

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 026 - FOLDER -001

[03/24/1998 - 03/25/1998]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-MAR-1998 18:01:52.00

SUBJECT: H1B meeting w/AFL

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Peter G. Jacoby (CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Elena,

I attended the meeting with the AFL today. This is where we are:

1. AFL has been approached by Kennedy to get their support for his bill (n.b., the Kennedy announcement is now set for Thursday). They are concerned about raising the cap, but don't really know where they are on whether to support the Kennedy legislation. They don't think that they could endorse raising the cap without a serious, large-scale training initiative (with a big incumbent worker piece). They support reforms to the H1B program, but don't know if they would support a bill that had the reforms, raised the cap, but didn't have a big training piece. However, their affiliates have been signaling that reforms to the H1B program are as important as training. This may be particularly true in light of the GAO report (b/c they see that if employers have to do more to target use of visas to a real shortage and there is no shortage, there will be less use of foreign workers). Also, they noted that some in their constituency will likely oppose any raising of the cap, regardless of what it is packaged with.

2. AFL is interested in bringing the labor unions into some kind of partnership with industry and educators to better address training (both for new workers and, more importantly, for incumbent workers). This could either be by building on the regional skill alliance idea that the NEC group has been working on, or could be a separate venture. Sally is going to convene a meeting next week with AFL folks to talk about what role they could play (with others) in either model.

3. Sally told them that we would share the POTUS statement with them after it is finalized, but before it is released (if there is a window), and asked that they share any statements of theirs with us.

4. It appears that Feinstein has been lobbied hard by the IT folks and is "concerned" about the proposed reforms to the H1B program. Labor is getting her some paper on why the reforms are a good idea.

That's it.

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:24-MAR-1998 15:35:17.00

SUBJECT: Cloning Meeting - Draft List, not final.

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

The cloning meeting is shaping up nicely. Are you planning to attend? Given the extensive cast of characters, I think it would be well if you could at least open the meeting. Other wise, Jerry and I will manage. There does not seem to be much action on cloning on the Hill. Although Army had asked for a bill by Easter, I just heard that they have not made much progress. The Senate also does not seem anxious to move on a bill. Obviously, industry would be happier without a bill.

----- Forwarded by Rachel E. Levinson/OSTP/EOP on
03/24/98 03:27 PM -----

Barbara D. Woolley
03/23/98 07:46:27 PM
Record Type: Record

To: Rachel E. Levinson/OSTP/EOP, Jerold R. Mande/OSTP/EOP
cc:
Subject: Cloning Meeting - Draft List, not final.

Any comments on the list, call me at 62155.

Human Cloning Meeting
Wednesday, March 25, 1998
Room 476, OEOB
3:00 pm - 4:00 pm

List of Participants

Patient Advocacy Groups

Marguerite Donoghue, Capital Associates (Cancer Organizations)
Stephanie Marshall, National Health Council
Michael Langan, National Organizations of Rare Disorders
Eric Schutt, Juvenile Diabetes Foundation International
Larry Soler, Juvenile Diabetes Foundation International
Dan Perry, Alliance for Aging Research
Pamela Dougherty, American Cancer Society
Jo Merrill, March of Dimes Birth Defects' Foundation
Rich Hamburg, American Heart Association

Scientific Organizations

David Korn, Association of American Medical Colleges
Ida Chow, Society of Developmental Biology
Roger Pederson, Federation of American Societies for Experimental Biology
Francis Patrick White, The American Association of Immunologists

Janet Shoemaker, American Society for Microbiology
Dr. Paul Berg, American Society for Cell Biology
Sean Tipton, American Society for Reproductive Medicine
Kathy Bryant, American College of OBGYNs
Roberta Biegal, Society for the Advancement of Women's Health Research
Marion Priscilla Short, American Medical Association

Industry

Barry Caldwell, PhRMA
Rep of Merck, PhRMA
Rep of SmithKline, PhRMA
Carl B. Feldbaum, President, Biotechnology Industry Organization
Charles E. Ludlam, Biotechnology Industry Organization
Nancy L. Bradish, Biotechnology Industry Organization

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-MAR-1998 17:16:14.00

SUBJECT: Mail 2 Disk Space

TO: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TO: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Leanne A. Shimabukuro (CN=Leanne A. Shimabukuro/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

You all unfortunately are a big e-mail problem. Please be religious about deleting your send and incoming e-mails. Laura, I know you are keeping copies of all attached documents, but please review your sent e-mails for deletions.

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on
03/24/98 05:14 PM -----

Ashley L. Raines
03/24/98 04:53:14 PM
Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP
cc:
Subject: Mail 2 Disk Space

We are running out of free disk space on Mail 2 again. Here are the DPC staff with the largest amount of disk space on the server:

Laura Emmett - #24 on the server
Diana Fortuna - #48
Elena Kagan - #63
Bruce Reed - #66
Leanne Shimabukuro - #95
Tom Freedman - #111

Please have these staff and other DPC staff delete as many messages as possible so the server doesn't crash again. Thanks!!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Cohen (CN=Michael Cohen/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-MAR-1998 13:23:27.00

SUBJECT: National Board Veto Letter

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Here is a draft of the veto letter. I've sent a copy to ED for quick comments, to make sure I haven't screwed anything up.

A couple of points, small and large:

1. I don't know who we send the letter to--Gingrich, Goodling/Jeffords and ranking members?.
2. You know I'm not big on process, but it seems appropriate to get OMB and Leg Affairs into this. Will staffing out the letter accomplish this, or is there some other steps I should take?
3. There are some key items in or about the overall Higher Education Act that need to be sorted out before we send this letter. Chief among them: We expect an anti-affirmative action amendment from Riggs when this bill reaches the floor. Does a veto threat on this bill at this point change the dynamics on the affirmative action vote, by giving people a "free" vote since they will think the bill will be vetoed?
The bill as reported out by committee includes our High Hopes mentoring initiative--passed over Goodling's objections. POTUS and others should be aware of this before sending the letter.
The bill adopted the Administration's proposal to reduce interest rates on student loans, but also increased profits to banks at a cost of \$2.7 billion (I think over 5 years). This is one of the most hotly contested items in the bill--we are strongly opposed to the committee's move on this. I didn't want to cloud this particular letter up with additional issues, so I put in a general sentence about "reservations about a number of provisions in the bill" to give us room to come back to this later. Others may see this differently.
There is also another major higher education issue we are fighting with the R's about- regarding accountability provisions and the treatment of guarantee agencies in the student loan program. As on the above issue, my concern is that we not look like we are ignoring central issues to the student financial aid programs which are at the heart of this bill. I think we can address this concern through statements and other actions outside this letter, but everyone needs to be on board on that approach.
4. I have been working very closely with the National Board staff over the past few days, and am scheduled to meet with them at 3:30 today. They have the best handle on a legislative strategy. I would like to talk this step through with them before we act.

