

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 045 - FOLDER -009

[02/24/1999]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-FEB-1999 09:40:05.00

SUBJECT: Weekly Strategy Meeting

TO: Sarah A. Bianchi (CN=Sarah A. Bianchi/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: Daniel N. Mendelson (CN=Daniel N. Mendelson/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: David W. Beier (CN=David W. Beier/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: Barbara D. Woolley (CN=Barbara D. Woolley/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Devorah R. Adler (CN=Devorah R. Adler/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

TO: Christopher C. Jennings (CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Jason H. Schechter (CN=Jason H. Schechter/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Rhonda Melton (CN=Rhonda Melton/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

CC: Teresa M. Jones (CN=Teresa M. Jones/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Gina C. Mooers (CN=Gina C. Mooers/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

TEXT:

We will be having the weekly Health Care Strategy Meeting tomorrow, Thursday, February 25, at 4:00 p.m. in Bruce Reed's office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-FEB-1999 09:44:24.00

SUBJECT: Re: race report: compact language

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

READ:UNKNOWN

TEXT:

Somehow I don't think Chris will see it this way.

----- Forwarded by Bruce N. Reed/OPD/EOP on 02/24/99
09:44 AM -----

Clara J. Shin

02/23/99 07:04:55 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc:

Subject: Re: race report: compact language

Thanks for your comments -- they are extremely helpful. I've talked to Maria and she will be checking in with you on strategy to make the education section consistent with administration policies. Again, thanks (and to your staff as well).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Lorrie McHugh (CN=Lorrie McHugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-FEB-1999 10:15:19.00

SUBJECT:

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

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

TEXT:

FDA Commissioner Henney asked that I pass along the following - She is giving a speech on March 12 before the NDMA (the OTC drug folks) and would like the OTC labeling announcement to be out there before then if possible. I told them that it was still up in the air.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-FEB-1999 10:36:33.00

SUBJECT: Car Seats Radio Address This Week

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

TO: Mary L. Smith (CN=Mary L. Smith/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:

I spoke to Jen Palmieri and Mark Neschis in the Press Office about this week's radio address on child safety seats. They would like to pitch this to get people on Saturday morning shows, but need some draft paper in order to do this.

Is it possible to get them draft paper, that they would use on an embargoed basis (or they could just talk from it if we feel strongly about not giving it on an embargoed basis) to pitch this? They would like to have something by COB TODAY.

Let me know if we can do this. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-FEB-1999 10:50:40.00

SUBJECT: Re: Car Seats Radio Address This Week

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

TEXT:

Are you ok with giving a draft to the press office that they can pitch from?

----- Forwarded by Karin Kullman/OPD/EOP on 02/24/99
09:53 AM -----

Mary L. Smith
02/24/99 10:37:33 AM
Record Type: Record

To: Karin Kullman/OPD/EOP
cc: Elena Kagan/OPD/EOP, Thomas L. Freedman/OPD/EOP, Laura Emmett/WHO/EOP
bcc:
Subject: Re: Car Seats Radio Address This Week

We'll try to get you something by the end of today. Thanks, Mary

Karin Kullman
02/24/99 10:35:53 AM
Record Type: Record

To: Elena Kagan/OPD/EOP, Thomas L. Freedman/OPD/EOP, Mary L. Smith/OPD/EOP
cc: Laura Emmett/WHO/EOP
Subject: Car Seats Radio Address This Week

I spoke to Jen Palmieri and Mark Neschis in the Press Office about this week's radio address on child safety seats. They would like to pitch this to get people on Saturday morning shows, but need some draft paper in order to do this.

Is it possible to get them draft paper, that they would use on an embargoed basis (or they could just talk from it if we feel strongly about not giving it on an embargoed basis) to pitch this? They would like to have something by COB TODAY.

Let me know if we can do this. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-FEB-1999 10:52:55.00

SUBJECT: videos

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

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

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

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

TEXT:

I wanted to let you all know that the request for a POTUS video for the Charter Schools conference in Denver was accepted. Cabinet Affairs is working with the Dept. of Ed. to get a draft script.

Also, a request from Cabinet Affairs for a video for the National Association of Elementary School Principals' 78th Annual Convention was also accepted.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christopher C. Jennings (CN=Christopher C. Jennings/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-FEB-1999 11:00:10.00

SUBJECT:

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

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

CC: Devorah R. Adler (CN=Devorah R. Adler/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Sarah A. Bianchi (CN=Sarah A. Bianchi/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

TEXT:

Q: How do you respond to Congressman Thomas' charge that the White House is directing the Presidential appointees not to compromise?

