

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 056 - FOLDER -009

[09/23/1996-09/26/1996]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Betsy Myers to Jennifer Palmieri, et al; RE: Late Term update (partial) (1 page)	09/25/1996	P6/b(6)
002. email	Postmaster to Elena Kagan; RE: Phone number (partial) (1 page)	09/26/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[09/23/1996 - 09/26/1996]

2009-1006-F

db1572

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: James A. Brown (BROWN_JA) (OMB)

CREATION DATE/TIME:23-SEP-1996 10:19:07.26

SUBJECT: Coast Guard/Liability Caps

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-SEP-1996 09:00:12.58

TO: Kim C. Nakahara (NAKAHARA_K) Autoforward to: Remote Addre

READ:NOT READ

TO: David Worzala (WORZALA_D) Autoforward to: ACCOUNT, NOTE

READ:NOT READ

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

READ:23-SEP-1996 10:21:56.97

CC: David E. Tornquist (TORNQUIST_D) Autoforward to: Remote Addr

READ:NOT READ

TEXT:

According to Transportation, staffers of the conferees met with the interest groups yesterday. After the meeting, they "went to the legislative clerk with language." Presumably, this includes some compromise on the liability caps issue, but no one knows for sure. We will circulate language as soon as it becomes available.

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

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

CREATION DATE/TIME:23-SEP-1996 12:47:45.84

SUBJECT: HHS wants to know if they can start telling people...

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 10:21:51.13

TO: Bruce N. Reed (REED_B) (WHO)
READ:23-SEP-1996 15:20:13.78

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 08:46:47.82

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 09:00:37.62

TEXT:

the decision on the 45 day comment period issue. They are having some folks in tomorrow that they would like to tell.

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

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

CREATION DATE/TIME:23-SEP-1996 16:51:26.37

SUBJECT: Food stamp cuts

TO: Mary Ellen Glynn (GLYNN_M) (WHO)

READ:23-SEP-1996 17:19:25.64

TO: John C. Angell (ANGELL_J) (WHO)

READ:23-SEP-1996 17:09:06.08

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

READ:25-SEP-1996 07:24:02.51

TO: Kenneth S. Apfel (APFEL_K) Autoforward to: Remote Adresse

READ:NOT READ

TO: Emily Bromberg (BROMBERG_E) (WHO)

READ:24-SEP-1996 08:47:17.19

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

READ:24-SEP-1996 10:22:09.27

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

READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-SEP-1996 09:01:40.27

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

READ:23-SEP-1996 20:14:59.66

TEXT:

I hear that Judith Havemann of the Wash. Post is poking around today on the implementation date of the food stamp cut-off for legal immigrants. She has spoken to USDA about this in general; and to HHS about the fact that Virginia is stating that they are implementing the cuts.

Here is some background: As of the date of enactment, legal immigrants applying for food stamps were no longer eligible. USDA gave states a 30-day grace period to get this up and running. But the 30 days are just about up, and so states are starting to implement this for new applicants.

For legal immigrants currently on the rolls, we have allowed states to use a waiver that could extend the cut-off by several months, but not all states benefit from this waiver. As you probably know, we have told California they do not have to implement this change for current recipients while we figure out if we can give them some relief.

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

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

CREATION DATE/TIME:23-SEP-1996 16:55:04.54

SUBJECT: USDA tells me they just sort of made up the 30 day

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-SEP-1996 09:02:22.78

TEXT:

grace period; not clear what authority they had for it. I wonder if we could have made it longer, but it's probably too late now.

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

ATT CREATION TIME/DATE:23-SEP-1996 16:35:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Diana M. Fortuna

ATT SUBJECT: Food stamp cuts

ATT TO: Mary Ellen Glynn (GLYNN_M)

ATT TO: John C. Angell (ANGELL_J)

ATT TO: Carol H. Rasco (RASCO_C)

ATT TO: Kenneth S. Apfel (APFEL_K)

ATT TO: Emily Bromberg (BROMBERG_E)

ATT TO: Jeremy D. Benami (BENAMI_J)

ATT TO: Keith J. Fontenot (FONTENOT_K)

ATT TO: Elena Kagan (KAGAN_E)

ATT TO: Stephen C. Warnath (WARNATH_S)

TEXT:

I hear that Judith Havemann of the Wash. Post is poking around today on the implementation date of the food stamp cut-off for legal immigrants. She has spoken to USDA about this in general; and to HHS about the fact that Virginia is stating that they are implementing the cuts.

Here is some background: As of the date of enactment, legal immigrants applying for food stamps were no longer eligible. USDA gave states a 30-day grace period to get this up and running. But the 30 days are just about up, and so states are starting to implement this for new applicants.

For legal immigrants currently on the rolls, we have allowed states to use a waiver that could extend the cut-off by several months, but not all states benefit from this waiver. As you probably know, we have told California they do not have to implement this change for current recipients while we figure out if we can give them some relief.

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

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

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

CREATION DATE/TIME:23-SEP-1996 18:18:03.75

SUBJECT: First draft of a timeline...

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-SEP-1996 09:03:11.15

TO: Emily Bromberg (BROMBERG_E) (WHO)

READ:24-SEP-1996 08:49:02.37

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

READ:23-SEP-1996 20:16:01.65

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

READ:24-SEP-1996 10:24:55.65

TEXT:

Give me any comments asap.

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

ATT CREATION TIME/DATE:23-SEP-1996 18:01:00.00

ATT BODYPART TYPE:H

ATT CREATOR: Diana M. Fortuna

ATT SUBJECT: Timeline of critical dates

ATT TO: Kenneth S. Apfel (APFEL_K)

ATT CC: Jeremy D. Benami (BENAMI_J)

ATT CC: Keith J. Fontenot (FONTENOT_K)

ATT CC: Richard E. Green (GREEN_R)

TEXT:

I was hoping to avoid this, but it increasingly appears that we all need a timeline of key dates for welfare reform. I think we might have a better chance of avoiding problems if we do.

I have taken a first and very rough crack at it, and would very much appreciate it if your staff could make any additions or corrections they find appropriate or necessary. I know they are very tied up on a million things, but their input would be very helpful.

I would hope to distribute this at tomorrow's 3pm meeting of our subgroup if it is in decent enough shape, and ask the agencies for their help as well.

I have really tried to keep it to dates that are truly critical or might generate outside interest/scrutiny. Obviously there are zillions of effective dates, regs, etc., but to put them all in the timeline would make it baffling.

I didn't get very far on child support or child care!

Can Keith or Richard throw some dates/advice my way?

PRINTER FONT 12_POINT_COURIER

Timeline: Key Dates

I. TANF

September 30 HHS must act on Wisc/Mich early applications
 October 1 States can enter TANF program
 November Technical corrections legislative proposal? what
 drives this date?
 November 17 States to report on child poverty to HHS
 December HHS to publish initial TANF regs

II. Child Care

November Interim final rule?

III. Child Support

October 1 State laws on expedited procedures and paternity
 establishment (with exceptions)

IV. Food Stamps

Legal Immigrants:

September 22 30 day grace period up; states rejecting new
 applicants who are legal aliens

ASAP California question

January 1997 States can be sanctioned for errors related to
 legal immigrants

18

-50 Year old Work Requirements:

September 30 USDA to give states guidance (?) on waiver process
 When is it effective??

V. SSI

Children:

ASAP New definition needed for field so field offices
 stop holding new cases

October 22 SSA to get draft reg to OMB

November 22 New reg to be published

Mid

-Nov- Children's families to get notices

December

January - Redeterminations drop children from rolls

August '97

Legal Immigrants:

??? Regulations/instructions?

January - Recipients to get notices

March '97

April - Redeterminations drop legal immigrants from rolls

August '97

VI. Other Immigration Dates

ASAP Definition of means tested benefit

November 20 INS to promulgate new sponsorship document
 (affidavit of support)

November One quarter since law passed; states required to
 report quarterly to INS about those unlawfully in

US

January 1 States decide whether legal immigrants are
 eligible for Medicaid, TANF, SSBG; also state and
 local programs??

VII. Medicaid

October 7 HCFA to meet with State Medicaid Directors; should
 have some clarity on issues by then

December HCFA to issue guidance

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

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

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

CREATION DATE/TIME:23-SEP-1996 18:57:57.57

SUBJECT: For you Medicaid afficianados....

