

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 057 - FOLDER -001**

**[10/22/1996-11/12/1996]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	David Fein to Elena Kagan, et al. at 12:02:36.00 Subject: Tonight (1 page)	11/12/1996	Personal Misfile
002. email	David Fein to Elena Kagan, et al. at 13:14:55.14. Subject: Tonight (1 page)	11/12/1996	Personal Misfile

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**COLLECTION:**

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

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**FOLDER TITLE:**

[10/22/1996 - 11/12/1996]

2009-1006-F  
ke700

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### RESTRICTION CODES

**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors; or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

**Freedom of Information Act - [5 U.S.C. 552(b)]**

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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

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

CREATION DATE/TIME:22-OCT-1996 09:03:29.68

SUBJECT: outstanding items

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

TO: Emily Bromberg ( BROMBERG\_E ) (WHO)  
READ:22-OCT-1996 10:56:05.97

TO: Diana M. Fortuna ( FORTUNA\_D ) (OPD)  
READ:22-OCT-1996 09:30:40.18

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:22-OCT-1996 10:59:44.14

TO: Stephen C. Warnath ( WARNATH\_S ) (OPD)  
READ:22-OCT-1996 09:17:17.75

TEXT:

Just a quick update

Meetings this week: Implementation subgroup today at 3:00;  
intergovernmental meeting tomorrow at 1:00.

Items on our plate here at the WH:

(1) Steve/Diana/Elena -- the one page memo from USDA on the April 1 date's impact on noncitizens -- Steve: can you consolidate comments from Diana and Elena and call Yvette this morning?

(2) 18-50 guidance -- Ken, I know you are briefing Raines today. My sense is we could use a WH meeting on this topic. Does that sound right to everyone. We need to give reaction to USDA. Please advise.

(3) Cost Neutrality -- Ken, where are we? What can we tell intergov groups tomorrow on timing? What was agency reaction.

(4) Means Tested -- Elena: what's new. Latest word from HHS? Are they redrafting memo to DOJ? How are contacts with the GCs going?

(5) HHS q/a -- You all are getting copies of HHS q/a for tomorrow's meeting on a variety of topics hopefully early this a.m. Ten pages of stuff for clearance TODAY!

Should we set a WH meeting to go over 2-4 and 5, if necessary, maybe following the implementation group today? Let me know what you guys think.

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

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

CREATION DATE/TIME:22-OCT-1996 09:58:51.93

SUBJECT: Sr. Staff Meetings

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

READ:22-OCT-1996 11:00:31.38

TEXT:

Elena,

Kathy will be out of the office November 13 through the end of the month. Is it possible for you to do the 8:15 Senior Staff meetings for her? Also, would you mind covering the 7:30 meetings for Jack whenever he cannot attend?

Please let me know.

Thank you.

Odetta

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

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

CREATION DATE/TIME:22-OCT-1996 12:59:33.68

SUBJECT: technical corrections package

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)  
READ:22-OCT-1996 19:21:55.28

TO: Emily Bromberg ( BROMBERG\_E ) (WHO)  
READ:22-OCT-1996 14:26:29.26

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:22-OCT-1996 13:39:46.15

TO: Richard E. Green ( GREEN\_R ) (OMB)  
READ:23-OCT-1996 09:16:49.72

TO: Stephen C. Warnath ( WARNATH\_S ) (OPD)  
READ:22-OCT-1996 13:58:53.48

TEXT:

PRINTER FONT 12\_POINT\_COURIER

Rich Tarplin called me to update me on the technical corrections package. He says that HHS now has an internal process underway on the technical corrections package, with documents being worked on by ACF, HCFA, and immigration folks at HHS. They expect to clear it internally by the end of this week. They have talked to SSA; I advised them to talk to USDA and DOJ/INS as well.

There are format questions and strategic questions.

Strategically, Rich said he thought it would be better to dispose of as many items as possible now, deferring fewer things to next year's more substantive legislative package, so that that package is cleaner, with fewer items to trade off and more focus on the key changes we want.

Also, we need to bring in Hilley's office at the appropriate time.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Barry White@EOP@LNWTWY@EOPMRX

CREATION DATE/TIME:22-OCT-1996 17:51:00.00

SUBJECT: HHS Q&A

TO: KAGAN\_E ( KAGAN\_E@A1@CD ) (WHO)  
READ:22-OCT-1996 19:28:33.27

TO: REED\_B ( REED\_B@A1@CD ) (WHO)  
READ:22-OCT-1996 18:15:15.35

TO: FORTUNA\_D ( FORTUNA\_D@A1@CD ) (OPD)  
READ:22-OCT-1996 18:04:56.15

TO: BROMBERG\_E ( BROMBERG\_E@A1@CD ) (WHO)  
READ:22-OCT-1996 18:11:10.75

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

TEXT:

Message Creation Date was at 22-OCT-1996 17:45:00

Our lawyers will provide a Q&A on the circulars issue. Lester is working with them. (Rest easy, Emily, it will not quote David Stockman). Cost neutrality will come out.

Lester Cash is working with HHS to correct several other questions. With HHS people hard to reach, this may not be done until early in the a.m.

(Diana, Lester is also trying to reach you).

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

CREATOR: Jill Pizzuto ( PIZZUTO\_J ) (OPD)

CREATION DATE/TIME:23-OCT-1996 09:14:21.59

SUBJECT: weekly reminder

TO: Bruce N. Reed ( REED\_B ) (WHO)  
READ:23-OCT-1996 11:47:38.60

TO: Cathy R. Mays ( MAYS\_C ) (OPD)  
READ:23-OCT-1996 09:17:49.11

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)  
READ:23-OCT-1996 10:20:15.40

TO: Dorothy K. Craft ( CRAFT\_D ) (OPD)  
READ:23-OCT-1996 09:13:20.91

TO: Diana M. Fortuna ( FORTUNA\_D ) (OPD)  
READ:23-OCT-1996 10:20:46.56

TO: Emily Bromberg ( BROMBERG\_E ) (WHO)  
READ:23-OCT-1996 09:58:41.41

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:23-OCT-1996 11:01:11.75

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 Golonka) ( TLXA1MAIL\_\F:9624-5313\C:Susan Golonka\\  
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 (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:23-OCT-1996 09:35:06.06

TO: FAX (9289-6555,John Sciamanna) ( TLXA1MAIL\_\F:9289-6555\C:John Sciamanna\<\  
READ:NOT READ

TEXT:

My apologies to all!

I just realized that I did not send out the weekly reminder for the meeting that  
is for TODAY, from 1:00-2:00pm - RM 180.

WAVES will be handled appropriately.

If there are any questions or concerns, please call Jill at 456-5565.

thanks.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:23-OCT-1996 15:15:00.00

SUBJECT: Meeting Notice

TO: WARNATH\_S ( WARNATH\_S@A1@CD ) (OPD)  
READ:23-OCT-1996 15:19:40.60

TO: KAGAN\_E ( KAGAN\_E@A1@CD ) (WHO)  
READ:23-OCT-1996 16:19:38.23

TO: BROMBERG\_E ( BROMBERG\_E@A1@CD ) (WHO)  
READ:23-OCT-1996 15:20:08.65

TO: Richard A. Mertens ( Richard A. Mertens@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

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

TO: Jack A. Smalligan ( Jack A. Smalligan@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

TO: Rosalyn J. Rettman ( Rosalyn J. Rettman@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

TO: Vanna J. Shields ( Vanna J. Shields@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

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: Matthew McKearn ( Matthew McKearn@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

CC: Iratha H. Waters ( Iratha H. Waters@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

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

TEXT:

Message Creation Date was at 23-OCT-1996 15:10:00

This message is to confirm a meeting on Monday, 10/28, @ 3:30 in Ken Apfel's office (260), re: Welfare Reform and Benefits for Cubans/Haitians.

Also attending: Paul Virtue w/ INS, Geri Ratliff w/ Justice, Dennis Hayashi w/ HHS. I will be faxing the draft memo, written by Rob Malley, to agencies in a few moments.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:23-OCT-1996 16:44:00.00

SUBJECT: RE: Meeting Notice

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

READ:23-OCT-1996 18:20:08.78

TEXT:

Message Creation Date was at 23-OCT-1996 16:40:00

What is your fax #?

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

CREATOR: Catherine A. Bohn ( BOHN\_C ) (WHO)

CREATION DATE/TIME:24-OCT-1996 10:00:12.61

SUBJECT: FALL INTERNS

TO: Catherine A. Bohn ( BOHN\_C ) (WHO)

READ:24-OCT-1996 10:00:20.79

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

READ:24-OCT-1996 10:29:41.77

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

READ:24-OCT-1996 10:00:50.52

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

READ:29-OCT-1996 17:19:24.57

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

READ:24-OCT-1996 10:01:52.49

TO: Jane C. Sherburne ( SHERBURNE\_J ) (WHO)

READ:24-OCT-1996 20:18:28.38

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

READ:24-OCT-1996 10:01:52.49

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

READ:24-OCT-1996 10:32:47.34

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

READ:24-OCT-1996 17:36:06.28

TO: Sara B. Weider ( WEIDER\_S ) (WHO)

READ:24-OCT-1996 10:27:06.77

TO: Douglas Band ( BAND\_D ) (WHO)

READ:24-OCT-1996 10:06:30.22

TO: Susan M. Chadick ( CHADICK\_S ) (WHO)

READ:24-OCT-1996 10:33:12.61

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

READ:24-OCT-1996 10:41:47.56

TO: Sandra S. Coleman ( COLEMAN\_S ) (WHO)

READ:24-OCT-1996 10:00:39.98

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

READ:24-OCT-1996 10:15:33.38

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

READ:NOT READ

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

READ:24-OCT-1996 10:00:22.74

TO: Nellie Herbert ( HERBERT\_N ) (WHO)