A: First, any suggestion that the White House has pressured its members to take any position is both inaccurate and insulting. As Stuart Altman said yesterday, any such charge is "nonsense." Our appointees are well respected health care experts who have long-standing opinions on this important issue. Their positions have not changed or altered at any point during the work of the Commission.

The President's Commission members, particularly Dr. Tyson and Dr. Altman, have indicated an openness to new, competitive reforms, but they have also underscored their belief that: (1) there be new and substantial revenue dedicated to strengthen the financial health of the program, such as the President's proposal to allocate 15% of the surplus to Medicare, (2) any structural reform should retain a defined benefit and analysis be provided to understand its impact on beneficiaries and providers; and (3) there be a long overdue and affordable prescription drug benefit available to all beneficiaries. To date, our Members have informed us that their minimum requirements have not been met. Our hope, of course, is that this situation will change. But, once again, we do not feel it serves any fruitful purpose for the White House to comment on every individual iteration of the Commission's recommendations. We look forward to learning about the final deliberations of the Commission.

Q: Senator Lott suggested that the White House should encourage its members to support Senator Breaux so that the Commission can get the 11 votes it needs to report out its recommendation. He also indicated that if there weren't 11 votes, the Congress would not be able to pass out a Medicare reform package this year. How do you respond?

A: First, we aren't asking our members to take any position other than that they believe is necessary to improve and strengthen the Medicare program. Similarly, we are not asking Senator Lott or Speaker Hastert to request that their Commission appointees to alter their position in a direction that more Democrats would support. We believe the Commission

should be given the leeway to analyze the best way to improve and strengthen the Medicare program for the 21st century. We look forward to their recommendations.

Finally, while we certainly would hope that the Commission could achieve a broad-based consensus on Medicare reforms, we do not believe it is essential in order for the Commission to have a positive impact on subsequent Congressional deliberations on this matter. The Social Security Commission did not achieve consensus, but it had a remarkably constructive impact on our ability to move forward on Social Security reforms. We are confident that Senator Breaux and his Commission will also make constructive contributions as well.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan H. Schnur (CN=Jonathan H. Schnur/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-FEB-1999 11:12:13.00

SUBJECT: Further revised ed-flex SAP

TO: Tanya E. Martin (CN=Tanya E. Martin/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

They incorporated our edits from yesterday. I will be in VP mtgs for the next couple of hours. Tanya will be working on this. Page me on my skypager before then if you need me. -- jon

----- Forwarded by Jonathan H. Schnur/OPD/EOP on 02/24/99
11:12 AM -----

Constance J. Bowers

02/23/99 07:47:35 PM

Record Type: Record

To: paul_riddle @ ed.gov @ inet, Jonathan H. Schnur/OPD/EOP @ EOP
cc: Leslie S. Mustain/OMB/EOP @ EOP, Barry White/OMB/EOP @ EOP, Janet R. Forsgren/OMB/EOP @ EOP
Subject: Further revised ed-flex SAP

The version below has been reviewed by Barbara Chow. While there are still some questions, please provide your comments on this version. Given the uncertain timing, our goal is to reach agreement on the text Wed. morning to allow time for final OMB policy level and White House clearance. If there is still a lack of clarity about the manager's amendment, OMB recommends using option #1. Please respond asap on Wed. Thanks.

DRAFT -- NOT FOR RELEASE
February 23, 1999
(Senate)

S. 280 - Education Flexibility Partnership Act of 1999
(Sen. Frist (R) TN and 33 others)

The Administration has long supported the concept of expanding ed-flex demonstration authority to permit all States to waive certain statutory and regulatory requirements of Federal education.

[OPTION #1 The Administration will support S. 280 as long as accountability provisions of the bill are strengthened to ensure that State waivers of Federal requirements enhance children's educational achievement.]

[OPTION #2 The Administration supports Senate passage of S. 280 only if the Senate adopts the pending manager's substitute that would strengthen the accountability provisions of the bill, to ensure that children's educational achievement is enhanced by State waivers of Federal

requirements.]

The Administration also urges adoption of an amendment that would [terminate State plans automatically at the time of implementation of the reauthorized Elementary and Secondary Education Act] [sunset ed-flex once ESEA is (reauthorized?) to ensure consistency between ed flex waiver provisions and ESEA provisions stressing accountability] [ED: please help draft something appropriate . [note: this sentence has not yet been approved by ED or DPC.]

S. 280 is [generally] consistent with the President's call for expansion of Ed-Flex in a manner that will promote high standards and accountability for results, coupled with increased flexibility for States and local school districts to achieve those results.

