

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 054 - FOLDER -008

[02/27/1996-03/07/1996]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Ron Klain to Elena Kagan. Subject: career (1 page)	03/06/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[2/27/1996 - 3/7/1996]

2009-1006-F
ke716

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]

Draft Amendments to § 2001, Pub. L. 104-19

Section _____. Amendments to the Rescissions Act

(a) FINDING. -- The Congress finds and declares that it is in the national interest to ensure that valuable natural resources in Oregon and Washington are protected to prevent environmental injury to forest resources, chinook salmon and other wildlife, and rivers and streams, and jeopardy to the livelihoods of those who depend on commercial and sport fisheries and other natural resources; and that the Secretaries of Agriculture and the Interior will use the authority provided in this section with discretion, and in conjunction with a continuation of agency efforts to reach mutually agreeable accommodations with timber purchasers to protect these resources.

(b) PURPOSES. -- The purposes of these amendments are to-

(i) clarify the intent of Congress with regard to certain provisions of Section 2001 of the Rescissions Act,

(ii) protect the Secretaries' authority to implement the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl, and

(iii) provide the Secretaries concerned with additional authority to replace, modify, suspend or terminate certain timber contracts.

(c) DEFINITION. -As used in this section, "Rescissions Act" means the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism initiatives, for Assistance in the Recovery from the Tragedy that occurred at Oklahoma City, and Rescissions Act, 1995 (Pub. Law No. 104-19).

(d) OPTION 9 TIMBER SALES -- Section 2001 is amended-

(1) by striking subsection (d);

(2) by redesignating subsections (e) through (l) as (d) through (k), respectively;

(3) in subsection (d) (as so redesignated), by striking ", timber sales conducted under subsection (d),";

(4) in subsection (e) (as so redesignated),-

(A) in paragraph (1), by striking ", and a timber sale to be conducted under subsection (d),";

(B) in paragraph (2), by striking "or a timber sale to be conducted under subsection (d),";

(C) in paragraph (3), by striking "or any decision to prepare, advertise, offer, award, or operate a timber sale pursuant to subsection (d),";

(5) in subsection (h) (as so redesignated), by striking "and any timber sale under subsection (d)";

(6) in subsection (i) (as so redesignated), -

(A) in the first sentence, by striking "subsections (b) and (d)" and inserting "subsection (b)";

(B) in the second sentence, by striking "and timber sale contracts offered under subsection (d)".

(e) AWARD AND RELEASE OF TIMBER SALE CONTRACTS SUBJECT TO SECTION 318 OF PUBLIC LAW 101-121 -- Subsection 2001(j) (as redesignated by subsection (d) of this Section) is amended-

(1) by striking paragraphs (1) through (3) and inserting the following new paragraphs:

(1) REPLACEMENT, MODIFICATION, SUSPENSION OR TERMINATION OF TIMBER SALE CONTRACTS.

(A) Notwithstanding the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.), the Federal Land Management Policy Act (43 U.S.C. 1701 et seq.), the Oregon & California Lands Act (43 U.S.C. 1181a et seq.) or other law applicable to the award, release, completion, replacement, modification suspension or termination of timber sale contracts, the Secretary concerned may replace, modify, suspend or terminate any timber sale contract, currently suspended, that was offered or awarded in fiscal year 1990 under the authority of, and in compliance with, section 318(b) or that was released pursuant to this subsection where the Secretary concerned, in his discretion, finds that such replacement, modification, suspension or termination is authorized pursuant to originally advertised terms of the contract or that release or completion of the contract may have an adverse effect on the environment or natural resources.

Any replacement, modification, suspension or termination shall be effective immediately upon issuance of the Secretary's finding.

(B) The Secretary concerned may expend, without further appropriation action, from sums otherwise available in the Treasury, up to \$50 million in compensation to contract holders for changes made pursuant to the authority provided in subparagraph (A) of this paragraph.

(2) CONTRACT DISPUTES.- All claims by a contractor against the government relating to a contract replaced, modified, suspended or terminated pursuant to subparagraph (A) shall be subject to the Contract Disputes Act.

(f) EFFECT ON PLANS, POLICIES AND ACTIVITIES -- Section 2001 is further amended by striking subsection (k) (as redesignated by subsection (d) of this Section).

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor (MAILMGT) (SYS)

CREATION DATE/TIME:27-FEB-1996 12:07:33.00

SUBJECT: PAGER CONFIRMATION - KLEIN,JENNIFER

TO: Elena Kagan (KAGAN_E) (WHO)

READ:27-FEB-1996 12:13:54.24

TEXT:

PAGE FOR KLEIN,JENNIFER, WAS TRANSMITTED 27-FEB-1996 11:54:24.51

TEXT TRANSMITTED WAS:

CALL IF YOU STILL NEED ME. ELENA 67594.

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

CREATOR: Holly Carver (CARVER_H) (WHO)

CREATION DATE/TIME:27-FEB-1996 12:41:49.21

SUBJECT: Not for public knowledge

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

READ:27-FEB-1996 12:53:45.36

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

READ:27-FEB-1996 13:33:25.04

TO: Betsy Myers (MYERS_B) (WHO)

READ:27-FEB-1996 14:12:17.65

TO: Lisa Ross (ROSS_LI) (WHO)

READ: 4-MAR-1996 09:24:54.47

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

READ:27-FEB-1996 12:53:57.21

TO: Marilyn Yager (YAGER_M) (WHO)

READ:27-FEB-1996 12:53:55.68

TO: Floydetta McAfee (MCAFEE_F) (WHO)

READ:27-FEB-1996 12:44:43.49

TO: John P. Hart (HART_J) (WHO)

READ:27-FEB-1996 13:58:56.87

TO: Peter Jacoby (JACOBY_P) (WHO)

READ:27-FEB-1996 13:50:47.71

TO: Lorraine McHugh (MCHUGH_L) (WHO)

READ:27-FEB-1996 13:36:58.14

TO: Mary Ellen Glynn (GLYNN_M) (WHO)

READ:27-FEB-1996 14:54:56.73

TO: Brenda Anders (ANDERS_B) (WHO)

READ:27-FEB-1996 12:49:19.37

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

READ:27-FEB-1996 14:07:34.49

TO: Nicole R. Rabner (RABNER_N) (WHO)

READ:27-FEB-1996 13:45:24.36

TO: Elena Kagan (KAGAN_E) (WHO)

READ:27-FEB-1996 12:55:43.91

TEXT:

The letter will not be sent to the hill until tomorrow. Having said that, you should use your best judgment about the people you call at 2 pm and those you hold off on until 4 pm (John?). Let the 2 pm calls know (and the people you have assigned to make calls) that the letter will not be sent until tomorrow and it will not be public knowledge until then. We should let them know that we wanted them to have a heads up in the spirit of consulting with those who are

most concerned about this matter.

Betsey-you should incorporate this into your briefing today but let them know it isn't public knowledge until tomorrow.

Let me know if you have any thoughts/comments. thanks

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

CREATOR: Holly Carver (CARVER_H) (WHO)

CREATION DATE/TIME:27-FEB-1996 13:37:26.85

SUBJECT: HR 1833 Calls

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

READ:27-FEB-1996 13:38:52.14

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

READ:27-FEB-1996 13:54:15.71

TO: Floydetta McAfee (MCAFEE_F) (WHO)

READ:27-FEB-1996 13:50:32.21

TO: Marilyn Yager (YAGER_M) (WHO)

READ:27-FEB-1996 13:44:29.02

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

READ:27-FEB-1996 13:40:10.65

TO: Elena Kagan (KAGAN_E) (WHO)

READ:27-FEB-1996 13:37:55.81

TO: John P. Hart (HART_J) (WHO)

READ:27-FEB-1996 13:59:47.85

TO: Betsy Myers (MYERS_B) (WHO)

READ:27-FEB-1996 14:12:29.73

TO: Lisa Ross (ROSS_LI) (WHO)

READ: 4-MAR-1996 09:25:29.23

TO: Lorraine McHugh (MCHUGH_L) (WHO)

READ:27-FEB-1996 13:38:14.14

TO: Mary Ellen Glynn (GLYNN_M) (WHO)

READ:27-FEB-1996 14:25:17.94

TO: Brenda Anders (ANDERS_B) (WHO)

READ:27-FEB-1996 13:38:46.25

TO: Peter Jacoby (JACOBY_P) (WHO)

READ:27-FEB-1996 13:51:24.07

TO: Nicole R. Rabner (RABNER_N) (WHO)

READ:27-FEB-1996 13:43:45.62

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

READ:27-FEB-1996 14:08:38.01

TEXT:

I'm sorry to do this to you all but I think we need to hold off on the calls for now. I think a couple of conversations need to happen before we begin. I'll keep you posted. thanks

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

CREATOR: Brian J. Johnson (JOHNSON_BJ) (CEQ)

CREATION DATE/TIME:27-FEB-1996 15:55:44.01

SUBJECT: timber fact sheet, draft

TO: Dinah Bear (BEAR_D) (CEQ)

READ:27-FEB-1996 16:05:37.15

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

READ:27-FEB-1996 16:37:39.02

TO: Martha Foley (FOLEY_M) (WHO)

READ:28-FEB-1996 11:50:12.89

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

READ:27-FEB-1996 15:57:09.89

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

READ:NOT READ

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

READ:27-FEB-1996 17:19:58.69

TO: T J Glauthier (GLAUTHIER_T) (OMB)

READ:27-FEB-1996 18:39:52.05

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)

READ:27-FEB-1996 20:43:51.45

TO: Elena Kagan (KAGAN_E) (WHO)

READ:27-FEB-1996 17:54:23.93

TEXT:

Folks,

Here are talking points, done from the statement.

