

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 056 - FOLDER -006**

**[08/26/1996-09/05/1996]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Dawn Chirwa to Elena Kagan; RE: Lunch on Thursday (1 page)	09/03/1996	Personal Misfile
002. email	Phone No. (Partial) (1 page)	09/05/1996	P6/b(6)

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**COLLECTION:**

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

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**FOLDER TITLE:**

[08/26/1996 - 09/05/1996]

2009-1006-F  
db1571

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### 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 READ RECEIPT)

CREATOR: POSTMASTER (SYS)

CREATION DATE/TIME:26-AUG-1996 10:48:00.00

SUBJECT: Auto reply from OCONNOR\_J

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:26-AUG-1996 11:03:52.68

TEXT:

I will be in Chicago until August 23. You can reach me through John Sutton at 312-425-1740. As of Monday, I will also have a direct number there, which you can get from John. And, if it is official business, you can page me through Signal.

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

CREATOR: Ronald E. Jones ( JONES\_RE ) (OMB)

CREATION DATE/TIME:26-AUG-1996 11:29:21.35

SUBJECT: Comments on Iraq Claims Act

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:26-AUG-1996 11:47:47.71

TO: Tracey E. Thornton ( THORNTON\_T ) (WHO)

READ:28-AUG-1996 13:33:55.54

TO: Janet Murguia ( MURGUIA\_J ) Autoforward to: Annette E. Jo

READ: 2-SEP-1996 21:39:40.96

TO: Alice E. Shuffield ( SHUFFIELD\_A ) Autoforward to: Remote Addr

READ:NOT READ

TO: Rosalyn J. Rettman ( RETTMAN\_R ) (OMB)

READ:28-AUG-1996 12:22:35.55

TO: Ann M. Burget ( BURGET\_A ) (OMB)

READ:29-AUG-1996 08:40:32.29

TO: John E. Thompson ( THOMPSON\_J ) (OMB)

READ:18-SEP-1996 09:12:14.03

TO: Mary Jo Siclari ( SICLARI\_M ) (OMB)

READ:26-AUG-1996 21:31:39.44

TO: Arthur W. Stigile ( STIGILE\_A ) Autoforward to: Remote Address

READ:NOT READ

TO: Mark A. Weatherly ( WEATHERLY\_M ) (OMB)

READ: 3-SEP-1996 10:11:32.48

TO: Rodney G. Bent ( BENT\_R ) (OMB)

READ:26-AUG-1996 16:58:32.60

TO: Bruce K. Sasser ( SASSER\_B ) (OMB)

READ:26-AUG-1996 11:45:06.06

TO: James E. Baker ( BAKER\_JA ) Autoforward to: Joan S. Hunerw

READ:28-AUG-1996 15:00:39.97

TO: Harry G. Meyers ( MEYERS\_H ) Autoforward to: Michael F. Cro

READ:26-AUG-1996 11:49:10.03

TO: Lisa E. Johnson ( JOHNSON\_LE )

READ:NOT READ

TEXT:

PRINTER FONT 12\_POINT\_ROMAN

Unless I hear otherwise by 4:00 P.M. today, August 26, 1996, I will assume you have no objection to LRM

□

-5347, dated 8/13. The

LRM contained the proposed State Department amendments to the

Iraq Claims Act provisions that comprised section 1614 of the vetoed FY 1996/97 Foreign Relations Authorization Act.

If you (1) need another copy of the LRM, (2) intend to comment but need more time, or (3) have provided comments that I may have overlooked, please let me know by answering this E

-mail.

Thanks,

Ron Jones

395

-3386

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

CREATOR: Jeffrey A. Weinberg ( WEINBERG\_J ) (OMB)

CREATION DATE/TIME:26-AUG-1996 11:30:04.07

SUBJECT: RE: patents commissioner provision

TO: Elena Kagan

( KAGAN\_E ) (WHO)

READ:26-AUG-1996 11:48:13.20

TEXT:

The OMB program examiner tried again with the House Committee staff to get them to delete the requirement to report reasons for removal of the Commissioner to Congress. The Committee staff were not interested in dropping the provision - pointing that they had already taken out the removal for cause language.

Please let me know if you want to pursue it further and I'll get you the name and number of the Committee staffer. They say that they are planning to wrap up the language of the manager's amendment tomorrow.

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

CREATOR: Ellen S. Seidman ( SEIDMAN\_E ) (OPD)

CREATION DATE/TIME: 26-AUG-1996 11:40:43.86

SUBJECT: RE: tort reform memo

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 26-AUG-1996 11:48:57.89

TEXT:

I need to get it from Wendy (it's on my laptop, which is at home). We'll get it down to you. Hope you had fun. Ellen

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

CREATOR: Kathleen M. Wallman ( WALLMAN\_KM ) (WHO)

CREATION DATE/TIME:26-AUG-1996 11:45:34.12

SUBJECT: RE: arson

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:26-AUG-1996 11:49:50.77

TEXT:

Did you get what you needed on this? Pls let me know if you need more. Thanks.

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

CREATOR: Ellen S. Seidman ( SEIDMAN\_E ) (OPD)

CREATION DATE/TIME:26-AUG-1996 11:52:41.96

SUBJECT: RE: tort reform memo

TO: Elena Kagan

( KAGAN\_E ) (WHO)

READ:26-AUG-1996 11:53:06.40

TEXT:

Yes. Ellen

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Keith J. Fontenot@EOP@LN GTWY@EOPMRX

CREATION DATE/TIME:26-AUG-1996 13:12:00.00

SUBJECT: SSA Meeting

TO: KAGAN\_E ( KAGAN\_E@A1@CD ) (WHO)

READ:26-AUG-1996 13:20:37.95

CC: Deborah F. Kramer ( Deborah F. Kramer@EOP@LN GTWY@EOPMRX )

READ:NOT READ

TEXT:

Message Creation Date was at 26-AUG-1996 13:14:00

Debbie, I asked Elena Kagan from WH Counsel's office to join us. Thanks.

----- Forwarded by Keith J. Fontenot/OMB/EOP on 08/26/96 12:59 PM -----

Deborah F. Kramer

08/26/96 10:43:01 AM

Record Type: Record

To: Keith J. Fontenot/OMB/EOP, Jack A. Smalligan/OMB/EOP, Barry White/OMB/EOP, Cynthia M. Smith/OMB/EOP

cc:

Subject: SSA Meeting

Ken is having a meeting with SSA next Tuesday, 09/03, @ 2:00 in 260. Purpose of meeting is to discuss Welfare implementation.

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

CREATOR: Kathleen M. Wallman ( WALLMAN\_KM ) (WHO)

CREATION DATE/TIME:27-AUG-1996 10:11:23.67

SUBJECT: forwarding this re staff mtg.

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:27-AUG-1996 12:43:40.97

TEXT:

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE:26-AUG-1996 17:48:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Karin Kullman

ATT SUBJECT: SENIOR STAFF MEETINGS

ATT TO: Chris Dorval ( DORVAL\_C )

ATT TO: Kris Balderston ( BALDERSTON\_K )

ATT TO: Paul J. Weinstein, Jr ( WEINSTEIN\_P )

ATT TO: Barbara C. Chow ( CHOW\_B )

ATT TO: Kathleen M. Wallman ( WALLMAN\_KM )

ATT TO: Cheryl L Sweitzer ( SWEITZER\_C )

ATT TO: Teresa Wildman ( WILDMAN\_T )

ATT TO: Michael Warren ( WARREN\_M )

ATT TO: Kim B. Widdess ( WIDDESS\_K )

ATT TO: Helen P. Howell ( HOWELL\_H )

ATT TO: Daniel E. Bernal ( BERNAL\_D )

ATT TO: Mary Ellen Glynn ( GLYNN\_M )

ATT TO: Lori L. Anderson ( ANDERSON\_L )

ATT TO: Mary H. Morrison ( MORRISON\_M )

ATT TO: Joel Velasco ( VELASC\_J )

TEXT:

Senior Staff Meetings will be held this week in the Roosevelt Room at 8:30am every morning. Please note the time change for this week only. Please call Brooks Scoville (x66798) or Karin Kullman(x61960) with any questions or participant changes.

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

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:27-AUG-1996 17:46:00.00

SUBJECT: Re: attached message

TO: KAGAN\_E ( KAGAN\_E@A1@CD ) (WHO)

READ:28-AUG-1996 08:58:10.01

TEXT:

Message Creation Date was at 27-AUG-1996 17:46:00

I'll ask Debbie Kramer, Ken's secretary, to reschedule the SSA meeting.

