOES NOT work for you.

The meeting will include

steve

diana

jeremy

elena

ken or keith

emily calling from home, if she'd like to call in.

Thank you.

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

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

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

CREATION DATE/TIME:26-SEP-1996 17:23:53.11

SUBJECT: other states on Calif. food stamp bandwagon

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-SEP-1996 17:25:20.13

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:26-SEP-1996 17:40:43.86

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:26-SEP-1996 17:31:38.82

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:

USDA fears that more and more states will be asking shortly for the same treatment as Calif. NY, WV, and Iowa have inquired; Illinois has already written a letter. Yvette thinks all the states will view this as "what have I got to lose?" once they hear about it from an APWA bulletin. And then we will risk having Congress say we are simply delaying implementation of the law for no reason.

She is worried that the grace period she gave Calif that other states now want has no clear legal basis, and so extending it to many states increases the risk.

She is concerned that Illinois's request does not have any substance to it in terms of requesting a specific waiver. It just says "give us what you gave to Calif". She may call them and ask what they want specifically.

Elena: do you want to call her? Emily?

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: FORTUNA_D@A1@CD

CREATION DATE/TIME: 26-SEP-1996 17:30:00.00

SUBJECT: RE: Language

TO: Elena Kagan (KAGAN_E@A1@CD) (WHO)
READ: 26-SEP-1996 17:39:33.21

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

CC: Barry White (Barry White@EOP@LNGTWY@EOPMRX)
READ: NOT READ

CC: Deborah F. Kramer (Deborah F. Kramer@EOP@LNGTWY@EOPMRX)
READ: NOT READ

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

CC: Kenneth S. Apfel (Kenneth S. Apfel@EOP@LNGTWY@EOPMRX)
READ: NOT READ

TEXT:

We are still pushing hard to do it in writing, so there won't be confusion. hhs doesn't want to.

So this language polishing is useful. keep polishing.

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

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

CREATION DATE/TIME:26-SEP-1996 17:30:33.32

SUBJECT: RE: Language

TO: Elena Kagan (KAGAN_E@A1@CD) (WHO)
READ:NOT READ

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

CC: Barry White (Barry White@EOP@LNGTWY@EOPMRX)
READ:NOT READ

CC: Deborah F. Kramer (Deborah F. Kramer@EOP@LNGTWY@EOPMRX)
READ:NOT READ

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

CC: Kenneth S. Apfel (Kenneth S. Apfel@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TEXT:

We are still pushing hard to do it in writing, so there won't be
confusion. hhs doesn't want to.
So this language polishing is useful. keep polishing.

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

CREATOR: Betsy Myers (MYERS_B) (WHO)

CREATION DATE/TIME:26-SEP-1996 17:35:38.04

SUBJECT: Troubling news on Late Term vote

TO: Deborah L. Fine (FINE_D) (OPD)
READ:26-SEP-1996 17:40:29.45

TO: Lyndell Hogan (HOGAN_L) (OPD)
READ:26-SEP-1996 17:36:24.12

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:26-SEP-1996 17:49:55.80

TO: Todd Stern (STERN_T) (WHO)
READ:26-SEP-1996 19:33:51.96

TO: Jennifer Palmieri (PALMIERI_J) (WHO)
READ:26-SEP-1996 17:36:13.63

TO: John P. Hart (HART_J) (WHO)
READ:26-SEP-1996 17:47:28.10

TO: Lee A. Satterfield (SATTERFIEL_L) (WHO)
READ:26-SEP-1996 18:29:34.27

TO: Holly Carver (CARVER_H) (WHO)
READ:26-SEP-1996 18:39:18.15

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-SEP-1996 17:40:17.81

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

TO: Mary Ellen Glynn (GLYNN_M) (WHO)
READ:26-SEP-1996 17:36:10.41

CC: Mary A. Dixon (DIXON_M) (WHO)
READ:26-SEP-1996 19:21:40.40

TEXT:

The final vote was 57 Senators voting to override the President's veto, short of the two-thirds needed. 41 voted to sustain the veto.

But women's groups are worried that this may not be over: At the last minute, Trent Lott switched his vote to sustain the President's veto, leaving open the option that he could bring the late term vote up again next week for a reconsideration.

Women's groups feel nervous about it: Planned Parenthood is very worried that Lott will be able to switch the moderate Republicans who voted for the President's veto. NARAL feels fairly certain that the votes are stable.

FYI: Ralph Reed was on the Hill today.

Joining the 57 Senators who voted to override the veto were Nunn, Leahy, Specter, and Fraham.

Joining the 41 who voted to sustain were Bradley, Byrd, Graham, Harkin and

Bryan.

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

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

CREATION DATE/TIME:26-SEP-1996 17:36:52.51

SUBJECT: fyi

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-SEP-1996 17:41:30.85

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:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:26-SEP-1996 17:03:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Jeremy D. Benami

ATT SUBJECT: Possible call to LP from Shalala

ATT TO: John C. Angell (ANGELL_J)

ATT CC: Carol H. Rasco (RASCO_C)

ATT CC: Diana M. Fortuna (FORTUNA_D)

ATT CC: Emily Bromberg (BROMBERG_E)

TEXT:

Secretary Shalala may call Leon to follow up on an issue from the meeting we had yesterday on welfare reform implementation. As you may remember, one item of discussion was the Administration's policy on whether state waivers allow states to get around the bill's time limits, work participation requirements and related policies. The lawyers agree that the law probably allows state waivers to do this. We all agree that as a matter of policy and positioning, however, the administration should be opposed to this and should say so strongly. The only issue is how to make our position known. We meet weekly with state organizations (NGA, NCSL, APWA) and the next meeting is Monday. They have asked us to clarify our position on this question. HHS does not believe that there should be an answer in writing to this question. Because it is so important, most of us at the White House believe it should be in writing and provided on Monday since (1) we are getting hit hard publicly for failing to be clear in our instructions to states, and (2) leaving it to word-of-mouth increases the chances that conflicting messages will come out of the administration. HHS feels so strongly that they say they will have Shalala call

Leon to contest the decision. I can't believe they would push so hard on this type of issue, but they may, so I wanted to be sure you had the necessary info to brief Leon.

It would be very helpful if Leon could reinforce to the Secretary that this is our policy and that we need to take the necessary steps to ensure our policies are clearly understood.

Please let me know if you need anything else.

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

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

CREATOR: Betsy Myers (MYERS_B) (WHO)

CREATION DATE/TIME:26-SEP-1996 18:15:16.71

SUBJECT: Mexico City language

TO: Deborah L. Fine (FINE_D) (OPD)
READ:26-SEP-1996 18:25:18.78

TO: Lyndell Hogan (HOGAN_L) (OPD)
READ:27-SEP-1996 09:05:44.47

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:26-SEP-1996 18:15:45.02

TO: Lee A. Satterfield (SATTERFIEL_L) (WHO)
READ:26-SEP-1996 18:32:58.57

TO: Holly Carver (CARVER_H) (WHO)
READ:26-SEP-1996 18:40:42.80

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-SEP-1996 18:33:46.98

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

TEXT:

FYI -

Pro-choice groups are worried about today's news that the Republican leadership of House & Senate Foreign Ops agreed to support the Mexico City language -- which would prohibit the US from giving population funds to any foreign clinic that mentions/counsels on abortion as an option -- even if the clinic does not perform abortion. It's the so-called international gag rule. Nancy Ann Min is on top of it. We're telling the groups that it's still being worked on.