If we want, we could change the title to "fact sheet" and fax it out. CEQ could get it to industry, labor, enviros;; Leg could get it to questioning members; and I could fax it to questioning media.

(Ignore the formatting; because of the quirky way email translates wordperfect, it will have question marks instead of bullets, which -- I hope -- are not necessary.)

Brian

PRINTER FONT 12_POINT_ROMAN

TIMBER RIDER TALKING POINTS

February 27, 1996

"The timber rider, as it applies to old

□

-growth forests,

has...undermined our balanced approach to growing the economy, having responsible logging, and preserving the environment."

President Clinton
February 24, 1996

? The President is calling on Congress to act now on the timber rider.

? First, the old growth provisions must be repealed. We are losing ancient forests. We are losing valuable fish runs. Wild places that people in the Northwest and across America want to protect are being lost forever.

? Second, in addition to repeal, we need to be able to address a number of the old growth sales the courts have already forced us to release. Therefore, the President is calling on Congress to give us broader flexibility in offering replacement timber, and for extreme cases, buyout authority.

? Third, we need to take a hard look at the salvage program. The salvage program has to be based on sound science. It has to meet environmental laws. The President directed the agencies to meet these standards; however, we have heard many concerns about the salvage program. We have to restore peoples' confidence and their ability to hold public officials accountable. To accomplish these goals, we will work with the Congressional delegation, industry, labor and environmental groups to review our options, including repeal.

? We're concerned that the prospect of new legislation might cause some companies that hold old growth sales contracts to mistakenly rush out and cut the trees. They don't need to do this. We will honor their contract rights. The President is calling on those companies to hold off on any more cutting until we find another way to honor their contract rights. And the Administration is asking the leaders of the timber industry to help us resolve this conflict.

? Senator Murray is working on this kind of legislation. The Administration will work with Senator Murray, Senator Wyden, Senator Bradley, Congressman Dicks, Congresswoman Furse, Congressman DeFazio, others in the Northwest delegation, the

Governors and all the stakeholders to get forest management back on track and to restore the balanced and reasonable approach under my Northwest Forest Plan.

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

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

CREATION DATE/TIME:27-FEB-1996 16:41:04.10

SUBJECT: Senator Murray's Timber Bill

TO: Thomas C. Jensen (JENSEN_T) (CEQ)
READ:27-FEB-1996 16:48:24.76

TO: Shelley N. Fidler (FIDLER_S) (CEQ)
READ:27-FEB-1996 16:43:45.31

TO: T J Glauthier (GLAUTHIER_T) (OMB)
READ:27-FEB-1996 18:24:05.72

TO: Barbara C. Chow (CHOW_B) (WHO)
READ:27-FEB-1996 17:21:44.53

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:27-FEB-1996 20:46:29.82

TO: Martha Foley (FOLEY_M) (WHO)
READ:28-FEB-1996 08:32:38.13

TO: Elena Kagan (KAGAN_E) (WHO)
READ:27-FEB-1996 17:55:00.45

TO: Brian J. Johnson (JOHNSON_BJ) (CEQ)
READ:27-FEB-1996 17:53:54.22

TO: Dinah Bear (BEAR_D) (CEQ)
READ:27-FEB-1996 17:00:37.38

CC: Alice E. Shuffield (SHUFFIELD_A) (OMB)
READ:27-FEB-1996 17:45:45.27

TEXT:

Katie McGinty is meeting with Senator Murray's staff, Ric Ilgenfritz and Marla Marvin, to go over the Senator's Timber Bill on Thursday, February 29th at 9:30am in room 350 OEOB. You are all invited to attend this meeting. Please let me know as soon as possible if you are able to attend. I can be reached at x6-5147 or through email. Thank you.

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

CREATOR: Holly Carver (CARVER_H) (WHO)

CREATION DATE/TIME:28-FEB-1996 10:14:32.72

SUBJECT: The Letter

TO: Betsy Myers (MYERS_B) (WHO)

READ:28-FEB-1996 10:26:37.26

TO: Lisa Ross (ROSS_LI) (WHO)

READ: 4-MAR-1996 09:26:58.59

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

READ:28-FEB-1996 10:16:30.90

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

READ:28-FEB-1996 11:46:17.98

TO: John P. Hart (HART_J) (WHO)

READ:28-FEB-1996 11:02:53.99

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

READ:28-FEB-1996 10:20:07.69

TO: Elena Kagan (KAGAN_E) (WHO)

READ:28-FEB-1996 10:14:46.94

TO: Floydetta McAfee (MCAFEE_F) (WHO)

READ:28-FEB-1996 11:09:13.03

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

READ:28-FEB-1996 10:33:16.65

TO: Nicole R. Rabner (RABNER_N) (WHO)

READ:28-FEB-1996 10:20:05.92

TEXT:

You probably know this already but the letter has been delivered. Betsy, John Hart and Leg are distributing to most of the groups. Please let me know if you need a signed copy.

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

CREATOR: Ashley Oliver (OLIVER_A) (WHO)

CREATION DATE/TIME:28-FEB-1996 19:36:41.92

SUBJECT: results of calls

TO: Alexis M. Herman (HERMAN_A) (WHO)
READ:NOT READ

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ:28-FEB-1996 21:50:57.53

TO: Nicole R. Rabner (RABNER_N) (WHO)
READ:29-FEB-1996 10:56:49.72

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:28-FEB-1996 19:37:07.22

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ:28-FEB-1996 20:17:58.50

TO: Deborah L. Fine (FINE_D) (OPD)
READ:29-FEB-1996 08:28:11.24

TO: Elena Kagan (KAGAN_E) (WHO)
READ:29-FEB-1996 11:32:35.03

CC: Betsy Myers (MYERS_B) (WHO)
READ:29-FEB-1996 11:40:21.83

CC: Holly Carver (CARVER_H) (WHO)
READ:29-FEB-1996 11:55:46.84

TEXT:

Judy and I talked to basically everyone at the meeting not otherwise on the call list after they received the letter. The reaction was the same as it was at the meeting. They generally were happy with Kate's quote in today's New York Times and indicated that while they will continue to be supportive of the Administration, that is not to give us leeway to underestimate their frustration. They feel that the letter undermined their efforts and unnecessarily exposes the Administration. They thanked us profusely for being brought in. They also requested 1) a Presidential meeting on choice generally, and 2) that the President meet with women who have had the procedure. Again, we would appreciate it if you could e-mail us with the specific results of your calls, and cc Holly (thanks to those of you that already have). Once Betsy tells us about her calls, we'll e-mail you with everything.

Thanks,

Judy and Ashley

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

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

CREATION DATE/TIME:29-FEB-1996 13:54:30.65

SUBJECT: n

TO: Kathleen A. McGinty (MCGINTY_K) (CEQ)
READ:29-FEB-1996 13:56:31.76

TO: Dinah Bear (BEAR_D) (CEQ)
READ:29-FEB-1996 13:57:30.73

TO: Elena Kagan (KAGAN_E) (WHO)
READ:29-FEB-1996 13:56:48.96

TO: T J Glauthier (GLAUTHIER_T) (OMB)
READ:29-FEB-1996 21:00:38.53

TEXT:

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

ATT CREATION TIME/DATE:29-FEB-1996 11:39:00.00

ATT BODYPART TYPE:E

ATT CREATOR: curt_smitch

ATT SUBJECT: Lunch meeting with Jim Lyons and timber industry people

ATT TO: bear_d (bear_d@A1@CD)

ATT TO: jensen_t (jensen_t@A1@CD)

TEXT:

Dinah & Tom, I am passing along a message FYI. It is from my field supervisor in Oregon. It is instructive.

Curt

Forward Header

Subject: Lunch meeting with Jim Lyons and timber industry people

Author: Russ Peterson at 1PO~PF01

Date: 2/28/96 5:15 PM

Craig,

Thanks for the message. I'm passing it on the Curt and others for their information. I guess the positives are that some in industry seem flexible and that Jim Lyons wants a solution to be acceptable to us and NMFS. I think that compatibility of replacement volume with the provisions of the Forest Plan is the main thing that we would want. Paul has some ideas on how best to "credit" harvest volume. You may want to discuss the situation with him and pass the combined thoughts on to Don Ostby if he is the focal point in Douglas County to finding a solution.

Russ

Forward Header

Subject: Lunch meeting with Jim Lyons and timber industry people
Author: Craig Tuss at 1PO-MAIN
Date: 2/28/96 3:58 PM

At noon today I attended a brown bag lunch with Jim Lyons, Mike Lunn (Siskiyou Forest Supervisor), Don Ostby (Umpqua Forest Supervisor), Nancy Graybill, Bob Williams, Howard Sohn, Allyn Ford and D.R.Johnson. I was invited by D. Ostby. Discussion focused on the salvage rider and the replacement volume issue. This meeting was put together by Ostby who has been working with these industry folks to find a "workable solution to a sticky situation". Some discussion had taken place prior to the lunch but I was not able to attend that portion.

Jim Lyons began the discussion by asking each of the timber industry people what their major issues and concerns were and what recommendations they could provide.

Allyn ford said he wants certainty in regards to getting this volume. He is willing to get it from places other than the original sale site, but is not willing to see the sales "bought back". His mill needs the inventory of logs, availability of the logs in the next one to two years, and logs that approach "old growth dimension" (of like value and quality) to help them through this interim period when they are retooling their facilities to meet the future. He really needs to know what is going to happen with these sales within the next 30 days, because the clock is ticking and he does not want to have the issue drag on and the door close (salvage rider end) before his company can get their sale executed.