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

CREATOR: Marna E. Madsen ( MADSEN\_M )

CREATION DATE/TIME:28-AUG-1996 09:54:13.33

SUBJECT: General Administrative News

TO: Dawn Chirwa ( CHIRWA\_D ) (WHO)

READ:28-AUG-1996 09:54:33.43

TO: Jennifer D. Dudley ( DUDLEY\_J ) (WHO)

READ:29-AUG-1996 10:29:15.63

TO: Peter Erichsen ( ERICHSEN\_P ) (WHO)

READ:28-AUG-1996 10:01:04.00

TO: Mark D. Fabiani ( FABIANI\_M ) (WHO)

READ:NOT READ

TO: David Fein ( FEIN\_D ) (WHO)

READ: 3-SEP-1996 09:22:37.17

TO: Edward F. Hughes ( HUGHES\_E ) (WHO)

READ:28-AUG-1996 10:19:17.60

TO: Rochester M. Johnson ( JOHNSON\_RM ) (WHO)

READ:28-AUG-1996 09:54:17.82

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:28-AUG-1996 10:01:13.09

TO: Christopher S. Lehane ( LEHANE\_C ) (WHO)

READ:28-AUG-1996 12:01:48.85

TO: Bruce R. Lindsey ( LINDSEY\_B ) (WHO)

READ: 3-SEP-1996 15:16:07.25

TO: Michael Massey ( MASSEY\_M ) (WHO)

READ:28-AUG-1996 19:15:18.20

TO: Clifford J. Mauton ( MAUTON\_C ) (WHO)

READ:28-AUG-1996 12:43:35.79

TO: Cheryl D. Mills ( MILLS\_C ) (WHO)

READ: 2-SEP-1996 10:28:25.87

TO: Melissa M. Murray ( MURRAY\_MM ) (WHO)

READ: 3-SEP-1996 09:58:57.06

TO: Miriam R. Nemetz ( NEMETZ\_M ) (WHO)

READ:28-AUG-1996 09:54:23.41

TO: Sally Paxton ( PAXTON\_S ) (WHO)

READ:28-AUG-1996 11:21:34.52

TO: Jack M. Quinn ( QUINN\_J ) Autoforward to: Cheryl L Sweitz

READ:NOT READ

TO: Stacy E. Reynolds ( REYNOLDS\_S ) (WHO)

READ:28-AUG-1996 10:05:13.23

TO: Robert W. Schroeder III ( SCHROEDER\_R ) (WHO)  
READ:28-AUG-1996 10:25:37.36

TO: Jane C. Sherburne ( SHERBURNE\_J ) (WHO)  
READ:30-AUG-1996 12:36:24.05

TO: Cheri Sweitzer ( SWEITZER\_C ) (WHO)  
READ:28-AUG-1996 12:13:50.30

TO: Odetta S. Walker ( WALKER\_O ) (WHO)  
READ:28-AUG-1996 09:57:35.71

TO: Kathleen M. Wallman ( WALLMAN\_KM ) (WHO)  
READ:28-AUG-1996 11:44:36.42

TO: Nellie Herbert ( HERBERT\_N ) (WHO)  
READ:28-AUG-1996 09:57:21.07

TO: Jay Rosenblum ( ROSENBLUM\_J ) (WHO)  
READ:NOT READ

TO: Kathleen M. Whalen ( WHALEN\_K ) (WHO)  
READ:28-AUG-1996 10:22:48.26

TO: Wendy S. White ( WHITE\_WS ) (WHO)  
READ:29-AUG-1996 09:45:32.81

TO: Jonathan R. Yarowsky ( YAROWSKY\_J ) (WHO)  
READ:28-AUG-1996 12:51:21.50

TO: Anna Chavez ( CHAVEZ\_AN ) (WHO)  
READ: 5-SEP-1996 11:47:34.28

TO: Susan M. Chadick ( CHADICK\_S ) (WHO)  
READ:28-AUG-1996 10:05:06.76

TO: Douglas Band ( BAND\_D ) (WHO)  
READ: 1-SEP-1996 11:15:20.25

TO: Sara B. Weider ( WEIDER\_S ) (WHO)  
READ:28-AUG-1996 09:55:08.70

TO: Sandra S. Coleman ( COLEMAN\_S ) (WHO)  
READ:29-AUG-1996 09:34:04.68

TEXT:

Fresh from yesterday's admin contact meeting....

1. Conference Rooms - When making reservations for a conference room, please remember to submit a confirmation form (it's orange) to Room 1. Also, when meeting in any other room besides the Indian Treaty Room, there should be no food or drinks.
2. East and West Wing Emergency system will be tested at 5:00pm today. This is not a drill, merely a system (mechanical) test.
3. OEOB Deck use - the new deck was built to be used by staff for eating lunches and taking breaks. It was not built to be used for birthday parties or farewell receptions. The Office of Administration has asked that staff keep in mind the close

proximity of the new deck to pedestrian traffic and the press.

4. Color Copies - A color copier is available in Room 1 to handle small runs (25 copies or less). To request color copies, you use the same procedure as a regular copy request, but bring everything to Room 1, not the copy center.

5. New/updated forms for a number of administrative procedures will begin to be implemented. Please call me to get copies of the new forms.

6. NT Rollout - I think I told you about this a while ago, but the rollout for the new computer "desktop" will start October 1 and is targeted to be fully implemented before January 1.

Misc. Reminders:

Local phone books are available in the Supply Office. When trying to find a phone number, please refer first to a phone book before calling directory assistance.

The Internet is for official use only. Many web sites record e-mail addresses of their visitors, so please remember that your internet use can be traced very easily.

When you are going out of town, make sure that you leave a number where you can be reached with someone in the office. For those of you who accrue leave: please, please, please, remember to submit leave slips to me BEFORE you take any annual leave whenever that is possible.

One last bit of information (although some of you already know this): I have accepted the position of White House Liaison at the National Endowment for the Humanities. I don't know when exactly I will be leaving but foresee that date to be sometime next month. As always, if you have any questions about any of the above information, please do not hesitate to call me.

Marna :-)

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

CREATOR: Marna E. Madsen ( MADSEN\_M )

CREATION DATE/TIME:28-AUG-1996 09:54:13.33

SUBJECT: General Administrative News

TO: Dawn Chirwa ( CHIRWA\_D ) (WHO)  
READ:28-AUG-1996 09:54:33.43

TO: Jennifer D. Dudley ( DUDLEY\_J ) (WHO)  
READ:29-AUG-1996 10:29:15.63

TO: Peter Erichsen ( ERICHSEN\_P ) (WHO)  
READ:28-AUG-1996 10:01:04.00

TO: Mark D. Fabiani ( FABIANI\_M ) (WHO)  
READ:NOT READ

TO: David Fein ( FEIN\_D ) (WHO)  
READ: 3-SEP-1996 09:22:37.17

TO: Edward F. Hughes ( HUGHES\_E ) (WHO)  
READ:28-AUG-1996 10:19:17.60

TO: Rochester M. Johnson ( JOHNSON\_RM ) (WHO)  
READ:28-AUG-1996 09:54:17.82

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:28-AUG-1996 10:01:13.09

TO: Christopher S. Lehane ( LEHANE\_C ) (WHO)  
READ:28-AUG-1996 12:01:48.85

TO: Bruce R. Lindsey ( LINDSEY\_B ) (WHO)  
READ: 3-SEP-1996 15:16:07.25

TO: Michael Massey ( MASSEY\_M ) (WHO)  
READ:28-AUG-1996 19:15:18.20

TO: Clifford J. Mauton ( MAUTON\_C ) (WHO)  
READ:28-AUG-1996 12:43:35.79

TO: Cheryl D. Mills ( MILLS\_C ) (WHO)  
READ: 2-SEP-1996 10:28:25.87

TO: Melissa M. Murray ( MURRAY\_MM ) (WHO)  
READ: 3-SEP-1996 09:58:57.06

TO: Miriam R. Nemetz ( NEMETZ\_M ) (WHO)  
READ:28-AUG-1996 09:54:23.41

TO: Sally Paxton ( PAXTON\_S ) (WHO)  
READ:28-AUG-1996 11:21:34.52

TO: Jack M. Quinn ( QUINN\_J ) Autoforward to: Cheryl L Sweitz  
READ:NOT READ

TO: Stacy E. Reynolds ( REYNOLDS\_S ) (WHO)

READ:28-AUG-1996 10:05:13.23

TO: Robert W. Schroeder III ( SCHROEDER\_R ) (WHO)  
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TO: Jane C. Sherburne ( SHERBURNE\_J ) (WHO)  
READ:30-AUG-1996 12:36:24.05

TO: Cheri Sweitzer ( SWEITZER\_C ) (WHO)  
READ:28-AUG-1996 12:13:50.30

TO: Odetta S. Walker ( WALKER\_O ) (WHO)  
READ:28-AUG-1996 09:57:35.71

TO: Kathleen M. Wallman ( WALLMAN\_KM ) (WHO)  
READ:28-AUG-1996 11:44:36.42

TO: Nellie Herbert ( HERBERT\_N ) (WHO)  
READ:28-AUG-1996 09:57:21.07

TO: Jay Rosenblum ( ROSENBLUM\_J ) (WHO)  
READ:NOT READ

TO: Kathleen M. Whalen ( WHALEN\_K ) (WHO)  
READ:28-AUG-1996 10:22:48.26

TEXT:

PAGE FOR WEIDER, SARA, WAS TRANSMITTED 19-SEP-1996 19:10:52.33  
TEXT TRANSMITTED WAS:

62640

NOTE: This message signifies only that the page was sent. If the recipient was out of range or his/her pager was not operating, then the message may not have been received.

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

CREATOR: Dawn Chirwa ( CHIRWA\_D ) (WHO)

CREATION DATE/TIME:28-AUG-1996 15:17:22.43

SUBJECT: Pres. schedule

TO: Elena Kagan

( KAGAN\_E ) (WHO)

READ:28-AUG-1996 15:25:25.69

TEXT:

Sorry, don't have the daily schedule.

