

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 056 - FOLDER -003

[07/19/1996-07/25/1996]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Mail Link Monitor to Elena Kagan. Subject: Confirmation [partial] (1 page)	07/19/1996	P6/b(6), b(7)(C), b(7)(E), b(7)(F)
002. email	Kathleen Wallman to Elena Kagan. Subject: Peter (1 page)	07/24/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[7/19/1996 - 7/25/1996]

2009-1006-F

kc697

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:19-JUL-1996 09:47:40.20

SUBJECT: Uncleared Justice Letter

TO: Elena Kagan (KAGAN_E) (WHO)

READ:19-JUL-1996 11:47:31.81

TEXT:

This morning, you should have received a copy of the uncleared Justice letter on the House welfare bill.

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

CREATOR: Timothy D. Johnson (JOHNSON_TD) (OMB)

CREATION DATE/TIME:19-JUL-1996 10:21:25.03

SUBJECT: Justice testimony on Civil Asset Forfeiture

TO: Elena Kagan (KAGAN_E) (WHO)

READ:19-JUL-1996 11:47:40.41

TO: Steven D. Aitken (AITKEN_S) (OMB)

READ:19-JUL-1996 11:06:24.81

TO: Dennis Burke (BURKE_D) (OPD)

READ:22-JUL-1996 10:09:13.38

TEXT:

Any comments?

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

CREATOR: Timothy D. Johnson (JOHNSON_TD) (OMB)

CREATION DATE/TIME:19-JUL-1996 10:29:11.18

SUBJECT: HR 1916, LRM#5076

TO: Elena Kagan (KAGAN_E) (WHO)
READ:19-JUL-1996 11:47:47.56

TO: Steven D. Aitken (AITKEN_S) (OMB)
READ:19-JUL-1996 11:06:31.25

TO: Dennis Burke (BURKE_D) (OPD)
READ:22-JUL-1996 10:09:19.11

TEXT:

I apologize for not including the bill number and LRM number in my previous message.

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

CREATOR: Lyndell Hogan (HOGAN_L) (OPD)

CREATION DATE/TIME:19-JUL-1996 10:33:04.72

SUBJECT: RU-486 Talking Points Re: Today's Hearing

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:19-JUL-1996 16:37:48.95

TO: Martha Foley (FOLEY_M) (WHO)
READ:19-JUL-1996 18:05:26.18

TO: Elena Kagan (KAGAN_E) (WHO)
READ:19-JUL-1996 11:48:20.80

TO: George Stephanopoulos (STEPHANOPO_G) Autoforward to: Laura Capp
READ:19-JUL-1996 10:36:15.86

TO: Deborah L. Fine (FINE_D) (OPD)
READ:19-JUL-1996 10:33:17.75

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

TO: Betsy Myers (MYERS_B) (WHO)
READ:19-JUL-1996 11:52:48.71

TO: Peter Jacoby (JACOBY_P) (WHO)
READ:19-JUL-1996 10:58:37.70

TO: Carol H. Rasco (RASCO_C) (WHO)
READ:19-JUL-1996 12:48:39.48

TO: Nancy-Ann E. Min (MIN_N) (OMB)
READ:19-JUL-1996 11:18:54.65

TO: Marilyn Yager (YAGER_M) (WHO)
READ:22-JUL-1996 13:53:58.50

TO: Elizabeth E. Drye (DRYE_E) (OPD)
READ:19-JUL-1996 13:54:19.25

TO: Douglas B. Sosnik (SOSNIK_D) (WHO)
READ:19-JUL-1996 14:50:45.94

TO: Karen L. Hancox (HANCOX_K) (WHO)
READ:19-JUL-1996 10:38:58.70

TO: Jennifer L. Klein (KLEIN_J) (OPD)
READ:19-JUL-1996 12:40:18.11

TO: Katharine M. Button (BUTTON_K) (WHO)
READ:19-JUL-1996 12:58:01.43

TO: Barbara C. Chow (CHOW_B) (WHO)
READ:19-JUL-1996 13:22:48.25

TO: Kathleen D. Hendrix (HENDRIX_K) (WHO)

READ:NOT READ

TO: Evelyn S. Lieberman (LIEBERMAN_E) (WHO)
READ:19-JUL-1996 12:18:24.81

TO: Kevin Moran (MORAN_K1) (WHO)
READ:19-JUL-1996 10:34:21.15

TO: Victoria L. Radd (RADD_V) (WHO)
READ:19-JUL-1996 10:35:13.43

TO: Michael McCurry (MCCURRY_M) (WHO)
READ:19-JUL-1996 12:03:30.42

TO: Barry Toiv (TOIV_B) (WHO)
READ:19-JUL-1996 11:24:07.84

TO: Mary Ellen Glynn (GLYNN_M) (WHO)
READ:22-JUL-1996 13:34:58.43

TEXT:

PRINTER FONT 12_POINT_COURIER
M E M O R A N D U M

To: Distribution
From: Lyn Hogan
Date: July 19, 1996
Re: Q&A For Mifepristone (RU

-486) Hearing
Please refer questions about the FDA process to Jim O'Hara,
301

-443

-1130, at FDA Public Affairs.

PRINTER FONT 14_POINT_COURIER
Background

PRINTER FONT 12_POINT_COURIER
Today, Friday, July 19, the FDA's Reproductive Health Drugs
Advisory Committee will consider data submitted by the Population
Council as part of a New Drug Application (NDA) for Mifepristone.
FDA routinely refers NDAs to this Advisory Committee and asks the
panel for a recommendation on the drug's safety and efficacy.
Mifepristone, commonly referred to as RU

-486, is an effective,
non

-surgical method of early abortion that has been in use since
1981. The drug was approved for use in France, Great Britain and
Sweden following extensive clinical trials that demonstrated its
safety and efficacy.
During the Bush Administration, the FDA issued an import alert
which helped ensure that mifepristone would not be available in
the United States for any purpose.
On January 22, 1993 the President issued an executive order that
directed the FDA to reassess whether mifepristone qualified for
importation.

PRINTER FONT 14_POINT_COURIER

1) What is expected to happen at today's FDA hearing?

PRINTER FONT 12_POINT_COURIER

Today, Friday, July 19, the FDA's Reproductive Health Drugs Advisory Committee will consider data submitted by the U.S.

-based

Population Council as part of a New Drug Application (NDA) for Mifepristone.

FDA routinely refers NDAs to this Advisory Committee and asks the panel for a recommendation on the safety and efficacy of the drug. Today's advisory committee is the usual next step in the review process of the marketing application.

There will not be a decision on Mifepristone in 1996.

PRINTER FONT 14_POINT_COURIER

2) What official action has the President taken to date regarding RU

-486?

PRINTER FONT 12_POINT_COURIER

January 22, 1993 the President issued an executive order that:

PRINTER FONT 24_POINT_COURIER

? Directed the FDA to reassess whether Mifepristone qualified for importation under FDA's personal use import policy;

? Said that if the FDA concluded Mifepristone meets the criteria for personal use importation exemption, Sec. Shalala should rescind the Import Alert 66

-47;

and

? Ordered HHS to assess initiatives to promote the testing, licensing, and manufacturing in the U.S. of Mifepristone.

PRINTER FONT 14_POINT_COURIER

3) Prior to this hearing, what has the FDA concluded?

PRINTER FONT 12_POINT_COURIER

In July 1993, the FDA concluded that Mifepristone is not an appropriate candidate for the FDA's personal use policy governing the importation of unapproved new drugs.

In its assessment, FDA determined that the distribution of Mifepristone is very tightly controlled in the UK, France, and Sweden, where it is approved. The strictly regulated administration of mifepristone in those countries suggests that it may not be able to be safely taken without careful medical supervision and controls.

PRINTER FONT 14_POINT_COURIER

4) Since the FDA ruled that this drug is not safe for personal use, why are they continuing with

regulatory hearings?

PRINTER FONT 12_POINT_COURIER

The FDA believes the drug can be taken safely with careful medical supervision and controls, and therefore, in routine fashion, has referred the New Drug Application to this Advisory Committee to ask the panel for a recommendation on the safety and efficacy of the drug.

PRINTER FONT 14_POINT_COURIER

5) How can we be sure the FDA process is a fair, objective process?

PRINTER FONT 24_POINT_COURIER

? The FDA advisory committee is a nonpartisan, objective committee comprised of scientists and doctors from outside the FDA.

? The process for approving New Drug Applications is based in science and medicine.

? The FDA is giving mifepristone a straightforward, honest review and will make their decision on the basis of whether this drug is safe for American women.

? The FDA follows well established procedures to assess independently all published studies and data, including those from other countries.

? Voting members of the FDA Advisory Committees are subject to conflict of interest laws and regulations governing federal employees and Advisory Committee members are required to have diverse professional education, training, and experience.

PRINTER FONT 14_POINT_COURIER

6) I understand that two members on the review panel were forced to resign because of pressure from right

-to

-life groups. Is this true?

PRINTER FONT 12_POINT_COURIER

This is a rumor and is inaccurate. Two members on the panel had conflicts of interest so were recused.

PRINTER FONT 14_POINT_COURIER

7) What are the pro

-life groups and pro

-choice

groups saying about RU

-486?

PRINTER FONT 12_POINT_COURIER

Pro

-Life

On July 18, pro

-life groups held a press conference on the FDA hearings.

The Family Research Council (FRC) lead by Gary Bauer issued a statement calling on the FDA not to approve RU

-486 due to ethical

considerations. In the statement, the FRC questioned the drug's safety and efficacy.

At the same time, the FRC accused the FDA of attempting to circumvent its own approval statutes that ensure safe and effective drugs for the sake of the lives and safety of women and children.

Other pro

-life organizations claim RU

-486 has long

-term health

risks for mothers and children.

Last summer a pro

-life group, Americans United For Life, and other abortion opponents, submitted a Citizen's Petition to the FDA opposing approval of mifepristone. They did so before the clinical trials were over and before the extensive scientific data collected by the Population Council was submitted to the FDA.

Pro

-Choice

Also on July 18, women's and reproductive health advocates held a press conference to call for approval of mifepristone. These groups called mifepristone a major medical advance for women and described its expected positive impact on the provision of women's health care services in this country.

The Feminist Majority is concerned that five Reproductive Health Advisory Committee members have demonstrated that they have a conflict of interest with the subject matter of the July 19 meeting concerning mifepristone, They expressed their concern in a July 10 letter to FDA Commissioner David Kessler.