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

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

CREATION DATE/TIME:27-SEP-1996 09:51:47.77

SUBJECT: INTERIM VERIFICATION

TO: Elena Kagan (KAGAN_E) (WHO)
READ:27-SEP-1996 10:13:56.43

TO: Suzanne E. Dale (DALE_S) (WHO)
READ:27-SEP-1996 09:53:45.05

TEXT:

Although OMB will not attend this morning's 10:30 meeting, we will still hold the meeting (in OEOB 211). Thank you

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

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

CREATION DATE/TIME:27-SEP-1996 11:59:30.27

SUBJECT: * URGENT * Justice Transmittal Letter for CSE Draft Bill

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

TO: Cynthia M. Smith (SMITH_CM) Autoforward to: Remote Address
READ:NOT READ

TO: Barry White (WHITE_B) (OMB)
READ:27-SEP-1996 12:22:03.02

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

TO: E. Irene James (JAMES_E) Autoforward to: Remote Addressee
READ:NOT READ

TO: Bruce N. Reed (REED_B) (WHO)
READ:27-SEP-1996 12:00:29.53

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:27-SEP-1996 12:12:43.34

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:27-SEP-1996 13:34:43.94

TO: Elena Kagan (KAGAN_E) (WHO)
READ:27-SEP-1996 12:09:38.62

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:27-SEP-1996 13:31:26.73

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:30-SEP-1996 08:36:15.66

CC: James C. Murr (MURR_J) (OMB)
READ:27-SEP-1996 12:12:51.66

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:27-SEP-1996 12:01:04.39

TEXT:

I am faxing you a copy of the Department of Justice's proposed transmittal letter for its draft bill that would make willful failure to pay child support to a child in another state a felony. Please provide me with comments on the letter by 1 p.m. today.

Justice plans to transmit its draft bill early this afternoon.

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

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

CREATION DATE/TIME:27-SEP-1996 15:13:26.72

SUBJECT: Meeting on Medicaid and welfare reform

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:27-SEP-1996 15:56:16.11

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:30-SEP-1996 08:37:41.22

TO: Elena Kagan (KAGAN_E) (WHO)
READ:27-SEP-1996 15:51:09.01

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

TO: Richard E. Green (GREEN_R) (OMB)
READ:27-SEP-1996 15:16:45.23

TEXT:

On Wed., October 2 at 4pm, we will have our pow-wow on Medicaid and welfare reform with HHS (Monahan, Ebeler, Sally Richardson, etc.). OMB health branch has been invited and should come. Emily, you may want to attend. As to the rest of you, it wouldn't be a tragedy if you had to miss it, but you will be a better informed person if you attend.
(Come to think of it, Keith and Richard, we probably need one of you because of SSI, AFDC/TANF links.)

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

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

CREATION DATE/TIME:27-SEP-1996 15:54:52.71

SUBJECT: letter to NGA

TO: Carol H. Rasco (RASCO_C) (WHO)
READ:28-SEP-1996 21:36:49.85

TO: Bruce N. Reed (REED_B) (WHO)
READ:27-SEP-1996 16:57:15.67

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

TO: Elena Kagan (KAGAN_E) (WHO)
READ:27-SEP-1996 17:01:37.29

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:30-SEP-1996 08:39:58.98

CC: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:27-SEP-1996 15:59:09.97

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

TEXT:

Attached is a relatively short letter that could be signed by Bruce and Carol Monday to the NGA, NCSL, and APWA answering the three major questions laid on the table at our previous meeting with them.

As you know, HHS did not agree to modify the plan guidance to incorporate these issues for distribution on Monday. They had mentioned that Shalala might call Panetta, but she has not yet. This letter will allow us to have our policy in writing so there is no confusion either within the administration or in the translation by the groups to the states who need the information. Please send me your comments on the letter as soon as possible. Thanks.

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

ATT CREATION TIME/DATE:27-SEP-1996 15:51:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Jeremy D. Benami

TEXT:

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

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

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

CREATION DATE/TIME:27-SEP-1996 16:02:55.93

SUBJECT: WELFARE IMPLEMENTATION SUBGROUP MEETING

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:27-SEP-1996 17:02:30.97

TO: Deborah L. Fine (FINE_D) (OPD)
READ:27-SEP-1996 15:57:58.32

TO: Peggy A. Lewis (LEWIS_P) (WHO)
READ:27-SEP-1996 16:58:23.27

TO: Anne E. McGuire (MCGUIRE_A) (WHO)
READ:27-SEP-1996 15:57:29.15

TO: Richard E. Green (GREEN_R) (OMB)
READ:27-SEP-1996 15:59:25.59

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:27-SEP-1996 15:56:28.33

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:27-SEP-1996 16:01:47.23

TO: Dorothy K. Craft (CRAFT_D) (OPD)
READ:27-SEP-1996 16:07:11.05

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:30-SEP-1996 08:40:31.79

TO: Barry White

(WHITE_B) (OMB)

READ:27-SEP-1996 19:06:50.50

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:27-SEP-1996 16:29:19.23

TO: Wendy A. Taylor (TAYLOR_W) Autoforward to: Remote Address
 READ:NOT READ

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

TO: Debra J. Bond (BOND_D) Autoforward to: Remote Addressee
 READ:NOT READ

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:27-SEP-1996 17:54:46.28

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

READ:NOT READ

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:27-SEP-1996 16:00:48.08

TO: Mark E. Miller (MILLER_ME) Autoforward to: Remote Address
READ:NOT READ

TO: Steven M. Mertens (MERTENS_S) Autoforward to: Remote Address
READ:NOT READ

TO: FAX (95149077,GERRI RATLIFF) (TLXA1MAIL_\F:95149077\C:GERRI RATLIFF\\)
READ:NOT READ

TO: FAX (95146897,DAVID OGDEN) (TLXA1MAIL_\F:95146897\C:DAVID OGDEN\\)
READ:NOT READ

TO: FAX (92053848,ANN ROSEWATER) (TLXA1MAIL_\F:92053848\C:ANN ROSEWATER\\)
READ:NOT READ

TEXT:

MEMORANDUM TO WELFARE IMPLEMENTATION SUBGROUP MEMBERS

FROM: Jeremy Ben-Ami
Diana Fortuna
Domestic Policy Council

SUBJECT: Next Welfare Implementation Subgroup Meeting

The next Welfare Implementation Subgroup Meeting will be held on Tuesday, October 1, 3:00 p.m., Room 211 of the Old Executive Office Building. We will focus a good part of Tuesday's meeting on interim verification.

If you ever have attended a Welfare Implementation Subgroup Meeting, you already have been cleared into the building for this Tuesday's meeting.

Please call Dorothy K. Craft at 456-5571, if you have questions.
Thank you.

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

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

CREATION DATE/TIME:27-SEP-1996 17:42:14.48

SUBJECT: judy chesser says

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:27-SEP-1996 18:25:32.23

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:27-SEP-1996 17:44:35.86

TO: Elena Kagan (KAGAN_E) (WHO)
READ:27-SEP-1996 18:44:08.21

TO: Richard E. Green (GREEN_R) (OMB)
READ:27-SEP-1996 19:07:44.78

TEXT:

that ways and means majority staff is working on a letter saying that congress didn't mean to exclude state and local workers when they wrote the "40 quarters" language. They gave her a draft and asked for her comments. Elena, I asked her to fax it to you or call her.

