

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 056 - FOLDER -011

[10/10/1996-10/21/1996]

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

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

CREATION DATE/TIME:10-OCT-1996 10:27:44.56

SUBJECT: On call - Monday, October 14

TO: Elena Kagan (KAGAN_E) (WHO)

READ:10-OCT-1996 11:13:41.45

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

READ:10-OCT-1996 10:53:56.89

TEXT:

Jack/Kathy would like to know if you will be on call Monday,
October 14. You do not have to come into the office.
Thank you.

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

CREATOR: Brian Scott (SCOTT_B) (WHO)

CREATION DATE/TIME:10-OCT-1996 11:24:11.64

SUBJECT: RE: Schedule Request

TO: Elena Kagan (KAGAN_E) (WHO)
READ:10-OCT-1996 11:30:34.15

TEXT:

Indian Treaty Room, Friday, October 25, 2:00 PM

They will have studied attempts to curb Congressional efforts to interpret the Constitution through out history and will be hearing the Solicitor General later that evening.

They are all 1Ls, what ever that is.

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

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

CREATION DATE/TIME:10-OCT-1996 11:41:26.53

SUBJECT: FYI on Medicaid and waiver issue

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

READ:10-OCT-1996 11:48:27.34

TO: Elena Kagan (KAGAN_E) (WHO)

READ:10-OCT-1996 14:49:33.51

TO: Emily Bromberg (BROMBERG_E) (WHO)

READ:10-OCT-1996 11:48:53.24

TO: Nancy-Ann E. Min (MIN_N) Autoforward to: Remote Addressee

READ:NOT READ

TO: Mark E. Miller (MILLER_ME) Autoforward to: Remote Address

READ:NOT READ

CC: Christopher C. Jennings (JENNINGS_C) (WHO)

READ:15-OCT-1996 14:48:02.92

TEXT:

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

ATT CREATION TIME/DATE:10-OCT-1996 11:28:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Diana M. Fortuna

ATT SUBJECT: Medicaid and section 1931 b vs. d

ATT TO: Remote Addressee (DChang@hcfa.gov@INET)

ATT TO: Remote Addressee (JMonahan@os.dhhs.gov@INET@EOPMRX)

ATT TO: Remote Addressee (JMoore1@hcfa.gov@INET@EOPMRX)

ATT TO: Remote Addressee (SRichardson@hcfa.gov@INET)

TEXT:

Just ran into a furious Laurie Rubiner of Chafee's staff who says she is hearing from you guys that you are reading the waiver provisions of section 1931 in a way that would potentially gut 1931(b). She says there is a meeting Tuesday with her, some advocates, and Debbie Chang.

Since you guys have said you don't have an interpretation on this yet and that's why we haven't been briefed, I can't imagine that you are telling outsiders how you read this provision at this point. What is she hearing that is alarming her and why are we having to raise people's blood pressure before we know whether it's necessary?

Please call me.

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

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

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

CREATION DATE/TIME:10-OCT-1996 16:09:02.22

SUBJECT: HHS's State Plan

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

READ:10-OCT-1996 16:27:30.73

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

READ:10-OCT-1996 16:28:00.58

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

READ:NOT READ

TO: Emily Bromberg (BROMBERG_E) (WHO)

READ:15-OCT-1996 08:53:21.33

TO: Elena Kagan (KAGAN_E) (WHO)

READ:10-OCT-1996 16:17:21.54

CC: Cathy R. Mays (MAYS_C) (OPD)

READ:10-OCT-1996 16:14:53.06

CC: Deborah F. Kramer (KRAMER_D) Autoforward to: Remote Address

READ:NOT READ

CC: Jill Pizzuto (PIZZUTO_J) (OPD)

READ:10-OCT-1996 16:16:48.43

TEXT:

Carol and Jeremy would like to invite you to a meeting with Olivia Golden to discuss HHS's state plan review process on Monday, October 21 from 12:30 to 1:30 in Carol's office, 2nd FL, WW.

Ken/Debbie: OMB is welcome to bring 1 - 2 people, whomever you think will be most interested/appropriate.

Please RSVP me with your plans. Thanks.

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

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

CREATION DATE/TIME:10-OCT-1996 17:02:52.01

SUBJECT: Tuesday at 11

TO: Elena Kagan (KAGAN_E) (WHO)
READ:10-OCT-1996 17:14:28.31

TO: Mark E. Miller (MILLER_ME) Autoforward to: Remote Address
READ:NOT READ

TO: Nicolette Highsmith (HIGHSMITH_N) (OMB)
READ:10-OCT-1996 17:05:52.82

TO: Barbara E. Washington (WASHINGTON_B) (OMB)
READ:10-OCT-1996 17:13:17.31

CC: Laura Oliven Silberfarb (OLIVEN_L) Autoforward to: Remote Address
READ:NOT READ

TEXT:

Looks like I have roped HCFA (Sally Richardson) into coming over here this Tuesday 10/15 at 11am in room 211 to talk about this waiver issue (1931 b vs d). This is a major issue Hcfa is still working on, but the implications are so great that I have told them they must talk to us DURING their deliberation process, not after.

I really hope you guys can make it at that time. If I can't have Elena and enough OMB representation, I will have to reschedule. By the way, HCFA's concern that 1931(d) reads out of existence the protection of the Medicaid program that we thought we had secured is so great that they are already talking to the Hill and some advocates on this. I was talking to Chafee's person today on something else, and she bent my ear on this. She said she was appalled that HCFA's lawyers were even considering reading the law in such a way.

I have told HHS not to spread alarm and panic on this until we know more; they say they are fairly certain there is a major issue here and they need to be talking to the Hill about Congressional intent. However, we agreed that they should not be giving any interpretation of the law to outsiders at this time.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:10-OCT-1996 19:11:00.00

SUBJECT: Definition of Means Tested Benefits

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

READ:15-OCT-1996 09:11:39.00

TO: FORTUNA_D (FORTUNA_D@A1@CD) (OPD)

READ:11-OCT-1996 08:59:02.58

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

READ:NOT READ

TO: WARNATH_S (WARNATH_S@A1@CD) (OPD)

READ:NOT READ

TO: KAGAN_E (KAGAN_E@A1@CD@LNWTWY@LNWTWY@LNWTWY@EOPMRX

READ:10-OCT-1996 19:32:49.54

TO: WARNATH_S (WARNATH_S@A1@CD@LNWTWY@LNWTWY@LNWTWY@EOPM

READ:11-OCT-1996 09:57:40.37

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

READ:NOT READ

CC: Stacy L. Dean (Stacy L. Dean@EOP@LNWTWY@EOPMRX)

READ:NOT READ

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

READ:NOT READ

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

READ:NOT READ

CC: Matthew McKearn (Matthew McKearn@EOP@LNWTWY@EOPMRX)

READ:NOT READ

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

READ:NOT READ

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

READ:NOT READ

TEXT:

Message Creation Date was at 10-OCT-1996 19:03:00

Below is my staff's draft of a summary of this issue.

DEFINITION OF MEANS-TESTED BENEFIT PROGRAM IN WELFARE REFORM

The Personal Opportunity and Work Responsibility Reconciliation Act of 1996 bans all new immigrants from receiving Federal means-tested public benefits for the first five years they are in the country. After the five year ban, Federal means-tested benefit program are required to deem the income of sponsors for new immigrants. Earlier versions of the bill defined Federal means-tested benefits, however, the definition was deleted on the Senate floor

prior to Conference due to the Byrd rule. This memo addresses the key issue in implementing a definition -- whether to include discretionary programs.

The Department of Health and Human Services and a number of advocacy groups (see attachment 1) argue that the definition should be limited to mandatory programs as defined under the BEA. HHS points to the fact that the definition was deleted due to the Byrd rule, which prohibits provisions that don't have an effect on direct spending in a reconciliation bill. The definition that was deleted was expansive, it defined a means-tested benefit as:

□&a public benefit (including cash, medical, housing, and food assistance and social services) of the Federal Government in which the eligibility of an individual, household, or family eligibility unit for benefits, or the amount of such benefits, or both are determined on the basis of income, resources, or financial need of the individual, household, or unit.□8

The Conference Report repeats this definition and states □&it is the intent of conferees that this definition is presumed to be in place for purposes of this title.□8

At our request, Department of Justice Office of Legal Counsel and Elena Kagen in White House General Counsel have reviewed the legislative history. They have concluded that a definition that is limited to mandatory programs would not be outside the legal parameters. The General Counsels of affected agencies have indicated that they would accept a definition limited to mandatory programs. Attachment 2 is a summary of the largest legal arguments for including or excluding discretionary programs from the definition.

While we are continuing to survey OMB branches, a definition that is limited to mandatory programs would affect very few programs. The key mandatory means tested programs (Food Stamps, SSI, Medicaid, TANF, SSBG) are addressed in another section of the Act and some other important mandatory programs (foster care, adoption assistance, benefits to almost all veterans, higher education assistance) are exempted by the Act.