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

READ:24-SEP-1996 10:25:07.66

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

READ:23-SEP-1996 20:16:49.55

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-SEP-1996 09:03:55.11

TO: Emily Bromberg (BROMBERG_E) (WHO)

READ:24-SEP-1996 08:51:09.98

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

READ:NOT READ

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

READ:23-SEP-1996 19:09:17.90

TEXT:

here are comments from Nancy-Ann Min's staff on implementation issues in Medicaid.

I am debating whether to send you my equally lengthy response.

You can ignore all this if you like for now -- but, Elena, I think there are some legal questions that you will have to get involved in eventually.

I am hoping there is discretion here to do interesting things to blunt the legal immigrant cuts, within the parameters of the law.

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

ATT CREATION TIME/DATE:12-SEP-1996 17:39:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Nicolette Highsmith

ATT SUBJECT: Comments on HCFA's Draft White House Report

ATT TO: Diana M. Fortuna (FORTUNA_D)

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

ATT CC: Barry T. Clendenin (CLENDENIN_B)

ATT CC: Mark E. Miller (MILLER_ME)

ATT CC: barbara E. Washington (WASHINGTON_B)

TEXT:

At a meeting of the welfare implementation work group, you requested that HCFA provide a summary of issues facing Medicaid in light of welfare reform. Last week, you sent us a document from HCFA entitled, "White House Report - Delinking Medicaid from AFDC," which addressed such Medicaid issues.

We wanted to clarify a couple of points made in the document to avoid confusion.

1) HCFA's first paragraph notes that "regardless of whether an individual is eligible for TANF, states in general will be required to maintain Medicaid eligibility for individuals eligible for benefits as of July 16, 1996. The law states that an individual's eligibility for Medicaid will be based on the income and asset standards used to determine AFDC eligibility as of July 16, 1996. This means two things: 1) Medicaid is no longer linked to TANF cash assistance. This could result in families receiving TANF without being eligible for Medicaid, and 2) It is not a "grandfather" provision for people receiving AFDC on 7/16/96. If individual circumstances change, such that they no longer meet the AFDC eligibility standards as of 7/16/96, they would lose Medicaid. 2) HCFA also made the point that "a number of currently eligible individuals may fall through the cracks as a result of the transition from AFDC to TANF and the delinking of AFDC and Medicaid eligibility systems."

"Theoretically," individuals eligible for Medicaid as of 7/16/96 would not lose coverage under the law. What could happen, is that, in implementing the law, states' systems that are currently in place for tracking eligibility may not accurately track the transition from AFDC to Medicaid. Furthermore, Medicaid offices will have the added responsibility of determining Medicaid eligibility for individuals on cash assistance, which could cause administrative complications. Thus, due to the result of systems or administrative problems (not the law), some eligible individuals might lose coverage.

HCFA's document did not fully explain the subtle technicalities of the Medicaid issues. As Judy Moore mentioned in the last meeting, some of these Medicaid issues are extremely technical, but some of them have the impact of either retaining or eliminating Medicaid coverage for individuals.

We wanted you to be aware of our understanding of what the major outstanding issues for Medicaid are:

Immigration

1) Mandatory SSI Ban - In general, SSI eligibility also confers Medicaid eligibility. It is unclear if an immigrant continues to be eligible for Medicaid, if they lose SSI coverage due to the mandatory ban on SSI for current immigrants in the country. The law is vague on this point and HCFA has had different interpretations. HCFA is working through this eligibility complication.

2) Deeming - As you know, this issue cuts across many agencies. The general issue is what types of exclusions (i.e. car, house) are used in the determining income level of the sponsor for the purposes of determining the immigrant's eligibility for federal benefits.

1115 Waivers

HCFA is looking into issues surrounding Medicaid 1115 waivers and eligibility. HCFA is looking into the question of whether states can cover individuals under their 1115 Medicaid waivers (if currently eligible under the 1115 waiver), who could lose coverage under the welfare law (i.e. immigrants).

SSI Kids

HCFA partly addressed this issue in their document by noting that guidance would go out to the states on SSI children losing SSI benefits, and therefore Medicaid eligibility. SSA intends to send letters to beneficiaries that will lose coverage as a result of the redetermination policy. We are not sure if HCFA has consulted with SSA on inserting a Medicaid part to the SSA letter or whether HCFA intends to send out letters to beneficiaries noting the policy change and noting that individuals can reapply for Medicaid, based on other criteria.

Administrative Allocation

The Welfare bill includes \$500 million for increased Federal Medicaid Administrative Matching funds for states to set up new eligibility systems (because Medicaid will have to determine eligibility for individuals who would have received AFDC). The law gives the Secretary the authority to determine the appropriate FMAP percentage (i.e. % Federal versus % state funds). HCFA will also have to determine how the funds will be allocated across the states. We assume that these would be the issues that HCFA would present to the DPC in a more detailed meeting.

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

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

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

CREATION DATE/TIME:23-SEP-1996 19:02:29.22

SUBJECT: Here is my response to the OMB health staff

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

READ:24-SEP-1996 10:26:56.60

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

READ:23-SEP-1996 20:18:49.72

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-SEP-1996 09:04:38.44

TO: Emily Bromberg (BROMBERG_E) (WHO)

READ:24-SEP-1996 08:55:57.91

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

READ:NOT READ

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

READ:23-SEP-1996 19:10:20.71

TEXT:

Feel free to ignore if you are feeling overloaded.

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

ATT CREATION TIME/DATE:23-SEP-1996 18:23:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Diana M. Fortuna

ATT SUBJECT: RE: Comments on HCFA's Draft White House Report

ATT TO: Nicolette Highsmith (HIGHSMITH_N)

ATT CC: Nancy-Ann E. Min (MIN_N)

ATT CC: Barry T. Clendenin (CLENDENIN_B)

ATT CC: Mark E. Miller (MILLER_ME)

ATT CC: barbara E. Washington (WASHINGTON_B)

TEXT:

Thank you so much for your helpful analysis. Here are several thoughts and questions about these issues.

1. I am very interested in your point that immigrants losing SSI may not automatically lose Medicaid too. Would this be true even if the state chose not to exercise their option to keep Medicaid for legal immigrants as of 1/1/97?

Your point about waivers being a vehicle to keep legal immigrants is also very interesting. I imagine we will want to pursue this. You probably know that, on the food stamp side, we worked hard to design a waiver to delay the implementation in several states so that they have a bit more time to develop an interim verification system for immigration status.

2. If legal immigrants don't lose SSI until, say, June of next year, when SSA gets around to looking at their case, but the Governor of the state declares on 1/1/97 that his state no longer provides Medicaid to legal immigrants, does the person have Medicaid from January through June? (I think the issue of legal immigrants in nursing homes will become big on the radar screen in the coming weeks, and this would be relevant to that.)

3. On SSI kids, I am very interested in how many will be able to keep Medicaid under Waxman and other provisions, and how many will lose Medicaid altogether. Is this a HCFA question only, or do you guys have any thoughts here? DPC thinks we should be proactive in reaching out to families here, so that those who have a right to continuing Medicaid know about it.

4. On Medicaid vs. TANF eligibility, I understand your point. So, if a woman now on Medicaid goes to work as a result of a work program/work requirement and raises her income beyond the AFDC level in effect on 7/16/96, then she is no longer eligible for Medicaid beyond the one year of transitional Medicaid that the law offers, right? Her kids may qualify under Waxman's provisions, but probably not her.

At the NGA/NCLS/APWA conference, someone from one of those organizations said they thought there was potentially a chance for states to add a SECOND year of transitional Medicaid coverage. But I have never seen any basis for that in the law, have you? I assume this could be done through a (budget neutral) waiver, though.

5. Also at the NGA conference, there was discussion of some limitation in the law in Medicaid growth to the CPI. Can you explain how that works?

I have been pushing HHS/HCFA to sit down and meet with us on all this soon. At the moment, Monahan has promised me a meeting on October 1, with paper to arrive in advance. (I will let you know time and place as soon as I do.) I am a bit concerned about whether this is early enough, given that the State Medicaid Directors are meeting 10/7-9, and people will certainly be expecting some straight answers from HCFA by then -- not on everything, but on some things. At the moment, I think HCFA is not as far along in terms of giving NGA/NCSL/APWA guidance as other agencies.