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

CREATOR: Dawn Chirwa ( CHIRWA\_D ) (WHO)

CREATION DATE/TIME:28-AUG-1996 18:37:51.89

SUBJECT: Out of the office

TO: Kathleen M. Wallman ( WALLMAN\_KM ) (WHO)

READ:29-AUG-1996 16:12:51.81

TO: Kathleen M. Whalen ( WHALEN\_K ) (WHO)

READ:29-AUG-1996 09:36:00.12

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:29-AUG-1996 09:40:41.57

TO: Robert W. Schroeder III ( SCHROEDER\_R ) (WHO)

READ:29-AUG-1996 10:22:35.06

TO: Kumiki S. Gibson ( GIBSON\_K ) Autoforward to: Remote Address

READ:NOT READ

CC: Cheryl L Sweitzer ( SWEITZER\_C ) (WHO)

READ:30-AUG-1996 11:40:17.94

CC: Odetta S. Walker ( WALKER\_O ) (WHO)

READ:29-AUG-1996 09:28:23.46

CC: Marna E. Madsen ( MADSEN\_M ) (WHO)

READ:29-AUG-1996 08:50:36.88

TEXT:

I will be in Miami, FL from tomorrow (8/29) afternoon through Labor Day afternoon. I can be reached during that time at (305) 672-2000 (room is under my name) or by leaving a message on my voice-mail which I will check periodically.

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

CREATOR: Ellen S. Seidman ( SEIDMAN\_E ) (OPD)

CREATION DATE/TIME:29-AUG-1996 12:23:44.18

SUBJECT: Securities stuff

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ:29-AUG-1996 12:59:17.35

TEXT:

Attached is the piece we did on California. I've been looking through my files on the Senate and House bills, and I don't have actual copies of the bills as they now stand. I have a few summaries, but frankly, I'm not certain how up-to-date they are. In any event, they don't answer the critical question whether -- and to what extent -- preemption of the state registration requirements limits the state causes of action. I have a call in to the SEC to discuss this (they've been following the bills much more closely than we have), and I've asked Treasury (which has also been working on this provision more than I have) to think about it. I can offer this, however, that CURRENTLY, most offerings that are listed on the NYSE and other major exchanges DO NOT have to be registered at the state level, and yet suits under state law with respect to those issues are allowed (when you sue under the federal securities laws, you almost always include state law counts too). This suggests that -- given there's no explicit preemption of state private rights of action in the pending bills -- at the very least the issue would be unclear enough that the techies would want something more. But we should try to find out the answer, and I'm working on it.

Ellen

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

ATT CREATION TIME/DATE:29-AUG-1996 12:23:00.00

ATT BODYPART TYPE:p

TEXT:

Unable to convert OA\$SHARC1701:ZWLPHPKR2.FGN to ASCII, The following is a HEX DUMP:

FF575043E4090000010A000100000000FBFF050032001101000006001000000042000000FFFF47
000000570000000C005A000000AD00000003000A0000000701000008237C007800000001000001
0F0000006370692900436F75726965722031327074202831306370692900436F75726965722031
32707420283130637069292028426F6C64290054696D6573204E657720526F6D616E2020285454
2900FFFFFFFFFFFFFFFFFFFFFFFF43616E6F6E204C42502D38204949490000000000000000
000000000000000000000000000000043414C42384949492E57525300DB017800141E0C178C0A00
0000041140C90087CF01000100F0007001F0006801F447206E8A580240D00606000100060006D0
FBFF05003200CC020000FFFF31000000430100000F005801000074010000FFFF05000000520000
00FFFF0F0000009E000000436F75726965722031327074202831306370692900436F7572696572
203132707420283130637069292028426F6C6429000000FFFF89003F007800780078002C010100
00000073D158027800FE1536105807000000041140C9001F4A51110310580240FEFEFEFEFEFEFE
FFFEFFFFFFFF01FF3E00FFFF89003F007800
780078002C01010015000016F458027800D01612112008000000041160C900AC04511103105802
80FE
FFFF910037005000430032002C010100310001174E58025000F41A5C121A0900000001020508E00
1C3651110310580250FE
FFFFFFFFFFFFC806FFFF910037005500430032002C010100470001108158025500F41A34121A09
0000001020708E00120551110310580290FE
FFFFFFFFFFFFFFFFFFFFFFFFFFFFBFF05003200000000000020240030000FE0200000700640000
003E060000030240030000A2060000080002000000E2090000000122008200FFFFFFFF3501FFFF
8501FFFFFB01FFFFFFFFFFFF4002FFFFFFFFFFFF5E3242526464A79B2442426471324232386464

**INFORMATION CONCERNING CALIFORNIA SECURITIES  
LITIGATION INITIATIVE, PROP. 201**

**Background**

In November, an initiative sponsored by securities plaintiffs attorneys with support from labor and endorsement of the California Democratic party will be on the California ballot. This initiative would make California securities law more favorable to plaintiffs than current federal law.

The law that would be enacted by the initiative would require a minimal California nexus to bring an action. While the issue would undoubtedly be litigated should the initiative pass, the statute attempts to apply California law to non-California corporations on such issues as director indemnification, punitive damages and conditions to bringing a derivative action.

**The California Initiative would change California law to make it significantly more pro-plaintiff than federal law (current or pre-1995) or current California law.**

- oThe initiative would authorize punitive damages, which have consistently been rejected in securities actions by both federal and California courts;
- oThe initiative would prohibit a company from indemnifying an officer or director for liability under the act, the likely effect of which will be resignations of outside directors from the boards of, in particular, high-tech corporations;
- oThe initiative would codify the fraud on the market theory, while eliminating the truth on the market defense under which a defendant could show that accurate information was also in the market;
- oThe initiative would explicitly permit aiding and abetting actions by private plaintiffs; and
- oThe initiative would permit an individual shareholder to bring a class action on behalf of, e.g., a pension fund, without consulting with the management of the fund.

**At the same time, the California Initiative leaves in place state law that is more pro-plaintiff than the federal law enacted last year.**

- oIn actions brought under the California securities laws, the provisions of the federal statute limiting professional plaintiffs, requiring disclosure of conflicts by attorneys and class action plaintiffs, providing a preference for the "most adequate plaintiff," and restricting discovery prior to a motion to dismiss, do not apply;
- oIn actions brought under the California securities law, the safe harbor in the federal statute, which was designed to encourage greater availability of information in the market, do not apply; and
- oIn actions brought under the California securities laws, the limitations on joint and several liability contained in the federal statute, do not apply.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:30-AUG-1996 10:22:00.00

SUBJECT: SSA Meeting on Welfare Implementation --

TO: KAGAN\_E ( KAGAN\_E@A1@CD ) (WHO)

READ:30-AUG-1996 10:33:33.43

TO: FORTUNA\_D ( FORTUNA\_D@A1@CD ) (OPD)

READ: 2-SEP-1996 14:40:36.56

TO: Keith J. Fontenot ( Keith J. Fontenot@EOP@LNWTWY@EOPMRX )

READ:NOT READ

TO: Cynthia M. Smith ( Cynthia M. Smith@EOP@LNWTWY@EOPMRX )

READ:NOT READ

TO: Jack A. Smalligan ( Jack A. Smalligan@EOP@LNWTWY@EOPMRX )

READ:NOT READ

TO: Richard E. Green ( Richard E. Green@EOP@LNWTWY@EOPMRX )

READ:NOT READ

TO: Desiree G. Filippone ( Desiree G. Filippone@EOP@LNWTWY@EOPMRX )

READ:NOT READ

TEXT:

Message Creation Date was at 30-AUG-1996 10:16:00

The meeting with SSA (Brian Coyne, Judy Chesser and Arthur Fried) has been moved from Tuesday @ 2:00 to Wednesday @ 2:00.

Meeting will be in Ken' s office (260).

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:30-AUG-1996 12:04:00.00

SUBJECT: RE: SSA Meeting on Welfare Implementation --

TO: KAGAN\_E ( KAGAN\_E@A1@CD ) (WHO)

READ:30-AUG-1996 14:04:22.12

TEXT:

Message Creation Date was at 30-AUG-1996 12:04:00

It is fine for Ken @ 4:00; I'll check with SSA...

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

CREATOR: Jeremy D. Benami ( BENAMI\_J ) (WHO)

CREATION DATE/TIME: 2-SEP-1996 15:47:08.59

SUBJECT: sorry

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 3-SEP-1996 09:01:52.50

TEXT:

Sorry - I guess I did not tell you I would be away. Let's hook up on Tuesday morning. You have the right document although HHS tells me they are changing it and won't have a draft for us till mid-week. They have to have it completed by the 9th when the meeting with the states takes place so we are at crunch time.

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

ATT CREATION TIME/DATE:24-AUG-1996 18:15:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Elena Kagan

ATT SUBJECT: hhs guidance

ATT TO: Jeremy D. Benami ( BENAMI\_J )

TEXT:

Is the hhs guidance we were supposed to look at the one with the quote on the cover page? when are we supposed to provide comments? I've looked at it (assuming I'm looking at the right thing), and I'd love to get together with you to talk a few things over.

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

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

CREATOR: Dinah Bear ( BEAR\_D ) (CEQ)

CREATION DATE/TIME: 2-SEP-1996 20:25:25.49

SUBJECT: RE: california timber

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 3-SEP-1996 09:02:24.98

TEXT:

i'm not sure which memo you read by now, but in very short summary, here's where we are:

- o WH press office confirmed, in response to reporters' questions, that draft EIS was not going forward at this time and there were concerns with scientific analysis;
- o after considerable internal debate, USDA and FS have developed and united around a proposal to establish a FACA-chartered scientific committee to analyze science coming out of Sierra Nevada Ecosystem Project report and make recommendations on EIS;
- o there is a draft directive embodying the above that will be presented to Sec. Glickman tomorrow am (Tues.). I haven't seen it yet.
- o CEQ and other WH offices are hoping the directive/announcement today to answer continuing questions.