ATTACHMENT: LEGAL ISSUES REGARDING DEFINITION
OF FEDERAL MEANS-TESTED BENEFITS
IN IMMIGRANTS TITLE OF WELFARE REFORM ACT

Arguments for the Exclusion of Discretionary Programs

The Senate signaled its intent to limit the provision to discretionary programs by deleting a broad definition that would have included mandatory and discretionary programs.

This interpretation is supported by a colloquy by Senator Chaffee in which he indicated that the Byrd Rule exclusion was appropriate because the definition extended to discretionary programs and therefore should be excluded from the bill because, to the extent that it did, there was no scorable cost effect.

While the statute includes exemptions for discretionary programs, these exemptions predate the Byrd rule action.

No legal precedents can be found to indicate that the Byrd rule action cannot be used to determine Congressional intent.

Arguments Against the Exclusion of Discretionary Programs

The plain language of the law suggests a broad reading of the term Federal means-tested benefits. Nothing in the language suggests that discretionary programs be excluded.

The statute lists specific programs exempted from the ban, including discretionary programs. This suggests that Congress intended for non-exempted discretionary programs to be included in the ban.

The Conference report states that the conferees intend that the definition deleted by the Byrd rule be presumed to be in place for the purposes of this title.⁸ There was no objection to the statement during final deliberations on the bill in the House and the Senate.

An exhaustive review of federal statutory, regulatory and judicial contexts yielded few uses of the term; however, the citations found suggested a broad definition which includes mandatory and discretionary programs.

The Byrd Rule deletion of the definition occurred under procedural grounds. A search of judicial cases failed to identify any precedents where a court determined Congressional intent based on application of the Byrd Rule.

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:10-OCT-1996 20:34:02.85

SUBJECT: Friday salvage report mtg.

TO: Kris Balderston (BALDERSTON_K) (WHO)
READ:11-OCT-1996 12:43:11.19

TO: Ron Cogswell (COGSWELL_R) (OMB)
READ:11-OCT-1996 08:22:24.55

TO: Martha Foley (FOLEY_M) (WHO)
READ:11-OCT-1996 09:25:59.73

TO: Thomas C. Jensen (JENSEN_T) (CEQ)
READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ:11-OCT-1996 11:10:49.00

TO: Christine L. Nolin (NOLIN_CL) (OMB)
READ:11-OCT-1996 14:32:38.32

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:11-OCT-1996 10:42:51.40

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 (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 (9-301-713-0658,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:11-OCT-1996 09:08:40.10

TO: David J. Rostker (ROSTKER_D) Autoforward to: Remote Addres
READ:NOT READ

TO: FAX (9-514-4231,Jeremy Heep) (TLXA1MAIL_\F:9-514-4231\C:Jeremy Heep\
READ:NOT READ

TEXT:

Sorry, just realized many of you couldn't download from our system. So, the agenda is:

- I. Characterization of report
 - o Commitment in MOA
 - o What the report does and what it doesn't do
 - o Relevance to remainder of rider salvage program and salvage program beyond the rider
- II. Roll-out of report
 - o Printing issues
 - o Cover letter and press release from agencies
 - o Notification of field offices, Congressional offices, etc.
 - o Actual release - method and coordination
- III. Action plan
 - o Mechanism to establish team
 - Issues
 - Timeframe

As you know, the Supreme Court last week granted certiorari in the two assisted suicide cases. In March, the Ninth Circuit struck down a Washington state law that prohibited assisted suicide. The majority, acknowledging that the state had some legitimate, countervailing interests that were reflected in its assisted suicide law, concluded that, on balance, the law impermissibly interfered with the constitutionally protected liberty interest of individuals to the extent that it prohibited physicians from prescribing life-ending medication for use by terminally ill, competent adults who wish to hasten their own deaths.

In April, the Second Circuit struck down a series of New York laws that prohibited assisted suicide. The majority said that New York did not treat similarly situated persons alike in that persons in final stages of terminal illness who are on life-support systems are allowed to hasten death by directing the removal of such systems while those who are in final stages of terminal illness but who are not on life-support systems are not allowed to hasten death by self-administering prescribed drugs.

Briefs from New York and Washington states, which seek to overturn the decisions, are due November 12. The Justice Department is planning to file an amicus brief in support of the two states. Though still being developed, we understand that Justice currently plans to argue that the Constitution does not constrain the power of states to pass such laws but will not necessarily take a position on the merits of assisted suicide. We will update you as we learn more about Justice's plans. However, since the brief is not due until November 12, you may want to decide now that there should be some earlier opportunity for announcing the government's intention to file such a brief or, in fact, actually filing the brief early.

Do you? Announce early or file early?

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

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

CREATION DATE/TIME:11-OCT-1996 13:14:20.54

SUBJECT: meeting with some NGOs re: welfare reform

TO: Elena Kagan (KAGAN_E) (WHO)

READ:11-OCT-1996 15:59:14.72

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

READ:NOT READ

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

READ:15-OCT-1996 09:19:42.69

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

READ:11-OCT-1996 13:29:03.79

TEXT:

There will be a meeting with a group of NGOs on Tuesday at 1pm in rm 211. The primary purpose of the meeting is to focus on 40 quarters issues, but there may be other issues important to noncitizens and welfare reform discussed as well. Please share this information with others in your office (or other offices) who should attend.
thanks

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

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

CREATION DATE/TIME:11-OCT-1996 17:55:54.81

SUBJECT: Meeting Tuesday at 11 with HCFA

TO: Elena Kagan (KAGAN_E) (WHO)

READ:11-OCT-1996 18:29:11.02

TEXT:

This is a note to explain what you'll be walking into at 11 on Tuesday w/HHS and HCFA. The issue in question is very heavily legal -- and a big deal politically. I have told HHS that I see this meeting as a chance for us (me, OMB, and particularly you) to get up to speed on this issue, prior to HHS making a decision on a legal interpretation.

Here's the issue: one of our proudest achievements in welfare reform was protecting Medicaid. That protection is contained in section 1931 (a) and (b) of the bill, and it says that states have to continue to do eligibility as they did in July 1996 for Medicaid purposes, and not continue to link Medicaid to welfare. A provision was added that was supposedly intended to give states a bit more flexibility -- section 1931(d). But the fear is that through what may or may not be faulty drafting, that provision could essentially gut the Medicaid protection, at least in certain states.

1931(d) was supposedly intended, according to the advocates, to let states deviate slightly from eligibility standards by continuing parts of their waivers. But it can also be read as a SUBSTITUTE for 1931(b), which creates the issue.

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

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

CREATION DATE/TIME:11-OCT-1996 18:06:19.85

SUBJECT: Calif. and TANF issue

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:15-OCT-1996 09:26:51.73

TO: Bruce N. Reed (REED_B) (WHO)
READ:18-OCT-1996 11:08:00.31

TO: Elena Kagan (KAGAN_E) (WHO)
READ:11-OCT-1996 18:38:07.54

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:15-OCT-1996 08:56:50.12

TEXT:

Re: One of the issues Elaine Ryan raised in our Wed. meeting: California just filed its state plan. It asks that the state be permitted to enter the TANF program now so as to get the extra money but that, because they propose to spend only state dollars for a period, they not be subject to the work requirements, etc., until the first Federal dollar is drawn down. Logically, this could be 6 months.

HHS is examining this from a legal and policy standpoint. I don't think OMB cares. I have a feeling HHS may lean toward allowing this, because it would give Calif. more time to compile a "thoughtful" plan.

Hope I'm not micro-managing again, but what do you think?

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:14-OCT-1996 17:30:00.76

SUBJECT: Meeting agenda

TO: Kris Balderston (BALDERSTON_K) (WHO)
READ:15-OCT-1996 09:12:08.19

TO: Ron Cogswell (COGSWELL_R) (OMB)
READ:15-OCT-1996 08:36:10.32

TO: Martha Foley (FOLEY_M) (WHO)
READ:15-OCT-1996 09:41:54.87

TO: Thomas C. Jensen (JENSEN_T) (CEQ)
READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ:15-OCT-1996 07:09:21.40

TO: Christine L. Nolin (NOLIN_CL) (OMB)
READ:15-OCT-1996 09:43:45.06

TO: Jennifer M. O'Connor (OCONNOR_J) (WHO)
READ:15-OCT-1996 09:32:45.70

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 (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 (9-301-713-0658,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:15-OCT-1996 07:36:46.79

TO: David J. Rostker (ROSTKER_D) Autoforward to: Remote Addres
READ:NOT READ

TO: FAX (9-514-4231,Jeremy Heep) (TLXA1MAIL_\F:9-514-4231\C:Jeremy Heep\
READ:NOT READ

TEXT:

The usual EOP/interagency forestry meeting will be held this coming Tuesday, October 15th, at 2:00 p.m. in the CEQ conference room at 722 Jackson Place. The agenda will include:

- I. Litigation update
- II. Process for addressing new information issues
- III. Section 7 ESA authorities for 2001(b) and (d) sales
- IV. Interagency salvage program review report
 1. Draft text characterizing report (to be distributed at meeting)
 2. Other follow-through items following Friday's mtg.