By the way, I hear from Monahan that HHS is discussing the mechanism by which states can signal their intention on whether legal immigrants are still eligible for Medicaid. One option is to make the default position that they ARE covered. This way, a Governor would have to take a proactive position to drop them. I also assume the state legislature can get involved in this decision if they pass a law, but otherwise the Governor's actions control.

Hope someone from your unit is coming to our welfare reform subgroup meeting tomorrow (Tuesday) at 3 in room 211. We are going to try to make it at the same time every week.

Let me know if you think we need a WH/OMB meeting to take stock of where we are on Medicaid, with counsel's office and intergovernmental in attendance as well.

I am also going to send Mark and Nicolette a copy of a draft timeline of critical dates that I am just beginning. Let me know if you have any comments.

Sorry for the long note!

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

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

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

CREATION DATE/TIME:23-SEP-1996 19:48:11.91

SUBJECT: Amicus Brief Filed in Ohio/Partial Birth

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-SEP-1996 09:05:09.41

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

READ:24-SEP-1996 09:15:34.19

TEXT:

Elena and Jennifer:

If you haven't already seen, ACOG, NAF, and AMCL shared copy of brief on partial abortion. If you are interested in copy, let me know.

BW

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

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

CREATION DATE/TIME:24-SEP-1996 09:26:04.24

SUBJECT: RE: HHS wants to know if they can start telling people...

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 09:57:30.93

CC: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 10:18:39.37

CC: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 10:38:25.92

CC: Bruce N. Reed (REED_B) (WHO)
READ:24-SEP-1996 09:41:21.41

TEXT:

Good point on whether the money will flow at beginning or end of 45 days. I have put in a call to Monahan telling him not to announce it at this point.

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

CREATOR: Mary Ellen Glynn (GLYNN_M) (WHO)

CREATION DATE/TIME:24-SEP-1996 10:03:13.14

SUBJECT: Richard Cohen Column

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-SEP-1996 10:30:29.87

TO: Betsy Myers (MYERS_B) (WHO)

READ:24-SEP-1996 11:20:37.93

TEXT:

Please read Richard Cohen's piece on late term abortions in the Post today. Both Cohen's column and Sunday's David Brown article articulate one of the fallacies surrounding this debate: that the President is in favor of late term abortions without any restrictions.

Cohen's article indicates that Clinton is "apparently misinformed" about the number and nature of late term abortions and urges him to look at "the new data," which indicates that "the majority" of late term abortions are done for non-medical reasons.

As we all know, as early as February 28, 1996, in his letter to Congress, the President says, "...I cannot support its use on an elective basis, where the abortion is being performed for non-health related reasons and there are equally safe medical procedures available."

Also, no one ever notes that Governor Clinton signed a bill in Ark. that would ban third trimester abortions.

I spoke to Melanne this morning and she thinks that I ought to call Cohen. I believe that we should write a letter responding to his column.

Your thoughts?

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

CREATOR: Terri Tingen (TINGEN_T) (WHO)

CREATION DATE/TIME:24-SEP-1996 10:29:21.26

SUBJECT: Welfare Reform Implementation Mtg.

TO: Jill Pizzuto (PIZZUTO_J) (OPD)
READ:24-SEP-1996 10:32:17.41

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

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

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 10:39:38.16

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:24-SEP-1996 10:32:22.26

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 10:37:10.43

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 10:35:59.90

TO: Michelle Crisci (CRISCI_M) (WHO)
READ:24-SEP-1996 10:29:57.26

CC: John C. Angell (ANGELL_J) (WHO)
READ:24-SEP-1996 11:27:04.15

TEXT:

We will be doing a welfare reform implementation meeting in Leon's office tomorrow at 12 noon.

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

CREATOR: Leanne Johnson (JOHNSON_L) (WHO)

CREATION DATE/TIME:24-SEP-1996 10:33:44.36

SUBJECT: Revised Striker Replacement language

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-SEP-1996 10:39:48.11

TEXT:

Hi Elena,

Following is the Striker Replacement language. Please let me know if its o.k.
Thanks.

Thank you for sharing your thoughts with me regarding the hiring of permanent replacement workers by employers who have contracts with the federal government.

On March 8, 1995 I issued an executive order banning the use of permanent replacement workers by employers who have contracts with the federal government. As you know, enforcement of this order has been blocked by a U.S. Court of Appeals for the District of Columbia Circuit, and my Administration has decided not to challenge that decision. While I firmly believe that my Executive Order preventing government contractors from replacing striking workers was within the law, further litigation on the validity of the Order would not be productive.

My Administration continues to believe that protecting legally striking employees from the threat of permanent replacement is an important component in promoting the kind of stable collective bargaining relationship necessary to maintain our nation's productivity. Replacing legally striking workers makes labor disputes worse for all concerned. Please be assured that we will continue to explore ways to protect the rights of American workers, to promote stable collective bargaining, and to ensure the efficient completion of government contracts.

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

CREATOR: Jeffrey A. Weinberg (WEINBERG_J) (OMB)

CREATION DATE/TIME:24-SEP-1996 10:53:16.30

SUBJECT: RE: nasa bill

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-SEP-1996 10:55:45.84

TEXT:

Yes. It is out of the latest version.

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

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

CREATION DATE/TIME:24-SEP-1996 11:19:08.33

SUBJECT: Reminder -- Comments due on OSHA testimony

TO: Lori R. Schack (SCHACK_L) Autoforward to: Remote Address
READ:NOT READ

TO: Ellen S. Seidman (SEIDMAN_E) (OPD)
READ:24-SEP-1996 11:24:01.77

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 11:19:49.20

TO: Sally Katzen (KATZEN_S) Autoforward to: Remote Address
READ:NOT READ

TO: Daniel J. Chenok (CHENOK_D) (OMB)
READ:24-SEP-1996 12:48:19.75

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:24-SEP-1996 11:26:19.15

TO: Richard J. Turman (TURMAN_R) Autoforward to: Remote Address
READ:NOT READ

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:24-SEP-1996 13:44:13.93

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:NOT READ

TO: Phillip B. Levine (LEVINE_P) (WHO)
READ:24-SEP-1996 11:27:08.52

TO: Gregory C. Simon (SIMON_G) Autoforward to: Remote Adresse
READ:NOT READ

CC: Larry R. Matlack (MATLACK_L) (OMB)
READ:24-SEP-1996 11:44:41.60

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:24-SEP-1996 11:33:25.49

TEXT:

Reminder -- Please forward your comments on LRM 5661 (Labor testimony on H.R. 3234, Small Business OSHA Relief Act of 1996) to me by no later than 12:30 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: Betsy Myers (MYERS_B) (WHO)

CREATION DATE/TIME:24-SEP-1996 12:24:54.49

SUBJECT: RE: Richard Cohen Column

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 13:40:57.77

CC: Mary Ellen Glynn (GLYNN_M) (WHO)
READ:24-SEP-1996 13:24:42.54

TEXT:

Betsy is on the road today. She called in to say she would like to see the White House send a letter. Mary Ellen is currently checking in with people.

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

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

CREATION DATE/TIME:24-SEP-1996 13:43:26.05

SUBJECT: RE: grobmyer letter

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:24-SEP-1996 13:45:11.99

TEXT:

thank you.

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

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

CREATION DATE/TIME:24-SEP-1996 13:44:50.66

SUBJECT: New mexico and TANF

TO: Carol H. Rasco (RASCO_C) (WHO)
READ:25-SEP-1996 08:34:29.69

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 13:47:16.93

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 14:05:04.04

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 13:48:15.14

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

TEXT:

FYI, as you may know, New Mex. has problems with their TANF block grant because their caseload is increasing. So, unlike most states, the block grant squeezes them. Domenici is trying to find a fix for them. His latest idea is to let them tap into the contingency fund. However, HHS has advised Domenici that they're not sure that works until New Mex. files a TANF plan and becomes a TANF state, which the state doesn't plan to do for some time.

