

NLWJC - KAGAN

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[12/12/1995-01/11/1996]

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Michael Fitzpatrick to Elena Kagan. Subject: Lunch (1 page)	12/18/1995	Personal Misfile
002. email	Mail Link Monitor to Elena Kagan. Subject: Confirmation [partial] (1 page)	12/20/1995	P6/b(6), b(7)(C), b(7)(E), b(7)(F)
003. email	Phone No. (Partial) (1 page)	01/02/1996	P6/b(6)

COLLECTION:

Clinton Presidential Records
 Automated Records Management System (Email)
 WHO ([Kagan])
 OA/Box Number: 500000

FOLDER TITLE:

[12/12/1995 - 01/11/1996]

2009-1006-F
ke713

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: Melinda D. Haskins (HASKINS_M) (OMB)

CREATION DATE/TIME:12-DEC-1995 09:31:15.65

SUBJECT: LRM 3254 -- Proposed Labor Report on H.R. 1834

TO: Janet L. Himler (HIMLER_J) (OMB)
READ:12-DEC-1995 09:32:40.11

TO: Barry White (WHITE_B) (OMB)
READ:12-DEC-1995 09:48:18.10

TO: Larry R. Matlack (MATLACK_L) (OMB)
READ:12-DEC-1995 11:13:18.26

TO: Lori R. Schack (SCHACK_L) (OMB)
READ:13-DEC-1995 10:13:01.58

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:12-DEC-1995 09:36:52.22

TO: Elena Kagan (KAGAN_E) (WHO)
READ:12-DEC-1995 10:12:51.63

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:12-DEC-1995 10:33:18.72

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:12-DEC-1995 09:31:41.22

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:12-DEC-1995 10:11:05.77

TO: Michael T. Schmidt (SCHMIDT_MT) (OPD)
READ:12-DEC-1995 09:59:47.11

TO: Michael Waldman (WALDMAN_M) (OPD)
READ:NOT READ

TEXT:

If you plan to comment on LRM 3254 -- proposed Labor report on H.R. 1834 -- please provide me with comments by 10:30 AM today. Thanks.

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

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

CREATION DATE/TIME:12-DEC-1995 10:24:55.97

SUBJECT: ITEM VETO MTG. POSTPONED

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:12-DEC-1995 10:36:00.28

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:12-DEC-1995 10:25:16.26

TO: Barry B. Anderson (ANDERSON_B) (OMB)
READ:12-DEC-1995 10:25:27.72

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ:12-DEC-1995 12:14:57.38

TO: Joseph Minarik (MINARIK_J) (OMB)
READ:21-DEC-1995 15:45:55.94

TO: Elena Kagan (KAGAN_E) (WHO)
READ:12-DEC-1995 10:36:01.21

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

TEXT:

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

ATT CREATION TIME/DATE:11-DEC-1995 20:22:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Charles S. Konigsberg

ATT SUBJECT: MEETING TUES. AT 10:30AM

ATT TO: Robert G. Damus (DAMUS_R)

ATT TO: Barry B. Anderson (ANDERSON_B)

ATT TO: Charles E. Kieffer (KIEFFER_C)

ATT TO: Joseph Minarik (MINARIK_J)

ATT TO: Elena Kagan (KAGAN_E)

ATT TO: Lisa Kountoupes (KOUNTOUPES_L)

TEXT:

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

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

ATT CREATION TIME/DATE:11-DEC-1995 20:02:00.00

ATT BODYPART TYPE:H

ATT CREATOR: Charles S. Konigsberg

ATT SUBJECT: URGENT--ITEM VETO

ATT TO: FAX (9-514-0563, Mike Small) (TLXA1MAIL_\F:9-514-0563\C:Mike Small\
ATT TO: FAX (9-622-9260, Clarissa Potter) (TLXA1MAIL_\F:9-622-9260\C:Clarissa Po
ATT TO: Charles S. Konigsberg (KONIGSBERG_C)
ATT TO: Charles E. Kieffer (KIEFFER_C)
ATT TO: Lisa Kountoupes (KOUNTOUPES_L)
ATT TO: Robert G. Damus (DAMUS_R)
ATT TO: Joseph Minarik (MINARIK_J)
ATT TO: Barry B. Anderson (ANDERSON_B)
ATT TO: James J. Jukes (JUKES_J)
ATT TO: Jill M. Blickstein (BLICKSTEIN_J)
ATT TO: James C. Murr (MURR_J)
ATT TO: Jacob J. Lew (LEW_J)
ATT TO: Elena Kagan (KAGAN_E)
ATT TO: Paul J. Weinstein, Jr (WEINSTEIN_P)
ATT TO: Robert E. Litan (LITAN_R)
ATT TO: T J Glauthier (GLAUTHIER_T)
ATT TO: Gordon Adams (ADAMS_G)
ATT TO: Kenneth S. Apfel (APFEL_K)
ATT TO: Nancy-Ann E. Min (MIN_N)
ATT TO: Harry E. Moran (MORAN_H)
ATT TO: Betty I. Bradshaw (BRADSHAW_B)

TEXT:

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

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

CREATOR: Melissa Y. Cook (COOK_MY) (OMB)

CREATION DATE/TIME:15-DEC-1995 15:48:08.89

SUBJECT: SAP on S. 1470, Senate Social Security Earnings Limit Bill

TO: Kenneth S. Apfel (APFEL_K) (OMB)
READ:NOT READ

TO: Janet L. Himler (HIMLER_J) (OMB)
READ:15-DEC-1995 15:51:23.05

TO: Joseph Minarik (MINARIK_J) (OMB)
READ:18-DEC-1995 08:05:08.28

TO: Robert E. Litan (LITAN_R) (OMB)
READ:15-DEC-1995 15:50:42.20

TO: Karin L. Kizer (KIZER_K) (OMB)
READ:18-DEC-1995 12:05:26.53

TO: LAWRENCE J. HAAS (HAAS_L) (OMB)
READ:16-DEC-1995 13:19:13.75

TO: Barry B. Anderson (ANDERSON_B) (OMB)
READ:15-DEC-1995 15:52:05.67

TO: Barry White (WHITE_B) (OMB)
READ:15-DEC-1995 15:53:19.40

TO: Keith J. Fontenot (FONTENOT_K) (OMB)
READ:15-DEC-1995 17:00:46.38

TO: Jack A. Smalligan (SMALLIGAN_J) (OMB)
READ:15-DEC-1995 15:48:27.56

TO: Richard E. Green (GREEN_R) (OMB)
READ:15-DEC-1995 18:03:26.37

TO: Barry T. Clendenin (CLENDENIN_B) (OMB)
READ:15-DEC-1995 16:51:02.50

TO: Mark E. Miller (MILLER_ME) (OMB)
READ:15-DEC-1995 21:15:31.24

TO: Anne W. Mutti (MUTTI_A) (OMB)
READ:15-DEC-1995 17:00:23.41

TO: Laura A. Oliven (OLIVEN_L) (OMB)
READ:15-DEC-1995 16:09:50.08

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:15-DEC-1995 16:14:04.01

TO: Arthur W. Stigile (STIGILE_A) (OMB)
READ:15-DEC-1995 16:16:26.81

TO: Alicia K. Kolaian (KOLAIAIAN_A) (OMB)

READ:15-DEC-1995 15:48:46.36

TO: Robert W. Kilpatrick
READ:15-DEC-1995 16:40:58.35

(KILPATRICK_R) (OMB)

TO: Harry G. Meyers
READ:15-DEC-1995 16:11:24.70

(MEYERS_H) (OMB)

TO: Wanda J. Foster
READ:15-DEC-1995 16:25:39.91

(FOSTER_W) (OMB)

TO: Ellen S. Seidman
READ:15-DEC-1995 16:13:21.60

(SEIDMAN_E) (OPD)

TO: Charles S. Konigsberg
READ:15-DEC-1995 16:20:41.31

(KONIGSBERG_C) (OMB)

TO: Lydia Muniz
READ:15-DEC-1995 19:31:19.72

(MUNIZ_L) (OMB)

TO: Lisa Kountoupes
READ:16-DEC-1995 18:06:47.52

(KOUNTOUPES_L) (OMB)

TO: Charles E. Kieffer
READ:15-DEC-1995 18:29:42.54

(KIEFFER_C) (OMB)

TO: Jeremy D. Benami
READ:15-DEC-1995 16:02:31.48

(BENAMI_J) (WHO)

TO: Diana M. Fortuna
READ:15-DEC-1995 18:26:00.75

(FORTUNA_D) (OPD)

TO: Molly Brostrom
READ:15-DEC-1995 15:52:09.89

(BROSTROM_M) (WHO)

TO: Elena Kagan
READ:15-DEC-1995 15:52:18.48

(KAGAN_E) (WHO)

TO: Janet Murguia
READ:NOT READ

(MURGUIA_J) (WHO)

TO: Martha M. Gagne
READ:15-DEC-1995 15:51:12.00

(GAGNE_M) (OMB)

CC: James C. Murr
READ:15-DEC-1995 16:06:25.49

(MURR_J) (OMB)

CC: Janet R. Forsgren
READ:15-DEC-1995 16:00:42.26

(FORSGREN_J) (OMB)

TEXT:

I just wanted to alert you that you should be receiving shortly the proposed SAP on S. 1470, the "Senior Citizens' Freedom to Work Act of 1995." The bill would raise the earnings limit for social security recipients. In addition, the bill also contains some debt limit provisions. Because we expect Senate floor action to occur quickly on this bill, the deadline for comments on this SAP is 5:00pm TODAY.

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:16-DEC-1995 16:27:26.64

SUBJECT: RE: telecon w/ kevin kirschner

TO: Elena Kagan (KAGAN_E) (WHO)
READ:16-DEC-1995 16:31:46.47

CC: Martha Foley (FOLEY_M) (WHO)
READ:16-DEC-1995 16:37:21.40

CC: T J Glauthier (GLAUTHIER_T) (OMB)
READ:16-DEC-1995 17:04:15.90

CC: Kathleen A. McGinty (MCGINTY_K) (CEQ)
READ:18-DEC-1995 08:56:28.39

TEXT:

I'd like to add a couple of things to Elena's memo (as well as thanking her for picking up a rapidly moving ball on a frantic afternoon!):

1. On the policy front, I think that Kevin's second point raises an issue that's worth having people think about to determine if we're satisfied with our approach. This relates to his suggestion for language suspending sales upon passage of the legislation until they come into compliance with env. laws.