READ:24-OCT-1996 10:37:15.46

TO: Rochester M. Johnson ( JOHNSON\_RM ) (WHO)  
READ:24-OCT-1996 10:46:02.80

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:24-OCT-1996 14:23:15.44

TO: Christopher S. Lehane ( LEHANE\_C ) (WHO)  
READ:24-OCT-1996 10:18:11.25

TO: Michael Massey ( MASSEY\_M ) (WHO)  
READ:28-OCT-1996 09:27:49.03

TO: Clifford J. Mauton ( MAUTON\_C ) (WHO)  
READ:24-OCT-1996 10:00:37.60

TO: Cheryl D. Mills ( MILLS\_C ) (WHO)  
READ:24-OCT-1996 12:11:35.70

TO: Melissa M. Murray ( MURRAY\_MM ) (WHO)  
READ:24-OCT-1996 10:00:51.48

TO: Miriam R. Nemetz ( NEMETZ\_M ) (WHO)  
READ:24-OCT-1996 10:31:38.81

TO: Sally Paxton ( PAXTON\_S ) (WHO)  
READ:24-OCT-1996 14:15:15.37

TO: Stacy E. Reynolds ( REYNOLDS\_S ) (WHO)  
READ:24-OCT-1996 10:00:25.46

TO: Julie Schragger ( SCHRAGER\_J ) (WHO)  
READ:28-OCT-1996 08:22:47.76

TO: Robert W. Schroeder III ( SCHROEDER\_R ) (WHO)  
READ:24-OCT-1996 10:33:36.45

TO: Kathleen M. Whalen ( WHALEN\_K ) (WHO)  
READ:24-OCT-1996 10:17:53.20

TO: Wendy S. White ( WHITE\_WS ) (WHO)  
READ:24-OCT-1996 13:36:35.39

TO: Jonathan R. Yarowsky ( YAROWSKY\_J ) (WHO)  
READ:24-OCT-1996 11:28:39.27

TEXT:

Good morning... I am trying to determine who our fall interns are working with and whether or not our intern list matches the intern coordinator's list. If you have an intern working with you, please email me with their name and how many days a week they intern. Thanks.

On a side note that may be useful to you at some point, I am a Notary Public for the District of Columbia. If you need something notarized, please call me @6-6229 or stop by.

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

CREATOR: Dorothy K. Craft ( CRAFT\_D ) (OPD)

CREATION DATE/TIME:24-OCT-1996 14:25:56.26

SUBJECT: Privatization Meeting

TO: Bruce N. Reed ( REED\_B ) (WHO)  
READ:24-OCT-1996 16:16:04.18

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

TO: Diana M. Fortuna ( FORTUNA\_D ) (OPD)  
READ:24-OCT-1996 14:30:11.69

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:NOT READ

CC: Jill Pizzuto ( PIZZUTO\_J ) (OPD)  
READ:24-OCT-1996 14:26:18.54

CC: Cathy R. Mays ( MAYS\_C ) (OPD)  
READ:24-OCT-1996 14:38:29.54

CC: Deborah F. Kramer ( KRAMER\_D ) Autoforward to: Remote Address  
READ:NOT READ

TEXT:

Ms. Rasco and Jeremy have scheduled a meeting to be briefed on privatization by OMB and to decide on post-election next steps with agencies. This meeting will be on Wednesday, October 30 from 10:00 to 10:30 am in Ms. Rasco's office. Attendees will include only those addressed plus one additional OMB staff member.  
Thank you.

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor ( MAILMGT ) (SYS)

CREATION DATE/TIME:24-OCT-1996 17:36:39.15

SUBJECT: PAGER CONFIRMATION - SHERBURNE, JANE

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

READ:24-OCT-1996 18:34:10.03

TEXT:

PAGE FOR SHERBURNE, JANE, WAS TRANSMITTED 24-OCT-1996 17:28:25.48

TEXT TRANSMITTED WAS:

CALL ME; I HAVE THE OPINION YOU NEED. ELENA 67594

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

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

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

CREATION DATE/TIME:25-OCT-1996 09:25:59.45

SUBJECT: Top Ten List

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

TO: Emily Bromberg ( BROMBERG\_E ) (WHO)  
READ:25-OCT-1996 12:15:15.78

TO: Diana M. Fortuna ( FORTUNA\_D ) (OPD)  
READ:25-OCT-1996 10:27:32.06

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:25-OCT-1996 15:32:39.10

TO: Stephen C. Warnath ( WARNATH\_S ) (OPD)  
READ:25-OCT-1996 09:26:24.25

TEXT:

Good morning everyone.

I have run this top ten list past a couple of you - a couple haven't seen it. This is my best count of the hot issues of the week - and where I think we are. Can you guys all look at the list and in particular items with you name and provide us all any updates if appropriate.

No particular order:

1. SSI Imms - POMS/40 Qs/Refs/etc. - SSA had a key meeting yesterday to resolve remaining issues. They hope to get their guidance out Monday. Steve/Diana -- can one of you check in with SSA to see how yesterday went?
2. SSI Kids - decision - memo in process
3. USDA 18-50s - decision - memo in process
4. Means Tested - as of late Wed, next step was conversation Ken with Kevin - then possible WH/HHS conf call. Ken/Elena -- any update?
5. Cost Neutrality - Meeting Friday 11:00
6. Medicaid Waiver - (b)/(d) issue - HCFA mtg Wed eve. Diana -- are they coming to brief us on which states, etc.
7. Medicaid bucket - Elena -- did you talk further to Anna? To Cindy? What's next step?
8. Disability Reg - Diana calling meeting Fri/Mon. Is it set?
9. Cuban/Haitians - Further meetings required. Emily -- what's new?
10. TANF timing question (\$ flowing vs. time limit in effect) -- HHS to look at more closely. I will talk to Monahan about this one.

Just making sure we're on top of all these things. Please email to all of us with updates.

Thanks.

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

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

CREATION DATE/TIME:25-OCT-1996 13:16:41.22

SUBJECT: Welfare privatization

TO: Carol H. Rasco ( RASCO\_C ) (WHO)  
READ:25-OCT-1996 15:57:11.10

TO: Bruce N. Reed ( REED\_B ) (WHO)  
READ:25-OCT-1996 14:52:15.12

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

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:25-OCT-1996 15:33:24.12

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)  
READ:25-OCT-1996 13:27:54.83

TO: Emily Bromberg ( BROMBERG\_E ) (WHO)  
READ:25-OCT-1996 14:18:41.37

TO: Diana M. Fortuna ( FORTUNA\_D ) (OPD)  
READ:25-OCT-1996 13:18:11.76

CC: Deborah F. Kramer ( KRAMER\_D ) Autoforward to: Remote Address  
READ:NOT READ

CC: Cathy R. Mays ( MAYS\_C ) (OPD)  
READ:25-OCT-1996 13:18:52.64

CC: Dorothy K. Craft ( CRAFT\_D ) (OPD)  
READ:25-OCT-1996 13:17:37.93

CC: Jill Pizzuto ( PIZZUTO\_J ) (OPD)  
READ:25-OCT-1996 13:51:31.30

CC: Elizabeth E. Drye ( DRYE\_E ) (OPD)  
READ:25-OCT-1996 13:40:47.47

TEXT:

There is a brief meeting in Carol's office on Wednesday October 30 from 10:00 to 10:30 on the issue of privatization of welfare/food stamps/Medicaid functions within states. The new law will have some impact on this, obviously, and many of us are getting calls both from agencies and outside groups on the issue.

This will be a small meeting and quick - with no agency staff. I thought it would be helpful to get together very briefly so that we can share information about the impact of the new law in this area and some of the issues that are being raised. After that, we should think about how to work with the agencies on the issue. Ken has indicated that his staff will put together some rough and preliminary info on the issue for the meeting.

If you have any questions, please call. I am sorry if there was any confusion around this meeting.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Steven D. Aitken@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME:25-OCT-1996 17:05:00.00

SUBJECT: Line Item Veto Act challenge; court hearing this morning

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

READ:25-OCT-1996 19:00:45.24

TEXT:

Message Creation Date was at 25-OCT-1996 16:58:00

FYI. Bob Damus asked me to forward to you the following summary of the court hearing.

----- Forwarded by Steven D. Aitken/OMB/EOP on 10/25/96 04:58 PM -----

Steven D. Aitken  
10/25/96 01:58:56 PM  
Record Type: Record

To: Lawrence J. Haas/OMB/EOP  
cc: See the distribution list at the bottom of this message  
Subject: Line Item Veto Act challenge; court hearing this morning

This morning, the D.C. Circuit heard oral argument in the NTEU union's constitutional challenge to the Line Item Veto Act. The high points are summarized below. As always, any press inquiries about the hearing and the litigation generally should be referred to the Justice Department's press office.

The oral argument did not reach the merits of the union's constitutional challenge, and did not address any issues of how the Act would actually work (i.e., no discussion of what is a "line item"). Instead, the oral argument centered on whether the union has "standing" at this point to challenge the Act -- i.e., has the union suffered any harm so far from the Act's passage?

The arguments by the union and Justice Department covered familiar ground. The union argued that passage of the Act required the union to add to its lobbying staff, for the purpose of lobbying the Executive Branch. The government argued that the Act is not even in effect yet, that the Act is not directed at labor-management matters, and that the union's decision to add to its lobbying staff was a unilateral choice by the union and not the kind of injury that is needed to establish standing.

The questions by the judges (Sentelle, Henderson, and Rogers) did not indicate how they might rule -- which is not unusual. There was some skeptical questions to the union's lawyer about the union's contention that -- due to the Line Item Veto Act -- the union has to devote more resources here-and-now to lobbying the Executive Branch about the development of the President's FY98 Budget than the union devoted in the past to the Executive Branch's development of prior Budgets. The union's reply was that, due to the Line Item Veto Act, the union needs the Executive Branch's support more now than in the past, so that -- the argument seemed to run -- the union needs to lobby the Executive Branch earlier in the budget process, to ensure that the Executive Branch will

be "on board" to support the union's priorities. In their questions, one or two of the judges stated, in effect, that they would have expected that, in the past, the union's lobbying efforts would typically begin with the Executive Branch's development of the President's Budget, and that the Line Item Veto Act won't change the dynamics much at this stage of the budget process.

The judges asked the Justice attorney to offer the governments' views on when, if not now, a party would have standing to challenge the Act. Beyond stating that standing would likely exist if and when the President in the future actually exercises his authority to veto a line item, the Justice attorney declined (properly) to speculate about when standing would exist. One judge raised, hypothetically, the possibility that standing might exist when the President submits his Budget to Congress, while another judge pursued a line of inquiry that seemed to lead to the notion that a person might have standing to sue at the time when an Appropriations Act has been enacted into law (without a line item having been vetoed) if the person could show that the Appropriations Act did not include a line item that the person desired and that the existence of the Line Item Veto Act somehow caused that desired provision to be absent from the Appropriations Act. I don't think too much should be read into these judicial musings.