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

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

CREATION DATE/TIME:24-SEP-1996 13:56:31.19

SUBJECT: I think Elena should be invited

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

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 14:06:23.70

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:24-SEP-1996 12:50:00.00

ATT BODYPART TYPE:E

ATT CREATOR: Deborah F. Kramer

ATT SUBJECT: 4:00 Meeting w/ SSA --

ATT TO: FORTUNA_D (FORTUNA_D@A1@CD)

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

ATT TO: Richard E. Green (Richard E. Green@EOP@LN GTWY@EOPMRX)

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

ATT TO: Daniel J. Chenok (Daniel J. Chenok@EOP@LN GTWY@EOPMRX)

ATT TO: Laura Oliven Silberfarb (Laura Oliven Silberfarb@EOP@LN GTWY@EO

ATT TO: Phyllis Kaiser-Dark (Phyllis Kaiser-Dark@EOP@LN GTWY@EOPMRX

TEXT:

Message Creation Date was at 24-SEP-1996 12:50:00

This message confirms that Ken Apfel will be having a 4:00 meeting in Room 260
w/ SSA on Child Disability.
Please forward this message if additional staff should attend.
thanks.

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

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:24-SEP-1996 14:04:00.00

SUBJECT: 4:00 Meeting w/ SSA --

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)

READ:24-SEP-1996 14:06:40.73

TEXT:

Message Creation Date was at 24-SEP-1996 14:05:00

----- Forwarded by Deborah F. Kramer/OMB/EOP on 09/24/96 01:59 PM -----

Deborah F. Kramer

09/24/96 12:50:28 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: 4:00 Meeting w/ SSA --

This message confirms that Ken Apfel will be having a 4:00 meeting in Room 260 w/ SSA on Child Disability.

Please forward this message if additional staff should attend.

thanks.

Message Sent To:

-
- Keith J. Fontenot/OMB/EOP
 - Richard E. Green/OMB/EOP
 - Cynthia M. Smith/OMB/EOP
 - FORTUNA_D @ A1 @ CD @ LNGTWY
 - Daniel J. Chenok/OMB/EOP
 - Laura Oliven Silberfarb/OMB/EOP
 - Phyllis Kaiser-Dark/OMB/EOP

Welfare Reform Implementation Issues

1. Should states be allowed to continue to operate previously approved welfare waivers that waive the five year time limit either directly or indirectly through their exemptions/extensions policy?

•States would like guidance on what aspects of their waivers they will be allowed to continue to operate - specifically, more generous time limits, extensions, exemptions and more lenient definitions of work. The welfare reform law allows grandfathering of waivers. It is clear some members are very concerned we will use this provision to gut the time limit – see, e.g., District of Columbia waiver.

•HHS proposal: No need to answer question now. Ask states to identify in their plans what in their waivers is inconsistent with new law. Warn them that future legislative or regulatory action could limit their ability to continue the waiver, but assure them that they would suffer no financial penalty.

•White House Staff Recommendation – Guidance to states must make clear that the administration intends that all states comply with the work requirements, exemptions policy, and five year lifetime time limit in the welfare reform bill. If states still indicate that they will operate programs out of compliance, we would indicate an intention to submit clarifying legislation.

2. In guiding states on how to prepare "Complete" plans, how detailed should HHS be in the questions it asks states to answer?

•The new law gives HHS the authority only to evaluate state plans for completeness – it does not permit substantive review and approval.

•HHS would like to send a nine-page list of over eighty specific questions that states must answer for their plan to be considered complete.

•White House Staff Recommendation – HHS should reduce the list to one page of roughly ten key questions that states must answer. The eighty-question list runs counter to the intent of Congress in shifting authority to run the program to the states.

3. Should States be allowed to meet the 45 day public notice requirements of the law by citing previous public processes?

•HHS proposes that states be required to have new 45 day comment periods. They are not willing to let states count previous public processes such as state legislation.

•White House Staff Recommendation – While some of us might prefer to give states some flexibility if their welfare plans have been subject to lengthy public debate,

there are a number of constituencies who feel strongly about having input. We are prepared to accept HHS recommendation.

4. Should victims of domestic violence be given automatic exemption from the time limit?

- HHS, the Women's Office, and some women's groups are proposing that the President direct the Secretary not to penalize states that fail to meet the work participation standards or exceed their 20 percent exemption because they exempt victims of domestic violence.
- The welfare reform bill contains the Wellstone amendment - which offers states the option of exempting people in these circumstances from the time limit - within the 20 percent limit.
- White House Staff Recommendation – Since Congress explicitly included this as a state option within the 20 percent hardship exemption, we recommend that the President issue a memorandum to HHS and DOJ asking them to work with states on appropriate services, fund research and provide technical assistance.

5. Should we grant the Wisconsin waiver?

- There is only one outstanding issue with Wisconsin - relating to the residency requirement. It is a provision that Wisconsin would have the authority to implement under the new law. HHS recommends that we deny the waiver.
- Wisconsin has made this a part of their state plan as well. HHS does not want to find the plan complete with this provision in it.
- White House Staff Recommendation – Grant Wisconsin the waiver with language that says we are granting it if it meets Constitutional scrutiny. The provision will certainly land in court. By granting the waiver, we avoid a fight with the state.

6. How should we handle the food stamp certification issue if it cannot be fixed in the Continuing Resolution?

- We would like your reaction to using the demonstration authority within food stamps to grant waivers to states with one-year recertification periods to permit them to effectively postpone recertification until next August. Does this push the use of the waiver authority too far? Does it put the program at risk for future block granting or capping?

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:24-SEP-1996 14:37:00.00

SUBJECT: Re: calif food stamp proposal

TO: KAGAN_E (KAGAN_E@a1@cd) (WHO)

READ:24-SEP-1996 16:22:20.55

CC: reed_b (reed_b@a1@cd) (WHO)

READ:24-SEP-1996 15:04:00.68

CC: benami_j (benami_j@a1@cd) (WHO)

READ:24-SEP-1996 17:38:12.12

CC: fortuna_d (fortuna_d@a1@cd) (OPD)

READ:24-SEP-1996 16:03:47.36

CC: bromberg_e (bromberg_e@a1@cd) (WHO)

READ:24-SEP-1996 16:08:20.29

CC: angell_j (angell_j@a1@cd) (WHO)

READ:24-SEP-1996 14:38:58.37

CC: warnath_s (warnath_s@a1@cd) (OPD)

READ:24-SEP-1996 15:03:48.95

TEXT:

Message Creation Date was at 24-SEP-1996 14:37:00

If there are drafting issues, they need to be nailed down by COB today, since leon MAY decide to spring this tomorrow. Can you work with Keith to nail this today?

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

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

CREATION DATE/TIME:24-SEP-1996 14:41:40.09

SUBJECT: LEON PRE-MEETING

TO: Bruce N. Reed (REED_B) (WHO)
READ:24-SEP-1996 15:03:45.60

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

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 16:22:48.13

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:24-SEP-1996 16:08:28.82

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 17:38:30.07

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:24-SEP-1996 16:04:17.64

CC: Jill Pizzuto (PIZZUTO_J) (OPD)
READ:24-SEP-1996 16:02:56.72

CC: Cathy R. Mays (MAYS_C) (OPD)
READ:24-SEP-1996 14:56:00.54

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

TEXT:

The Pre-Meeting (with Carol Rasco and everyone listed) for tomorrow's noon welfare meeting with Leon Panetta will be from 10:00 to 10:30 a.m. in Carol Rasco's office, 2nd Floor, West Wing.

Thank you.