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

CREATOR: Ananias Blocker (BLOCKER_A) (WHO)

CREATION DATE/TIME:30-SEP-1996 08:22:07.51

SUBJECT: RE: coast guard bill

TO: Elena Kagan (KAGAN_E) (WHO)

READ:30-SEP-1996 15:05:40.72

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

READ:30-SEP-1996 09:18:46.05

TEXT:

The Coast Guard Conference Report passed the Senate on Saturday and is on its way here without the tort reform provision.

Andy

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

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

CREATION DATE/TIME:30-SEP-1996 15:32:16.78

SUBJECT: Here is the draft memo

TO: Elena Kagan (KAGAN_E) (WHO)

READ:30-SEP-1996 15:32:50.67

TEXT:

Carol was hoping to send this out late tomorrow or early Wednesday. OMB may co-sign it.
It needs a bit of updating for events of last 2 days.

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

ATT CREATION TIME/DATE:30-SEP-1996 15:30:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Diana M. Fortuna

TEXT:

PRINTER FONT 12_POINT_ROMAN

DRAFT

September 2-, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: Carol Rasco

Bruce Reed

SUBJECT: Update on Welfare Reform Implementation

We are continuing to work to coordinate the Administration's efforts to implement the new welfare law. We will be providing periodic updates on key issues for you, as well as answers to questions you raise.

PROCESS

We are working closely with OMB, Counsel's office, and Intergovernmental on all aspects of implementation. We have the following process in motion:

o We chair bi

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-weekly meetings of 11 federal agencies and all White House offices.

o A subgroup of key agencies and offices meets more regularly on nuts

□

-and

□

-bolts implementation issues.

o We are meeting weekly with the National Governors' Association, the National Conference of State Legislatures, and the American Public Welfare Association.

o We met with the League of Cities, the Conference of Mayors, and the counties and promised them ongoing input and consultation.

TANF BLOCK GRANT IMPLEMENTATION

The entitlement to AFDC ends on October 1. States can elect to take advantage of the new TANF block grant on that date, but they must enter the new program by July 1997. The first states to send in state plans were Michigan and Wisconsin. HHS expects to approve their plans by September 30. Approximately 10 states are expected to file state plans on or about October 1.

□

Determining "Completeness" of Plans -- HHS's role in state plans is merely to certify that they are "complete" -- a far different role than they have had in the past. We have worked with HHS to pare down their list of what is required for a plan to be complete. As a result, they produced draft guidance for the states at the NGA conference that was quite brief -- and praised by the states as a result.

Regulations -- The laws provide only limited authority to regulate the TANF block grant. You asked in our last memo whether we can require states to use TANF funds as wage subsidies. This is one of the permissible uses of the funds and one way states can provide work. HHS will be working with states to promote this as a model, but it will not be able to require that states adopt any particular approach to meeting the work requirement.

Grandfathering Waivers -- Legal counsel advises that the welfare law allows states to continue to operate waiver programs that have time limits and work requirements that vary from the terms of the new law. We will, however, be making it clear in our guidance to states that the administration believes that all state programs should comply with the law's provisions regarding time limits, participation rates, and exemptions and extensions. We will also indicate that if states do not bring their programs into line with the law, there will almost certainly be Congressional action (which we would support) to limit the grandfathering provision.

Wisconsin Waiver -- We believe we have resolved the Wisconsin situation. On Monday, HHS plans to inform the state that it does not need waivers to implement its welfare reform plan, and that HHS will not grant the state's request for a Medicaid waiver on the grounds that it goes against our principles on health care. HHS will offer to work with the state on an alternative Medicaid proposal.

Wisconsin's state plan includes a 60

□

-day residency requirement

before families can begin to collect benefits. HHS believes this is unconstitutional, though the law in this area is unsettled. The provision will definitely be brought to the courts.

Performance Bonus Fund and Contingency Fund -- The new law requires the Administration to work with NGA and the states to set up the Performance Bonus Fund and gives them a year to develop the formula and process. We are setting up a process with the state groups mentioned above to work out such a proposal in cooperation. We will keep you apprised as these plans develop. The Contingency Fund that protects states from economic downturns will be much simpler to establish. Treasury is taking

the necessary steps and is working closely with HHS.

New Mexico -- New Mexico is one of the few states that is disadvantaged by the conversion to a block grant, because its caseload is increasing. The state has said it may have to cut welfare benefits by 12% to live within the new law. Senator Domenici is endeavoring to intercede on the state's behalf with either a legislative or administrative fix. He has proposed that the state get access to the Contingency Fund, but HHS responds that the state is not eligible until it converts from AFDC to TANF. New Mexico has threatened to sue HHS over its position that the law does not allow the state to draw down more in Federal funds than the block grant amount in FY1997.

IMMIGRANTS

The immigration issues raised by the law are clearly the thorniest and most difficult to implement.

Means

-tested Benefits -- Non

-citizens who arrive after the law's enactment are barred from receiving "means

-tested benefits." We

have considerable latitude to define that term, and Counsel's office, OMB, and DOJ are working together to do so.

Interim Verification -- Many government programs such as food stamps have a new role to play in verifying the legal status of non

-citizens and whether they fall into any of the categories exempted from the full impact of this law. One particularly difficult exemption to administer is the "40 quarters" exemption, whereby legal immigrants who have worked at least 10 years in this country can still get benefits. SSA is working on a new system to give other agencies access to this information on an overnight basis.

However, SSA's records are likely to be incomplete for many people, such as farmworkers and domestic workers whose employers did not pay the taxes on their behalf. We plan to get instructions to food stamp offices next week on how to address this problem and avoid denying benefits inappropriately.

Food Stamps Implementation -- As you know, states are beginning to deny food stamps to new non

-citizen applicants, although the interpretation of USDA's guidance on when they must comply varies from state to state. States are also beginning to process recertifications of current recipients, which triggers the benefit cut

-off for those legal immigrants.

USDA made a waiver available to states that allows some of them to delay the impact on current recipients. Over 30 states have accepted this waiver option to date. California was not helped by that waiver because of the vagaries of their certification process, and has requested an alternative waiver. We are working

on potential legislative and administrative options that might work for them.

Reporting of Illegal Aliens -- The law requires states to report

quarterly to the INS on any illegal aliens they become aware of. The INS is trying to determine how to implement this provision. Below are answers to three questions you raised in the last update memo:

- o Legal immigrants who get SSI will get notices early next year that SSA will reexamine their eligibility, and benefits will be ended in August 1997. The INS will send them information on naturalization this November to ensure that as many as possible who meet the requirements for citizenship are able to naturalize before their benefits end next August.

- o We are working closely with INS and disability and immigration groups to ensure that the regulation waiving certain testing requirements for immigrants with disabilities is finalized as soon as possible. The comment period ends within the next two weeks, and the rule will be finalized in December.

- o You had noted the statistic that the INS naturalized 1.2 million immigrants this fiscal year, and asked how big an increase it represented over the prior year. Approximately 500,000 people were naturalized last year, so it is a very significant increase.