Kevin envisions a tremendous rush to harvest if legislation passages. While his particular suggestion for how to treat this period does goes beyond what we have drafted, it raises - at least in my mind - the question of how all of you would want to treat the sales (particularly the non-318 sales) immediately after passage. Would you anticipate immediate termination or suspension of the contracts? If so, is the \$50 mill. adequate to cover costs of those actions? Recall, too, that Hogan has at least 3 more opinions to issue - all of which are highly likely to result in orders to release yet more sales. Depending upon timing, appeals, etc., the numbers could top 1 bill. board feet.

2. Kevin called in at the end of the day with one other additional technical concern, regarding whether the sentence in 2001(1)(k) dealing with the return of the high bid bond could somehow trump some of our new language. I'll talk to DOJ about that.

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

CREATOR: Thomas C. Jensen (JENSEN_T) (CEQ)

CREATION DATE/TIME:17-DEC-1995 08:49:55.16

SUBJECT: Timber proposal

TO: T J Glauthier (GLAUTHIER_T) (OMB)
READ:17-DEC-1995 08:50:39.60

TO: Kathleen A. McGinty (MCGINTY_K) (CEQ)
READ:18-DEC-1995 15:08:38.14

TO: Dinah Bear (BEAR_D) (CEQ)
READ:17-DEC-1995 13:16:39.51

TO: Elena Kagan (KAGAN_E) (WHO)
READ:18-DEC-1995 08:29:34.94

TO: Martha Foley (FOLEY_M) (WHO)
READ:17-DEC-1995 14:09:06.99

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:18-DEC-1995 09:14:50.70

TO: Brian J. Johnson (JOHNSON_BJ) (CEQ)
READ:17-DEC-1995 17:18:39.89

TO: Mark A. Weatherly (WEATHERLY_M) (OMB)
READ:17-DEC-1995 20:47:18.29

TO: Ruth D. Saunders (SAUNDERS_R) (OMB)
READ:17-DEC-1995 14:19:23.69

TO: Christine L. Nolin (NOLIN_CL) (OMB)
READ:20-DEC-1995 09:25:52.81

TO: Ron Cogswell (COGSWELL_R) (OMB)
READ:17-DEC-1995 15:04:42.68

TEXT:

I'd like to register a note of concern about the decision to limit our request for funds in the new timber proposal to \$50 million, which came as a surprise to CEQ.

TJ, I understand your explanation (thanks for such a thorough reply), and concur fully that we do not need to plan or budget for buying out all the sales. Targeting is the right way to go.

Nonetheless, let me raise two strong cautions:

1. There is not a single formula for pricing the value of a sale or portion thereof. The industry's view is that the sale price of the wood itself is only one factor, and that numerous other considerations must enter into a value calculation. In a nutshell, we view the situation as one of contract termination. The industry characterizes the situation as a "taking." The last time I checked, the industry's formula resulted in costs about three times higher than our figures. Accordingly, I'd be hesitant to plan narrowly on the basis you described.

2. I'm very uneasy about the board-foot number you cited. Depending on how Hogan rules on several outstanding questions, we

may be required to release 1bbf more than planned, considerably more than the 200mbf referenced in your note. Also, the cost limit presumes, I take it, that we will use a considerable amount of timber from within the forest plan area as offsetting or compensating volume. Without adequate funds, it's the only thing we've got. As Katie has so often stressed, we need to be very careful how we put that prospect on the table so that we're not accused of reneging on the forest plan timber levels. We want that dead cat left on Congress' doorstep.

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

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

CREATION DATE/TIME:18-DEC-1995 11:08:09.47

SUBJECT: NEED COMMENTS BY 3PM

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:18-DEC-1995 11:13:38.72

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ:18-DEC-1995 12:10:45.74

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ:18-DEC-1995 15:53:26.54

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:18-DEC-1995 11:33:51.09

TO: Joseph Minarik (MINARIK_J) (OMB)
READ:18-DEC-1995 14:16:23.79

TO: Barry B. Anderson (ANDERSON_B) (OMB)
READ:18-DEC-1995 11:10:30.24

TO: James J. Jukes (JUKES_J) (OMB)
READ:18-DEC-1995 11:15:15.86

TO: Jill M. Blickstein (BLICKSTEIN_J) (OMB)
READ:18-DEC-1995 11:09:34.34

TO: James C. Murr (MURR_J) (OMB)
READ:18-DEC-1995 11:11:51.53

TO: Jacob J. Lew (LEW_J) (OMB)
READ:19-DEC-1995 09:23:15.54

TO: Elena Kagan (KAGAN_E) (WHO)
READ:18-DEC-1995 11:09:39.33

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

TO: Barbara C. Chow (CHOW_B) (WHO)
READ:18-DEC-1995 13:33:48.12

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:18-DEC-1995 11:44:05.16

TO: Laura D. Tyson (TYSON_L) Autoforward to: Thomas O'Donnel
READ:18-DEC-1995 11:27:19.81

TO: John C. Angell (ANGELL_J) (WHO)
READ:18-DEC-1995 14:24:55.64

TO: Martha Foley (FOLEY_M) (WHO)
READ:18-DEC-1995 15:16:46.34

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

READ:18-DEC-1995 11:53:50.75

TO: T J Glauthier (GLAUTHIER_T) (OMB)
READ:18-DEC-1995 11:58:54.18

TO: Gordon Adams (ADAMS_G) (OMB)
READ:18-DEC-1995 11:09:25.45

TO: Kenneth S. Apfel (APFEL_K) (OMB)
READ:18-DEC-1995 12:49:33.89

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ:18-DEC-1995 11:15:41.18

TO: Stacey L. Rubin (RUBIN_S) (WHO)
READ:18-DEC-1995 11:37:51.18

TO: Dena B. Weinstein (WEINSTEIN_D) (WHO)
READ:18-DEC-1995 12:26:46.20

TO: Betty I. Bradshaw (BRADSHAW_B) (OMB)
READ:18-DEC-1995 11:45:57.21

TEXT:

A bit more fine-tuning of the item veto language. In the attached WP file, I've added two pieces of clarifying language: (1) the first clarifies that the amount by which the PAYGO balances are to be adjusted for canceled direct spending or tax benefits is "the amount by which cancelled provisions would have INCREASED SPENDING OR REDUCED REVENUES"-- previously it had said the amt. by which the deficit increased, which is unclear; (2) I've added a phrase to the new section on emergency reserve accounts, as follows: "provided that this paragraph shall not be deemed to impose an offset requirement for such emergency legislation" to clarify that we do not intend to change the current law requirements. If you have any comments or concerns, please get back to me by 3pm. I plan to take the language to the Hill this afternoon. Thanks.

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

ATT CREATION TIME/DATE:18-DEC-1995 10:57:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Charles S. Konigsberg

TEXT:

PRINTER FONT 12_POINT_COURIER

DRAFT-

-NOT FOR DISTRIBUTION-

-DRAFT-

-NOT FOR DISTRIBUTION-

-DRAFT

I. DEFINITION OF "CANCEL": The House offer recommends use of the word "veto" in applying the new authority to direct spending and tax benefits. However, the Department of Justice has indicated constitutional problems inherent in authorizing a President to "veto" pieces of a bill, following signature of the

overall bill.

While use of the word "suspend" is the preferred way of avoiding a constitutional defect, "cancel" may be another option if it is appropriately defined. Following is a definition for use of the word "cancel" with reference to new direct spending and targeted tax benefits:

NEW LANGUAGE TO BE ADDED TO SEC. 4. DEFINITIONS.

(7) The term "cancel" means--

(A) with respect to "new direct spending," withholding the authority to obligate the United States pertaining thereto, and suspension of legal entitlement to claim any benefits or payments deriving therefrom; and

(B) with respect to "targeted tax benefits," the suspension of legal entitlement to claim any Federal tax deduction, credit, exclusion, preference or other tax benefit deriving therefrom.

II. LOCKBOX:

The lockbox language, in the Senate bill and included in the House offer, would require the President to: reduce the statutory discretionary spending caps to reflect rescissions of discretionary budget authority; and to eliminate from the PAYGO scorecard any positive balance that would otherwise have accrued from applying the item veto to new direct spending or tax benefits.

This is problematic, especially on the discretionary side, because the automatic lowering of spending caps, would make it more difficult to accommodate supplementals later in the year. In addition, the technical drafting of the lockbox language is unclear.

Suggested improvement in the lockbox mechanism: Provide that the rescinded or canceled amounts be placed in an "emergency reserve" to be available to offset emergency supplementals and other emergency legislation. Although such "emergency legislation" does not legally require offsets, the availability of these emergency reserves might facilitate supplementals and other emergency legislation when needed.

In addition, the following amendments would: (1) clarify the amount by which spending caps are to be reduced; and (2) would delete the application of the discretionary lockbox to the outyears (application of lockbox to the outyears would create complications by changing previously negotiated caps before an appropriations cycle has even begun).

FOLLOWING IS THE CURRENT LOCK

-BOX LANGUAGE WITH PROPOSED CHANGES:

PRINTER FONT 10_POINT_COURIER

(1) IN GENERAL.-

-Not later than 45 days of continuous session after the President rescinds an item in an appropriations Act or vetoes cancels an item in an authorization, revenue, or reconciliation Act, the President shall--

(A) with respect to appropriations Acts, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and each

outyear by the amount by which the Act would have increased the deficit in each respective year the President reduced budget authority and outlays pursuant to authority provided under this Act; and

(B) with respect to a veto cancellation of direct spending or of a targeted tax benefit, reduce the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 by the amount by which the Act cancelled provisions would have increased the deficit spending or reduced revenues in each respective year.

(2) EXCEPTIONS.--

(A) This subsection shall not apply if the rescinded item in an appropriation Act or the vetoed cancelled item in an authorization, revenue, or reconciliation Act becomes law, over the objections of the President effective due to enactment of a disapproval bill, before the President orders the reduction required by paragraph (1)(A) or (1)(B).

(B) If the rescinded item in an appropriation Act or the vetoed cancelled item in an authorization, revenue, or reconciliation Act becomes law over the objections of the President effective due to enactment of a disapproval bill, after the President has ordered the reductions required by paragraph (1)(A) or (1)(B), then the President shall restore the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 or the balances under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect the limits and balances existing before the reduction ordered by the President in compliance with paragraph (1).

(3) EMERGENCY RESERVE ACCOUNTS.

(A) Any amount by which the discretionary budget authority and outlay limits described in paragraph (1)(A) are reduced shall be credited to a special account to be called "the Section 251 emergency reserve account," provided that such amounts may be used as provided in paragraph (C).

(B) Any amount by which the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 have been reduced shall be credited to a special account to be called "the Section 252 emergency reserve account," provided that such amounts may be used as provided in paragraph (C).