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

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

CREATION DATE/TIME:24-SEP-1996 17:48:45.43

SUBJECT: fyi on waiver grandfathering

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 18:30:14.39

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 19:41:49.90

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:25-SEP-1996 11:10:33.38

TEXT:

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE:24-SEP-1996 15:00:00.00

ATT BODYPART TYPE:H

ATT CREATOR: Melinda D. Haskins

ATT SUBJECT: WH Bulletin on Possible Welfare Reform Waiver Provision

ATT TO: Kenneth S. Apfel (APFEL_K)

ATT TO: Barry White (WHITE_B)

ATT TO: Keith J. Fontenot (FONTENOT_K)

ATT TO: Lester D. Cash (CASH_L)

ATT TO: Bruce N. Reed (REED_B)

ATT TO: Diana M. Fortuna (FORTUNA_D)

ATT TO: Charles Konigsberg (KONIGSBERG_C)

ATT TO: Lisa M. Kountoupes (KOUNTOUPES_L)

ATT TO: Cynthia M. Smith (SMITH_CM)

ATT CC: James C. Murr (MURR_J)

ATT CC: Janet R. Forsgren (FORSGREN_J)

TEXT:

PRINTER FONT 12_POINT_COURIER

24

□

-Sep

□

-1996 02:56pm

IN THE WHITE HOUSE AND AROUND TOWN:

- o Nickles seeks to enforce five
- -year limit on welfare benefits.
Senate Majority Whip Don Nickles reportedly plans to push a measure aimed at keeping states from exceeding a five
- -year lifetime limit on
welfare benefits -- a component of the new welfare law. After a
fast
- -track waiver was approved by the Clinton Administration --
allowing the District of Columbia to extend benefits past the five-
year limit -- Nickles drafted legislation to codify the time limit,
and the GOP leadership made plans to bring it to the floor before
the close of the 104th Congress. However, before floor action
occurred, the DC waiver was rescinded. According to a Senate GOP
leadership source, "HHS had a technical reason for doing that. But
basically, they got caught trying to have their cake and eat it,
too."
Although the DC waiver has already been revoked, Nickles still
wants to pass a bill to set in stone the five
- -year limit, an aide
said. "We want to clarify that the Secretary of HHS does not have
waiver authority on time limit provisions," the aide said, adding:
"Generally, the time limits on welfare benefits were a non-
controversial idea, accepted as being necessary for reforming the
welfare system." The aide said that out of 8 fast track waivers
approved by the Administration between the time the bill was passed
and the time it was signed by Clinton, "only the waiver sought by DC
had virtually no limits. The way it was constructed and the loose
definitions that were given for work requirements, et cetera --
really, there were no time limits in the DC waiver. The waiver
provided at least a ten
- -year exemption from the time limits in the
welfare reform bill. We felt that, because it was a provision
everyone felt was important and necessary, it should not be
something that should be subject to change."
The aide said Nickles and other GOP leaders are still deciding
whether to move the time
- -limit provision before the close of the
104th Congress. "We're not sure what form it'll take and what
vehicle will be used," the aide said, "But Senator Nickles does
intend to move that...bill."

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

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

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

CREATION DATE/TIME:24-SEP-1996 18:17:05.93

SUBJECT: food stamp QC requests

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 18:32:08.48

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 19:42:20.42

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:25-SEP-1996 11:10:53.93

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:

I just heard from USDA that states are getting interested in California's deal of having a hold harmless from QC errors while their food stamp waiver request is being evaluated. First Illinois called USDA to learn more. Then USDA heard that APWA had a conference call with states on this and plans to publicize the option to its members.
So, watch out.

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

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

CREATION DATE/TIME:24-SEP-1996 18:27:32.62

SUBJECT: Reminder -- Comments due on LRM #5465 (Justice Letter)

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) Autoforward to: Remote Address
READ:NOT READ

TO: Mathew C. Blum (BLUM_M) (OMB)
READ:25-SEP-1996 13:02:24.52

TO: Donna M. Rivelli (RIVELLI_D) (OMB)
READ:25-SEP-1996 08:50:30.88

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:24-SEP-1996 18:32:35.13

TO: Molly Brostrom (BROSTROM_M) (WHO)
READ:25-SEP-1996 09:27:27.89

TO: Robert G. Damus (DAMUS_R) (OMB)
READ:24-SEP-1996 20:39:02.11

TO: Elena Kagan (KAGAN_E) (WHO)
READ:24-SEP-1996 19:43:28.96

CC: Janet R. Forsgren (FORSGREN_J) (OMB)
READ:25-SEP-1996 09:44:45.36

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

TEXT:

Please any comments on LRM # 5645 (Justice Conference Document on H.R. 2406 - Public Housing Bill) to me by no later than 11 a.m. Wednesday. 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: Anna M. Briatico (BRIATICO_A) (OMB)

CREATION DATE/TIME:24-SEP-1996 18:40:21.06

SUBJECT: Please see attached, re: status of HR 2406/S 1260

TO: Elena Kagan (KAGAN_E) (WHO)

READ:24-SEP-1996 19:44:03.69

CC: Francis S. Redburn

(REDBURN_F) Autoforward to: Remote Address

READ:NOT READ

TEXT:

Elena --

Just wanted to let you know where we are with the public housing bills.^o Please feel free to call me if you have any questions. Thanks.

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

ATT CREATION TIME/DATE:24-SEP-1996 18:06:00.00

ATT BODYPART TYPE:E

ATT CREATOR: Francis S. Redburn

ATT SUBJECT: Public Housing Reform Bill

ATT TO: Joseph J. Minarik

(Joseph J. Minarik@EOP@LNWTWY@EOPMRX)

ATT TO: Alan B. Rhinesmith

(Alan B. Rhinesmith@EOP@LNWTWY@EOPMRX)

ATT CC: FORSGREN_J

(FORSGREN_J@A1@CD)

ATT CC: BRIATICO_A

(BRIATICO_A@A1@CD)

ATT CC: Charles E. Kieffer

(Charles E. Kieffer@EOP@LNWTWY@EOPMRX)

ATT CC: Hang T. Tran

(Hang T. Tran@EOP@LNWTWY@EOPMRX)

TEXT:

Message Creation Date was at 24-SEP-1996 18:06:00

We have heard conflicting reports today regarding an effort to revive and move Rep. Lazio's public housing reform bill. As you know, there is as yet no approved Conference Report.

Lazio's staff claim that the Speaker (and possibly Sen. Lott) are interested in having a bill. They report that Rep. Lazio will present a revised conference report to the Conference on Thursday accommodating the Administration's main concerns, and expect to be given floor time and a scheduled vote Friday or Saturday.

HUD A/S for Legislation Hal DeCell remains deeply skeptical that action will occur, particularly in the Senate where Sens. Mack and D'Amato have been cool to a bill.

Nevertheless, given the speed with which things are moving or could move, I want to at least put this on your radar.

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

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:24-SEP-1996 18:42:00.00

SUBJECT: Re: calif food stamp proposal

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)

READ:24-SEP-1996 19:47:13.91

TEXT:

Message Creation Date was at 24-SEP-1996 18:39:00

I thought they shipped about 4 versions of this thing to you yesterday

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:24-SEP-1996 20:05:00.00

SUBJECT: Re: calif food stamp proposal

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)

READ:25-SEP-1996 08:30:53.22

TEXT:

Message Creation Date was at 24-SEP-1996 20:03:00

well, I can assure you that I will never hoard legislative language! We'll try to make it work better

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

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

CREATION DATE/TIME:25-SEP-1996 07:26:34.65

SUBJECT: LEON MTG CHANGE

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

TO: Cathy R. Mays (MAYS_C) (OPD)
READ:25-SEP-1996 09:16:59.93

TO: Jill Pizzuto (PIZZUTO_J) (OPD)
READ:25-SEP-1996 08:32:54.24

TO: Suzanne E. Dale (DALE_S) (WHO)
READ:25-SEP-1996 09:49:52.44

TO: Elena Kagan (KAGAN_E) (WHO)
READ:25-SEP-1996 08:31:03.43

TEXT:

Location change -- the LEON PRE-MEETING will take place today at 10:00 a.m. in Jeremy's office, OEOB 218A (to the left). It was originally scheduled in Carol Rasco's office. Thank you.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:25-SEP-1996 11:29:00.00

SUBJECT: Draft Language

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)

READ:25-SEP-1996 13:14:48.43

CC: Barry White (Barry White@EOP@LNGTWY@EOPMRX)

READ:NOT READ

CC: Deborah F. Kramer (Deborah F. Kramer@EOP@LNGTWY@EOPMRX)

READ:NOT READ

CC: Cynthia M. Smith (Cynthia M. Smith@EOP@LNGTWY@EOPMRX)

READ:NOT READ

CC: Kenneth S. Apfel (Kenneth S. Apfel@EOP@LNGTWY@EOPMRX)

READ:NOT READ

TEXT:

Message Creation Date was at 25-SEP-1996 11:27:00

We understand the Ron Hill at USDA GC has a few more changes to the language we worked out last night. He's faxing those over shortly and we'll forward to you as soon as we get them.