In general, their sense of things is that (1) they don't want a floor vote in the House because they don't have enough support to win and don't want a recorded vote; (2) their conversations with Jeffords and others on the

DRAFT:

Dear _____

Last week when the House Education and Economic Opportunities Committee reported out the Higher Education Act, it included a provision that prohibited continued federal support for the vital work of National Board for Professional Teaching Standards. The National Board is a nonprofit, nonpartisan and nongovernmental body devoted to strengthening teaching by developing rigorous professional standards. The Board has been at the forefront of bipartisan efforts at the national and state level to strengthen teaching in America, and has received bipartisan support in the Congress and in two Administrations.

The recently released results of the Third International Math and Science Study confirm that one of the most important steps the nation can take to improve student achievement is to strengthen teaching. The National Board for Professional Teaching Standards is an essential tool for our nation's efforts. By defining standards of excellence for experienced teachers, the National Board helps to focus and upgrade teacher training, recognize and reward outstanding teachers, and keep our best teachers in the classroom where they are needed the most. National Board certification helps our best teachers test themselves against the toughest standards for teaching ever developed.

By ending federal support for the Board's research and development, the House Committee action jeopardizes the scheduled completion of the development of professional standards within the next 3 years. This is the wrong step to take at precisely the time when we must work to help every school in America have at least one board-certified master teacher who can help lead the effort to strengthen teaching throughout the school.

The Office of Management and Budget is coordinating a review of the Higher Education Act as reported by the Committee. I have serious reservations about a number of the bill's provisions, but I am very clear now that the provision ending funding for the work of the National Board is unacceptable. It will move our efforts to improve teaching backward when we must instead move forward more rapidly. It is early in the legislative process for the Higher Education Act, and there is still time to correct this unfortunate step. However, if the Higher Education Act eliminates continuing support for the National Board for Professional Teaching Standards when it reaches by desk, I will veto that bill.

Sincerely,

*Automated Records Management System
Hex-Dump Conversion*

A cornerstone of President Clinton's economic strategy to strengthen the economy and ensure that every American can reap its rewards is investing in education and training. For more than five years, President Clinton has worked to widen the circle of opportunity and prepare America for the 21st century through HOPE Scholarship Tax Credits, the Lifetime Learning Tax Credit, an expansion of Pell Grants, a more than doubling of dislocated worker training funds, a new student-loan program that allows people to pay back their loans as a share of their income, and additional incentives to businesses to provide training for their workers. And that is why President Clinton is working with Congress to pass the G.I. Bill for America's Workers.

In line with this approach, the Clinton Administration believes that the first response to increasing the availability of trained workers in the information technology (IT) industry must be increasing the skills of American workers and helping the labor market work better. While it may be necessary in the short-term to increase the number of visas for temporary foreign workers (under the H1-B program), this must be done only in conjunction with doing more to raise the skill level of American workers.

In addition, the Administration believes that any temporary increase in the program should be limited to the minimum amount necessary, as demonstrated by independent, documented evidence. And expanding the number of visas, even temporarily, must be accompanied by needed improvements in the H1-B program. Since 1993, this Administration has sought reforms of the H1-B program, including requiring employers to "recruit and retain" U.S. workers before hiring temporary foreign workers, prohibiting lay-offs of U.S. workers to replace them with foreign temporary workers, and strengthening enforcement authority. These reforms, if enacted, would help target H1-B usage to industries and employers that are exhibiting genuine labor shortages.

Senator Kennedy's [bill/approach to this issue] addresses both the short-term and long-term implications of the apparent skills shortage we are now experiencing. We believe that his bill is the appropriate vehicle to put American workers first and address the labor market needs of our rapidly changing economy.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karen Tramontano (CN=Karen Tramontano/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-MAR-1998 14:51:38.00

SUBJECT: Equal Pay

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Sally Katzen (CN=Sally Katzen/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

thanks for the memo. I have one question: does the memo mean we are not going to do anything to collect data. And, if so, is the only reason we are not doing this is because of the Republican react? I understood this to be the most important piece for labor/women--if we are not doing it, what are we doing substantively. After reading the piece it seemed a bit light to me for a VP announcement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jason S. Goldberg (CN=Jason S. Goldberg/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-MAR-1998 08:31:27.00

SUBJECT: Erskine Tobacco Speech

TO: Jordan Tamagni (CN=Jordan Tamagni/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Eleanor S. Parker (CN=Eleanor S. Parker/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Paul E. Begala (CN=Paul E. Begala/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Amy W. Tobe (CN=Amy W. Tobe/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Carole A. Parmelee (CN=Carole A. Parmelee/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

PAUL BEGALA would like everyone to coordinate preparation for this speech with him ASAP this morning.

----- Forwarded by Jason S. Goldberg/WHO/EOP on 03/24/98
08:28 AM -----

Jason S. Goldberg
03/23/98 07:10:13 PM
Record Type: Record

To: Elena Kagan/OPD/EOP @ EOP, Jordan Tamagni/WHO/EOP @ EOP
cc:
Subject: Erskine Tobacco Speech

Erskine is going to be speaking to the Center for National Policy (CNP) on Monday March 30 re: Tobacco. He is giving this speech at Rahm / Bruce's request.

Elena: Erskine would like to have a draft of the remarks or at least some talking points on points to make as soon as possible tomorrow.

Jordan: Any help your shop can provide will be much appreciated.

Thanks.