The Administration strongly supports an amendment that is expected to be offered to S. 280 that would implement the President's proposal for a long-term extension of the one-year authority to help school districts reduce class size in the early grades, which the Congress approved last year on a bipartisan basis. In order to hire qualified teachers, arrange for additional classrooms, and take other steps that are necessary to reduce class size, school districts need to know, as soon as possible, that the Congress intends to support this initiative for more than one year.

* * * * *

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christopher C. Jennings (CN=Christopher C. Jennings/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-FEB-1999 11:37:17.00

SUBJECT:

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:

Q: Senator Breaux is circulating estimates by your own Medicare actuary which affirms that his premium support options saves \$372 billion over 10 years? Do you agree with the estimate and how do you respond to it?

A: Any credible package of reforms will strengthen the Medicare program and extend the life of the Trust Fund. The savings the actuary projects appears to come from a variety of sources. The premium support has been redesigned to save between \$75 and \$100 billion over 10 years. While this represents less than one-third of the savings in the package Senator Breaux circulated and would not significantly extend the life of the Trust Fund, it certainly is noteworthy that this version of premium support appears to achieve much needed savings for the program. The challenge of the Commission, however, is to review the positive and potential negative implications of this particular premium support model, as well as the rest of the proposal, to determine how it impacts on the program, the beneficiaries it serves, and the hospitals, nursing homes, doctors and nurses who provide health care services to some of our most vulnerable citizens. We look forward to learning about the Commission's deliberations today on the most recent proposal put forth by Senator Breaux.

not only the premium support proposal and its implied savings and does need added revenue. Any proposed money program money. The issue will always be

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-FEB-1999 11:39:55.00

SUBJECT: Re: Car Seats Radio Address This Week

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

READ:UNKNOWN

TEXT:

great, thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-FEB-1999 11:57:20.00

SUBJECT: Equal Pay memo

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

READ:UNKNOWN

TEXT:

Caroline Fredrickson just called back to say she's stuck on the Hill and will have read the memo for Podesta and sent it on to (you) Elena by 2:30.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Gay L. Joshlyn (CN=Gay L. Joshlyn/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-FEB-1999 12:50:35.00

SUBJECT: Davis Bacon Meeting

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

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

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

TO: Charles R. Marr (CN=Charles R. Marr/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

TO: David W. Beier (CN=David W. Beier/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

CC: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Dario J. Gomez (CN=Dario J. Gomez/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Carolyn T. Wu (CN=Carolyn T. Wu/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

Sally Katzen will hold a Davis-Bacon meeting this Friday, February 26th at 3:00 pm in room 231. Please let me know if there is a problem.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-FEB-1999 14:07:31.00

SUBJECT: Next steps re: tobacco recoupment

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

TO: J. Eric Gould (CN=J. Eric Gould/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TO: Devorah R. Adler (CN=Devorah R. Adler/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Christopher C. Jennings (CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

TEXT:

Today Graham, Murray, Bayh, and Leahy staff told us they see serious interest on Lott's part in moving the Hutchison bill and we better move on our negotiations with NGA. Hutchison now has 36 cosponsors (including 7 Democrats) and they foresee it reaching 50.

Here's what I'd propose we do next:

- 1) Bruce should call Carper and Gregoire to try to jump start the process. I think it would be to our advantage to have the AGs at the table. Does NCSL need to be there too?
- 2) We need to get the sign off internally to move forward. Because of the potential budget tradeoffs, Jack Lew (per Josh) wants there to be a Podesta level conversation. So I propose we first have a meeting in Bruce's office to be followed by a Podesta meeting to decide:
 - a) What menu are we pushing for. (See below for proposal; BR/EK -- I've told Josh that you think his "federal piece" is unrealistic and inconsistent with what the President told the Governors. The Graham-Murray-Bayh-Leahy I think helped persuade him.)
 - b) Can we issue veto threats
 - 3) In the meantime we should continue to encourage bipartisan alternatives but so far I'm not encouraged by our success (besides Chafee no R has been receptive to any alternative). Conrad's staff is now thinking they may need to put out a D only alternative in order to get one on the table. They want our help in drafting.

Menu option

Settle the federal claim (57% of the tobacco settlement funds) in exchange for a commitment that states spend the funds on:

- Tobacco Related Public Health. No less than 15 percent of the funds must be spent in this area on: cessation, prevention and education, and enforcement.

- Tobacco Farmers

- Public Health Services (e.g. community health centers and our new proposal)

- CHIP Outreach

- Maternal and Child Health Care

- Substance Abuse Treatment and Education

- Child care

Maintenance of effort would apply.