FOOD STAMPS WORK REQUIREMENT

As you may recall, the new law imposes work requirements on food stamp applicants who are 18

-50 years old, but it allows states to apply for a waiver of this requirement in areas of high unemployment. USDA will be issuing guidance very shortly on how states can designate such areas.

SSI FOR DISABLED CHILDREN

As you know, the law tightened the eligibility standard for SSI for children with disabilities. The law was effective upon enactment for new applicants. As many as 190,000 children now on the rolls will lose eligibility between March and August 1997 because their impairments are not severe enough to qualify under the new law. Two major issues have emerged:

Cut

-off Date for Families Who Appeal -- SSA will determine whom to drop from the rolls by August 1997, but families can appeal SSA's decision, and are guaranteed continued benefits while they

appeal. Legally, we have learned that we are able to keep children on the rolls up to a later point in the appeals process than we had expected, and we believe we should take advantage of this option. As a result, children who appeal will lose benefits in 1999, rather than late 1997 or 1998. We have not yet announced this decision because we want to announce our decision on the second issue at the same time.

Definition of Childhood Disability -- The law includes a new definition of childhood disability. During the lengthy debate on this issue, everyone assumed the new definition would cut 190,000 children from the rolls, and we included savings in our budget reflecting that estimate. However, from a legal perspective it appears we have significantly more flexibility to define childhood disability than we expected. Advocates have united around an interpretation that would drop from the rolls only 20% of the 190,000 children, but Congress would undoubtedly view this

option as subverting their intent. We are seeking a proposal that strikes the right balance.

MEDICAID

In the coming week, HHS will lay out for us an initial position on key Medicaid issues, including how states can reconfigure their systems to accommodate the separate eligibility systems required for Medicaid and TANF; what happens to the Medicaid coverage of those individuals who lose SSI coverage; and the impact on existing waivers. States are very anxious to hear more from the Administration on these questions.

Another major question is how many states will accept the option to continue Medicaid for current legal immigrants. They must decide by January 1.

CHILD CARE

The new provisions of the law relating to child care go into effect October 1, 1996. This is a very positive story as HHS worked quickly and effectively to help states understand the new law, develop interim plans to access the new funding, and ensure that states will get their increased money on time. We will be working with Communications to ensure that the opportunity to highlight some good news on this front is not missed.

TECHNICAL CORRECTIONS

The Secretary of HHS is required to report to Congress within 90 days (November 22, 1996) on technical amendments and corrections that are necessary. The other departments as well as many of the groups with which we are working have concerns in this area as well. We will be working closely with HHS as the date for this report draws closer.

cc: Leon Panetta

Frank Raines

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

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

CREATOR: Emily Bromberg (BROMBERG_E) (WHO)

CREATION DATE/TIME:30-SEP-1996 17:06:07.26

SUBJECT: means tested

TO: Elena Kagan (KAGAN_E) (WHO)
READ:30-SEP-1996 19:20:26.53

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

CC: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:30-SEP-1996 17:57:17.06

TEXT:

states brought up again today definition of means-tested benefit. can we meet on this soon (this week?)?
ken--great job on the food stamp/immigration issue!

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:30-SEP-1996 18:08:00.00

SUBJECT: Ken's schedule --

TO: FORTUNA_D (FORTUNA_D@A1@CD) (OPD)
READ:30-SEP-1996 18:13:24.86

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)
READ:30-SEP-1996 19:20:47.97

TO: BENAMI_J (BENAMI_J@A1@CD) (WHO)
READ:30-SEP-1996 18:09:30.55

TO: WARNATH_S (WARNATH_S@A1@CD) (OPD)
READ: 1-OCT-1996 08:41:11.39

CC: CRAFT_D (CRAFT_D@A1@CD) (OPD)
READ: 1-OCT-1996 08:44:46.39

TEXT:

Message Creation Date was at 30-SEP-1996 18:05:00

Ken will not be able to attend the 3:00 Welfare meeting tomorrow. He is not available for any meetings until Thursday.

I understand we need to schedule a means tested benefits meeting ASAP.

I am out tomorrow, but would like to make sure the above-mentioned meeting occur on Thursday or Friday.

Ken is available on Thursday b/w 10:00 - 1:00 and on Friday after 10:00.

I will call you all on Wednesday to confirm a time for the meeting.

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

CREATOR: Lyndell Hogan (HOGAN_L) (OPD)

CREATION DATE/TIME: 1-OCT-1996 11:27:40.86

SUBJECT: Dom Vil Direct.

TO: Elena Kagan

(KAGAN_E) (WHO)

READ: 1-OCT-1996 12:32:03.67

TEXT:

Liz Hyman told me you are reviewing the paragraph in the directive re: the DOJ/AG study. Bruce came up with the language and I expressed DOJ's concern to him yesterday. he said, "This is government. Tell them to work together." I let Liz know (in softer terms) that the White House would like them to work together on this study. I'm sure Bruce would appreciate it if you concur. Helen Howell at 6-2702 in staff sec. office is holding up the directive pending your comments.
Thanks.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Alecia Ward@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME: 1-OCT-1996 12:22:00.00

SUBJECT: headwaters meeting 10-2-96 at 11am in Rm 248.

TO: MCGINTY_KA1 (MCGINTY_KA1@A1@CD) (CEQ)
READ: 1-OCT-1996 12:28:23.87

TO: BLAUG_E (BLAUG_E@A1@CD) (CEQ)
READ: 1-OCT-1996 13:10:30.57

TO: CHIRWA_D (CHIRWA_D@A1@CD) (WHO)
READ: 1-OCT-1996 13:52:14.95

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)
READ: 1-OCT-1996 12:32:17.53

TO: SUNDING_D (SUNDING_D@A1@CD) (CEA)
READ: 1-OCT-1996 14:21:01.78

TO: JOSHLYN_G (JOSHLYN_G@A1@CD) (OPD)
READ: 1-OCT-1996 14:55:30.84

TO: IRWIN_J (IRWIN_J@A1@CD) (OMB)
READ: 1-OCT-1996 12:24:11.53

TO: KAPLA_R (KAPLA_R@A1@CD) (CEQ)
READ: 1-OCT-1996 12:24:15.52

TO: Robert G. Damus (Robert G. Damus@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Vanna J. Shields (Vanna J. Shields@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Ronald M. Cogswell (Ronald M. Cogswell@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: J C. Crutchfield (J C. Crutchfield@EOP@LNGTWY@EOPMRX)
READ:NOT READ

CC: T J. Glauthier (T J. Glauthier@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TEXT:

Message Creation Date was at 1-OCT-1996 12:22:00

There will be a HEADWATERS meeting at 11am in RM 248.

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

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

CREATION DATE/TIME: 1-OCT-1996 22:50:49.82

SUBJECT: New Mexico question for the a.m.

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 2-OCT-1996 10:17:30.17

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

READ: 2-OCT-1996 09:47:43.61

TEXT:

PRINTER FONT 12_POINT_COURIER

Thanks for your comments on the memo to the President. I will make the changes you suggest.

As per my rambling voice mail, Carol's comment on the New Mexico TANF item I included in the draft memo was that she thinks the President will ask if HHS can take a new look at their interpretation, and ask if your office agrees with HHS.