(C) When making emergency designations under sections 251 or 252 of the Balanced Budget and Emergency Deficit Control Act of 1985,

the President and the Congress shall specify whether the requested emergency legislation is to be offset by amounts credited to a reserve account established under this paragraph, provided that this paragraph shall not be deemed to impose an offset requirement for such emergency legislation.

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

FEDERAL ARRESTEE DRUG TESTING PROGRAM

QUESTIONS AND ANSWERS

Presidential Announcement:

The President will announce that the Federal Government is establishing a policy providing for drug testing for everyone arrested in the Federal criminal justice system. Federal prosecutors will seek appropriate sanctions, including periodic testing, when an offender tests dirty.

Questions and Answers:

THE DIRECTIVE

Q: What is the purpose of this directive?

There is a direct link between drug use and crime -- both because people commit crimes under the influence of drugs and because they commit crimes to sustain their drug use.

Through this directive, the President is ensuring that the criminal justice system will accurately and speedily identify the users of drugs. Once this identification is made, the justice system can order the user to undergo periodic testing while on release or, when appropriate, detain the user.

The result of this measure --- a reduced the level of drug use in the population of offenders under criminal justice supervision, which will lead to a reduction in criminal behavior.

The President's program will serve as a model for State criminal justice systems, where the majority of criminal cases are processed. Several State Attorneys General and local prosecutors have committed to working with their State legislatures to adopt similar programs.

Q: Why is this being proposed now?

The concept behind this Directive was recommended in the President's 1995 National Drug Control Strategy. It is strongly supported by several experts on crime and drugs. We have been working with them, the Justice Department, and the Federal courts for some time in the formulation of this initiative.

Q: How will it be accomplished?

The President will sign a Directive to the Attorney General directing her to develop a universal policy in which federal arrestee would be tested for drugs before decisions are made on whether to release them into the community pending trial. He would further direct her to establish a policy whereby federal prosecutors will request sanctions, such as detention, when appropriate or on-going testing for arrestee who fail these initial drug tests.

HOW IT WORKS

Q: How exactly will it work?

- 1) Offender is arrested for a Federal offense and given his/her rights.
- 2) Offender is taken to Federal booking station or other facility by agent where s/he is processed by a U.S. Marshal -- fingerprinted, photographed, etc.
- 3) Under this Directive, the government would at this stage request that offender take a drug test.
- 4) Within 48 hours, offender appears before a Federal Judge or Magistrate for initial appearance (during that 48 hours offender is in jail in the custody of the U.S. Marshal). It is at this appearance where the Judge/ Magistrate makes a bail determination.
- 5) Judge is made aware of drug test. Judge asks U.S. Atty for the Government's recommendation on bail. Based on results of the drug test and other information, Federal prosecutor will recommend detention or bail conditions, including regular drug testing.

Q: What happens if the arrestee fails the drug test?

The Federal prosecutor would request that the court require detention or impose appropriate conditions including additional testing and treatment.

Q: What happens if the arrestee refuses to submit to a drug test?

Prior to the first appearance before the judge, the government cannot compel an arrestee to take a drug test. Nevertheless, based on the results of a pilot program by the courts, over 80% of arrestee agreed to take the test when asked. If the arrestee refuses, the judge is made aware of that fact before making a bail determination.

CURRENT SITUATION AND IMPACT

Q. Doesn't drug testing already occur in every Federal District?

Only a few Districts in the Federal system have uniform testing of Federal arrestees. Most Districts attempt to "screen" an arrestee for drug use by means other than testing. If there are indications of such use, the court may order testing, treatment and other sanctions as appropriate.

The current situation lacks the certainty that will exist under the President's program. The Clinton Drug Testing Program requires offenders to be tested before their initial court appearance. This provides the judge with the best information before any decision is made on pre-trial release.

A 1988 Drug Act required the Federal Courts to establish and evaluate pretrial drug testing in several Districts. The report from that program recommended exactly what the Clinton Federal Arrestee Drug Testing Program will accomplish.

Q: How many people does this affect?

Between 45,000 to 50,000 individuals are arrested and processed through the Federal system for criminal felonies every year. Over 60% of those offenders are on pretrial release within a day.

Q: How much will it cost?

The Justice Department estimates that the first six months of the program would cost roughly \$3-5 million including treatment. The cost of the program is likely to decrease in the future as a result of advances in the technology and efficiency of drug testing.

By March 31, 1996, the Department of Justice will develop a plan to ensure the use of the most accurate and cost effective testing methods.

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:18-DEC-1995 14:16:48.80

SUBJECT: RE: telecon with ted

TO: Elena Kagan (KAGAN_E) (WHO)

READ:18-DEC-1995 14:22:30.58

TEXT:

Good; thanks. You should know that T.J. and I also talked to Ted this morning re the murrelet language in DOI appropriations (which we vetoed this am, but T.J. wanted to get a better handle on that section for round #4.) Because the language - on its face - can be interpreted to favor our position in court, T.J. wanted a better explanation of Justice's concerns. Basically, we left it with the idea that innocent though it may look, Gorton introduced it - referencing the date he articulated the industry position on murrelets on the Senate floor - and that in the course of negotiations over both our timber language and DOI approps, T.J., Katie, et. al might want to bring this provision up directly with Gorton and discuss its meaning. Katie and Shelley are aware of this discussion, also.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Michael Fitzpatrick to Elena Kagan. Subject: Lunch (1 page)	12/18/1995	Personal Misfile

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[12/12/1995 - 01/11/1996]

2009-1006-F
ke713

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 (PAGER)

CREATOR: Mail Link Monitor (MAILMGT) (SYS)

CREATION DATE/TIME:18-DEC-1995 20:34:10.34

SUBJECT: PAGER CONFIRMATION - STERN,TODD

TO: Elena Kagan (KAGAN_E) (WHO)

READ:18-DEC-1995 20:39:24.54

TEXT:

PAGE FOR STERN,TODD, WAS TRANSMITTED 18-DEC-1995 20:32:13.29

TEXT TRANSMITTED WAS:

ARE YOU AROUND? ELENA 67594

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor (MAILMGT) (SYS)

CREATION DATE/TIME:18-DEC-1995 20:41:26.03

SUBJECT: PAGER CONFIRMATION - STERN,TODD

TO: Elena Kagan (KAGAN_E) (WHO)

READ:18-DEC-1995 20:41:33.00

TEXT:

PAGE FOR STERN,TODD, WAS TRANSMITTED 18-DEC-1995 20:39:12.23

TEXT TRANSMITTED WAS:

I'M DOING IT RIGHT NOW. THANKS.

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

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

CREATION DATE/TIME:20-DEC-1995 10:44:14.50

SUBJECT: Draft Position Paper on Welfare Reform

TO: Kenneth S. Apfel (APFEL_K) (OMB)
READ:20-DEC-1995 10:48:43.04

TO: Janet L. Himler (HIMLER_J) (OMB)
READ:20-DEC-1995 10:47:17.97

TO: Barry White (WHITE_B) (OMB)
READ:20-DEC-1995 10:46:56.77

TO: Keith J. Fontenot (FONTENOT_K) (OMB)
READ:20-DEC-1995 10:52:45.65

TO: David J. Haun (HAUN_D) (OMB)
READ:20-DEC-1995 10:44:38.57

TO: Steven M. Mertens (MERTENS_S) (OMB)
READ:20-DEC-1995 10:49:10.05

TO: Wendy A. Taylor (TAYLOR_W) (OMB)
READ:20-DEC-1995 11:17:49.02

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:20-DEC-1995 11:11:31.24

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:28-DEC-1995 09:39:39.53

TO: Bruce N. Reed (REED_B) (WHO)
READ:20-DEC-1995 11:17:57.93

TO: Elena Kagan (KAGAN_E) (WHO)
READ:20-DEC-1995 11:22:07.83

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:20-DEC-1995 10:48:23.64

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:20-DEC-1995 10:44:16.72

TO: Randolph M. Lyon (LYON_R) (OMB)
READ:20-DEC-1995 10:51:55.42

TO: Thomas P. Stack (STACK_T) (OMB)
READ:20-DEC-1995 18:30:41.12

TO: Barry T. Clendenin (CLENDENIN_B) (OMB)
READ:20-DEC-1995 10:55:17.04

TO: Mark E. Miller (MILLER_ME) (OMB)
READ:20-DEC-1995 10:49:24.47

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

READ:20-DEC-1995 10:45:11.48

TO: Richard B. Bavier
READ:20-DEC-1995 10:44:36.80

(BAVIER_R) (OMB)

TO: Bruce W. McConnell
READ:20-DEC-1995 11:03:39.40

(MCCONNELL_B) (OMB)

TO: Martha M. Gagne
READ:20-DEC-1995 10:44:38.50

(GAGNE_M) (OMB)

TO: Janet Murguia
READ:20-DEC-1995 23:22:56.78

(MURGUIA_J) (WHO)

TO: Lisa B. Fairhall
READ:20-DEC-1995 10:50:45.64

(FAIRHALL_L) (OMB)

TO: Ingrid M. Schroeder
READ:20-DEC-1995 10:58:28.59

(SCHROEDER_I) (OMB)

CC: James C. Murr
READ:20-DEC-1995 11:31:57.52

(MURR_J) (OMB)

CC: Janet R. Forsgren
READ:20-DEC-1995 11:40:20.44

(FORSGREN_J) (OMB)

TEXT:

You should have received a copy of LRM 3322 -- the revised draft position paper on the welfare reform conference report. Comments are due by noon today.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Mail Link Monitor to Elena Kagan. Subject: Confirmation [partial] (1 page)	12/20/1995	P6/b(6), b(7)(C), b(7)(E), b(7)(F)

COLLECTION:

Clinton Presidential Records
 Automated Records Management System (Email)
 WHO ([Kagan])
 OA/Box Number: 500000

FOLDER TITLE:

[12/12/1995 - 01/11/1996]

2009-1006-F
ke713

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 (WAVES RECEIPT)
 CREATOR: Mail Link Monitor (MAILMGT) (SYS)
 CREATION DATE/TIME:20-DEC-1995 19:42:38.29
 SUBJECT: CONFIRMATION: APPT. REQUEST FOR KAGAN, ELENA
 TO: Elena Kagan (KAGAN_E) (WHO)
 READ:20-DEC-1995 19:43:04.60

TEXT:
 FROM: WAVES OPERATIONS CENTER - ACO:
 Date: 12-20-1995
 Time: 19:31:27

P6/(b)(6), (b)(7)(c), (b)(7)(e), (b)(7)(f)

[cc2]

This message serves as confirmation of an appointment for the visitors listed below.

