

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 093 - FOLDER -003**

**[04/06/1999]**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 01:12:06.00

SUBJECT: Equal Pay Panel

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Here are choices for the comparable worth story and the older woman story that Karin and I talked to:

Choices for  Comparable Worth  Story

This first one was sent by AFSCME

Trish Higgins, Nurse, Cleveland Metro Hospital

Ms. Higgins, 50, has been a nurse for 25 years and has worked at Cleveland Metro Hospital for 16 years. She is currently involved in a union drive and is very articulate about being underpaid and undervalued as a nurse. She feels that nursing is a predominantly female profession and that it has been traditionally underpaid. She has three children -- a son who is 30 years old, a daughter in college who wants to be a nurse, and a son who is 20 and disabled. It was only when her daughter indicated that she wanted to be a nurse that Ms. Higgins became more vocal about trying to get more pay for nurses. Ms. Higgins admitted that if she did not have her husband's salary it would have been very difficult to raise her children and that she certainly could not have paid for her daughter's college tuition. She definitely believes in comparable worth and stated that the predominantly male profession of pharmacists is paid better than nurses, even though they have similar skills and experience. She is the union's choice, but if we use her we should be very careful to stay clear of her views on comparable worth.

Debbie Watkins, Park Street Children's Center, Rockville, Maryland

Ms. Watkins has a degree from Bowie State College in elementary education, and she has 15 years experience as a childcare worker, yet she earns about the same as she did teaching elementary school twenty years ago. She said that she could not continue working in this area if she did not have her husband's income. She said that even if she were single with no children, she could not really live on her current salary. She believes that in order to raise the pay of childcare workers, there should be alternate funding sources, both governmental and private.

Marcia Ansel, Social Worker, State of Maryland

Ms. Ansel who is single has been a social worker for 26 years for the State of Maryland. She has fought to get equal pay for social workers. She stated that, in the past, the few men who were social workers always received the supervisory positions. Ms. Ansel herself received two of her promotions to supervisor because of cognizance of remedying past discrimination against women. Recently, Maryland State social workers who

work in the area of protective services (such as child abuse) have gotten a pay increase. Ms. Ansel is fighting so that all the other social workers get the same increase. She also helped the social workers who work in the Department of Corrections facilities to get the same hazard pay that correctional officers do. While Ms. Ansel believes in comparable worth personally, her recent efforts have been in the area of regular equal pay, and she would be willing to talk about the need to increase the wages of social workers generally.

#### Senior Women

Carolyn Gantt, Clerk, RSVP (a senior program), Washington, D.C. Ms. Gantt is 74 years old, African American, and has seven children. She worked for the D.C. Housing Department between 1976 and 1980, and again between 1985 and 1992. Ms. Gantt, who has a G.E.D., admitted that when she worked for the D.C. government she was paid low wages and that men who had less education than she (high school drop outs) received better positions and more training. Ms. Gantt retired in 1992 and hoped that she would be able to relax, travel, and take some classes. However, she realized that she could not make ends meet on her social security check, and she, therefore, took a position where she works as a clerk for a senior program, RSVP. (She is actually paid by the National Black Caucus). While Ms. Gantt's story is excellent, she is not as articulate as some of the other women and will have to be asked very pointed questions in order to get her story out in a concise and clear manner.

Ann Marie Lemillard, retired, Millersville, MD

Ms. Lemillard ran one of the five Anne Arundel County senior centers. She believes that dire

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern ( CN=Todd Stern/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 6-APR-1999 11:18:09.00

SUBJECT: racial profiling

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

READ:UNKNOWN

CC: Meagan M. Earley ( CN=Meagan M. Earley/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Is there any paper floating around on this issue that indicates where we are on it, what options are being considered, etc.? If so, I'd like to get it ASAP. Thanks. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern ( CN=Todd Stern/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 6-APR-1999 11:47:19.00

SUBJECT: nag

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Sorry to be pestering, but Maria is trying to push this process quickly, so I need any comments that you have on other sections, like civil rights.

I will need to pull a meeting or meetings together at staff level this week to see what can be sorted through and what can't be. As I mentioned, I'm meeting with Terry this afternoon to work through as much as we can on the first half of the book. That obviously won't get to the areas of policy and message where there are serious disagreements. I wouldn't be surprised if there were a POTUS meeting as early as next week. Also, I need a copy of memo on Education and Crime chapters that is suitable for showing to Maria, who asked to see comments I've received. I haven't given her anything from DPC. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 12:53:55.00

SUBJECT: Michael Myers

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

READ:UNKNOWN

TO: mike.cohen ( mike.cohen @ ed.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

wants us to get together with him sometime this week to plot ESEA and class size strategy. I'll ask Cathy to set something up.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 13:34:34.00

SUBJECT: IMPORTANT Info about timing of TANF Rule

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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:

If we DO NOT want the TANF rule on display on Friday and published on Monday, we MUST tell the Federal Register NO LATER THAN NOON THURSDAY. This is a hard deadline.

If we want to postpone publication, the head of the Federal Register has personally committed that we can postpone it to whatever date we prefer.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 14:27:22.00

SUBJECT:

TO: ELENA (Pager) #KAGAN ( ELENA (Pager) #KAGAN [ UNKNOWN ] )

READ:UNKNOWN

TEXT:

Records Management has 4 boxes you requested- do you want them in the WW  
or in 222? -Laura

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 15:16:41.00

SUBJECT:

TO: ELENA (Pager) #KAGAN ( ELENA (Pager) #KAGAN [ UNKNOWN ] )

READ:UNKNOWN

TEXT:

Harriet Rabb is ready to start conf. call- she is trying to leave the office by 3:30 -Laura

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 15:20:22.00

SUBJECT: Health Care 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: Barry J. Toiv ( CN=Barry J. Toiv/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: 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 [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Neera Tanden ( CN=Neera Tanden/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: 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: Rhonda Melton ( CN=Rhonda Melton/O=OVP @ OVP [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

CC: Joseph D. Ratner ( CN=Joseph D. Ratner/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

TEXT:

We will be having the Health Care Strategy Meeting on Thursday, April 8,  
at 4:00 p.m. in Bruce Reed's office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 16:25:36.00

SUBJECT: equal pay paper

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Here are draft Q&A and the announcement that have been reviewed by CEA, EEOC, Labor, and NEC. ===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D87]MAIL40921190K.136 to ASCII,  
The following is a HEX DUMP:

FF575043D3070000010A020100000002050000007C1F000000020000955AD143CFABE6756E92D2  
57739C97A258DE556219305836A16B4951F22FD3ADAA60433BE97A6F7D5AEF67B550BAF8BE57B4  
56FE144B87F88DB7ED6C950260E05CFC62AEE2F8214CA009CFD579E1723A57164B60F70228EB15  
612D1DBD9E5013E35CB27C1885A4351A2D4A95013F1F3F1DFE0B5D771905DF7C99684CA88EDB36  
36797F8BD521322DFFE6CB79412671574259F38A3747BF318B36ED87F72CAA95F7F086832A731E

**PRESIDENT AND FIRST LADY HOLD ROUNDTABLE ON EQUAL PAY  
AND URGE PASSAGE OF PAYCHECK FAIRNESS ACT  
WITH NEW WAGE COLLECTION PROVISION**

At a roundtable discussion with working women and business leaders, the President and First Lady will discuss the need to ensure that every working American receives equal pay and equal opportunities. A recent Council of Economic Advisors report found that, although the gap between women and men's wages has narrowed substantially since the signing of the Equal Pay Act in 1963, there still exists a significant wage gap that cannot be explained by differences between male and female workers in labor market experience and in the occupation, industry, and union status of jobs they hold. The President urged prompt passage of the Paycheck Fairness Act, which would strengthen wage discrimination laws and provide for additional training and public education efforts on this important subject. Senator Daschle, the chief sponsor of the Paycheck Fairness Act, has indicated he will include a new data collection provision in the bill. That provision will direct the Equal Employment Opportunity Commission (EEOC) to determine what additional data is needed to effectively and efficiently enforce the federal wage discrimination laws, and to issue a regulation to provide for collecting this data. Finally, the President urged Congress to provide **\$14 million in funds for the Equal Pay Initiative in his Fiscal Year 2000 budget.**

**Paycheck Fairness Act with New Data Collection Provision**

The President again will urge Congress to pass legislation called the "The Paycheck Fairness Act," introduced by Senator Daschle and Congresswoman DeLauro, to strengthen laws prohibiting wage discrimination. The legislation will be reintroduced with a new data collection provision added. The highlights of this legislation include:

- New Pay Data Collection Provision. This provision would require the EEOC to complete a survey of data currently available for use in enforcing federal wage discrimination laws and to identify additional data collections that would enhance enforcement of these laws. In addition, the provision would call upon the EEOC to issue a regulation, within eighteen months, to provide for the collection of pay information data from employers described by the race, sex, and national origin of employees.
- Increased Penalties for the Equal Pay Act (EPA). 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 EPA. This proposal would put gender-based wage discrimination on an equal footing with wage discrimination based on race or ethnicity, for which uncapped compensatory and punitive damages are already available.
- Non-retaliation provision. The bill would prohibit employers from punishing employees for sharing salary information with their co-workers. Many employers are currently free to take action against employees who share wage information. 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 employees to identify and respond to wage discrimination claims; **research on discrimination in the payment of wages; and the establishment of an award to recognize and promote the achievements of employers in eliminating pay disparities.**

#### **Roundtable with Working Women and Business Leaders**

The President and First Lady will hold a roundtable discussion with working women, including a university professor, a senior citizen, and a college basketball coach. This roundtable will provide an opportunity for the President and the First Lady to listen to the concerns of working women regarding the important issue of equal pay and to urge Congress to pass the soon-to-be reintroduced "Paycheck Fairness Act."

#### **Equal Pay Initiative**

Previously, the President has announced a new \$14 million Equal Pay Initiative as part of his Fiscal Year 2000 budget. The Initiative includes \$10 million for the EEOC to increase compliance with equal pay laws by providing training to EEOC employees to identify and respond to wage discrimination, increasing technical assistance to businesses on how to meet legal requirements, and launching an equal pay public service announcement campaign to inform employers and employees alike of their rights and responsibilities. The Initiative also includes \$4 million for the Department of Labor, primarily for a program to assist contractors in recruiting and retaining qualified women in non-traditional occupations.

**Questions And Answers on Equal Pay  
April 7, 1999**

**Q: What did the President announce today?**

**A:** The President announced a new provision to collect pay data that will be added to the Paycheck Fairness Act, sponsored by Senator Daschle and Congresswoman DeLauro, that will direct the Equal Employment Opportunity Commission (EEOC) to determine what additional data is needed to effectively and efficiently enforce the federal wage discrimination laws, and to issue a regulation to provide for collecting this data. The President and First Lady also held a roundtable discussion with working women to highlight the need to ensure that every working American receives equal pay and equal opportunities. The President urged prompt passage of the Paycheck Fairness Act, which would strengthen wage discrimination laws; provide for additional training and public education efforts on this important subject; and ensure that pay data is collected. Finally, the President urged Congress to provide **\$14 million in funds for the Equal Pay Initiative in his Fiscal Year 2000 budget.**

**Q: What will the new provision on data collection do?**

**A:** This provision would require the EEOC to complete a survey of data currently available for use in enforcing federal wage discrimination laws and to identify additional data collections that would enhance enforcement of these laws. In addition, the provision would call upon the EEOC to issue a regulation, within eighteen months, to provide for the collection of pay information data from employers described by the race, sex, and national origin of employees.

**Q: Why is collection of data related to wages needed?**

**A:** Currently, the federal government does not collect wage data that can be used to monitor and enforce employer compliance with laws that prohibit wage discrimination, with the exception of higher education. This data collection provision will provide an important source of data that will help to end the gender pay gap.

**Q: How large is the wage gap?**

**A:** According to the Department of the Labor, in 1998, the average woman who worked full-time earned about 75 cents for each dollar earned by the average man. For women of color, the gap was even wider. Based on weekly wages in 1998, the median black woman who worked full-time earned only 65 cents, and median Hispanic woman earned only 55 cents for each dollar earned by the median white man. Some wage differences exist due to differing levels of experience, education, and skill. However, a recent Council of Economic Advisors (CEA) study shows that even accounting for differences

in education, experience, and occupation, there is still a significant wage differential between women and men.