Howard Sohn said the same thing and added he is willing to take replacement volume from outside the sale boundary, outside the administrative unit boundary, outside the state boundary, outside the international boundary, or from the log market. He also mentioned that the original time frame to get these sales done was about 12 months and now they are looking at 7 months. Bottom line is that they need the logs and are willing to get them anywhere, just as long as they can lock them up.

D.R.Johnson was more strident, he opened by saying that the current sales should be okay the way they are designed. He does not feel bad that he is taking these trees. D.R. reiterated that "by back" of the sales is a untenable solution. He did not go as far as to say he was willing to accept replacement volume but did say he was willing to work with the Forest Service to find a solution.

All three made the point that the solution should come from the local people (forest supervisors), not from D.C. and that the solution had to be fairly quick (next couple of weeks). The idea of certainty permeated the discussion and messages. They feel that the salvage rider gives them certainty, and they want any future solution to maintain that certainty. They were very interested in how or who would be the vehicle to get a legislative and administrative solution on the ground.

Jim Lyons mentioned that there are several ways to get a deal done (i.e. a C.R.) in the near future and that the Oregon and Washington Delegation was working on the possibilities right now. He said hearing the concerns and ideas was valuable. He said that he has time on the CEQ meeting agenda next tuesday (3-5) to discuss this trip and the variuos ideas that people have mentioned. He mentioned that he is meeting with Paula Burgess tommorrow.

He also mentioned that any solution would have to have FWS and NMFS agreement and support.

Ther bottom-line message I took from the meeting is that the timber industry sees their momentum waning and that to maintain their certainty they need to get a solution quickly. The industry is only concerned about the September 30 date as it pertains to gauranteeing that these sales will be executed. They are willing to let the trees stand into next year, as long as they know they will get them (or replacement volume for them). If they do not get a solution in the next couple of weeks they will go ahead and cut the trees (thereby insuring certainty, as D.R. put it).

Please contact me if you need more info, or have questions.

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

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

ATT CREATION TIME/DATE:29-FEB-1996 12:07:00.00

ATT BODYPART TYPE:D

TEXT:

RFC-822-headers:

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

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01I1S9NEJZY8001QVB@PMDf.EOP.GOV>; Thu, 29 Feb 1996 12:05:33 -0400 (EDT)

Received: from dns.irm.r9.fws.gov ("port 2037"@dns.irm.r9.fws.gov)

by STORM.EOP.GOV (PMDF V5.0-6 #6879) id <01I1S9OC2YYE00024C@STORM.EOP.GOV>; Thu, 29 Feb 1996 12:06:35 -0700 (MST)

Received: from mail.fws.gov (mail.irm.r9.fws.gov)

by dns.irm.r9.fws.gov (4.1/SMI-4.1) id AA02404; Thu, 29 Feb 1996 09:50:43 -0700 (MST)

Received: from ccMail by mail.fws.gov (SMTPLINK V2.11 PreRelease 4)

id AA825615947; Thu, 29 Feb 1996 08:39:12 -0700 (MST)

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

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

CREATOR: Holly Carver (CARVER_H) (WHO)

CREATION DATE/TIME: 29-FEB-1996 15:19:28.71

SUBJECT: RE: Telecon with Kitty Kolbert

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 29-FEB-1996 15:28:12.93

TEXT:

Thanks for the info.

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

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

CREATION DATE/TIME:29-FEB-1996 16:52:53.46

SUBJECT: Timber strategy

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

READ:29-FEB-1996 19:33:00.56

TO: T J Glauthier (GLAUTHIER_T) (OMB)

READ:29-FEB-1996 21:17:59.91

TO: Martha Foley (FOLEY_M) (WHO)

READ:29-FEB-1996 16:59:46.15

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

READ:29-FEB-1996 17:17:22.15

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)

READ:29-FEB-1996 17:28:06.57

TO: Elena Kagan (KAGAN_E) (WHO)

READ:29-FEB-1996 17:08:48.20

TO: Dinah Bear (BEAR_D) (CEQ)

READ:29-FEB-1996 17:08:36.80

CC: Brian J. Johnson (JOHNSON_BJ) (CEQ)

READ:29-FEB-1996 17:31:23.50

TEXT:

During today's meeting with Sen. Murray's staff, I heard an apparent difference of opinion -- a significant difference of opinion -- on the question whether we're likely to support the Murray approach on timber salvage, that is, the repeal and replace approach.

It strikes me that we will get no benefit from doing or supporting anything that deviates much from her approach. I'm particularly concerned that we not send an implicit signal that we're happy with/comfortable with/willing to live with/resigned to sufficiency language. Yes, we have some measure of faith in the processes we've established, but nobody else does.

There is no sector of the environmental community, rational or otherwise, that can afford to let us slide on sufficiency. They will have to campaign against us. Their campaigning on that point will obscure and sharply devalue our moves on green sales. It seems patent to me that the Administration has to be "against" sufficiency, even if we are tolerant of or actively supportive of a salvage program in the Northwest or elsewhere. To do otherwise will virtually eliminate any political benefit we may receive from the President's Saturday statement. I'd hate to have wasted all that good work.

With that in mind, why shouldn't we simply catch a ride on Sen. Murray's coattails on salvage? We could at least support her general approach, while also emphasizing our faith in our own process (at least its capacity for redemption). I have trouble seeing why we would have a different "salvage" policy from hers. Particularity given the very difficult burden we'd have justifying

or winning support for anything uniquely our own. We'd certainly make her mad, and win little or no support elsewhere.

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

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

CREATION DATE/TIME:29-FEB-1996 18:59:16.97

SUBJECT: DRAFT SAP ON HR 497 -- NAT'L GAMBLING COMMISSION

TO: Elena Kagan (KAGAN_E) (WHO)

READ:29-FEB-1996 19:18:24.68

TEXT:

We've received only one comment- DOJ asked that we change the punchline to read we support "House passage" rather than "enactment."

REASON: The Office of Tribal Justice would like to get the bill amended in the Senate to specifically state that charitable gambling should be examined. The current version directs the Commission to study gambling in the US and specifically mentions State-sponsored lotteries, casino gambling, pari-mutuel betting, and sports betting. Charitable gambling could presumably be covered under the Commission's charge to also look at "other such relevant topics and issues as considered appropriate by the Chairman of the Commission" but the Office of Tribal Justice would like to make it explicit.

DOJ's suggestion seems OK to me -- in fact we use "House passage" more than enactment. I chose the latter because of the President's letter.

Do you have any objection to making this change?

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:29-FEB-1996 19:07:34.15

SUBJECT: Gorton/Hatfield language

TO: Kathleen A. McGinty (MCGINTY_K) (CEQ)
READ:29-FEB-1996 19:43:19.71

TO: T J Glauthier (GLAUTHIER_T) (OMB)
READ:29-FEB-1996 21:32:56.44

TO: Martha Foley (FOLEY_M) (WHO)
READ: 1-MAR-1996 11:11:25.07

TO: Barbara C. Chow (CHOW_B) (WHO)
READ:29-FEB-1996 19:31:06.41

TO: Christine L. Nolin (NOLIN_CL) (OMB)
READ: 1-MAR-1996 09:22:05.79

TO: Thomas C. Jensen (JENSEN_T) (CEQ)
READ:29-FEB-1996 19:59:04.31

TO: Brian J. Johnson (JOHNSON_BJ) (CEQ)
READ:29-FEB-1996 19:08:43.73

TO: Elena Kagan (KAGAN_E) (WHO)
READ:29-FEB-1996 19:18:50.81

TEXT:

A quick review by agency lawyers of the latest Hatfield language we have (2/27/96) has identified the following problems with it:
REPLACEMENT TIMBER PROVISION:

- o carries sufficiency language for replacement timber sales;
- o prohibits us from using option 9 or salvage sales for replacement timber;
- o makes replacement timber subject to agreement of purchaser;
- o allows purchasers to continue cutting even murrelet sales until replacement timber is agreed to (this makes it WORSE than the original language and could definitely undermine the Forest Plan);
- o still carries 45 day requirement for agreement to identify replacement timber (probably negotiable).

BUYOUT PROVISIONS

- o amount of compensation subject to agreement by purchaser

In short, we believe the Hatfield language doesn't give us the administrative tools we need to address released sales consistent with the administration's policies, and in some instances (especially the murrelet sale problem) makes it worse.

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:29-FEB-1996 19:13:12.26

SUBJECT: More on Hatfield/Gorton

TO: Kathleen A. McGinty (MCGINTY_K) (CEQ)
READ:29-FEB-1996 19:44:22.66

TO: T J Glauthier (GLAUTHIER_T) (OMB)
READ:29-FEB-1996 21:34:23.15

TO: Martha Foley (FOLEY_M) (WHO)
READ: 1-MAR-1996 11:12:12.42

TO: Barbara C. Chow (CHOW_B) (WHO)
READ:29-FEB-1996 19:31:37.65

TO: Christine L. Nolin (NOLIN_CL) (OMB)
READ: 1-MAR-1996 09:22:33.76

TO: Thomas C. Jensen (JENSEN_T) (CEQ)
READ:29-FEB-1996 19:59:33.26

TO: Brian J. Johnson (JOHNSON_BJ) (CEQ)
READ:29-FEB-1996 19:14:22.03

TO: Elena Kagan (KAGAN_E) (WHO)
READ:29-FEB-1996 19:27:28.15

TEXT:

Hatfield's press release regarding this language states that, "We have been working with the White House to build greater flexibility into the salvage law." It goes on to argue that the language does give us that flexibility and that it addresses the concerns raised recently by the President. It also states that he has received input from Administration officials.