Appointment With: KAGAN, ELENA
 Appointment Date: 12/20/95
 Appointment Time: 7:45:00 PM
 Appointment Room: 125
 Appointment Building: OEOB
 Appointment Requested by: KAGAN ELENA
 Phone Number of Requestor: 67594

Comments:
 WAVES APPOINTMENT NUMBER: U45464

If you have any questions regarding this appointment, please call the WAVES Center at 456-6742 and have the appointment number listed above available to the Access Control Officer answering your call.

TOTAL NUMBER OF NAMES SUBMITTED FOR ENTRY : 1
 TOTAL NUMBER OF NAMES OF CLEARED FOR ENTRY: 1

DONOHUE, SEAN

P6/(b)(6)

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

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

CREATION DATE/TIME:21-DEC-1995 08:57:53.87

SUBJECT: HR 665 - Victim Restitution

TO: Kenneth L. Schwartz (SCHWARTZ_K) (OMB)
READ:21-DEC-1995 08:59:30.62

TO: David J. Haun (HAUN_D) (OMB)
READ:21-DEC-1995 08:58:40.87

TO: Steven D. Aitken (AITKEN_S) (OMB)
READ:21-DEC-1995 09:01:42.04

TO: James C. Murr (MURR_J) (OMB)
READ:21-DEC-1995 13:20:01.02

TO: Lydia Muniz (MUNIZ_L) (OMB)
READ:21-DEC-1995 09:56:18.77

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:21-DEC-1995 09:55:31.38

TO: Dennis Burke (BURKE_D) (OPD)
READ:21-DEC-1995 14:14:18.71

TO: Elena Kagan (KAGAN_E) (WHO)
READ:21-DEC-1995 09:58:07.58

TO: Ronald E. Jones (JONES_RE) (OMB)
READ:11-JAN-1996 10:06:56.51

TO: Jeffrey A. Weinberg (WEINBERG_J) (OMB)
READ:21-DEC-1995 09:00:59.49

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:20-DEC-1995 15:20:00.00

ATT BODYPART TYPE:B

ATT CREATOR: James J. Jukes

ATT SUBJECT: HR 665 - Victim Restitution

ATT TO: Ronald E. Jones (JONES_RE)

ATT CC: James C. Murr (MURR_J)

ATT CC: Jeffrey A. Weinberg (WEINBERG_J)

TEXT:

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

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:21-DEC-1995 14:04:53.86

SUBJECT: request for extension

TO: Kathleen A. McGinty (MCGINTY_K) (CEQ)

READ:21-DEC-1995 15:26:38.85

TO: Elena Kagan (KAGAN_E) (WHO)

READ:21-DEC-1995 14:17:26.06

TEXT:

Peter Coppelman called and has also talked to Jim and Mark Gaede. Gippert, the USDA lawyers and trial lawyers are predictably upset. Their argument is that we stipulated to an expedited briefing schedule so that there would be a decision before the logging season in March and that it's a very tight schedule.

Frankly, this is outrageous - neither Lyons nor Kennedy even knew that from their own lawyers this was taking place days after the President's veto.

Lois is working towards readjusting the schedule to ask for a one week extension.

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

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

CREATION DATE/TIME:21-DEC-1995 14:44:59.02

SUBJECT: DC bill

TO: Martha Foley (FOLEY_M) (WHO)
READ:21-DEC-1995 16:52:19.80

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ:21-DEC-1995 20:31:44.74

TO: James Castello (CASTELLO_J) (WHO)
READ:21-DEC-1995 14:59:37.47

TO: Elena Kagan (KAGAN_E) (WHO)
READ:21-DEC-1995 14:58:23.08

TO: Betsy Myers (MYERS_B) (WHO)
READ:NOT READ

CC: Carol H. Rasco (RASCO_C) (WHO)
READ:22-DEC-1995 14:56:16.66

CC: Deborah L. Fine (FINE_D) (OPD)
READ: 2-JAN-1996 09:39:57.30

TEXT:

FYI

You all may know this, but. . .

The facilities ban in the DC bill (which we understand is out of the present Conference deal) would not have any real effect. The only facility it would affect is DC General, and they do not perform abortions.

This info is from NARAL - obviously not provided to encourage us not to oppose the bill, but in the interest of full disclosure. They feel VERY strongly that the facilities ban is a precedent setting action that raises the stakes to a different level. The whole thing is moot of course if it stays out of the agreement. I think the representation that the women's groups could live with signing the DC bill is contingent on this issue and on the ban being a one-year ban, not a permanent change to the DC Code.

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

CREATOR: Jack M. Quinn (QUINN_J) (WHO)

CREATION DATE/TIME:22-DEC-1995 08:28:56.89

SUBJECT: RE: thanks

TO: Elena Kagan (KAGAN_E) (WHO)

READ:27-DEC-1995 08:33:18.26

TEXT:

you're most welcome.

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

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

CREATION DATE/TIME:26-DEC-1995 11:50:52.97

SUBJECT: Draft signing statement for ICC bill (see below)

TO: Elena Kagan (KAGAN_E) (WHO)

READ:27-DEC-1995 08:34:49.90

TO: Elaine C. Kamarck

(KAMARC_E) Autoforward to: Remote Address

READ:NOT READ

TO: Jennifer M. O'Connor

(OCONNOR_J) (WHO)

READ:26-DEC-1995 13:00:09.07

CC: James A. Brown

(BROWN_JA) (OMB)

READ:26-DEC-1995 13:54:47.74

TEXT:

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

ATT CREATION TIME/DATE:26-DEC-1995 11:41:00.00

ATT BODYPART TYPE:B

ATT CREATOR: James A. Brown

ATT SUBJECT: LRM #:3340 Proposed Signing Statement RE: HR2539, ICC

ATT TO: Remote Addressee (TLXA1MAIL_\F:92023956809\C:Liaison Of

ATT TO: Remote Addressee (TLXA1MAIL_\F:92029276107\C:Richard S.

ATT TO: Remote Addressee (DEBORAH CLIFTON@1=US@2=TELEMAIL@3=@5=

ATT TO: Remote Addressee (DOLSOL LLC@5=DOL@2=TELEMAIL@1=US@MRX@

ATT TO: Sonyia Matthews (MATTHEWS_S)

ATT TO: Remote Addressee (DOT LRM@1=US@2=ATTMAIL@3=GOV+DOT@4=QM

ATT CC: Robert E. Litan (LITAN_R)

ATT CC: Karin L. Kizer (KIZER_K)

ATT CC: Kenneth L. Schwartz (SCHWARTZ_K)

ATT CC: David E. Tornquist (TORNQUIST_D)

ATT CC: Daniel M. Tangherlini (TANGHERLIN_D)

ATT CC: Kagen_E

ATT CC: Robert G. Damus (DAMUS_R)

ATT CC: Kamarck_E

ATT CC: Robert E. Stone (STONE_R)

ATT CC: James C. Murr (MURR_J)

ATT CC: O Connor_J

ATT CC: John A. Koskinen (KOSKINEN_J)

ATT CC: James J. Jukes (JUKES_J)

TEXT:

 EXECUTIVE OFFICE OF THE PRESIDENT LRM #:3340
 OFFICE OF MANAGEMENT AND BUDGET
 Washington, D.C. 20503 FILE #:208
 12/26/95
 LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below:
 FROM: James JUKES (for)
 Assistant Director for Legislative Reference
 OMB CONTACT: James BROWN 395-3473
 Legislative Assistant's line (for simple responses): 395-3454

SUBJECT: Proposed Signing Statement RE: HR2539, ICC
 Termination Act

DEADLINE: 12:00 noon Wednesday, December 27, 1995

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for purposes of the the Pay-As-You-Go provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS:

18-Council of Economic Advisers - Liaison Officer (vacant) - 3955084
 56-Interstate Commerce Commission - Richard S. Fitzsimmons - 2029276050
 61-JUSTICE - Andrew Foiss - 2025142141
 62-LABOR - Robert A. Shapiro - 2022198201
 76-National Economic Council - Sonyia Matthews - 2024562174
 117-TRANSPORTATION - Tom Herlihy - 2023664687

PRINTER FONT 12 POINT COURIER
 STATEMENT BY THE PRESIDENT

I have today approved H.R. 2539, the ?ICC Termination Act of 1995.? I do so with disappointment because the bill falls far short of my Administration?s proposal for a much bolder and more complete sunset of the Interstate Commerce Commission (ICC). Regulatory reform of the Nation?s transportation industries has been an outstanding success. Beginning with air cargo deregulation in 1977 and continuing with sweeping rail and trucking reforms over the past 15 years, much of the stranglehold of traditional government regulation has been broken. Today, only about 20 percent of all domestic freight transportation is regulated, compared with 75 percent 20 years ago. These reforms have reduced the cost of transportation of everything we buy and use. They have enabled U.S. producers and retailers to employ ?just in time? manufacturing and inventory systems to save many billions of dollars in warehousing and distribution costs.

Congress had an opportunity to build on this success but did

not take it. Instead, H.R. 2539 provides for only very modest reform. While H.R. 2539 eliminates a number of obsolete and unnecessary functions of the ICC, it maintains special protections for transportation industries. These protections are no longer justified in today's strong and competitive market economy.

For example, the Nation's trucking industry has enjoyed antitrust immunity for collective ratemaking for the last 47 years. Continuation of such authority will reduce potential benefits to consumers and will protect inefficient carriers.

H.R. 2539 also maintains special merger standards for railroads. The railroad industry has made a remarkable economic comeback from hard times and no longer needs this special protection.

My Administration strongly opposed earlier versions of this legislation that would have weakened benefits for railroad employees who are displaced by mergers and line abandonments. I am pleased that the Congress changed the bill to address the Administration's objections. I also note that the bill does continue intact the important rail reforms of 1980 that have helped improve rail service and bring the railroad industry back to profitability.

H.R. 2539 also provides for reducing some ICC functions, including the overlap between similar DOT and ICC functions in overseeing trucking industry safety and insurance requirements. With the sunset of the ICC and the consolidation of motor carrier functions at the Department of Transportation, the bill does provide for modest budget savings.

I have approved H.R. 2539 because of the preceding beneficial provisions and to help provide a smooth transition now that appropriations for the ICC have been terminated.

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

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

CREATOR: Melissa Y. Cook (COOK_MY) (OMB)

CREATION DATE/TIME:27-DEC-1995 09:31:26.65

SUBJECT: RE: lrm

TO: Elena Kagan (KAGAN_E) (WHO)

READ:27-DEC-1995 09:31:40.45

TEXT:

I just refaxed it to you. please let me know if you do not receive it.

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

CREATOR: Jack M. Quinn (QUINN_J) (WHO)

CREATION DATE/TIME: 27-DEC-1995 15:52:51.53

SUBJECT: RE: klinger request

TO: Elena Kagan

(KAGAN_E) (WHO)

READ: 27-DEC-1995 16:38:37.53

TEXT:

thanks.