**Q: What about recent reports that there is no longer a wage gap?**

**A: While these studies are correct that women's wages and educational attainment have been rising in recent years, there is still a sizeable gender wage gap that cannot be explained by observable characteristics.** According to the Council of Economic Advisors, in 1997, the gender pay ratio was about 75 percent, leaving a gap between men's and women's wages of approximately 25 percent. The most recent detailed longitudinal study found that in the late 1980s about one-third of the gender pay gap was explained by differences in the full-time experience that women bring to the labor market and about 28 percent was due to differences in industry, occupation, and union status among men and women. Accounting for these difference raised the female/male pay ratio in the late 1980s from about 72 percent to about 88 percent, leaving around 12 percent as an "unexplained" difference. **Applied to 1998 data, that leaves a gap of about 10% still unexplained. The 98 percent figure cited by these other studies is based on data narrowly limited to women and men aged 27 to 33 who have never had children.**

**A recently released report by the Massachusetts Institute of Technology (M.I.T.), "A Study on the Status of Women Faculty in Science at MIT" also refutes the notion that there is no longer gender discrimination or a wage gap. The report documents a pattern in the M.I.T. School of Science of sometimes subtle -- but substantive and demoralizing -- gender discrimination. Examination of data revealed that many tenured women faculty feel marginalized and that this marginalization is often accompanied by differences in salary, space, awards, resources, and response to outside offers between men and women faculty with women receiving less despite professional accomplishments equal to those of their male colleagues. The M.I.T. report also found that the percentage of the School of Science faculty who are women, 8 percent, remained virtually unchanged for at least 10 and probably 20 years. In another recent report, the American Association of University Professors found that although women grew from 23 percent in 1975 to 34 percent of faculty nationwide currently, the gap between salaries of male and female professors actually widened in that period. The federal government currently collects some wage data at post-secondary institutions, and the EEOC will look at this data in the course of its survey of data for use in the enforcement of federal laws prohibiting pay discrimination.**

**Q: What does the Paycheck Fairness Act do?**

**A: The legislation, sponsored by Senator Daschle, seeks to improve the enforcement of wage discrimination laws and to strengthen the remedy provisions in the Equal Pay Act by permitting victims of wage discrimination to seek compensatory and punitive damages.**

Currently, women who are the victims of wage discrimination receive only backpay and liquidated damages, which may not fully compensate them for their loss. This change will mean that the penalties for sex-based wage discrimination will be the same as those for race-based wage discrimination. In addition, the legislation contains a non-retaliation provision that prohibits employers from penalizing employees for sharing information about their salaries with co-workers. The bill also provides for training for EEOC employees on matters involving the discrimination of wages, **research on discrimination in the payment of wages, and the establishment of an award to recognize and promote the achievements of employers that have made strides to eliminate pay disparities.** Finally, the new data collection provision will be added to the bill so that the EEOC will issue a regulation to provide for collecting pay information to enhance enforcement of the federal laws prohibiting pay discrimination.

**Q: What's wrong with the current scheme for collecting damages under the Equal Pay Act?**

**A:** Currently, the Equal Pay Act allows only for liquidated damages and backpay awards. Liquidated damages usually are awarded in an amount equal to backpay. Such awards may not fully compensate a woman for real losses, such as damages for pain and suffering. In addition, employees bringing a claim under the Equal Pay Act cannot receive punitive damages for wage discrimination, no matter how intentional and egregious the employer's conduct. The legislation the Administration is endorsing will ensure that women are fully compensated and will be able to receive punitive damages if an employer's conduct is particularly egregious.

**Q: Why isn't the Administration supporting comparable worth?**

**A:** The Daschle-DeLauro bill is a significant step forward in solving the problem of unequal pay. The Administration believes there is no excuse for not taking these obvious steps towards providing better training and fuller remedies to help ensure women receive equal pay, while building a consensus on other ways to make sure every person receives the pay they deserve. The Administration is focusing on legislation that can be passed during this congressional session.

### **Questions on the Federal Work Force**

**Q: What are some of the specific accomplishments of the Clinton Administration with respect to women appointees?**

**A:** Here are some specific accomplishments:

**·Appointed More Women than Any Other President --40 percent of Administration**

appointees are women.

**·Women Hold 29 Percent of the Top Positions --29 percent of the positions requiring Senate confirmation (PAS) are held by women. Additionally,**

< 35 percent of Presidential appointments, including boards and commissions, are held by women.

40 percent of non-career Senior Executive Service positions are held by women.

56 percent of Schedule C positions are held by women.

**·Appointed the First Women Ever to Serve as Attorney General, Janet Reno, and Secretary of State, Madeleine Albright.** Including the Attorney General and Secretary of State, women make up 32 percent of the Clinton Cabinet: Alexis Herman, Secretary of Labor; Donna Shalala, Secretary of Health and Human Services; Carol Browner, Administrator of the Environmental Protection Agency; Janet Yellen, Chair of the Council of Economic Advisors; and Charlene Barshefsky, United States Trade Representative all serve in the President's Cabinet.

**·30 Percent of All of the President's Judicial Nominees Are Women.**

**·Nominated the Second Woman to Serve on the Supreme Court.** During his first year in office, President Clinton nominated Ruth Bader Ginsburg to the United States Supreme Court. Justice Ginsburg is only the second woman to serve on the nation's highest court.

1/99

**Q: What is the representation of women in the federal work force?**

**A:** Women represented 42.9 percent of the Federal permanent workforce in 1998 compared to 46.3 percent of the Civilian Labor Force, a difference of a -3.4 percentage points.

**Q: What is the average salary of female political employees versus that of male appointees? How does that average compare to comparable figures in the previous Administration?**

**A:** In 1992, under President Bush, women made up 40 percent of the political ranks, and the average female political appointee's salary was 75 percent of the average male appointee's salary. In 1998, in the Clinton Administration, the percentage of women appointees increased to 44 percent, and the average woman's salary increased to 86 percent of the average man's.