For whatever it is worth, my guess is that the D.C. Circuit will affirm the district court's dismissal of the case -- either because the union lacks standing or because the challenge is not yet "ripe for review" (i.e., the plaintiff may have standing, but the court should wait to address the challenge until a more concrete set of facts has developed). Since the Act goes into effect in January, and since that would alter somewhat the standing and ripeness analysis, my guess is that the D.C. Circuit will issue its ruling before the end of the year, to avoid making the case more complicated. Of course, I could be wrong, on either or both counts.

Finally, we have heard from the Justice Department that we should expect at least one new challenge to the Act to be filed in January, when the Act goes into effect. It seems to be common knowledge around town that January suits are being prepared. The plaintiffs in the suit(s) will likely involve at least some Members of Congress, who will argue that the Act diminishes their legislative power.

Message Copied To: \_\_\_\_\_

Franklin D. Raines/OMB/EOP

Jacob J. Lew/OMB/EOP

Barry B. Anderson/OMB/EOP

Charles Konigsberg/OMB/EOP

Robert G. Damus/OMB/EOP

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

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

CREATION DATE/TIME:26-OCT-1996 16:31:01.24

SUBJECT: Meeting agenda

TO: Kris Balderston ( BALDERSTON\_K ) (WHO)  
READ:29-OCT-1996 10:04:46.01

TO: Ron Cogswell ( COGSWELL\_R ) (OMB)  
READ:27-OCT-1996 14:11:54.72

TO: Martha Foley ( FOLEY\_M ) (WHO)  
READ:28-OCT-1996 10:21:11.64

TO: Thomas C. Jensen ( JENSEN\_T ) (CEQ)  
READ:28-OCT-1996 08:58:47.25

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:28-OCT-1996 11:24:03.81

TO: Christine L. Nolin ( NOLIN\_CL ) (OMB)  
READ:29-OCT-1996 09:34:56.09

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)  
READ:28-OCT-1996 11:24:56.54

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:27-OCT-1996 15:03:59.60

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 interagency/EOP forestry meeting will be held on October 29th at 2 pm in the CEQ conference room at 722 Jackson Place, N.W. The agenda will include:

1. Litigation report
2. New information analysis (Don Knowles from the REO will join us)
3. Interagency salvage program review  
Cover letter  
Report printing/electronic distribution  
"Short-term actions"/draft MOA

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

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

CREATION DATE/TIME:28-OCT-1996 15:12:16.93

SUBJECT: Amer. Fed. of Gov. Employees AFL-CIO

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

READ:28-OCT-1996 15:13:30.63

TEXT:

Hi Elena,

I have faxed this incoming to you. Could you please let me know how I should proceed? Thanks!

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

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

CREATION DATE/TIME:28-OCT-1996 19:20:29.00

SUBJECT: Calif response

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

READ:29-OCT-1996 09:17:08.35

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

READ:29-OCT-1996 11:27:21.52

TEXT:

I assume there is nothing for us to follow up on with Randy Moss on the letter he has been planning to send to California in answer to the state's question about how to interpret effective dates on immigration in welfare reform. (Elena, you know about this issue, right? Call me if not.)

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

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

CREATION DATE/TIME:29-OCT-1996 11:37:05.98

SUBJECT: Election Night - Little Rock

TO: Douglas Band ( BAND\_D ) (WHO)

READ:29-OCT-1996 11:42:54.19

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

READ:29-OCT-1996 11:40:00.48

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

READ:29-OCT-1996 14:23:50.24

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

READ:29-OCT-1996 18:24:20.61

TO: Jonathan R. Yarowsky ( YAROWSKY\_J ) (WHO)

READ:29-OCT-1996 15:22:48.28

TO: Sara B. Weider ( WEIDER\_S ) (WHO)

READ:29-OCT-1996 11:37:15.76

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

READ:29-OCT-1996 11:43:23.99

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

READ:29-OCT-1996 11:39:45.44

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

READ:29-OCT-1996 11:42:08.91

TO: Catherine A. Bohn ( BOHN\_C ) (WHO)

READ:29-OCT-1996 11:42:48.16

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

READ:30-OCT-1996 11:02:10.57

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

READ:29-OCT-1996 13:37:38.85

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

READ:29-OCT-1996 11:43:38.88

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

READ:29-OCT-1996 12:49:11.95

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

READ:29-OCT-1996 12:24:41.98

TO: Jane C. Sherburne ( SHERBURNE\_J ) (WHO)

READ:29-OCT-1996 14:32:51.71

TEXT:

I have just been notified by Leg. Affairs that plans for the charter to Little Rock on election night are final. To confirm a

seat on the flights, each person must submit a check payable to the Democratic National Committee for \$200 by this Wednesday, October 30. Checks should be given to me any time but no later than 5:00 p.m. tomorrow -- I won't be calling and calling to remind you! This flight will be sold out. This fee covers the cost of air and ground transportation to and from Little Rock. Please note that everyone on the flight will be credentialed for the State House event.

I need to let Leg. Affairs know by 2:00 p.m. TODAY the number of people on our list who will be submitting checks.

Tentative Itinerary

November 5-6, 1996

2:00 p.m. Depart White House for Dulles via chartered buses  
3:30 p.m. Wheels up Dulles  
4:30 p.m. Wheels down Little Rock  
Ground transportation provided to Riverwalk  
6:00 p.m. Gazette Reception  
7:00 p.m. State House Event  
12:00 am Depart location (TBD) for Little Rock airport via buses  
1:00 am Wheels up Little Rock  
4:00 am Wheels down Dulles  
Ground transportation provided to White House  
5:30 am Arrive White House

If you know anyone from the Counsel's Office who is planning to go to Little Rock and WHO IS NOT RECEIVING THIS E-MAIL please let me know.

Thanks.

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

CREATOR: Jill Pizzuto ( PIZZUTO\_J ) (OPD)

CREATION DATE/TIME:29-OCT-1996 12:22:58.96

SUBJECT: WEEKLY WEDNESDAY MEETING CANCELLED

TO: Bruce N. Reed ( REED\_B ) (WHO)  
READ:29-OCT-1996 14:49:45.14

TO: Cathy R. Mays ( MAYS\_C ) (OPD)  
READ:29-OCT-1996 12:24:57.27

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)  
READ:29-OCT-1996 13:07:00.53

TO: Dorothy K. Craft ( CRAFT\_D ) (OPD)  
READ:29-OCT-1996 12:23:30.56

TO: Diana M. Fortuna ( FORTUNA\_D ) (OPD)  
READ:29-OCT-1996 12:45:26.38

TO: Emily Bromberg ( BROMBERG\_E ) (WHO)  
READ:29-OCT-1996 14:50:32.24

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:29-OCT-1996 12:32:28.85

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 Golonka) ( TLXA1MAIL\_\F:9624-5313\C:Susan Golonka\\  
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 (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:29-OCT-1996 13:03:48.16

TO: FAX (9289-6555,John Sciamanna) ( TLXA1MAIL\_\F:9289-6555\C:John Sciamanna\<\  
READ:NOT READ

TO: Carol H. Rasco ( RASCO\_C ) (WHO)  
READ:29-OCT-1996 14:36:50.51

TEXT:

fyi to all: The weekly Wednesday NGA, APWA, NCSL & interoffice agencies meeting on welfare reform will be CANCELLED, both for tomorrow, Oct. 30 AND the following week, Nov. 6th.

If there are any issues tha arise in the interim, please contact Emily Bromberg at 456-2896.

Thank you.

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

CREATOR: Jill Pizzuto ( PIZZUTO\_J ) (OPD)

CREATION DATE/TIME:29-OCT-1996 12:31:18.14

SUBJECT: Welfare Privatization meeting

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

READ:29-OCT-1996 12:32:19.98

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

READ:29-OCT-1996 14:49:47.72

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

READ:NOT READ

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

READ:29-OCT-1996 12:39:49.20

TO: Jennifer M. O'Connor ( OCONNOR\_J ) (WHO)

READ:29-OCT-1996 14:15:06.54

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

READ:29-OCT-1996 14:50:43.70

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

READ:29-OCT-1996 12:45:34.11

CC: Deborah F. Kramer ( KRAMER\_D ) Autoforward to: Remote Address

READ:NOT READ

CC: Cathy R. Mays ( MAYS\_C ) (OPD)

READ:29-OCT-1996 12:34:22.83

CC: Dorothy K. Craft ( CRAFT\_D ) (OPD)

READ:29-OCT-1996 12:32:22.27

CC: Jill Pizzuto ( PIZZUTO\_J ) (OPD)

READ:29-OCT-1996 13:04:37.47

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

READ:29-OCT-1996 14:31:03.25

TEXT:

Due to scheduling conflicts with some folks, the welfare privatization meeting originally scheduled tomorrow at 10:00am has been changed to tomorrow at 1:00pm. Meeting will still be held in Carol Rasco's office.

If there are any questions, please call Jill Pizzuto at 456-2249.

thank you.

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

ATT CREATION TIME/DATE:25-OCT-1996 13:10:00.00

ATT BODYPART TYPE:B

ATT CREATOR: Jeremy D. Benami

ATT SUBJECT: Welfare privatization

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

ATT TO: Bruce N. Reed ( REED\_B )  
ATT TO: Kenneth S. Apfel ( APFEL\_K )  
ATT TO: Elena Kagan ( KAGAN\_E )  
ATT TO: Jennifer M. O'Connor ( OCONNOR\_J )  
ATT TO: Emily Bromberg ( BROMBERG\_E )  
ATT TO: Diana M. Fortuna ( FORTUNA\_D )  
ATT CC: Deborah F. Kramer ( KRAMER\_D )  
ATT CC: Cathy R. Mays ( MAYS\_C )  
ATT CC: Dorothy K. Craft ( CRAFT\_D )  
ATT CC: Jill Pizzuto ( PIZZUTO\_J )  
ATT CC: Elizabeth E. Drye ( DRYE\_E )

## TEXT:

There is a brief meeting in Carol's office on Wednesday October 30 from 10:00 to 10:30 on the issue of privatization of welfare/food stamps/Medicaid functions within states. The new law will have some impact on this, obviously, and many of us are getting calls both from agencies and outside groups on the issue.