I have reprinted below the New Mexico TANF item, but I have just added the sentence underlined at the end ("Counsel's office is examining HHS's interpretation.")

Please let me know in the a.m. if that item should be updated to say that we agree with HHS (or disagree). I will be running around till 11 a.m., so beep me or call Jeremy if you have news. Otherwise this will go in as is. (It's actually going to Carol tonight.)

I think the relevant section of the law is Sec. 116 of Title I (the last section of that Title).

New Mexico -- New Mexico is one of the few states that is disadvantaged by the conversion to a block grant, because its caseload is increasing. The state has said it may have to cut welfare benefits by 12% to live within the new law. Senator Domenici is endeavoring to intercede on the state's behalf with either a legislative or administrative fix. He has proposed that the state get access to the Contingency Fund, but HHS responds that the state is not eligible until it converts from AFDC to TANF. New Mexico has threatened to sue HHS over its position that the law does not allow the state to draw down more in Federal funds than the block grant amount in FY1997. Counsel's office is examining HHS's interpretation.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Keith J. Fontenot@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME: 2-OCT-1996 12:40:00.00

SUBJECT: RE: Technical amendment

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)
READ: 2-OCT-1996 12:50:59.18

CC: benami_j (benami_j@a1@cd) (WHO)
READ: 2-OCT-1996 14:41:45.45

CC: fortuna_d (fortuna_d@a1@cd) (OPD)
READ: 2-OCT-1996 12:44:08.64

CC: bromberg_e (bromberg_e@a1@cd) (WHO)
READ: 2-OCT-1996 13:24:57.85

TEXT:

Message Creation Date was at 2-OCT-1996 12:40:00

Sen. Domenici's people seem to think it does! We're reviewing the language. I offered to redraft a paragraph for Diana based on the amendment, but you are right: if the amendment did what it was intended to do, the paragraph could just be dropped.

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

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

CREATION DATE/TIME: 2-OCT-1996 14:42:52.16

SUBJECT: New Mex

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 2-OCT-1996 14:47:37.44

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ: 2-OCT-1996 15:13:28.67

TEXT:

I assume you guys got simliar emails. I don't know why he did not copy you.

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

ATT CREATION TIME/DATE: 2-OCT-1996 12:49:00.00

ATT BODYPART TYPE:E

ATT CREATOR: Keith J. Fontenot

ATT SUBJECT: Re: Technical amendment

ATT TO: BENAMI_J (BENAMI_J@A1@CD)

TEXT:

Message Creation Date was at 2-OCT-1996 12:49:00

The gist of the earlier versions of the amendment we saw was that it would let States access the contingency fund in FY97, and with some conditions, basically meant that only New MExico and maybe one other small state (Utah, Nevada or something like that) could get in. I'm hesitating because I know there were some modifications to the amendment in the last round, but I don't know what they are yet. I offered a redrafted paragraph for the memo to Diana -- I'll send you a copy and that should explain it.

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

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME: 2-OCT-1996 15:28:00.00

SUBJECT: Means Tested Benefits

TO: FORTUNA_D (FORTUNA_D@A1@CD) (OPD)
READ: 2-OCT-1996 15:30:36.46

TO: BENAMI_J (BENAMI_J@A1@CD) (WHO)
READ: 2-OCT-1996 15:43:43.38

TO: CRAFT_D (CRAFT_D@A1@CD) (OPD)
READ: 2-OCT-1996 16:14:21.24

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)
READ: 2-OCT-1996 15:38:37.85

TO: WARNATH_S (WARNATH_S@A1@CD) (OPD)
READ: 2-OCT-1996 16:03:21.82

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

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

TO: Barry White (Barry White@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TEXT:

Message Creation Date was at 2-OCT-1996 15:25:00

There will be a means tested benefits meeting tomorrow in Room 260.
Please forward this message to anyone I might have left off of this message.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME: 2-OCT-1996 16:34:00.00

SUBJECT: Omission --

TO: BENAMI_J (BENAMI_J@A1@CD) (WHO)
READ: 2-OCT-1996 18:06:39.07

TO: FORTUNA_D (FORTUNA_D@A1@CD) (OPD)
READ: 2-OCT-1996 18:25:22.52

TO: WARNATH_S (WARNATH_S@A1@CD) (OPD)
READ: 2-OCT-1996 16:45:29.23

TO: CRAFT_D (CRAFT_D@A1@CD) (OPD)
READ: 2-OCT-1996 17:20:24.73

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)
READ: 2-OCT-1996 17:10:48.69

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

TO: Barry White (Barry White@EOP@LNGTWY@EOPMRX)
READ:NOT READ

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

TEXT:

Message Creation Date was at 2-OCT-1996 16:35:00

Sorry that I forgot to include in an earlier e-mail that the Means Tested Benefits will be tomorrow @ 11:00 in Apfel's office (260).

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

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

CREATION DATE/TIME: 2-OCT-1996 18:26:35.01

SUBJECT: i assume you can make this; otherwise he should reschedule

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 2-OCT-1996 18:38:42.31

TEXT:

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

ATT CREATION TIME/DATE: 2-OCT-1996 16:35:00.00

ATT BODYPART TYPE:E

ATT CREATOR: Deborah F. Kramer

ATT SUBJECT: Omission --

ATT TO: BENAMI_J (BENAMI_J@A1@CD)

ATT TO: FORTUNA_D (FORTUNA_D@A1@CD)

ATT TO: WARNATH_S (WARNATH_S@A1@CD)

ATT TO: CRAFT_D (CRAFT_D@A1@CD)

ATT TO: KAGAN_E (KAGAN_E@A1@CD)

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

ATT TO: Barry White (Barry White@EOP@LNGTWY@EOPMRX)

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

TEXT:

Message Creation Date was at 2-OCT-1996 16:35:00

Sorry that I forgot to include in an earlier e-mail that the Means Tested Benefits will be tomorrow @ 11:00 in Apfel's office (260).

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

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

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

CREATION DATE/TIME: 3-OCT-1996 10:30:54.35

SUBJECT: today's agenda

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ: 3-OCT-1996 10:49:54.98

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 3-OCT-1996 10:41:44.32

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

CC: Bruce N. Reed (REED_B) (WHO)
READ: 3-OCT-1996 10:40:17.47

CC: Diana M. Fortuna (FORTUNA_D) (OPD)
READ: 3-OCT-1996 10:36:21.75

TEXT:

Today's agenda for the 1:00 welfare group meeting

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

ATT CREATION TIME/DATE: 3-OCT-1996 10:30:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Jeremy D. Benami

TEXT:

PRINTER FONT 12_POINT_ROMAN
INTERAGENCY WELFARE REFORM
IMPLEMENTATION WORKING GROUP

October 3, 1996

I. IMPLEMENTATION UPDATES

- A. First TANF Plans Olivia Golde
- B. Medicaid Issues/State Directors Meeting Sally Richardson
- C. Immigration Issues
 - Impact of New Bill on Affidavit Lin Liu
 - NSC process on Cuban/Haitian refugees Rob Malley
 - Verification next steps: Food Stamps Lin Liu
 - "Means Tested Program" definition Elena
- D. Domestic Violence Presidential Memorandum Lyn Hogan