Number and Average Salary of Political Appointments (by Gender): 1992 (Pres. Bush) Compared to 1998 (Pres. Clinton)				
Gender	1992 (Bush) Appts	1998 (Clinton) Appts	1992 (Bush) Avg. Pay (\$)	1998 (Clinton) Avg. Pay (\$)
Women	1,361	1,292	\$61,554	\$72,329*

Automated Records Management System  
Hex-Dump Conversion

Men	2,055	1,629	\$82,490	\$84,023*
TOTAL	3,416	2,921	NOTE: Total Political Appointments exclude Ambassadors but include Noncareer SES, Schedule C and Other.	
Pct. Women	39.8%	44.2%		

\* Rendered in constant (FY 1992) dollars  
Source: Office of Personnel Management

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melissa N. Benton ( CN=Melissa N. Benton/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME: 6-APR-1999 16:50:15.00

SUBJECT: LRM MNB39 - - REVISED LABOR Draft Bill on Employer Tax Credit User Fees

TO: Janet R. Forsgren ( CN=Janet R. Forsgren/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Justin D. Sullivan ( CN=Justin D. Sullivan/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Jack A. Smalligan ( CN=Jack A. Smalligan/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Robert G. Damus ( CN=Robert G. Damus/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Sarah Rosen ( CN=Sarah Rosen/OU=OPD/O=EOP@EOP [ OPD ] )

READ:UNKNOWN

TO: Robert F. Mahaffie ( CN=Robert F. Mahaffie/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Sarah S. Lee ( CN=Sarah S. Lee/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Cordelia W. Reimers ( CN=Cordelia W. Reimers/OU=CEA/O=EOP@EOP [ CEA ] )

READ:UNKNOWN

TO: J. Eric Gould ( CN=J. Eric Gould/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: Larry R. Matlack ( CN=Larry R. Matlack/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Sandra Yamin ( CN=Sandra Yamin/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Jennifer E. Brown ( CN=Jennifer E. Brown/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Peter Rundlet ( CN=Peter Rundlet/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: Joseph J. Minarik ( CN=Joseph J. Minarik/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Harry E. Moran ( CN=Harry E. Moran/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

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

Karen DORSEY ( Karen DORSEY [ UNKNOWN ] )  
READ:UNKNOWN

LRM TREASURY ( LRM TREASURY [ UNKNOWN ] )  
READ:UNKNOWN

LRM JUSTICE ( LRM JUSTICE [ UNKNOWN ] )  
READ:UNKNOWN

LRM HHS ( LRM HHS [ UNKNOWN ] )  
READ:UNKNOWN

Sondra Wallace ( Sondra Wallace [ UNKNOWN ] )  
READ:UNKNOWN

Kenneth CLARK ( Kenneth CLARK [ UNKNOWN ] )  
READ:UNKNOWN

LRM COMMERCE ( LRM COMMERCE [ UNKNOWN ] )  
READ:UNKNOWN

LRM Small Business Administration ( LRM Small Business Administration [ UNKNOWN ] )  
READ:UNKNOWN

TEXT:

This is a slightly revised version of the draft bill that was previously circulated (LRM MNB24). In addition to the revised bill, Labor has provided answers to the questions that were included in OMB's passback.

Note to EOP staff: you will not receive a hard copy of this LRM. The attachments are approximately 5 pages total.

----- Forwarded by Melissa N. Benton/OMB/EOP on 04/06/99  
04:44 PM -----

LRM ID: MNB39  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503-0001

Tuesday, April 6, 1999

## LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference

OMB CONTACT: Melissa N. Benton  
PHONE: (202)395-7887 FAX: (202)395-6148

SUBJECT: REVISED LABOR Draft Bill on Employer Tax Credit User Fees

DEADLINE: 3 p.m. Wednesday, April 7, 1999

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

## COMMENTS:

## DISTRIBUTION LIST

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107-Small Business Administration - Mary Kristine Swedin - (202) 205-6700  
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Barbara Chow  
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Cynthia A. Rice  
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J. Eric Gould  
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Jack A. Smalligan  
Anil Kakani  
Justin D. Sullivan  
Jennifer E. Brown  
Janet R. Forsgren

LRM ID: MNB39 SUBJECT: REVISED LABOR Draft Bill on Employer Tax Credit User Fees

RESPONSE TO  
LEGISLATIVE REFERRAL  
MEMORANDUM

If your response to this request for views is short (e.g., concur/no

comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Melissa N. Benton Phone: 395-7887 Fax: 395-6148  
 Office of Management and Budget  
 Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: \_\_\_\_\_ (Date)  
 \_\_\_\_\_ (Name)  
 \_\_\_\_\_ (Agency)  
 \_\_\_\_\_ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

- \_\_\_\_\_ Concur
- \_\_\_\_\_ No Objection
- \_\_\_\_\_ No Comment
- \_\_\_\_\_ See proposed edits on pages \_\_\_\_\_
- \_\_\_\_\_ Other: \_\_\_\_\_
- \_\_\_\_\_ FAX RETURN of \_\_\_\_\_ pages, attached to this response sheet

- Wotcqna.wpd===== ATTACHMENT 1 =====  
 ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:  
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```

SUBTITLE H-EMPLOYER TAX CREDIT USER FEES

SEC. \_ WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT USER FEES.

(a) ESTABLISHMENT.- Subject to subsection (e), the Secretary of Labor is authorized to impose a fee on employers submitting applications for certification of individuals as members of target groups under sections 51(d)(12) or 51A(d)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 51(d)(12) and 51A(d)(1)), relating to the Work Opportunity Credit and the Welfare-to-Work Credit, respectively. The fees imposed under this section shall not be paid, directly or indirectly, by the individual who is the subject of the certification.

(b) AMOUNT OF FEE.-The amount of the fee imposed under this section shall be determined by the Secretary of Labor based on the Secretary's estimate of the amounts needed to fully fund the costs of administering the requirements relating to the certification of target group members under sections 51 and 51A of the Internal Revenue Code of 1986 (26 U.S.C. 51 and 51A). The Secretary of Labor is authorized to establish a fee for employers with fewer than 100 employees at an amount that is less than the fee established for employers with 100 or more employees.

(c) COLLECTION AND DEPOSIT.-The fees imposed under this section shall be collected by the Secretary of Labor through the designated local agency specified in section 51(d)(11) of the Internal Revenue Code of 1986 (26 U.S.C. 51(d)(11)) and deposited as offsetting receipts in the State Unemployment Insurance and Employment Service Operations account of the Treasury of the United States.

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(d) USE OF FUNDS.-The funds deposited pursuant to subsection (c) shall be available to the Secretary of Labor to pay the costs of administering the requirements relating to the certification of individuals as target group members under sections 51 and 51A of the Internal Revenue Code of 1986 (26 U.S.C. 51 and 51A). The Secretary of Labor shall allocate the funds among the States based on the relative workload of the States in processing the certifications.

(e) APPROPRIATIONS ACTION REQUIRED.- The fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations acts. The fees are authorized to be appropriated to remain available until expended.