States would remit to the federal government the \$2.9 billion CBO-scored cost.

Commitment would apply to all years of tobacco settlement (not just the five year budget window).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-FEB-1999 15:25:37.00

SUBJECT: Memo on equal pay for Podesta

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

READ:UNKNOWN

CC: Thomas L. Freedman (CN=Thomas L. Freedman/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 new draft of the equal pay memo. Caroline Fredrickson has signed off. We added some language on efforts we have been making on data collection.===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D48]MAIL45613595I.036 to ASCII, .
The following is a HEX DUMP:

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February 24, 1999

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: BRUCE REED
LARRY STEIN

SUBJECT: Meeting with Senator Harkin and Pay Equity Advocates

The President and Vice-President have spoken out in favor of equal pay and supported Senator Daschle's Paycheck Fairness Act which strengthens the remedies available to women under the Equal Pay Act. The Administration has not supported Senator Harkin's bill which provides for comparable worth, a more controversial method that requires companies to equalize wages between "equivalent" jobs. You will be meeting with Senator Harkin and representatives of groups who favor comparable worth and will likely encourage the Administration to endorse the concept of comparable worth. As a fall back, the groups will push for strengthening of the Daschle bill and may seek reinsertion of a provision on pay disclosure that was dropped out last year at the Administration's request. This memorandum provides background on the Administration's strategy on the equal pay issue, compares Daschle and Harkin's bills giving the legislative outlook for each bill, and offers some options and recommendations.

I. Background

The last major piece of equal pay legislation, the Equal Pay Act signed by President Kennedy, became law more than 35 years ago. Since that time, the debate over how to diminish the pay gap between men and women has frequently declined into disputes over how large the gap actually is, what its causes are, and whether comparable worth is a desirable policy. In the last few years, the Administration has gained strong public support by taking steps to further equal pay, while not endorsing comparable worth. Among the actions the Administration has announced in the last two years: endorsement of the Daschle bill (see below); a \$14 million equal pay initiative in the FY 2000 budget for the EEOC and the DOL's Office of Federal Contract Compliance Programs (OFCCP); publication of a CEA report that shows a significant wage gap between male and female workers; commitments by federal agencies to conduct self-audits; and the creation of an annual report on pay differences to be published by DOL. The President and Vice-President have held a variety of events to announce these steps and raise public awareness of the issue, including mentioning equal pay in the State of the

Union, conducting a radio address on the topic this year, and hosting two events last year.

It may also be relevant to your meeting that the same groups that are lobbying on behalf of Senator Harkin's bill have also been lobbying for improved disclosure of pay data by employers. One specific area of contention has been attempts by the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) to request pay information by letter from some 5000 contractors selected for compliance reviews. OFCCP currently collects this data onsite at a later stage of the compliance process. OMB has balked at this request, primarily concerned about imposing an undue burden on employers. The Department of Labor has recently requested OMB delay its review for 90 days. At a meeting this week with pay equity groups and Josh Gotbaum, Josh promised to re-examine the matter. In addition, he noted the Administration had a variety of potential mechanisms for obtaining wage data from employers, including the EEOC and the Bureau of Labor Statistics, and we wanted to fashion the best overall plan for obtaining useful data. The DPC, NEC, OMB, OPL (women's office), EEOC, and DOL held a meeting on Friday to begin this process of determining what are the most effective and politically plausible means for improving data collection from employers.

II. The Daschle Bill

The Administration has endorsed "The Paycheck Fairness Act," introduced by Senator Daschle and Congresswoman DeLauro, to strengthen laws prohibiting wage discrimination. The measure is included this year as one of the Democratic Leadership Initiatives. Key aspects of the bill include:

Increased Penalties. The legislation would provide full compensatory and punitive damages as remedies for equal pay violations, in addition to the liquidated damages and back pay awards currently available under the Equal Pay Act.

Non-retaliation provision. The bill would prohibit employers from punishing employees for sharing salary information with their co-workers. Without the ability to learn about wage disparities, it is difficult for employees to evaluate whether there is wage discrimination.

Training, Research, and Pay Equity Award. The bill would provide for increased training for EEOC staff; more research on discrimination in the payment of wages; and would establish an award to promote employers who have worked to eliminate pay disparities.

[Data Collection. Senator Daschle's bill had originally included a provision that required the EEOC to collect reports from employers with 100 or more employees of wage information, analyzed by the race, sex, and national origin of the employees. It was felt that this provision would raise very strong objections from the business community and the measure was not included in the bill the Administration endorsed.]