Jason

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mary L. Smith (CN=Mary L. Smith/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-MAR-1998 15:23:43.00

SUBJECT: Updated Pay Equity Memo

TO: Rebecca M. Blank (CN=Rebecca M. Blank/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

TO: Susan M. Liss (CN=Susan M. Liss/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: Larry R. Matlack (CN=Larry R. Matlack/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Debra J. Bond (CN=Debra J. Bond/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Barbara Chow (CN=Barbara Chow/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Amy N. Finkelstein (CN=Amy N. Finkelstein/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

TO: Michael Deich (CN=Michael Deich/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Donald R. Arbuckle (CN=Donald R. Arbuckle/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Audrey T. Haynes (CN=Audrey T. Haynes/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Susan M. Carr (CN=Susan M. Carr/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Cecilia E. Rouse (CN=Cecilia E. Rouse/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Jonathan Orszag (CN=Jonathan Orszag/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Sally Katzen (CN=Sally Katzen/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Jess A. Gupta (CN=Jess A. Gupta/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Francine P. Obermiller (CN=Francine P. Obermiller/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

March 24, 1998

DRAFT MEMORANDUM FOR THE DPC/ NEC

FROM: DPC/NEC STAFF

SUBJECT: Equal Pay Initiative

This memorandum outlines the "Equal Pay" initiative the Vice President could announce on April 3rd. Many organizations around the country hold events on April 3rd, which is "Equal Pay Day," the day designated as the date on which women's earnings, added to their previous year's earnings, are said to equal what men earn in one calendar year. This event would be the message event of the day, and it is expected that representatives from the Department of Labor, OPM, and other departments will attend the event with the Vice President.

There are numerous studies attempting to determine the degree of wage differences between men and women. A recent brief review of existing studies in the area by the Council of Economic Advisors concludes that while wage differentials have narrowed steadily since the late 1970s, there is still a significant wage differential, even after controlling for education, experience, and occupation. The raw differential in terms of female and male wage ratios is 72.4. Taking into account education and experience, the differential becomes 80.5. The wage differential further narrows to 88.2, controlling for occupation, industry, and union status. A more popular figure, cited for instance by the Department of Labor, states women earn on average only 75 cents for each dollar a man earns.

On April 3rd, the Vice President could announce: (1) the Administration's endorsement of Senator Daschle's pay equity bill with some changes; (2) an annual study on pay discrepancies to highlight this important problem; and (3) other executive branch initiatives in the areas of enforcement, technical assistance, and outreach.

I. Endorsement of Daschle Bill

The most prominent (and mainstream) bill in Congress regarding fair pay is Senator Daschle's. Congresswoman DeLauro has introduced the companion bill to Senator Daschle's in the House. Rep. Gephardt is looking to support an equal pay initiative and is likely to introduce whatever bill we support. There is agreement with almost all of the provisions in the Daschle bill. However, there are two issues that raise some concern. We set forth below the provisions in the Daschle bill, along with a discussion of the issues that warrant further discussion. You

should know that Senator Harkin also has a bill on equal pay, but there is little support for his approach because it incorporates “comparable worth” which would be difficult, if not impossible, to administer.

A. Provisions in Daschle’s bill that the Administration supports:

- **Non-retaliation Provision.** The Daschle bill includes a Non-retaliation provision that amends the Equal Pay Act (EPA) to prohibit employers from penalizing employees for sharing information about their salaries with coworkers. Lack of ability to share such information makes it more difficult for women to evaluate whether there is evidence of wage discrimination.
- **Class Actions.** The bill amends the procedures for filing class actions under the EPA to conform with the general procedural rules for filing federal class actions in other areas of the law.
- **Training, Research, Education, and Outreach.** The Daschle bill provides for training, research, education, and outreach. The bill requires the EEOC to provide training for its employees, subject to the availability of funding, on matters involving discrimination in the payment of wages. The bill also enhances programs already in place at the Department of Labor, requiring DOL to undertake research in the area of sex-based pay disparities; disseminate that information to members of the interested public; provide information on means of eradicating such disparities; assist State and local information and educational programs; recognize and promote the achievements of employers that have made strides to eliminate pay disparities; and convene a national summit to discuss and highlight the issue of sex-based pay disparities.
- **Pay Equity Award.** The bill establishes “The National Award for Pay Equity in the Workplace,” to be administered by the Women’s Bureau of the Department of Labor, to recognize and promote the achievements of employers that have made strides to eliminate pay disparities.

B. Provisions in Daschle’s bill that raise some concerns:

1. Enhanced Enforcement.

Daschle’s bill would amend the EPA to allow for compensatory and punitive damages. Currently, the EPA only allows for liquidated damages and back-pay awards. Liquidated damages typically are awarded in an amount equal to back pay. And typical recoveries are double back-pay awards.

An individual can file suit for wage discrimination under Title VII as well as the EPA. Title VII allows for compensatory and punitive damages, in addition to back pay, as a result of the Civil Rights Act of 1991. Under Title VII, however, these damages are capped -- to no more than between \$50,000 and \$300,000, depending on the size of the employer -- not the severity of the offense (e.g., for firms with between 15 and 100 employees, combined damages are capped at \$50,000).

Victims of racial or ethnic discrimination in employment can also sue for wage discrimination under Section 1981, which allows unlimited damages. This leaves victims of discrimination based on sex, religion or disability limited in the relief they can receive.

The Daschle bill adds unlimited compensatory and punitive damages to the Equal Pay Act. This provides more than is currently authorized under Title VII, but achieves parity with racial and ethnic discrimination awards under Section 1981.

A number of advocates believe that increasing the damages available under the EPA would encourage the private bar to bring more suits under the statute, encourage employers to devote more attention to their pay practices, and encourage victims to come forward. Adding unrestricted damages to equal pay cases would not necessarily lead to a huge proliferation of frivolous actions or excessive awards. An examination of cases under Section 1981 found that between 1980 and 1990 plaintiffs won 121 cases -- eleven per year. There were no compensatory and punitive damages in 52 of the cases; in 42, damages awarded were less than \$50,000. Total damages exceeded \$200,000 in only two cases during the eleven-year period. Note: this study was limited to reported decisions, and did not include cases settled before trial.