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

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

CREATION DATE/TIME:15-OCT-1996 09:13:02.33

SUBJECT: RE: schlein's fax

TO: Elena Kagan (KAGAN_E) (WHO)

READ:15-OCT-1996 12:59:22.43

TEXT:

I will; I don't like it. Ellen

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

CREATOR: Jill Pizzuto (PIZZUTO_J) (OPD)

CREATION DATE/TIME:15-OCT-1996 11:53:30.78

SUBJECT: REMINDER - TOMORROW MEETING

TO: Carol H. Rasco (RASCO_C) (WHO)
READ:15-OCT-1996 22:14:08.81

TO: Bruce N. Reed (REED_B) (WHO)
READ:18-OCT-1996 11:10:07.42

TO: Cathy R. Mays (MAYS_C) (OPD)
READ:15-OCT-1996 13:09:36.12

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:15-OCT-1996 14:12:29.09

TO: Dorothy K. Craft (CRAFT_D) (OPD)
READ:15-OCT-1996 11:55:14.19

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:15-OCT-1996 12:22:31.89

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:15-OCT-1996 12:34:37.03

TO: Elena Kagan (KAGAN_E) (WHO)
READ:15-OCT-1996 12:59:44.22

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

TO: FAX (9624-5825,Ray Scheppach) (TLXA1MAIL_\F:9624-5825\C:Ray Scheppach\\
READ:NOT READ

TO: FAX (9624-5313,Evelyn Ganzglass) (TLXA1MAIL_\F:9624-5313\C:Evelyn Ganzglass
READ:NOT READ

TO: FAX (9624-5313,Susan Golanka) (TLXA1MAIL_\F:9624-5313\C:Susan Golanka\\
READ:NOT READ

TO: FAX (9737-1069,Sheri Steisel) (TLXA1MAIL_\F:9737-1069\C:Sheri Steisel\\
READ:NOT READ

TO: FAX (9737-1069,Michael Bird) (TLXA1MAIL_\F:9737-1069\C:Michael Bird\\)
READ:NOT READ

TO: FAX (9289-6555,Elaine Ryan) (TLXA1MAIL_\F:9289-6555\C:Elaine Ryan\\)
READ:NOT READ

TO: FAX (9289-6555,Sydney Johnson) (TLXA1MAIL_\F:9289-6555\C:Sydney Johnson\\
READ:NOT READ

TO: FAX (9362-9214,John Monahan) (TLXA1MAIL_\F:9362-9214\C:John Monahan\\)
READ:NOT READ

TO: FAX (9205-3848,Ann Rosewater) (TLXA1MAIL_\F:9205-3848\C:Ann Rosewater\\

READ:NOT READ

TO: FAX (9305-0134,Bob Bach) (TLXA1MAIL_\F:9305-0134\C:Bob Bach\\)
READ:NOT READ

TO: FAX (9482-7105,Brian Coyne) (TLXA1MAIL_\F:9482-7105\C:Brian Coyne\\)
READ:NOT READ

TO: FAX (91410-965-9063,Carolyn Colvin) (TLXA1MAIL_\F:91410-965-9063\C:Carolyn Col
READ:NOT READ

TO: FAX (9703-305-2454,Yvette Jackson) (TLXA1MAIL_\F:9703-305-2454\C:Yvette Jacks
READ:NOT READ

TO: FAX (9720-8077,Cheryl Macias) (TLXA1MAIL_\F:9720-8077\C:Cheryl Macias\\
READ:NOT READ

TO: Jill Pizzuto (PIZZUTO_J) (OPD)
READ:NOT READ

TEXT:

Just a reminder that tomorrow is the weekly Welfare Reform NGA/APWA/NCSL meeting
in RM 180 @ 1:00p. If anyone is NOT able to attend, please call Jill Pizzuto at
456-2249.
Thank you.

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

CREATOR: James A. Brown (BROWN_JA) (OMB)

CREATION DATE/TIME:15-OCT-1996 13:01:53.78

SUBJECT: Is the Coast Guard (S. 1004) signing statement O.K.?

TO: Elena Kagan (KAGAN_E) (WHO)
READ:15-OCT-1996 14:51:49.85

TO: Michael D. Deich (DEICH_M) (OPD)
READ:15-OCT-1996 13:24:01.40

TEXT:

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

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

CREATION DATE/TIME:15-OCT-1996 14:38:45.11

SUBJECT: agenda for tomorrow

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

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
 READ:15-OCT-1996 14:40:12.89

TO: Remote Addressee (jmonahan@os.dhhs.gov@INET)
 READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
 READ:15-OCT-1996 14:52:16.65

TO: Emily Bromberg (BROMBERG_E) (WHO)
 READ:15-OCT-1996 14:46:43.73

CC: Carol H. Rasco (RASCO_C) (WHO)
 READ:15-OCT-1996 22:24:05.10

TEXT:

Here's a draft agenda for tomorrow with the intergov'l groups.
 Hopefully, we'll all be at the 3:00 and we can review what we
 think works for tomorrow - what we're ready to discuss, etc.

PRINTER FONT 12_POINT_ROMAN

INTERGOVERNMENTAL WELFARE REFORM

MEETING

October 15, 1996

- I. Outstanding Issues From Last Meeting
 - OMB circulars issue: OMB might be prepared to give update this week
 - Cost Neutrality/waivers (are we ready, OMB, to give an update?)
 - Means tested benefits: (probably need to hold on telling them this week)
- II. New Questions
 - Transition rules on data collection under JOBS
 - Definition of administrative costs
 - HCFA: timetable for distribution/allocation formula on \$500 million
 - Tribal Jobs
- III. Food Stamps and 40 Quarters
 - Are we ready to present this yet?
- IV. New Questions

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

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

CREATION DATE/TIME:15-OCT-1996 14:47:06.70

SUBJECT: Call from Elaine Ryan

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

READ:16-OCT-1996 12:19:29.92

TO: Emily Bromberg (BROMBERG_E) (WHO)

READ:15-OCT-1996 16:20:29.99

TO: Elena Kagan (KAGAN_E) (WHO)

READ:15-OCT-1996 14:55:45.10

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

READ:15-OCT-1996 17:23:23.16

TEXT:

FYI: I got a voice mail from Elaine Ryan saying the following:
She hears that HHS is going to file a brief with the Supreme Court
against some state's position (not sure which state) on an issue
relating to a private right of action in a child support case.
(And the brief will make some reference to the importance of
private right of action in welfare reform??)
She asked if this is true and if we can talk about it at
tomorrow's lpm meeting with them.
I left her voice mail asking her to tell me the name of the case
and the state.

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

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

CREATION DATE/TIME:15-OCT-1996 14:56:27.17

SUBJECT: The case Elaine Ryan raised...

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:16-OCT-1996 12:19:59.54

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:15-OCT-1996 16:20:50.75

TO: Elena Kagan (KAGAN_E) (WHO)
READ:15-OCT-1996 16:21:19.41

TO: Richard E. Green (GREEN_R) (OMB)
READ:15-OCT-1996 17:23:59.64

TO: Jeanine D. Smartt (SMARTT_J) (OPD)
READ:15-OCT-1996 14:58:11.50

TEXT:

is Blessing vs. Freestone. State is Arizona, but all states very interested.

I believe Jeanine Smartt has been working on this.

Question is whether a parent could sue the state for failure to get child support payments from non-custodial parent.

Jeanine, what's the scoop? Is it definite that HHS is doing this?

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

CREATOR: Emily Bromberg (BROMBERG_E) (WHO)

CREATION DATE/TIME:15-OCT-1996 16:25:46.71

SUBJECT: ca

TO: Elena Kagan (KAGAN_E) (WHO)

READ:16-OCT-1996 08:47:25.78

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

READ:15-OCT-1996 17:15:54.44

TEXT:

randy from justice just told me that the state of ca sent justice a letter asking for its legal opinion on whether the "ineligible legal alien provisions take effect immediately". randy says his inclination was to answer by saying that the justice dept only gives legal advice to its client, the fed gov't. this sounds absolutely right. elena--can you get a copy of the letter and talk to randy? wilson is looking for a place to lay blame. we should be smart about this.