PRINTER FONT 14_POINT_COURIER

8) Why does the Population Council hold the U.S. patent on mifepristone?

PRINTER FONT 12_POINT_COURIER

Roussel Uclaf, a French subsidiary of the German company, held two United States patents for its product, Mifepristone. On May

16, 1994 Rousell Uclaf, at the encouragement of the Clinton Administration, donated its United States patent rights for mifepristone to the U.S.

□

-based Population Council, a

not

□

-for

□

-profit organization, to allow the Population Council to begin the necessary steps to bring Mifepristone to market in this country. U.S. clinical trials conducted by the Population Council were completed in September 1995.

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

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

CREATION DATE/TIME:19-JUL-1996 11:38:39.12

SUBJECT: REMINDER!!! Comments on Presidential transmittal due at NOON!

TO: Sarah A. Bianchi (BIANCHI_S) (OMB)

READ:19-JUL-1996 13:03:22.72

TO: Cynthia M. Smith (SMITH_CM) (OMB)

READ:19-JUL-1996 12:12:10.90

TO: Bruce D. Long (LONG_B) (OMB)

READ:22-JUL-1996 12:02:11.24

TO: Robert B. Rideout (RIDEOUT_R) (OMB)

READ:19-JUL-1996 12:39:27.68

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

READ:19-JUL-1996 11:50:20.11

TO: Robert G. Damus (DAMUS_R) (OMB)

READ:19-JUL-1996 12:01:24.70

TO: Mark A. Wasserman (WASSERMAN_M) (OMB)

READ:19-JUL-1996 12:16:30.70

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

READ:19-JUL-1996 16:38:11.80

TO: Phillip B. Levine (LEVINE_P) (WHO)

READ:19-JUL-1996 11:40:50.52

TO: Mark J. Mazur (MAZUR_M) (WHO)

READ:23-JUL-1996 10:27:55.08

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

READ:19-JUL-1996 12:07:55.98

TO: Donna M. Rivelli (RIVELLI_D) (OMB)

READ:19-JUL-1996 11:41:33.93

TO: Elena Kagan (KAGAN_E) (WHO)

READ:19-JUL-1996 11:48:32.82

CC: Larry R. Matlack (MATLACK_L) (OMB)

READ:19-JUL-1996 18:21:40.82

CC: Janet L. Himler (HIMLER_J) (OMB)

READ:19-JUL-1996 12:03:43.63

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

READ:19-JUL-1996 12:00:44.01

CC: James C. Murr (MURR_J) (OMB)

READ:19-JUL-1996 11:49:11.57

TEXT:

Reminder - please forward your comments on LRM 5078 (Presidential transmittal of draft bill: "Family-Friendly Workplace Act of 1996") to me by noon today. Please note --- we are facing a short turnaround time on this and need to hear from you. Thanks.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Mail Link Monitor to Elena Kagan. Subject: Confirmation [partial] (1 page)	07/19/1996	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:

[7/19/1996 - 7/25/1996]

2009-1006-F
ke697

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]
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- 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:19-JUL-1996 13:22:22.21

SUBJECT: CONFIRMATION: APPT. REQUEST FOR KAGAN, ELENA

TO: Elena Kagan (KAGAN_E) (WHO)

READ:19-JUL-1996 15:11:15.37

TEXT:

FROM: WAVES OPERATIONS CENTER - ACO:

Date: 07-19-1996

Time: 13:14:46

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

[001]

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

Appointment With: KAGAN, ELENA
Appointment Date: 7/19/96
Appointment Time: 1:15:00 PM
Appointment Room: 125
Appointment Building: OEOB
Appointment Requested by: KAGAN ELENA
Phone Number of Requestor: 67594

Comments:

WAVES APPOINTMENT NUMBER: U23278

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

MOSS, RANDOLPH

P6/(b)(6)

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

CREATOR: Leanne Johnson (JOHNSON_L) (WHO)

CREATION DATE/TIME:19-JUL-1996 13:23:08.14

SUBJECT: Arthur Reddy incoming

TO: Elena Kagan (KAGAN_E) (WHO)

READ:19-JUL-1996 15:12:35.66

TEXT:

Hi Elena,

I have faxed you this incoming (to fax# 61647) re: the Uniformed Division of the Secret Service. Per Jennifer O'Connor, you are the contact person for language I could use to respond to Mr. Reddy. Please let me know if your office can provide talking points/draft/language or if I should contact someone else (and if so who?). Thanks!

P.S:

No word on TEAM Act response?

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

CREATOR: Timothy D. Johnson (JOHNSON_TD) (OMB)

CREATION DATE/TIME:19-JUL-1996 14:17:34.49

SUBJECT: HR 1916 - LRM 5076 Civil Asset Forfeiture

TO: Elena Kagan (KAGAN_E) (WHO)

READ:19-JUL-1996 15:15:54.40

TO: Dennis Burke (BURKE_D) (OPD)

READ:22-JUL-1996 07:44:12.26

TEXT:

I am clearing the DOJ testimony at 3:00pm. If I don't hear from you by then, I'll assume that you have no comments. Thanks.

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

CREATOR: Cheryl L Sweitzer (SWEITZER_C) (WHO)

CREATION DATE/TIME:18-JUL-1996 15:56:53.05

SUBJECT: Mid-session review of the 1997 Budget

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

READ:18-JUL-1996 17:40:55.42

TO: Erin Kelly (KELLY_E) (WHO)

READ:18-JUL-1996 16:00:10.30

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)

READ:18-JUL-1996 17:36:33.10

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

READ:18-JUL-1996 15:59:36.11

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

READ:19-JUL-1996 11:05:45.07

TO: Douglas Band (BAND_D) (WHO)

READ:18-JUL-1996 16:14:39.71

TO: Dawn Chirwa (CHIRWA_D) (WHO)

READ:18-JUL-1996 15:57:39.74

TO: Peter Erichsen (ERICHSEN_P) (WHO)

READ:18-JUL-1996 19:26:02.25

TO: Mark D. Fabiani (FABIANI_M) (WHO)

READ:18-JUL-1996 17:08:00.84

TO: David Fein (FEIN_D) (WHO)

READ:18-JUL-1996 16:02:13.72

TO: James "David" Fielder (FIELDER_J) (WHO)

READ:NOT READ

TO: Nellie Herbert (HERBERT_N) (WHO)

READ:19-JUL-1996 12:30:16.62

TO: Rochester M. Johnson (JOHNSON_RM) (WHO)

READ:18-JUL-1996 16:05:00.21

TO: Elena Kagan (KAGAN_E) (WHO)

READ:18-JUL-1996 16:00:49.47

TO: Christopher S. Lehane (LEHANE_C) (WHO)

READ:18-JUL-1996 16:02:39.38

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

READ:18-JUL-1996 15:57:08.76

TO: Clifford J. Mauton (MAUTON_C) (WHO)

READ:18-JUL-1996 17:21:48.48

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

READ:18-JUL-1996 16:08:35.09

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

READ:18-JUL-1996 17:36:25.42

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

READ:18-JUL-1996 16:01:00.34

TO: Stephen R. Neuwirth (NEUWIRTH_S)

READ:19-JUL-1996 10:55:54.25

TO: Sally Paxton (PAXTON_S) (WHO)

READ:18-JUL-1996 19:02:24.96

TO: Robert W. Schroeder III (SCHROEDER_R) (WHO)

READ:18-JUL-1996 15:57:31.44

TO: Robert VanKirk (VANKIRK_R) (WHO)

READ:18-JUL-1996 19:30:48.89

TO: Kathleen M. Whalen (WHALEN_K) (WHO)

READ:18-JUL-1996 15:58:12.43

TO: Wendy S. White (WHITE_WS) (WHO)

READ:19-JUL-1996 17:53:26.69

TO: Jonathan R. Yarowsky (YAROWSKY_J) (WHO)

READ:22-JUL-1996 10:40:55.52

TEXT:

I've updated my Counsel's Office distribution list to actually include people who work here instead of those who have been gone for months, and so I decided to send this e-mail again in hopes of getting some response.

I have two copies of the mid-session review of the 1997 budget -- if you're interested in a copy, please let me know.

Thanks.

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

CREATOR: Lyndell Hogan (HOGAN_L) (OPD)

CREATION DATE/TIME:19-JUL-1996 18:27:13.51

SUBJECT: FDA Advisory Committee Voted Yes On RU-486

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

READ:19-JUL-1996 18:48:43.84

TO: Martha Foley (FOLEY_M) (WHO)

READ:22-JUL-1996 09:32:10.08

TO: Elena Kagan (KAGAN_E) (WHO)

READ:19-JUL-1996 19:12:50.48

TO: George Stephanopoulos (STEPHANOPO_G) Autoforward to: Laura Capp

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

READ:21-JUL-1996 12:06:10.73

TO: Todd Stern (STERN_T) (WHO)

READ:NOT READ

TO: Betsy Myers (MYERS_B) (WHO)

READ:19-JUL-1996 21:27:36.58

TO: Peter Jacoby (JACOBY_P) (WHO)

READ:19-JUL-1996 18:27:51.67

TO: Carol H. Rasco (RASCO_C) (WHO)

READ:21-JUL-1996 16:45:46.11

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

READ:22-JUL-1996 17:40:12.94

TO: Marilyn Yager (YAGER_M) (WHO)

READ:22-JUL-1996 14:00:25.97

TO: Elizabeth E. Drye (DRYE_E) (OPD)

READ:19-JUL-1996 19:36:13.72

TO: Douglas B. Sosnik (SOSNIK_D) (WHO)

READ:20-JUL-1996 13:18:42.58

TO: Karen L. Hancox (HANCOX_K) (WHO)

READ:19-JUL-1996 20:48:02.85

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

READ:19-JUL-1996 19:17:16.24

TO: Katharine M. Button (BUTTON_K) (WHO)

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

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

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READ:NOT READ

TO: Evelyn S. Lieberman (LIEBERMAN_E) (WHO)
READ:19-JUL-1996 19:45:26.15

TO: Kevin Moran (MORAN_K1) (WHO)
READ:22-JUL-1996 08:38:50.72

TO: Victoria L. Radd (RADD_V) (WHO)
READ:20-JUL-1996 09:30:46.87

TO: Michael McCurry (MCCURRY_M) (WHO)
READ:20-JUL-1996 13:14:24.63

TO: Barry Toiv (TOIV_B) (WHO)
READ:19-JUL-1996 18:46:42.72

TO: Mary Ellen Glynn (GLYNN_M) (WHO)
READ:22-JUL-1996 11:39:49.87

TEXT:

As of 6:00 p.m. July 19, the FDA Advisory Committee had taken its votes on mifepristone (also known as RU-486). There are 8 voting people on the committee. Three votes were significant. A verbal report from Dept. of Health and Human Services indicates the following results:

Members voted: On the efficacy of mifepristone, 6 yes, 2 no
On the safety of mifepristone, 7 yes, 1 abstained
On approval of mifepristone, 6 yes, 2 abstained

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

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

CREATION DATE/TIME:19-JUL-1996 19:19:13.05

SUBJECT: SAP on House Veterans Preference bill

TO: John A. Koskinen (KOSKINEN_J) (OMB)

READ:19-JUL-1996 19:38:34.86

TO: William A. Halter (HALTER_W) (OMB)

READ:22-JUL-1996 09:25:36.38

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

READ:19-JUL-1996 19:50:11.09

TO: Bruce D. Long (LONG_B) (OMB)

READ:22-JUL-1996 12:08:01.74

TO: Robert B. Rideout (RIDEOUT_R) (OMB)

READ:21-JUL-1996 21:17:06.43

TO: Douglas D. McCormick (MCCORMICK_D) (OMB)

READ:22-JUL-1996 10:24:37.89

TO: Lynn C. Ross (ROSS_L) (OMB)

READ:22-JUL-1996 09:19:40.20

TO: David M. Zavada (ZAVADA_D) (OMB)

READ:NOT READ

TO: Phebe N. Vickers (VICKERS_P) (OMB)

READ:22-JUL-1996 08:12:26.03

TO: Mary Jo Siclari (SICLARI_M) (OMB)

READ:22-JUL-1996 09:55:39.27

TO: Eugene J. Devine (DEVINE_E) (OMB)

READ:22-JUL-1996 09:29:32.82

TO: Carole Kittl (KITTI_C) (OMB)

READ:22-JUL-1996 07:24:32.89

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

READ:20-JUL-1996 10:08:26.76

TO: Allison H. Eydt (EYDT_A) (OMB)

READ:20-JUL-1996 15:52:29.93

TO: Robert G. Damus (DAMUS_R) (OMB)

READ:19-JUL-1996 19:31:05.18

TO: Arthur W. Stigile (STIGILE_A) Autoforward to: Remote Address

READ:NOT READ

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)

READ:22-JUL-1996 10:45:54.10

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

READ:22-JUL-1996 10:47:46.61

TO: Molly Brostrom (BROSTROM_M) (WHO)
READ:22-JUL-1996 09:30:25.64

TO: Elena Kagan (KAGAN_E) (WHO)
READ:20-JUL-1996 09:46:41.34

TO: Alphonse Maldon (MALDON_A) (WHO)
READ:NOT READ

TO: Lee Ann Brackett (BRACKE_L) Autoforward to: Remote Address
READ:NOT READ

TO: Anne E. McGuire (MCGUIRE_A) (WHO)
READ:19-JUL-1996 19:28:34.63

TO: Patsy L. Thomasson (THOMASSON_P) (WHO)
READ:20-JUL-1996 12:44:29.60

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:19-JUL-1996 19:58:54.06

TO: David E. Tornquist (TORNQUIST_D) (OMB)
READ:22-JUL-1996 08:43:00.62

TO: Jodie R. Torkelson (TORKEKELSON_J) Autoforward to: Remote Addr
READ:NOT READ

TO: Franklin S. Reeder (REEDER_F) Autoforward to: Remote Address
READ:NOT READ

TO: Nina Nichols (NICHOLS_N) (WHO)
READ:22-JUL-1996 09:14:34.78

TO: Nelson W. Cunningham (CUNNINGHAM_N) (OA)
READ:20-JUL-1996 08:50:53.50

TO: Michael Zeitlin (ZEITLIN_M) (WHO)
READ:22-JUL-1996 09:08:17.75

TO: Raymond P. Kogut (KOGUT_R) (OMB)
READ:22-JUL-1996 08:35:23.62

TO: Toni S. Husted (HUSTEAD_T) (OMB)
READ:22-JUL-1996 09:17:39.45

CC: Melissa Y. Cook (COOK_MY) (OMB)
READ:22-JUL-1996 08:46:51.32

CC: James C. Murr (MURR_J) (OMB)
READ:22-JUL-1996 08:09:15.41

TEXT:

On Friday evening, you should have received a Statement of Administration Policy on H.R. 3586, Veterans Employment Opportunities Act of 1996 (LRM No. 5103). Al Maldon (WH LA) has advised that H.R. 3586 could be considered on the House floor as early as Monday (7/22) afternoon.

Given this timeframe, it is imperative that we receive your comments by 11:00 AM on Monday.
Thanks for your help.

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor (MAILMGT) (SYS)

CREATION DATE/TIME:20-JUL-1996 15:05:37.12

SUBJECT: PAGER CONFIRMATION - REED,BRUCE N.

TO: Elena Kagan (KAGAN_E) (WHO)

READ:20-JUL-1996 15:08:38.47

TEXT:

PAGE FOR REED,BRUCE N., WAS TRANSMITTED 20-JUL-1996 15:04:43.38

TEXT TRANSMITTED WAS:

CALL ME WHEN YOU CAN ELENA 67594

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

CREATOR: Martha Foley (FOLEY_M) (WHO)

CREATION DATE/TIME: 22-JUL-1996 09:33:14.56

SUBJECT: RE: jerusalem language

TO: Elena Kagan (KAGAN_E) (WHO)

READ: 22-JUL-1996 09:58:57.36

TEXT:

Yes, there have been some developments. Let's talk by phone when you have a chance...

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor (MAILMGT) (SYS)

CREATION DATE/TIME:22-JUL-1996 10:02:25.44

SUBJECT: PAGER CONFIRMATION - WALDMAN, MICHAEL A.

TO: Elena Kagan (KAGAN_E) (WHO)

READ:22-JUL-1996 11:09:23.37

TEXT:

PAGE FOR WALDMAN, MICHAEL A., WAS TRANSMITTED 22-JUL-1996 09:59:43.14

TEXT TRANSMITTED WAS:

PLS CALL ASAP RE SPEECH ELENA 67594

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor (MAILMGT) (SYS)

CREATION DATE/TIME:22-JUL-1996 10:30:19.57

SUBJECT: PAGER CONFIRMATION - TAMAGNI,LISA JORDAN

TO: Elena Kagan (KAGAN_E) (WHO)

READ:22-JUL-1996 11:09:30.93

TEXT:

PAGE FOR TAMAGNI,LISA JORDAN, WAS TRANSMITTED 22-JUL-1996 10:29:33.34

TEXT TRANSMITTED WAS:

CALL ASAP RE SPEECH ELENA 67594

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

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

CREATION DATE/TIME:22-JUL-1996 11:10:08.93

SUBJECT: Conference Call Notification

TO: Dinah Bear (BEAR_D) (CEQ)
READ:22-JUL-1996 11:13:16.52

TO: Carol R. Dennis (DENNIS_C) (OMB)
READ:29-JUL-1996 07:56:37.04

TO: Martha Foley (FOLEY_M) (WHO)
READ:NOT READ

TO: Michael L. Goad (GOAD_M) (OMB)
READ:29-JUL-1996 10:20:45.54

TO: Thomas C. Jensen (JENSEN_T) (CEQ)
READ:22-JUL-1996 11:42:16.53

TO: Sally Katzen (KATZEN_S) (OMB)
READ:22-JUL-1996 17:44:25.70

TO: FAX (92600516,Bryan Brice) (TLXA1MAIL_\F:92600516\C:Bryan Brice\\)
READ:NOT READ

TO: Kathleen A. McGinty (MCGINTY_K)
READ:NOT READ

TO: Ronald K. Peterson (PETERSON_RK) (OMB)
READ:22-JUL-1996 11:15:08.23

TO: Tracey E. Thornton (THORNTON_T) (WHO)
READ:22-JUL-1996 12:57:18.36

TO: FAX (92085584,Ed Cohen) (TLXA1MAIL_\F:92085584\C:Ed Cohen\\)
READ:NOT READ

TO: FAX (95140557,Jim Simon) (TLXA1MAIL_\F:95140557\C:Jim Simon\\)
READ:NOT READ

TO: FAX (93953744,Tom Jensen) (TLXA1MAIL_\F:93953744\C:Tom Jensen\\)
READ:NOT READ

TO: FAX (95145499,Jill Gibson) (TLXA1MAIL_\F:95145499\C:Jill Gibson\\)
READ:NOT READ

TO: FAX (95140557,Bess Osenbaugh) (TLXA1MAIL_\F:95140557\C:Bess Osenbaugh\\)
READ:NOT READ

TO: FAX (97036934507,Jim VanNess) (TLXA1MAIL_\F:97036934507\C:Jim VanNess\\)
READ:NOT READ

TO: FAX (97205437,Eric Olson) (TLXA1MAIL_\F:97205437\C:Eric Olson\\)
READ:NOT READ

TO: FAX (92603684,Gary Guzy) (TLXA1MAIL_\F:92603684\C:Gary Guzy\\)

READ:NOT READ

TO: FAX (55863, Ray Prince) (TLXA1MAIL_\F:55863\C:Ray Prince\\)
READ:NOT READ

TO: FAX (92191220, Joe Sax) (TLXA1MAIL_\F:92191220\C:Joe Sax\\)
READ:NOT READ

TO: FAX (97610270, Lance Wood) (TLXA1MAIL_\F:97610270\C:Lance Wood\\)
READ:NOT READ

TO: FAX (92604372, Lynn Ross) (TLXA1MAIL_\F:92604372\C:Lynn Ross\\)
READ:NOT READ

TO: Michael A. Fitzpatrick (FITZPATRIC_M) (OMB)
READ:22-JUL-1996 11:30:08.82

TO: Elena Kagan (KAGAN_E) (WHO)
READ:22-JUL-1996 12:34:32.56

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:22-JUL-1996 12:14:19.85

TO: FAX (95140557, Monica Medina) (TLXA1MAIL_\F:95140557\C:Monica Medina\\)
READ:NOT READ

TO: FAX (93015040016, Bob Wager) (TLXA1MAIL_\F:93015040016\C:Bob Wager\\)
READ:NOT READ

TO: FAX (92608393, David Coursen) (TLXA1MAIL_\F:92608393\C:David Coursen\\)
READ:NOT READ

TO: FAX (97036973366, Michael Davis) (TLXA1MAIL_\F:97036973366\C:Michael Davis\\)
READ:NOT READ

TEXT:

The EOP/Agency takings team will meet by conference call Monday,
July 22nd, at 3:00 p.m.
The call-in number is 260-8330 1279#.
Thanks for your cooperation.