The women's groups have long advocated lifting the caps in Title VII and view any limits on damages in the EPA as an abandonment of their position for equal relief and as an affront to women rights generally. In fact, if the Administration did not support uncapped damages in the Daschle bill, the women's groups would feel betrayed, preferring no bill at all. In addition, they have indicated that they would publicly attack the Administration on this issue.

The Departments of Labor, Treasury, Justice, and the Commissioner of the EEOC all support endorsing adding uncapped compensatory and punitive damages to the EPA, with the exception that the Department of Justice believes that punitive damages should not be available against the Federal Government. The NEC, DPC, Women's Office, CEA, and OMB agree. Commerce remains concerned.

2. Data Collection

Daschle's bill also provides for the collection of pay information by the EEOC. Daschle's bill is somewhat vague on exactly how the wage data would be collected. In particular, it does not specify that the data needs to be collected on the EEO-1 form, which is the

form used by the EEOC to collect employment data. Because of the concerns set forth below, we believe we need to work with Daschle's staff to remove this section of the bill.

Data collection could improve pay equity in two ways. The first is by increasing public awareness of pay inequities and enabling women to evaluate whether they have been victims of wage discrimination; the second is by enhancing enforcement of anti-discrimination laws.

The EEOC currently collects annual data regarding the demographic breakdown of the workforces of private employers with 100 or more employees and of federal contractors with 50 or more employees on the EEO-1 form. The EEOC does not currently collect salary data with respect to private employers.

The EEO-1 form has remained virtually unchanged for the past 30 years, despite its review every 3 years for OMB paperwork clearance (most recently in 1997). Since the 1960s, the occupation and racial categories have become outdated; what was once confusing is now potentially misleading. As a result, many in the business community perceive the EEO-1 form as a waste of time and money. (OMB estimates suggest that it takes each firm 10 hours to fill out the form; adding wage data would likely increase the compliance costs dramatically -- possibly by several hundred-fold -- although creating a supplement to the form or limiting it to a subset of the reporting universe could mitigate some of these costs.)

Nonetheless, the EEOC believes that collecting wage data on the EEO-1 form would greatly improve its ability to target and prioritize discrimination cases. It also would assist the Department of Labor (DOL) in targeting its enforcement efforts and monitoring affirmative action programs. Because DOL thought that the EEO form would not be amended to include wage information, it has been working on a proposed rule to gather such data from federal contractors through an OFCCP form. That work has been in process for almost three years; we now understand that it may be ready to be sent to OMB during this fiscal year.

There is consensus that any attempts to add wage data to the EEO-1 form will draw immediate fire from the Republicans and the business community. Indeed, any announcement of a process to determine the best way to gather this data would likely provoke a rider and risk the increase in funds requested for the EEOC in our FY99 budget. **(The budget requests \$279 million for the EEOC -- \$37 million or 15 percent more than enacted in the 1998 budget. More than one-third of the proposed increase, \$13 million, goes to expansion of the agency's Alternate Dispute Resolution [ADR] program.)**

Since the EEO-1 form is up for revision in the year 2000, as part of the Paperwork Reduction Act, the consensus among the working group is that we should work to remove the data collection provision from the Daschle bill and should work quietly to evaluate the options for addressing the existing problems with the form (e.g., the outdated occupational and racial categories, and the lack of wage data).

II. Data Collection - Annual Report By Department of Labor

In order to increase public awareness of pay inequities, the Vice President could announce an annual report on the pay gap by sex produced by the Department of Labor. This annual report would be based on data that already exist, but are very difficult for most people to utilize. Publishing the information on pay inequities in an easy-to-access report would make it easier for interested parties to raise the national prominence of this problem. And because attitudes and awareness are keys to reducing wage disparities, highlighting the issue every year would likely have a powerful effect on public consciousness and be an effective way to achieve increased gender pay equity. This announcement will not be politically charged since it would not impose additional burdens on business. This option would not enhance enforcement efforts and would not involve significant costs.

II. Other Executive Branch Announcements

A. Private-Sector Enforcement

Enforcement of anti-discrimination laws by the EEOC and OFCCP have traditionally played an important role in easing discrimination in our labor market. Therefore, a key component to our equal pay initiative is to improve enforcement by both agencies.

- 1. A Memorandum Of Understanding (MOU) between EEOC and DOL to Cross Train.** The EEOC and the Department of Labor could enter into an agreement to train each other's staff to be sensitive to potential violations of the statutes they enforce, including the Equal Pay Act. The agencies would refer information concerning potential violations of the agency's statutes to the applicable EEOC or Labor Department office for appropriate action.
- 2. A MOU Between EEOC and DOL to Collect Damages.** OFCCP would be designated to serve as the EEOC's agent for purposes of collecting damages that are not otherwise collectible under OFCCP's authority under its executive order. OFCCP then could obtain full relief for intentional discrimination. This change would not require any legislative action. There are no costs anticipated for this option.

B. Private-Sector Technical Assistance

There are several areas in which the federal government could provide technical assistance to make private employers aware of wage disparities.

- 1. Federal Contractor Best Practices.** Currently, federal contractors must conduct self-audits as part of their federal contract obligations. OFCCP has begun to publicize successful programs through its best practices honor roll. The agency plans to place these Best Practices suggestions on its web site.

2. **10-Step Voluntary Self-Audit for Businesses and Employees.** The Department of Labor would develop and make available a 10-step package that would give companies guidelines to determine whether they offer equal pay, hiring, and promotional opportunities. The Department would also develop a similar checklist for employees. DOL would put these self-audits on the Internet. This would require no additional funding.
3. **Awards.** The Department of Labor has an Exemplary Voluntary Efforts (EVE) and Secretary's Opportunity 2000 Awards program that recognizes best corporate practices. This year's event will be held on September 17. This existing vehicle could be used to highlight the best practices in furthering pay equity. There is also an award proposed in the Daschle bill.