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

CREATOR: Melissa Y. Cook (COOK_MY) (OMB)

CREATION DATE/TIME:28-DEC-1995 15:47:43.43

SUBJECT: LRM #3288: OPM's Q's and A's on Civil Service Reform

TO: Raymond P. Kogut (KOGUT_R) (OMB)

READ:28-DEC-1995 16:36:43.12

TO: Joseph F. Lackey, Jr. (LACKEY_J) (OMB)

READ: 2-JAN-1996 17:33:06.14

TO: Rosalyn J. Rettman (RETTMAN_R) (OMB)

READ:28-DEC-1995 15:59:19.43

TO: Jonathan D. Breul (BREUL_J) (OMB)

READ:28-DEC-1995 17:00:26.70

TO: Walter S. Groszyk Jr. (GROSZYK_W) (OMB)

READ:28-DEC-1995 15:47:51.62

TO: Lee Ann Brackett (Lee Ann Brackett@EOP_OVP@CCGATE@EOPMRX)

READ:NOT READ

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

READ: 2-JAN-1996 10:08:48.61

TO: Elena Kagan (KAGAN_E) (WHO)

READ:28-DEC-1995 15:54:54.67

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

READ:28-DEC-1995 17:17:12.16

TO: Lydia Muniz (MUNIZ_L) (OMB)

READ: 2-JAN-1996 11:51:03.98

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)

READ:29-DEC-1995 18:10:29.98

TEXT:

Could you please let me know by Noon, January 3rd if you have any comments on OPM's Q's and A's on Civil Service Reform (LRM #3288)? If I do not hear from you by then, I will assume that you do not have any comments on this document.

Thanks.

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

CREATOR: Marna E. Madsen (MADSEN_M) (WHO)

CREATION DATE/TIME:29-DEC-1995 11:04:56.40

SUBJECT: RE: clippings

TO: Elena Kagan (KAGAN_E) (WHO)

READ:29-DEC-1995 11:06:23.81

TEXT:

I don't think the News Analysis office is distributing clips this week - our office hasn't been getting them, either.
(I'll remind them again to change the name on them...)

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

CREATOR: Kathleen A. McGinty (MCGINTY_K) (CEQ)

CREATION DATE/TIME: 2-JAN-1996 09:02:58.96

SUBJECT: RE: timber

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 2-JAN-1996 10:42:56.08

TEXT:

martha and barbara were trying to get us in to see gorton to continue to move this -- but at the member level. that did not pan out before the holiday. we also discussed making sure that the subject at least gets raised in the budget talks to put a marker down. i don't know for sure, but i doubt that happened. so, back to martha and barbara i think to see what the next step is.

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

CREATOR: Thomas C. Jensen (JENSEN_T) (CEQ)

CREATION DATE/TIME: 2-JAN-1996 11:39:51.18

SUBJECT: no meeting

TO: Alice E. Shuffield (SHUFFIELD_A) (OMB)

READ: 2-JAN-1996 12:12:32.65

TO: FAX (9-720-5437, Greg Frazier) (TLXA1MAIL_\F:9-720-5437\C: Greg Fraier\\

READ:NOT READ

TO: FAX (9-720-4732, Jim Lyons) (TLXA1MAIL_\F:9-720-4732\C: Jim Lyons\\)

READ:NOT READ

TO: FAX (9-208-6956, Ann Shields) (TLXA1MAIL_\F:9-208-6956\C: Ann Shields\\

READ:NOT READ

TO: FAX (9-208-4684, George Frampton) (TLXA1MAIL_\F:9-208-4684\C: George Frampto

READ:NOT READ

TO: FAX (9-208-3144, Bob Armstrong) (TLXA1MAIL_\F:9-208-3144\C: Bob Armstrong\

READ:NOT READ

TO: FAX (9-514-0557, Lois Schiffer) (TLXA1MAIL_\F:9-514-0557\C: Lois Schiffer\

READ:NOT READ

TO: FAX (9-482-6318, Doug Hall) (TLXA1MAIL_\F:9-482-6318\C: Doug Hall\\)

READ:NOT READ

TO: FAX (9-260-0500, Steve Herman) (TLXA1MAIL_\F:9-260-0500\C: Steve Herman\\

READ:NOT READ

TO: Kathleen A. McGinty (MCGINTY_K) (CEQ)

READ: 2-JAN-1996 12:08:55.57

TO: Shelley N. Fidler (FIDLER_S) (CEQ)

READ: 2-JAN-1996 11:54:43.09

TO: T J Glauthier (GLAUTHIER_T) (OMB)

READ: 2-JAN-1996 12:42:57.87

TO: Ron Cogswell (COGSWELL_R) (OMB)

READ: 2-JAN-1996 11:46:38.70

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

READ: 2-JAN-1996 11:48:43.05

TO: Christine L. Nolin (NOLIN_CL) (OMB)

READ: 3-JAN-1996 09:27:43.86

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 2-JAN-1996 11:36:57.11

TO: Martha Foley (FOLEY_M) (WHO)

READ: 2-JAN-1996 12:38:08.14

TO: Kris Balderston (BALDERSTON_K) (WHO)

READ: 9-JAN-1996 11:46:55.37

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:10-JAN-1996 12:54:58.32

TO: Dinah Bear (BEAR_D) (CEQ)
READ: 2-JAN-1996 11:48:21.03

TO: Remote Addressee (TLXA1MAIL_\F:97205437\C:Anne Kennedy\\)
READ:NOT READ

TO: FAX (92084684,Don Barry) (TLXA1MAIL_\F:92084684\C:Don Barry\\)
READ:NOT READ

TO: FAX (94821041,Bob Ziobro) (TLXA1MAIL_\F:94821041\C:Bob Ziobro\\)
READ:NOT READ

TO: Remote Addressee (TLXA1MAIL_\F:97204732\C:Mark Gaede\\)
READ:NOT READ

TO: Remote Addressee (TLXA1MAIL_\F:92085242\C:Nancy Hayes\\)
READ:NOT READ

TO: FAX (92191792,Kris Clark) (TLXA1MAIL_\F:92191792\C:Kris Clark\\)
READ:NOT READ

TO: FAX (96902730,Mike Gippert) (TLXA1MAIL_\F:96902730\C:Mike Gippert\\)
READ:NOT READ

TO: FAX (92085584,John Leshy) (TLXA1MAIL_\F:92085584\C:John Leshy\\)
READ:NOT READ

TO: FAX (95144240,Jim Kilbourne) (TLXA1MAIL_\F:95144240\C:Jim Kilbourne\\)
READ:NOT READ

TO: Remote Addressee (TLXA1MAIL_\F:95140557\C:Peter Coppelman\\)
READ:NOT READ

TO: Thomas C. Jensen (JENSEN_T) Autoforward to: Remote Address
READ:NOT READ

TO: Ruth D. Saunders (SAUNDERS_R) (OMB)
READ: 2-JAN-1996 11:47:53.51

TO: Remote Addressee (TLXA1MAIL_\F:915033266254\C:Tom Tuchman\\)
READ:NOT READ

TO: FAX (92083877,Bob Baum) (TLXA1MAIL_\F:92083877\C:Bob Baum\\)
READ:NOT READ

TEXT:

There will NOT be an interagency timber meeting this afternoon,
due to the furlough.

Hope to see all of you soon. Meanwhile, Happy New Year!

Dinah

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME: 2-JAN-1996 13:49:48.56

SUBJECT: Panel for appeal of NFRC v. Glickman

TO: Thomas C. Jensen

(JENSEN_T) Autoforward to: Remote Address

READ:NOT READ

TO: Elena Kagan

(KAGAN_E) (WHO)

READ: 2-JAN-1996 14:49:32.36

TEXT:

The panel to hear our appeal of the NFVC v. Glickman decision (areas vs. sales - geographic scope) has been announced, and fortunately, it's not the same panel that so curtly denied our motion to stay Hogan's decision on areas vs. scope.

It is composed of 1) Levy, who will preside - he's from Eugene and characterized as conservative, thoughtful, fair - believes courts should stay out of managing natural resources and thus Al will portray Hogan's decision as taking managing out of hands of managers; 2) Noonan - cranky but bright; Hawkins - Clinton appointees, former U.S. attorney in Arizona.

Al Ferlo and Michelle Gilbert will be leaving Sunday evening for the Monday afternoon argument (although according to yesterday's Post story, the federal courts will have run out of \$ and be closed if there isn't a deal or Commerce/Justice \$ isn't signed by Jan. 7th.)

Elena, I faxed you the changes to our timber language suggested by USDA OGC. You may now more than I at this point, but TJ was trying to get a meeting with Gorton asap, this afternoon or tomorrow.

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME: 2-JAN-1996 15:46:18.67

SUBJECT: Kitzhaber letter

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 2-JAN-1996 15:48:45.74

TEXT:

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

ATT CREATION TIME/DATE:28-DEC-1995 10:02:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Christine L. Nolin

ATT SUBJECT: Anybody know what this is about? Anybody not furloughed?

ATT TO: Thomas C. Jensen (JENSEN_T)

ATT TO: Dinah Bear (BEAR_D)

ATT CC: Ruth D. Saunders (SAUNDERS_R)

TEXT:

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

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

ATT CREATION TIME/DATE:28-DEC-1995 08:19:00.00

ATT BODYPART TYPE:B

ATT CREATOR: T J Glauthier

ATT SUBJECT: timber -- new Kitzhaber plan

ATT TO: Ron Cogswell (COGSWELL_R)

ATT TO: Mark A. Weatherly (WEATHERLY_M)

ATT TO: Bruce D. Beard (BEARD_B)

ATT TO: Ruth D. Saunders (SAUNDERS_R)

ATT TO: Christine L. Nolin (NOLIN_CL)

ATT CC: Alice E. Shuffield (SHUFFIELD_A)

TEXT:

Are any of you familiar with this?

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

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

ATT CREATION TIME/DATE:23-DEC-1995 16:07:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Martha Foley

ATT SUBJECT: Kitzxhabertimber proposal

ATT TO: T J Glauthier (GLAUTHIER_T)

ATT TO: Kathleen A. McGinty (MCGINTY_K)

TEXT:

Are you familiar with the legislative approach Kitzhaber is taking on timber?

Jen O'Connor gave me a 2-pager from him on the subject.

You both are better able to evaluate it than I. You might want to get a copy from her (or from me, after I return, on the 29th).

Thanks.