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

CREATOR: Dinah Bear ( BEAR\_D ) (CEQ)

CREATION DATE/TIME: 2-SEP-1996 20:29:06.25

SUBJECT: Agenda for today's meeting

TO: Kris Balderston ( BALDERSTON\_K ) (WHO)  
READ: 3-SEP-1996 12:04:10.70

TO: Ron Cogswell ( COGSWELL\_R ) (OMB)  
READ: 3-SEP-1996 13:26:31.86

TO: Martha Foley ( FOLEY\_M ) (WHO)  
READ: 3-SEP-1996 09:12:47.06

TO: Thomas C. Jensen ( JENSEN\_T ) (CEQ)  
READ:NOT READ

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ: 3-SEP-1996 09:10:05.04

TO: Kathleen A. McGinty ( MCGINTY\_K )  
READ:NOT READ

TO: Christine L. Nolin ( NOLIN\_CL ) (OMB)  
READ: 5-SEP-1996 09:42:27.62

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)  
READ: 3-SEP-1996 09:24:44.06

TO: Ruth D. Saunders ( SAUNDERS\_R ) Autoforward to: Remote Addre  
READ:NOT READ

TO: Remote Addressee ( TLXA1MAIL\_\F:97205437\C:Anne Kennedy\\ )  
READ:NOT READ

TO: Remote Addressee ( TLXA1MAIL\_\F:95140557\C:Peter Coppelman\\ )  
READ:NOT READ

TO: FAX (9-482-6318, Doug Hall) ( TLXA1MAIL\_\F:9-482-6318\C: Doug Hall\\ )  
READ:NOT READ

TO: FAX (95640070, Richard Sanderson) ( TLXA1MAIL\_\F:95640070\C:Richard Sanderson  
READ:NOT READ

TO: FAX (96902730, Mike Gippert) ( TLXA1MAIL\_\F:96902730\C:Mike Gippert\\ )  
READ:NOT READ

TO: FAX (92083877, Bob Baum) ( TLXA1MAIL\_\F:92083877\C:Bob Baum\\ )  
READ:NOT READ

TO: FAX (9-524-4231, Jeremy Heep) ( TLXA1MAIL\_\F:9-524-4231\C:Jeremy Heep\\ )  
READ:NOT READ

TO: FAX (92191792, Kris Clark) ( TLXA1MAIL\_\F:92191792\C:Kris Clark\\ )  
READ:NOT READ

TO: Remote Addressee ( TLXA1MAIL\_\F:97204732\C:Mark Gaede\\ )

READ:NOT READ

TO: FAX (9-720-4732, Jim Lyons) ( TLXA1MAIL\_\F:9-720-4732\C: Jim Lyons\\ )  
READ:NOT READ

TO: FAX (9-208-6916,Gerry Jackson) ( TLXA1MAIL\_\F:9-208-6916\C:Gerry Jackson\\ )  
READ:NOT READ

TO: Remote Addressee ( TLXA1MAIL\_\F:915033266254\C:Tom Tuchman\\ )  
READ:NOT READ

TO: FAX (9-5144-4231,Jeremy Heep) ( TLXA1MAIL\_\F:9-5144-4231\C:Jeremy Heep\\ )  
READ:NOT READ

TO: FAX (9-301-713-0658,Jason Patlis) ( TLXA1MAIL\_\F:9-301-713-0658\C:Jason Patli )  
READ:NOT READ

TO: Remote Addressee ( TLXA1MAIL\_\F:92085242\C:Nancy Hayes\\ )  
READ:NOT READ

TO: Mark A. Weatherly ( WEATHERLY\_M ) (OMB)  
READ: 3-SEP-1996 08:46:21.70

TEXT:

Despite earlier forecasts, the interagency salvage program review team will not be ready to brief us at Tuesday's meeting. We will commence at 2 pm as usual, but if anyone from your agency was planning on attending because of that part of the agenda, they should hold off until next week.

Please come prepared to discuss issues, including outstanding sales, related to the termination of S2001(k) on September 30th.  
Thank you.

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

CREATOR: Dorothy Robyn ( ROBYN\_D ) (OPD)

CREATION DATE/TIME: 3-SEP-1996 10:38:13.41

SUBJECT: FYI

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 3-SEP-1996 10:45:10.22

TEXT:

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 3-SEP-1996 10:19:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Dorothy Robyn

ATT SUBJECT: PTO Bill

ATT TO: John A. Koskinen ( KOSKINEN\_J )

ATT TO: Elaine C. Kamarck ( KAMARC\_E )

TEXT:

One of the remaining issues on H.R. 3460 (Moorhead/Schroeder Patent Reform bill) has to do with congressional notification if the President wants to dismiss the Commissioner of PTO. H.R. 3460 originally said the Pres. could not remove the Comm. prior to the expiration of his/her 5-year term except "for cause." Justice argued that such a restriction raised constitutional concerns, and the Judiciary Committee compromised: the current provision requires only that the Pres. notify both Houses of the reason for removal.

Justice and WH Counsel's office want to press to remove even that requirement. It's not unconstitutional, in their view, but as a "functional invasion" of the President's prerogatives, it violates "constitutional policy."

In the course of arguing over whether that objection should be raised again in an Admin. letter of support on HR 3460, John Kamensky expressed a quite different view -- namely, that the Administration wants the PTO Commissioner to be treated in a relatively non-political way, and therefore a requirement that the President notify Congress of the reasons for removal is actually desirable. Can you give us some guidance on this?

cc: Elena Kagan, WH Counsel  
John Kamensky, NPR

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

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

CREATOR: John A. Koskinen ( KOSKINEN\_J ) (OMB)

CREATION DATE/TIME: 3-SEP-1996 11:48:08.44

SUBJECT: As we discussed

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 3-SEP-1996 12:22:53.42

TEXT:

=====  
ATT CREATION TIME/DATE: 3-SEP-1996 10:50:00.00

ATT BODYPART TYPE:B

ATT CREATOR: John A. Koskinen

ATT SUBJECT: RE: PTO Bill

ATT TO: Dorothy Robyn ( ROBYN\_D )

ATT CC: Elaine C. Kamarck ( KAMARC\_E )

TEXT:

I vote to leave the compormise language as is. John is correct in his statement that we're trying to get people hired as CEOs of the PBOs (love those acronyms) for full terms, rather than have them be viewed as purely political appointees. The language proposed is the same as that used for Inspectors General, so there is precedent for its use. Beyond the merits of the language, we have enough other issues that matter that we shouldn't clutter up the discussion at this time with this discussion.

Somewhat belatedly, let me also respond to your inquiry about whether OMB should be able to "review and approve" or only "review" performance plans for the PTO. The Secretary has the unreviewed authority to hire the CEO, develop a "framework" agreement with him and pay the bonus earned under the performance agreement. We have had questions raised by the Hill about the concern that the Secretary will hire a friend and pay a bonus for showing up on time. Therefore, we have isolated the performance agreement, and its ties to the bonus, as the only place necessary for third party review to provide some assurance that the system works as proposed. The difference in "review and approve" and "review" may be semantics in light of the normal relationship between OMB and the agencies, but OMB's role in many areas is to oversee statutory requirements.

I'm buying the pizza if we ever get this PBO established.

=====  
END ATTACHMENT 1

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

CREATOR: Dorothy Robyn ( ROBYN\_D ) (OPD)

CREATION DATE/TIME: 3-SEP-1996 11:58:25.50

SUBJECT: FYI; I'll call to discuss.

TO: Elena Kagan

( KAGAN\_E ) (WHO)

READ: 3-SEP-1996 13:09:39.22

TEXT:

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 3-SEP-1996 10:50:00.00

ATT BODYPART TYPE:B

ATT CREATOR: John A. Koskinen

ATT SUBJECT: RE: PTO Bill

ATT TO: Dorothy Robyn

( ROBYN\_D )

ATT CC: Elaine C. Kamarck

( KAMARC\_E )

TEXT:

I vote to leave the compormise language as is. John is correct in his statement that we're trying to get people hired as CEOs of the PBOs (love those acronyms) for full terms, rather than have them be viewed as purely political appointees. The language proposed is the same as that used for Inspectors General, so there is precedent for its use. Beyond the merits of the language, we have enough other issues that matter that we shouldn't clutter up the discussion at this time with this discussion.

Somewhat belatedly, let me also respond to your inquiry about whether OMB should be able to "review and approve" or only "review" performance plans for the PTO. The Secretary has the unreviewed authority to hire the CEO, develop a "framework" agreement with him and pay the bonus earned under the performance agreement. We have had questions raised by the Hill about the concern that the Secretary will hire a friend and pay a bonus for showing up on time. Therefore, we have isolated the performance agreement, and its ties to the bonus, as the only place necessary for third party review to provide some assurance that the system works as proposed. The difference in "review and approve" and "review" may be semantics in light of the normal relationship between OMB and the agencies, but OMB's role in many areas is to oversee statutory requirements.

I'm buying the pizza if we ever get this PBO established.

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

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Dawn Chirwa to Elena Kagan; RE: Lunch on Thursday (1 page)	09/03/1996	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[08/26/1996 - 09/05/1996]

2009-1006-F  
db1571

### 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: Christa T. Robinson ( ROBINSON\_C ) (WHO)

CREATION DATE/TIME: 3-SEP-1996 13:20:40.18

SUBJECT: FOP

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 3-SEP-1996 14:10:21.19

TEXT:

I hear that some of the FOP uniformed division guys are having another meeting with Quinn on Thursday. Can you give me a call about this when you get a chance. x6-5165.