II. CHILD SUPPORT ENFORCEMENT Ann Donovan
Report on what the bill means for the child support system

III. REVIEW TIMELINE Jeremy Ben

□

-Ami

IV. UPCOMING EVENTS

John Monahan

V. CHARGE TO OTHER AGENCIES

Carol Rasco

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

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

CREATOR: Emily Bromberg (BROMBERG_E) (WHO)

CREATION DATE/TIME: 3-OCT-1996 17:25:14.83

SUBJECT: florida

TO: Carol H. Rasco (RASCO_C) (WHO)
READ: 3-OCT-1996 17:30:11.97

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ: 3-OCT-1996 17:37:07.74

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ: 3-OCT-1996 18:57:49.55

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 3-OCT-1996 18:12:11.61

TEXT:

i've had several conversations with hhs and with debbie in florida's washington office. obviously, our major problem is that hhs has had florida's plan since sept. 20--and in that plan florida clearly states its intent to implement on oct 1--and florida has talked to the hhs regional office multiple times to let them know that they wanted to implement on oct 1. the governor feels very sure that he is right on this issue and is very worried about the political fall-out. i've told hhs that they must solve this problem in a way that does not embarrass the governor or make us look totally incompetent. they are talking to the secretary now about possible options. i think i bought hhs another 24 hours with florida--but they do expect an answer tomorrow early in the day. once hhs is ready to discuss the policy options with us i will let you know.

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

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

CREATION DATE/TIME: 3-OCT-1996 18:28:04.49

SUBJECT: You are invited...

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-OCT-1996 19:01:58.76

TEXT:

to a 40 quarters meeting w/SSA and usda tomorrow at 2 in room 211.
Let me know if you can make it.

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

ATT CREATION TIME/DATE: 3-OCT-1996 17:45:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Stephen C. Warnath

ATT SUBJECT: RE: statement that usda-ssa meeting tom. on 40 quarters

ATT TO: Diana M. Fortuna (FORTUNA_D)

ATT CC: Jeremy D. Benami (BENAMI_J)

TEXT:

It is true that the meeting tomorrow turned out to be on a different subject -- cost neutrality or something. However, I spoke with Judy Chesser about the imperative that this move along and we leapt into action and have scheduled a meeting at 2pm tomorrow in rm 211. SSA is making the calls and will provide us with a list of attendees. That is all I have for now on this. Also, the SSA POMS have finally arrived and they are huge. Do you want copies?

thanks

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

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

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

CREATION DATE/TIME: 3-OCT-1996 19:52:17.65

SUBJECT: Alarming

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

READ: 4-OCT-1996 09:26:40.51

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 4-OCT-1996 08:46:42.30

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

READ:NOT READ

TO: Richard E. Green (GREEN_R) (OMB)

READ: 3-OCT-1996 19:58:13.58

TO: Emily Bromberg (BROMBERG_E) (WHO)

READ: 7-OCT-1996 10:51:39.60

TEXT:

The attached email from Wendy Taylor of OIRA is somewhat alarming. I think we need further clarification from her on what this means, and I will cc you on my question to her.

But we may need to call the draft a final for legal purposes.

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

ATT CREATION TIME/DATE: 3-OCT-1996 19:47:00.00

ATT BODYPART TYPE:E

ATT CREATOR: Wendy A. Taylor

ATT SUBJECT: TANF State Plan Guidance

ATT TO: BENAMI_J (BENAMI_J@A1@CD)

ATT TO: FORTUNA_D (FORTUNA_D@A1@CD)

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

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

TEXT:

Message Creation Date was at 3-OCT-1996 19:47:00

As you know, we have the TANF State Plan guidance here formally for emergency review under the Paperwork Reduction Act. All collections of information, whether voluntary or mandatory, must be cleared through this process in order to be made legal. It is my understanding that the guidance is still in draft form and that final decisions have not yet been made as to what should be included in the guidance. However, in order to comply with the requirements under the Act, and given the current status of the State plan submissions, it is extremely important that we formally sign off on the document immediately. Also, the document should be in its final form. Otherwise, the Department has to undertake a lengthy public comment process which takes a minimum of 3 months to complete.

Can you please let me know as soon as possible the status of the discussions and timeframes for resolving any outstanding issues? Feel free to call me if you have any questions. Thanks.

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

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

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

CREATION DATE/TIME: 4-OCT-1996 10:21:07.78

SUBJECT: RE: Florida interpretation of 40 quarters

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 4-OCT-1996 10:24:01.95

CC: Emily Bromberg (BROMBERG_E) (WHO)
READ: 7-OCT-1996 10:56:33.78

CC: Stephen C. Warnath (WARNATH_S) (OPD)
READ: 4-OCT-1996 10:40:18.48

CC: Jeremy D. Benami (BENAMI_J) (WHO)
READ: 4-OCT-1996 11:53:47.59

TEXT:

I sent you Fla's materials, but they are saying 40 quarters means it is equivalent to earning at least \$13,000 a year, rather than the approximately \$2,500.

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

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

CREATION DATE/TIME: 4-OCT-1996 10:23:53.17

SUBJECT: I am on a long phone call on medicaid

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 4-OCT-1996 10:26:12.89

TEXT:

What's up?

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. (Partial) (1 page)	10/04/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[09/26/1996 - 10/04/1996]

2009-1006-F

wr78

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: Diana M. Fortuna (FORTUNA_D) (OPD)

CREATION DATE/TIME: 4-OCT-1996 10:52:31.78

SUBJECT: RE: I am on a long phone call on medicaid

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 4-OCT-1996 11:31:38.54

[007]

TEXT:

I hear it second-hand from Emily. If you want the full story, she may be at home today at P6/(b)(6)

I may have a Medicaid issue for you today -- maybe 2; I assume you're the person.

Issue 1: The question is in Section 114 of Title I, clause (b) vs. (d). Clause (b) is the thing that said states have to keep Medicaid where it was pre-reform, by doing Medicaid eligibility according to the rules in effect in July 1996, essentially requiring dual eligibility systems for Medicaid and TANF.

Clause (d) says that states can use Medicaid eligibility rules from their waivers instead if they want to. Rumors are that HCFA may interpret (d) to mean that they don't have to obey (b) -- thereby potentially gutting one of the key achievements of the bill from our perspective by letting states cut Medicaid eligibility. At least so the advocates (Center on Budget, Sara Rosenbaum) say. I am investigating.

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

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

CREATION DATE/TIME: 4-OCT-1996 11:55:56.57

SUBJECT: 40 quarters

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ: 4-OCT-1996 12:17:08.69

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 4-OCT-1996 13:49:47.07

TO: Richard E. Green (GREEN_R) (OMB)
READ: 4-OCT-1996 12:03:46.34

TEXT:

We will meet on Monday at 1pm in rm 211 to work on 40 quarter issues. We are expecting the SSA and food stamps will have ideas to present generated by their teleconference this afternoon.