STATEMENT IN EXPLANATION OF SUBTITLE H  
EMPLOYER TAX CREDIT USER FEES

Subtitle H would authorize the Secretary of Labor, subject to approval provided in advance in appropriations acts, to impose a fee on employers submitting applications for certification of individuals as target group members under the Work Opportunity Tax Credit (WOTC) and the Welfare-to-Work Tax Credit (WtW) programs.

These two employer tax credits are administered by the Secretary of Labor and the Secretary of the Treasury and allow employers to claim a credit for wages paid to individuals hired by the employer who are certified as being members of one or more target groups specified in the law. There are eight target groups specified under the WOTC (e.g., qualified welfare recipients, qualified veterans) and the one target group of long-term family assistance recipients specified under the WtW credit. The Secretary of Labor is responsible for accepting and processing applications submitted by employers to certify that an individual to be hired is a member of a target group. Under current law, the Secretary carries out the certification responsibilities through the State employment security agencies.

Currently, employers are not charged a fee for the processing of the application and the administrative costs are funded from appropriations out of general revenues. However, since employers are able to claim significant benefits under these programs, it is appropriate that they assist in funding these administrative costs. Specifically, employers are able to claim a credit of up to \$2400 for the first \$6000 in wages paid to a target group member under the WOTC, up to \$3500 for the first \$10,000 in wages paid to a target group member under WtW in the first year of employment, and up to \$5,000 for the first \$10,000 paid to the member under WtW in the second year of employment.

The amount of the fee would be based on the Secretary of Labor's estimate of the amount necessary to fully fund the administration of the certification process. For example, based on current information relating to the number of certifications processed and related administrative costs, the fee would likely be an average of \$75 per application if the amount was presently determined. When weighed against the amounts of the credits, it is unlikely that such a fee would be a significant burden on employers or deter employer participation in the programs. However, in order to minimize the burden on small employers, this section would authorize the Secretary to establish a lower fee for employers with fewer than 100 employees.

The funds collected would be deposited as offsetting receipts in the State Unemployment Insurance and Employment Service Operations account in the U.S. Treasury (the account that contains the funds appropriated to carry out the current certification activities and other UI/ES activities) and would be available to the Secretary of Labor for the administration of the WOTC and WtW credit target group certification process. The Secretary of Labor would allocate the funds among States based on the relative workload of each State. This approach would assist in providing for a stable source of funding for these administrative activities and in ensuring that

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funds are distributed based on the relative administrative burdens on the States.

This subtitle contains one section with five subsections. Subsection (a) authorizes the Secretary of Labor to impose the fee on employers submitting the application for certifications under the WOTC and WtW credit programs and provides that the fee is not to be paid, directly or indirectly, by the individual who is the subject of the certification.

Subsection (b) provides that the amount of the fee is to be determined by the Secretary of Labor based on the Secretary's estimate of the amounts necessary to fully fund the certification process. In addition, the Secretary is authorized to establish a fee for employers with fewer than 100 employees that is lower than the fee established for larger employers.

Subsection (c) provides that the fee is to be collected by the Secretary of Labor through the designated local agency under the WOTC (i.e., the State employment security agencies) and deposited as offsetting receipts in the State Unemployment Insurance and Employment Service Operations account of the U.S. Treasury.

Subsection (d) provides that funds deposited in the account are available to the Secretary of Labor to pay the costs of administering the certification processes under the WOTC and WtW credit. The Secretary is to allocate the funds based on the relative workload of the States in processing the certifications.

Finally, subsection (e) provides that the fees under this section may only be collected and available for obligation to the extent and in the amounts provided for in advance by appropriations acts. This subsection also provides that the fees are authorized to be appropriated to remain available until expended.

Questions/General Comments on the Legislation:

- 1. The draft bill would allow the DOL to charge a lower fee for employers with less than 50 employees. Why did the Department of Labor choose this cutoff level, as opposed to a larger one (e.g. 500, as is generally used under other statutes)?**

The Department settled upon the threshold of 50 workers since more than 85% of all employers have a workforce of less than 50 employees. However, the Department is willing to establish an employer threshold at 100 or fewer workers since employers are aware that employees are generally covered by the Worker Adjustment and Retraining Notification (WARN) Act if they have at least 100 employees.

- 2. What is the rationale for allowing a smaller fee (as opposed to uniformly establishing a smaller fee) for small employers? Why not establish a requirement that the fee be waived or reduced by a certain percentage? A requirement would provide more certainty for small businesses.**

The Department will establish uniform non-discretionary nationwide fees -- one for large employers and a significantly reduced fee for small employers.

- 3. How would the size cutoff pertain to franchises (e.g. fast food restaurants)? Would they qualify based on the size of the establishment or the size of the parent company?**

Both tax liability and number of employees will determine the applicable fee for a particular franchisee. In addition, the Department will work with Internal Revenue Service, to modify IRS Form 8850 to include firm size.

- 2. The bill does not state whether the fee would be imposed in cases where an employer submits an incomplete form.**

The entire user fee will be assessed upon the employer request for the tax credit, despite the submittal of incomplete forms. Since States incur an immediate administrative cost upon initial receipt of IRS Form 8850, fragmentary or subsequent payments will inflate the administrative cost and will minimize the States capacity to efficiently and effectively manage the tax credit program.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 17:00:00.00

SUBJECT: Briefing Paper for Equal Pay Event

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

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

READ:UNKNOWN

TEXT:

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

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

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April 6, 1999

**EQUAL PAY EVENT AND ROUND TABLE**

**DATE:** April 7, 1999  
**LOCATION:** Presidential Hall  
**BRIEFING TIME:** 1:10 pm - 1:25 pm  
**EVENT TIME:** 1:30 pm - 2:30 pm  
**FROM:** Bruce Reed

**I. PURPOSE**

To announce a new wage data collection provision in the pending legislation which would strengthen enforcement of the Equal Pay Act and to meet with working women to highlight the issue of equal pay and to emphasize the need for Congress to pass this legislation.