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor (MAILMGT) (SYS)

CREATION DATE/TIME:22-JUL-1996 17:42:34.74

SUBJECT: PAGER CONFIRMATION - REED,BRUCE N.

TO: Elena Kagan (KAGAN_E) (WHO)

READ:22-JUL-1996 18:23:13.96

TEXT:

PAGE FOR REED,BRUCE N., WAS TRANSMITTED 22-JUL-1996 17:38:52.92

TEXT TRANSMITTED WAS:

GIVE A CALL. ELENA 67594

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

CREATOR: John O. Sutton (SUTTON_J) (WHO)

CREATION DATE/TIME:23-JUL-1996 08:37:58.52

SUBJECT: Ed Wallace Indian gaming letter

TO: Elena Kagan (KAGAN_E) (WHO)

READ:23-JUL-1996 10:52:44.79

TEXT:

Have you had a chance to vet Harold's letter to Ed Wallace on Indian gaming yet? Melissa Murray told me she sent it to you. There is no rush whatsoever, I was just checking on the status.

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:23-JUL-1996 10:21:53.39

SUBJECT: CANCELLING TODAY'S MEETING

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

READ:23-JUL-1996 13:44:41.18

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

READ:NOT READ

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

READ:NOT READ

TO: Kathleen A. McGinty (MCGINTY_K)

READ:NOT READ

TO: Ron Cogswell (COGSWELL_R) (OMB)

READ:NOT READ

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

READ:23-JUL-1996 10:29:25.65

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

READ: 1-AUG-1996 17:19:51.64

TO: Elena Kagan (KAGAN_E) (WHO)

READ:23-JUL-1996 10:53:10.65

TO: Martha Foley (FOLEY_M) (WHO)

READ:23-JUL-1996 10:38:02.81

TO: Kris Balderston (BALDERSTON_K) (WHO)

READ:24-JUL-1996 11:02:39.24

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

READ:23-JUL-1996 15:04:09.12

TO: Remote Addressee (TLXA1MAIL_\F:97205437\C:Anne Kennedy\\)

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: Remote Addressee (TLXA1MAIL_\F:95140557\C:Peter Coppelman\\)

READ:NOT READ

TO: Ruth D. Saunders
READ:23-JUL-1996 10:22:44.13

(SAUNDERS_R) (OMB)

TO: Remote Addressee
READ:NOT READ

(TLXA1MAIL_\F:915033266254\C:Tom Tuchman\\

TO: FAX (92083877,Bob Baum)
READ:NOT READ

(TLXA1MAIL_\F:92083877\C:Bob Baum\\)

TO: FAX (95640070,Richard Sanderson)
READ:NOT READ

(TLXA1MAIL_\F:95640070\C:Richard Sanderson

TO: FAX (9-208-6916,Gerry Jackson)
READ:NOT READ

(TLXA1MAIL_\F:9-208-6916\C:Gerry Jackson\\

TEXT:

Due to today's Forest Plan hearing, the usual interagency/EOP
timber meeting is CANCELLED.
Have a good week!

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

CREATOR: Jeff P. Dailey (DAILEY_J) (WHO)

CREATION DATE/TIME:23-JUL-1996 11:01:30.16

SUBJECT: product liability form letter

TO: Elena Kagan (KAGAN_E) (WHO)

READ:23-JUL-1996 14:01:22.97

TEXT:

Elena--

The President has received a good deal of mail over the past couple of months from the general public relating to product liability reform. About 75% of the letters deal with the legislation that the President vetoed and 25% deal with product liability reform in general. As you may know, for the most part my office does not usually see letters from the general public; rather, we respond to letters from elected officials and other vips.

The office that opens the President's letters catagorizes mail from the general public as it comes in, but, for instance, the letters that have been written regarding the product liability legislation are clumped together with the general letters on this topic. Therefore, in responding to all of these letters, we need to craft a single letter that deals with product liability as a whole, but that also addresses the legislation that Potus vetoed. I've written a draft, and I'm wondering if you can give me some guidance on what would be appropriate for Presidential response.

You've been very helpful over the past few months, and I really appreciate your help.

Here's my draft:

Thank you very much for sharing your thoughts regarding product liability. I appreciate having your perspective on this issue. My Administration believes our civil justice system can and should be improved. In this effort, we must ensure that reform is respectful of the state's important role in the federal system, as well as fair to all parties.

Earlier this year, I vetoed the product liability bill because it went against this belief. Not only did it inappropriately intrude on state authority, it also seriously impaired the ability of consumers to gain fair and adequate compensation for their injuries. In particular, I opposed completely eliminating joint liability for non-economic damages, placing arbitrary caps on punitive damages, and restricting a person's right to sue after fifteen years without regard to the useful life of the product in question.

I continue to believe that Congress can pass limited, but balanced, product liability reform, without resorting to measures which would harm the consumer. As I continue working with Congress to achieve this end, I appreciate having your perspective and encourage you to stay involved in the future.

###

thanks,
Jeff

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

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

CREATION DATE/TIME:23-JUL-1996 14:52:13.77

SUBJECT: Justice letter on Deutsch Amdt to CJS Approps. Bill

TO: Elena Kagan (KAGAN_E) (WHO)
READ:23-JUL-1996 14:54:24.01

TO: Dennis Burke (BURKE_D) (OPD)
READ:23-JUL-1996 15:49:00.09

TO: David J. Haun (HAUN_D) (OMB)
READ:23-JUL-1996 15:29:20.74

TO: John E. Thompson (THOMPSON_J) (OMB)
READ:23-JUL-1996 16:55:00.06

TO: Charles E. Kieffer (KIEFFER_C) (OMB)
READ:23-JUL-1996 18:21:26.30

TO: Alice E. Shuffield (SHUFFIELD_A) (OMB)
READ:23-JUL-1996 15:42:26.53

TO: Lisa E. Jacobson (JACOBSON_LE) (OMB)
READ:23-JUL-1996 15:06:56.59

TO: James C. Murr (MURR_J) (OMB)
READ:23-JUL-1996 15:26:57.12

TO: Ronald E. Jones (JONES_RE) (OMB)
READ:23-JUL-1996 14:52:31.56

TO: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:23-JUL-1996 17:44:52.00

CC: Barbara C. Chow (CHOW_B) (WHO)
READ:24-JUL-1996 08:33:33.80

CC: Peter Jacoby (JACOBY_P) (WHO)
READ:23-JUL-1996 19:45:38.97

TEXT:

Justice has just submitted for "instantaneous" clearance a brief statement, the text of which is below, on an amendment to be offered by Rep. Deutsch to the Commerce-Justice-State appropriations bill, which is now being debated on the House floor. Please give me any comments by 3:15 p.m. Thank you.

Background

The Deutsch amendment would reduce by 10 percent certain Federal law enforcement grants to State and local entities that fail to provide public safety officers who retire or are separated due to certain injuries suffered in the line of duty "the same or better level of health insurance benefits" as were paid at the time of retirement or separation.

The statement was prepared at the request of Barbara Chow in WH/LA. Justice is checking with Barbara to see if she wants the following text formatted into a letter from Justice to the

appropriators.

Text of Justice Statement

"The Administration fully supports the goal of maintaining adequate health insurance coverage for law enforcement officers injured and disabled in the line of duty. Indeed, it supports ensuring that all Americans have sufficient health insurance.

"We must work to ensure the goal of providing insurance for injured law enforcement personnel while not imposing large financial burdens and unfunded mandates on state and local governments. We must also work towards the goal of proper coverage while not threatening essential crime fighting funds needed by state and local law enforcement such as the Byrne grants program, the Violence Against Women funds and the COPS program.

"We would be happy to work with the sponsor of the amendment and all concerned to meet this need in the most effective way possible."

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

CREATOR: Leanne Johnson (JOHNSON_L) (WHO)

CREATION DATE/TIME:23-JUL-1996 17:32:55.97

SUBJECT: RE: moody letter

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:23-JUL-1996 18:00:11.76

TEXT:

Thanks Elena!

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

CREATOR: Todd Stern (STERN_T) (WHO)

CREATION DATE/TIME:23-JUL-1996 18:22:01.65

SUBJECT: california securities initiative

TO: Harold Ickes (ICKES_H) (WHO)
READ:NOT READ

TO: Janice A. Enright (ENRIGHT_J) (WHO)
READ:23-JUL-1996 18:36:45.89

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:24-JUL-1996 17:37:41.47

TO: Jennifer D. Dudley (DUDLEY_J) (WHO)
READ:23-JUL-1996 18:30:19.15

TO: Jack M. Quinn (QUINN_J) Autoforward to: Cheryl L Sweitz
READ:23-JUL-1996 19:17:22.50

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-JUL-1996 08:56:26.50

TO: George Stephanopoulos (STEPHANOPO_G) Autoforward to: Laura Capp
READ:23-JUL-1996 19:12:09.99

TO: Laura Capps (CAPPS_L) (WHO)
READ:23-JUL-1996 19:12:09.99

TO: Laura D. Tyson (TYSON_L) Autoforward to: Thomas O'Donnell
READ:NOT READ

TO: Thomas O'Donnell (ODONNELL_T) (WHO)
READ:NOT READ

TO: Douglas B. Sosnik (SOSNIK_D) (WHO)
READ:24-JUL-1996 19:02:36.22

TEXT:

I sent a memo around last week from Dave Barram recommending that the President come out promptly against the California securities litigation initiative. I am planning to forward this to the President within the next day or two. If you have any comment on Barram's suggestion, please let me know. If you need another copy, my office can supply it. tds

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

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

CREATION DATE/TIME:23-JUL-1996 21:23:02.54

SUBJECT: POTUS Campaign Finance letter to Gingrich -- for clearance

TO: Jacob J. Lew (LEW_J) (OMB)
READ:24-JUL-1996 14:52:39.41

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:24-JUL-1996 11:44:15.75

TO: Joseph Minarik (MINARIK_J) (OMB)
READ:24-JUL-1996 07:45:43.57

TO: Martha Foley (FOLEY_M) (WHO)
READ:24-JUL-1996 09:29:39.82

TO: John C. Angell (ANGELL_J) (WHO)
READ:24-JUL-1996 09:04:17.00

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ:24-JUL-1996 14:14:29.39

TO: LAWRENCE J. HAAS (HAAS_L) (OMB)
READ:24-JUL-1996 10:47:15.38

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-JUL-1996 10:03:33.15

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:24-JUL-1996 10:42:12.82

CC: M. Jill Gibbons (GIBBONS_M) (OMB)
READ:24-JUL-1996 08:58:51.68

CC: James J. Jukes (JUKES_J) (OMB)
READ:24-JUL-1996 09:39:23.29

CC: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:25-JUL-1996 14:06:31.84

CC: Charles E. Kieffer (KIEFFER_C) (OMB)
READ:23-JUL-1996 23:12:29.28

CC: Jill M. Blickstein (BLICKSTEIN_J) (OMB)
READ:24-JUL-1996 08:09:39.97

TEXT:
Below is a revised POTUS letter to the Speaker regarding campaign finance, similar to the one circulated last week. The 2nd, 3rd, and 4th paragraphs, which now address the Rules Committee's actions, contain the only changes.
Please let me know if you have any comments by 11 am Wednesday morning. The letter will go to the President's desk for signature on Wednesday afternoon.