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

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

CREATION DATE/TIME: 4-OCT-1996 12:07:05.42

SUBJECT: fyi on how long before ssi people lose Medicaid

TO: Mark E. Miller (MILLER_ME) Autoforward to: Remote Address
READ: NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 4-OCT-1996 13:51:43.66

TEXT:

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

ATT CREATION TIME/DATE: 4-OCT-1996 10:11:00.00

ATT BODYPART TYPE: E

ATT CREATOR: Laura Oliven Silberfarb

ATT SUBJECT: FYI - Redetermination of Medicaid for Individuals Losing SSI

ATT TO: FORTUNA_D (FORTUNA_D@A1@CD)

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

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

ATT CC: Wendy A. Taylor (Wendy A. Taylor@EOP@LNGTWY@EOPMRX)

ATT CC: Nicolette Highsmith (Nicolette Highsmith@EOP@LNGTWY@EOPMRX)

TEXT:

Message Creation Date was at 4-OCT-1996 10:11:00

I have done some quick research on the redetermination process for Medicaid, once an individual is cut-off of SSI and would otherwise lose their categorical Medicaid eligibility. Current Medicaid regulations state that:

the Agency must promptly redetermine eligibility when it receives information about changes in the recipients status that affects eligibility. (42 CFR 435.916)

for recipients determined ineligible for SSI, FFP is available in Medicaid expenditures for services 1) through the end of the month, if the Agency receives the SSA notice before the 10th, unless the recipient requests a hearing; or 2) through the end of the following month, if the Agency receives notice after the 10th, unless the recipient requests a hearing. (42 CFR 435.1003)

The rule explicitly states that FFP is only available during these strict timeframes. This means that the individual will retain their Medicaid eligibility through the redetermination process, but only within the 20-50 day time period (depending when the SSA notifies the Medicaid office), unless they request a hearing.

Thus, it would appear that if a Medicaid office could not complete a recipient's redetermination in a high workload period, that individual could

lose Medicaid eligibility, unless they request a hearing.

To address this, HCFA could issue a direct final rule, extending the time frames for redetermination, in certain circumstances. This would provide State Medicaid offices with the flexibility to handle the likely surge in applications for redetermination from the disabled child and immigrant populations.

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

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

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

CREATION DATE/TIME: 4-OCT-1996 14:16:23.99

SUBJECT: This is the Medicaid issue

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 4-OCT-1996 16:32:26.73

TEXT:

advocates believe the attached Medicaid reg offers the opportunity to keep all legal immigrants who lose SSI on Medicaid automatically, without the state having to take any action. I am pretty sure HCFA doesn't buy this argument legally. I am now trying to hear why, although Laura Oliven has a guess in the attached email. What do you think? I would appreciate a read today; they are pushing me to get out a fact sheet today and I am unclear as to whether it would foreclose this interpretation.

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

ATT CREATION TIME/DATE: 4-OCT-1996 13:33:00.00

ATT BODYPART TYPE:E

ATT CREATOR: Laura Oliven Silberfarb

ATT SUBJECT: 42 CFR 435.122

ATT TO: FORTUNA_D (FORTUNA_D@A1@CD)

ATT CC: Barbara E. Washington (Barbara E. Washington@EOP@LNGTWY@EOPM

TEXT:

Message Creation Date was at 4-OCT-1996 13:33:00

"If an agency provides Medicaid to aged, blind, or disabled individuals receiving SSI or optional State supplements, it must provide Medicaid to individuals who would be eligible for SSI or optional State supplements except for an eligibility requirement used in those programs that is specifically prohibited under title XIX."

We think that this means if a person is determined ineligible for SSI based on an eligibility requirement that Medicaid specifically prohibits, those people can be deemed as receiving SSI for the purposes of Medicaid eligibility.

The Medicaid Bureau listed two examples of this: SSI deeming rules on alien sponsors and essential persons. So, for example, if an immigrant was found ineligible for SSI because of the SSI deeming rules, then for the purposes of Medicaid eligibility they would be considered as receiving cash, and therefore, categorically eligible for Medicaid because Medicaid did not have deeming rules.

Advocates may believe that the problem of immigrants currently in the country being kicked off of SSI and not being able to get back on Medicaid in those states that 1) did not decide to kick current immigrants off of Medicaid and 2) do not have a non-cash SSI-related eligibility category that the immigrants would fall under.

There is one part that is subject to interpretation though: the reg language refers to SSI eligibility requirements that are "specifically prohibited under title XIX." Kicking current immigrants off of Medicaid is not "specifically prohibited," instead it is a state option. We suspect that this is why HCFA does not believe this provision retains eligibility for the population in question.

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

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

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

CREATION DATE/TIME: 4-OCT-1996 14:24:09.91

SUBJECT: WELFARE IMPLEMENTATION SUBGROUP

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: 4-OCT-1996 16:33:05.56

TO: Deborah L. Fine (FINE_D) (OPD)
READ: 4-OCT-1996 14:24:27.61

TO: Peggy A. Lewis (LEWIS_P) (WHO)
READ: 7-OCT-1996 12:31:14.26

TO: Anne E. McGuire (MCGUIRE_A) (WHO)
READ: 7-OCT-1996 09:58:41.48

TO: Richard E. Green (GREEN_R) (OMB)
READ: 4-OCT-1996 17:08:08.64

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: 4-OCT-1996 14:44:15.57

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ: 4-OCT-1996 14:30:06.11

TO: Dorothy K. Craft (CRAFT_D) (OPD)
READ: 4-OCT-1996 14:33:30.21

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

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ: 7-OCT-1996 10:57:11.00

TO: Barry White (WHITE_B) (OMB)

READ: 4-OCT-1996 15:29:09.05

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

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

TO: FAX (914109658582,DIANE BLACKMAN) (TLXA1MAIL_\F:914109658582\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: 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 (JUDY.CHESSER@SSA.GOV@INET)
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: 4-OCT-1996 14:24:03.69

TO: Wendy A. Taylor (TAYLOR_W) Autoforward to: Remote Address
READ:NOT READ

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

TO: Debra J. Bond (BOND_D) Autoforward to: Remote Addressee
READ:NOT READ

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: 4-OCT-1996 14:50:55.63

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

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ: 4-OCT-1996 14:30:16.18

TO: Mark E. Miller (MILLER_ME) Autoforward to: Remote Address

READ:NOT READ

TO: Steven M. Mertens (MERTENS_S) Autoforward to: Remote Address
 READ:NOT READ

TO: FAX (95149077,GERRI RATLIFF) (TLXA1MAIL_\F:95149077\C:GERRI RATLIFF\\)
 READ:NOT READ

TO: FAX (95146897,DAVID OGDEN) (TLXA1MAIL_\F:95146897\C:DAVID OGDEN\\)
 READ:NOT READ

TO: FAX (92053848,ANN ROSEWATER) (TLXA1MAIL_\F:92053848\C:ANN ROSEWATER\\)
 READ:NOT READ

TO: Jill Pizzuto (PIZZUTO_J) (OPD)
 READ: 4-OCT-1996 14:29:49.96

TO: FAX (92196896,MARK W. MORIN) (TLXA1MAIL_\F:92196896\C:MARK W. MORIN\\)
 READ:NOT READ

TO: FAX (96905600,JOAN LOMBARDI) (TLXA1MAIL_\F:96905600\C:JOAN LOMBARDI\\)
 READ:NOT READ

TO: FAX (97208077,CHERYL TATES-MACIAS) (TLXA1MAIL_\F:97208077\C:CHERYL TATES-MACI
 READ:NOT READ

TO: FAX (67311,CARRIE WOFFORD) (TLXA1MAIL_\F:67311\C:CARRIE WOFFORD\\)
 READ:NOT READ

TEXT:

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

□

-Ami

Diana Fortuna
 Domestic Policy Council

SUBJECT: WEEKLY Welfare Subgroup Meetings

The Welfare Implementation Subgroup Meetings will be held Weekly.
 These Weekly meetings will be held every Tuesday at 3:00 p.m.
 in Room 211 of the Old Executive Office Building. We will meet next
 week on Tuesday, October 8 at 3:00 p.m. in OEOB 211. You will be
 notified weekly of the meeting status.