This will be a small meeting and quick - with no agency staff.

I thought it would be helpful to get together very briefly so that we can share information about the impact of the new law in this area and some of the issues that are being raised. After that, we should think about how to work with the agencies on the issue.

Ken has indicated that his staff will put together some rough and preliminary info on the issue for the meeting.

If you have any questions, please call. I am sorry if there was any confusion around this meeting.

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

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Melissa Y. Cook@EOP@LNWTWY@EOPMRX

CREATION DATE/TIME:30-OCT-1996 07:40:00.00

SUBJECT: LRM #5752: Revised Commerce Draft Bill to Disestablish the NOAA

TO: SEIDMAN\_E ( SEIDMAN\_E@A1@CD ) (OPD)

READ:31-OCT-1996 08:41:53.60

TO: MAZUR\_M ( MAZUR\_M@A1@CD ) (WHO)

READ:30-OCT-1996 11:17:43.00

TO: BENAMI\_J ( BENAMI\_J@A1@CD ) (WHO)

READ:30-OCT-1996 10:11:40.12

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

READ:30-OCT-1996 08:50:25.43

TO: Carol S. Johnson ( Carol S. Johnson@EOP@LNWTWY@EOPMRX )

READ:NOT READ

TO: Joseph F. Lackey Jr. ( Joseph F. Lackey Jr.@EOP@LNWTWY@EOPMRX )

READ:NOT READ

TO: Rosalyn J. Rettman ( Rosalyn J. Rettman@EOP@LNWTWY@EOPMRX )

READ:NOT READ

TO: Harry E. Moran ( Harry E. Moran@EOP@LNWTWY@EOPMRX )

READ:NOT READ

TO: Laurence R. Jacobson ( Laurence R. Jacobson@EOP@LNWTWY@EOPMRX )

READ:NOT READ

TO: Randolph M. Lyon ( Randolph M. Lyon@EOP@LNWTWY@EOPMRX )

READ:NOT READ

TO: Richard J. Turman ( Richard J. Turman@EOP@LNWTWY@EOPMRX )

READ:NOT READ

TEXT:

Message Creation Date was at 30-OCT-1996 07:36:00

Could you please let me know by NOON today, October 30th if you have any comments on Commerce's revised draft bill to disestablish the NOAA Corps (LRM #5752)? If I do not hear from you by then, I will assume that you do not have any comments on this draft bill.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Paul\_A.\_Leonard@hud.gov@INET@EOPMRX

CREATION DATE/TIME:30-OCT-1996 13:58:00.00

SUBJECT: Means Tested Benefits

TO: kagan\_e ( kagan\_e@A1@CD ) (WHO)  
READ:30-OCT-1996 13:59:11.46

TO: benami\_\_jal.eop.gov\_at\_Internet ( benami\_\_jal.eop.gov\_at\_Internet@hud.gov@I  
READ:NOT READ

TO: ben-ami\_j ( ben-ami\_j@A1@CD )  
READ:NOT READ

TO: benami\_j ( benami\_j@A1@CD ) (WHO)  
READ:30-OCT-1996 17:19:06.14

TEXT:

Any news on the determination of this definition? Any sense of the timeline.

As you know, this is a big issue for HUD and so far, our program people have been waiting for clarification before sending out guidance.

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE:30-OCT-1996 13:58:00.00

ATT BODYPART TYPE:D

TEXT:

RFC-822-headers:

Received: from storm.eop.gov (storm.eop.gov)  
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IB98PM18YO00B9ME@PMDF.EOP.GOV>; Wed,  
30 Oct 1996 13:58:26 -0400 (EDT)

Received: from hud.gov (hudgate.hud.gov) by STORM.EOP.GOV (PMDF V5.0-7 #6879)  
id <01IB9AORNRRM000080@STORM.EOP.GOV>; Wed, 30 Oct 1996 14:55:01 -0700 (MST)

Received: by hud.gov (4.1/SMI-4.1) id AA25384; Wed,  
30 Oct 1996 14:00:21 -0500 (EST)

Received: from hudsmtphq.hud.gov(170.97.1.9) by hudgate via smap (V1.0mjr)  
id sma025357; Wed Oct 30 14:00:17 1996

Received: from ccMail by hudsmtphq.hud.gov (SMTPLINK V2.11.01)  
id AA846718876; Wed, 30 Oct 1996 13:48:13 -0500 (EST)

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

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 READ RECEIPT)

CREATOR: POSTMASTER (SYS)

CREATION DATE/TIME:30-OCT-1996 14:00:00.00

SUBJECT: Non-Delivery Notification

TO: KAGAN\_E (WHO)

READ:30-OCT-1996 14:01:13.79

TEXT:

This is a Non-Delivery Notification for:

Message Title: RE: Means Tested Benefits

Date Sent: 30-Oct-1996 02:00pm

Reporting Node: CD.ALL-IN-1

Report 1

Addressee: ben-ami\_j@A1

Reason: Unable to transfer, owing to problem with the message .

Diagnostic: Unrecognized recipient name, the name does not match any avai

Comment: Recipient cannot be identified by ALL-IN-1

Date Non-Delivered: 30-Oct-1996 02:00pm

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

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

CREATION DATE/TIME:30-OCT-1996 14:45:29.71

SUBJECT: RE: bucket issue

TO: Elena Kagan

( KAGAN\_E ) (WHO)

READ:30-OCT-1996 17:05:46.32

TEXT:

great; can I come?

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

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

CREATION DATE/TIME:30-OCT-1996 17:20:10.28

SUBJECT: RE: bucket issue

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

READ:30-OCT-1996 17:38:29.62

TEXT:

thanks for the bucket update. did she indicate that they had been in touch with HUD counsel for instance on the means tested issue?

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

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

CREATION DATE/TIME:30-OCT-1996 17:30:19.60

SUBJECT: notice to children on SSI -- good news

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

READ:30-OCT-1996 17:40:13.89

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

READ:30-OCT-1996 18:08:53.73

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

READ:31-OCT-1996 11:18:17.66

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

READ:NOT READ

TO: Richard E. Green ( GREEN\_R ) (OMB)

READ:30-OCT-1996 19:35:59.20

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

READ:30-OCT-1996 17:38:48.23

TEXT:

Good news for once -- SSA can revise the children's notice and still make the deadline of Jan. 1. They have to finish it by noon Friday. I will work with them on the changes -- shouldn't be a problem.

(By the way, the advocates know about the Friday meeting with us and the commissioner, and are asking me about it.)

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

CREATOR: Paul J. Weinstein, Jr ( WEINSTEIN\_P ) (OPD)

CREATION DATE/TIME:30-OCT-1996 18:32:27.58

SUBJECT: q&as

TO: James P. Weber ( WEBER\_J ) Autoforward to: Remote Adresse  
READ:NOT READ

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ:31-OCT-1996 08:37:51.26

TO: Peter G. Jacoby ( JACOBY\_P ) Autoforward to: Remote Address  
READ:NOT READ

TEXT:  
here it is.

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE:30-OCT-1996 18:31:00.00

ATT BODYPART TYPE:p

ATT CREATOR: Paul J. Weinstein, Jr

TEXT:  
Unable to convert OA\$SHARC1887:ZWNZQI4S0.FGN to ASCII,  
The following is a HEX DUMP:

FF5750438C180000010A000100000000FBFF050032001101000006001000000042000000FFFF4F  
000000570000000C005A000000AD00000003000A0000000701000008237C007400000001000001  
0F0000006370692900436F75726965722031327074202831306370692900436F75726965722031  
32707420283130637069292028426F6C642900436F757269657220313270742028313063706929  
20284974616C69632900FFFFFFFFFFFF43616E6F6E204C42502D3400342F344D000000000000  
000000000000000000000000000000043414C4250342E575253005300DB017800141E0C178C0A00  
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October 30, 1996

MEMORANDUM FOR LEON PANETTA

FROM: Bruce Reed  
Paul Weinstein  
Peter Jacoby  
Jim Webber  
Elena Kagan

**SUBJECT: Possible Q&A on President's Campaign Finance Reform Announcement**

QUESTION: *Why are you announcing this now?*

RESPONSE: This announcement is consistent with the President's had a long-standing commitment to campaign finance reform and to changing business as usual in Washington. In the last three years, the President repealed the tax loophole for lobbyist deductions, enacted legislation to make the Congress and the White House live by the same laws Washington applies to rest of the nation, signed legislation to require lobbyists to disclose how much they spend and what they spend it on, enacted the line-Item Veto, and made it easier for millions of Americans to register to vote.

In 1992, the President made campaign finance reform a central piece of his agenda and throughout his first term he pressed the Congress to pass real, bipartisan legislation.

QUESTION: *Both parties have been unable to resolve the campaign finance reform issue for years, why should the American people expect you and Congress to take action next term?*

RESPONSE: Last Congress we enacted Lobbying Disclosure, the Gift Ban, Congressional Accountability Act, the Line-Item Veto. We have a proven track record of getting the job done on political reform. Campaign finance reform is the last step, and most important step. I believe that the Congress should and must make passage of McCain-Feingold a priority. I challenge Congress to pass McCain-Feingold in the first six months of the 105th Congress, and not deny the American people any longer.

QUESTION: *There has been a lot of controversy about foreign contributions to the DNC. Do you think it is wrong to accept contributions from foreigners?*

RESPONSE: I do believe the system is broken, and needs to be fixed. The voting public must have confidence that the process is fair and works for them. That is why I agree with Senators McCain and Feingold that real, bipartisan campaign finance reform must include effective limitations on foreign contributions. If you can't vote you cannot contribute.

QUESTION: *Does your support for limitations on foreign contributions mean that you will direct the DNC to stop taking such contributions immediately and return those contributions*

*received this elections cycle?*

RESPONSE: It is clear that the system is broken and that the rules need to be changed. I support banning these contributions by law. We need quick action by Congress on this issue as part of comprehensive, bipartisan campaign finance reform. (Question: should the President commit to endorsing a ban on accepting contributions from all non-citizens -- on a unilateral basis -- until Congress acts?)