**II. BACKGROUND**

**This event is an opportunity for you to announce the new data collection provision for wages in the Paycheck Fairness Act, which is sponsored by Senator Daschle. In addition, it is an opportunity for you and the First Lady to hear first-hand from working women the problem of wage discrimination and issues of equal pay.**

**One of the panelists highlights the issue of "comparable worth," where an job in a female-dominated profession is "equivalent" to a job in a male-dominated profession but is paid less. This panelist is included because the Administration recently has been pressured by Senator Harkin, Congresswoman Norton, the women's groups, and the unions to support Senator Harkin's comparable worth legislation that requires companies to equalize wages between "equivalent jobs," which is defined in the legislation as jobs that may be dissimilar, but whose requirements are equivalent when viewed as a composite of skills, effort, responsibility, and working conditions. While we cannot support this legislation, in a compromise to the above persons and groups, we agreed to include a panelist that highlights the comparable worth problem, but not the solution proposed in the legislation. However, you should not use the words "comparable worth," and should merely emphasize that this woman's story highlights the need for women to be paid equally with men.**

**Before beginning the roundtable, you will announce the following:**

### **Paycheck Fairness Act with New Data Collection Provision**

You again will urge Congress to pass legislation called "The Paycheck Fairness Act," introduced by Senator Daschle and Congresswoman DeLauro, to strengthen laws prohibiting wage discrimination. The legislation will be reintroduced with a new data collection provision added. The highlights of this legislation include:

- **New Pay Data Collection Provision.** This provision would require the EEOC to complete a survey of data currently available for use in enforcing federal wage discrimination laws and to identify additional data collections that would enhance enforcement of these laws. In addition, the provision would call upon the EEOC to issue a regulation, within eighteen months, to provide for the collection of pay information data from employers described by the race, sex, and national origin of employees.
- **Increased Penalties for the Equal Pay Act (EPA).** 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 EPA. This proposal would put gender-based wage discrimination on equal footing with wage discrimination based on race or ethnicity, for which uncapped compensatory and punitive damages are already available.
- **Non-retaliation provision.** The bill would prohibit employers from punishing employees for sharing salary information with their co-workers. Many employers are currently free to take action against employees who share wage information. 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 employees to identify and respond to wage discrimination claims; **research on discrimination in the payment of wages; and the establishment of an award to recognize and promote the achievements of employers in eliminating pay disparities.**

### **Equal Pay Initiative**

Previously, you have announced a new \$14 million Equal Pay Initiative as part of your Fiscal Year 2000 budget. The Initiative includes \$10 million for the EEOC to increase compliance with equal pay laws by providing training to EEOC employees to identify and respond to wage discrimination, increasing technical assistance to businesses on how to meet legal requirements, and launching an equal pay public service announcement campaign to inform employers and employees alike of their rights and responsibilities. The Initiative also includes \$4 million for the Department of Labor, primarily for a program to assist contractors in recruiting and retaining qualified women in non-traditional occupations.

### III. PARTICIPANTS

Briefing Participants:

Secretary Alexis Herman  
Bruce Reed  
Elena Kagan  
Karen Tramontano  
Jenny Luray  
Nicole Rabner  
June Shih

Event Participants:

The First Lady  
Secretary Herman  
Dr. Nancy Hopkins, Molecular Biologist, Massachusetts Institute of Technology  
Sanya Tyler, Head Coach, Women's Basketball, Howard University  
Carolyn Gantt, Retiree from District of Columbia Government  
Patricia Higgins, Nurse, MetroHealth Medical Center, Cleveland, OH

### IV. PRESS PLAN

Open Press.

### V. SEQUENCE OF EVENTS

- **YOU** will enter the room where each of the roundtable participants will be seated.
  - The First Lady will make remarks and introduce **YOU**.
  - **YOU** will make brief remarks and take your seat at the roundtable.
  - Secretary Herman will briefly introduce the roundtable participants.
  - **YOU** will invite the participants to speak by posing a question to each person.
  - **YOU** will first call on Dr. Nancy Hopkins, a professor at the Massachusetts Institute of Technology, who spearheaded a study on the status of women professors there.
  - **YOU** will pose questions to each of the participants, concluding with Secretary Herman.
- [\*SEE ATTACHED SCRIPT]
- **YOU** will make brief informal closing remarks and depart.

### VI. REMARKS

Provided by Speechwriting.

**VII. ATTACHMENTS**

- Sequence of panel speakers and suggested questions.
- Bios of panelists.
- NY Times article about the M.I.T. study.
- Newsweek article by George Will disputing that there is a wage gap.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 17:01:59.00

SUBJECT: new briefing -- sorry

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

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

READ:UNKNOWN

TEXT:

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

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

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April 6, 1999

**EQUAL PAY EVENT AND ROUND TABLE**

**DATE:** April 7, 1999  
**LOCATION:** Presidential Hall  
**BRIEFING TIME:** 1:10 pm - 1:25 pm  
**EVENT TIME:** 1:30 pm - 2:30 pm  
**FROM:** Bruce Reed, Jennifer Luray

**I. PURPOSE**

To announce a new wage data collection provision in the pending legislation which would strengthen enforcement of the Equal Pay Act and to meet with working women to highlight the issue of equal pay and to emphasize the need for Congress to pass this legislation.

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June Shih

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Sanya Tyler, Head Coach, Women's Basketball, Howard University  
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Patricia Higgins, Nurse, MetroHealth Medical Center, Cleveland, OH

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 17:06:44.00

SUBJECT:

TO: ELENA (Pager) #KAGAN ( ELENA (Pager) #KAGAN [ UNKNOWN ] )  
READ:UNKNOWN

TEXT:

Reminder: 5:00 child care leg. mtg. in 211

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 17:10:03.00

SUBJECT: minor changes to drafts

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D52]MAIL450432904.136 to ASCII,

The following is a HEX DUMP:

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**PRESIDENT AND FIRST LADY HOLD ROUNDTABLE ON EQUAL PAY  
AND URGE PASSAGE OF PAYCHECK FAIRNESS ACT  
WITH NEW WAGE COLLECTION PROVISION**

At a roundtable discussion with working women and business leaders, the President and First Lady will discuss the need to ensure that every working American receives equal pay and equal opportunities. A recent Council of Economic Advisors report found that, although the gap between women's and men's wages has narrowed substantially since the signing of the Equal Pay Act in 1963, there still exists a significant wage gap that cannot be explained by differences between male and female workers in labor market experience and in the occupation, industry, and union status of jobs they hold. The President will urge prompt passage of the Paycheck Fairness Act, which would strengthen wage discrimination laws and provide for additional training and public education efforts on this important subject. Senator Daschle, the chief sponsor of the Paycheck Fairness Act, has indicated he will include a new data collection provision in the bill. That provision will direct the Equal Employment Opportunity Commission (EEOC) to determine what additional data is needed to effectively and efficiently enforce the federal wage discrimination laws, and to issue a regulation to provide for collecting this data. Finally, the President will urge Congress to provide **\$14 million in funds for the Equal Pay Initiative in his Fiscal Year 2000 budget.**