Also, please find below an updated list of subgroup members and their
 contact numbers. Please call Dorothy Craft at (202) 456

□

-5571, if you

will be attending a meeting for the first time and need clearance into
 the building. Thank you.

NAME, PH & FAX EMAIL
 Jeremy Ben

□

-Ami, DPC BENAMI_J@A1.eop.gov

ph: 456

□

-5584

fax: 456

☐

-7028 or

☐

-7431

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-5570

fax: 456

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-7028

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-7028

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ph: 622

☐

-0563

fax: 622

☐

-2633

Glen Rosselli, Treas.

ph: 622

☐

-0090

fax: 622

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-2633

☐

Mike Compson, Treas.

ph: 622

☐

-2351

fax: 622

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-1294

Randy Moss, Justice

mossr@justice.usdoj.gov

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☐

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☐

-0539

Kevin R. Jones, Justice

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☐

-4604

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-9112

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fax: 690

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Ann Rosewater, HHS

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-8425

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David Ogden, DOJ
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-6909
fax: 514
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-0851

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Wendy Taylor, OMB TAYLOR_W@A1.eop.gov

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Dan Chenok, OMB CHENOCK_D@A1.eop.gov

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Laura Oliven, OMB OLIVEN_L@A1.eop.gov

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Debra Bond, OMB BOND_D@A1.eop.gov

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Steven M. Mertens MERTENS_S@A1.eop.gov

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-4935

fax: 395

-0850

Carrie Wofford for Betsy Myers MYERS_B@A1.eop.gov

Women's Office

ph: 456

-7300

fax: 456

-7311

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

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

CREATION DATE/TIME: 4-OCT-1996 14:45:00.77

SUBJECT: Securities bill

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 4-OCT-1996 16:34:01.88

CC: Ingrid M. Schroeder (SCHROEDER_I) (OMB)
READ: 4-OCT-1996 14:45:29.47

TEXT:

OMB is calling to find out where we stand with Justice, i.e., should they expect (i) nothing; (ii) a meek protest; (iii) a demand that the President be told there is a constitutional problem with one minor provision; or (iv) a veto threat, and should they expect it (i) on time or (ii) late.

Can you help? The OMB contact person is Ingrid Schroeder, on 53883.

P.S. Ingrid, I suspect I'll end up writing the signing statement unless OMB wants to. However, I'm going to try to get some input from Treasury and the SEC, as well as the budget side of OMB. And of course, we may have to deal with Justice.

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

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

CREATION DATE/TIME: 4-OCT-1996 15:03:06.48

SUBJECT: 2 bullets

TO: Elena Kagan

(KAGAN_E) (WHO)

READ: 4-OCT-1996 16:34:19.54

TEXT:

1. A state that has opted under its medicaid plan to cover non cash SSI-related groups would automatically continue Medicaid for qualified aliens after January 1.
 2. A state that has not previously opted under its Medicaid state plan to cover non-cash SSI related groups could, as always, submit a state plan amendment to do so.
- Latter is the problem.

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

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

CREATION DATE/TIME: 4-OCT-1996 15:11:25.81

SUBJECT: Thank you

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 4-OCT-1996 16:34:28.39

TEXT:

Thanks -- I hope you didn't think it was a waste of your time, but it was helpful to threaten them with your arrival.

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

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

CREATION DATE/TIME: 4-OCT-1996 15:44:24.19

SUBJECT: Hot Issues Status

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

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 4-OCT-1996 16:35:13.66

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ: 4-OCT-1996 16:22:21.05

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ: 4-OCT-1996 15:46:14.25

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ: 7-OCT-1996 11:40:17.26

CC: Carol H. Rasco (RASCO_C) (WHO)
READ: 4-OCT-1996 17:36:58.75

TEXT:

A late Friday recap of the work on the front burner in welfare implementation:

1. HHS/TANF Completeness/45 days/guidance

The Florida fire is out. The plan will be found complete when submitted in a letter to be sent either today or Monday. This allows Florida both to operate a TANF program and get TANF funds as of October 1.

The need for HHS clarification to other states remains. We have asked HHS to send a letter to all states indicating the process/rules for finding a plan complete, when operation of a TANF program can begin, and when funding starts. HHS is, again, hesitant to send out such a clarification. I have spoken to Monahan and will reinforce with Thurm.

2. 40 Quarters

a) SSI: SSA has given their proposed procedure to Steve Warnath to review - a very lengthy, detailed document. He is reviewing and will let us know whether this represents an acceptable approach for an interim system. Hopefully, this guidance can be finalized and gotten to the field early next week.

b) Food stamps: SSA and USDA met today and will meet with the WH on Monday - 1:00 p.m. - to present their ideas. I have made it clear to USDA that guidance to the field must go out early next week (I spoke to Martha Phipps, Diana was calling Yvette). ELENA: We'll need your read by Monday on the extent of USDA authority to mandate state procedures in this area.

3. Medicaid fact sheets

DIANA is trying to slog through some issues with HCFA, and we hope to meet with them again on Monday - particularly on the tricky waiver issue. The fact sheets should be cleared in time for the State Medicaid directors meeting next week.

4. Cost Neutrality and Waivers

This is a CRITICAL area where we are looking to OMB (KEN) to call an interagency meeting to discuss the cross agency (food stamps, TANF, Medicaid) implications of cost neutrality post PROWA.

5. SSI Kids

A decision memo is going to Rasco and Raines as soon as possible. DIANA needs a little more time to work through a couple of options, but this memo should be done by midweek.

6. Means Tested Benefits

ELENA is taking the next steps here -- talking to the agency counsels -- and she will let us know what the timing on the memo we discussed will be.

Additional items

We are turning up the heat on USDA to get the waiver guidance on 18-50 year olds done.

We need to answer the OIRA concern on finalizing the draft TANF guidance. (I asked Monahan to have appropriate HHS legal people contact OIRA).

We need to move forward on 40 quarters beyond FS and SSI, but obviously not quite as fast. INS and VA working on their pieces. Thanks. Have a good weekend. We'll follow up on Monday and of course have a Tuesday implementation subgroup meeting.

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

CREATOR: Lyndell Hogan (HOGAN_L) (OPD)

CREATION DATE/TIME: 4-OCT-1996 17:14:03.95

SUBJECT: Found the two abortion facts...

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 4-OCT-1996 17:45:49.38

TEXT:

- 1) Abortion is dropping -- I have documentation
- 2) DNC is tracking down the Governor's statements and faxing them over
- 3) I'm working on the other stuff

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

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

CREATION DATE/TIME: 4-OCT-1996 18:26:44.41

SUBJECT: RE: q&a

TO: Elena Kagan

(KAGAN_E) (WHO)

READ: 4-OCT-1996 18:27:32.30

TEXT:

The other two are further along. Gene likes raw background info, so the background for each question follows the question. Start looking from the back. The last one is on loser pays and the middle one on no-fault. Ellen