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

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

CREATION DATE/TIME:16-OCT-1996 15:39:04.98

SUBJECT: FYI, I will send you the memo w/his marginal comments

TO: Emily Bromberg (BROMBERG_E) (WHO)

READ:16-OCT-1996 15:49:47.01

TO: Elena Kagan (KAGAN_E) (WHO)

READ:16-OCT-1996 17:57:55.53

TEXT:

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

ATT CREATION TIME/DATE:16-OCT-1996 14:23:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Carol H. Rasco

ATT SUBJECT: Memo to POTUS on welfare reform

ATT TO: Jeremy D. Benami (BENAMI_J)

ATT TO: Diana M. Fortuna (FORTUNA_D)

ATT CC: Franklin D. Raines (RAINES_F)

ATT CC: Kenneth S. Apfel (APFEL_K)

ATT CC: Bruce N. Reed (REED_B)

ATT CC: Jeremy D. Benami (BENAMI_J)

ATT CC: Christopher C. Jennings (JENNINGS_C)

ATT CC: Elizabeth E. Drye (DRYE_E)

TEXT:

Upon my return today to the office I had a copy of the memo the President received from Frank Raines and myself on welfare reform. I am copying each of you as I feel his comments give us all validation for the approaches we are taking.

Jeremy, please note the President's one question on food stamps on page four and let's do a quick follow up FYI memo to him in the next couple of days.

Thanks, folks!

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

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:16-OCT-1996 22:47:00.00

SUBJECT: Waivers/Budget Neutrality

TO: BENAMI_J (BENAMI_J@A1@CD) (WHO)
READ:17-OCT-1996 09:54:53.26

TO: CRAFT_D (CRAFT_D@A1@CD) (OPD)
READ:17-OCT-1996 09:09:55.90

TO: FORTUNA_D (FORTUNA_D@A1@CD) (OPD)
READ:17-OCT-1996 09:08:05.15

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)
READ:17-OCT-1996 09:05:25.67

TO: WARNATH_S (WARNATH_S@A1@CD) (OPD)
READ:17-OCT-1996 09:26:59.18

TO: Lester D. Cash (Lester D. Cash@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Stacy L. Dean (Stacy L. Dean@EOP@LNWTWY@EOPMRX)
READ:NOT READ

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

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

TEXT:

Message Creation Date was at 16-OCT-1996 18:58:00

Ken would like to have a meeting tomorrow on waivers/budget neutrality. Unfortunately, Ken is only available between 10:30 - 12:00. Ken will be out on Friday and does not want to have this wait until next week.

Please let me know if you are available b/w 10:30 - 12:00.

Thanks.

P.S. -- I apologize for the short notice, but I just found out a few moments ago.

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

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

CREATION DATE/TIME:17-OCT-1996 09:32:21.71

SUBJECT: 40 Qs letter

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:17-OCT-1996 11:56:54.29

TO: Elena Kagan (KAGAN_E) (WHO)
READ:17-OCT-1996 11:59:47.42

TO: Wendy A. Taylor (TAYLOR_W) Autoforward to: Remote Address
READ:NOT READ

CC: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:17-OCT-1996 09:32:37.91

CC: Stephen C. Warnath (WARNATH_S) (OPD)
READ:17-OCT-1996 09:54:12.53

TEXT:

The new draft is coming to the three of you and the others of us have it.

We need to get comments to Yvette ASAP.

Please call either Diana or me with comments maybe in the next hour?

thanks.

Also, does everyone have the 18-50 guidelines. We need to comment on these asap also. How about comments on that by noon?

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:17-OCT-1996 10:04:00.00

SUBJECT: Waivers/Budget Neutrality Meeting

TO: BENAMI_J (BENAMI_J@A1@CD) (WHO)
READ:17-OCT-1996 12:13:27.62

TO: CRAFT_D (CRAFT_D@A1@CD) (OPD)
READ:17-OCT-1996 10:05:41.40

TO: BROMBERG_E (BROMBERG_E@A1@CD) (WHO)
READ:17-OCT-1996 12:36:20.93

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)
READ:17-OCT-1996 12:00:21.76

TO: DEAN_S (DEAN_S@A1@CD) (OMB)
READ:NOT READ

TO: Mark E. Miller (Mark E. Miller@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Margaret A. Murray (Margaret A. Murray@EOP@LNGTWY@EOPMRX)
READ:NOT READ

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

TO: Lester D. Cash (Lester D. Cash@EOP@LNGTWY@EOPMRX)
READ:NOT READ

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

TEXT:

Message Creation Date was at 17-OCT-1996 09:37:00

Ken will be having a waivers/budget neutrality meeting this morning @ 10:30 in his office (260).

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

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

CREATION DATE/TIME:17-OCT-1996 12:50:08.67

SUBJECT: 40 quarters and 10-year income estimates

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

READ:17-OCT-1996 12:52:11.96

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

READ:17-OCT-1996 15:47:05.84

TO: Elena Kagan (KAGAN_E) (WHO)

READ:17-OCT-1996 15:13:25.41

TEXT:

I believe that it is a mistake to require in our interim procedure the type of year-by-year sliding scale income estimates that we have in the draft letter now. It is simply too complex. This level of complexity conflicts with the reason for the interim procedure, which is to establish a reasonable approach to protect eligible individuals who may have moved around alot, had numerous employers and have very incomplete records. This also means that estimates of income year-by-year over a ten year period would be extremely difficult (and would be exacerbated if the individual needed to rely upon spouse or parent records).

On the State end of this, I think this would be extraordinarily complex for State workers to implement. If States howl about the interim procedure, we have not gained anything.

I certainly recognize the argument that we don't want this to be viewed as lax by some members of Congress or the public, but 1) we will be able to point to procedures for claims for overpayments and 2) this is an interim measure. Also, perhaps we can set something up so that will less formally work to help individuals accurately judge whether they are likely to meet earning requirements -- perhaps working with groups to help people understand that there are escalating minimum earning levels and they should take care before making their attestations.

thanks

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

CREATOR: Catherine A. Bohn (BOHN_C) (WHO)

CREATION DATE/TIME:17-OCT-1996 14:52:33.31

SUBJECT: Server outage

TO: Jennifer D. Dudley (DUDLEY_J) (WHO)
READ:17-OCT-1996 15:12:23.09

TO: Edward F. Hughes (HUGHES_E) (WHO)
READ:17-OCT-1996 16:37:34.64

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:NOT READ

TO: Jack M. Quinn (QUINN_J) Autoforward to: Cheryl L Sweitz
READ:17-OCT-1996 16:29:57.72

TO: Jane C. Sherburne (SHERBURNE_J) (WHO)
READ:NOT READ

TO: Cheryl L Sweitzer (SWEITZER_C) (WHO)
READ:17-OCT-1996 16:29:57.72

TO: Odetta S. Walker (WALKER_O) (WHO)
READ:17-OCT-1996 14:57:46.23

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:17-OCT-1996 15:24:02.78

TO: Sara B. Weider (WEIDER_S) (WHO)
READ:17-OCT-1996 14:54:31.17

TO: Douglas Band (BAND_D) (WHO)
READ:17-OCT-1996 14:52:53.65

TO: Susan M. Chadick (CHADICK_S) (WHO)
READ:18-OCT-1996 15:01:05.92

TO: Dawn Chirwa (CHIRWA_D) (WHO)
READ:17-OCT-1996 15:01:53.40

TO: Sandra S. Coleman (COLEMAN_S) (WHO)
READ:17-OCT-1996 15:17:50.76

TO: Peter Erichsen (ERICHSEN_P) (WHO)
READ:17-OCT-1996 15:23:49.78

TO: Mark D. Fabiani (FABIANI_M) (WHO)
READ:NOT READ

TO: David Fein (FEIN_D) (WHO)
READ:17-OCT-1996 15:09:01.37

TO: Nellie Herbert (HERBERT_N) (WHO)
READ:18-OCT-1996 08:48:31.35

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

READ:NOT READ

TO: Elena Kagan (KAGAN_E) (WHO)
READ:17-OCT-1996 15:13:34.83

TO: Christopher S. Lehane (LEHANE_C) (WHO)
READ:NOT READ

TO: Michael Massey (MASSEY_M) (WHO)
READ:17-OCT-1996 14:53:17.23

TO: Clifford J. Mauton (MAUTON_C) (WHO)
READ:17-OCT-1996 14:53:05.30

TO: Cheryl D. Mills (MILLS_C) (WHO)
READ:17-OCT-1996 15:25:07.76

TO: Melissa M. Murray (MURRAY_MM) (WHO)
READ:17-OCT-1996 18:53:54.36

TO: Miriam R. Nemetz (NEMETZ_M) (WHO)
READ:17-OCT-1996 14:54:29.35

TO: Sally Paxton (PAXTON_S) (WHO)
READ:17-OCT-1996 17:41:30.65

TO: Stacy E. Reynolds (REYNOLDS_S) (WHO)
READ:17-OCT-1996 14:53:52.64

TO: Julie Schragger (SCHRAGER_J) (WHO)
READ:17-OCT-1996 15:54:28.77

TO: Robert W. Schroeder III (SCHROEDER_R) (WHO)
READ:17-OCT-1996 14:53:12.16

TO: Kathleen M. Whalen (WHALEN_K) (WHO)
READ:17-OCT-1996 14:53:28.48

TO: Wendy S. White (WHITE_WS) (WHO)
READ:17-OCT-1996 16:08:58.77

TO: Jonathan R. Yarowsky (YAROWSKY_J) (WHO)
READ:17-OCT-1996 19:12:00.33

TO: Catherine A. Bohn (BOHN_C) (WHO)
READ:17-OCT-1996 14:53:10.28

TEXT:

Information Systems and Technology needs to upgrade hardware on the WH Admin and East Wing servers on Friday, October 18th from 12:00 a.m. to 6:00 a.m. to prepare for the NT roll-out.