Please let us know as soon as possible any changes you think are needed to USDA's language. We'll review concurrently. Ron is back from sick leave today.

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

CREATOR: Betsy Myers (MYERS_B) (WHO)

CREATION DATE/TIME:25-SEP-1996 11:44:24.29

SUBJECT: Late Term Update

TO: Jennifer Palmieri (PALMIERI_J) (WHO)

READ:25-SEP-1996 11:44:37.80

TO: Elena Kagan (KAGAN_E) (WHO)

READ:25-SEP-1996 13:15:42.68

TO: Mary Ellen Glynn (GLYNN_M) (WHO)

READ:25-SEP-1996 11:52:42.26

TO: Mary A. Dixon (DIXON_M) (WHO)

READ:25-SEP-1996 11:45:16.56

TEXT:

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

ATT CREATION TIME/DATE:25-SEP-1996 10:22:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Betsy Myers

ATT SUBJECT: Late Term Update

ATT TO: Todd Stern (STERN_T)

ATT TO: Nicole R. Rabner (RABNER_N)

ATT TO: Tracey E. Thornton (THORNTON_T)

ATT TO: Deborah L. Fine (FINE_D)

ATT TO: Lyndell Hogan (HOGAN_L)

ATT TO: Jeremy D. Benami (BENAMI_J)

ATT TO: John P. Hart (HART_J)

ATT TO: Lee A. Satterfield (SATTERFIELD_L)

ATT TO: Holly Carver (CARVER_H)

TEXT:

FYI - Information we have heard from the Pro-Choice Groups:

I. COUNTERING THE WASHINGTON POST ARTICLE

- David Garrow, the pulitzer prize winning historian and author of Liberty & Sexuality: The Right to Privacy, has an op ed in today's Philadelphia Inquirer and also in the Chicago Tribune calling for Senators to "affirm the President's judgment and reject a dangerously radical effort to impose Congress' medical ideas in place of the best professional conclusions of accredited physicians." (We are faxing a copy to you.)

- Warren Hern, a doctor from Boulder sent a letter to Members of Congress

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Betsy Myers to Jennifer Palmieri, et al; RE: Late Term update (partial) (1 page)	09/25/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[09/23/1996 - 09/26/1996]

2009-1006-F
db1572

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]

countering the Post article by outlining the reasons women need the late term procedure. He performs late term abortions. (We are faxing it to you.)

- Alan Guttmacher Institute sent information to the Hill explaining the reality of the numbers of abortions today (we are faxing it to you.)
- Columbia Medical School Dean Allen Rosenfield will send a letter to Members today explaining the medical necessity of the procedure. He wrote an op ed in April in the New York Times calling for Congress to stay out of medical decisions and explaining the medical necessity of the late term procedure. (We will fax as soon as it is sent up.)
- New York Times may be printing an editorial tomorrow on late term, based on their conversations with pro-choice groups yesterday and today.

II. MEMBER CONTACT

Pro-Choice groups are targeting the following Senators (who are wavering): Bradley, Bryan, Byrd, Campbell, Frahm, Graham, Kassebaum, Leahy, Lieberman, Nunn and Specter.

- Two women who have had the procedure are on the Hill today and yesterday.
- Campbell - His staff indicated he would vote with the President, [REDACTED]

[001]

[REDACTED] P6/(b)(6)

- [REDACTED] They also requested grassroots activity in Denver.
- Nunn - His staff had a lot of medical questions, but listened sympathetically. The Pro-choice groups are assuming he will vote against the President's veto.
- Bradley - Meeting today at 11 a.m. with the women who have had the procedure.
- Mikulski, Sarbanes, Wellstone and Dodd are all fine, according to their staff.
- Specter - Kate Michelman Of NARAL met with Specter last night. Michelman reports a 50 percent chance of getting his vote. Republican staffers in other offices report that Specter will vote against the President's veto. The National Abortion Federation and Claudia Ades (who had the procedure) held press conferences last night in Philadelphia and in Harrisburg.
- Graham - no word
- Lieberman - no word
- Cohen - may be absent for the vote, but he will vote with the President if he is present.
- Frahm - will vote against the President's veto.
- Leahy - still on the fence.
- Bryan - staff say he may be okay.

III. GRASSROOTS ACTIVITY

- The pro-choice groups are focusing their grassroots base on Nunn, Campbell, Cole, Graham and Bradley

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

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

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

CREATION DATE/TIME:25-SEP-1996 11:48:12.14

SUBJECT: Why couldn't both of the legislative fixes you are

TO: Elena Kagan (KAGAN_E) (WHO)

READ:25-SEP-1996 14:15:34.47

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

READ:NOT READ

TO: Matthew D. McKearn (MCKEARN_M) Autoforward to: Remote Address

READ:NOT READ

TEXT:

working on (12 month extension for those who file a declaration of intention to naturalize, and April 1 effective date for food stamps) apply to NEW applicants for food stamps and SSI, not just current applicants?

I am sure I must be forgetting something.

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

CREATOR: Emily Bromberg (BROMBERG_E) (WHO)

CREATION DATE/TIME:25-SEP-1996 16:46:13.02

SUBJECT: means tested

TO: Elena Kagan (KAGAN_E) (WHO)

READ:25-SEP-1996 16:47:28.37

TEXT:

i forget what the next step is on the definition of means-tested benefit. where are we? thanks.

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

CREATOR: Betsy Myers (MYERS_B) (WHO)

CREATION DATE/TIME:25-SEP-1996 17:36:58.74

SUBJECT: Late Term Update

TO: Jennifer Palmieri (PALMIERI_J) (WHO)
READ:25-SEP-1996 17:48:53.39

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:25-SEP-1996 17:51:15.91

TO: Lyndell Hogan (HOGAN_L) (OPD)
READ:25-SEP-1996 17:52:27.84

TO: Deborah L. Fine (FINE_D) (OPD)
READ:25-SEP-1996 17:37:02.55

TO: John P. Hart (HART_J) (WHO)
READ:26-SEP-1996 09:50:43.39

TO: Lee A. Satterfield (SATTERFIEL_L) (WHO)
READ:25-SEP-1996 19:18:03.34

TO: Holly Carver (CARVER_H) (WHO)
READ:25-SEP-1996 17:40:29.15

TO: Elena Kagan (KAGAN_E) (WHO)
READ:25-SEP-1996 18:24:59.10

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

TO: Todd Stern (STERN_T) (WHO)
READ:25-SEP-1996 17:49:34.90

TO: Tracey E. Thornton (THORNTON_T) (WHO)
READ:25-SEP-1996 17:37:53.99

TEXT:

I. MEMBERS

After their Hill meetings and contact today, Planned Parenthood and the National Abortion Federation are worried about:

Harkin
Bradley
Leahy
Lieberman
Nunn
Kohl
Graham

II. RESPONSE TO WASHINGTON POST OP ED

- The Post is likely to print Dr. Warren Hern's letter tomorrow supporting the President and challenging Richard Cohen's op ed (faxed to you earlier today).
- Richard Cohen is getting beaten up today by the women's groups, and he told them he would urge that Hern's letter be published and that he would consider printing another op ed himself.

- New York Times appears more likely to publish an op ed tomorrow supporting the President.
- Columbia School of Public Health Dean Allan Rosenfield has sent a letter to the WPost editor that was also delivered to Senate offices this afternoon. (On your fax now).
- Kate Michelman sent a letter to Senate offices today. (On your fax)

III. OTHER EDITORIALS

We are also faxing to you several recent editorials supporting the President:

- Self Magazine's profile of Claudia Ades, a woman who had the procedure and stood with the President at the veto. SELF Magazine reaches 3.4 million American women. (September issue).
 - Atlanta Constitution, "It's a Private Choice." (9/24)
 - Roanoake Times & World News, "Real Families Need Late Term Abortions." (9/18)
- Opposing the President:
- Richmond Times Dispatch, "Override the Veto" (9/19).

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME: 25-SEP-1996 17:42:00.00

SUBJECT: RE: Draft Language

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)

READ: 25-SEP-1996 18:25:18.72

TEXT:

Message Creation Date was at 25-SEP-1996 17:40:00

You should have everything -- I think Matt faxed it over this morning. Please call (57757 or Matt 57760) if you haven't gotten it. We'd like to wrap this up pronto.