III. Harkin's Bill

Last year, Senator Harkin introduced a comparable worth bill called the "Fair Pay Act of 1997." (It doesn't appear that he has reintroduced the bill this year.) The highlights of this legislation include:

- **Comparable Worth.** Harkin's bill amends the Fair Labor Standards Act to prohibit the paying of unequal wages for work on "equivalent jobs" in occupations dominated by employees of different sex, race, or national origins. The legislation defines "equivalent jobs" as "jobs that may be dissimilar, but whose requirements are equivalent, when viewed as a composite of skills, effort, responsibility, and working conditions." It exempts from this provision wage differences on the basis of seniority, a merit system, or a quality/quantity system.
- **Data Collection.** The bill requires employers to submit wage data to the EEOC. Employers must submit data not only with respect to job category but also with respect to sex, race, and national origin. Furthermore, the EEOC is authorized to publish this data and may provide specific employer's reports to the public. This provision is very controversial. As noted above, Senator Daschle's bill had originally contained a requirement for greater collection of wage data, but the Administration felt this would draw a great deal of fire from Republicans and the business community and it was replaced with Sense of the Senate language that the President should increase the amount of information available on wage disparities.
- **Non-Retaliation Provision.** Harkin's bill also contains a non-retaliation provision and a provision to permit the awarding of expert fees.
- **Education, Training, and Technical Assistance.** The bill also provides for research, education, and technical assistance.

IV. Legislative Outlook

Senator Daschle's bill has 20 cosponsors currently (Sen. Harkin has yet to cosponsor, although he has in the past). On the House side, Congresswoman

DeLauro's bill, H. R. 541, has 34 cosponsors. Both of these bills are part of the "Democratic Leadership" package of bills. Senator Harkin's bill had 8 cosponsors in the last Congress, while the House version garnered 64 cosponsors. (By contrast, last Congress, Senator Daschle brought 23 Democrats on board, while Congresswoman DeLauro's bill had 95.) The Harkin-Norton bill is unlikely to attract more cosponsors because of lack of support from the leadership, lack of strong lobbying efforts by interest groups, and its controversial nature. The Daschle-DeLauro represents the bill with the greatest ability to move, to draw some bipartisan support, and to have some chance of passage.

As a political matter, the Daschle bill offers Democrats the ability to raise the issue on the floor, highlight our commitment to the issue, and spotlight differences between supporters and opponents. If the bill fails to pass, the vote would give members a record of fighting the wage gap and demonstrate that on a moderate bill where there is a national consensus, opponents of equal pay denied passage. Whether the bill passes or not, the attention such a fight would receive would focus attention on the problem and broaden the constituency for further measures, including, possibly, for Senator Harkin's bill. In contrast, endorsement of the Harkin bill at this time would likely drive members away from the issue altogether in fear that they will be tarred as supporting government wage-setting and radical interference in the labor market.

It is also clear that without a commitment from the interest groups, members, and the Administration to work together on legislation, we will lose the opportunity to raise the profile of this issue in any fashion. It is worth remembering that, while many Democrats espoused the principle of fair pay for women and participated in numerous events, no one tried to raise the issue on the floor. Without consensus support for our legislative and outreach strategy, the issue will be a victim of in-fighting and fall off the political radar screen.

V. Options & Recommendation

By backing Senator Daschle's bill as a first step, the Administration has gained an excellent position from which to lead a national debate on the wage gap and advocate for policies that will lead to more fairness in the workplace. In contrast, endorsing comparable worth at this point would likely breakdown the chance to build momentum on the issue, and spark only a debate over big government interference with the market. Indeed, a recent Wall Street Journal op-ed attempted to attack the Daschle bill on the grounds that it promoted comparable worth, while giving only partial attention to the existence of a wage gap -- a shift in focus that would be greatly accelerated by Administration support for Harkin's bill. We believe that the Administration should keep opponents of equal pay on the griddle by keeping the nation's attention focused on the existence of the wage gap and the common-sense first steps we all should be able to agree to in

attacking it.

We suggest two other points that may be useful for the discussion. First, the Administration's approach has been successful in advancing the ball and keeping momentum in favor of the issue. For example, in addition to endorsing the Daschle bill, the Administration has:

- **Supported a \$14 million** equal pay initiative in the FY 2000 budget for the EEOC and the DOL's Office of Federal Contractor Compliance (OFCCP);
- Issued a CEA report that shows a significant wage gap between male and female workers;
- Committed federal agencies to conduct self-audits, and the creation of an annual report on pay differences to be published by DOL starting this year;
- Discussed equal pay in the State of the Union, conducted a presidential radio address on the topic this year, and hosted two events last year.