C. **Federal Government As A Role Model**

For any equal pay initiative to be credible, we must make the Federal government the role model for other employers. To this end, we would propose the following four initiatives to put the Federal government in the lead on this issue and address discrimination within the Federal government:

1. **10-Step Voluntary Self-Audit for Agencies.** The federal agencies will agree to take the 10-step self-audit that the Department of Labor would develop and use the results from the self-audit to monitor their efforts on equal pay.
2. **Best Practices.** OPM could work with the other Federal departments and agencies to develop best practices, from both the public and private sectors, for recruiting and retaining women.
3. **Guide to Recruitment and Retention of Women.** OPM is producing a new Guide on Recruitment and Retention of Women in the federal government that would contain information to make agency managers aware of career opportunities for women and to provide guidance on recruitment and career development for women. This could be prepared by April 3rd.
4. **Outreach.** OPM, in conjunction with other agencies, could expand outreach efforts, including working with professional groups, participating in women's conferences, and visiting college campuses so that talented women may be recruited for jobs in the Federal government.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Neera Tanden (CN=Neera Tanden/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-MAR-1998 20:15:52.00

SUBJECT: after school event

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Jen wanted me to let you know that for the May after-school event for the President that we have in mind, we'll also have a DOJ/ Ed report on after-school programs and how they cut down on crime as well as improve educational performance. This is in addition to the announcement of the grants. Thanks --

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-MAR-1998 09:01:58.00

SUBJECT: ISTEIA update

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

Key points from the Deputies meeting yesterday:

Big victories in Senate on most issues. Slater was highly visible on the Hill last week. Good interagency work. Note: welfare to work transportation was prominently featured in Administration documents, including Slater's talking points (I'll copy for both of you). Ended up with \$150 M authorized.

Need to handle funding issues delicately...too much of a good thing (see McCurry Q&A--I'll copy for both of you)

House mark up today at 3 p.m. Expected to be short and clean--basically working off BESTEA developed last year. Four key members had deal they had to agree on any amendments. This has been helpful to us. Oberstar has carried our message, including welfare to work. Manager's amendment is problematic: \$9 billion in member projects and move to take highway trust fund off budget.

Rest of Schedule: W&M on Thursday, Rules next Monday, floor vote next Wednesday night.

Big issues: .08, donor/donee states, funding levels, ethanol, off budet. House Republican leadership want to include funding mechanism, including offsets, in the bill.

Access to Jobs update: While currently only at \$42 M, efforts are underway to raise level. NOTE: based on my conversations with DOT staff, they are providing "technical assistance" to Pascrell (NJ) and Millender-McDonald (CA) on Access to Jobs amendments; however, it's not clear whether Shuster will allow these amendments. Interest in raising funding, may be amenable to removing 10 project cap. DOT also suggesting amendment to allow the Access to Jobs funds to count as match for \$3 billion WtW funds.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jordan Tamagni (CN=Jordan Tamagni/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-MAR-1998 16:12:41.00

SUBJECT: EBB Tobacco Talking Points

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

This draft [above as attachment; below as text] closely tracks Larry Summer's testimony, as well as our own Q and A's. I'd like to get it to EBB as soon as possible. Thanks.

Please note that the format is a little different than what we would give the President; EBB likes bullet points. The text version doesn't have the actual bullets, but you'll get the basic idea.

Draft 3/24/98 4:00pm

CHIEF OF STAFF ERSKINE BOWLES
TALKING POINTS FOR TOBACCO REMARKS
CENTER FOR NATIONAL POLICY
WASHINGTON, DC
March 30, 1998

Acknowledgments and Introduction: I want to start by thanking you for giving me the chance to speak to you today about what President Clinton is doing to protect our children from tobacco.

I come from tobacco country, and I come before you today, as a North Carolinian, as a businessman, as a member of this administration, and as a parent, to tell you that protecting our children from tobacco is not about politics, and it is not about money -- it is about saving lives.

Smoking kills more people every day than AIDS, alcohol, car accidents, murders, suicides, drugs and fires combined;

Nearly 90% of smokers started smoking before they turned 18;

More than 22% of high school students already smoke cigarettes on a daily basis;

Every day, 3,000 young people will become regular smokers, and 1,000 will die sooner as a result.

At the same time, multi-million dollar marketing campaigns are designed to get our children to light their first cigarettes. In the past months, new documents have come to light that conclusively prove that tobacco companies aimed to sell their deadly products to children as young as [12]. These documents are a shocking reminder that our children are under siege by a deadly and powerful enemy -- and it is up to us to protect them.

The heavy human cost of smoking to our families and communities is tragic -- the economic cost to our society is shocking.

Smoking related illness costs around \$60 Billion every year;

Smoking during pregnancy results in 2,500 fetal deaths every year, and costs \$3 to \$4 Billion every year;

Fires caused by smokers cost another \$500 Million every year;

Smokers with group life insurance push up the premiums of non-smokers in their insurance pool by about \$4 Billion every year

The premature deaths and premature retirements of smokers cost around \$60 Billion every year in lost wages and lower productivity

President Clinton has proposed a comprehensive plan to stop young Americans from smoking before they start, by:

Raising the price of cigarettes by up to \$1.50 a pack over the next ten years;

Affirming the FDA's full authority to regulate tobacco products;
Imposing strict restrictions on advertising aimed at young people,
Assessing stiff penalties for selling cigarettes to minors.

The Treasury Department has found that our proposal will save 1 million lives over the next five years. Last week, Vice President Gore announced that new estimates show that our proposal would have major effects on youth smoking in every state, with reductions ranging from 33% in Washington State to 51% in Kentucky.

For every dime added to the price of cigarettes, up to 700,000 teenagers will begin smoking.

Comprehensive tobacco sales and marketing restrictions will reduce youth smoking by as much as 15%

President Clinton's balanced budget protects our children and invests in our nation's future. It includes:

Unprecedented investments in education -- reducing class size, hiring 100,000 more teachers, building or rehabilitating 5,000 more schools;

Historic investments in child care -- providing child care to up to [xxx] working families;

Critical investments in health research, including biomedical research, cancer clinical trials, and children's health outreach -- increasing by nearly 50% funding at the National Institutes of Health.

President Clinton is committed to working with the Congress to make this the year that we took action to protect our children and to give them the care and education they need to reach their highest potential. But the Senate Republican budget would force us to choose between investing in our children's future and protecting their health.

It would force medical research to compete for scarce dollars against children and education;

It short changes working families by failing to subsidize child care;

It fails to help us reduce class size, excluding important tax incentives to spur schools construction and hire 100,000 new teachers.