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

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME: 2-JAN-1996 15:46:44.54

SUBJECT: kitzhaber letter

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 2-JAN-1996 15:50:40.86

TEXT:

will fax letter in a few moments

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

ATT CREATION TIME/DATE:28-DEC-1995 11:07:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Kathleen A. McGinty

ATT SUBJECT: FYI ---- ROB (not Katie)

ATT TO: Shelley N. Fidler (FIDLER_S)

ATT TO: Dinah Bear (BEAR_D)

TEXT:

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

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

ATT CREATION TIME/DATE:23-DEC-1995 16:07:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Martha Foley

ATT SUBJECT: Kitzxhabertimber proposal

ATT TO: T J Glauthier (GLAUTHIER_T)

ATT TO: Kathleen A. McGinty (MCGINTY_K)

TEXT:

Are you familiar with the legislative approach Kitzhaber is taking on timber?

Jen O'Connor gave me a 2-pager from him on the subject.

You both are better able to evaluate it than I. You might want to get a copy from her (or from me, after I return, on the 29th).

Thanks.

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

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME: 2-JAN-1996 15:47:04.21

SUBJECT: letter iii

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 2-JAN-1996 16:04:26.19

TEXT:

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

ATT CREATION TIME/DATE:28-DEC-1995 14:04:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Christine L. Nolin

ATT SUBJECT: Previous e-mail

ATT TO: Dinah Bear (BEAR_D)

ATT TO: Thomas C. Jensen (JENSEN_T)

ATT CC: Ruth D. Saunders (SAUNDERS_R)

TEXT:

I have a copy of the Kitzhaber proposal if anyone is home there and needs it.

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

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Phone No. (Partial) (1 page)	01/02/1996	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[12/12/1995 - 01/11/1996]

2009-1006-F
ke713

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: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME: 2-JAN-1996 17:19:44.88

SUBJECT: timber language

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-JAN-1996 09:42:38.01

TEXT:

I sent the revised timber rider modification letter to DOJ and talked to Peter about it. Ted is on furlough and he wants Ted to look at it, so he's going to ask him to come in tomorrow. I'll be on furlough tomorrow, so I asked that any communications from Justice go directly to you.

If you come to closure on item #2, would you please get the revised language to T.J.'s office? He hasn't heard anything about this - frankly, I think he would consider it a technical change. I'm not sure which of his staff actually have the language on the machine - I think Cogswell, but I'm not sure. Anyway, I don't know the status of any meetings he has scheduled on this, but I'd like to make sure he has a revised page before he hands out any more specific language.

Thanks. Feel free to call me at home P6/(b)(6), although [003] having said that, I will actually be out of both home and office much of the day tomorrow - but I'll check in at home via voice mail.

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

CREATOR: Cheryl L Sweitzer (SWEITZER_C) (WHO)

CREATION DATE/TIME: 3-JAN-1996 11:46:58.28

SUBJECT: Friday's staff meeting

TO: Donna Alberts (ALBERTS_D) (WHO)
READ:NOT READ

TO: Joseph Alden (ALDEN_J) (WHO)
READ:NOT READ

TO: Jana L. Blair (BLAIR_J) (WHO)
READ: 4-JAN-1996 11:13:53.04

TO: Pamela Brewington (BREWINGTON_P) (WHO)
READ: 3-JAN-1996 11:48:14.34

TO: Virginia Canter (CANTER_V) (WHO)
READ:NOT READ

TO: James Castello (CASTELLO_J) (WHO)
READ: 3-JAN-1996 11:54:05.03

TO: Christopher D. Cerf (CERF_C) (WHO)
READ: 3-JAN-1996 13:35:12.94

TO: Dawn Chirwa (CHIRWA_D) (WHO)
READ: 3-JAN-1996 11:56:28.22

TO: Jeffrey J. Connaughton (CONNAUGHTO_J) (WHO)
READ:NOT READ

TO: Jonathan Denbo (DENBO_J) (WHO)
READ: 3-JAN-1996 11:47:12.92

TO: Vicki J. Divoll (DIVOLL_V) (WHO)
READ:NOT READ

TO: Jennifer D. Dudley (DUDLEY_J) (WHO)
READ: 3-JAN-1996 12:16:47.82

TO: Mark D. Fabiani (FABIANI_M) (WHO)
READ: 3-JAN-1996 13:09:09.51

TO: David Fein (FEIN_D) (WHO)
READ: 3-JAN-1996 12:36:15.30

TO: Kimberly A. Holliday (HOLLIDAY_K) (WHO)
READ: 3-JAN-1996 12:26:19.23

TO: Edward F. Hughes (HUGHES_E) (WHO)
READ: 3-JAN-1996 12:26:16.12

TO: Rochester M. Johnson (JOHNSON_RM) (WHO)
READ: 3-JAN-1996 12:37:24.55

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 3-JAN-1996 11:47:31.18

TO: Marvin Krislov

(KRISLOV_M) (WHO)

READ: 3-JAN-1996 13:08:16.40

TO: Bruce R. Lindsey

(LINDSEY_B) (WHO)

READ:11-JAN-1996 18:23:32.33

TO: D. Craig Livingstone

(LIVINGSTON_D) (WHO)

READ:10-JAN-1996 11:41:18.42

TO: Clifford J. Mauton

(MAUTON_C) (WHO)

READ: 3-JAN-1996 11:54:47.50

TO: Cheryl D. Mills

(MILLS_C) (WHO)

READ: 3-JAN-1996 11:53:12.15

TO: Gloria T. Mitchell

(MITCHELL_G) (WHO)

READ:NOT READ

TO: Melissa M. Murray

(MURRAY_MM) (WHO)

READ: 3-JAN-1996 13:03:52.62

TO: Miriam R. Nemetz

(NEMETZ_M) (WHO)

READ: 3-JAN-1996 13:15:20.40

TO: Stephen R. Neuwirth

(NEUWIRTH_S) (WHO)

READ: 3-JAN-1996 11:48:40.55

TO: Victoria L. Radd

(RADD_V) (WHO)

READ:10-JAN-1996 08:48:28.48

TO: Stacy E. Reynolds

(REYNOLDS_S) (WHO)

READ: 3-JAN-1996 14:25:18.99

TO: Robert W. Schroeder III

(SCHROEDER_R) (WHO)

READ: 3-JAN-1996 11:48:53.49

TO: Jane C. Sherburne

(SHERBURNE_J) (WHO)

READ: 3-JAN-1996 19:25:12.80

TO: Robert A. VanKirk

(VANKIRK_R) (WHO)

READ:11-JAN-1996 11:39:10.62

TO: Odetta S. Walker

(WALKER_O) (WHO)

READ: 3-JAN-1996 12:05:07.46

TO: Renee A. Warren

(WARREN_R) (WHO)

READ: 3-JAN-1996 11:47:20.08

TO: Kathleen M. Whalen

(WHALEN_K) (WHO)

READ: 3-JAN-1996 11:47:51.62

TO: Natalie Williams

(WILLIAMS_N) (WHO)

READ:10-JAN-1996 19:21:41.49

TO: Jon Yarowsky

(YAROWSKY_J) (WHO)

READ: 3-JAN-1996 16:09:35.22

TEXT:

For those of you who attend the M-W-F Counsel's Staff Meeting at 9:00 a.m. -- this Friday, January 5, the staff meeting will be held at 11:30 a.m. in Jack's Office.
Thanks.

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

CREATOR: Kathleen A. McGinty (MCGINTY_K) (CEQ)

CREATION DATE/TIME: 3-JAN-1996 14:44:07.38

SUBJECT: timber

TO: Martha Foley (FOLEY_M) (WHO)
READ: 3-JAN-1996 16:25:34.94

TO: T J Glauthier (GLAUTHIER_T) (OMB)
READ: 3-JAN-1996 18:36:10.52

TO: Barbara C. Chow (CHOW_B) (WHO)
READ: 3-JAN-1996 16:42:42.40

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ: 10-JAN-1996 12:45:51.27

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 3-JAN-1996 17:46:20.52

TO: Shelley N. Fidler (FIDLER_S) (CEQ)
READ: 3-JAN-1996 14:45:56.92

TO: Dinah Bear (BEAR_D) (CEQ)
READ: 3-JAN-1996 15:05:17.13

TO: Thomas C. Jensen (JENSEN_T) Autoforward to: Remote Address
READ: NOT READ

TEXT:

couple of things (some of which i have already relayed to some of you):

1. norm dicks called first thing yesterday morning to inquire re: status of timber action. i told him that we still thought that the meeting with gorton was a top priority. he said gorton would insist that that discussion only happen in the context of discussing the interior bill. i said that we had no problem discussing the interior bill tho i had no reason for optimism that that would be productive. norm was going to call gorton again and try to set up meeting.
2. this am i mentioned to haroldickes and want to repeat to all of you, we need to make a decision as to whether our principals want to flag this issue as one we want fixed as part of the budget deal. i'm concerned that, if that is what we want to do, we need to lay the marked down or we will be estopped from so doing later.
3. martha raised a question before the holiday on the proposal kitzhaber has for a legislative fix. know that he has decided not to move it forward(this info from his office yesterday). it is like ours -- that is, it truly tries to fix problems; it does not, for example, repeal the whole thing. kitzhaber decided not to do anything with it because it angers the enviros cause it does not go far enough and it angers industry because it tinkers. this should be instructive to us as we decide how far we want to carry our proposal. again, we need to define for ourselves a cut-off point beyond which we decide whether simply to attack them for extremism.

January 2, 1996

EXAMPLES OF REDUCED GOVERNMENT SERVICES DURING A SHUTDOWN

- A. **National Park Services** facilities are closed.
1. *On an average day*, 383,000 people visit National Parks Services facilities.
 2. Potential per day losses for businesses in communities adjacent to National Parks could reach \$14 million, due to reduced recreational tourism.
 3. As a result of the closing of Yosemite National Park, Mariposa County declared a state of emergency last week and asked Governor Wilson of California to declare the county an economic disaster area and therefore eligible for state aid.
- B. Access to and use of **National Forests** is restricted.
1. Forest Service operated campgrounds, monuments, and visitors centers are closed in the 155 National Forests.
 2. No timber sales activities, including preparation, advertising and award of sale are occurring. Harvesting will continue for sales that were awarded prior to the shutdown.
- C. **FHA mortgages and housing vouchers** are halted.
1. *On an average day*, the Federal Housing Administration processes 2500 home purchase loans and refinancings totaling \$200 million worth of mortgage loans for moderate-and low-income working families nationwide.
 2. In January, HUD will be unable to renew 49,000 vouchers and other Section 8 rental subsidies for low and moderate income households which could lead to the eviction of these families.
- D. Applications for **passports** are not being processed and foreign visitors are unable to obtain visas.
1. *On an average day*, the State Department receives 23,000 applications for passports.
 2. *On an average day*, the State Department issues 20,000 visas to visitors who spend on average of \$3,000 on their trips for a total of \$60 million. Foreign

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students studying in the United States and home for the holidays are unable to obtain visas to return to the United States for their classes.