Second, to demonstrate that we remain committed to the fight to erase pay disparities, you may want to suggest some intermediary steps the Administration is working on, short of endorsing Harkin. First, DPC, NEC and OMB have begun a process to look for ways to increase wage disclosure by employers. We are hoping to find a mechanism the groups could support by early April. Depending on what method we chose, this new Administration measure could be implemented by executive action or included in Senator Daschle's bill. Senator Daschle is planning on including some data collection provision in his bill and will introduce the bill on April 8, Equal Pay Day. Second, we will look at other ways to strengthen the Daschle bill. Senator Daschle's office is already considering this and we have reached out to the groups seeking recommendations. We should agree that we will continue working with the groups in finding ways to make the Daschle bill more attractive to them.

SCHEDULING PROPOSAL

TODAY'S DATE: 2/24/99

_____ACCEPT

_____REGRET

_____PENDING

TO: Stephanie Streett
Assistant to the President
Director of Presidential Scheduling

FROM: Bruce Reed
Assistant to the President for Domestic Policy and
Director of the Domestic Policy Council

REQUEST: Deliver Keynote Speech at the 18th Annual Peace Officers'
Memorial Service

PURPOSE: To highlight the President's commitment to law
enforcement officers and to honor 155 officers who killed
in the line of duty in 1998.

BACKGROUND: This annual event, sponsored by the Fraternal Order of
Police (FOP), will honor the 155 officers who were killed
in the line of duty in 1998. The event is attended by
thousands of law enforcement officers, survivors and friend
of law enforcement to pay tribute to those officers who
gave their lives last year. The service demonstrates that
members of the law enforcement profession lay their lives
on the line every day and the sacrifices made by these brave
men and women will not be forgotten.

The National Law Enforcement Officers Memorial was
built in 1991 and bears the names of more than 14,000
federal, state, and local law enforcement officers who have
died in the line of duty.

PREVIOUS PARTICIPATION: The President has attended this event every year, except for
1998 when he was traveling in Europe.

DATE AND TIME: Saturday, May 15, 1999 at 1:00pm

BRIEFING TIME: 30 minutes

DURATION: 1 hour

LOCATION: West Front of the Capitol, Washington, D.C.

PARTICIPANTS: Representatives of the Fraternal Order of Police (FOP)
Law enforcement officers, survivors and friends of law
enforcement
Musical Entertainment this year will be the "Dixie Chicks".

REMARKS REQUIRED: To be provided by speechwriting.

OUTLINE OF EVENTS: The President would deliver the keynote address at the
memorial service, and lay a wreath on the memorial.

MEDIA COVERAGE: Open.

FIRST LADY'S ATTENDANCE: N/A

VICE PRESIDENT'S ATTENDANCE: If possible.

SECOND LADY'S ATTENDANCE: N/A

RECOMMENDED BY: Bruce Reed
Jose Cerda

CONTACT: Karin Kullman
X61732

ORIGIN OF THE PROPOSAL: Fraternal Order of Police (see attached letter)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-FEB-1999 17:53:30.00

SUBJECT:

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

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

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

TO: Lawrence J. Stein (CN=Lawrence J. Stein/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Richard L. Siewert (CN=Richard L. Siewert/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

CC: Dominique L. Cano (CN=Dominique L. Cano/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

The President said the following in today's press conference:

And then we have probably, oh, I don't know,
8 or 10 bills that I can conceive of us getting agreement on -- I
mean, really significant bills, a lot of them -- between the two
parties.

Anybody have any idea what bills he was talking about, and if not, can we
make a few assumptions?

Do you think he means long-term care, for example?

I'm being asked by BNA.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-FEB-1999 18:21:26.00

SUBJECT: 1999 Commencement Schools

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

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

TEXT:

The following is the list of schools currently being considered for the President's commencement schedule this spring. Any schools with commencement dates that conflict with the President's current schedule have been eliminated. The aim is for the President to deliver 3 or 4 commencement speeches this year. A decision has been made to hold off on deciding what the specific messages will be at each commencement, but they are proceeding with looking at specific schools and regions.

The group is aiming for including the following types of schools in the group this year:

- Annual Military Commencement Air
- Force June 2, 1999
- Large State School
- Elite School

* An address at Howard University is being seriously considered, and there have been a lot of calls to the White House advocating for the President to deliver a commencement address there.

They would also like to be able to do one address in the South and one in the Midwest.

All that was said regarding potential message was that Waldman would like to reserve speeches on 1)race and 2) "third way".