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

CREATOR: Diana M. Fortuna ( FORTUNA\_D ) (OPD)

CREATION DATE/TIME: 3-SEP-1996 13:48:14.43

SUBJECT: Agenda for 2pm

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)

READ: 3-SEP-1996 15:25:16.80

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 3-SEP-1996 14:11:02.08

TO: Emily Bromberg ( BROMBERG\_E ) (WHO)

READ: 3-SEP-1996 17:30:10.71

TO: Kenneth S. Apfel ( APFEL\_K ) Autoforward to: Remote Adresse

READ:NOT READ

TO: Keith J. Fontenot ( FONTENOT\_K ) Autoforward to: Remote Adresse

READ:NOT READ

TEXT:

Sorry for the short notice, but here's the 2pm agenda materials.

PRINTER FONT 12\_POINT\_ROMAN  
SUBGROUP ON IMPLEMENTATION  
WELFARE REFORM WORKING GROUP  
AGENDA  
September 3, 1996

- I. Review of Schedule of External Contacts
- II. Review of Issues List
- III. Review of Work Products due to Implementation Subgroup
- IV. Discussion of NGA/NCSL/APWA September meeting
- V. Next Meeting

□

Sept

1996

SCHEDULE OF EXTERNAL CONTACTS/HEARINGS:

This schedule is to include all letters, guidance, notices, hearings, reports, major notices to field offices, etc.

Note: List must include all items contemplated before the end of September.

HHS:

- o Letter from ACF to state commissioners: went out?
- o Letter from ACF on child care: went out?
- o Letter from Secretary to Governors: went out?
- o Letter to State Medicaid Directors: went out?
- o Briefing of unions? this week
- o Guidance on state plans: by NGA meeting 9/9
- o State child care meeting Sept. 9

□

-10

- o Early read on regulations for states: after NGA meeting
- o Congressional Black Caucus meeting: 9/11

□

-15

o Ways and Means hearing mid

-September

o Child support enforcement annual training institute: week of 9/16

o Medicaid TAG meetings: on

-going

USDA:

o Implementing memo: went out?

o Conference with states Sept. 4

-5

o Guidance to states on 18

-50 year olds: what date?

SSA:

o When is notice to states?

o Letter from Commissioner to states

DOJ/INS:

o Definition of lawfully present: done?

o Interim verification/how to enroll in SAVE: done?

o Info on naturalization for other agencies' packets: when?

o Hearings on naturalization: give us all hearing dates

Sept

1996

ISSUES LIST:

Note: This is currently focused on immediate issues. We will need to add issues to create a more comprehensive list over time.

HHS:

o Content of guidance on state plans; 45

-day public comment

period

o Waivers (includes USDA & HCFA)

o What to tell states that come in early

o Regulations

o Tracking system for time limits

o Child care block grant deadlines

o Performance bonus fund implementation

USDA:

o 18

-50 year

-olds: States' ability to track work

o Implementation of waiver to delay recertification

o California request on food stamp recertification

SSA:

o Appeal rights for children on SSI

o Regulation for children's SSI changes

o 40 quarters calculation

o Timing of notices to legal immigrants

DOJ:

o California Prop 187 directive

o Interim verification

o Final version on AG order

- o State reporting requirements 4x/year
- o Easing naturalization
- o Treaty issue

## Treasury:

- o How to do contingency fund

## Government

## -wide:

- o Definition of means

## -tested program

- o Gramm amendment
- o Discrimination complaints

Sept

1996

## WORK PRODUCTS DUE FROM AGENCIES TO IMPLEMENTATION SUBGROUP

## HHS:

- o TANF and child care guidance
- o Listing of regulations, both definite and possible
- o Child support enforcement: flag key issues by Labor Day, along with schedule of regs/guidance
- o HCFA reports on delinking eligibility; loss of Medicaid for SSI children losing benefits; effect on waivers: by Labor Day

## USDA:

- o Need timing of potential regulations

## SSA:

- o List of regulations and notices, with timeline

## DOJ:

- o General timeline of activities (e.g., definition of lawfully present, promulgate affidavit of sponsorship, Sept. hearings on naturalization process, 18 months for verification, potential regs)

- o Non

## -means

## -tested programs: ALMOST DONE?

## Treasury:

- o General timeline, list of tasks, regs, notices, etc.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME: 3-SEP-1996 15:54:00.00

SUBJECT: SSA Meeting --

TO: KAGAN\_E

( KAGAN\_E@A1@CD ) (WHO)

READ: 3-SEP-1996 16:42:47.41

TEXT:

Brian Coyne from SSA just phoned and he would like SSA meeting tomorrow w/ Ken, et. al. to happen @ 4:00 or later. So, I have rescheduled it for 4:30.

Meeting will be in room 260.

Hope this time works out better for you..

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

CREATOR: Anna M. Briatico ( BRIATICO\_A ) (OMB)

CREATION DATE/TIME: 3-SEP-1996 16:08:32.26

SUBJECT: Reminder -- Comments due on LRM 5448 - HUD draft letter

TO: David J. Haun ( HAUN\_D ) Autoforward to: Remote Addressee  
READ:NOT READ

TO: Joseph F. Lackey, Jr. ( LACKEY\_J ) (OMB)  
READ: 3-SEP-1996 16:48:09.37

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)  
READ:NOT READ

TO: Molly Brostrom ( BROSTROM\_M ) (WHO)  
READ: 3-SEP-1996 16:30:29.32

TO: Paul J. Weinstein, Jr ( WEINSTEIN\_P ) (OPD)  
READ: 3-SEP-1996 16:29:53.85

TO: Ellen S. Seidman ( SEIDMAN\_E ) (OPD)  
READ: 3-SEP-1996 16:31:25.31

TO: Mark J. Mazur ( MAZUR\_M ) (WHO)  
READ: 3-SEP-1996 16:52:56.17

TO: Robert G. Damus ( DAMUS\_R ) (OMB)  
READ: 3-SEP-1996 17:52:04.15

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ: 3-SEP-1996 16:58:41.72

CC: Francis S. Redburn ( REDBURN\_F ) Autoforward to: Remote Address  
READ:NOT READ

CC: Hang T. Tran ( TRAN\_HT ) Autoforward to: Remote Addressee  
READ:NOT READ

CC: Janet R. Forsgren ( FORSGREN\_J ) (OMB)  
READ: 4-SEP-1996 10:30:35.81

TEXT:

Reminder -- please forward your comments on LRM 5448 (HUD draft letter on H.R. 2406) to me by 5 p.m. today. If I do not hear from you by then, I will assume that you have no comments.  
Thanks.

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

CREATOR: Leanne Johnson ( JOHNSON\_L ) (WHO)

CREATION DATE/TIME: 3-SEP-1996 17:13:09.64

SUBJECT: Private education

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 3-SEP-1996 18:54:44.52

TEXT:

Hi Elena,

I was told that you deal with this issue. Following is a draft (I have faxed you the incoming) that has been cleared through Jack Klenk, Non-pub. Ed DoEd for your edits/approval. The language comes from a Sec. Riley speech to a private education group. thanks!

Thank you so much for writing to me. I appreciate your support on behalf of the Council For American Private Education, and I have shared your letter with Department of Education Secretary Riley.

Over the years, our efforts to involve the nation's many religious groups in the education of children has greatly expanded. Please be assured that students in public as well as private and religious colleges are eligible for the tax credits and deductions for college expenses that my Administration has proposed. And, as you may know, private school students are eligible for the Presidential Honors Scholarships.

I firmly believe that we should encourage all our students to strive for academic excellence. As we continue our efforts to enhance their educational opportunities, I look forward to your continued involvement.

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

CREATOR: Diana M. Fortuna ( FORTUNA\_D ) (OPD)

CREATION DATE/TIME: 3-SEP-1996 19:53:17.38

SUBJECT: Wisconsin waiver

TO: Jacob J. Lew ( LEW\_J ) Autoforward to: Remote Addressee  
READ:NOT READ

TO: Kenneth S. Apfel ( APFEL\_K ) Autoforward to: Remote Addressee  
READ:NOT READ

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ: 4-SEP-1996 08:39:17.39

TEXT:

Emily Bromberg threw together an impromptu meeting today on the Wisconsin waiver, with Carol, Bruce Reed, and HHS (Monahan, Rosewater, Sally Richardson of HCFA). I thought I should let you know what happened.

The impetus for the meeting was the fact that HHS had a plan to send Wisconsin 3 letters: one from ACF saying that the outstanding waivers were either moot because of the new law, were under continuing review, or were questionable (the residency issue).

There were also draft letters from HCFA and food stamps. We didn't see the food stamp letter, but the HCFA letter said we had big policy problems with what they want to do, but we'd be happy to continue to work with them on a plan to expand coverage. The overall intent of the 3 letters was to say we are "done" with W-2, except for a few minor items.

However, Bruce and Carol pushed strongly for resolving all resolvable welfare issues before sending any letters, including perhaps the conditional approval we had been arguing about on the residency issue. Bruce argued it would be much cleaner to fight on Medicaid if we had done all we could on welfare.

HHS is going to look at what it would take to resolve this (there are also some remaining child support issues that should be resolvable). Elena, I assume they will call you on residency. Then the plan was to reconvene perhaps by conference call this Friday (not yet scheduled). And no letters will go out till this is resolved.

Food stamps is still a mystery; I have to call them to get their story.

No one thinks this is a big rush, but people would like to get it out of the way -- although not before the big NGA meeting at the beginning of next week.