A story running in today's Oregonian repeats Hatfield's statements to the effect that this proposal will give the administration what it needs, while quoting an anonymous WH official as looking at it negatively - that it could make things worse. Furse and enviros are quoted criticizing it and the timber industry is cited as suggesting the industry could accept the language.

I am told by USDA that Hatfield personally feels he has done what the Administration has asked for, and that if we reject his language, we're not acting in good faith.

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

CREATOR: Betsy Myers (MYERS_B) (WHO)

CREATION DATE/TIME: 29-FEB-1996 20:04:24.74

SUBJECT: Choice

TO: Elena Kagan

(KAGAN_E) (WHO)

READ: 1-MAR-1996 08:41:08.51

TEXT:

Elena: Thanks for all your help and work on the women's meeting. Jack was terrific and we've heard rave reviews about him from the women -- even with the bad news.

Let me know what you and Jack think about Kitty Kolbert's idea regarding federal insurance plans. Could be a good idea?!

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:29-FEB-1996 20:18:18.17

SUBJECT: timber meeting - tommorrow

TO: T J Glauthier (GLAUTHIER_T) (OMB)

READ:29-FEB-1996 21:24:03.03

TO: Martha Foley (FOLEY_M) (WHO)

READ: 1-MAR-1996 11:12:39.48

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

READ: 1-MAR-1996 15:10:45.09

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 1-MAR-1996 08:41:56.43

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)

READ: 1-MAR-1996 13:38:05.71

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

READ:29-FEB-1996 20:18:25.79

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

READ: 1-MAR-1996 09:21:50.68

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

READ:29-FEB-1996 20:25:30.15

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

READ: 1-MAR-1996 08:44:55.82

TEXT:

Rob will be contacting each of you shortly to try and schedule a meeting tommorrow on the following topics associated with the timber rider issue:

- o how to respond to the Hatfield language on replacement and buyback;
- o the Murray proposal (I will be getting around the legislative language to each of you this evening or tommorrow am - they wanted comments tonight, but we are telling them we can't get comments to them until Monday am at the earliest);
- o response to sales that may be harvested between now and passage of possible legislation.

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

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

CREATION DATE/TIME: 1-MAR-1996 08:41:07.69

SUBJECT: RE: sap on hr 497

TO: Elena Kagan

(KAGAN_E) (WHO)

READ: 1-MAR-1996 08:43:52.28

TEXT:

Thanks

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor (MAILMGT) (SYS)

CREATION DATE/TIME: 1-MAR-1996 20:13:01.21

SUBJECT: PAGER CONFIRMATION - O'CONNOR, JENNIFER M.

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 1-MAR-1996 20:13:11.51

TEXT:

PAGE FOR O'CONNOR, JENNIFER M., WAS TRANSMITTED 1-MAR-1996 20:07:43.16

TEXT TRANSMITTED WAS:

CALL ME. ELENA 67594

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

CREATOR: Sheila D. Turner (TURNER_S) (WHO)

CREATION DATE/TIME: 4-MAR-1996 09:47:36.04

SUBJECT: Reg. Reform Conf. Call

TO: Kris Balderston (BALDERSTON_K) (WHO)

READ: 4-MAR-1996 10:40:07.36

TO: Phyllis E. Kaiser-Dark (KAISERDARK_P) (OMB)

READ: 4-MAR-1996 09:48:40.54

TO: Tracey E. Thornton (THORNTON_T) (WHO)

READ: 4-MAR-1996 11:27:12.91

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

READ: 4-MAR-1996 09:55:45.34

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 4-MAR-1996 10:09:20.49

TEXT:

There will be a Regulatory Reform Conference call w/ Kitty, Sally, and Agency COS today at 1:00. You should call 757-2104 - code 4590. Call me if you have any questions.

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

CREATOR: Robert J. Pellicci (PELLICCI_R) (OMB)

CREATION DATE/TIME: 4-MAR-1996 11:00:22.11

SUBJECT: RE: lrm 3577

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 4-MAR-1996 11:03:58.01

TEXT:

Martha Foley has signed-off and am waiting to hear from Nancy-Ann Min and your office (with James Costello's sign-off).

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME: 4-MAR-1996 15:01:48.12

SUBJECT: Wed. mtg.

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 4-MAR-1996 16:07:22.52

TEXT:

We have the Woodrow Wilson room in the WH conference center. I plan to mention the mtg. at tomorrow's timber mtg. (if anyone other than the attendees want to come, I think we should be open to that) and will announce the change in venue then, although we need to make sure all of the probable attendees are there. Thanks for setting it up!

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

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

CREATION DATE/TIME: 4-MAR-1996 19:56:54.53

SUBJECT: timber fyi

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 5-MAR-1996 09:13:54.74

TO: Dinah Bear (BEAR_D) (CEQ)
READ: 4-MAR-1996 20:03:03.65

TO: Shelley N. Fidler (FIDLER_S) (CEQ)
READ: 5-MAR-1996 08:54:40.89

TO: Thomas C. Jensen (JENSEN_T) (CEQ)
READ: 5-MAR-1996 09:13:12.58

TO: Michelle Denton (DENTON_M) (CEQ)
READ: 5-MAR-1996 09:10:12.77

CC: T J Glauthier (GLAUTHIER_T) (OMB)
READ: 4-MAR-1996 21:48:42.65

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 4-MAR-1996 19:42:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Kathleen A. McGinty

ATT SUBJECT: RE: Timber salvage

ATT TO: Barbara C. Chow (CHOW_B)

ATT CC: Martha Foley (FOLEY_M)

ATT CC: T J Glauthier (GLAUTHIER_T)

TEXT:

ok. the problem here is that we do not have the bill at this point. we have seen earlier versions, but they are moot almost immediately upon printing -- murray's staff is getting heavily lobbied and is significantly rewriting. we need the bill so we CAN opine.

having said that, i have to reiterate that it is not acceptable for us to continue to entertain that we would come out somewhere other than in support of murray (assuming that she will take whatever changes we need in the bill).

daschle's office called me to say that they were indeed pushing murray's bill as the substitute to hatfield's provision and that they were successfully lining up support including moderate r's.

as you also know, the likelihood is that peter defazio will introduce the bill on the house side.

there is therefore some chance that we could actually pass

something here so i would urge that our posture switch immediately to support of repeal and replace and going great guns to get this bill in as good a shape as possible.

meanwhile, the press is ringing our phones off the hook. we can hold them at bay with the --- "we have not seen the final language" for right now, but, of course, since she is introducing it tomorrow that excuse is lost.

you should know that the pnw press is reporting that murray is working on this bill "at the president's request."

i think we urgently need a meeting with leon on this to force a decision. we will need to have a position on this tomorrow or we will get pummeled in the pnw press.

(p.s. on a note to me in my weekly report, the president asked why we had not decided to be supportive of murray's approach and said "if we are mute, the announcement i made out there will look like hypocrisy.")

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

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

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

CREATION DATE/TIME: 5-MAR-1996 21:07:55.42

SUBJECT: Murray bill

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

READ: 6-MAR-1996 13:39:12.84

TO: Dinah Bear (BEAR_D) (CEQ)

READ: 5-MAR-1996 21:09:39.10

TO: T J Glauthier (GLAUTHIER_T) (OMB)

READ: 6-MAR-1996 07:54:07.22

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 6-MAR-1996 08:32:20.58

CC: Brian J. Johnson (JOHNSON_BJ) (CEQ)

READ: 5-MAR-1996 21:09:01.46

TEXT:

OK, I'm a latecomer and probably not welcome. But I do have a concern on the Murray bill that I want to raise.

I am worried about setting up a new "salvage" program that will run parallel to the existing "salvage" program. More particularly, it seems problematic to create a new program under law if we don't somehow try to show how it is intended to differ from, match, or otherwise relate to the existing programs under NFMA and FLPMA. I may be overreacting here, but I foresee chaos in the agencies as they try to figure out which authority governs which sales when.

Yes, I understand that the Murray approach is, well, "true salvage." But we've basically maintained that our current programs are also "pretty much true salvage." How do we explain what it is we won't do in terms of salvage once we enter the new world of Murray salvage. How do we avoid drawing unfortunate and unflattering comparisons to our current program?

I'm sorry to raise this without a proposed remedy. I'm thinking about this and will have more to say later, of course, but I did want to share the concern. There must be an answer.