----- Forwarded by Karin Kullman/OPD/EOP on 02/24/99
05:14 PM -----

Charles J. Payson
02/24/99 06:03:57 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 1999 Commencement Schools

We have narrowed the list of possible commencement schools to be presented to the President to the following. If you feel we have missed any schools, please send your suggestions to the Scheduling Office by noon tomorrow.

- Florida State University, Tallahassee, FL 4/30/99
- University of Florida, Gainesville, FL 5/1/99
- University of Pittsburgh, Pittsburgh, PA 5/3/99

Howard University, Washington, DC	5/8/99
University of Georgia, Athens, GA	5/8/99
University of Indiana, Bloomington, IN	5/8/99
Emory University, Atlanta, GA	5/10/99
University of Pennsylvania, Philadelphia, PA	5/17/99
Barnard College and Columbia University, NYC, NY	5/19/99
Yale University, New Haven, CT	5/24/99
Ohio State University, Columbus, OH	6/11/99
University of Minnesota, Minneapolis, MN	6/13/99

Note: We are planning on delivering the US Air Force Academy Commencement on June 2.

Message Sent

To:

Ann F. Lewis/WHO/EOP
Kevin S. Moran/WHO/EOP
Douglas B. Sosnik/WHO/EOP
Nancy V. Hernreich/WHO/EOP
Phillip Caplan/WHO/EOP
Cathy R. Mays/OPD/EOP
Sara M. Latham/WHO/EOP
Marjorie Tarmey/WHO/EOP
Maria Echaveste/WHO/EOP
Patricia Solis-Doyle/WHO/EOP
Stephanie S. Streett/WHO/EOP
Charles J. Payson/WHO/EOP
Capricia P. Marshall/WHO/EOP
Eric P. Hothem/WHO/EOP
HILLIARD_B @ A1 @ CD @ LNWTWY
Jeffrey A. Forbes/WHO/EOP
Elisa Millsap/WHO/EOP
Todd Stern/WHO/EOP
Jennifer M. Palmieri/WHO/EOP
Beth A. Viola/CEQ/EOP
Michele Jolin/CEA/EOP
Melinda N. Bates/WHO/EOP
Ruby Shamir/WHO/EOP
Jonathan A. Kaplan/OPD/EOP
Paul E. Begala/WHO/EOP
Bob J. Nash/WHO/EOP
Ruth A. Eaglin/WHO/EOP
Kim B. Widdess/WHO/EOP
Maritza Rivera/WHO/EOP
Stacie Spector/WHO/EOP
Brian A. Barreto/OPD/EOP
Jeffrey M. Smith/OSTP/EOP
Wendy Hartman/OVP @ OVP
Linda Ricci/OMB/EOP
Maya Seiden/WHO/EOP
Lisa A. Berg/OVP @ OVP
Dominique L. Cano/WHO/EOP
Patrice L. Stanley/WHO/EOP
Mona G. Mohib/WHO/EOP
Melissa G. Green/OPD/EOP
Jonathan Orszag/OPD/EOP
Minyon Moore/WHO/EOP
Cheryl M. Carter/WHO/EOP

Mary Morrison/WHO/EOP
Laura K. Demeo/WHO/EOP
Lisa J. Levin/WHO/EOP
Betty J. Fountain/OSTP/EOP
Jocelyn A. Bucaro/WHO/EOP
Steve Ricchetti/WHO/EOP
Linda L. Moore/WHO/EOP
Craig Hughes/WHO/EOP
Cynthia M. Jasso-Rotunno/WHO/EOP
Bridget T. Leininger/WHO/EOP
Andrew J. Mayock/WHO/EOP
Simeona F. Pasquil/WHO/EOP
James T. Heimbach/WHO/EOP
Joshua S. Gottheimer/WHO/EOP
Susan L. Hazard/WHO/EOP
Theresa F. Granger/WHO/EOP
John Dankowski/WHO/EOP
Jacquelyn J. Bennett/WHO/EOP
Karin Kullman/OPD/EOP
Charles J. Payson/WHO/EOP
Audrey T. Haynes/OVP @ OVP
Melissa J. Prober/WHO/EOP
Gene B. Sperling/OPD/EOP
Melissa G. Green/OPD/EOP
Peter A. Weissman/OPD/EOP
Karen Tramontano/WHO/EOP
Carolyn T. Wu/WHO/EOP
Ann A. McCoy/WHO/EOP
John Podesta/WHO/EOP
Sara M. Latham/WHO/EOP
Thurgood Marshall Jr/WHO/EOP
Maya Seiden/WHO/EOP
Michael Waldman/WHO/EOP
Charles F. Ruff/WHO/EOP
Edward F. Hughes/WHO/EOP
Bruce N. Reed/OPD/EOP
Katharine Button/WHO/EOP
Mickey Ibarra/WHO/EOP
Patrice L. Stanley/WHO/EOP
Maria E. Soto/WHO/EOP
Lawrence J. Stein/WHO/EOP
Elisa Millsap/WHO/EOP
Virginia Apuzzo/WHO/EOP
Melinda N. Bates/WHO/EOP
Sandra Thurman/OPD/EOP
Joseph P. Lockhart/WHO/EOP
Robert B. Johnson/WHO/EOP
Cheryl M. Carter/WHO/EOP
Ron Klain/OVP @ OVP
Janet L. Yellen/CEA/EOP
George T. Frampton/CEQ/EOP
Jacob J. Lew/OMB/EOP
Sylvia M. Mathews/OMB/EOP
Neal Lane/OSTP/EOP
jblumenthal @ whitehousefellows.gov @ INET @ VAXGTWY
Jennifer M. Luray/WHO/EOP
Glyn T. Davies/NSC/EOP
Brenda I. Hilliard/NSC/EOP
KERRICK_D @ A1 @ CD @ VAXGTWY
Timothy W. Emrich/WHO/EOP