QUESTION: *How will you enforce this ban, and how broad will it be? For example, would the ban include U.S. subsidiaries of foreign-owned corporations?*

RESPONSE: Many of the specific details of the ban would have to be worked out with Congress. However, the principle is clear, if you can't vote, you can't contribute -- individual contributors would have to certify citizenship.

With regards to corporate contributions, the McCain-Feingold bill would ban PACs and eliminate the current "soft money" system. Therefore, no corporate entity, foreign or domestic, could make a Federal campaign contribution.

QUESTION: *If you believe it is wrong to accept foreign campaign contributions, is it wrong to accept foreign contributions to your legal defense fund?*

RESPONSE: I do not allow the Legal Defense Fund to accept contributions from registered lobbyists and PACs. In addition, contributions are limited to \$1,000. (Additional recommended response is: "In the future, my legal defense fund will not accept contributions from foreign donors.")

QUESTION: *Aren't you, by endorsing the bipartisan commission as a fallback position, undermining any real hope that McCain-Feingold will pass?*

RESPONSE: I have been and remain a strong supporter of McCain-Feingold, and believe the principles of that legislation are the key elements of real reform: spending limits; curbing PAC and lobbying influence; free and discounted broadcast time; and ending the "soft money" system. I support a commission only as a last resort, if the Congress lacks the political will to pass McCain Feingold. The benefit of a Commission is that it takes the politics out of the reform effort.

QUESTION: *Mr. President, you are challenging Congress to pass McCain-Feingold in the first six months of the 105th Congress. Will this be a number one priority for your administration?*

RESPONSE: This will be a key priority in my second term. I have long felt that this is one of the most important issues facing the American political system. We must restore the faith of the American people in their political leadership in order to build a bridge to the 21st century.



**\*\*DRAFT\*\*NOT FOR DISTRIBUTION\*\*DRAFT\*\*NOT FOR DISTRIBUTION\*\*DRAFT\*\***

October 30, 1996

MEMORANDUM FOR LEON PANETTA

FROM: Bruce Reed Michael Waldman  
Paul Weinstein Jim Weber  
Peter Jacoby Elena Kagan

**SUBJECT: Possible Q&A on President's Campaign Finance Reform Announcement**

**QUESTION: *Why are you announcing this now?***

RESPONSE: This announcement is consistent with the President's long-standing commitment to campaign finance reform and to changing business as usual in Washington. In the last three years, the President repealed the tax loophole for lobbyist deductions, enacted legislation to make the Congress and the White House live by the same laws Washington applies to rest of the nation, signed legislation to require lobbyists to disclose how much they spend and what they spend it on, enacted the line-Item Veto, and made it easier for millions of Americans to register to vote.

In 1992, the President made campaign finance reform a central piece of his agenda and throughout his first term he pressed the Congress to pass real, bipartisan legislation.

**QUESTION: *Both parties have been unable to resolve the campaign finance reform issue for years, why should the American people expect you and Congress to take action next term?***

RESPONSE: Last Congress we enacted Lobbying Disclosure, the Gift Ban, Congressional Accountability Act, the Line-Item Veto. We have a proven track record of getting the job done on political reform. Campaign finance reform is the last step, and most important step. I believe that the Congress should and must make passage of McCain-Feingold a priority. I challenge Congress to pass the bipartisan McCain-Feingold bill in the first six months of the 105th Congress, and not deny the American people any longer. If that fails, I will challenge Congress to create a bipartisan commission whose recommendations will become law on a fast-track basis.

**QUESTION: *There has been a lot of controversy about foreign contributions to the DNC. Do you think it is wrong to accept contributions from foreigners?***

RESPONSE: I do believe the system is broken, and needs to be fixed. The voting public must have confidence that the process is fair and works for them. That is why I agree with Senators McCain and Feingold that real, bipartisan campaign finance reform must include effective limitations on foreign contributions. If you can't vote you should not contribute.

**QUESTION: *Does your support for limitations on foreign contributions mean that you will***

***direct the DNC to stop taking such contributions immediately and return those contributions received this elections cycle?***

RESPONSE: No. It is clear that the system is broken and that the rules need to be changed. I support banning these contributions by law. We need quick action by Congress on this issue as part of comprehensive, bipartisan campaign finance reform. We will discourage those contributions beginning immediately, but we will have no reliable way to verify whether contributions come from citizens or non-citizens until Congress and the FEC require contributors to provide that information.

***QUESTION: How will you enforce this ban, and how broad will it be? For example, would the ban include U.S. subsidiaries of foreign-owned corporations?***

RESPONSE: Many of the specific details of the ban would have to be worked out with Congress. However, the principle is clear, if you can't vote, you can't contribute -- individual contributors would have to certify citizenship.

With regards to corporate contributions, the McCain-Feingold bill would ban PACs and eliminate the current "soft money" system. Therefore, no corporate entity, foreign or domestic, could make a Federal campaign contribution.

***QUESTION: If you believe it is wrong to accept foreign campaign contributions, is it wrong to accept foreign contributions to your legal defense fund?***

RESPONSE: I do not allow the Legal Defense Fund to accept contributions from registered lobbyists and PACs. In addition, contributions are limited to \$1,000. (Additional recommended response is: "In the future, my legal defense fund will not accept contributions from foreign donors.")

***QUESTION: Aren't you, by endorsing the bipartisan commission as a fallback position, undermining any real hope that McCain-Feingold will pass?***

RESPONSE: I have been and remain a strong supporter of McCain-Feingold, and believe the principles of that legislation are the key elements of real reform: spending limits; curbing PAC and lobbying influence; free and discounted broadcast time; and ending the "soft money" system. I support a bipartisan commission only as a last resort, if the Congress lacks the political will to pass McCain Feingold.

***QUESTION: Mr. President, you are challenging Congress to pass McCain-Feingold in the first six months of the 105th Congress. Will this be a number one priority for your administration?***

RESPONSE: This will be a key priority in my second term. I have long felt that this is one of the most important issues facing the American political system. We must restore the faith of the American people in their political leadership in order to build a bridge to the 21st century.

**QUESTION: *How does your plan compare with Bob Dole's?***

**RESPONSE:** I support the bipartisan McCain-Feingold bill. When he was in the Senate, Bob Dole opposed that legislation. While Senator Dole introduced a bill to create a campaign finance reform commission immediately, I supported efforts to pass real, bipartisan campaign finance reform. I continue to support McCain-Feingold, and call on Congress to pass this legislation in the first six months of the next term. However, if Congress cannot find the political will to pass McCain-Feingold, then as a last resort I support creating a binding, bipartisan commission that will send a real campaign finance reform bill to my desk by the end of next year. However, Senator Dole and I do agree that non-citizens should not be able to contribute to campaigns for federal office.

**QUESTION: *How would your plan to ban campaign contributions from foreigners impact unincorporated partnerships?***

**RESPONSE:** Contributions from unincorporated partnerships would be pro-rated and counted against the \$1,000 individual contribution limit of each partner. For example, if a partnership of ten individuals made a \$1,000 contribution to a campaign, \$100 would be counted against the contribution limit of each partner. If a non-citizen was a member of a partnership, a greater share of the contribution would count against the \$1,000 limit of the other partners. A partnership which is owned by a majority of non-citizens should be prohibited from making contributions.

**QUESTION: *How would the ban on non-citizen contributions affect entities, such as unions, that collect funds for independent political expenditures?***

**RESPONSE:** Independent political expenditures would not be covered by the ban on campaign contributions by non-citizens. Independent political expenditures would have to be addressed separately from the contributions issue.

**QUESTION: *How would the McCain-Feingold bill be impacted by the Supreme Court's decision in Colorado Republican Campaign Committee vs. the FEC?***

**RESPONSE:** In light of the Supreme Court's decision this summer, the restrictions proposed by the McCain-Feingold bill regarding independent expenditures made by political parties will have to be revisited. But it is clear that the issue of independent political expenditures is critical to the overhaul of our campaign finance reform laws.



**\*\*DRAFT\*\*NOT FOR DISTRIBUTION\*\*DRAFT\*\*NOT FOR DISTRIBUTION\*\*DRAFT\*\***

October 30, 1996

MEMORANDUM FOR LEON PANETTA

FROM: Bruce Reed  
Paul Weinstein  
Peter Jacoby

Michael Waldman  
Jim Weber  
Elena Kagan

**SUBJECT: Possible Q&A on President's Campaign Finance Reform Announcement**

**QUESTION: *What exactly is the President proposing?***

**RESPONSE:** The President today is calling on Congress to pass the bipartisan campaign finance reform legislation introduced last session by Senators McCain and Feingold. The principles of McCain-Feingold are ones the President has advocated since he first ran for office in 1992 and are the key elements of real reform: spending limits; curbing PACs and lobbying influence; free and discounted broadcast time; and ending the "soft money" system.

The President is challenging Congress to enact this legislation in the first six months of the 105th Congress. He is committed to working closely with the leadership of both parties in achieving this goal. However, if the Congress cannot find the political will to pass this bipartisan bill, then as a last resort, the President will support legislation to establish a binding campaign finance reform commission that will send comprehensive reform legislation to his desk by the end of 1997.

The President also announced today that he agrees with Senators McCain and Feingold that non-citizens should not be able to influence our elections. From now on, the President will only support campaign finance reform that includes the following rule: if you are a non-citizen and can't vote, you can't contribute.

**QUESTION: *Why are you announcing this now?***

**RESPONSE:** This announcement is consistent with the President's long-standing commitment to campaign finance reform and to changing business as usual in Washington. In the last three years, the President repealed the tax loophole for lobbyist deductions, enacted legislation to make the Congress and the White House live by the same laws Washington applies to rest of the nation, signed legislation to require lobbyists to disclose how much they spend and what they spend it on, enacted the line-item Veto, and made it easier for millions of Americans to register to vote.

In 1992, the President made campaign finance reform a central piece of his agenda and throughout his first term he pressed the Congress to pass real, bipartisan legislation.