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

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

CREATION DATE/TIME: 5-MAR-1996 22:56:52.15

SUBJECT: PRELIM. ITEM VETO ANALYSIS/DO NOT CIRCULATE

TO: Robert G. Damus (DAMUS_R) (OMB)
READ: 6-MAR-1996 08:11:20.87

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ: 5-MAR-1996 22:58:14.99

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ: 6-MAR-1996 09:50:07.18

TO: Joseph Minarik (MINARIK_J) (OMB)
READ: 6-MAR-1996 07:52:59.88

TO: Barry B. Anderson (ANDERSON_B) (OMB)
READ: 6-MAR-1996 08:40:46.27

TO: James J. Jukes (JUKES_J) (OMB)
READ: 6-MAR-1996 09:58:18.58

TO: Jacob J. Lew (LEW_J) (OMB)
READ: 6-MAR-1996 08:30:31.72

TO: James C. Murr (MURR_J) (OMB)
READ: 6-MAR-1996 08:34:51.88

TO: Harry E. Moran (MORAN_H) (OMB)
READ: 6-MAR-1996 08:38:07.73

TO: Betty I. Bradshaw (BRADSHAW_B) (OMB)
READ: 6-MAR-1996 10:26:57.73

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 6-MAR-1996 08:33:32.79

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ: 6-MAR-1996 09:34:47.06

TO: FAX (9-622-9260,Clarissa Potter(Tre (TLXA1MAIL_\F:9-622-9260\C:Clarissa Potter
READ:NOT READ

TO: FAX (9-514-0563,Mike Small/DOJ-OLC) (TLXA1MAIL_\F:9-514-0563\C:Mike Small/DOJ-
READ:NOT READ

TEXT:

PRINTER FONT 12_POINT_COURIER

FOLLOWING ARE MY PRELIMINARY COMMENTS ON THE LATEST HOUSE ITEM
VETO LANGUAGE; PLEASE GET BACK TO ME WITH
COMMENTS/CORRECTIONS/ADDITIONS BY WEDNESDAY NOON. THANKS.

395

□

-5069. PLEASE DO NOT CIRCULATE THIS DOCUMENT; IT HAS NOT
BEEN VETTED THROUGH OMB YET.

Preliminary comments on House Item Veto Offer
(dated March 4, 1996 -- 1:18pm):

PROVISIONS WHICH COULD RENDER ITEM VETO INEFFECTIVE:

1. Lockbox: The lockbox language, set forth in [brackets] as new section 1024, 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 difficult to accommodate necessary supplementals later in the year. Consequently, the lockbox's automatic cap reductions would undercut the President's ability to use the item veto effectively.

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.

2. Time for transmittal of cancellation message: Earlier versions of item veto had given the President 10 days following enactment of spending/revenue bills to identify items for cancellation; the Administration had recommended 20 days as a more realistic time period. This offer, however, requires that special messages be transmitted "on the same calendar day as enactment of the law to which the cancellation applies." This is utterly unrealistic and unworkable. Appropriations legislation often has to be signed immediately upon presentment to the President in order to continue vital government functions; this would leave no time at all to identify wasteful spending and to prepare cancellation messages. Simply put, this provision guts the item veto.

[When this is corrected, it will be necessary to add conforming amendments to the BEA to clarify that OMB discretionary spending reports and PAY

□

-GO reports, required under current law to be issued 5 days after enactment of legislation, need to be adjusted following a rescission of discretionary appropriations or suspension of new direct spending or targeted tax benefits.]

3. Effective Dates and Sunset: This Act would become effective upon enactment of a balanced budget (by 2002), and would sunset in FY 2002. Authority to eliminate wasteful spending and special interest tax provisions should be provided immediately -- without delay -- and should be permanent. In addition, in order to be most effective, the cancellation authority should be made applicable to unobligated balances from already enacted FY 1996 appropriations.

4. Nonseverability: The draft contains in [brackets] a nonseverability provision which would invalidate the entire item veto mechanism if any part of the mechanism -- cancellation of

targeted tax benefits, for example -- were to be found unconstitutional. The statute should be severable, so that -- for example -- cancellation of discretionary budget authority could continue, even if cancellation of direct spending or tax benefits is successfully challenged.

5. Definition of Targeted Tax Benefit: The draft language would define targeted tax benefit as "any revenue

□

-losing provision

which provides a federal income tax deduction, credit, exclusion or preference to 100 or fewer beneficiaries" with several exceptions; the definition also includes transition rules that provide special treatment to 10 or fewer taxpayers, with exceptions.

The Treasury Department notes that it will be difficult, if not impossible for anyone to determine the number of persons affected by any particular tax provision. This test requires too much precision and is too easy to avoid or manipulate in the drafting process and by taxpayers. It creates an incentive for tax benefit provisions to be drafted too broadly. In addition, it provides no time limit within which this "100 or fewer" standard must be met.

A definition of targeted tax benefit closer to the original Senate definition is preferable -- i.e., causing a revenue loss and "having the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers."

ADDITIONAL ISSUES:

o Identifying congressional districts: The draft would require that each cancellation message identify "the specific State and congressional district, if any, affected by the cancellation; and the total number and dollar value of all cancellations imposed during the current session of Congress on the State and congressional district...." This requirement is unduly burdensome and unnecessary: unduly burdensome for OMB which will already face the difficult task of carefully vetting each provision of spending and revenue bills immediately upon presentment; and unnecessary because the objective of the cancellation authority is to eliminate wasteful spending wherever it may occur, without regard to geographic distribution.

o Definition of "item of new direct spending": It's unclear what the phrase "relative to the most recent levels calculated pursuant to section 251 of the Balanced Budget and Emergency Deficit Control act of 1985" means. We recommend the following definition:

The term "direct spending" means--

(A) budget authority provided by law other than appropriation Acts;

(B) entitlement authority as defined in section 3(9) of the Congressional Budget and Impoundment Control Act 1974; and

(C) the food stamp program.

of

o Definition of "cancel": This draft is preferable to earlier drafts because the term "cancel" is substituted for the constitutionally problematic term "veto." However, the

definition of "cancel" -- particularly with respect to new direct spending and targeted tax benefits -- is too vague. We recommend the following:

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.

o Cancellation effective unless disapproved: The time line for congressional consideration of disapproval bills appears to provide the following: 30 session days for fast

-track

consideration of disapproval bills; if the disapproval bill is vetoed, an additional 5 session days for consideration of the veto message; then the cancellations become effective, within an additional 10 calendar days "unless...a disapproval bill is enacted into law." Since 5 session days is provided for review of a veto message, it's entirely unclear why the additional 10 calendar days is needed, in the case of a veto. If a disapproval bill has been vetoed, and not overridden during the 5

-day

override period, the cancellation should become immediately effective so as not to needlessly waste budgetary resources on an item which has been cancelled. (This anomaly is likely unintentional and appears to exist because of the peculiar way this section of the bill is constructed.)

o Disapproval bills: are required to be titled "A bill disapproval the recommendations submitted by the President on _____"

Use of the term "recommendations" is inaccurate; the special messages are more than mere recommendations. The term "cancellations" would be more appropriate.

Previous Administration comments which have been incorporated: (for EOP use only)

o Uses the word "cancel" with respect to direct spending and targeted tax benefits, instead of "veto" which we objected to on constitutional grounds.

o Inserts "new" before "direct spending" in order to clarify.

o The lock

-box mechanism, requiring automatic spending cap reductions, does not appear to apply to the outyears, as in earlier drafts.

o No longer gives JCT authority to determine targeted tax benefits (which Justice objected to on Chadha grounds).

o Latest draft has dropped the Senate provision prohibiting the inclusion of non

-emergency items in an emergency bill.

o Deletes the 3

-judge court judicial review mechanism but retains the requirement for expedited consideration.

Time

-line under latest House item veto language:

(Session Days)

DAY 1:

Date of enactment of spending or revenue bill; President to transmit special messages on the same calendar day (single special message for each Act)

DAY 5:

Disapproval bills, if any must be introduced in House and Senate

7 days following

introduction:

(day 12)

Committees must report disapproval bills

DAY 30:

Congressional consideration of the disapproval bill and any conference report thereon must be completed (conferences may be required because it's in order in the House and Senate to strike specific disapprovals, and it's in order in the Senate to add additional disapprovals).

Track 1:

Spending/revenue provisions are cancelled unless, w/in 10 calendar days (excluding Sundays) after the expiration of the congressional review period (above), a disapproval bill is enacted into law has not become law

Track 2:

In the case of a veto, 5 session days are provided for consideration of the veto message; the spending/revenue provisions are cancelled within 10 calendar days if the disapproval bill (due to an override)

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

CREATOR: Jennifer M. O'Connor (OCONNOR_J) (WHO)

CREATION DATE/TIME: 6-MAR-1996 07:53:56.95

SUBJECT: timber memos

TO: Elena Kagan

(KAGAN_E) (WHO)

READ: 6-MAR-1996 08:33:53.44

TEXT:

amusing memos.

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

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

CREATION DATE/TIME: 6-MAR-1996 10:25:39.77

SUBJECT: More on item veto

TO: Barbara C. Chow (CHOW_B) (WHO)
READ: 6-MAR-1996 21:12:44.43

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ: 6-MAR-1996 10:44:09.00

TO: Robert G. Damus (DAMUS_R) (OMB)
READ: 6-MAR-1996 11:47:51.68

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ: 6-MAR-1996 10:50:26.53

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ: 7-MAR-1996 12:24:13.81

TO: Joseph Minarik (MINARIK_J) (OMB)
READ: 6-MAR-1996 10:26:32.50

TO: Barry B. Anderson (ANDERSON_B) (OMB)
READ: 6-MAR-1996 10:27:28.18

TO: James J. Jukes (JUKES_J) (OMB)
READ: 6-MAR-1996 10:42:42.01

TO: Jacob J. Lew (LEW_J) (OMB)
READ: 19-MAR-1996 15:15:58.21

TO: James C. Murr (MURR_J) (OMB)
READ: 6-MAR-1996 10:49:07.84

TO: Harry E. Moran (MORAN_H) (OMB)
READ: 6-MAR-1996 10:26:06.65

TO: Betty I. Bradshaw (BRADSHAW_B) (OMB)
READ: 6-MAR-1996 10:35:11.21

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 6-MAR-1996 10:33:02.01

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ: 6-MAR-1996 14:35:42.15

TEXT:

o The draft language you received from me yesterday is the House's attempt to arrive at a common draft with the Senate; there is now additional language from the Senate on lockbox, which is similar to the language you have, but would also apply the cap reductions to the outyears.

o Domenici's staff tells me that the reason the cancellation message is to be sent up the same day a bill is enacted is to deal w/ the concern that tax provisions which are going to be canceled should be canceled immediately; however, they are willing to

examine reducing the reporting requirements in order to make this more logistically feasible. I will circulate a list of all the reporting requirements so we can develop a pared down list.

o The non-severability provision was included because Stevens believes that if the item veto does not apply to tax provisions and entitlements, it should not apply to direct spending.