Please let me know by COB today if this will be a problem for you. Thanks.

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

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

CREATION DATE/TIME:17-OCT-1996 16:46:38.82

SUBJECT: here's what we did

TO: Elena Kagan (KAGAN_E) (WHO)

READ:17-OCT-1996 16:58:16.46

TEXT:

here's our masterpiece from this morning

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

ATT CREATION TIME/DATE:17-OCT-1996 16:46:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Jeremy D. Benami

TEXT:

PRINTER FONT 12_POINT_ROMAN

Procedures

First para ok -- change attest to believe in first line

Second para -- Legal immigrants who believe that they may be eligible based on Social Security coverage should be asked the following questions:

1. How many years have you lived in this county? Your spouse? Your parents before you reached the age of 18?

(If the answers to question 1 total less than 10 years, the State agency does not need to ask questions 2 or 3).

2. In how many of the years reported in answer to question 1, did you, your spouse, or your parent work?

(If the answer to question 2 is less than 10 years, the State agency does not need to ask question 3.)

3. Approximately how much did you or your spouse or parent earn in each of these years?

(To determine whether the estimate of earnings provided appears to be sufficient to establish "quarters of coverage" in a particular year, the State agency should use the attached chart.)

If the applicant's answers indicate that s/he or his/her spouse or parent has had sufficient earnings in ten or more years, the State agency shall verify, from INS documents, the date of entry into the country of the applicant, spouse and/or parent. If the dates are consistent with the reported work history, no further documentation is required at this time; the State agency shall include the immigrant in the household pending verification from SSA. The State agency shall inform these recipients that a claim will be established for any benefits to which they were not entitled. The State agency shall keep a record of each individual certified pending verification from SSA.

If the dates of entry are inconsistent with the reported work history, the State agency shall determine the applicant ineligible. The State agency shall then inform the applicant of his or her fair hearing rights.

At application, the applicant shall also provide, for purposes of future verification, the full name, Social Security Number, date of birth, and sex of each individual for each individual for whom

quarters are claimed. In addition, the applicant shall provide a release form signed by each individual for whom quarters are claimed (copy enclosed) giving SSA permission to release information on that individual to the state agency and the applicant. This form shall be retained in the case file to document consent.

SSA is drafting an addendum to the current Computer Matching and Privacy Protection Act agreement between SSA and each state agency. In accordance with that revised agreement, and within three months after the month in which the SSA verification system is operational, the state agency will send the identifying information provided by the applicant to SSA for overnight processing. In its response, SSA will provide information about qualifying quarters of work. If the immigrant believes the information from SSA is inaccurate or incomplete, the State agency shall refer the applicant to SSA for review. An immigrant who provides verification that SSA is reviewing the number of quarters can receive benefits for up to 6 months pending clarification of his or her status.

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

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

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

CREATION DATE/TIME:17-OCT-1996 18:42:02.02

SUBJECT: Monday meeting with Olivia Golden

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

TO: Bruce N. Reed (REED_B) (WHO)
READ:18-OCT-1996 11:06:07.83

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:18-OCT-1996 09:22:20.30

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:18-OCT-1996 10:00:00.27

TO: Elena Kagan (KAGAN_E) (WHO)
READ:18-OCT-1996 11:10:33.55

CC: Carol H. Rasco (RASCO_C) (WHO)
READ:18-OCT-1996 08:17:57.47

TEXT:

For those of you wondering what the Monday meeting with Olivia Golden at 12:30 is about - it is a meeting we had discussed a while back to get from her and some of the other HHS folks a better sense of how they are going to be reviewing state plans for completeness. What their process will be, the questions they will be asking etc. This is the opportunity to raise concerns about the level of information being obtained from states about what they are doing.

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

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

CREATION DATE/TIME:18-OCT-1996 10:34:54.26

SUBJECT: RE: proposed septa arbitrators

TO: Elena Kagan (KAGAN_E) (WHO)

READ:18-OCT-1996 11:11:25.95

TEXT:

Don't know anything about them but no one has called me to weigh in on this at all. They look ok on paper, and I'd rather not poke around to check them out, which brings its own set of problems. So -- they're ok with me.

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

CREATOR: Cathy R. Mays (MAYS_C) (OPD)

CREATION DATE/TIME:18-OCT-1996 12:36:08.66

SUBJECT: Room Change

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

READ:18-OCT-1996 12:42:59.15

TO: Elena Kagan (KAGAN_E) (WHO)

READ:18-OCT-1996 12:42:25.37

TO: Emily Bromberg (BROMBERG_E) (WHO)

READ:18-OCT-1996 14:09:07.55

TO: Deborah F. Kramer (KRAMER_D) Autoforward to: Remote Address

READ:NOT READ

TEXT:

The HHS state plan review process meeting for Monday, October 21, is going to be held in ROOM 211, OEOB. (The time is unchanged -- 12:30.)

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

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

CREATION DATE/TIME:18-OCT-1996 13:49:44.64

SUBJECT: RE: Calif. and TANF issue

TO: Elena Kagan (KAGAN_E) (WHO)

READ:18-OCT-1996 16:36:07.55

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

READ:19-OCT-1996 10:23:42.31

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

READ:18-OCT-1996 14:51:50.93

CC: Emily Bromberg (BROMBERG_E) (WHO)

READ:18-OCT-1996 14:27:41.60

TEXT:

I understand that they will both be there. I will tell Monahan that they should be prepared to discuss this.

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

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

CREATION DATE/TIME:18-OCT-1996 14:29:38.26

SUBJECT: final forty quarters

TO: Elena Kagan (KAGAN_E) (WHO)

READ:18-OCT-1996 16:36:39.08

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

READ:18-OCT-1996 14:30:00.54

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

READ:18-OCT-1996 14:35:06.57

TO: Emily Bromberg (BROMBERG_E) (WHO)

READ:18-OCT-1996 14:31:57.31

TEXT:

FYI attached is the final version of forty quarters material that USDA received last night.

This is the version they are sending out! Without question marks, we hope!

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

ATT CREATION TIME/DATE:18-OCT-1996 14:28:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Jeremy D. Benami

TEXT:

PRINTER FONT 12_POINT_ROMAN

SUBJECT: FSP

-Verification of Noncitizen Eligibility

TO: Regional Administrators

All Regions

This memorandum provides guidance to State agencies in implementing section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. Please transmit this information to your State agencies immediately.

Section 402 generally limits the eligibility of legal immigrants for the Food Stamp Program, but section 402(a)(2)(B) provides an exception for legal immigrants who have worked or can be credited with 40 quarters of qualified work. The law provides that quarters worked by a parent or a spouse can be credited to the individual in determining the number of qualifying quarters.

Implementing this requirement will be challenging for the Social Security Administration (SSA) which is the primary source of verification of quarters worked, eligibility workers, and the individual immigrants. While some immigrants may already have 40 quarters clearly established in their Social Security records, others may have been employed in jobs covered by Social Security

but earnings may not have been appropriately reported. Many immigrants, particularly migrant workers, may have difficulty obtaining verification of employment, and SSA will have to work with them to establish quarters. Finally, the definition of a "quarter" of work may cause some confusion as "quarters" are credited on the basis of annual earnings rather than on months worked.

This memorandum and the attached procedures provide guidance to State agencies in administering the 40 quarters determination. This procedure has been developed in cooperation with SSA, and we are drafting regulations to address 40 quarter verification be based on the procedures outlined in this memorandum. Until regulations are published, FCS and SSA strongly encourage State agencies to follow these procedures. Quality control review will be based on these certification procedures as well.

Verification of 40 quarters information for most applicants and current recipients will primarily be accomplished by an automated system SSA is developing to provide State agencies with

individual quarters of coverage information overnight through batch processing. SSA expects that system to be operational in January. Pending the implementation of the automated system, FCS and SSA have developed an interim procedure for processing households with immigrant members.

□

This procedure (attached) authorizes certification pending verification (CPV) for immigrants who have been in the country long enough to acquire 40 quarters of coverage and who state that they have met the work requirement. For individuals who meet this requirement, the individual's attestation to 40 quarters is sufficient. No further documentation of earnings is required at application pending SSA verification. Those individuals who do not have enough quarters of their own may also attest at application to quarters earned through the work of a parent or spouse.

Within 3 months after the month in which the SSA verification system is operational, the State agency shall submit the required information for each CPV individual to SSA. SSA will report back the number of quarters that can be credited to the individual and applicable family members.