Matt's note said USDA was OK with the construction as it was but wanted to talk alternative constructions. At this point I'd rather just stick with what you and they are OK with.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Matthew McKearn@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME:25-SEP-1996 18:05:00.00

SUBJECT: Draft Language

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)
READ:25-SEP-1996 18:31:55.05

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

TEXT:
Message Creation Date was at 25-SEP-1996 18:01:00

The attached file has revised food stamp language for the immigration eligibility extension. It also now includes direct spending language which we have cleared through Roz Rettman in our GC's office.

I am also faxing the language to you. You can call me at 5-7760 if you have comments.

=====
ATT CREATION TIME/DATE:25-SEP-1996 18:05:00.00

ATT BODYPART TYPE:D

TEXT:
The following attachments were included with this message:

TYPE : FILE
NAME : fsp2lang.wpd

=====
END ATTACHMENT 1

=====
ATT CREATION TIME/DATE:25-SEP-1996 18:05:00.00

ATT BODYPART TYPE:p

ATT SUBJECT: fsp2lang

TEXT:
Unable to convert OA\$SHARA2105:ZWMQPU95E.WPC to ASCII,
The following is a HEX DUMP:

FF57504370040000010A020100000002050000002D09000000020000A94879E0FBFBF84BCA3A25
060A924960E9343CF0E25253940EC8E191D4D5A565B8898385FCF3E20386B04E30D456E44964FF
C234F6629548B4C3B449AB4C2420D7A5FF83F7733AE2EA00A425802E2AA1C0A32C9DE2B2A65BFA
D221370B6FF116A4847C66CAEEF58FCC28F9C41522F279C07F95BE066CCE61096A610E3C880142
24B30B852A4188285F5B327817650D363855AEF1B2FECE925A0D47CA8A0AEE302C181EC827EFD4
20489C9EFF7BD853193CCC765F9E6D86C6079803D3761DF30F794E6B7355F611CF1D0A77796811
4B09FC7016EEDA627944CD8740651407C640BC28224AABEBF4D00536F5A33ACDF2729BF7E61336
73597A324586B6D314CBE00CA1203E25358778F54B15ED5B896E73FBB6514CB7E769FF6C4141A4
627762F6A364CF78D1FFAD0519E9FA35068C66341C8180A470E44446B846A10F6AB3464DC4A0BD
348FD2772B52E27CD16119446B75985042630420C382BA7D1A8C1492FFF0272D69C8D0D64EE46D
8C3FE5B3D4DD6B7C08E86649E4D1945A6C7EC1286CC91F191D114DEF9069062F013A35CA239CEC
BCFD64C38E93495CBB094F2EF477D088AFFA005F6BC2E8A11902D07D477F0BB3489D086924E17B

(a) Title IV, Subtitle A, section 402(a)(2)(D)(ii)(I) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L.104-193 (110 Stat. 2105), is amended to read as follows--

“(I) IN GENERAL.--With respect to the specified Federal program described in paragraph (3)(B), ineligibility under paragraph (1) shall not apply until April 1, 1997 to an alien who received benefits under such program on the date of enactment of this Act, unless such alien is determined to be ineligible to receive such benefits under the Food Stamp Act of 1977, as amended. The State agency shall recertify the eligibility of all such aliens during the period beginning April 1, 1997 and ending August 22, 1997.”.

(b) New spending authorized by subsection (a) shall be scored as direct spending pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

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

CREATOR: Lyndell Hogan (HOGAN_L) (OPD)

CREATION DATE/TIME:25-SEP-1996 19:10:03.21

SUBJECT: Domestic Violence Initiative

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

READ:26-SEP-1996 08:41:33.75

TO: Betsy Myers (MYERS_B) (WHO)

READ:26-SEP-1996 10:11:55.34

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

READ:25-SEP-1996 19:31:35.08

TO: Dennis Burke (BURKE_D) (OPD)

READ:25-SEP-1996 19:19:02.83

TO: Elena Kagan (KAGAN_E) (WHO)

READ:25-SEP-1996 19:11:43.39

TO: Bruce N. Reed (REED_B) (WHO)

READ:26-SEP-1996 10:09:36.67

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

READ:25-SEP-1996 19:15:59.58

TEXT:

FYI,

As I think everyone knows, The Women's Office has an Oct. 1 date for a Presidential event around Domestic Violence. They would like to announce the Domestic Violence Directive at that event.

I have talked with Joan Silverstein at DOJ and Ann Rosewater at HHS. Both DOJ and HHS support the decision to go with a Presidential Directive to the AG and Sec. Shalala without any regulatory measure.

DOJ and HHS will fax me drafts of their portion of the directive tomorrow, we'll combine them, iron out any differences, and pass it around for comment.

Obviously, Oct. 1 is approaching quickly, so we need to move fast.

Thanks!

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:26-SEP-1996 09:32:00.00

SUBJECT: Re: language

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)
READ:26-SEP-1996 09:34:13.05

TEXT:
Message Creation Date was at 26-SEP-1996 09:21:00

thanks.

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

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

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

SUBJECT: Illinois and food stamp grace period

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

READ:26-SEP-1996 12:19:18.56

TO: Emily Bromberg (BROMBERG_E) (WHO)

READ:26-SEP-1996 12:09:30.07

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-SEP-1996 13:32:54.65

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

READ:NOT READ

TEXT:

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

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

CREATOR: Betsy Myers (MYERS_B) (WHO)

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

SUBJECT: Late Term Today

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

READ:26-SEP-1996 12:44:24.05

TO: Lyndell Hogan (HOGAN_L) (OPD)

READ:26-SEP-1996 13:49:11.13

TO: Todd Stern (STERN_T) (WHO)

READ:NOT READ

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

READ:NOT READ

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

READ:26-SEP-1996 17:19:27.97

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-SEP-1996 13:35:24.44

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

READ:26-SEP-1996 14:35:07.06

TO: Jennifer Palmieri (PALMIERI_J) (WHO)

READ:26-SEP-1996 13:04:09.36

TO: Mary Ellen Glynn (GLYNN_M) (WHO)

READ:26-SEP-1996 12:42:56.18

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

READ:26-SEP-1996 17:57:00.03

TO: Lee A. Satterfield (SATTERFIEL_L) (WHO)

READ:26-SEP-1996 12:41:15.71

TO: Holly Carver (CARVER_H) (WHO)

READ:26-SEP-1996 18:42:06.83

CC: Lisa Ross (ROSS_LI) (WHO)

READ:27-SEP-1996 15:10:43.44

CC: Mary A. Dixon (DIXON_M) (WHO)

READ:26-SEP-1996 13:47:40.92

TEXT:

I. MEMBERS

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

II. TIME AGREEMENT ON DEBATE & VOTE

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

III. PRESS

We are faxing to you:

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

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Postmaster to Elena Kagan; RE: Phone number (partial) (1 page)	09/26/1996	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[09/23/1996 - 09/26/1996]

2009-1006-F

db1572

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-SEP-1996 13:34:00.00

SUBJECT: Auto reply from RASCO_C

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-SEP-1996 13:45:48.66

TEXT:

I will be away on business from Wednesday evening through Saturday evening in Florida. If you need to reach me you can contact Jill (62249) or Claudia (65392) or have the operator SkyPage me.

I will be reading computer messages late on Wednesday evening and late on Thursday afternoon and possibly late that evening. After Thursday I will very likely not read email again until Sunday afternoon or Monday morning when I return to the office. Messages can always be left on my home answering service which I check frequently when I am out of town

P6/(b)(6)

[002]

Thank you.

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

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

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

SUBJECT: RE: Conversation with HHS

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-SEP-1996 13:49:59.19

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

READ:26-SEP-1996 15:06:34.36

CC: Bruce N. Reed (REED_B) (WHO)

READ:26-SEP-1996 14:04:53.02

CC: Emily Bromberg (BROMBERG_E) (WHO)

READ:26-SEP-1996 15:21:07.10

CC: Kenneth S. Apfel (APFEL_K) Autoforward to: Remote Adresse

READ:NOT READ

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

READ:26-SEP-1996 17:29:22.23

TEXT:

Uh-oh.