Draft 3/24/98 4:00pm

**CHIEF OF STAFF ERSKINE BOWLES
TALKING POINTS FOR TOBACCO REMARKS
CENTER FOR NATIONAL POLICY
WASHINGTON, DC
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- Nearly 90% of smokers started smoking before they turned 18;
- More than 22% of high school students already smoke cigarettes on a daily basis;
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At the same time, multi-million dollar marketing campaigns are designed to get our children to light their first cigarettes. In the past months, new documents have come to light that conclusively prove that tobacco companies aimed to sell their deadly products to children as young as [12]. These documents are a shocking reminder that our children are under siege by a deadly and powerful enemy -- and it is up to us to protect them.

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- Fires caused by smokers cost another \$500 Million every year;
- Smokers with group life insurance push up the premiums of non-smokers in their insurance pool by about \$4 Billion every year

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- It would force medical research to compete for scarce dollars against children and education;
- It short changes working families by failing to subsidize child care;

- It fails to help us reduce class size, excluding important tax incentives to spur schools construction and hire 100,000 new teachers.

The American people should not have to choose between their children's health and their children's education. The President's budget proves that we can do both.

As we continue to work to protect the health of our children, we must also work to protect the well being of our nation's tobacco farmers.

- We are determined to make sure that the money realized from increasing the price of cigarettes will help benefit tobacco farmers and their communities;
- We support the efforts of Congress to help lessen the impact on tobacco farmers with tobacco production control programs;
- We will continue to work with tobacco farming organizations and public health groups to reach a consensus on the best way to proceed.

We have it within our power right now to save one million lives, and we must not miss this historic opportunity. As President Clinton recently said: "We stand on the verge of one of the greatest public health achievements in history -- an historic triumph in our fight to protect America's children from the deadly threat of tobacco." I hope you will support our efforts, and I look forward to working together with you to meet this vitally important challenge.

Thank you.

###

Automated Records Management System
Hex-Dump Conversion

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jake Siewert (CN=Jake Siewert/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-MAR-1998 11:03:12.00

SUBJECT: Q & A for the President

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Rahm and Paul wanted me to add in some material on master teachers to the response on the GOP budget. Can you send me any language you have on this issue -- Paul thought you were drafting a letter for the Hill. I just need a sentence or two, explaining what the GOP is trying to do.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Linda Ricci (CN=Linda Ricci/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:24-MAR-1998 14:17:31.00

SUBJECT: President's press conf.

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:

I am forwarding some small items that were raised by OMB folks, regarding items for the President's press conference. They may be useful in preparation for the final Q and A.

Hi-B visas

1st paragraph, last sentence. It is the "G.I. Bill for America's Workers" - not the GI Bill of Rights for America's workers.

2nd paragraph. Reference to: "reducing the maximum stay for H1-B workers from 6 to 3 years".

Strictly speaking, this is not part of Kennedy's bill, which was the premise of the question.

(which may be too nitpicky).

-Linda

I

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-MAR-1998 13:32:39.00

SUBJECT: Update on food stamps for legal immigrants

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

OMB is up on the Hill trying to negotiate as much of our \$2.5 billion food stamp restoration for legal immigrants as possible as part of the Ag research bill. There is agreement to spend \$642 million on this, and OMB is searching for additional offsets to get the number up to around \$820 million. OMB is trying to figure what part of our restoration package (families with children, disabled, elderly) can get shoe-horned in to equal that amount. Congress is refusing to consider the feature of our proposal that would help families with children who arrived after the law was signed.

They are considering funding a bit of this by cutting back a bit in the first year only on the food stamp employment/ training slots we got added last year to help the 18-50 year olds. Apparently Greenstein is pushing this and OMB is a bit reluctant to do it, but this money isn't getting spent very fast by the states.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia Dailard (CN=Cynthia Dailard/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-MAR-1998 11:53:10.00

SUBJECT: tobacco Q&A - revised

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Elena Kagan. (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Here is the revised Q&A. I didn't have the most current version of the
speech for my llam version. Sorry for the confusion.===== ATTACHMENT
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D82]MAIL46215438J.026 to ASCII,
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**DRAFT 3/25 noon
Q&A
March 25, 1998**

Martin Feldman testified before the Commerce Committee yesterday that the President's proposal would cost \$644 billion over 25 years. What is your response to this?

The President's budget includes \$65 billion in spending over five years from tobacco legislation. We have not done, and never do, budget projections beyond five years. We propose industry payments at a level that would result in a \$1.10 per pack price increase in order to cut youth smoking nearly in half and prevent a million deaths over the next five years. This means that over the next five years, 3 million fewer underage teens would be kept from smoking. The \$1.10 figure is based on its projected impact on youth smoking, not on its ability to generate revenue.

What are the new figures that Larry Summers is releasing today?

Larry Summers is releasing a new Treasury Department analysis that shows that smoking costs this nation's economy \$130 billion a year in terms of lost productivity and higher medical costs. By reducing youth smoking by 60 percent, as proposed by the President, we would save an estimated \$78 billion in costs.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barbara D. Woolley (CN=Barbara D. Woolley/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-MAR-1998 17:26:58.00

SUBJECT: Press conference w/ Sec. Shalala and Smokeless Tobacco

TO: Toby Donenfeld (CN=Toby Donenfeld/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Stephen B. Silverman (CN=Stephen B. Silverman/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Marjorie Tarmey (CN=Marjorie Tarmey/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Jerold R. Mande (CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Is confirmed for Tuesday, March 31, Opening Day of Baseball, at HHS in the morning. Not confirmed is the throwing out of the first pitch in Baltimore, but we're working on that one. They will announce the development of a spit tobacco cessation program for professional baseball players.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Laura A. Graham (CN=Laura A. Graham/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-MAR-1998 16:08:06.00

SUBJECT: Chile Message Meeting

TO: Craig T. Smith (CN=Craig T. Smith/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Eleanor S. Parker (CN=Eleanor S. Parker/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Laura S. Marcus (CN=Laura S. Marcus/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Jeremy M. Gaines (CN=Jeremy M. Gaines/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: PICCONE_T (PICCONE_T @ A1 @ CD @ VAXGTWY [UNKNOWN]) (NSC)
READ:UNKNOWN