If SSA's existing records cannot verify that an individual has 40 quarters, SSA will work with the individual to determine whether quarters can be established. Individuals in this situation should be advised of this option and that they will be allowed to participate for 6 more months provided SSA certifies that they are working to clarify their records. The individual will be required to provide a document from SSA indicating that the number of quarters is under review. SSA is developing a document to meet this requirement.

If SSA verification finally indicates that an individual does not have 40 qualifying quarters, the State agency shall establish an inadvertent household error claim for the overissuance.

We hope that these procedures will go a long way toward easing these difficulties and ensuring that the law is implemented in a fair and effective manner. Please let us know if you have any questions.

Yvette S. Jackson

Deputy Administrator
Food Stamp Program

Attachments

cc: Food Stamp Program Director
All Regions

□

Certification Pending Verification Procedures
For Legal Immigrants

The following procedures are for legal immigrants who believe that they have a work history that meets the forty quarters exemption in the law. These procedures need not be followed for those legal immigrants who qualify for other exemptions in the law (refugees, asylees, deportees, or applicants with a claim to eligibility based on military service.)

Second para -- In order to determine eligibility based on social security coverage, the state should ascertain the applicant's understanding as to the following:

1. How many years has the applicant, the applicant's spouse, or the applicant's parents (before the applicant turned 18) lived in this county.

(If the answer to question 1 is less than 10 years, the State agency does not need to ask question 2).

2. In how many of the years reported in answer to question 1, did the applicant, the applicant's spouse, or the applicant's parent earn money through work.

(To determine whether the applicant's earnings were sufficient to establish "quarters of coverage" in those years, the State agency may wish to refer to the attached chart.)

If the answer to the question 2 is 10 years or more, the State agency shall verify, from INS documents, the date of entry into the country of the applicant, spouse and/or parent. If the dates are consistent with having 10 or more years of work, no further documentation is required at this time; the State agency shall include the immigrant in the household pending verification from SSA. The State agency shall inform these recipients that a claim will be established for any benefits to which they were not entitled. The State agency shall keep a record of each individual certified pending verification from SSA.

If the dates of entry are inconsistent with having 10 or more years of work, the State agency shall determine the applicant ineligible. The State agency shall then inform the applicant of his or her fair hearing rights.

The applicant shall also provide, for purposes of future

verification, the full name, Social Security Number, date of birth, and sex of each individual (self, parent or spouse) whose work history is relevant to the determination of eligibility. In addition, the applicant shall provide a release form signed by each such individual (copy attached) giving SSA permission to release information on that individual to the state agency and/or the applicant. This form shall be retained in the case file to document the individual's consent.

SSA is drafting an addendum to the current Computer Matching and Privacy Protection Act agreement between SSA and each state agency. In accordance with that revised agreement, and within three months after the month in which the SSA verification system becomes operational, the state agency will send the identifying

information provided by the applicant to SSA for overnight processing. In its response, SSA will provide information about qualifying quarters of work. If the immigrant believes the information from SSA is inaccurate or incomplete, the State agency shall refer the applicant to SSA for review. SSA will give the individual a document indicating that the number of quarters is under review. An immigrant who provides the state agency with this document can continue to receive benefits for six months from the date of SSA's initial response or until SSA has completed its review, whichever is earlier.

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

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

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

CREATION DATE/TIME:18-OCT-1996 16:29:43.74

SUBJECT: Meeting Monday and Calif issue

TO: Bruce N. Reed (REED_B) (WHO)
READ:21-OCT-1996 10:19:10.46

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:21-OCT-1996 10:54:03.14

TO: Jeremy D. Benami (BENAMI_J) (WHO)
READ:18-OCT-1996 17:00:21.96

TO: Elena Kagan (KAGAN_E) (WHO)
READ:18-OCT-1996 16:37:52.88

TEXT:

Monahan is saying that they don't want to discuss Calif. situation much at Monday's meeting. He says there are a lot of complex financial issues in the state plan, and we should discuss it later. Plus, they don't plan action on it for a few weeks. I just left him a message saying that we don't need to have a fulsome discussion of Calif's entire plan, but that Elena was interested in Harriet's read on what in the law makes this even a possibility; and that, since other states (NJ, maybe NY) may be picking up on this theme in the coming days and weeks, this does merit some earlier focus.

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

CREATOR: Jeanine D. Smartt (SMARTT_J) (OPD)

CREATION DATE/TIME:18-OCT-1996 17:03:35.28

SUBJECT: Blessing v. Freestone

TO: Elena Kagan (KAGAN_E) (WHO)

READ:18-OCT-1996 17:46:44.51

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

READ:18-OCT-1996 17:07:31.60

TEXT:

I am forwarding a copy of the brief filed yesterday in the Blessing v. Freestone Supreme Court case, just in case you haven't already received a copy. I am also forwarding the brief APWA filed. APWA sent a letter to Carol Rasco indicating their disappointment with the Administration's position. Next week I will draft a response letter and ask in advance if you would review. Thanks!

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: M. Jill Gibbons@EOP@LNWTWY@EOPMRX

CREATION DATE/TIME:18-OCT-1996 17:13:00.00

SUBJECT: Signing statement on H.R. 1281, War Crimes Disclosure

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)
READ:18-OCT-1996 17:46:54.85

TO: BURKE_D (BURKE_D@A1@CD) (OPD)
READ:18-OCT-1996 18:23:41.10

TO: DAVIS_W (DAVIS_W@A1@CD) (NSC)
READ:21-OCT-1996 12:06:59.91

TO: Maya A. Bernstein (Maya A. Bernstein@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Bruce W. McConnell (Bruce W. McConnell@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Steven D. Aitken (Steven D. Aitken@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Robert G. Damus (Robert G. Damus@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: David J. Haun (David J. Haun@EOP@LNWTWY@EOPMRX)
READ:NOT READ

CC: Michael A. Fitzpatrick (Michael A. Fitzpatrick@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TEXT:

Message Creation Date was at 18-OCT-1996 17:06:00

The following is a draft signing statement on H.R. 1281, the War Crimes Disclosure Act. According to WH/LA, this bill will be signed tomorrow. Please provide any comments or sign off by 6:00 today. Thanks

(This is also being sent to you in hard copy under LRM # 5750.)

STATEMENT BY THE PRESIDENT

I have today approved H.R. 1281, the "War Crimes Disclosure Act." This Act, sponsored by Representative Maloney of New York, urges United States Government agencies to make public any records concerning individuals alleged to have committed Nazi war crimes.

My Administration is committed to ensuring the widest possible disclosure of government documents. On April 17, 1995, I signed Executive Order 12958, which will make available certain previously classified national security documents while safeguarding information critical to our Nation's security. Additionally, my Administration worked closely with Congress on the recent passage of the Electronic Freedom of Information Act. I believe that our democratic principles require that the

American people be informed of the activities of their government.

Over half a century has passed since the conclusion of World War II and the end of the Holocaust, one of the most horrifying periods of genocide in world history. I strongly believe in the central finding of this Act, that it is important to learn all we can about this terrible era so that we can prevent such a catastrophe from ever happening again. To that end, the Act calls for more comprehensive disclosure of documents specific to Nazi war crimes. It is clearly in our public interest to learn any remaining secrets about the Holocaust.

I'm pleased that the Act recognizes the need not to disclose material that is still important to U.S. national security interests. I am hopeful that the Congress and the Executive branch will continue to work together to balance the public interests of disclosing government records with the national interests of keeping certain documents protected within the context of future initiatives in this area.

Ensuring a full accounting of United States records on Nazi war criminals is an important step in preserving the memory of those who died and honoring the sacrifices of those who survived. I am pleased to sign this Act into law.

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

CREATOR: Jeanine D. Smartt (SMARTT_J) (OPD)

CREATION DATE/TIME:18-OCT-1996 18:49:59.23

SUBJECT: Welfare Web Page

TO: Elena Kagan (KAGAN_E) (WHO)
READ:19-OCT-1996 13:10:30.31

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:21-OCT-1996 10:54:55.77

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ:18-OCT-1996 18:54:41.47

CC: Jeremy D. Benami (BENAMI_J) (WHO)
READ:19-OCT-1996 12:11:16.74

CC: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:19-OCT-1996 16:08:34.64

TEXT:

I am sending you a preliminary outline of the White House Welfare Reform Web Page. Please review the documents listed and let me know if there are any documents you know of that should be added. And, any hints on tracking down the document would be greatly appreciated.

The documents listed in bold are already on-line. The documents in plain type are not on-line and may or may not be approved for clearance by the appropriate agency.

This outline will be updated and distributed at Tuesday's meeting.

I can be reached at 6-5228. Thanks!