**Paycheck Fairness Act with New Data Collection Provision**

The President again will urge Congress to pass legislation called the "The Paycheck Fairness Act," introduced by Senator Daschle and Congresswoman DeLauro, to strengthen laws prohibiting wage discrimination. The legislation will be reintroduced with a new data collection provision added. The highlights of this legislation include:

- **New Pay Data Collection Provision.** This provision would require the EEOC to complete a survey of data currently available for use in enforcing federal wage discrimination laws and to identify additional data collections that would enhance enforcement of these laws. In addition, the provision would call upon the EEOC to determine the most effective and efficient means possible to collect pay information from employers and issue a regulation, within eighteen months, to collect pay data identified by the race, sex, and national origin of employees.
- **Increased Penalties for the Equal Pay Act (EPA).** 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 EPA. This proposal would put gender-based wage discrimination on an equal footing with wage discrimination based on race or ethnicity, for which uncapped compensatory and punitive damages are already available.
- **Non-retaliation provision.** The bill would prohibit employers from punishing employees for sharing salary information with their co-workers. Many employers are currently free to take action against employees who share wage information. 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 employees to identify and respond to wage discrimination claims; **research on discrimination in the payment of wages; and the establishment of an award to recognize and promote the achievements of employers in eliminating pay disparities.**

#### **Roundtable with Working Women and Business Leaders**

**The President and First Lady will hold a roundtable discussion with working women, including a university professor, a senior citizen, and a college basketball coach. This roundtable will provide an opportunity for the President and the First Lady to listen to the concerns of working women regarding the important issue of equal pay and to urge Congress to pass the soon-to-be reintroduced "Paycheck Fairness Act."**

#### **Equal Pay Initiative**

**Previously, the President has announced a new \$14 million Equal Pay Initiative as part of his Fiscal Year 2000 budget. The Initiative includes \$10 million for the EEOC to increase compliance with equal pay laws by providing training to EEOC employees to identify and respond to wage discrimination, increasing technical assistance to businesses on how to meet legal requirements, and launching an equal pay public service announcement campaign to inform employers and employees alike of their rights and responsibilities. The Initiative also includes \$4 million for the Department of Labor, primarily for a program to assist contractors in recruiting and retaining qualified women in non-traditional occupations.**

**Questions And Answers on Equal Pay  
April 7, 1999**

**Q: What did the President announce today?**

**A:** The President announced a new provision to collect pay data that will be added to the Paycheck Fairness Act, sponsored by Senator Daschle and Congresswoman DeLauro, that will direct the Equal Employment Opportunity Commission (EEOC) to determine what additional data is needed to enforce effectively and efficiently the federal wage discrimination laws, and to issue a regulation to provide for collecting this data. The President and First Lady also held a roundtable discussion with working women to highlight the need to ensure that every working American receives equal pay and equal opportunities. The President urged prompt passage of the Paycheck Fairness Act, which would strengthen wage discrimination laws; provide for additional training and public education efforts on this important subject; and ensure that pay data is collected. Finally, the President urged Congress to provide **\$14 million in funds for the Equal Pay Initiative in his Fiscal Year 2000 budget.**

**Q: What will the new provision on data collection do?**

**A:** This provision would require the EEOC to complete a survey of data currently available for use in enforcing federal wage discrimination laws and to identify additional data collections that would enhance enforcement of these laws. In addition, the provision would call upon the EEOC to issue a regulation, within eighteen months, to provide for the collection of pay information data from employers described by the race, sex, and national origin of employees.

**Q: Why is collection of data related to wages needed?**

**A:** Currently, the federal government does not collect wage data that can be used to monitor and enforce employer compliance with laws that prohibit wage discrimination, with the exception of higher education. This data collection provision will provide an important source of data that will help to end the gender pay gap.

**Q: How large is the wage gap?**

**A:** According to the Department of the Labor, in 1998, the average woman who worked full-time earned about 75 cents for each dollar earned by the average man. For women of color, the gap was even wider. Based on weekly wages in 1998, the median earnings of a black woman who worked full-time were only 65 cents, and the median earnings of an Hispanic woman were only 55 cents for each dollar earned by the median white man. Some wage differences exist due to differing levels of experience, education, and skill. However, a recent Council of Economic Advisors (CEA) study shows that even

accounting for differences in education, experience, and occupation, there is still a significant wage differential between women and men.

**Q: What about recent reports that there is no longer a wage gap?**

**A: While these studies are correct that women's wages and educational attainment have been rising in recent years, there is still a sizeable gender wage gap that cannot be explained by observable characteristics.** According to the Council of Economic Advisors, in 1997, the gender pay ratio was about 75 percent, leaving a gap between men's and women's wages of approximately 25 percent. The most recent detailed longitudinal study found that in the late 1980s about one-third of the gender pay gap was explained by differences in the full-time experience that women bring to the labor market and about 28 percent was due to differences in industry, occupation, and union status among men and women. Accounting for these differences raised the female/male pay ratio in the late 1980s from about 72 percent to about 88 percent, leaving around 12 percent as an "unexplained" difference. **Applied to 1998 data, that leaves a gap of about 10% still unexplained. The 98 percent figure cited by these other studies is based on data narrowly limited to women and men aged 27 to 33 who have never had children.**

**A recently released report by the Massachusetts Institute of Technology (M.I.T.), "A Study on the Status of Women Faculty in Science at MIT" also refutes the notion that there is no longer gender discrimination or a wage gap. The report documents a pattern in the M.I.T. School of Science of sometimes subtle -- but substantive and demoralizing -- gender discrimination. Examination of data revealed that many tenured women faculty feel marginalized and that this marginalization is often accompanied by differences in salary, space, awards, resources, and response to outside offers between men and women faculty with women receiving less despite professional accomplishments equal to those of their male colleagues. The M.I.T. report also found that the percentage of the School of Science faculty who are women, 8 percent, remained virtually unchanged for at least 10 and probably 20 years. In another recent report, the American Association of University Professors found that although women grew from 23 percent in 1975 to 34 percent of faculty nationwide currently, the gap between salaries of male and female professors actually widened in that period. The federal government currently collects some wage data at post-secondary institutions, and the EEOC will look at this data in the course of its survey of data for use in the enforcement of federal laws prohibiting pay discrimination.**