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

CREATOR: Diana M. Fortuna ( FORTUNA\_D ) (OPD)

CREATION DATE/TIME: 4-SEP-1996 14:27:40.72

SUBJECT: Calif food stamp conf call

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 4-SEP-1996 18:15:05.83

TO: Keith J. Fontenot ( FONTENOT\_K ) Autoforward to: Remote Addre

READ:NOT READ

TO: Emily Bromberg ( BROMBERG\_E ) (WHO)

READ: 4-SEP-1996 14:27:57.23

TEXT:

I had been working to set up a conference call on Calif food stamps for today at either 3:30 or 5:30. But we don't know where DOJ is on this yet; so 3:30 won't work. I'll be in touch about a possible 5:30, but it may have to be tomorrow.

I'll be in touch.

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

CREATOR: Ben Freeland ( FREELAND\_B ) (WHO)

CREATION DATE/TIME: 4-SEP-1996 14:31:26.44

SUBJECT: ltr

TO: Elena Kagan

( KAGAN\_E ) (WHO)

READ: 4-SEP-1996 18:15:31.43

TEXT:

Hi,

S. 1973 falls under Barbara Chow's purview; she has the letter you sent me and will be contacting you shortly.

Thanks, Ben.

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

CREATOR: Jeff P. Dailey ( DAILEY\_J ) (WHO)

CREATION DATE/TIME: 4-SEP-1996 14:34:16.36

SUBJECT: presidential letter

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 4-SEP-1996 18:17:23.14

TO: Dawn Chirwa ( CHIRWA\_D ) (WHO)

READ: 4-SEP-1996 14:45:00.12

TO: Kumiki S. Gibson ( GIBSON\_K ) Autoforward to: Remote Address

READ:NOT READ

TEXT:

The following is my draft of a letter regarding the constitutionality of congressional redistricting. Cheryl Mills said that one of you might be knowledgeable in this area, so I'm wondering if you will please determine whether my draft is okay for presidential signature.

thanks.

Thank you for your letter on behalf of the Baptist Ministers Association of Houston and Vicinity. I appreciate knowing your views regarding the legal challenges to redistricting plans drawn after the 1990 census.

The protection of voting rights over the past thirty years and the resulting increase in minority representation has been a testament to our enduring democracy. As you noted, the communities that were once shut out of the process have brought new leadership to all levels of our government, including the halls of Congress. Your congressional district alone has contributed distinguished leaders like Barbara Jordan and Mickey Leland, and is now well represented by Congresswoman Sheila Jackson Lee.

My Administration remains committed ensuring every American the opportunity to cast an effective and meaningful ballot, free from racial discrimination. We have strongly defended racially fair redistricting plans against claims of unconstitutionality, and will continue to do so in concert with the Supreme Court's new legal standards. In addition, the Justice Department is participating in the Texas congressional case to ensure any changes in the law will still provide minority voters equal opportunities to elect candidates of their choice.

The recent decisions of the Supreme Court have understandably created a great deal of anxiety among the constituents of these districts and others. However, these rulings do not signify that states can abandon their obligation to ensure fair representation or that the Justice Department will cede its responsibility to enforce the Voting Rights Act with vigor and tenacity. Instead, we must redouble our efforts to guarantee an open political process for all Americans and rededicate ourselves to the ideals of equal access and participation that inspired the original passage of the Voting Rights Act.

Thanks again for writing.

###

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

CREATOR: Ellen S. Seidman ( SEIDMAN\_E ) (OPD)

CREATION DATE/TIME: 4-SEP-1996 15:37:00.39

SUBJECT: Conference call on church plans

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 4-SEP-1996 18:18:06.79

TO: Ingrid M. Schroeder ( SCHROEDER\_I ) (OMB)

READ: 4-SEP-1996 15:37:10.23

CC: Kathleen M. Wallman ( WALLMAN\_KM ) (WHO)

READ: 5-SEP-1996 09:13:57.64

TEXT:

The conference call tomorrow on the DOJ church plan/securities laws exemption letter will be at 3:30. Call 456-6777, code 5792. Don't call early, and don't hang up once you call. If you want others on the call, please put them on a speaker. We'll have Randy Moss from DOJ, Nell Hennessey from PBGC, and Barry Barbash or some similarly knowledgeable person from the SEC.

The object of the game is to make certain any DOJ letter (i) doesn't call existing law (primarily the ERISA church plan rules) into question and (ii) takes the structure of ERISA and, in particular, the different treatment in that statute of churches, non-profits and businesses, into account.

Ellen

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

CREATOR: Dorothy Robyn ( ROBYN\_D ) (OPD)

CREATION DATE/TIME: 4-SEP-1996 15:59:16.72

SUBJECT: Congressional Notification Issue/PTO

TO: John A. Koskinen ( KOSKINEN\_J ) (OMB)

READ: 4-SEP-1996 18:25:12.78

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 4-SEP-1996 18:19:32.17

TEXT:

I was just up meeting w/ the House Judiciary Comm. staff on the PTO bill (John: I'm sure John Kamensky will give you a summary; it was a good and short (!!) meeting.) When I indicated that we had not reached a final Administration position on the congressional notification issue, Rep. Schroeder's staff person spoke up to complain about Members reading it in the newspaper rather than being informed by the White House when someone senior is fired. She implied that that was the motivation (at least on Schroeder's part) for the language on notification.

I don't have a view on the disagreement between NPR/OMB and Counsel's office. But if Counsel's view prevails, one compromise w/ the Hill might be to have the President simply notify Congress without giving a reason for the removal of the Commissioner.

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

CREATOR: Lyndell Hogan ( HOGAN\_L ) (OPD)

CREATION DATE/TIME: 4-SEP-1996 17:00:08.26

SUBJECT: Domestic Violence Meeting

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 4-SEP-1996 18:19:57.52

TO: Betsy Myers ( MYERS\_B ) (WHO)

READ: 4-SEP-1996 17:20:00.47

TO: Deborah L. Fine ( FINE\_D ) (OPD)

READ: 4-SEP-1996 17:09:12.07

TO: Dennis Burke ( BURKE\_D ) (OPD)

READ: 4-SEP-1996 22:13:17.56

TO: Jennifer L. Klein ( KLEIN\_J ) (OPD)

READ: 4-SEP-1996 17:00:59.79

CC: Elizabeth E. Drye ( DRYE\_E ) (OPD)

READ: 4-SEP-1996 17:41:01.41

CC: Jeremy D. Benami ( BENAMI\_J ) (WHO)

READ: 6-SEP-1996 09:09:40.99

TEXT:

DOMESTIC VIOLENCE/WELFARE REFORM MEETING

Thursday, September 5

4:30-5:50

211 OEOB

As you all know, the Justice Department and HHS have been working on approaches to highlight the Wellstone domestic violence amendment in the welfare reform legislation. One idea is to issue an Executive Order modeled after NOW's document; another is a Presidential statement; still another is a directive to Sec. Shalala and the Attorney General to issue state guidelines for implementing the provision.

I'm pulling this meeting together to discuss a) the various options being batted around; b) the most effective of these options; c) and the best follow-up procedure.

Sorry for the last minute notice -- it just became clear that there are a couple of different paths people are taking. We just need to make sure we are all on the same path.

The following are confirmed for the meeting. Please let me know if you are able to attend.

HHS, Confirmed

--Peter Edelamn

--Virginia Cox

--Anna Durand

HHS, Not Confirmed

--Ann Rosewater

Justice, Confirmed

--Virginia Cox

--Liz Hyman

Thanks.

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

CREATOR: Ananias Blocker ( BLOCKER\_A ) (WHO)

CREATION DATE/TIME: 4-SEP-1996 17:18:06.01

SUBJECT: Cruise Vessel Tort Reform

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 4-SEP-1996 18:20:13.24

TEXT:

What's the latest from your lawyer friends on our favorite bill? Thanks Andy

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: MBLink Administrators@EOP@LNWTWY@EOPMRX

CREATION DATE/TIME: 4-SEP-1996 18:22:00.00

SUBJECT: Non-delivery of: RE: presidential letter

TO: KAGAN\_E ( KAGAN\_E@A1@CD ) (WHO)

READ: 4-SEP-1996 18:26:35.41

TEXT:

Message Creation Date was at 4-SEP-1996 18:16:00

Non-delivery information:

Intended recipient(s): Kumiki S. Gibson

Failure reason: User Kumiki S. Gibson not listed in public Name & Address Book

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

CREATOR: Jeff P. Dailey ( DAILEY\_J ) (WHO)

CREATION DATE/TIME: 4-SEP-1996 18:26:00.97

SUBJECT: RE: presidential letter

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 4-SEP-1996 18:27:18.71

CC: Dawn Chirwa ( CHIRWA\_D ) (WHO)

READ: 4-SEP-1996 19:33:59.92

CC: Kumiki S. Gibson ( GIBSON\_K ) Autoforward to: Remote Address

READ:NOT READ

TEXT:

I spoke with John about thirty minutes ago. Thanks for your help.

# Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Phone No. (Partial) (1 page)	09/05/1996	P6/b(6)

---

**COLLECTION:**

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

---

**FOLDER TITLE:**

[08/26/1996 - 09/05/1996]

2009-1006-F

db1571

---

**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]

[002]

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

CREATOR: Ellen S. Seidman ( SEIDMAN\_E ) (OPD)

CREATION DATE/TIME: 5-SEP-1996 10:16:21.32

SUBJECT: Various

TO: Elena Kagan

( KAGAN\_E ) (WHO)

READ: 5-SEP-1996 11:36:45.65

TEXT:

1. The President didn't say anything about any tort or securities law issues in the Money mag interview.

2. If you want to talk to Nell Hennessey about church plans and ERISA, her number is [P6/(b)(6)].

3. What's happening on securities lit preemption?

Ellen

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

CREATOR: Diana M. Fortuna ( FORTUNA\_D ) (OPD)

CREATION DATE/TIME: 5-SEP-1996 11:05:25.10

SUBJECT: Decision on HHS Proposal on welfare waivers

TO: Carol H. Rasco ( RASCO\_C ) (WHO)

READ: 5-SEP-1996 16:28:01.57

TO: Bruce N. Reed ( REED\_B ) (WHO)

READ: 5-SEP-1996 11:48:20.61

TO: Jacob J. Lew ( LEW\_J ) Autoforward to: Remote Addressee

READ: NOT READ

TO: Kenneth S. Apfel ( APFEL\_K ) Autoforward to: Remote Addressee

READ: NOT READ

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 5-SEP-1996 11:37:25.18

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)

READ: 6-SEP-1996 09:15:15.12

CC: Emily Bromberg ( BROMBERG\_E ) (WHO)

READ: 9-SEP-1996 10:05:42.26

CC: Keith J. Fontenot ( FONTENOT\_K ) Autoforward to: Remote Addre

READ: NOT READ

TEXT:

PRINTER FONT 12\_POINT\_COURIER

HHS now has a proposal on what to tell states about how existing waivers will fit within welfare reform. We still have no paper from them on this (although we are allegedly about to get some). However, John Monahan and Ann Rosewater just laid out their proposed approach to Emily and me. Here is a quick description with some pro's and con's. With Monday's conference coming up, we need to decide quickly whether to go with this approach, bring HHS in immediately for further discussion, or tell them we need more time to decide.

As you know, the law is unclear about how to accommodate existing waivers. The 3 key issues are:

- o whether states can continue to use the looser definition of work that many waivers include, in meeting the law's work participation rates;

- o whether states can enforce time limits as their waivers allow, rather than meet stricter requirements in the bill;
- and

- o how waivers' cost neutrality requirements will be enforced.

HHS's preferred approach is surprisingly non

□

-prescriptive. They propose to ask states, via the state plan guidance, to identify areas where their waivers are inconsistent with the law and they would like to continue to operate them. This would be part of a state's plan submission. HHS would then allow the waiver practice to continue, unless it was incredibly egregious (the

example they gave was if a state didn't want to run a child support enforcement system).

Eventually HHS would expect to issue regulations that might affect state waivers, but any changes would only be applied prospectively so states wouldn't be disadvantaged for past behavior, and there would be opportunity for public comment on any regulations.

Rich Tarplin of HHS has been working with congressional staff both to clarify their intent and try to move them toward at least a grudging acceptance of HHS's preferred approach. They are seeing some progress there.

Potential problems with this approach: States may react to HHS's presentation of this on Monday with mistrust, or with a desire for more guidance. Also, relying solely on states' representations may hurt states that fail to flag certain issues. For example, if a state failed to list in its state plan that its waiver allows for a looser definition of work, then HHS would consider the law's tougher requirements to be in place, and the state would potentially be subject to sanction. Also, it is possible that Congress would criticize HHS for not drawing lines if Rich Tarplin's efforts are unsuccessful.

Alternatives: Despite problems, it is not clear that the alternatives are better. If HHS were to try to draw some kind of line as to which waiver practices were OK and which were not, some states would be angry at them. If they explicitly draw the line so broadly that "anything goes", the Congress can say we are thwarting the law. So their concept is to let the states decide. Let me know your recommendation on how to proceed. It may be that we have enough outstanding issues with HHS prior to Monday's conference that we need a meeting today or tomorrow. We are still waiting for the latest draft of their guidance to states, and there is the unsettled issue of whether to require a 45

□

-day

comment period de novo for all states.

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

CREATOR: Lyndell Hogan ( HOGAN\_L ) (OPD)

CREATION DATE/TIME: 5-SEP-1996 11:07:45.40

SUBJECT: Today's Domestic Violence Meeting

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 5-SEP-1996 11:37:39.82

TEXT:

Thanks for returning the call yesterday--I was calling regarding domestic violence. I've got full attendance for the meeting from Justice, HHS, the Women's Office and DPC so we are obviously hoping you can make it. Everyone is anxious to make a decision on what to do and how to proceed. Hope to see you at 4:30 in 211 OEOB.

Thanks!

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

CREATOR: Diana M. Fortuna ( FORTUNA\_D ) (OPD)

CREATION DATE/TIME: 5-SEP-1996 11:49:07.98

SUBJECT: FYI on issue we just discussed, from Bruce

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 5-SEP-1996 11:54:47.93

TEXT:

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 5-SEP-1996 11:45:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Bruce N. Reed

ATT SUBJECT: RE: 45 day comment period

ATT TO: Carol H. Rasco ( RASCO\_C )

ATT CC: Diana M. Fortuna ( FORTUNA\_D )

ATT CC: Jeremy D. Benami ( BENAMI\_J )

ATT CC: Emily Bromberg ( BROMBERG\_E )

TEXT:

I think the 45 day comment period is a dumb idea that will needlessly antagonize the states. We're not regulating them on process anymore, we're supposed to keep an eye on results. If there is any legal authority for this, I'm sure it's flimsy. And with Congress considering repealing the DC waiver, we shouldn't forget that HHS is infinitely capable of causing us unnecessary political headaches.

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

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

CREATOR: Todd Stern ( STERN\_T ) (WHO)

CREATION DATE/TIME: 5-SEP-1996 12:10:43.93

SUBJECT: RE: aviation disaster

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 5-SEP-1996 12:43:55.95

TEXT:

Klain said this morning that they want to announce it Monday, so I haven't focussed on it today. I will a little later. I'm up against the clock at the moment. I'll call you later. tds

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

CREATOR: Diana M. Fortuna ( FORTUNA\_D ) (OPD)

CREATION DATE/TIME: 5-SEP-1996 12:31:53.29

SUBJECT: 45 day comment period issue

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 5-SEP-1996 13:27:31.35

CC: Bruce N. Reed ( REED\_B ) (WHO)

READ: 5-SEP-1996 15:36:57.52

TEXT:

FYI, on the 45 day comment period, the relevant section of the law is in Title I, Section 402 (a)(4).

In sum, it says that a state must submit a plan that includes the following:

"a certification ... which shall include assurances that local governments and private sector organizations--

(A) have been consulted....

(B) have had at least 45 days to submit comments on the plan and the design of such services."

I am trying to reach Anna Durand, who did HHS's legal work on this. I'll follow up with you.

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

CREATOR: David Fein ( FEIN\_D ) (WHO)

CREATION DATE/TIME: 5-SEP-1996 13:00:46.40

SUBJECT: can we switch from tues. night to thurs. night?

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 5-SEP-1996 13:34:12.20

TEXT:

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME: 5-SEP-1996 13:34:00.00

SUBJECT: Re: california proposal

TO: KAGAN\_E ( KAGAN\_E@A1@CD ) (WHO)

READ: 5-SEP-1996 14:22:05.95

CC: Keith J. Fontenot ( Keith J. Fontenot@EOP@LNWTWY@EOPMRX )

READ:NOT READ

TEXT:

Message Creation Date was at 5-SEP-1996 13:35:00

I'll ask keith to tell Ag to bump till monday

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

CREATOR: Diana M. Fortuna ( FORTUNA\_D ) (OPD)

CREATION DATE/TIME: 5-SEP-1996 13:37:51.64

SUBJECT: RE: are you sure ...

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 5-SEP-1996 15:31:38.20

TEXT:

it's really section 103 of title I, which then goes on to list sections 401, 402, etc. (You can tell I'm not a lawyer.) Does that work?

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

CREATOR: Diana M. Fortuna ( FORTUNA\_D ) (OPD)

CREATION DATE/TIME: 5-SEP-1996 15:48:45.36

SUBJECT: Calif. food stamp issue

TO: Kenneth S. Apfel ( APFEL\_K ) Autoforward to: Remote Adresse  
READ: NOT READ

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ: 5-SEP-1996 15:56:49.99

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)  
READ: 5-SEP-1996 23:02:39.97

CC: Emily Bromberg ( BROMBERG\_E ) (WHO)  
READ: 9-SEP-1996 10:07:44.59

TEXT:

Emily tells me that they talked to LA County about the food stamp/immigrant issue. The county said that, while they were surprised Wilson would ask for this, they did not think it was a trick, and thought it would be great. We told them it's not at all clear it's doable, to keep expectations down. So, at this point, we're waiting from a further read from Elena (sorry, Elena).

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

CREATOR: Diana M. Fortuna ( FORTUNA\_D ) (OPD)

CREATION DATE/TIME: 5-SEP-1996 15:56:31.81

SUBJECT: Draft memo on SSI kids cutoff date

TO: Kenneth S. Apfel ( APFEL\_K ) Autoforward to: Remote Addressee  
 READ:NOT READ

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
 READ: 5-SEP-1996 16:02:29.39

TO: Keith J. Fontenot ( FONTENOT\_K ) Autoforward to: Remote Addre  
 READ:NOT READ

CC: Jeremy D. Benami ( BENAMI\_J ) (WHO)  
 READ: 6-SEP-1996 09:24:23.12

TEXT:

I know we are not yet agreed between us on the need for this memo, but I believe Carol wants it, at a minimum if we end up deciding on the earlier cut

□

-off. So I thought I would send you the draft I am sending to Carol for her review, just so we are keeping in touch.

I was hoping to use whatever SSA is drafting on this, but I haven't received it yet. Maybe it is just as well.

Obviously I am interested in any comments. This will just barely fit on 1 page; so if you think I should add things (and the draft is a bit oversimplified), it will go over a page unless we cut.