E. Some **Veterans Benefits** will not be delivered.

1. While the December 22 Continuing Resolution provided funding for certain benefits and payments, it expires tomorrow (January 3); consequently, contractors providing services and supplies to hospitals will not be paid and benefits for January will not be paid on February 1.
2. In addition, approximately 170,000 veterans did not receive their December Montgomery GI Bill education benefits and will not receive benefits in January. Funding has also lapsed for processing veterans' claims for educational and rehabilitation counseling, and enabling veterans to obtain VA guaranteed home loans.

F. Programs for the **Elderly** are at risk.

1. Some 600,000 elderly Americans potentially face loss of "Meals on Wheels," transportation and personal care provided by HHS' Administration on Aging because a Continuing Resolution has not been passed.

G. Contractors handling **Medicare** claims will not be paid.

1. Approximately 24,000 contractor employees are involved in paying Medicare claims (which average about \$3.5 billion per week) and most will have to self-fund payroll and other expenses or stop their activities.

H. Federal funds to states for **Medicaid** will be limited.

1. On December 27, States received only 40 percent of the estimated quarterly payment for Medicaid. Without further action, the Federal match for Medicaid and its 36 million beneficiaries, including 18 million children, will run out in late January.

I. State-run **Unemployment Insurance** operations are threatened.

1. By the end of this week, 11 states (plus DC and the Virgin Islands) will have exhausted Federal funds for administering the unemployment insurance program (NJ, AL, RI, TN, KS, AK, MA, NH, VT, UT, NM). In order to keep unemployment offices open, states would have to fill the gap with their own funds. Otherwise, unemployment offices would have to close and benefit payments would cease. Kansas has already closed its unemployment office.

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2. If State unemployment offices are closed, all activity stops. No new claims are taken; no continuing benefit claims are paid; and tax collections stop.
- J. Grants for **state JOBS, social services, and child protection programs** will not be made.
1. States are due \$630 million in Social Services Block Grants today (January 2). These funds are used by the states to provide a variety of health and social service programs to low-income populations.
 2. HHS will not be providing grants of \$248 million to states today (January 2) for JOBS programs to help those on welfare to obtain training and work.
 3. As of today (January 2), states will lose \$74 million in quarterly grants for discretionary child protection programs. Such programs help states respond to more than 2.5 million reported cases of child maltreatment each year.
- K. The **FCC** is substantially closed.
1. Each week, 1,000 consumer inquiries and complaints go unanswered.
 2. Processing of spectrum licenses and ongoing deregulatory efforts by the FCC are deferred, possibly delaying the availability of new communications services.
- L. Food and other supplies for **prisons** may become unavailable.
1. Many vendors to Federal prisons bill once a month and bills for supplies provided during the shutdown will come due in early January. Absent an appropriation, these bills cannot be paid and some vendors may be unable to continue to deliver goods and services.
- M. **Federal workers** are being penalized.
1. Due to Congress' failure to approve short-term funds by Friday, December 29, over three-quarters-of-a-million Federal employees only received half their usual pay (or less because of withholdings).
 - a. They received pay for December 10 to 15, but not December 16 to 23.
 - b. Without Congress enacting additional funding measures by late this week, these emergency and furloughed employees will not receive pay for the

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current pay period (December 24 to January 6) on time, i.e. next week.

2. The three-quarters-of-a-million of Federal employees consist of:
 - a. 480,000 emergency workers who are working and whom the government is obligated to pay, but who can't be paid until Congress approves funds to end the shutdown (this includes Federal law enforcement officials, prison guards, social security workers and those providing care at veterans hospitals); and
 - b. 280,000 non-emergency workers who are currently furloughed and not being paid (and who have no guarantee they will receive back pay unless Congress acts to approve back pay).
 3. The vast majority of these workers cannot afford this big cut in their take-home pay, especially during and immediately after the holidays.
 4. 20,000 employees were furloughed when their agencies exhausted carryover funding in late December; they will receive substantially complete paychecks for the pay period ending December 23 (but not future pay periods).
- N. **The Smithsonian museums, Kennedy Center, Holocaust Museum, National Zoo, and National Gallery of Art** (except for the Vermeer exhibit which is supported by private funds) are closed.
1. *On an average day*, 80,000 people visit the Smithsonian Museums on the Mall and the National Zoo.
 2. *On an average day*, 12,400 people visit the National Gallery of Art.
 3. *On an average day*, 6,900 people visit the JFK Center for Performing Arts. (This does not include individuals who pay to attend performances, for which the Kennedy Center will continue to be open.)
 4. *On an average day*, 3,000 people visit the Holocaust Museum.
- O. **Activities in Foreign countries** are hampered.
1. Because local residents working for the United States cannot be paid, many of them will not report for work. This will adversely affect:
 - a. Support for Congressional trips abroad since drivers, security personnel, interpreters and general support personnel are generally hired locally.

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- b. Security provided by foreign service nationals for Federal employees, offices and homes.
 - c. Quarterly utility payments due the first week of January which will result in loss of services and evictions.
2. Legal actions are anticipated by at least some local residents who cannot be paid.
- P. Programs for **Native Americans** are stopping.
- 1. The Bureau of Indian Affairs cannot make general assistance payments due to about 53,000 Indian families and individuals or to guardians and foster families that care for about 3,000 Indian children.
- Q. "**Deadbeat Dads**" are getting a holiday through the shutdown.
- 1. The Federal Parent Locator Service, to which 20,000 cases per day on average are referred, is closed.
- R. Assistance to **Small Businesses** is interrupted.
- 1. *On an average day*, more than 260 small businesses are not receiving SBA guaranteed financing totaling more than \$40 million of loans.
 - 2. *On an average day*, more than 90 small businesses are prevented from bidding on government contracts because they are unable to receive SBA guaranteed bid bonds which allow them to bid on those contracts.
 - 3. On an average day, 1,200 small business owners are not receiving SBA-sponsored training and counseling normally available to them.
 - 4. Banks issuing federally-guaranteed loans from SBA, VA, and HUD have stopped receiving default claim payments. In addition to potential cash flow shortages to participating banks, this will result in higher costs to the Government, because the claims will accrue additional interest during the furlough period.
 - 5. No out year payments for Advanced Technology Program awards made in prior years to more than 100 innovative, high-tech companies are being made totaling \$68 million.
- S. Many **protections for American workers** are suspended due to the shutdown of much of the Labor Department. *For each day of the shutdown:*

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1. Approximately 840 veterans will not be placed in jobs through the Veterans' Job Training Assistance program which is closed.
 2. Since the start of the shutdown, over 1,000 workplace safety complaints have gone unanswered.
 3. 160 workplace safety and health inspections are not being performed.
 4. Three OSHA-approved state programs have shut down because of a lack of matching federal funds (New Mexico, Hawaii, Puerto Rico) and three others (South Carolina, Tennessee and Utah) will shut down this week.
 5. 170 worker complaints of minimum wage and overtime violations remain unresolved.
 6. 3,500 investigations involving pension, health and other employee benefit plans have been suspended.
 7. 500 requests for information and assistance from pensioners participating in plans with \$3 trillion in assets are going unanswered.
- T. Important **environmental protections** are curtailed due to the shutdown. For each day of shutdown, on average:
1. As a result of exhausting carryover funds, EPA is now preparing to furlough 2800 Superfund staff which will mean that up to 32 ongoing remedial cleanup actions being lead by Superfund staff will be shut down on January 2. Cleanup actions will stop at additional sites if the shutdown continues. Work at 26 sites will continue to address immediate threats to life or property.
 2. All EPA non-Superfund civil environmental enforcement actions have stopped. On an average day, \$3 million of fines or injunctive relief against polluters will be lost and 8 Federal environmental compliance inspections of polluters' facilities will not be conducted.
 3. About 240 calls each day to EPA's "hotline" for drinking water contamination outbreaks are going unanswered. Five other "hotlines" receiving thousands of calls each month are shut down, depriving the public of potentially critical information on pesticides and toxic substances, asbestos in schools, and other public health information.
 4. EPA-issued permits for air, land, and water pollution limits nationwide cannot be

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approved and necessary EPA technical assistance to States for State-issued permits cannot be provided. Approvals of some companies' activities will be put on hold while their competitors with approved permits are allowed to operate.

5. All emergency exemptions for farmers to use restricted pesticides to fight pest outbreaks have stopped, potentially resulting in severe crop damage and loss of income.

U. **Important Education programs** are shut down.

1. Civil rights violations in schools cannot be investigated. *In an average week*, the Education Department's Office for Civil Rights receives about 100 new complaints of discrimination on the basis of race, color, national origin, sex, age or disability. These complaints cannot be investigated or remedies sought. The buildup up of backlogs delays justice for individuals.
2. Help cannot be given to parents and teachers. *During an average week*, the Department of Education answers 8,000 inquiries from teachers, school administrators and concerned parents, seeking help with education problems that cannot be answered during the shutdown.

V. **American exporting businesses** are being disadvantaged during a shutdown.

1. *On an average day*, more than 30 export licenses with a value of \$30.5 million that would otherwise have been approved by the Bureau of Export Administration will not be acted upon.
2. *On an average day*, more than \$92 million in sales of U.S. products are blocked due to inability of the Department of State's Defense Trade Center to process license applications for the export of defense articles and dual-use technology. During the previous shutdown, more than 4000 export applications were delayed and part of that backlog was still being processed prior to the shutdown.
3. *On an average day*, more than 2500 telephone calls and faxes from U.S. businesses seeking export advice, information and counseling are not being responded to by the Bureau of Export Administration or the International Trade Administration due to the shutdown.

W. **The Securities and Exchange Commission** will soon shutdown.

1. The SEC's funds are expected to be exhausted by the end of next week, causing review of an estimated three-fourths of pending and new SEC filings for the month of January to be delayed. A delay in review of filings for initial public

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offerings, mergers and acquisitions, and filings for new debt or stock offerings would eventually impact the flow of corporate financing and capital formation.