As I receive comments from you this morning, I'll incorporate them into the comment document and will recirculate a revised document this afternoon.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Ron Klain to Elena Kagan. Subject: career (1 page)	03/06/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[2/27/1996 - 3/7/1996]

2009-1006-F
ke716

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: Charles S. Konigsberg (KONIGSBERG_C) (OMB)

CREATION DATE/TIME: 6-MAR-1996 12:01:20.39

SUBJECT: ITEM VETO

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ: 6-MAR-1996 12:09:44.60

TO: Robert G. Damus (DAMUS_R) (OMB)
READ: 6-MAR-1996 13:28:59.40

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ: 6-MAR-1996 12:53:54.89

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ: 7-MAR-1996 12:25:32.62

TO: Joseph Minarik (MINARIK_J) (OMB)
READ: 6-MAR-1996 12:23:17.18

TO: Barry B. Anderson (ANDERSON_B) (OMB)
READ: 6-MAR-1996 13:40:30.41

TO: James J. Jukes (JUKES_J) (OMB)
READ: 6-MAR-1996 13:33:46.15

TO: Jacob J. Lew (LEW_J) (OMB)
READ: 19-MAR-1996 15:16:32.43

TO: James C. Murr (MURR_J) (OMB)
READ: 6-MAR-1996 13:29:24.07

TO: Harry E. Moran (MORAN_H) (OMB)
READ: 6-MAR-1996 12:21:40.59

TO: Betty I. Bradshaw (BRADSHAW_B) (OMB)
READ: 6-MAR-1996 12:04:49.41

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 6-MAR-1996 14:27:48.37

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ: 6-MAR-1996 14:36:29.15

CC: Barbara C. Chow (CHOW_B) (WHO)
READ: 6-MAR-1996 21:13:31.80

TEXT:

PRINTER FONT 12_POINT_COURIER

THE SENATE CONFEREES MAY BE WILLING TO PARE DOWN THE ONEROUS REPORTING REQUIREMENTS FOR CANCELLATIONS. FOLLOWING IS A LIST OF ALL OF THE FINDINGS WE WOULD BE REQUIRED TO MAKE FOR EACH CANCELLATION. OMB STAFF: PLEASE LET ME KNOW ASAP WHICH WOULD BE THE MOST ONEROUS. THANKS.

Information which must accompany cancellations:
Message shall specify:

1. Dollar amount of BA, or identify the direct spending or tax benefit.
2. Determination whether the cancellation will reduce the budget deficit.
3. Determination that the cancellation will not impair essential Government functions.
4. Determination that the cancellation will not harm the national interest.
5. Reasons for the cancellation.
6. To the maximum extent practicable, the estimated fiscal, economic, and budgetary effect.
7. All facts circumstances and considerations relating to or bearing upon the cancellation.
8. To the maximum extent practicable, the estimated effect of the cancellation upon the objects, purposes and programs for which the canceled authority was provided.
9. The adjustments that will be made to the discretionary spending caps or the PAYGO scorecard and an evaluation of the effects on sequestration.
10. The specific project or governmental function cancelled.
11. The specific State and congressional district affected and the total impact of cancellations during the current session on the State and congressional district.

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

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

CREATION DATE/TIME: 6-MAR-1996 21:20:08.04

SUBJECT: ITEM VETO

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ: 6-MAR-1996 21:34:11.51

TO: Robert G. Damus (DAMUS_R) (OMB)
READ: 7-MAR-1996 08:24:16.06

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ: 7-MAR-1996 10:31:21.83

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ: 7-MAR-1996 12:26:44.67

TO: Joseph Minarik (MINARIK_J) (OMB)
READ: 7-MAR-1996 08:23:56.36

TO: Barry B. Anderson (ANDERSON_B) (OMB)
READ: 7-MAR-1996 09:02:39.78

TO: James J. Jukes (JUKES_J) (OMB)
READ: 7-MAR-1996 09:29:10.61

TO: Jacob J. Lew (LEW_J) (OMB)
READ: 11-MAR-1996 18:09:09.55

TO: James C. Murr (MURR_J) (OMB)
READ: 7-MAR-1996 09:03:09.75

TO: Harry E. Moran (MORAN_H) (OMB)
READ: 7-MAR-1996 08:25:32.97

TO: Betty I. Bradshaw (BRADSHAW_B) (OMB)
READ: 7-MAR-1996 10:42:27.93

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 7-MAR-1996 08:55:37.89

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ: 7-MAR-1996 10:08:07.24

TO: FAX (9-622-9260, Clarissa Potter (Tre (TLXA1MAIL_\F:9-622-9260\C:Clarissa Potter
READ: NOT READ

TO: FAX (9-514-0563, Mike Small/DOJ-OLC) (TLXA1MAIL_\F:9-514-0563\C:Mike Small/DOJ-
READ: NOT READ

TO: Barbara C. Chow (CHOW_B) (WHO)
READ: 7-MAR-1996 08:51:44.02

TO: Martha Foley (FOLEY_M) (WHO)
READ: 7-MAR-1996 14:58:17.50

TEXT:

PRINTER FONT 10_POINT_COURIER

TOP ODD

DRAFT-

□

-DRAFT-

□

-DRAFT--

PRINTER FONT 12_POINT_COURIER

FOLLOWING IS A REVISED ANALYSIS OF THE LATEST ITEM VETO DRAFT; I HAVE INCORPORATED COMMENTS RECEIVED ON WEDNESDAY; LET ME KNOW ASAP IF YOU HAVE ANY ADDITIONAL COMMENTS. THANKS.

Summary of comments on House Item Veto Draft
(dated March 4, 1996 -- 1:18pm)

The following provisions could render the item veto ineffective:

1. The lockbox language -- requiring automatic reductions in spending caps -- would impair the ability of the President and Congress to pay for supplemental appropriations; the automatic cap reductions would not permit the President and the Congress to eliminate wasteful spending early in the year and use the savings to pay for necessary additional spending later in the year.
2. Requiring the President to transmit cancellations of wasteful spending on the same day as enactment of spending bills is unrealistic -- especially given the extensive findings and determinations which are required to accompany all cancellations. A period of time -- 10 to 20 days -- following enactment is necessary for the authority to be exercised effectively.
3. The definition of targeted tax benefit is too narrow to be truly effective in eliminating special interest tax provisions; it also fails to delegate any authority to the President to identify special interest provisions.
4. The "nonseverability" provision needlessly makes the authority to cancel discretionary spending dependent on the constitutionality of authority to cancel direct spending and tax provisions.
5. Making the Act effective only upon enactment of a balanced budget agreement, needlessly postpones the availability of authority which is needed to eliminate wasteful spending. The authority should be made available now and should be applied to unobligated balances from already enacted FY96 bills.

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DRAFT-

might be workable to transmit cancellation messages on targeted tax benefits, on or near the date of enactment, since they would already be clearly identified in the law).

If less than 20 days is provided, consideration should be given to: (1) paring down the extensive findings required to accompany cancellation messages; and/or (2) permitting most of the findings to be transmitted at a later time than the actual cancellations. If only a few days are provided to review bills, the qualifier "to the maximum extent practicable" should precede the list of required determinations and findings.

5. Definition of Targeted Tax Benefit: The draft language would define targeted tax benefit as "any revenue

□

-losing provision

which provides a federal income tax deduction, credit, exclusion or preference to 100 or fewer beneficiaries" with several exceptions; the definition also includes transition rules that provide special treatment to 10 or fewer taxpayers, with exceptions. Congress would identify in the statutory language, provisions falling within this definition -- based upon determinations made by the JCT.

The Treasury Department notes that it will be difficult, if not impossible for anyone to determine the number of persons affected by any particular tax provision. This test requires too much precision and is too easy to avoid or manipulate in the drafting process and by taxpayers. It creates an incentive for tax benefit provisions to be drafted too broadly. In addition, it provides no time limit within which this "100 or fewer" standard must be met.

The provisions also fails to delegate any authority to the President to identify special interest provisions.

A definition of targeted tax benefit closer to the original Senate definition is preferable -- i.e., causing a revenue loss and "having the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers."

4. Nonseverability: The draft contains in [brackets] a nonseverability provision which would invalidate the entire item veto mechanism if any part of the mechanism -- cancellation of targeted tax benefits, for example -- were to be found unconstitutional. The statute should be severable, so that -- for example -- cancellation of discretionary budget authority could continue, even if cancellation of direct spending or tax benefits is successfully challenged.

3. Effective Dates and Sunset: This Act would become effective upon enactment of a balanced budget (by 2002), and would sunset in FY 2002. Authority to eliminate wasteful spending and special interest tax provisions should be provided immediately -- without delay -- and should be permanent. In addition, in order to be most effective, the cancellation authority should be made applicable to unobligated balances from already enacted FY 1996 appropriations.