Mary E. Cahill/WHO/EOP
Sean P. O'Shea/WHO/EOP

Dear Hugh:

Thank you for your thoughtful letter on the issue of police abuse and misconduct. I appreciate your recommendations on this difficult issue, and have forwarded your letter to the Attorney General for her consideration [as she continues to work with state and local law enforcement agencies on these matters].

But I want to be clear: My Administration is committed to vigorously enforcing the law, including against those police officers who would betray the public's trust through lawlessness or brutality. We are equally committed to strengthening the bond between community residents and their local police, and making the criminal justice system more responsive to the public safety needs of all our people.

Again, thank you for your letter.

BC

Dear Hugh:

Thank you for your thoughtful letter on the issue of police abuse and misconduct. I appreciate your recommendations on this difficult issue, and have forwarded your letter to the Attorney General for her consideration [as she continues to work with state and local law enforcement agencies on these matters].

But I want to be clear: My Administration is committed to vigorously enforcing the law, including against those police officers who would betray the public's trust through lawlessness or brutality. We are equally committed to strengthening the bond between community residents and their local police, and making the criminal justice system more responsive to the public safety needs of all our people.

Again, thank you for your letter. I have asked Chuck Ruff, the White House Counsel, to follow up with you personally.

BC

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-FEB-1999 19:19:04.00

SUBJECT: NACARA

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

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

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

TEXT:

This is an update on a NACARA meeting I attended today chaired by Janet Murgia and attended by NSC, Justice and State staff. (Sorry I missed the police brutality meeting but it conflicted with this meeting but I got a report of the meeting).

We discussed the options presented by Scott Busby. The options were developed assuming that the DOJ regulations would provide the presumption of "extreme hardship" for NACARA groups (ie Salvadoran and Guatamalans). DOJ (James Costello) informed us that the regulations are not yet completed but he expects they will be soon.

The option that had consensus at least for the President's upcoming visit to Central America is for the President to announce the regulation. If the regulation is not ready, we will need to draft some language that communicates in the strongest terms possible that we are headed in the direction of providing presumption of extreme hardship. With regard to legislation to help other Central Americans, the President would indicate that the Administration will work with Congress to address this issue. I will bring you a copy of the list of options that Scott drafted. The consensus option is a modified option 1.

While there are some downsides with this approach (doesn't resolve the parity issue, other Central Americans and Eastern Europeans are not left out), I think that this option provides the right balance - targets and helps the Salvadorans and Guatamalans while at the same time not undermining our enforcement message by creating a magnet - if immigrants come here as undocumented immigrants that they will eventually be allowed to legalize.

The immediate next steps are for Scott to draft talking points that will be circulated for clearance and James will continue to press on the regulations. After the Central America trip, Janet, I and others will meet with groups and folks on the Hill to discuss next steps on legislation.

Based on discussions with the Hill, immigrant groups and others, this option would be okay for now but the announcement of the regulations is key. The Hill and some groups have another issue that may want to throw into the legislative mix dealing with Section 377 that requires a legislative fix (changing the registry date) and it is unclear if they will tie this fix to the NACARA legislation.

Please let me know if you have any questions.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-FEB-1999 22:03:16.00

SUBJECT: Thurs am meeting

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

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

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

TEXT:

Fyi - I will be in orientation beginning at 9 am onThursday but I plan to attend to attend the Immigration meeting at 11 am.