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

CREATOR: Dinah Bear (BEAR_D) (CEQ)

CREATION DATE/TIME:20-OCT-1996 15:37:37.88

SUBJECT: Meeting agenda

TO: Kris Balderston

(BALDERSTON_K) (WHO)

READ:NOT READ

TO: Ron Cogswell

(COGSWELL_R) (OMB)

READ:20-OCT-1996 20:48:50.92

TO: Martha Foley

(FOLEY_M) (WHO)

READ:21-OCT-1996 09:23:37.78

TO: Thomas C. Jensen

(JENSEN_T) (CEQ)

READ:NOT READ

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:21-OCT-1996 08:01:54.34

TO: Christine L. Nolin

(NOLIN_CL) (OMB)

READ:23-OCT-1996 10:52:40.64

TO: Jennifer M. O'Connor

(OCONNOR_J) (WHO)

READ:21-OCT-1996 09:42:03.26

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 (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 (9-301-713-0658,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:21-OCT-1996 08:08:47.90

TO: David J. Rostker (ROSTKER_D) Autoforward to: Remote Address
 READ:NOT READ

TO: FAX (9-514-4231,Jeremy Heep) (TLXA1MAIL_\F:9-514-4231\C:Jeremy Heep\<\<)
 READ:NOT READ

TEXT:

***NOTE - (official) LATE START for meeting.
 The usual EOP/interagency forestry meeting will be held this
 Tuesday, October 22, at 2:15 pm in the CEQ conference room at 722
 Jackson Place, N.W.

The agenda will include:

1. Litigation report
2. Analysis of new information (Don Knowles will join us by phone, and in person, the following week. A draft memo he has prepared on new information will be distributed at the meeting, and some of you will have already received it directly from him.)
3. Interagency salvage program review report
 - Status of various steps necessary to publish report
 - Discussion of directive to establish interagency action team
 - Review of draft "Dear Reader" letter to accompany report (see below).

 Draft letter:

The current draft letter is shown below. Please read and review and come prepared with comments (we will only discuss substantive comments, but please bring editing comments also.)

EPA worked with several other members of the interagency salvage team on this draft. I have included it verbatim, without my edits, but do want to d paragraph that, " agencies have already put in place some of the recommendations". Please come prepared to discuss whether some action items likely will be implemented by the time the report is published, and if so, which items you expect to be in that category. Thank you.

 DRAFT

"Dear Interested Reader:

We are pleased to present the attached Interagency Salvage Program Review Report, which provides an objective review of the administration's timber salvage activities under provisions of the

1995 Rescissions Act known as the "salvage rider." The agencies have already put in place some of the Review Team's recommendations, and an interagency team, led by the Review Team, has been established and directed to develop an action plan based on the report's recommendations.

In an effort to protect, restore and sustain ecological resources and the communities they support, in recent years the Forest Service and the Bureau of Land Management (BLM) have turned to an ecosystem approach to land management. This approach draws heavily on lessons learned from the Vice President's Reinvention efforts. An integral part of this approach is empowering our staffs to establish collaborative, interagency teams to address environmental concerns with the best science.

We began to improve interagency collaboration in March 1995, when we directed our field offices to adopt a streamlined consultation process for National Environmental Policy Act work and Endangered Species Act consultation on salvage timber sales. This effort was expanded in May 1995.

The passage of the salvage rider in July of that year temporarily exempted salvage timber sales offered by the Forest Service and BLM from normal environmental review and administrative appeals. In signing the legislation, President Clinton expressed concerns about the rider's potential for adverse environmental effects. He directed the affected Cabinet Officers to exercise their discretion to continue to apply existing environmental laws except where explicitly prohibited. An interagency Memorandum of Agreement (MOA) was developed to implement the President's directive.

Among its commitments, the MOA required a review of salvage sales under the rider. Accordingly, during the summer of 1996, an interagency review team conducted a comprehensive review that included a field review of 15 salvage sales and a questionnaire that was distributed to regional and field offices of the involved agencies. This report summarizes the Review Team's findings and makes recommendations for the timber salvage program. Although the report specifically addresses adherence to the MOA, the findings and recommendations have significance beyond the expiration of the salvage rider.

The Review Team found that some areas made outstanding efforts to incorporate the spirit and the letter of the MOA into the sales design process. In other areas the Team found that the efforts needed improvement. Overall, the Review Team found that the MOA has been effective in creating a philosophy of interagency collaboration and providing an incremental step towards creating the processes necessary for effective collaboration.

The most significant action the agencies should take, the Review Team found, is to reinforce, extend and expand the interagency collaborative framework. The Team recommends that the collaborative process be used throughout the process of land management.

We believe the Report provides some significant insights into how to improve our processes to better manage the public's lands and the resources on them."

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

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

CREATION DATE/TIME:21-OCT-1996 09:58:03.60

SUBJECT: Meeting re: Religion in the Workplace Guildlines

TO: Bruce N. Reed (REED_B) (WHO)
READ:21-OCT-1996 10:14:42.29

TO: Cathy R. Mays (MAYS_C) (OPD)
READ:21-OCT-1996 10:00:51.53

TO: Katharine M. Button (BUTTON_K) (WHO)
READ:21-OCT-1996 11:25:37.95

TO: Michelle Crisci (CRISCI_M) (WHO)
READ:21-OCT-1996 10:07:41.22

TO: Floydetta McAfee (MCAFEE_F) (WHO)
READ:21-OCT-1996 10:02:07.07

TO: John P. Hart (HART_J) (WHO)
READ:21-OCT-1996 09:58:21.39

TO: Elena Kagan (KAGAN_E) (WHO)
READ:21-OCT-1996 11:08:55.39

TEXT:

Good Morning,
FYI: Meeting today at 2:00 in Jack Quinn's office

Participants:

Jack Quinn
Kathy Wallman
Elena Kagan
Bruce Reed
Melanne Verveer
Rahm Emanuel
Flo McAfee
John Hart

DOJ:

Jamie Gorelick (maybe)
David Ogden
Chris Schroeder

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: M. Jill Gibbons@EOP@LNWTWY@EOPMRX

CREATION DATE/TIME:21-OCT-1996 10:29:00.00

SUBJECT: signing statement for H.R. 1281

TO: KAGAN_E (KAGAN_E@A1@CD) (WHO)
READ:21-OCT-1996 11:09:12.09

TO: DAVIS_W (DAVIS_W@A1@CD) (NSC)
READ:21-OCT-1996 12:07:10.60

TO: Steven D. Aitken (Steven D. Aitken@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TEXT:

Message Creation Date was at 21-OCT-1996 10:23:00

Do you have any comments on the signing statement for H.R. 1281, the War Crimes Disclosure Act? Thanks

The following is the statement as sent to you on Friday.

STATEMENT BY THE PRESIDENT

I have today approved H.R. 1281, the "War Crimes Disclosure Act." This Act, sponsored by Representative Maloney of New York, urges United States Government agencies to make public any records concerning individuals alleged to have committed Nazi war crimes.

My Administration is committed to ensuring the widest possible disclosure of government documents. On April 17, 1995, I signed Executive Order 12958, which will make available certain previously classified national security documents while safeguarding information critical to our Nation's security. Additionally, my Administration worked closely with Congress on the recent passage of the Electronic Freedom of Information Act. I believe that our democratic principles require that the American people be informed of the activities of their government.

Over half a century has passed since the conclusion of World War II and the end of the Holocaust, one of the most horrifying periods of genocide in world history. I strongly believe in the central finding of this Act, that it is important to learn all we can about this terrible era so that we can prevent such a catastrophe from ever happening again. To that end, the Act calls for more comprehensive disclosure of documents specific to Nazi war crimes. It is clearly in our public interest to learn any remaining secrets about the Holocaust.

I'm pleased that the Act recognizes the need not to disclose material that

is still important
to U.S. national security interests. I am hopeful that the Congress and the
Executive branch will
continue to work together to balance the public interests of disclosing
government records with
the national interests of keeping certain documents protected within the
context of future initiatives
in this area.

Ensuring a full accounting of United States records on Nazi war criminals
is an important step
in preserving the memory of those who died and honoring the sacrifices of those
who survived.
I am pleased to sign this Act into law.

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

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

CREATION DATE/TIME:21-OCT-1996 10:37:30.03

SUBJECT: Next NGA mtg/answers to questions

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

READ:21-OCT-1996 12:09:24.14

TO: Emily Bromberg (BROMBERG_E) (WHO)

READ:21-OCT-1996 11:25:29.50

TO: Elena Kagan (KAGAN_E) (WHO)

READ:21-OCT-1996 11:09:40.73

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

READ:NOT READ

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

READ:21-OCT-1996 12:21:22.90

TEXT:

You will recall that at our last NGA, etc., meeting we had a long list of their questions without answers. John Monahan tells me that HHS will get us draft answers by cob today; and asks that we get them our comments by cob tomorrow. If everyone is comfortable with the answers, this will give us a handy agenda for Wed. at 1. So you should expect to get these late today or early tomorrow.