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ADDITIONAL ISSUES:

o Disapproval bill: is defined as a bill which disapproves every cancellation associated with a particular spending or revenue bill. Is the intention that disapproval bills must reject every

cancellation?

o Identifying congressional districts: The draft would require that each cancellation message identify "the specific State and congressional district, if any, affected by the cancellation; and the total number and dollar value of all cancellations imposed during the current session of Congress on the State and congressional district...." This requirement is unduly burdensome and unnecessary: unduly burdensome for OMB which will already face the difficult task of carefully vetting each provision of spending and revenue bills immediately upon presentment; and unnecessary because the objective of the cancellation authority is to eliminate wasteful spending wherever it may occur, without regard to geographic distribution.

o Definition of "item of new direct spending": The phrase "relative to the most recent levels calculated pursuant to section 251 of the Balanced Budget and Emergency Deficit Control act of 1985" incorrectly references section 251; should be 257. Also, the reference to increasing any "Federal financial obligation" has no definitive budget meaning.

o Definition of "cancel": This draft is preferable to earlier drafts because the term "cancel" is substituted for the constitutionally problematic term "veto." However, the definition of "cancel" -- particularly with respect to new direct spending and targeted tax benefits -- is too vague. We recommend the following:

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.

o Disapproval bills: are required to be titled "A bill disapproval the recommendations submitted by the President on _____" Use of the term "recommendations" is inaccurate; the special messages are more than mere recommendations. The term "cancellations" would be more appropriate.

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Previous Administration comments which have been incorporated:
(for EOP use only)

o Uses the word "cancel" with respect to direct spending and targeted tax benefits, instead of "veto" which we objected to on constitutional grounds.

o Inserts "new" before "direct spending" in order to clarify.

o JCT's determination of what is a targeted tax benefit would be written into law, thereby apparently solving the potential Chadha problem (earlier version had limited the President's authority based solely on determinations made by the JCT).

o Latest draft has dropped the Senate provision prohibiting the inclusion of non

□

-emergency items in an emergency bill.

o Deletes the 3

spending caps or the PAYGO scorecard and an evaluation of the effects on sequestration.

10. The specific project or governmental function cancelled.

11. The specific State and congressional district affected and the total impact of cancellations during the current session on the State and congressional district.

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

CREATOR: T J Glauthier (GLAUTHIER_T) (OMB)

CREATION DATE/TIME: 7-MAR-1996 07:58:31.96

SUBJECT: Murray Bill Introduced....(Greenwire story yesterday)

TO: Martha Foley (FOLEY_M) (WHO)
READ: 7-MAR-1996 15:01:55.44

TO: Barbara C. Chow (CHOW_B) (WHO)
READ: 7-MAR-1996 08:54:59.47

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 7-MAR-1996 09:02:58.81

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ: 7-MAR-1996 10:17:43.09

CC: Kathleen A. McGinty (MCGINTY_K) (CEQ)
READ: 7-MAR-1996 09:33:19.02

TEXT:

SALVAGE LOGGING LAW: MURRAY INTRODUCES REPEAL IN SENATE

Sen. Patty Murray (D-WA) yesterday introduced her version of a bill to repeal the portions of the salvage-logging law signed last summer by Pres. Clinton. Murray plans to attach it to the continuing resolution expected to come to the Senate floor later this week (GREENWIRE sources).

Murray said her bill would put an end to controversial timber sales that were reissued to logging companies under the law, and reimpose all existing environmental laws. In exchange, the US Forest Service could offer those timber companies the right to log less sensitive areas or buy back logging rights (Leslie Brown, Tacoma MORNING NEWS TRIBUNE, 3/5).

Murray said the original law was intended to speed up the logging of diseased and dying trees, but "it turned out to be legislative overkill on the environment" by opening up sensitive tracts to logging (Brent Walth, Portland OREGONIAN, 3/5).

Sen. Slade Gorton (R-WA), who sponsored the original law, "blasted" Murray for trying to repeal a law "that has provided the only hope of jobs for Northwest timber communities this year" (Brown, Tacoma MORNING NEWS TRIBUNE). Gorton has proposed an amendment that would allow buy-backs and timber exchanges but continue suspension of environmental laws (GREENWIRE 3/1).

Gorton's proposal could take as much as \$100 million from the USFS's existing budget. "Murray, who says the Forest Service already is facing financial problems, would have the federal government's claims settlement act -- a separate fund set up to cover government liabilities -- cover the cost of the buy-outs" (Brown, Tacoma MORNING NEWS TRIBUNE).

Sen. Bill Bradley (D-NJ) is planning to offer his measure supporting full repeal of the law today. Sen. Mark Hatfield (R-OR) is also expected to introduce language today to be added to the continuing resolution that would extend the expiration of the salvage law (GREENWIRE sources).

USFS REDUCES CUTS ON AK NAT'L FOREST

Citing public concern and economic feasibility, the US Forest Service has reduced the amount of logging that will occur

under the salvage-logging law on Alaska's Chugach National Forest. Critics had said the "controversial" cut would ruin views and destroy popular recreations spots (GREENWIRE 1/31).

About 20% of the 5,525 acres planned for logging have been eliminated from the proposed cut on the Kenai Peninsula, according to USFS's Fred Prange. Forest Supervisor Larry Hudson characterized the acreage reduction as a normal step in the USFS's assessment of timber sales. But Jay Stange of the Alaska Center for the Environment called the reduction a victory for citizens' groups "that opposed logging some of Alaska's most accessible scenic areas" (AP/Medford [OR] MAIL TRIBUNE, 3/3).

(c) The American Political Network, Inc.

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

CREATOR: Cheryl L Sweitzer (SWEITZER_C) (WHO)

CREATION DATE/TIME: 7-MAR-1996 10:25:45.97

SUBJECT: 9th Circuit Case on Assisted Suicide

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

TO: Jana L. Blair (BLAIR_J) (WHO)
READ: 8-MAR-1996 11:55:41.47

TO: Pamela Brewington (BREWINGTON_P) (WHO)
READ: 7-MAR-1996 11:01:14.02

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

TO: James Castello (CASTELLO_J) (WHO)
READ: 7-MAR-1996 10:26:06.04

TO: Christopher D. Cerf (CERF_C) (WHO)
READ: 7-MAR-1996 10:27:37.12

TO: Dawn Chirwa (CHIRWA_D) (WHO)
READ: 7-MAR-1996 10:30:36.70

TO: Jonathan Denbo (DENBO_J) (WHO)
READ: 7-MAR-1996 10:31:21.64

TO: Jennifer D. Dudley (DUDLEY_J) (WHO)
READ: 7-MAR-1996 10:38:53.29

TO: Mark D. Fabiani (FABIANI_M) (WHO)
READ: 7-MAR-1996 13:02:23.66

TO: David Fein (FEIN_D) (WHO)
READ: 7-MAR-1996 10:46:13.41

TO: Kimberly A. Holliday (HOLLIDAY_K) (WHO)
READ: 7-MAR-1996 10:26:34.17

TO: Edward F. Hughes (HUGHES_E) (WHO)
READ: 7-MAR-1996 10:26:37.36

TO: Rochester M. Johnson (JOHNSON_RM) (WHO)
READ: 7-MAR-1996 12:10:14.23

TO: Elena Kagan (KAGAN_E) (WHO)
READ: 7-MAR-1996 11:14:18.19

TO: Marvin Krislov (KRISLOV_M) (WHO)
READ: 7-MAR-1996 11:06:39.20

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:15-MAR-1996 17:40:20.63

TO: D. Craig Livingstone (LIVINGSTON_D) (WHO)

READ: 7-MAR-1996 10:58:45.69

TO: Clifford J. Mauton (MAUTON_C) (WHO)
READ: 7-MAR-1996 12:44:09.75

TO: Cheryl D. Mills (MILLS_C) (WHO)
READ: 7-MAR-1996 15:26:43.66

TO: Melissa M. Murray (MURRAY_MM) (WHO)
READ: 7-MAR-1996 10:56:27.36

TO: Miriam R. Nemetz (NEMETZ_M) (WHO)
READ: 7-MAR-1996 16:31:46.38

TO: Stephen R. Neuwirth (NEUWIRTH_S) (WHO)
READ: 7-MAR-1996 14:12:19.59

TO: Victoria L. Radd (RADD_V) (WHO)
READ: 7-MAR-1996 15:30:53.74

TO: Stacy E. Reynolds (REYNOLDS_S) (WHO)
READ: 7-MAR-1996 10:26:39.16

TO: Robert W. Schroeder III (SCHROEDER_R) (WHO)
READ: 7-MAR-1996 10:29:33.74

TO: Jane C. Sherburne (SHERBURNE_J) (WHO)
READ: 11-MAR-1996 08:43:30.23

TO: Robert A. VanKirk (VANKIRK_R) (WHO)
READ: NOT READ

TO: Odetta S. Walker (WALKER_O) (WHO)
READ: 7-MAR-1996 10:35:37.02

TO: Renee A. Warren (WARREN_R) (WHO)
READ: 7-MAR-1996 11:22:53.39

TO: Kathleen M. Whalen (WHALEN_K) (WHO)
READ: 7-MAR-1996 10:34:48.43

TO: Natalie Williams (WILLIAMS_N) (WHO)
READ: NOT READ

TO: Jon Yarowsky (YAROWSKY_J) (WHO)
READ: 20-MAR-1996 18:36:04.82

TEXT:

Kathy Wallman is looking for anyone who is interested and available to do some work on the 9th Circuit case on assisted suicide. This is an urgent project that has a 4:00 p.m. TODAY deadline. Anyone who's interested, please call Kathy ASAP.