THANKS!

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

ATT CREATION TIME/DATE:23-JUL-1996 19:35:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Peter Jacoby

ATT SUBJECT: CFR Letter For Your Review

ATT TO: Alice E. Shuffield (SHUFFIELD_A)

TEXT:

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

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

ATT CREATION TIME/DATE:23-JUL-1996 12:10:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Peter Jacoby

ATT SUBJECT: Revised CFR letter to Gingrich for Review

ATT TO: Elisa M. Millsap (MILLSAP_E)

ATT TO: M. Jill Gibbons (GIBBONS_M)

TEXT:

July 23, 1996

Dear Speaker Gingrich:

Just over a year ago, I shook hands with you and publicly affirmed my commitment to reforming the nation's campaign finance laws. As the House considers campaign finance reform legislation this week, I urge you to follow through on our commitment and send me legislation that will address the American public's desire for real change in our political process, and in so doing renew our democracy and strengthen our country.

Unhappily, I am not encouraged that either the leading Republican campaign finance reform bill, H.R. 3820 by Congressman Thomas, or the rule that will govern the House's debate on this critical issue, will lead to acceptable reform legislation.

The Thomas legislation, while admirable in its goal to strengthen the role of parties in federal elections, will allow special interests and wealthy individuals to pour unprecedented amounts of campaign contributions into federal campaigns. The measure's increased contribution limits combined with its failure to implement soft money reforms or address the rising costs of television and radio broadcast time and other campaign expenses will weaken, not strengthen, our political system.

I am also disappointed by the decision of the Republicans on the House Rules Committee to restrict the House from debating any bipartisan campaign finance reform proposal. I have

consistently urged Congress to send me bipartisan reform legislation and I would specifically endorse the comprehensive, bipartisan legislation crafted by Congresswoman Smith, Congressman Meehan and Congressman Shays. This measure places limits on spending, curbs PAC and lobbyist influence, discounts the cost of broadcast time, and reforms the soft money system. Regrettably, the House will be unable to consider this, or any other bipartisan measure, due to the House Rules Committee action.

As we work to reform campaign finance, we must do everything in our power to ensure that we open, not limit, the political process. Our goal is to take the reins of our democracy away from big special interests, from big money, and to return them to the hands of those who deserve them -- ordinary Americans. Real reform is achievable and I urge you to lead the House in passing sensible, comprehensive bipartisan campaign finance reform legislation and give the American people something we can all be proud of.

Sincerely,

The Honorable Newt Gingrich
The Speaker
United States House of Representatives
Washington, D.C. 20515

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

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

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

CREATION DATE/TIME:24-JUL-1996 10:53:45.44

SUBJECT: **** SSA TESTIMONY FOR CLEARANCE 7/24/96 *****

TO: Kenneth S. Apfel (APFEL_K) (OMB)
READ:24-JUL-1996 11:26:23.54

TO: Mary I. Cassell (CASSELL_M) (OMB)
READ:25-JUL-1996 09:01:26.03

TO: Cynthia M. Smith (SMITH_CM) (OMB)
READ:24-JUL-1996 11:20:31.53

TO: John A. Koskinen (KOSKINEN_J) (OMB)
READ:24-JUL-1996 14:06:13.41

TO: William A. Halter (HALTER_W) (OMB)
READ:24-JUL-1996 10:54:59.98

TO: Sally Katzen (KATZEN_S) (OMB)
READ:24-JUL-1996 13:44:22.47

TO: Michael A. Fitzpatrick (FITZPATRIC_M) (OMB)
READ:24-JUL-1996 11:22:11.23

TO: Joseph Minarik (MINARIK_J) (OMB)
READ:24-JUL-1996 11:30:54.89

TO: Justine F. Rodriguez (RODRIGUEZ_J) (OMB)
READ:24-JUL-1996 11:06:11.76

TO: Barry White (WHITE_B) (OMB)
READ:25-JUL-1996 07:38:08.90

TO: Keith J. Fontenot (FONTENOT_K) (OMB)
READ:24-JUL-1996 11:23:12.24

TO: Richard E. Green (GREEN_R) (OMB)
READ:24-JUL-1996 10:57:11.57

TO: Jack A. Smalligan (SMALLIGAN_J) (OMB)
READ:26-JUL-1996 10:56:45.47

TO: Desiree Filippone (FILIPPONE_D) (OMB)
READ:24-JUL-1996 10:54:09.61

TO: Laura A. Oliven (OLIVEN_L) (OMB)
READ:24-JUL-1996 11:05:39.29

TO: Edward C. Springer (SPRINGER_E) (OMB)
READ:24-JUL-1996 11:01:01.35

TO: Maya A. Bernstein (BERNSTEIN_M) (OMB)
READ:24-JUL-1996 16:51:57.02

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

READ:24-JUL-1996 12:23:56.80

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:25-JUL-1996 14:08:01.53

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)
READ:24-JUL-1996 14:24:14.31

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:24-JUL-1996 11:00:44.55

TO: Molly Brostrom (BROSTROM_M) (WHO)
READ:24-JUL-1996 10:59:48.15

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:24-JUL-1996 13:17:16.23

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:24-JUL-1996 11:45:50.60

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-JUL-1996 11:49:31.27

TO: Arthur W. Stigile (STIGILE_A) Autoforward to: Remote Address
READ:NOT READ

TO: Bruce W. McConnell (MCCONNELL_B) Autoforward to: Remote Address
READ:NOT READ

TO: John F. Morrall, III (MORRALL_J) (OMB)
READ:NOT READ

CC: James C. Murr (MURR_J) (OMB)
READ:24-JUL-1996 11:44:41.15

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:24-JUL-1996 12:09:40.10

TEXT:

This morning, SSA sent us testimony on "SSA as an Independent Agency" for clearance this afternoon. Commissioner Chater is scheduled to deliver this testimony tomorrow morning (7/25) before the House Subcommittee on Social Security. Although much of the testimony is "oversight", the solvency issue is discussed.

You should be receiving SSA's testimony shortly (see LRM 5149). Comments are due to me by 2 pm today. This is a firm deadline. Thanks for your help.

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:24-JUL-1996 11:41:29.22

SUBJECT: 9th Circuit confirms murrelet ruling

TO: T J Glauthier (GLAUTHIER_T) (OMB)

READ:24-JUL-1996 12:04:08.60

TO: Martha Foley (FOLEY_M) (WHO)

READ:24-JUL-1996 12:34:29.24

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

READ:24-JUL-1996 20:21:13.72

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-JUL-1996 11:56:02.79

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

READ:24-JUL-1996 12:38:16.28

TO: Ruth D. Saunders (SAUNDERS_R) (OMB)

READ:24-JUL-1996 11:55:39.65

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

READ: 1-AUG-1996 09:27:59.79

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

READ:24-JUL-1996 13:39:15.21

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

READ:24-JUL-1996 15:21:15.84

TO: Michelle Denton (DENTON_M) (CEQ)

READ:24-JUL-1996 11:45:09.04

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

READ:24-JUL-1996 17:58:29.46

TEXT:

Yesterday, the Ninth Circuit Court of Appeals denied the industry plaintiffs (Northwest Forest Resources Council) petition for rehearing in the decision dealing with how the land management agencies determine how marbled murrelets are "nesting". We doubt the plaintiffs will go to the Supreme Court on this; it's probably the end of the road for them on the legal front.

This leaves the issue of replacement timber of like kind, value and volume as the remaining big issue related to the implementation of Section 2001(k) (the old growth sales). USDA has sent a directive to the Forest Service instructing them to begin the process of identifying and offering replacement timber sales that are in compliance with all environmental laws, and to use the remaining unadvertised FY 1996 Northwest Forest Plan timber as the first source for that. There are rumblings that the purchasers won't take forest plan timber because it puts them at odds with other timber companies who want to bid on that timber. Industry has approached USDA about opening discussions on the replacement timber; there will be a meeting later this week with

representatives of USDA and Justice and industry reps. to explore a possible settlement (this should stay close hold for now). On another but related timber front, various environmental groups will be noting the year anniversary of the signing of the timber rider this week with demonstrations, etc., in the Pacific Northwest. USDA is getting information Thursday on how many salvage sales scheduled to be offered under the rider will be withdrawn as the result of the Secretary's recent directive; however, they are debating whether to release that information immediately or whether to wait for an August 1st Senate Energy and Resources hearing at which Senator Craig will criticize the directive.

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

CREATOR: M. Jill Gibbons (GIBBONS_M) (OMB)

CREATION DATE/TIME:24-JUL-1996 12:22:08.17

SUBJECT: Justice letter on S.1629 - 10th Amendment

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-JUL-1996 13:23:03.54

TO: Steven D. Aitken (AITKEN_S) (OMB)
READ:24-JUL-1996 12:46:22.25

TO: Michael A. Fitzpatrick (FITZPATRIC_M) (OMB)
READ:24-JUL-1996 13:20:19.82

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:24-JUL-1996 14:27:49.13

TEXT:

Please provide any comments or sign off on the Justice letter on S. 1629, the Tenth Amendment Enforcement Act (See LRM 5139) by 2:00 today. The bill is being marked up in full committee tomorrow. If we do not hear from you by 2:00, we will assume that you have no comment. Thank you.