PRINTER FONT 12\_POINT\_ROMAN

DRAFT -- doesn't (yet) lay out a recommendation

September -, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: Carol H. Rasco

SUBJECT: When to Cease SSI Benefits for Disabled Children

A decision must be made in the next few days about when to stop benefits for disabled children whose families are appealing SSA's decision to drop them from the rolls.

Background: Under the welfare reform statute, 190,000 disabled children will lose eligibility for SSI benefits because their impairments are not severe enough to qualify under the new law. The families of these children will get notices this December that they will lose benefits unless they can prove that they meet the new, tougher standards. SSA will then review all these cases, with the goal of making decisions within one year of enactment.

These children have the right to appeal SSA's decision, and are guaranteed continued benefits during the appeals process until they have a "face to face interview." However, from a legal perspective that interview could take place either at the point when a state reviews the case, or at a later point when an SSA administrative law judge issues a ruling. The first choice cuts kids off in late 1997 or early 1998; the second choice pushes it off to 1999.

## Arguments Favoring Earlier Cut

-off:

o We reluctantly supported the tougher eligibility standards, and included savings in our budget based on kids being dropped at the earlier point. This could create a credibility problem with Congress if we go with the later date.

o If they lose on appeal, families would be liable for substantial overpayments. However, SSA can waive this debt on a case by case basis. (Budget Implications?)

o SSA's workload will be far greater if the later date is chosen. The large backlog in initial applications could get worse. It will encourage more families to appeal.

## Arguments Favoring Later Cut

-off:

o Losing these benefits will be difficult for these families, with many of them affected by other parts of welfare reform. We should give them more time to adjust, and ensure continued benefits for the 50% who will win their appeals. Although this change arose out of reports that families were

abusing the system by having children feign mental disabilities, such abuse was never shown to be widespread, and many of the families losing benefits have compelling stories.

o Advocates will definitely sue if we choose the earlier date, and could win.

cc: Jack Lew

Jack Quinn

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

CREATOR: Diana M. Fortuna ( FORTUNA\_D ) (OPD)

CREATION DATE/TIME: 5-SEP-1996 16:12:12.58

SUBJECT: More thoughts from Bruce

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 5-SEP-1996 18:14:02.64

TEXT:

=====  
ATTACHMENT 1  
=====  
ATT CREATION TIME/DATE: 5-SEP-1996 15:37:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Bruce N. Reed

ATT SUBJECT: RE: 45 day comment period issue

ATT TO: Diana M. Fortuna ( FORTUNA\_D )

TEXT:

That sounds different from a public comment period -- that's a cooperation requirement for local govt and the private sector.

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

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

CREATOR: Diana M. Fortuna ( FORTUNA\_D ) (OPD)

CREATION DATE/TIME: 5-SEP-1996 16:25:28.97

SUBJECT: Here is Carol's interpretation of his marginal notes

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 5-SEP-1996 18:15:43.62

TEXT:

I am having the memo itself sent to you.

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

ATT CREATION TIME/DATE: 4-SEP-1996 10:05:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Carol H. Rasco

ATT SUBJECT: Welfare Reform memo to POTUS

ATT TO: Jacob J. Lew ( LEW\_J )

ATT TO: Kenneth S. Apfel ( APFEL\_K )

ATT CC: Bruce N. Reed ( REED\_B )

ATT CC: Jeremy D. Benami ( BENAMI\_J )

ATT CC: Diana M. Fortuna ( FORTUNA\_D )

ATT CC: Elizabeth E. Drye ( DRYE\_E )

ATT CC: Deborah F. Kramer ( KRAMER\_D )

TEXT:

I was sure everyone would need an interpretive reading of the remarks by POTUS and had tried to get this email off earlier...here goes! I will put any comments I have as to follow up in ( ) and we can then talk next week when I am back in office, okay?

Page 1:

CRasco: looks good  
but see notes-  
BC

Also should stay in touch with counties and cities (I had earlier today put on email to intergovernmental that we need to talk about how to work with counties and mayors groups now that we are working regularly with NGA/APWA/NCSL)

Page 2:

oRegulations

Q: Can we require states to offer, or allow local gov't to offer, wage subsidies to private emplyers plus local gov't's?

oApproved Waivers

Can we at least condition waivers on work participation rate to

I want to discuss time limits issue before a decision is made and announced OR leaked.

oOther issues

Agree- I want to discuss before decision made.

Page 3

CHILD SUPPORT ENFORCEMENT

Regarding the FPLS he drew arrow and said:

Important

All agreed to this

On the \$50 issue he wrote:

I didn't know this!

IMMIGRANTS

oFood Stamps

Can we slow walk this on reevaluation grounds-(this memo was read before he got our follow up memo on issuing the directive to Glickman...we don't need to do anything further here)

oSSI

Take the year and work with INS on these to get as many citizens as possible.

Page 4

oNaturalization

Left side: Should do this ASAP

Right side: How big an increase over last year? (Isn't it nice he will be so pleased with the huge increase over last year?)

SSI for Children:

We must use REAL care on this-

(I can assure you this hit him very seriously and that is why we must have careful, thorough memo to him that I have requested previously...I must review the memo before it is sent and co-sign some kind of cover sheet or he will return it to me asking what I think.)

Medicaid:

This one did not copy well on my copy of memo and I don't have the full writing; however it appears he is saying we should discuss what this does with Wisconsin...what this says to me is that we need to make SURE POTUS is briefed on the proposed letters to Wisconsin before HHS sends them.

Child Care:

Good-

do ASAP as we must show POSITIVE aspects of law

(Diana: This says to me we should definitely ask Child Care folks to a meeting of the coordinating group in two to four weeks as we discussed earlier)

Monitoring and Evaluation:

Agree

JOB OPPORTUNITIES

Should give discretion [he abbreviated the word] to cities (this was taken care of in the formatting of his jobs initiative)

NEED FOR LEGISLATION

1st paragraph: YES

Second paragraph:

+What about Joe Califano's concern in Sat. 8/25 New York Times?

(Can someone look up that article and see what it is about...I missed it)

=====**NOTE:** On any of these where he said he wants to discuss, etc. it will mean more than likely we need to do a good decision memo. AGain, I will be in on Monday, will be reading email from the road on Thursday afternoon and sometime midday on Friday.

Let's talk...thanks.

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

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

CREATOR: Anna M. Briatico ( BRIATICO\_A ) (OMB)

CREATION DATE/TIME: 5-SEP-1996 17:12:34.79

SUBJECT: Reminder -- Comments on LRM 5466 are Due!

TO: E. Irene James ( JAMES\_E ) Autoforward to: Remote Addressee  
READ:NOT READ

TO: David J. Haun ( HAUN\_D ) Autoforward to: Remote Addressee  
READ:NOT READ

TO: Joseph F. Lackey, Jr. ( LACKEY\_J ) (OMB)  
READ: 6-SEP-1996 13:59:27.87

TO: Arthur W. Stigile ( STIGILE\_A ) Autoforward to: Remote Address  
READ:NOT READ

TO: Harry E. Moran ( MORAN\_H ) Autoforward to: Remote Addressee  
READ:NOT READ

TO: Mathew C. Blum ( BLUM\_M ) (OMB)  
READ: 5-SEP-1996 18:54:06.57

TO: Donna M. Rivelli ( RIVELLI\_D ) (OMB)  
READ: 5-SEP-1996 17:21:25.59

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)  
READ:NOT READ

TO: Molly Brostrom ( BROSTROM\_M ) (WHO)  
READ: 5-SEP-1996 17:38:33.35

TO: Robert G. Damus ( DAMUS\_R ) (OMB)  
READ: 6-SEP-1996 10:57:38.16

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ: 5-SEP-1996 18:23:03.51

TO: John E. Thompson ( THOMPSON\_J ) (OMB)  
READ: 5-SEP-1996 17:14:27.86

CC: Francis S. Redburn ( REDBURN\_F ) Autoforward to: Remote Address  
READ:NOT READ

CC: Hang T. Tran ( TRAN\_HT ) Autoforward to: Remote Addressee  
READ:NOT READ

CC: James F. Jordan ( JORDAN\_JF ) (OMB)  
READ: 6-SEP-1996 17:46:53.35

CC: Janet R. Forsgren ( FORSGREN\_J ) (OMB)  
READ: 5-SEP-1996 17:40:10.82

TEXT:

Reminder -- please forward your comments on LRM 5466 (Justice Conference Report on H.R. 2406 - U.S. Housing Act of 1996) to me by no later than 10 a.m. tomorrow morning (Friday). If I do not

hear from you by then, I will assume that you have no comments.  
Thanks.

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

CREATOR: Lyndell Hogan ( HOGAN\_L ) (OPD)

CREATION DATE/TIME: 5-SEP-1996 20:01:26.91

SUBJECT: Today's Domestic Violence Meeting

TO: Elena Kagan ( KAGAN\_E ) (WHO)

READ: 6-SEP-1996 09:44:30.90

TEXT:

To let you know how the meeting ended...

Debbie and I are going to draft an options memo to go to Carol Rasco and Bruce. Basically the memo will list three options: the NOW Executive Order; a softer Presidential Directive to the Secretary and Attorney General directing them to provide states with guidance and technical assistance; and a letter from the President to the states encouraging states to address domestic violence in the context of welfare reform by, among other things, providing services to victims of domestic violence to help them safely and effectively move from welfare to work.

What is your opinion on all of this? Do you prefer one option over the other, or none of the above? Are we proceeding corectly? Feedback is welcome and encouraged.

Thanks.