TO: Michael Cohen (CN=Michael Cohen/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Christa Robinson (CN=Christa Robinson/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Jake Siewert (CN=Jake Siewert/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Elisa Millsap (CN=Elisa Millsap/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Brenda M. Anders (CN=Brenda M. Anders/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Nelson W. Cunningham (CN=Nelson W. Cunningham/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Kris M Balderston (CN=Kris M Balderston/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Ruby Shamir (CN=Ruby Shamir/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Stephanie S. Streett (CN=Stephanie S. Streett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

There will be a meeting to discuss the Chile Summit of the Americas message events (Summit and Bilateral) tomorrow at 2:00 pm in Ann Lewis' office. It is imperative that we get this group together asap since both

the summit education event and the bilateral event are domestic related and logistically complicated. Please make all efforts to be on time. Please include others who I have left out. Any questions, please call me at x62349.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Audrey T. Haynes (CN=Audrey T. Haynes/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-MAR-1998 10:42:21.00

SUBJECT: Equal Pay

TO: Karen Tramontano (CN=Karen Tramontano/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Sally Katzen (CN=Sally Katzen/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Susan M. Liss (CN=Susan M. Liss/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Robin Leeds (CN=Robin Leeds/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Mary L. Smith (CN=Mary L. Smith/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Marjorie Tarmey (CN=Marjorie Tarmey/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Tania I. Lopez (CN=Tania I. Lopez/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

The Equal Pay meeting with outside folks is confirmed for today at 4pm in my office, Room 15 OEOP. Those attending from the outside include: Karen Nussbaum, Gerry Shea, Chris Owens(coming with Karen AFL), Susan bianchi Sands, and Marcia Greenberger.

.....they wanted to bring the world with them but I suggested a smaller meeting was the best at this point!

Judith Lichtmann is the only one we have not heard from yet and Gerry Shea is a "maybe" although he will do his best to make it.

Also, Karen said they were planning an event with the Senate for Thurs.....they were in a planning meeting this morning. I asked her if they had discussed combining White House with others and our event being "the event".....and she said, of course, if WH has announcement for an event.....so it is clear to me that no event has really been planned yet, but I'd say they are pretty focused on getting something going by tomorrow.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-MAR-1998 13:43:49.00

SUBJECT: Action by California on FLSA and workfare

TO: Emil E. Parker (CN=Emil E. Parker/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Karen E. Skelton (CN=Karen E. Skelton/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Barbara Chow (CN=Barbara Chow/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Karen Tramontano (CN=Karen Tramontano/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Larry R. Matlack (CN=Larry R. Matlack/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Robert N. Weiner (CN=Robert N. Weiner/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Seth Harris says DOL hears from reliable sources that California plans to send guidance to welfare directors next week that people in work experience are not covered by FLSA. Here's DOL's plan to deal with it.

1. DOL will call the state now, saying in a neutral way that they hear guidance is being prepared, and offer to help in their interpretation, with a followup letter saying the same thing.
2. Then they expect to get within a few days a formal request from a Democratic state legislator asking for a formal opinion on the guidance. DOL will respond to that by saying the guidance appears to be inconsistent with DOL's guidance, that the state is wrong to make categorical judgments about the status of work experience participants, but that they need to learn more.
3. If this doesn't stop the state from issuing the guidance, advocates will find a plaintiff and bring suit in federal court. (An alternative would be for the advocates to ask DOL's Wage and Hour Division to take enforcement action, but Seth thinks they'll bring suit.) If that happens, DOL would then like to file an amicus brief in the case. That won't happen for a few weeks at the earliest.

Let me know if you have a concern about DOL's plan of action or would like to discuss further.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:25-MAR-1998 11:33:54.00

SUBJECT: cloning meeting

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

READ:UNKNOWN

TEXT:

Jerry tells me that you will be there and run the meeting: David Korn is hosting a meeting this morning to prepare for our meeting. They are discussing a proposal along the lines we had discussed earlier that combines FDA regulatory authority with case-by-case review by a body similar to NIH's Recombinant DNA Advisory Committee (RAC).

This morning I heard of a possible scenario involving attaching a cloning amendment to an NIH appropriations bill. In the worst case, there would be no tobacco money and a continuing resolution until the last minute when an unvetoable bill would come in with cloning attached. Sounds like business as usual.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Steven M. Mertens (CN=Steven M. Mertens/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:25-MAR-1998 20:08:43.00

SUBJECT: INS Issues as a Follow-up to the Appropriations Committee Meeting

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO: Michael Deich (CN=Michael Deich/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC: Ingrid M. Schroeder (CN=Ingrid M. Schroeder/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TEXT:

Following our meeting on the Hill with the House Appropriators I called INS (Weber- Budget) to relay to him our concerns about the need for pricing information and the organizational relationship with the Border Patrol.

Border Patrol -- The Commissioner has told Reyes that the Border Patrol will have this separate, special reporting relationship and a Border Patrol chief "responsible" for the Border Patrol. I told him our understanding, based on what the Commissioner said last week, was that all local enforcement officers had a clear chain of command through local units, to the area enforcement director, to the EAC for enforcement. I told him that the Border Patrol reporting structure that Alan outlined tonight blows a sizable hole in our "chain of command" argument.

Pricing - I also told him that we needed to work with INS to come up with a best estimate on pricing the restructuring out in FY 99 and possible cost areas as the restructuring moves forward into 2000 by Friday. He said that he was uncomfortable with developing any estimate given the lack of specificity in the restructuring at this time. He thought Hill staff agreed that pricing data could be developed over the Spring/Summer as the restructuring is finalized and moves forward. I said that the Commissioner and the Administration would look foolish if on Tuesday we didn't have any answer on possible costs of the restructuring if the Chairman asks (especially since he has CBO pricing out CIR). He also said that the Commissioner is still talking about law enforcement pay for INS inspectors (I told both Weber and the Commissioner's staff that the only pay issue she should speak about was the Customs/INS pay comparability proposal which the Department had forwarded to OMB) -- which is the possible BIG future cost.

He said someone would have to call the Commissioner to get this kind of pricing data and his response would be they couldn't do it by Friday.