**QUESTION: *Both parties have been unable to resolve the campaign finance reform issue for***

***years, why should the American people expect you and Congress to take action next term?***

RESPONSE: Last Congress we enacted Lobbying Disclosure, the Gift Ban, Congressional Accountability Act, the Line-Item Veto. We have a proven track record of getting the job done on political reform. Campaign finance reform is the last step, and most important step. The President believes that the Congress should and must make passage of McCain-Feingold a priority. He is challenging Congress to pass the bipartisan McCain-Feingold bill in the first six months of the 105th Congress, and not deny the American people any longer. If that fails, he will challenge Congress to create a bipartisan commission whose recommendations will become law on a fast-track basis.

***QUESTION: There has been a lot of controversy about foreign contributions to the DNC. Do you think it is wrong to accept contributions from non-citizens?***

RESPONSE: The system is broken, and needs to be fixed. The voting public must have confidence that the process is fair and works for them. That is why we agree with Senators McCain and Feingold that real, bipartisan campaign finance reform must include effective limitations on non-citizen contributions. If you are a non-citizen and can't vote you should not be allowed to contribute.

***QUESTION: Does your support for limitations on non-citizen contributions mean that you will direct the DNC to stop taking such contributions immediately and return those contributions received this elections cycle?***

RESPONSE: No. It is clear that the system is broken and that the rules need to be changed. We support banning these contributions by law. We need quick action by Congress on this issue as part of comprehensive, bipartisan campaign finance reform. We will discourage those contributions beginning immediately.

***QUESTION: How will you enforce this ban, and how broad will it be? For example, would the ban include U.S. subsidiaries of foreign-owned corporations?***

RESPONSE: Many of the specific details of the ban would have to be worked out with Congress. However, the principle is clear, if you are a non-citizen and can't vote, you can't contribute -- individual contributors would have to certify citizenship.

With regards to corporate contributions, the McCain-Feingold bill would ban PACs and eliminate the current "soft money" system. Therefore, no corporate entity, foreign or domestic, could make a Federal campaign contribution.

***QUESTION: If you believe it is wrong to accept foreign campaign contributions, is it wrong to accept non-citizen contributions to your legal defense fund?***

RESPONSE: The President's Legal Defense Fund does not accept contributions from registered lobbyists and PACs. In addition, contributions are limited to \$1,000. (Additional recommended response is: "In the future, the President's legal defense fund will not accept contributions from

foreign donors.)

**QUESTION: *Aren't you, by endorsing the bipartisan commission as a fallback position, undermining any real hope that McCain-Feingold will pass?***

**RESPONSE:** The President has been and remains a strong supporter of McCain-Feingold, and believe the principles of that legislation are the key elements of real reform: spending limits; curbing PAC and lobbying influence; free and discounted broadcast time; and ending the "soft money" system. He supports a bipartisan commission only as a last resort, if the Congress lacks the political will to pass McCain Feingold.

**QUESTION: *Will this be a number one priority for your administration?***

**RESPONSE:** This will be a key priority in the President's second term. He has long felt that this is one of the most important issues facing the American political system. We must restore the faith of the American people in their political leadership in order to build a bridge to the 21st century.

**QUESTION: *How does your plan compare with Bob Dole's?***

**RESPONSE:** The President supports the bipartisan McCain-Feingold bill. When he was in the Senate, Bob Dole opposed that legislation. While Senator Dole introduced a bill to create a campaign finance reform commission immediately, the President supported efforts to pass real, bipartisan campaign finance reform. The President continues to support McCain-Feingold, and calls on Congress to pass this legislation in the first six months of the next term. However, if Congress cannot find the political will to pass McCain-Feingold, then as a last resort he supports creating a binding, bipartisan commission that will send a real campaign finance reform bill to his desk by the end of next year. However, Senator Dole and the President do agree that non-citizens should not be able to contribute to campaigns for federal office and that we must end the current "soft money" system.

**QUESTION: *How would your plan to ban campaign contributions from foreigners impact unincorporated partnerships?***

**RESPONSE:** Contributions from unincorporated partnerships would be pro-rated and counted against the \$1,000 individual contribution limit of each partner. For example, if a partnership of ten individuals made a \$1,000 contribution to a campaign, \$100 would be counted against the contribution limit of each partner. If a non-citizen was a member of a partnership, a greater share of the contribution would count against the \$1,000 limit of the other partners. A partnership which is owned by a majority of non-citizens should be prohibited from making contributions.

**QUESTION: *How would the ban on non-citizen contributions affect entities, such as unions, that collect funds for independent political expenditures?***

**RESPONSE:** Independent political expenditures would not be covered by the ban on campaign contributions by non-citizens. Independent political expenditures would have to be addressed separately from the contributions issue.

**QUESTION:** *How would the McCain-Feingold bill be impacted by the Supreme Court's decision in Colorado Republican Campaign Committee vs. the FEC?*

**RESPONSE:** [Counsel's Office drafting response]

**QUESTION:** *Doesn't a ban on Federal campaign contributions from non-citizens violate the First Amendment of the Constitution?*

**RESPONSE:** [Counsel's Office drafting response]

**QUESTION:** *How would your campaign finance reform plan have prevented the contributions that have caused the recent controversy?*

**RESPONSE:** I believe it is inappropriate to comment on some of those specific incidents because they are currently under the jurisdiction of the courts. With regards to future elections, passage of McCain-Feingold and the President's proposal to prohibit contributions from non-citizens will greatly insure that the people's interest are protected.

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

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

CREATION DATE/TIME:31-OCT-1996 16:20:48.08

SUBJECT: 4 letters to states

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

READ:31-OCT-1996 16:29:11.32

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

READ:31-OCT-1996 16:28:24.57

TEXT:

I have sent to you the four draft letters to states approving TANF plans. Please let me know if you have any issues -- or else let Monahan know directly, which might be quicker, and fill me in later.

Thanks.

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor ( MAILMGT ) (SYS)

CREATION DATE/TIME:31-OCT-1996 16:26:16.49

SUBJECT: PAGER CONFIRMATION - WEINSTEIN, PAUL J.

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

READ:31-OCT-1996 16:29:17.22

TEXT:

PAGE FOR WEINSTEIN, PAUL J., WAS TRANSMITTED 31-OCT-1996 16:20:34.06

TEXT TRANSMITTED WAS:

CALL ME. ELENA 67594

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

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

CREATOR: Tracy F. Sisser ( SISSER\_T ) (WHO)

CREATION DATE/TIME:31-OCT-1996 16:59:15.98

SUBJECT: Prop 211 language

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

READ:31-OCT-1996 17:30:33.20

TEXT:

Elena,

Here's the text of a draft I put together for letters on Prop 211. I'll also fax it to you so you have a hardcopy.

Thanks,

Tracy

DRAFT

Thank you very much for writing to me about Proposition 211, the California ballot initiative that would allow shareholders to sue public companies, their executives, and advisors over unexpected changes in stock value.

I opposed this provision because I believed it would have increased the number of frivolous lawsuits, weakened California's economy, and undermined individual investors and consumer protection in the state. I also disagreed with provisions that prohibit limits on lawyers fees and which bar companies from covering the cost of defending company executives and directors charged with securities fraud, but allow the company to purchase insurance to cover such expenses. In addition, many of the issues addressed by Proposition 211 are already regulated by existing federal securities law.

While I understand your concerns about expanding the rights of fraud victims, I believe the problems with Proposition 211 outweighed its benefits.

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

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

CREATION DATE/TIME:31-OCT-1996 17:20:58.15

SUBJECT: Calif food stamp suits

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

READ:31-OCT-1996 17:31:17.17

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

READ: 5-NOV-1996 11:15:30.78

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

READ: 6-NOV-1996 15:01:37.83

TEXT:

I hear from USDA that the court issued a preliminary injunction in the Calif. food stamp suit. They are sending us paper.



October 31, 1996

MEMORANDUM FOR LEON PANETTA

FROM: Bruce Reed

SUBJECT: Campaign Finance Reform Announcement

Attached is a Q&A which outlines the President's campaign finance reform proposal. The consensus recommendation of the working group is that the President should:

- Strongly restate his endorsement of McCain-Feingold and challenge Congress to pass the bill in the first six months of the next term;
- Announce his support --if Congress cannot find the political will to pass McCain-Feingold -- for the creation of a binding, bipartisan commission on campaign finance reform that will send a reform bill to his desk by the end of next year;
- Call on Congress to include in campaign finance reform legislation a ban on contributions from non-citizens.

With regards to the President's campaign finance reform initiative, there are a couple of issues that could be problematic. First, the working group recommends that the President ask his campaign and the Democratic National Committee (DNC) to stop taking contributions from non-citizens immediately. The DNC is concerned about taking unilateral action and prefers that we wait until Congress passes legislation. Second, the working group recommends that to avoid charges of inconsistency, we should apply the same rule to the President's legal defense fund. At present, the fund does not take money from foreigners but legal immigrants are allowed to contribute. Finally, the Justice Department believes that a ban on contributions from non-citizens may be ruled unconstitutional.

**\*\*DO NOT DISTRIBUTE\*\*INTERNAL DOCUMENT\*\*DO NOT DISTRIBUTE\*\***

October 31, 1996

MEMORANDUM FOR LEON PANETTA

FROM: Bruce Reed  
Paul Weinstein  
Peter Jacoby

Michael Waldman  
Jim Weber  
Elena Kagan

**SUBJECT: Possible Q&A on President's Campaign Finance Reform Announcement**

**QUESTION: *What exactly is the President proposing?***

**RESPONSE:** The President today is calling on Congress to pass the bipartisan campaign finance reform legislation introduced last session by Senators McCain and Feingold. The principles of McCain-Feingold are ones the President has advocated since he first ran for office in 1992 and are the key elements of real reform: spending limits; curbing PACs and lobbying influence; free and discounted broadcast time; and ending the "soft money" system.

The President is challenging Congress to enact this legislation in the first six months of the 105th Congress. He is committed to working closely with the leadership of both parties in achieving this goal. However, if the Congress cannot find the political will to pass this bipartisan bill, then as a last resort, the President will support legislation to establish a binding campaign finance reform commission that will send comprehensive reform legislation to his desk by the end of 1997.

The President also announced today that he agrees with Senators McCain and Feingold that non-citizens should not be able to influence our elections. From now on, the President will only support campaign finance reform that includes the following rule: if you are not a U.S. citizen, you can't contribute.