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

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

CREATION DATE/TIME:24-JUL-1996 13:19:52.66

SUBJECT: Kathy Wallman is back

TO: Dawn Chirwa (CHIRWA_D) (WHO)
READ:24-JUL-1996 16:11:08.65

TO: Peter Erichsen (ERICHSEN_P) (WHO)
READ:25-JUL-1996 10:29:51.45

TO: David Fein (FEIN_D) (WHO)
READ:24-JUL-1996 13:28:22.22

TO: James "David" Fielder (FIELDER_J) (WHO)
READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-JUL-1996 13:23:09.27

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:24-JUL-1996 17:38:59.69

TO: Cheryl D. Mills (MILLS_C) (WHO)
READ:24-JUL-1996 14:21:47.56

TO: Miriam R. Nemetz (NEMETZ_M) (WHO)
READ:24-JUL-1996 14:15:02.77

TO: Stephen R. Neuwirth (NEUWIRTH_S)
READ:NOT READ

TO: Sally Paxton (PAXTON_S) (WHO)
READ:24-JUL-1996 16:02:10.79

TO: Jack M. Quinn (QUINN_J) Autoforward to: Cheryl L Sweitz
READ:24-JUL-1996 13:38:37.71

TO: Robert W. Schroeder III (SCHROEDER_R) (WHO)
READ:24-JUL-1996 13:20:13.16

TO: Jane C. Sherburne (SHERBURNE_J) (WHO)
READ:24-JUL-1996 14:09:48.92

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:24-JUL-1996 16:34:24.24

TO: Kathleen M. Whalen (WHALEN_K) (WHO)
READ:24-JUL-1996 14:46:55.23

TO: Wendy S. White (WHITE_WS) (WHO)
READ:NOT READ

TO: Jon Yarowsky (YAROWSKY_J) (WHO)
READ:24-JUL-1996 18:42:50.27

TEXT:

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

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

CREATION DATE/TIME:24-JUL-1996 15:53:50.52

SUBJECT: Inspector General for the EOP

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-JUL-1996 17:31:32.96

TO: Kathleen M. Whalen (WHALEN_K) (WHO)
READ:24-JUL-1996 15:55:47.93

TO: Nelson W. Cunningham (CUNNINGHAM_N) (OA)
READ:24-JUL-1996 15:53:45.60

TO: Steven D. Aitken (AITKEN_S) (OMB)
READ:24-JUL-1996 16:05:44.71

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:24-JUL-1996 16:45:45.79

TO: Robert B. Rideout (RIDEOUT_R) (OMB)
READ:24-JUL-1996 15:59:45.23

TO: Raymond P. Kogut (KOGUT_R) (OMB)
READ:24-JUL-1996 15:58:03.34

TO: Wendy B. Zenker (ZENKER_W) (OMB)
READ:24-JUL-1996 15:54:11.29

TO: Norwood J. Jackson Jr (JACKSON_N) (OMB)
READ:NOT READ

TO: G. Edward DeSeve (DESEVE_G) (OMB)
READ:29-JUL-1996 10:19:02.89

TO: Suzanne M. Murrin (MURRIN_S) (OMB)
READ:24-JUL-1996 16:01:43.71

TO: John A. Koskinen (KOSKINEN_J) (OMB)
READ:24-JUL-1996 16:19:23.61

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:24-JUL-1996 16:45:51.83

CC: James C. Murr (MURR_J) (OMB)
READ:24-JUL-1996 17:22:13.21

CC: M. Jill Gibbons (GIBBONS_M) (OMB)
READ:24-JUL-1996 15:54:05.75

CC: Deborah L. Shaw (SHAW_D) (OMB)
READ:24-JUL-1996 15:56:28.64

CC: Scott Quehl (QUEHL_S) (OMB)
READ:24-JUL-1996 15:56:09.22

TEXT:

You should have received within the last hour LRM #5161, which requests your comments on a draft Justice letter opposing on constitutional grounds the establishment of an Inspector General within the Executive Office of the President. The LRM requests comments on the letter by 5:00 today.

We understand that at tomorrow's Government Reform and Oversight Committee markup of HR 3452, the "Presidential and Executive Office Accountability Act," an amendment will be offered to establish an IG within the EOP. We believe that the amendment will consist of the text of HR 3872, which was introduced yesterday. We have just obtained HR 3872, and will send it to you momentarily.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Kathleen Wallman to Elena Kagan. Subject: Peter (1 page)	07/24/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[7/19/1996 - 7/25/1996]

2009-1006-F
ke697

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:24-JUL-1996 16:36:46.60

SUBJECT: **** URGENT UPDATE ON SSA TESTIMONY (see LRM 5149)

TO: Kenneth S. Apfel (APFEL_K) (OMB)
READ:24-JUL-1996 17:06:19.22

TO: Mary I. Cassell (CASSELL_M) (OMB)
READ:25-JUL-1996 09:04:12.26

TO: Cynthia M. Smith (SMITH_CM) (OMB)
READ:24-JUL-1996 16:36:42.10

TO: John A. Koskinen (KOSKINEN_J) (OMB)
READ:24-JUL-1996 17:06:15.43

TO: William A. Halter (HALTER_W) (OMB)
READ:24-JUL-1996 16:37:45.20

TO: Sally Katzen (KATZEN_S) (OMB)
READ:24-JUL-1996 17:03:15.12

TO: Michael A. Fitzpatrick (FITZPATRIC_M) (OMB)
READ:24-JUL-1996 18:40:20.63

TO: Joseph Minarik (MINARIK_J) (OMB)
READ:24-JUL-1996 18:57:52.07

TO: Justine F. Rodriguez (RODRIGUEZ_J) (OMB)
READ:24-JUL-1996 17:39:16.72

TO: Barry White (WHITE_B) (OMB)
READ:NOT READ

TO: Keith J. Fontenot (FONTENOT_K) (OMB)
READ:24-JUL-1996 16:47:07.30

TO: Richard E. Green (GREEN_R) (OMB)
READ:24-JUL-1996 16:56:10.97

TO: Jack A. Smalligan (SMALLIGAN_J) (OMB)
READ:26-JUL-1996 10:52:49.71

TO: Desiree Filippone (FILIPPONE_D) (OMB)
READ:24-JUL-1996 16:46:04.31

TO: Laura A. Oliven (OLIVEN_L) (OMB)
READ:25-JUL-1996 08:32:10.79

TO: Edward C. Springer (SPRINGER_E) (OMB)
READ:24-JUL-1996 16:38:36.99

TO: Maya A. Bernstein (BERNSTEIN_M) (OMB)
READ:24-JUL-1996 16:51:01.01

TO: Lisa Kountoupes (KOUNTOUPES_L) (OMB)

READ:29-JUL-1996 10:17:43.12

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

READ:26-JUL-1996 11:11:27.17

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

READ:25-JUL-1996 14:20:26.78

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

READ:24-JUL-1996 17:38:32.02

TO: Molly Brostrom (BROSTROM_M) (WHO)

READ:24-JUL-1996 17:18:11.69

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

READ:24-JUL-1996 16:49:46.08

TO: Gene B. Sperling (SPERLING_G) Autoforward to: Daniel Taber

READ:24-JUL-1996 16:40:05.58

TO: Pauline M. Abernathy (ABERNATHY_P) (OPD)

READ:24-JUL-1996 16:52:29.67

TO: Robert G. Damus (DAMUS_R) (OMB)

READ:24-JUL-1996 16:47:24.69

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-JUL-1996 17:33:05.42

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

READ:24-JUL-1996 16:36:57.71

TO: Bruce W. McConnell (MCCONNELL_B) Autoforward to: Remote Addr

READ:NOT READ

TO: John F. Morrall, III (MORRALL_J) (OMB)

READ:NOT READ

CC: James C. Murr (MURR_J) (OMB)

READ:24-JUL-1996 16:50:49.56

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

READ:25-JUL-1996 10:46:55.46

TEXT:

As you are aware, SSA Commissioner Chater is slated to testify tomorrow at 10 a.m. before the House Subcommittee on Social Security on "SSA as an Independent Agency". Among other topics, the SSA testimony discusses the solvency of the Social Security trust funds, disability-related issues, and welfare reform legislation. OMB received the testimony for clearance this morning.

We have just learned that SSA submitted its testimony to the Hill at 1:30 p.m. today without having received OMB/EXOP edits and OMB clearance to transmit. I will fax you a copy of the uncleared document that was sent to the Subcommittee.

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

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

CREATION DATE/TIME:25-JUL-1996 08:20:27.48

SUBJECT: TEAM Act letter

TO: Todd Stern (STERN_T) (WHO)
READ:25-JUL-1996 08:28:02.05

TO: John C. Angell (ANGELL_J) (WHO)
READ:25-JUL-1996 10:55:32.30

TO: John Hilley (HILLEY_J) Autoforward to: Elisa M. Mills
READ:25-JUL-1996 08:20:33.32

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:30-JUL-1996 10:37:11.66

TO: Elena Kagan (KAGAN_E) (WHO)
READ:25-JUL-1996 08:45:13.65

TO: Gene B. Sperling (SPERLING_G) Autoforward to: Daniel Taber
READ:25-JUL-1996 08:58:41.93

TEXT:

Assuming we are still on the same track with the TEAM Act veto statement, attached is a slightly edited version of the Dept. of Labor draft statement, attached to a modified version of the presidential decision memo draft that was floating around last week.

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:25-JUL-1996 08:17:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Jennifer M. O'Connor

TEXT:

PRINTER FONT 12_POINT_ROMAN
July 15, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: ??

SUBJECT: TEAM ACT LETTER TO CEOS

Attached is a draft veto statement for the TEAM Act. The statement rearticulates the message in the Statement of Administration Policy on the bill: 1) the Administration strongly supports labor

□

-management partnerships; 2) labor management partnerships are flourishing under current law; 3) the TEAM Act wouldn't increase or strengthen these partnerships but instead would undermine the collective bargaining system. It also points out that the NLRB will independently continue to

clarify the law in this area. It does not endorse any legislation to change current law.

Pros:

? Makes a strong statement in favor of labor

-management

partnerships and your consistent support of them.

? Will be consistent with the promise the Vice President made in his Bal Harbour appearance before the AFL

-CIO in 1995

? Will not cause unintended consequences in the Congress.