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

CREATOR: Melissa M. Murray (MURRAY_MM) (WHO)

CREATION DATE/TIME: 7-MAR-1996 10:55:37.46

SUBJECT: women's event

TO: Jennifer D. Dudley (DUDLEY_J) (WHO)

READ: 7-MAR-1996 11:01:07.58

TO: Kimberly A. Holliday (HOLLIDAY_K) (WHO)

READ: 7-MAR-1996 11:10:32.11

TO: Erin Kelly (KELLY_E) (WHO)

READ: 11-MAR-1996 09:42:48.23

TO: Jane C. Sherburne (SHERBURNE_J) (WHO)

READ: 7-MAR-1996 14:00:02.57

TO: Cheryl L Sweitzer (SWEITZER_C) (WHO)

READ: 7-MAR-1996 11:06:47.70

TO: Odetta S. Walker (WALKER_O) (WHO)

READ: 7-MAR-1996 11:15:39.00

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

READ: 7-MAR-1996 10:55:42.28

TO: Jana L. Blair (BLAIR_J) (WHO)

READ: 12-MAR-1996 13:51:45.41

TO: Pamela Brewington (BREWINGTON_P) (WHO)

READ: 7-MAR-1996 11:09:59.67

TO: Dawn Chirwa (CHIRWA_D) (WHO)

READ: 7-MAR-1996 11:04:25.84

TO: Clarita Gavin (GAVIN_C) (WHO)

READ: 7-MAR-1996 13:34:16.29

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 7-MAR-1996 11:14:31.90

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

READ: 7-MAR-1996 11:01:02.96

TO: Cheryl D. Mills (MILLS_C) (WHO)

READ: 7-MAR-1996 15:26:47.70

TO: Catharine Moscatelli (MOSCATELLI_C) (WHO)

READ: 7-MAR-1996 11:37:33.31

TO: Miriam R. Nemetz (NEMETZ_M) (WHO)

READ: 7-MAR-1996 16:31:58.89

TO: Stacy E. Reynolds (REYNOLDS_S) (WHO)

READ: 7-MAR-1996 16:59:56.24

TO: Renee A. Warren (WARREN_R) (WHO)

READ: 7-MAR-1996 11:23:19.13

TO: Kathleen M. Whalen (WHALEN_K) (WHO)
READ: 7-MAR-1996 11:21:22.32

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 6-MAR-1996 22:50:00.00

ATT CREATOR: Carrie Wofford

ATT SUBJECT: GLORIA STEINEM!! - Please distribute to women in your office

ATT TO: Rebecca A. Cameron (CAMERON_RA)
ATT TO: Jennifer Palmieri (PALMIERI_J)
ATT TO: Angus S. King (KING_A)
ATT TO: Gabrielle M. Bushman (BUSHMAN_G)
ATT TO: Kim B. Widdess (WIDDESS_K)
ATT TO: LeeAnn Inadomi (INADOMI_L)
ATT TO: Melissa M. Murray (MURRAY_MM)
ATT TO: Sky M. Gallegos (GALLEGOS_S)
ATT TO: Marcia L. Hale (HALE_M)
ATT TO: Ann M. Cattalini (CATTALINI_A)
ATT TO: Ashley L. Raines (RAINES_A)
ATT TO: Lorraine B. Donovan (DONOVAN_L)
ATT TO: Melinda N. Bates (BATES_M)
ATT TO: APRIL K. MELLODY (MELLODY_A)
ATT TO: Peggy A. Lewis (LEWIS_P)
ATT TO: Jean A. Carter (CARTER_JA)
ATT TO: Barbara D. Woolley (WOOLLEY_B)
ATT TO: Jennifer O. Jose (JOSE_J)
ATT TO: Sharon E. Wagner (WAGNER_S)
ATT TO: Jessica R. Arons (ARONS_J)
ATT TO: Deborah L. Fine (FINE_D)
ATT TO: Dena B. Weinstein (WEINSTEIN_D)
ATT TO: Pauline M. Abernathy (ABERNATHY_P)

ATT TO: Nicole R. Rabner (RABNER_N)
ATT TO: Lucia F. Gilliland (GILLIL_L)
ATT TO: Chantale Wong (WONG_C)
ATT TO: Patricia M. McMahon (MCMAHON_P)
ATT TO: Barbara L. Bernstein (BERNSTEIN_B)
ATT TO: Mary Dixon (DIXON_M)
ATT TO: Jennifer L. Klein (KLEIN_J)
ATT TO: Michelle M. Jolin (JOLIN_M)
ATT TO: Kristin A. Schneeman (SCHNEE_K)
ATT TO: Rica F. Rodman (RODMAN_R)
ATT TO: Michelle Denton (DENTON_M)

TEXT:

PRINTER FONT 12_POINT_ROMAN
THE WHITE HOUSE
Office for Women's Initiatives & Outreach and
The DEPARTMENT OF COMMERCE
PRINTER FONT 6_POINT_ROMAN

PRINTER FONT 18_POINT_ROMAN
INVITATION for
WOMEN APPOINTEES and WOMEN LEADERS
PRINTER FONT 10_POINT_ROMAN

PRINTER FONT 18_POINT_ROMAN
Women's History Month Celebration
PRINTER FONT 14_POINT_ROMAN
with
PRINTER FONT 18_POINT_ROMAN

PRINTER FONT
36_POINT_ROMAN
GLORIA STEINEM
PRINTER FONT 18_POINT_ROMAN

Introduced by
EVELYN S. LIEBERMAN
First Woman Deputy Chief of Staff to
the President
PRINTER FONT 14_POINT_ROMAN

PRINTER FONT 24_POINT_ROMAN
Wednesday, March 20
PRINTER FONT 18_POINT_ROMAN
6:00 p.m. Reception. 7:00 p.m.
Program

PRINTER FONT 12_POINT_ROMAN
WHAT: Women's History Month Celebration and monthly
networking reception for women appointees and
women leaders.

WHEN: Wednesday, March 20 - 6:00 p.m.
 WHERE: Commerce Department. Main Entrance on 14th Street
 between Pennsylvania Av. and Independence Av., NW.
 BRING PHOTO ID.
 RSVP: To your Agency Women's Liaison or Fax your RSVP by
 Tuesday, March 19 using the form below. GUESTS
 ARE WELCOME.

Fax RSVP to Fax: (202) 482

-5924 -- (Phone: 482

-1684)

Yes! I can't wait to hear Gloria Steinem speak at the Women's
History Month Celebration:

NAME:

TITLE: _____ AGENCY/ORGANIZATION: _____

PHONE: _____ DATE OF BIRTH: _____ SOCIAL SECURITY

#: _____

GUEST NAME: _____ DOB: _____

SSN: _____

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

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor (MAILMGT) (SYS)

CREATION DATE/TIME: 7-MAR-1996 14:02:21.78

SUBJECT: PAGER CONFIRMATION - THORNTON, TRACEY E.

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 7-MAR-1996 14:05:26.19

TEXT:

PAGE FOR THORNTON, TRACEY E., WAS TRANSMITTED 7-MAR-1996 13:55:49.28

TEXT TRANSMITTED WAS:

CALL ALAN KRECKO AT NSC, 69111. HE'LL KNOW MORE

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor (MAILMGT) (SYS)

CREATION DATE/TIME: 7-MAR-1996 15:46:15.99

SUBJECT: PAGER CONFIRMATION - KLEIN,JENNIFER

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 7-MAR-1996 16:26:33.01

TEXT:

PAGE FOR KLEIN,JENNIFER, WAS TRANSMITTED 7-MAR-1996 15:40:23.63

TEXT TRANSMITTED WAS:

CAN WE RESCEDULE? SEE EMAIL MSG. ELENA

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor (MAILMGT) (SYS)

CREATION DATE/TIME: 7-MAR-1996 15:46:41.54

SUBJECT: PAGER CONFIRMATION - FINE,DEBORAH L.

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 7-MAR-1996 16:26:36.95

TEXT:

PAGE FOR FINE,DEBORAH L., WAS TRANSMITTED 7-MAR-1996 15:39:57.31

TEXT TRANSMITTED WAS:

CAN WE RECHEDULE? SEE EMAIL MSG. ELENA 67594

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

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

CREATION DATE/TIME: 7-MAR-1996 16:20:51.25

SUBJECT: Shelly

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 7-MAR-1996 16:34:12.07

TEXT:

Did Shelly suggest that she had been e-mailing me? I haven't received anything from her. There are two Kathy Wallman's; perhaps she has gotten my mail, but she's very good about forwarding it.

On the substance, I don't know anything about the matter. You might bring it up at the staff meeting tomorrow and we can ask about how to proceed. Perhaps Lois is the right person to contact. Since it's a specific matter, I think we need to call Schmidt first.

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

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

CREATION DATE/TIME: 7-MAR-1996 16:20:51.25

SUBJECT: Shelly

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 7-MAR-1996 16:34:12.07

TEXT:

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RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor (MAILMGT) (SYS)

CREATION DATE/TIME: 7-MAR-1996 16:42:25.37

SUBJECT: PAGER CONFIRMATION - FOLEY, MARTHA C.

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 7-MAR-1996 16:54:16.51

TEXT:

PAGE FOR FOLEY, MARTHA C., WAS TRANSMITTED 7-MAR-1996 16:35:40.03

TEXT TRANSMITTED WAS:

LEFT 2 TOO-LONG MSGS ON VOICE-MAIL