I think the decision is to say the following, more or less:

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

Reactions?

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

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

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

SUBJECT: Illinois issue on 40 quarters verification

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-SEP-1996 13:56:38.93

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

READ:26-SEP-1996 14:01:43.58

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

READ:26-SEP-1996 15:44:42.63

TO: Emily Bromberg (BROMBERG_E) (WHO)

READ:26-SEP-1996 15:21:45.35

TO: Kenneth S. Apfel (APFEL_K) Autoforward to: Remote Adresse

READ:NOT READ

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

READ:NOT READ

TEXT:

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

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

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

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

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

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

But our silence may allow states to blame us.

I think we should meet on this tomorrow.

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

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

CREATION DATE/TIME:26-SEP-1996 14:40:05.18

SUBJECT: Justice is looking at Civil Rights Commission Authorization

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-SEP-1996 14:40:24.53

TEXT:

Elena --

Justice has not come in with a position yet -- I asked them to look at it at the same time that I sent it to you.

I will let you know how Justice weighs in as soon I hear from them.

Anna

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

CREATOR: Todd Stern (STERN_T) (WHO)

CREATION DATE/TIME:26-SEP-1996 15:14:15.70

SUBJECT: RE: browner memo

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-SEP-1996 15:36:42.24

TEXT:

I don't know that it's anywhere -- I suppose you might check in with the CEQ boys and girls and ask them. All I know is that I got that memo and circulated it for comment. I plan to ask Baer whether he has any interest in this stuff. tds

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

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

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

SUBJECT: INTERIM VERIFICATION

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

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

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

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

TEXT:

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

The meeting will include

steve

diana

jeremy

elena

ken or keith

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

Thank you.

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

CREATOR: Thomas A. Kalil (KALIL_T) (WHO)

CREATION DATE/TIME:26-SEP-1996 15:18:28.81

SUBJECT: Woolsey letter

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-SEP-1996 15:37:15.43

TEXT:

I'm off for LA - if you have any questions about the letter - pls. call Tom O'Donnell.

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

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

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

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

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

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

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

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

TO: Lester D. Cash (CASH_L) Autoforward to: Remote Addressee
READ:NOT READ

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:NOT READ

TO: Lynn C. Ross
READ:NOT READ

(ROSS_L) Autoforward to: Remote Addressee

CC: James C. Murr
READ:26-SEP-1996 16:54:01.12

(MURR_J) (OMB)

CC: Janet R. Forsgren
READ:26-SEP-1996 16:36:15.98

(FORSGREN_J) (OMB)

CC: Ronald E. Jones
READ:26-SEP-1996 16:25:53.35

(JONES_RE) (OMB)

CC: Deborah F. Kramer
READ:NOT READ

(KRAMER_D) Autoforward to: Remote Address

TEXT:

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

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

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

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

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

SUBJECT: Language

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

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

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

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

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

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

TEXT:

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

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

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

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

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

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

SUBJECT: Latest HHS interaction

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

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

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

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

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

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

TEXT:

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

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

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

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

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

I will also call Kevin to discuss.

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

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

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

SUBJECT: sorry

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-SEP-1996 17:23:52.69

TEXT:

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

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

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

ATT BODYPART TYPE:B

ATT CREATOR: Dorothy K. Craft

ATT SUBJECT: INTERIM VERIFICATION MEETING

ATT TO: Dorothy K. Craft (CRAFT_D)

ATT TO: Stephen C. Warnath (WARNATH_S)

ATT TO: Elena Kagan (KAGAN_E)

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

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

TEXT:

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

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

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

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

ATT BODYPART TYPE:B

ATT CREATOR: Dorothy K. Craft

ATT SUBJECT: INTERIM VERIFICATION

ATT TO: Stephen C. Warnath (WARNATH_S)

ATT TO: Elena Kagan (KAGAN_E)

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

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

TEXT:

Diana Fortuna and Steve Warnath would like to set up a meeting on
interim verification tomorrow, Friday, September 27 at either

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

The meeting will include

steve

diana

jeremy

elena

ken or keith

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

Thank you.

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

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

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

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

SUBJECT: other states on Calif. food stamp bandwagon

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

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

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

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

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

TEXT:

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

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

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

Elena: do you want to call her? Emily?

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: FORTUNA_D@A1@CD

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

SUBJECT: RE: Language

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

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

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

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

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

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

TEXT:

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

So this language polishing is useful. keep polishing.

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

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

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

SUBJECT: RE: Language

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

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

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

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

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

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

TEXT:

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

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

CREATOR: Betsy Myers (MYERS_B) (WHO)

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

SUBJECT: Troubling news on Late Term vote

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

READ:26-SEP-1996 17:40:29.45

TO: Lyndell Hogan (HOGAN_L) (OPD)

READ:26-SEP-1996 17:36:24.12

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

READ:26-SEP-1996 17:49:55.80

TO: Todd Stern (STERN_T) (WHO)

READ:26-SEP-1996 19:33:51.96

TO: Jennifer Palmieri (PALMIERI_J) (WHO)

READ:26-SEP-1996 17:36:13.63

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

READ:26-SEP-1996 17:47:28.10

TO: Lee A. Satterfield (SATTERFIEL_L) (WHO)

READ:26-SEP-1996 18:29:34.27

TO: Holly Carver (CARVER_H) (WHO)

READ:26-SEP-1996 18:39:18.15

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-SEP-1996 17:40:17.81

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

READ:NOT READ

TO: Mary Ellen Glynn (GLYNN_M) (WHO)

READ:26-SEP-1996 17:36:10.41

CC: Mary A. Dixon (DIXON_M) (WHO)

READ:26-SEP-1996 19:21:40.40

TEXT:

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

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

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

FYI: Ralph Reed was on the Hill today.

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

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

Bryan.

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

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

CREATION DATE/TIME:26-SEP-1996 17:55:09.16

SUBJECT: RE: lrm 5707

TO: Elena Kagan (KAGAN_E) (WHO)
READ:26-SEP-1996 17:55:57.66

TEXT:
Thanks for getting back to me so quickly.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME: 26-SEP-1996 18:00:00.00

SUBJECT: RE: Language

TO: KAGAN_E

(KAGAN_E@A1@CD) (WHO)

READ: 26-SEP-1996 18:18:19.02

TEXT:

Message Creation Date was at 26-SEP-1996 18:01:00

I had the same reaction.

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

CREATOR: Betsy Myers (MYERS_B) (WHO)

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

SUBJECT: Mexico City language

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

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

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

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

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

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

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

TEXT:

FYI -

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

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:26-SEP-1996 18:54:00.00

SUBJECT: Language

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)

READ:26-SEP-1996 19:10:11.82

TEXT:

Message Creation Date was at 26-SEP-1996 18:53:00

----- Forwarded by Keith J. Fontenot/OMB/EOP on 09/26/96 06:42 PM -----

Keith J. Fontenot
09/26/96 04:54:52 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Language

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

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

Message Sent To:

FORTUNA_D @ A1 @ CD @ LNGTWY

KAGAN_E @ A1 @ CD @ LNGTWY

Barry White/OMB/EOP

Deborah F. Kramer/OMB/EOP

Cynthia M. Smith/OMB/EOP

Kenneth S. Apfel/OMB/EOP

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

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

CREATION DATE/TIME:26-SEP-1996 19:06:59.72

SUBJECT: Justice views on H.R 3874 (Civil Rights Comm. Reauthorization

TO: Elena Kagan (KAGAN_E) (WHO)

READ:26-SEP-1996 19:12:05.81

TO: Francis S. Redburn (REDBURN_F) Autoforward to: Remote Address

READ:NOT READ

TO: Susan M. Carr (CARR_S) Autoforward to: Remote Addressee

READ:NOT READ

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

READ:27-SEP-1996 09:59:25.31

TEXT:

FYI - Justice responded to our request for views on H.R. 3874 (Civil Rights Commission of 1996) with a "no comment" or "no objection."

From a legal perspective, Justice did not have problems with the subpoenas or the staff director removal sections.

From a policy perspective, the Civil Rights Division thought the lack of program authorization was more problematic than these two provisions. According to the Division, the Commission already spends a great deal of time deciding who will testify at the hearings.

Elena -- does the OGC concur in this position?