Constituents who are most concerned about the TEAM Act fear

that if you make a positive statement about changes to

?8(a)(2) of the National Labor Relations Act, you will

generate renewed interest in finding a legislative

compromise that you could sign. They point out that the

alternative Democratic bills have not generated any media

stories suggesting that Democrats want to amend ?8(a)(2).

But they fear that presidential support for changes to

?8(a)(2) is a different matter and will create momentum that

will lead to actual changes in the law. They believe that

any changes to ?8(a)(2) risk making it more difficult for

employees to organize new workplaces; and so they believe

any such changes are tantamount to an assault on the right

of employees to organize unions.

? Maintains a balanced approach to labor policy. While the

NLRB estimates that an average of three businesses per year

are ordered to disband labor

-management committees due to

violations of 8(a)(2), it estimates that XX thousand

businesses are found guilty each year of illegally firing

employees because they support unions. It would appear

unbalanced to address the business community's concerns

without also addressing related employee/union concerns

which also undermine cooperation in the workplace.

? Will not generate criticism from the labor movement. The

AFL

-CIO views this issue a threat to employees' ability to

organize -- the very essence of the labor movement. Their

sentiments on this issue are even more intense than their

sentiments about NAFTA.

Cons:

? If this issue takes on a larger symbolic prominence in the

public debate, we will be hard pressed to explain why you

are not supporting an alternative bill supported by 202

Democratic House Members and 37 (check) Democratic Senators.

? Some in the business community argue clarification is needed

and this letter addresses that concern merely by noting the

NLRB's ability to clarify the law.

? Could be viewed as giving in to labor constituents' demands.

Alternative

The attached statement could also be amended to include a

paragraph stating that to the extent some employers are reluctant

to use labor

-management cooperation efforts due to confusion about the law, you would welcome reasonable clarifications to the law, along the lines of the Democratic bill in the Senate. The advantage of this approach is it addresses the problems outlined in the "cons" section above, enabling you to state that you, like the many Democrats who voted for the bill, are in favor of legislative changes that facilitate labor

-management partnerships. The disadvantage of this approach is that it negates all but the first "pro" outlined above, potentially leading to unintended congressional results and definitely leading to harsh criticism from supporters.

Options

_____ Statement as drafted _____ Alternative
 _____ Let's discuss

TO THE HOUSE OF REPRESENTATIVES

I am returning herewith without my approval, H.R. 743, the Teamwork for Employees and Managers Act, commonly known as the TEAM Act. This act would undermine crucial employee protections.

I strongly support workplace practices that promote cooperative labor

-management relations. In order for the United States to remain globally competitive into the next century, employees must recognize their stake in their employer's business, employers must value their employees' labor, and each must work in partnership with the other. Cooperative efforts, by promoting mutual trust and respect, can encourage innovation, improve productivity, and enhance the efficiency and performance of American workplaces.

Current law leaves room for a wide variety of cooperative workplace efforts. As articulated in recent decisions of the National Labor Relations Board, current law permits employers to work with employees in quality circles to improve quality, efficiency and productivity. Current law allows employers to delegate significant managerial responsibilities to employee work teams, sponsor brainstorming sessions, and solicit employee suggestions and criticisms. Today, 30,000 workplaces across the country have employee involvement plans. According to one recent survey, 96% of large employers already have established such programs.

I strongly support encouraging further labor

-management cooperation within the broad parameters allowed under current law. As case law and workplace practices evolve, the NLRB will exercise its independent authority to provide guidance and clarify the legal boundaries of labor

-management teamwork.

The TEAM Act, however, would not increase genuine teamwork and would undermine the system of collective bargaining that has served this country so well for many decades. The TEAM Act would allow employers to establish company unions where no union currently exists and would permit company

□

-dominated unions where employees are in the process of determining whether to be represented by a union. Rather than encouraging true workplace cooperation, the TEAM Act would abolish protections that ensure independent and democratic representation in the workplace.

True cooperative efforts must be based on true partnerships. A context of mutual trust and respect encourages the prospect for achieving workplace innovation, improved productivity, and enhanced efficiency and workplace performance.

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

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

CREATOR: Tracy F. Sisser (SISSER_T) (WHO)

CREATION DATE/TIME:25-JUL-1996 09:48:13.95

SUBJECT: securities litigation

TO: Elena Kagan (KAGAN_E) (WHO)

READ:25-JUL-1996 11:59:34.42

TEXT:

I have one more draft that is slightly more comprehensive than the previous versions. This draft was prepared by Todd Stern for the President's signature. Is this OK?

Thank you for sharing your thoughts on securities litigation reform.

The enactment into law of H.R. 1058, the securities litigation reform act, creates both opportunities and potential pitfalls for United States securities markets. While some of the act's provisions are likely to increase the amount of information available to investors, and thus enhance market efficiency, a number of other sections may reduce the ability of investors to seek redress for damages resulting from arguably fraudulent activities.

I believe it is important that the Securities and Exchange Commission, as the government agency directly charged with implementing securities laws and protecting investors, monitors the execution and impact of this legislation carefully -- and increases enforcement and rulemaking activities if necessary. The budget plan I have submitted to Congress authorizes and expands fees assessed upon transactions in the securities and bond markets. Combined with future appropriations, these fees will improve the Commission's ability to carry out its duties. I also believe it will be useful for the Commission to advise me and the Congress within a year about the impact of the Act on the effectiveness of the securities laws and on investor protection, as well as on the extent and nature of any litigation under the Act. In the event there are indications that portions of the act are having a negative impact on the integrity of our markets, I hope that the Commission will recommend amendments.

It is my sincere hope that the benefits of the Act will far outweigh any problems. As we seek to develop thoughtful, balanced reforms to our nation's securities laws, I appreciate your involvement.

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

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

CREATION DATE/TIME:25-JUL-1996 10:26:36.27

SUBJECT: Conference call notice

TO: Dinah Bear

(BEAR_D) (CEQ)

READ:NOT READ

TO: Carol R. Dennis

(DENNIS_C) (OMB)

READ:29-JUL-1996 07:58:52.83

TO: Martha Foley

(FOLEY_M) (WHO)

READ:25-JUL-1996 10:26:28.65

TO: Michael L. Goad

(GOAD_M) (OMB)

READ:29-JUL-1996 10:28:50.15

TO: Thomas C. Jensen

(JENSEN_T) (CEQ)

READ:NOT READ

TO: Sally Katzen

(KATZEN_S) (OMB)

READ:25-JUL-1996 18:34:00.86

TO: FAX (92600516,Bryan Brice)

(TLXA1MAIL_\F:92600516\C:Bryan Brice\\)

READ:NOT READ

TO: Kathleen A. McGinty

(MCGINTY_K)

READ:25-JUL-1996 13:10:16.21

TO: Ronald K. Peterson

(PETERSON_RK) (OMB)

READ:25-JUL-1996 10:33:14.84

TO: Tracey E. Thornton

(THORNTON_T) (WHO)

READ:NOT READ

TO: FAX (92085584,Ed Cohen)

(TLXA1MAIL_\F:92085584\C:Ed Cohen\\)

READ:NOT READ

TO: FAX (95140557,Jim Simon)

(TLXA1MAIL_\F:95140557\C:Jim Simon\\)

READ:NOT READ

TO: FAX (93953744,Tom Jensen)

(TLXA1MAIL_\F:93953744\C:Tom Jensen\\)

READ:NOT READ

TO: FAX (95145499,Jill Gibson)

(TLXA1MAIL_\F:95145499\C:Jill Gibson\\)

READ:NOT READ

TO: FAX (95140557,Bess Osenbaugh)

(TLXA1MAIL_\F:95140557\C:Bess Osenbaugh\\)

READ:NOT READ

TO: FAX (97036934507,Jim VanNess)

(TLXA1MAIL_\F:97036934507\C:Jim VanNess\\)

READ:NOT READ

TO: FAX (97205437,Eric Olson)

(TLXA1MAIL_\F:97205437\C:Eric Olson\\)

READ:NOT READ

TO: FAX (92603684,Gary Guzy)

(TLXA1MAIL_\F:92603684\C:Gary Guzy\\)

READ:NOT READ

TO: FAX (55863, Ray Prince) (TLXA1MAIL_\F:55863\C:Ray Prince\\)
READ:NOT READ

TO: FAX (92191220, Joe Sax) (TLXA1MAIL_\F:92191220\C:Joe Sax\\)
READ:NOT READ

TO: FAX (97610270, Lance Wood) (TLXA1MAIL_\F:97610270\C:Lance Wood\\)
READ:NOT READ

TO: FAX (92604372, Lynn Ross) (TLXA1MAIL_\F:92604372\C:Lynn Ross\\)
READ:NOT READ

TO: Michael A. Fitzpatrick (FITZPATRIC_M) (OMB)
READ:25-JUL-1996 10:47:31.34

TO: Elena Kagan (KAGAN_E) (WHO)
READ:25-JUL-1996 11:59:41.23

TO: Charles S. Konigsberg (KONIGSBERG_C) (OMB)
READ:25-JUL-1996 14:37:28.33

TO: FAX (95140557, Monica Medina) (TLXA1MAIL_\F:95140557\C:Monica Medina\\)
READ:NOT READ

TO: FAX (93015040016, Bob Wager) (TLXA1MAIL_\F:93015040016\C:Bob Wager\\)
READ:NOT READ

TO: FAX (92608393, David Coursen) (TLXA1MAIL_\F:92608393\C:David Coursen\\)
READ:NOT READ

TO: FAX (97036973366, Michael Davis) (TLXA1MAIL_\F:97036973366\C:Michael Davis\\)
READ:NOT READ

TEXT:

The EOP/agency takings team will meet by conference call today,
Thursday, July 25th, at 4:00 p.m.
The call-in number is 260-7280 2533#.
Thanks for your cooperation.