Either Michael or Elana needs to talk to the Commissioner to clear up these issues -- or at least get an acceptable answer that the Administration feels comfortable with when she testifies next week and

Rogers raised these issue. I don't know, maybe the CIR was right -- kidding.

Welfare-to-Work Formula Grant Status

States announced 1/29/98: \$122M

IL
LA
MI
NE
NV

Automated Records Management System
Hex-Dump Conversion

States announced 2/19: \$32.6 M

MA
SC

States announced 3/2: \$26.3 M

KA
HI
MN

3/19:

26 tribal plans approved \$5.8 M

States with pending plans:

MO (probably by 3/27)

TN (probably by 3/27)

NOTE: DOL is working with OVP to do press release with VP quote and provide talking points so VP can call TN delegation and possibly Governor Carnehan.

GA

KY

DE (probably week of 4/30)

CA

Tribes with pending plans:

20 (probably by 4/30)

NOTE: OVP and IG are aware but OVP can't do anything before 4/1. DOL will probably release grants, but work with OVP to do a conference call to all tribal grantees soon.

As of 3/25

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-MAR-1998 09:49:55.00

SUBJECT: APWA resolution

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: WEINSTEIN_P (WEINSTEIN_P @ A1 @ CD @ VAXGTWY [UNKNOWN]) (OPD)

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Anil Kakani (CN=Anil Kakani/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

CC: Francis S. Redburn (CN=Francis S. Redburn/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

CC: Kim C. Nakahara (CN=Kim C. Nakahara/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

CC: Dorothy Robyn (CN=Dorothy Robyn/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Yesterday, the American Public Welfare Association passed a resolution supporting the two Administration budget initiatives related to welfare reform: welfare to work housing vouchers and Access to Jobs. I understand they also expressed concern about the funding source for Access to Jobs, i.e. they do not support funding it out of cuts in other human service programs (they are particularly concerned about further cuts in Title XX and food stamp administration). I'll pass around the resolution as soon as I get it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Steven M. Mertens (CN=Steven M. Mertens/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:25-MAR-1998 09:49:44.00

SUBJECT: URGENT -- CLEARANCE OF INS RESTRUCTURING PACKAGE

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO: Michael Deich (CN=Michael Deich/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Debra J. Bond (CN=Debra J. Bond/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Kenneth L. Schwartz (CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Joseph G. Pipan (CN=Joseph G. Pipan/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Ingrid M. Schroeder (CN=Ingrid M. Schroeder/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TEXT:

We are concerned about the lead time needed to clear and finalize the INS restructuring package. We must get the Rogers letter, comparison chart and Labor and State letters into the LRD clearance process as early as possible TODAY.

Status:

The Rogers' letter is with DPC for its final cut before LRD interagency circulation. The side-by-side has been shared with EXOP and Justice and is ready for LRD clearance. We have a Labor letter which is almost ready for LRD re-circulation (we are suggesting a number of minor changes which Labor should not object to). We are hoping to get the State letter for LRD clearance by noon today.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-MAR-1998 16:28:53.00

SUBJECT: FYI on radio address on benefits to prisoners

TO: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

SSA says Rahm asked Ken Apfel for material on SSA's efforts to stop paying benefits to prisoners, along with ideas for how to expand those efforts to other agencies. Ken sent a copy of his note to Elena and OMB on the theory that we would have to be involved in any effort to expand this to other agencies in a quick way. Other programs Ken listed that might benefit if SSA shared its prisoner data are food stamps, veterans benefits, and child support enforcement. I'm not sure if DPC should be following up and, if so, who.

Q&A
March 25, 1998

Martin Feldman testified before the Commerce Committee yesterday that the President's proposal would cost \$644 billion over 25 years. What is your response to this?

The President's budget includes \$65 billion in spending over five years from tobacco legislation. We have not done, and never do, budget projections beyond five years. We propose industry payments at a level that would result in a \$1.10 per pack price increase in order to cut youth smoking nearly in half and prevent a million deaths over the next five years. This means that over the next five years, 3 million fewer underage teens would be kept from smoking. The \$1.10 figure is based on its projected impact on youth smoking, not on its ability to generate revenue.

What are the new figures that Larry Summers is releasing today?

Larry Summers is releasing a new Treasury Department analysis that shows that smoking costs this nation's economy \$230 billion a year in terms of lost productivity and higher medical costs. By reducing youth smoking by 60 percent, as proposed by the President, we would save an estimated \$60 billion in costs.

*Automated Records Management System
Hex-Dump Conversion*

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-MAR-1998 12:31:38.00

SUBJECT: Ideas

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Michelle Crisci (CN=Michelle Crisci/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Leanne A. Shimabukuro (CN=Leanne A. Shimabukuro/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:
Rahm/Elena:

While I'm still pouring over the facts to make sure this is what makes the most sense, here's my initial recommendation of what we might want to say in the radio address:

1. Add section on preventing/responding to multiple shootings in annual report. Building on his comments this morning the President could call on the AG and Secretary Riley to convene a national meeting with experts on what leads youth to commit such sudden, violent acts (child abuse, exposure to violence, etc.). Recommendations from the experts would be added to the Administration's Annual Report on School Safety and include early warning signs and initial responses that teachers and parents should know to help avoid multiple shootings by distraught students.

2. Make parents who don't keep guns out of the hands of their kids liable for their actions. In both the Pearl and Paducah shootings, the kids involved obtained their firearms from their homes. There is absolutely no reason that a distraught 11- or 12-year old should have easy and unsupervised access to firearms. That's why parents who don't make the effort to safely store and lock their firearms should be held liable for their actions. Next week, the Administration will transmit model juvenile handgun legislation to the States that -- in addition to many of the provisions in our juvenile crime bill -- will propose making adults who allow easy to their firearms criminally liable if those guns are misused. Not only should states enact those laws, but I will ask the AG to determine if we should enact such legislation at the federal level, too.

Rahm, the draft report and legislation on model handgun legislation has not yet been sent and can be leaked. I'll run a copy over to you in a few minutes. DOJ and Education refuse to budge on the other pending school violence study. You may want to call Kent. Also, did you know that Riley is testifying on the Hill this afternoon, and this is sure to come up. I understand that ABC will cover the hearing.

Jose'