**QUESTION: *Why are you announcing this now?***

**RESPONSE:** This announcement is consistent with the President's long-standing commitment to campaign finance reform and to changing business as usual in Washington. In the last three years, the President repealed the tax loophole for lobbyist deductions, enacted legislation to make the Congress and the White House live by the same laws Washington applies to rest of the nation, signed legislation to require lobbyists to disclose how much they spend and what they spend it on, enacted the line-Item Veto, and made it easier for millions of Americans to register to vote.

In 1992, the President made campaign finance reform a central piece of his agenda and throughout his first term he pressed the Congress to pass real, bipartisan legislation.

**QUESTION:** *Both parties have been unable to resolve the campaign finance reform issue for years, why should the American people expect you and Congress to take action next term?*

**RESPONSE:** Last Congress we enacted Lobbying Disclosure, the Gift Ban, Congressional Accountability Act, the Line-Item Veto. We have a proven track record of getting the job done on political reform. Campaign finance reform is the last step, and most important step. The President believes that the Congress should and must make passage of McCain-Feingold a priority. He is challenging Congress to pass the bipartisan McCain-Feingold bill in the first six months of the 105th Congress, and not deny the American people any longer. If that fails, he will challenge Congress to create a bipartisan commission whose recommendations will become law on a fast-track basis.

**QUESTION:** *There has been a lot of controversy about foreign contributions to the DNC. Do you think it is wrong to accept contributions from non-citizens?*

**RESPONSE:** Under the current system, both parties have accepted foreign and non-citizen contributions. The system is broken, and needs to be fixed. The voting public must have confidence that the process is fair and works for them. That is why we agree with Senators McCain and Feingold that real, bipartisan campaign finance reform must include effective limitations on non-citizen contributions. If you are not a U.S. citizen, you can't contribute.

**QUESTION:** *Does your support for limitations on non-citizen contributions mean that you will direct the DNC to stop taking such contributions immediately and return those contributions received this election cycle?*

**RESPONSE:** It is clear that the system is broken and that the rules need to be changed. We support banning these contributions by law. We need quick action by Congress on this issue as part of comprehensive, bipartisan campaign finance reform. While we will not ask the DNC to return contributions already received this election cycle, we will ask them to set up procedures to stop taking such contributions in the future.

**QUESTION:** *How will you enforce this ban, and how broad will it be? For example, would the ban include U.S. subsidiaries of foreign-owned corporations?*

**RESPONSE:** Many of the specific details of the ban would have to be worked out with Congress. However, the principle is clear, if you are not a U.S. citizen, you can't contribute -- individual contributors would have to certify citizenship.

With regards to corporate contributions, the McCain-Feingold bill would ban PACs and eliminate the current "soft money" system. Therefore, no corporate entity, foreign or domestic, could make a Federal campaign contribution.

**QUESTION:** *If you believe it is wrong to accept foreign campaign contributions, is it wrong to accept non-citizen contributions to your legal defense fund?*

**RESPONSE:** The President's Legal Defense Fund does not accept contributions from registered lobbyists and PACs. In addition, contributions are limited to \$1,000. Currently, the Fund does not take contributions from foreigners, but does take contributions from legal immigrants. (Additional recommended response is: "In the future, the President's legal defense fund will not accept contributions from foreign donors.")

**QUESTION:** *Aren't you, by endorsing the bipartisan commission as a fallback position, undermining any real hope that McCain-Feingold will pass?*

**RESPONSE:** The President has been and remains a strong supporter of McCain-Feingold, and believe the principles of that legislation are the key elements of real reform: spending limits; curbing PAC and lobbying influence; free and discounted broadcast time; and ending the "soft money" system. He supports a bipartisan commission only as a last resort, if the Congress lacks the political will to pass McCain Feingold.

**QUESTION:** *Will this be a number one priority for your administration?*

**RESPONSE:** This will be a key priority in the President's second term. He has long felt that this is one of the most important issues facing the American political system. We must restore the faith of the American people in their political leadership in order to build a bridge to the 21st century.

**QUESTION:** *How does your plan compare with Bob Dole's?*

**RESPONSE:** The President supports the bipartisan McCain-Feingold bill. When he was in the Senate, Bob Dole opposed that legislation. While Senator Dole introduced a bill to create a campaign finance reform commission immediately, the President supported efforts to pass real, bipartisan campaign finance reform. The President continues to support McCain-Feingold, and calls on Congress to pass this legislation in the first six months of the next term. However, if Congress cannot find the political will to pass McCain-Feingold, then as a last resort he supports creating a binding, bipartisan commission that will send a real campaign finance reform bill to his desk by the end of next year. However, Senator Dole and the President do agree that non-citizens should not be able to contribute to campaigns for federal office and that we must end the current "soft money" system.

**QUESTION:** *How would your plan to ban campaign contributions from foreigners impact unincorporated partnerships?*

**RESPONSE:** Contributions from unincorporated partnerships would be pro-rated and counted against the \$1,000 individual contribution limit of each partner. For example, if a partnership of ten individuals made a \$1,000 contribution to a campaign, \$100 would be counted against the contribution limit of each partner. If a non-citizen was a member of a partnership, a greater share of the contribution would count against the \$1,000 limit of the other partners. A partnership which

is owned by a majority of non-citizens should be prohibited from making contributions.

**QUESTION:** *How would the ban on non-citizen contributions affect entities, such as unions, that collect funds for independent political expenditures?*

**RESPONSE:** Independent political expenditures would not be covered by the ban on campaign contributions by non-citizens. Independent political expenditures would have to be addressed separately from the contributions issue.

**QUESTION:** *How would your campaign finance reform plan have prevented the contributions that have caused the recent controversy?*

**RESPONSE:** It is inappropriate to comment on some of those specific incidents because they are currently under investigation. With regards to future elections, passage of McCain-Feingold and the President's proposal to prohibit contributions from non-citizens will greatly insure that the people's interest are protected.

**QUESTION:** *Doesn't a ban on contributions from non-citizens raise constitutional difficulties?*

**RESPONSE:** It is unfortunately true that almost any meaningful campaign finance reform proposal raises constitutional issues and will provoke legal challenge. This is inevitable in light of the Supreme Court's view -- which we believe to be mistaken in many cases -- that money is speech and that attempts to limit the influence of money on our political system therefore raise First Amendment problems. We think that even on this view, the Court should approve this measure because of the compelling governmental interest at stake. But we also think the Court should reexamine its premise that the freedom of speech guaranteed by the First Amendment always entails a right to throw money at the political system.

**QUESTION:** *How does the Supreme Court's decision in Colorado Republican Campaign Committee v. FEC affect the McCain-Feingold bill?*

**RESPONSE:** The Court's recent decision in Colorado Republican Campaign Committee v. FEC, which disapproved non-voluntary limits on uncoordinated expenditures by political parties, has little or nothing to do with key elements of the McCain-Feingold bill, including voluntary campaign spending limits, restrictions on PACs, and broadcast and postage discounts. It is possible that the decision will require amendment of certain less crucial provisions of the bill, but even this is a complicated legal question needing close scrutiny.

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

CREATOR: Stephen C. Warnath ( WARNATH\_S ) (OPD)

CREATION DATE/TIME: 1-NOV-1996 09:30:14.61

SUBJECT: welfare reform

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

TO: Jeremy D. Benami ( BENAMI\_J ) (WHO)  
READ: 6-NOV-1996 13:15:43.77

TO: Emily Bromberg ( BROMBERG\_E ) (WHO)  
READ: 5-NOV-1996 11:15:50.80

TO: Diana M. Fortuna ( FORTUNA\_D ) (OPD)  
READ: 1-NOV-1996 09:57:17.77

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ: 1-NOV-1996 10:12:32.81

TEXT:

Carolyn says SSA has incorporated INS' input on refugee/asylees and is ready to send out the POMS. Should go out today.

Apparently, California may be issuing regs today to implement at least some of the welfare reform law including treatment at health clinics. Emily, do you know more about this and whether the President will need to address the issue while in California?  
Thanks.

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

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

CREATION DATE/TIME: 1-NOV-1996 12:54:58.68

SUBJECT: SSA notice to families with children on SSI

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

READ: 5-NOV-1996 11:16:34.51

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

READ: 1-NOV-1996 13:54:05.09

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

READ: NOT READ

TO: Richard E. Green ( GREEN\_R ) (OMB)

READ: 1-NOV-1996 12:55:34.37

TO: Jack A. Smalligan ( SMALLIGAN\_J ) Autoforward to: Remote Addr

READ: NOT READ

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

READ: 6-NOV-1996 15:03:34.94

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

READ: 1-NOV-1996 12:59:01.72

TEXT:

I have the revised version of the notice from SSA that will go to all families with children on SSI who will be reevaluated as a result of the new law. SSA was able to pull back on the original draft and revise it to reflect helpful comments by advocates and others. I promised SSA we would comment by cob today so that they can get it to the printers in time to ensure that the notices will meet the deadlines in the law.

The new version looks much better.

Please let me know if you want to review it. If I don't hear from you within a few hours, I will assume you don't want to. (I don't think any of you need to look at it.)

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

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

CREATION DATE/TIME: 4-NOV-1996 16:02:59.80

SUBJECT: APB: WH Endowment Fund

TO: Bruce R. Lindsey ( LINDSEY\_B ) (WHO)  
READ: 7-NOV-1996 17:21:17.74

TO: Jane C. Sherburne ( SHERBURNE\_J ) (WHO)  
READ: 4-NOV-1996 16:03:25.27

TO: Kathleen M. Wallman ( WALLMAN\_KM ) (WHO)  
READ: 4-NOV-1996 16:14:52.16

TO: Susan M. Chadick ( CHADICK\_S ) (WHO)  
READ: 4-NOV-1996 17:46:12.69

TO: Dawn Chirwa ( CHIRWA\_D ) (WHO)  
READ: 5-NOV-1996 09:57:13.17

TO: Peter Erichsen ( ERICHSEN\_P ) (WHO)  
READ: 4-NOV-1996 16:10:43.57

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

TO: David B. Fein ( FEIN\_D ) Autoforward to: Remote Addressee  
READ: NOT READ

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ: 4-NOV-1996 17:22:04.96

TO: Cheryl D. Mills ( MILLS\_C ) (WHO)  
READ: 4-NOV-1996 18:11:23.06

TO: Miriam R. Nemetz ( NEMETZ\_M ) Autoforward to: Remote Address  
READ: NOT READ

TO: Sally Paxton ( PAXTON\_S ) (WHO)  
READ: 4-NOV-1996 17:17:09.85

TO: Robert W. Schroeder III ( SCHROEDER\_R ) (WHO)  
READ: 6-NOV-1996 17:38:45.45

TO: Kathleen M. Whalen ( WHALEN\_K ) Autoforward to: Remote Address  
READ: NOT READ

TO: Wendy S. White ( WHITE\_WS ) (WHO)  
READ: 4-NOV-1996 17:19:15.79

TO: Jonathan R. Yarowsky ( YAROWSKY\_J ) (WHO)  
READ: 4-NOV-1996 16:14:53.11

CC: Odetta S. Walker ( WALKER\_O ) (WHO)  
READ: 4-NOV-1996 16:05:30.52

TEXT:

APB:

Is anyone interested and available to work on a matter involving the White House Endowment Fund?