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:25-JUL-1996 15:09:41.48

SUBJECT: Rescheduled interagency timber meeting

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

READ:25-JUL-1996 18:11:45.69

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

READ:NOT READ

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

READ:NOT READ

TO: Kathleen A. McGinty (MCGINTY_K)

READ:NOT READ

TO: Ron Cogswell (COGSWELL_R) (OMB)

READ:25-JUL-1996 19:38:05.99

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

READ:25-JUL-1996 15:41:48.21

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

READ: 1-AUG-1996 13:49:46.93

TO: Elena Kagan (KAGAN_E) (WHO)

READ:25-JUL-1996 15:39:19.41

TO: Martha Foley (FOLEY_M) (WHO)

READ:NOT READ

TO: Kris Balderston (BALDERSTON_K) (WHO)

READ:NOT READ

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

READ:25-JUL-1996 18:41:50.07

TO: Remote Addressee (TLXA1MAIL_\F:97205437\C:Anne Kennedy\\)

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: Remote Addressee (TLXA1MAIL_\F:95140557\C:Peter Coppelman\\)

READ:NOT READ

TO: Ruth D. Saunders (SAUNDERS_R) (OMB)
READ:29-JUL-1996 09:53:25.82

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

TO: FAX (95640070,Richard Sanderson) (TLXA1MAIL_\F:95640070\C:Richard Sanderson
READ:NOT READ

TO: FAX (9-208-6916,Gerry Jackson) (TLXA1MAIL_\F:9-208-6916\C:Gerry Jackson\\
READ:NOT READ

TEXT:

The usual interagency/EOP forest meeting will be held this coming MONDAY, July 29th, at 3:00 p.m. in the CEQ conference room at 722 Jackson Place, N.W. Sorry for the date and time change - the conference room is being painted on Tuesday afternoon (those of you who are tired of seeing green will enjoy a change.) The interagency PACFISH meeting scheduled for 2:00 pm on Monday will still be held, also.

The agenda for the 3:00 MONDAY meeting will include:

1. Legislative actions
2. Litigation report
 - 9th Circuit rulings
 - Klamath tribes case
3. Replacement timber - status of directive, etc.
4. Interagency salvage program review
5. Other business

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

CREATOR: John O. Sutton (SUTTON_J) (WHO)

CREATION DATE/TIME:25-JUL-1996 15:42:17.85

SUBJECT: RE: indian gaming letter

TO: Elena Kagan (KAGAN_E) (WHO)

READ:25-JUL-1996 15:45:50.83

TEXT:

No problem. There is no urgency on it. I'm honest that way.

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

CREATOR: Michael A. Fitzpatrick (FITZPATRIC_M) (OMB)

CREATION DATE/TIME:25-JUL-1996 20:10:22.01

SUBJECT: Tomorrow's E.O. Mtg.

TO: Kumiki S. Gibson (GIBSON_K) Autoforward to: Remote Address
READ:NOT READ

TO: Linda L. Lance (LANCE_L) Autoforward to: Remote Adresse
READ:NOT READ

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ:26-JUL-1996 10:12:11.17

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:26-JUL-1996 09:58:05.80

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-JUL-1996 14:20:43.66

TO: Thomas C. Jensen (JENSEN_T) (CEQ)
READ:26-JUL-1996 07:19:55.98

TO: Jefferson B. Hill (HILL_J) (OMB)
READ:26-JUL-1996 08:24:59.10

CC: Sally Katzen (KATZEN_S) (OMB)
READ:26-JUL-1996 11:29:39.12

TEXT:

I've attached a memo for tomorrow's meeting on our compliance with SBREFA's requirements re the Reagan E.O.s Please read it before the meeting,as we only have 30 minutes with Sally and I think (hope) it will move our discussion along more quickly. Thanks.

P.S. In case you haven't heard (and that's entirely possible), the meeting is in Sally's office (rm. 350) at 11:00 a.m.

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

ATT CREATION TIME/DATE:25-JUL-1996 20:05:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Michael A. Fitzpatrick

TEXT:

Unable to convert OA\$SHARB2756:ZWKGSU6R4.FGN to ASCII,
The following is a HEX DUMP:

FF57504370040000010A02010000000205000000EB2D000000020000C5918CEAF71727EA7CFE
D3CBD8E664F06C0F6F4AA3124AEAAAB79392D48865B4793723C9A9586C5A20A5BF54E94E91F9461
B37AD48AB55A4C680193CA25E45AA96A6CB728C9E794CFC04B4FCD476C45143B34ED673E949A5B
A5E1A9E4216B56E134C8ADE279637A4369197EB20190C593F8339A30298FE7EA2C40D354799DD5
B93A50D54AF4CB4F5FD5D2471BF8BFACE97E8466180F4841EB492CDEA2B48D0763189825F0D97B
B30D29940292F4F243638146368378081D34A250EFACED32E66195B6181154F3E119ABDE74C40A
27A932EEEBE75A64C27578A7B70F2B0CDFAA91AB2A2336778DCDDFE3702D9B65E61618F4435A1
16C4FBDA2471F5645BDA2503CE7B81B06BBC8C25131C7CEDD3ACAA768B70261785EDAC439AE7FA
54B51110791B2F939D063587A1780CDB3DC9081AE3DAD172C24F7C79C562BAE936FE241F495E6B

MEMORANDUM TO SALLY KATZEN

FROM: Michael Fitzpatrick

SUBJECT: SBREFA Requirements re Reagan Era Executive Orders

In response to your request during our mid-June meeting regarding SBREFA's E.O. analysis reporting requirements, members of our "E.O. Task Force" have reviewed the relevant executive orders and prepared analyses on current compliance and how the Administration should respond. A summary of their reviews and my recommendations follow.

E.O. 12606 -- Family

Review (Jeremy Ben-Ami/DPC)

- DPC believes the policies embodied in this E.O. are consistent with the Administration's approach to family issues, and has no policy objections to applying these criteria to regulatory review in the short term.
- Following the events in November, minor adjustments to the policy language might be appropriate.
- Once we have determined how to handle this E.O., DPC believes we should consider whether it should present a report to the President on this subject.

Discussion & Recommendations

- Thus far, our "go slow" approach has allowed us to avoid making a hard decision on how to proceed. The House Government and Oversight Committee (GRO) staff, however, continue to work with GAO to design their monitoring process, which will no doubt include collection of quantitative data on what percentage of the major/non-major rules have complied with this E.O.'s certification requirement.
- At some point, we likely will have to decide how to proceed, either because the GAO data collection effort finally gets underway, or because

we do not want to appear to be avoiding the requirements of a bill we supported, particularly on a critical issue like the family.

- Because the policies in this E.O. are consistent with the Administration's, because we are hip-deep in an election, and because family values is a central issues in this campaign, rescinding the E.O. does not seem to be an option. These factors also cut against any sort of "Hey, but the Reagan/Bush Administrations didn't comply either" response/defense.
- The best course is to have the agencies develop a process by which they can comply, with minimal burden, with the E.O.'s certification requirements. Thus, these rules will register as complying in GAO's data collection process. For the relatively few major rules that will be issued between now and November, agencies should spend additional time and effort in conducting a substantive review of the review under the E.O. SBREFA requires that GAO prepare an analysis of these major rules for Congress. OIRA staff can assist the agencies during OMB review.

After November, we can return to the issue and determine whether to rescind, modify, or continue without change the E.O.

E.O. 12612 -- Federalism

Review (Elena Kagan/WH Counsel)

- Elena found less overlap than hoped between the Reagan Federalism E.O. (12612), and the President's Unfunded Mandates (12875) and Civil Justice Reform (12988) E.O.s.
- The Civil Justice E.O. doesn't say much about preemption (it simply instructs agencies to be clear in their rules when they intend to preempt state and local law).
- While the Unfunded Mandates E.O. establishes a presumption against unfunded mandates and encourages regulatory waivers, the Reagan Federalism E.O. goes much further by:
 - instructing agencies to assess the justification and constitutional basis for actions impinging on states;
 - requiring in such cases a clear statement of constitutional authority and the necessity for national action;
 - establishing a presumption against uniform national standards and deference toward state standards and policies; and
 - interpreting statutes not to preempt state law unless they do so expressly.

Discussion & Recommendations

- At best, we can say that the Unfunded Mandates E.O. goes in the same general direction as the Reagan E.O., but it would be a stretch (at a minimum) to claim that it replaces the Reagan document.
- Elena and I concur that repealing the Reagan E.O. is probably not an option at this time, for many of the same reasons expressed with regard to the Family E.O. And as with the Family E.O., the GAO reporting process and/or GRO will probably force our hand; we will have to take some action. We believe that the best course of action is to explore ways in which agencies can comply with the requirements with minimal burden. Like the Family E.O., we can pay particular attention to the major rules which will be subject to GAO analysis.

E.O. 12630 -- Takings

Review (Linda Lance/OVP & Tom Jensen/CEQ)

- Linda and Tom have canvassed most of the relevant agencies (Army Corps, DOI, EPA, and DOJ) and the good news is that it appears they are making good faith efforts to comply with the E.O.'s requirements. Linda has more detailed information on each of the four agencies, but the bottom line is that the Army Corps appears to be the most active, having completed 400-500 TIAs since the E.O. took effect. DOI and EPA have done the fewest, about a half-dozen, but they have reviewed all their regulatory actions to determine if a takings analysis is appropriate.
- All of the agencies have guidelines for implementing the E.O., which were approved by the Bush Administration. The guidelines contain some differences in their assessment of when TIAs are required.
- The bad news is that CBO has requested from DOI and Army Corps copies of TIAs as well as the names and numbers of field attorneys who prepare them. The purpose of the request is not yet clear.

Discussion & Recommendations

- Tom, Linda, and I agree that rescinding the E.O. would not be appropriate at this time, both because of the campaign and because agencies appear to be complying with a minimum of burden.
- The far thornier issue is how to deal with the CBO request (which may not be so sinister), and the anticipated requests from GAO (as SBREFA appears to require that these TIAs be provided to GAO for every rule, and

nary a one has probably gone up, or is likely to unless agencies are so instructed), or even McIntosh and Government Reform and Oversight (probably sinister).

- All those involved claim that the TIAs are protected by attorney-client privilege and are exempt (exception 5) from FOIA. At least one court has concurred on the privilege point. The problem, however, is that attorney-client arguments won't work (in the end) with Congress. Nor will FOIA exemption claims. And Bob Damus believes claims of executive privilege or "deliberative process" may be difficult to defend. My last conversation with Jack Quinn indicated he would agree with Bob (Elena confirms that WH Counsel would be wary of using these defenses).
- As a result, Tom, Linda, and I agree that the best course is to see if we, or the agencies independently, can work with Congress to develop a middle ground, where they could receive the data/information they require, without undermining what up to now has been a candid, and useful, takings analysis process.

cc: Kumiki Gibson
Linda Lance
Elena Kagan
Paul Weinstein
Jeremy Ben-Ami
Tom Jensen
Jeff Hill