- X. **Vital legal and law enforcement functions** are shut down or will be delayed.
1. FBI training of state and local law enforcement officers has ceased.
 2. Investigations of employment discrimination on the basis of race, sex, religion, or national origin are suspended.
 3. Processing of prison grant applications has slowed down. Appropriated funds to assist states in constructing and bringing on line new prison facilities will be delayed.
 4. Collection activities by Justice's Civil Division have ceased. The cessation of collection activities means that the Treasury receives less income and thus the deficit actually grows. In addition, individuals who owe the government money can withhold payment without any particular penalty.
- Y. Social Security Administration is not processing new or replacement **Social Security numbers**.
1. The Social Security Administration processes on a daily basis an average of 60,000 new and replacement Social Security numbers. Social Security numbers are required for tax, employment eligibility, and other purposes. Processing and verifying of Social Security numbers is not occurring during the shutdown.
- Z. Key **statistical data** are not being collected and disseminated.
1. Important statistical releases have been delayed -- most importantly the Bureau of Economic Analysis' Gross Domestic Product and Corporate Profits for the third Quarter of 1995, the October 1995 U.S. International Trade in Goods and Services, and Personal Income and Outlays for October and November. Also postponed are the scheduled December releases on Import and Export Price Indexes, Durable Goods, Housing Starts, and Single Family Home Sales.
 2. State population estimates that are used to establish ceilings on tax-free bonding authorities also have been delayed.
 3. Other economic indicators now being delayed include the monthly unemployment rate (originally scheduled for Jan. 5), Producer Price Index (originally scheduled for January 11), Consumer Price Index (originally scheduled for January 12), Value of New Construction (originally scheduled for January 2), Manufacturers'

Shipments, Inventories, and Orders (originally scheduled for January 4), and Wholesale Trade (originally scheduled for January 9).

4. *On an average day*, 2,000 people call the Census Bureau and 4,000 people call the Bureau of Labor Statistics requesting information on economic and demographic statistics. These calls are going unanswered as are the 70,000 daily inquiries on the Census Bureau's on line data services, which are shut down.
- AA. **The National Institute of Standards & Technology** has shut down.
1. Companies, universities, hospitals, and defense and law enforcement agencies depend upon NIST's laboratory-based research and services. For example, NIST provides in excess of 20,000 measurement samples and performs thousands of calibration tests each year for more than 3000 large and small companies.
 2. U.S. firms are being denied critical support in their efforts to deal with international standards and testing requirements that limit the sale of U.S. goods overseas.

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

CREATOR: Alice E. Shuffield (SHUFFIELD_A) (OMB)

CREATION DATE/TIME: 5-JAN-1996 10:25:38.95

SUBJECT: Gorton Meeting on the Hill

TO: Shelley N. Fidler (FIDLER_S) (CEQ)

READ: 5-JAN-1996 10:31:52.77

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 5-JAN-1996 10:33:11.66

CC: Barbara C. Chow (CHOW_B) (WHO)

READ: 5-JAN-1996 10:28:48.41

CC: Robert C. Vandermark (VANDERMARK_R) (CEQ)

READ: 5-JAN-1996 10:33:43.47

TEXT:

The Gorton meeting on the Hill will NOT take place at 11:30 this morning. It may be on Monday, but I'll keep you posted.

Thanks --

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

CREATOR: Jack M. Quinn (QUINN_J) (WHO)

CREATION DATE/TIME:10-JAN-1996 14:34:49.16

SUBJECT: reg reform

TO: Elena Kagan (KAGAN_E) (WHO)

READ:11-JAN-1996 08:46:22.73

TEXT:

elena, you might want to follow up with sally so that you are on the circulation lists on this topic and get involved in this legislation. thanks.

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

ATT CREATION TIME/DATE: 5-JAN-1996 12:21:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Sally Katzen

ATT SUBJECT: reg reform

ATT TO: Kathleen A. McGinty (MCGINTY_K)

ATT TO: Ron Klain (KLAIN_R)

ATT TO: Jack M. Quinn (QUINN_J)

ATT TO: Tracey E. Thornton (THORNTON_T)

ATT TO: Janet Murguia (MURGUIA_J)

ATT TO: Ellen S. Seidman (SEIDMAN_E)

ATT TO: Kathryn Higgins (HIGGINS_K)

ATT TO: Martha Foley (FOLEY_M)

ATT TO: Michael Waldman (WALDMAN_M)

ATT CC: Michael A. Fitzpatrick (FITZPATRIC_M)

TEXT:

Believe it or not, but there is a lot of activity going on on the Senate side -- several senators (as in Members themselves as well as staff) are busy as bees drafting away sections and indeed whole bills, many many meetings with the business community, and lots of conferences attended by all sorts of ''stakeholders''. For some, its filling a vacuum while more important people think about the budget; for others (like Johnston) its his last chance to JUST DO IT! I keep getting phone calls to see if we want to play, participate or negotiate.

Several of the addressees of this e-mail have more important/different things to think about than reg reform, but I am increasingly concerned that we are not anywhere near the ballfield, let alone part of the action. Stonewalling and/or hoping that this will all blow away may not be the best stately now that the second session is started and this thing does not seem to have died.

My proposal is to assemble those of you who still care about this issue to talk about where we might go from here and how to get there, including specifically getting the agencies together and working with us on a collective strategy/substantive approach -- unless, of course, we decide that we just want to stay the course. Those who answer this e-mail will be invited to the meeting, which I will schedule for next Tuesday unless someone who responds can't make it then.

Forgive the aggressiveness, but I really believe that we should make decisions and not fall into them by default.

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

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:11-JAN-1996 13:30:46.76

SUBJECT: ah ha - found it!

TO: Elena Kagan (KAGAN_E) (WHO)

READ:11-JAN-1996 13:33:07.31

TEXT:

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

ATT CREATION TIME/DATE:10-JAN-1996 16:32:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Kathleen A. McGinty

ATT SUBJECT: int approps meeting on hill

ATT TO: Robert C. Vandermark (VANDERMARK_R)

ATT TO: Thomas C. Jensen (JENSEN_T)

ATT TO: Dinah Bear (BEAR_D)

ATT TO: Michelle Denton (DENTON_M)

ATT TO: Shelley N. Fidler (FIDLER_S)

TEXT:

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

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:11-JAN-1996 13:31:11.43

SUBJECT: SALVAGE LAW: GOP may support "modest" revision.

TO: Elena Kagan (KAGAN_E) (WHO)

READ:11-JAN-1996 13:35:36.12

TEXT:

SALVAGE LAW: GOP MAY SUPPORT "MODEST" REVISION

Congressional GOPers "quietly are preparing" to revise the salvage law that exempts timber sales from most environmental laws. Under the proposed revisions, the Clinton admin. would not have to release for logging environmentally sensitive areas of public lands. In exchange, the gov't would have to offer an equal amount of timber for sale elsewhere. The language could be attached to a new FY '96 Interior Dept. appropriations bill.

Sen. Slade Gorton (R-WA), chairman of the interior appropriations cmte., is overseeing discussions. But aide Heidi Kelly on 1/5 said nothing has been decided: "Slade is willing to give the administration some additional flexibility."

THIS FAR, AND NO FURTHER

"The revisions are aimed at appeasing President Clinton," but the "modest" changes "signal that while Republicans are feeling some political heat, little chance exists for wholesale repeal" of the salvage law. Rep. Elizabeth Furse (D-OR) introduced a bill last month to repeal the law, with strong backing from Dems and enviros, who criticize it for opening up large tracts of healthy, old-growth forests to logging (GREENWIRE 12/8) (O'Connor/Sleeth, Portland OREGONIAN, 1/6).

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

CREATOR: Sally Katzen (KATZEN_S) (OMB)

CREATION DATE/TIME:11-JAN-1996 16:16:44.15

SUBJECT: reg reform meeting

TO: Elena Kagan (KAGAN_E) (WHO)

READ:11-JAN-1996 17:03:51.23

TEXT:

Meeting currently scheduled for 3:00-4:00pm on Tuesday, Rm. 350. Call my assistant Phyllis x54852 to confirm. Thanks.

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

ATT CREATION TIME/DATE:11-JAN-1996 08:44:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Elena Kagan

ATT SUBJECT: reg ref meeting

ATT TO: Sally Katzen (KATZEN_S)

TEXT:

Have you had this meeting yet? If not, I'd like to come. And could you put me on your circulation list for this topic? Many thanks.

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

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

ATT CREATION TIME/DATE:10-JAN-1996 14:33:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Jack M. Quinn

ATT SUBJECT: reg reform

ATT TO: Elena Kagan (KAGAN_E)

TEXT:

elena, you might want to follow up with sally so that you are on the circulation lists on this topic and get involved in this legislation. thanks.

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

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

ATT CREATION TIME/DATE: 5-JAN-1996 12:21:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Sally Katzen

ATT SUBJECT: reg reform

ATT TO: Kathleen A. McGinty (MCGINTY_K)

ATT TO: Ron Klain (KLAIN_R)

ATT TO: Jack M. Quinn (QUINN_J)

ATT TO: Tracey E. Thornton (THORNTON_T)
ATT TO: Janet Murguia (MURGUIA_J)
ATT TO: Ellen S. Seidman (SEIDMAN_E)
ATT TO: Kathryn Higgins (HIGGINS_K)
ATT TO: Martha Foley (FOLEY_M)
ATT TO: Michael Waldman (WALDMAN_M)
ATT CC: Michael A. Fitzpatrick (FITZPATRIC_M)

TEXT:

Believe it or not, but there is a lot of activity going on on the Senate side -- several senators (as in Members themselves as well as staff) are busy as bees drafting away sections and indeed whole bills, many many meetings with the business community, and lots of conferences attended by all sorts of ''stakeholders''. For some, its filling a vacuum while more important people think about the budget; for others (like Johnston) its his last chance to JUST DO IT! I keep getting phone calls to see if we want to play, participate or negotiate.

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Forgive the aggressiveness, but I really believe that we should make decisions and not fall into them by default.

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

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

CREATOR: Kathleen M. Wallman (WALLMAN_KM) (WHO)

CREATION DATE/TIME:11-JAN-1996 16:19:14.37

SUBJECT: speech/article project

TO: Elena Kagan (KAGAN_E) (WHO)
READ:11-JAN-1996 17:05:17.75

TO: Robert W. Schroeder III (SCHROEDER_R) (WHO)
READ:11-JAN-1996 16:24:13.07

TO: Erin Kelly (KELLY_E) (WHO)
READ:11-JAN-1996 16:21:49.58

TEXT:

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

CREATOR: Alice E. Shuffield (SHUFFIELD_A) (OMB)

CREATION DATE/TIME: 4-JAN-1996 17:04:54.77

SUBJECT: Meeting tomorrow w/ Gorton

TO: Shelley N. Fidler (FIDLER_S) (CEQ)
READ: 5-JAN-1996 09:02:18.79

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 4-JAN-1996 19:22:23.43

CC: Barbara C. Chow (CHOW_B) (WHO)
READ: 4-JAN-1996 17:21:27.31

TEXT:

We are waiting for a final confirmation from Senator Gorton's office regarding a meeting tomorrow at 11:30 on the timber rider. I will send you a message when the time is final, but please pencil it in for now.