Please call or e-mail me or Wendy White for more information.

Thank you.

Odetta S. Walker 6-6611

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor ( MAILMGT ) (SYS)

CREATION DATE/TIME: 7-NOV-1996 08:51:40.46

SUBJECT: PAGER CONFIRMATION - FORTUNA,DIANA

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

READ: 7-NOV-1996 10:59:51.43

TEXT:

PAGE FOR FORTUNA,DIANA, WAS TRANSMITTED 7-NOV-1996 08:48:18.72

TEXT TRANSMITTED WAS:

CALL ME ASAP ELENA 67594

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

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

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

CREATION DATE/TIME: 7-NOV-1996 13:39:00.56

SUBJECT: 4 TANF plan approvals

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

READ: 7-NOV-1996 14:16:55.06

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

READ: 7-NOV-1996 17:19:35.15

CC: Emily Bromberg ( BROMBERG\_E ) Autoforward to: Remote Addre

READ: NOT READ

CC: Richard E. Green ( GREEN\_R ) (OMB)

READ: 7-NOV-1996 17:04:49.36

TEXT:

HHS is planning to approve TANF plans in Conn, Nevada, Kentucky, and New Hampshire. They sent me the draft approval letters. Only Connecticut has any issue raised in it at all. Here's the Conn. issue as written in the letter:

"You should note that section 415 authority to delay implementation applies to any waiver 'which relates to the provision of assistance under a state plan under this part,' i.e., title IV-A. Thus, section 415 is not applicable to your title IV-D waiver regarding the distribution of child support collections. We will be in touch with you shortly to begin discussion on achieving a mutually agreed-upon strategy as described in section 1.2 of your waiver terms and conditions." I am going to tell John M. we obviously have no comment on the 3 state w/o issues. Elena, let me know how you want to handle Connecticut. I will tell Monahan that we need to hear from you on that.

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

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

CREATION DATE/TIME: 7-NOV-1996 14:35:43.09

SUBJECT: Just double checking

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

READ: 7-NOV-1996 19:08:56.82

TEXT:

I am assuming your last email means you are OK on the Connecticut letter.

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

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

CREATION DATE/TIME: 7-NOV-1996 18:44:45.67

SUBJECT: Friday staff meeting

TO: Jennifer D. Dudley ( DUDLEY\_J ) Autoforward to: Remote Address  
READ:NOT READ

TO: Erin Kelly ( KELLY\_E ) (WHO)  
READ:NOT READ

TO: Bruce R. Lindsey ( LINDSEY\_B ) (WHO)  
READ: 8-NOV-1996 14:57:07.55

TO: Odetta S. Walker ( WALKER\_O ) Autoforward to: Remote Address  
READ:NOT READ

TO: Kathleen M. Wallman ( WALLMAN\_KM ) (WHO)  
READ:11-NOV-1996 14:39:15.90

TO: Douglas Band ( BAND\_D ) (WHO)  
READ: 8-NOV-1996 09:06:38.35

TO: Dawn Chirwa ( CHIRWA\_D ) (WHO)  
READ: 8-NOV-1996 09:10:08.37

TO: Peter Erichsen ( ERICHSEN\_P ) (WHO)  
READ: 8-NOV-1996 09:46:01.12

TO: Mark D. Fabiani ( FABIANI\_M ) (WHO)  
READ: 7-NOV-1996 19:22:56.14

TO: David Fein ( FEIN\_D ) Autoforward to: Remote Addressee  
READ:NOT READ

TO: James "David" Fielder ( FIELDER\_J )  
READ:NOT READ

TO: Nellie Herbert ( HERBERT\_N ) (WHO)  
READ: 8-NOV-1996 09:21:04.12

TO: Rochester M. Johnson ( JOHNSON\_RM ) (WHO)  
READ: 8-NOV-1996 10:03:15.51

TO: Elena Kagan ( KAGAN\_E ) (WHO)  
READ: 7-NOV-1996 19:09:38.20

TO: Christopher S. Lehane ( LEHANE\_C ) (WHO)  
READ: 7-NOV-1996 19:24:01.76

TO: Marna E. Madsen ( MADSEN\_M )  
READ:NOT READ

TO: Clifford J. Mauton ( MAUTON\_C ) (WHO)  
READ: 8-NOV-1996 09:32:37.40

TO: Cheryl D. Mills ( MILLS\_C ) Autoforward to: Remote Addressee

READ:NOT READ

TO: Melissa M. Murray ( MURRAY\_MM ) Autoforward to: Remote Address  
READ:NOT READ

TO: Miriam R. Nemetz ( NEMETZ\_M ) Autoforward to: Remote Address  
READ:NOT READ

TO: Stephen R. Neuwirth ( NEUWIRTH\_S )  
READ:NOT READ

TO: Sally Paxton ( PAXTON\_S ) (WHO)  
READ: 8-NOV-1996 09:46:05.34

TO: Robert W. Schroeder III ( SCHROEDER\_R ) (WHO)  
READ: 7-NOV-1996 18:52:09.65

TO: Robert VanKirk ( VANKIRK\_R ) (WHO)  
READ:NOT READ

TO: Kathleen M. Whalen ( WHALEN\_K ) Autoforward to: Remote Address  
READ:NOT READ

TO: Wendy S. White ( WHITE\_WS ) (WHO)  
READ: 7-NOV-1996 18:59:08.44

TO: Jonathan R. Yarowsky ( YAROWSKY\_J ) (WHO)  
READ: 8-NOV-1996 09:16:00.81

TEXT:

The Counsel's Office Staff Meeting for Friday, November 8, 1996,  
will begin at 10:00 a.m.  
Thanks.

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

CREATOR: Molly Brostrom ( BROSTROM\_M ) (WHO)

CREATION DATE/TIME: 8-NOV-1996 11:29:45.33

SUBJECT: Welfare Reform Guidance for Vet and Active Duty Exception

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

READ: 8-NOV-1996 12:10:46.98

TO: Stephen C. Warnath ( WARNATH\_S ) (OPD)

READ: 8-NOV-1996 11:42:53.20

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

READ: 8-NOV-1996 11:32:26.06

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

READ: 8-NOV-1996 13:06:56.09

TEXT:

Steve/Elena -- Have you had a chance to review the VA/DoD guidance for implementing the veteran and active duty member exception? Any comments?

All of you -- One question that was raised by INS is who is responsible for referring questions about status to either VA or DoD regional office -- the individual or the agency?

For example, the guidance says that if veteran status is claimed, but the individual doesn't have his papers, refer to local VA regional office to determine status -- is the responsibility on the agency/office or individual to do so?

It seems to me that is our call to make and the agency/office should be responsible. Let me know what you think.

thanks

RECORD TYPE: PRESIDENTIAL (PAGER)

CREATOR: Mail Link Monitor ( MAILMGT ) (SYS)

CREATION DATE/TIME: 9-NOV-1996 15:29:30.56

SUBJECT: PAGER CONFIRMATION - SCHROEDER,ROBERT W.

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

READ: 9-NOV-1996 19:20:58.49

TEXT:

PAGE FOR SCHROEDER,ROBERT W., WAS TRANSMITTED 9-NOV-1996 15:27:49.24  
TEXT TRANSMITTED WAS:

BRIEF COMING AT 6. I'LL PUT IN YOUR BOX AT KW.

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

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

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

CREATION DATE/TIME:11-NOV-1996 14:28:48.80

SUBJECT: RE: home drug testing

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

READ:12-NOV-1996 08:49:32.56

TEXT:

How about Tuesday at 2:30? Is that ok?

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

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

CREATION DATE/TIME:12-NOV-1996 11:54:07.06

SUBJECT: Kansas state plan approval

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

READ:12-NOV-1996 12:08:08.24

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

READ:12-NOV-1996 12:21:57.41

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

READ:12-NOV-1996 11:58:17.65

CC: Emily Bromberg ( BROMBERG\_E ) Autoforward to: Remote Addre

READ:NOT READ

TEXT:

HHS is about to certify Kansas's state plan as complete. There are no issues, so I don't plan to circulate the standard form letter to you all.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	David Fein to Elena Kagan, et al. at 12:02:36.00 Subject: Tonight (1 page)	11/12/1996	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[10/22/1996 - 11/12/1996]

2009-1006-F  
ke700

### 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]

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	David Fein to Elena Kagan, et al. at 13:14:55.14. Subject: Tonight (1 page)	11/12/1996	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[10/22/1996 - 11/12/1996]

2009-1006-F  
ke700

### 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]
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- 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 (EXTERNAL MAIL)

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

CREATION DATE/TIME:12-NOV-1996 15:44:00.00

SUBJECT: means tested definition

TO: KAGAN\_E ( KAGAN\_E@A1@CD ) (WHO)  
READ:12-NOV-1996 17:32:16.74

TO: E S. Swain ( E S. Swain@EOP@LNGTWY@EOPMRX )  
READ:NOT READ

TEXT:  
Message Creation Date was at 12-NOV-1996 15:37:00

Anything need to happen to move this along?

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

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

CREATION DATE/TIME:12-NOV-1996 17:57:00.00

SUBJECT: RE: means tested definition

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

READ:12-NOV-1996 18:49:24.00

TEXT:

Message Creation Date was at 12-NOV-1996 17:50:00

should we push to get the ball rolling? Should I do anything?