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

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

CREATION DATE/TIME:21-OCT-1996 11:32:29.93

SUBJECT: Interns from Chicago

TO: Elena Kagan (KAGAN_E) (WHO)

READ:21-OCT-1996 18:00:40.13

TEXT:

So far, we have not heard anything from any intern applicants from Chicago. Do you have a contact there in the placement office who can forward some resumes to us? I think that we are on their regular list of summer intern programs. Maybe they are behind since they start so much later than most schools? Thanks.

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

CREATOR: Cheryl L Sweitzer (SWEITZER_C) (WHO)

CREATION DATE/TIME:21-OCT-1996 14:26:21.36

SUBJECT: Election Night Trip to Arkansas

TO: Jennifer D. Dudley (DUDLEY_J) (WHO)
READ:21-OCT-1996 14:41:39.83

TO: Erin Kelly (KELLY_E) (WHO)
READ:NOT READ

TO: Bruce R. Lindsey (LINDSEY_B) (WHO)
READ:23-OCT-1996 17:58:31.30

TO: Odetta S. Walker (WALKER_O) (WHO)
READ:21-OCT-1996 18:36:15.47

TO: Kathleen M. Wallman (WALLMAN_KM) (WHO)
READ:21-OCT-1996 17:18:12.13

TO: Douglas Band (BAND_D) (WHO)
READ:21-OCT-1996 14:28:32.89

TO: Dawn Chirwa (CHIRWA_D) (WHO)
READ:21-OCT-1996 14:38:07.62

TO: Peter Erichsen (ERICHSEN_P) (WHO)
READ:21-OCT-1996 14:36:58.73

TO: Mark D. Fabiani (FABIANI_M) (WHO)
READ:NOT READ

TO: David Fein (FEIN_D) (WHO)
READ:21-OCT-1996 14:26:44.25

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

TO: Nellie Herbert (HERBERT_N) (WHO)
READ:21-OCT-1996 16:18:54.40

TO: Rochester M. Johnson (JOHNSON_RM) (WHO)
READ:21-OCT-1996 14:33:43.98

TO: Elena Kagan (KAGAN_E) (WHO)
READ:21-OCT-1996 18:39:55.67

TO: Christopher S. Lehane (LEHANE_C) (WHO)
READ:21-OCT-1996 14:36:51.06

TO: Marna E. Madsen (MADSEN_M)
READ:NOT READ

TO: Clifford J. Mauton (MAUTON_C) (WHO)
READ:21-OCT-1996 14:29:37.16

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

READ:21-OCT-1996 15:10:49.15

TO: Melissa M. Murray (MURRAY_MM) (WHO)
READ:21-OCT-1996 14:26:30.38

TO: Miriam R. Nemetz (NEMETZ_M) (WHO)
READ:21-OCT-1996 14:40:02.21

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

TO: Sally Paxton (PAXTON_S) (WHO)
READ:21-OCT-1996 16:23:14.56

TO: Robert W. Schroeder III (SCHROEDER_R) (WHO)
READ:21-OCT-1996 15:28:57.42

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

TO: Kathleen M. Whalen (WHALEN_K) (WHO)
READ:21-OCT-1996 14:52:20.38

TO: Wendy S. White (WHITE_WS) (WHO)
READ:21-OCT-1996 14:40:50.81

TO: Jonathan R. Yarowsky (YAROWSKY_J) (WHO)
READ:23-OCT-1996 13:08:11.48

TEXT:

For those of you who are planning to go to Arkansas for election night, please be sure that you have called me so that I can make sure you are on the Counsel's Office list. If you have called someone else about attending -- still please call me or you may end up in Little Rock without a ticket to the event!

Also, it was first reported that the cost of the round trip flight would be between \$300 and \$350. They now feel that the cost will be lower, although they do not know exactly what the cost will be. (There is some speculation that it will be significantly lower -- \$150 - although they have not confirmed that figure.) I'll let you know as soon as the information is available.

Thanks.

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

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

CREATION DATE/TIME:21-OCT-1996 16:07:28.44

SUBJECT: Small business Q&A for WSJ

TO: Elena Kagan (KAGAN_E) (WHO)

READ:21-OCT-1996 18:40:08.62

TEXT:

Attached are the quick answers I did for Gene. You can ignore the final one, having to do with independent contractors. Ellen

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

ATT CREATION TIME/DATE:21-OCT-1996 16:07:00.00

ATT BODYPART TYPE:p

TEXT:

WPC

2BVW□Z

#|xcpi)?xxx,IXx6X@JQX@Canon LBP-8 IIIus/4M PlusCALB8III.WRSx□

@ph!+CX@2C1SXR#|xCourier 12pt (10cpi)Courier 12pt (10cpi) (Bold)?xxx,IXx6X@JQX@>?xxx,Xx `QXFy`

Times New RomanCe Horizontal LineCreate Vertical LineEdit Horizontal LineEdit Vertical LineBox2Issue: "Dole is for caps in punitive damages for trial la

U!zK

wyers in

product liability cases"

U!zK

(

U!zK

Presumably, what he really means is that "Dole is for capping punitive damages assessable against

[corporate] defendants in product liability cases but Clinton,

U!zK

at

the behest of the trial lawyers, is

U!zK

opposed to capping.")

Response: Contrary to Senator Dole's assertions, there is no punitive damages

explosion. A recent Rand

U!zK*

Institute for Civil

Justice

U!zK*

study stated: "Despite the attention they have received from policymakers and f

rom the media, punitive damages are rarely awarded." The same study found that

punitives are most

U!zK3

often

awarded in intentional tort and

U!zK5
business cases, not in product
liability cases.
U!zK8

President Clinton has consistently opposed caps on punitive damages not only because there is no need for one, but also because punitive damages, when they are awarded, constitute an effective means for a jury of citizens to deter egregious misconduct that has put at risk the lives and health of other American citizens.

yxPddd
U!zK\

Issue: "Dole is for changes that would make it more difficult for shareholders to file securities fraud lawsuits."

Response: President Clinton believes that our capital markets will operate more efficiently if corporations make the maximum amount of information available to investors and do so without fear of frivolous lawsuits. The President therefore agrees that it is appropriate to make it more difficult for lawyers to file frivolous securities lawsuits, including in particular suits filed on behalf of solicited plaintiffs. Many of the provisions in last year's Securities Litigation Reform Act should have this effect, and the President has asked the SEC to monitor the law to determine whether it effectively deters frivolous lawsuits while at the same time protecting the effective access of defrauded investors to the courts. President Clinton has recently stated his opposition to California Proposition 211, which would increase the likelihood of frivolous securities lawsuits being filed.

yx8#dddjy

Issue: "Dole is for a clearer definition of independent contractors."

Response: The Small Business Job Protection Act, which President

Clinton signe
d into law on August 20, contains an improved
definition of independent contrac
tor. However, this is a complex
issue, implicating questions far beyond simply
taxes, including
worker protections (such as under the Fair Labor Standards Ac
t)
and benefits (under ERISA). Allowing employers simply to choose
whether thei
r workers will get the benefit of these statutes, as
some of the proposed "clea
rer definitions" would do, is bad for
workers and, ultimately, bad for business
and for the economy.===== END ATTACHMENT 1 =====

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

CREATOR: Emily Bromberg (BROMBERG_E) (WHO)

CREATION DATE/TIME:21-OCT-1996 16:22:40.40

SUBJECT: ca

TO: Elena Kagan (KAGAN_E) (WHO)

READ:21-OCT-1996 18:42:10.34

TEXT:

did you get a chnace to ask justice for a copy of that wilson letter re: legal immigrants? any idea how they will respond?

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

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

CREATION DATE/TIME:21-OCT-1996 18:15:28.40

SUBJECT: RE: Interns from Chicago

TO: Elena Kagan

(KAGAN_E) (WHO)

READ:21-OCT-1996 18:45:08.30

TEXT:

Thanks for your help.

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

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

CREATION DATE/TIME:21-OCT-1996 18:57:59.81

SUBJECT: latest HHS q and a

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

TO: Bruce N. Reed (REED_B) (WHO)
READ:22-OCT-1996 11:12:14.58

TO: Diana M. Fortuna (FORTUNA_D) (OPD)
READ:22-OCT-1996 09:27:16.74

TO: Elena Kagan (KAGAN_E) (WHO)
READ:21-OCT-1996 19:08:05.32

TO: Emily Bromberg (BROMBERG_E) (WHO)
READ:22-OCT-1996 10:54:48.29

CC: Barry White (WHITE_B) Autoforward to: Remote Adresse
READ:NOT READ

TEXT:

John M just faxed over the HHS responses to the outstanding questions from the intergovernmental groups.

These would be the basis for the meeting on Wednesday. I will get these around first thing on Tuesday. Can we do a quick review and collect comments by 5:00 Tuesday?

Ken: they have apparently included something on waivers and cost neutrality that we may want them to take out. Do you want to regroup by phone based on staff discussions these past couple of days to see what we say on Wednesday?

Elena: anything to be said yet on means tested? What time frame can we publicly say we'll have an answer?

Ken: on the circulars/apportionment question, are we ready to give an answer yet?