**Q: What does the Paycheck Fairness Act do?**

**A: The legislation, sponsored by Senator Daschle, seeks to improve the enforcement of wage discrimination laws and to strengthen the remedy provisions in the Equal Pay Act by permitting victims of wage discrimination to seek compensatory and punitive damages.**

Currently, women who are the victims of wage discrimination receive only backpay and liquidated damages, which may not fully compensate them for their loss. This change will mean that the penalties for sex-based wage discrimination will be the same as those for race-based wage discrimination. In addition, the legislation contains a non-retaliation provision that prohibits employers from penalizing employees for sharing information about their salaries with co-workers. The bill also provides for training for EEOC employees on matters involving the discrimination of wages, **research on discrimination in the payment of wages, and the establishment of an award to recognize and promote the achievements of employers that have made strides to eliminate pay disparities.** Finally, the new data collection provision will call upon EEOC to issue a regulation to provide for collecting pay information to enhance efficiently and effectively the enforcement of the federal laws prohibiting pay discrimination.

**Q: What's wrong with the current scheme for collecting damages under the Equal Pay Act?**

**A:** Currently, the Equal Pay Act allows only for liquidated damages and backpay awards. Liquidated damages usually are awarded in an amount equal to backpay. Such awards may not fully compensate a woman for real losses, such as damages for pain and suffering. In addition, employees bringing a claim under the Equal Pay Act cannot receive punitive damages for wage discrimination, no matter how intentional and egregious the employer's conduct. The legislation the Administration is endorsing will ensure that women are fully compensated and will be able to receive punitive damages if an employer's conduct is particularly egregious.

**Q: Why isn't the Administration supporting comparable worth?**

**A:** The Daschle-DeLauro bill is a significant step forward in solving the problem of unequal pay. The Administration believes there is no excuse for not taking these obvious steps towards providing better training and fuller remedies to help ensure women receive equal pay, while building a consensus on other ways to make sure all persons receives the pay they deserve. The Administration is focusing on legislation that can be passed during this congressional session.

### **Questions on the Federal Work Force**

**Q: What are some of the specific accomplishments of the Clinton Administration with respect to women appointees?**

**A:** Here are some specific accomplishments:

**·Appointed More Women than Any Other President --40 percent of Administration**

appointees are women.

**·Women Hold 29 Percent of the Top Positions --29 percent of the positions requiring Senate confirmation (PAS) are held by women. Additionally,**

< 35 percent of Presidential appointments, including boards and commissions, are held by women.

40 percent of non-career Senior Executive Service positions are held by women.

56 percent of Schedule C positions are held by women.

**·Appointed the First Women Ever to Serve as Attorney General, Janet Reno, and Secretary of State, Madeleine Albright.** Including the Attorney General and Secretary of State, women make up 32 percent of the Clinton Cabinet: Alexis Herman, Secretary of Labor; Donna Shalala, Secretary of Health and Human Services; Carol Browner, Administrator of the Environmental Protection Agency; Janet Yellen, Chair of the Council of Economic Advisors; and Charlene Barshefsky, United States Trade Representative all serve in the President's Cabinet.

**·30 Percent of All of the President's Judicial Nominees Are Women.**

**·Nominated the Second Woman to Serve on the Supreme Court.** During his first year in office, President Clinton nominated Ruth Bader Ginsburg to the United States Supreme Court. Justice Ginsburg is only the second woman to serve on the nation's highest court.

1/99

**Q: What is the representation of women in the federal work force?**

**A:** Women represented 42.9 percent of the Federal permanent workforce in 1998 compared to 46.3 percent of the Civilian Labor Force, a difference of a -3.4 percentage points.

**Q: What is the average salary of female political employees versus that of male appointees? How does that average compare to comparable figures in the previous Administration?**

**A:** In 1992, under President Bush, women made up 40 percent of the political ranks, and the average female political appointee's salary was 75 percent of the average male appointee's salary. In 1998, in the Clinton Administration, the percentage of women appointees increased to 44 percent, and the average woman's salary increased to 86 percent of the average man's.

Number and Average Salary of Political Appointments (by Gender): 1992 (Pres. Bush) Compared to 1998 (Pres. Clinton)				
Gender	1992 (Bush) Appts	1998 (Clinton) Appts	1992 (Bush) Avg. Pay (\$)	1998 (Clinton) Avg. Pay (\$)
Women	1,361	1,292	\$61,554	\$72,329*

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Men	2,055	1,629	\$82,490	\$84,023*
TOTAL	3,416	2,921	NOTE: Total Political Appointments exclude Ambassadors but include Noncareer SES, Schedule C and Other.	
Pct. Women	39.8%	44.2%		

\* Rendered in constant (FY 1992) dollars  
Source: Office of Personnel Management

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 18:10:16.00

SUBJECT: draft script and bios of panel

TO: Bruce N. Reed ( CN=Bruce N. Reed/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 ] )

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

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```

**Sequence and Suggested Questions for Panel Discussion**

- The Secretary of Labor will begin by calling on panelists to briefly introduce themselves.
- You will lead the discussion by asking any of the below questions, starting with Professor Nancy Hopkins.
- You will close the panel discussion.

**Questions for POTUS/FLOTUS**

**Nancy Hopkins, Professor of Molecular Biology, Massachusetts Institute of Technology.**

- How did you become involved with the status of women professors at M.I.T.?
- What did the recent study at M.I.T. find regarding the status of women professors, and what did it recommend? How are you working with M.I.T. to followup?

**Carolyn Gantt, Clerk, Retired Senior Volunteer Program (a senior program), Washington, D.C.**

- When you were working, did you ever experience a situation where men with less education and experience received better jobs and were paid differently?
- While you were working full-time, was it difficult to support your family and save for your retirement?
- When you left full-time employment, were you able to quit working and live on your retirement benefits?

**Patricia Higgins, Nurse, MetroHealth Medical Center, Cleveland, Ohio.**

- As a nurse, would it be difficult, on your salary alone, to support your family and provide for college education for your children?
- How do think the services that nurses provide relate to the pay and the respect that they receive?

**Sanya Tyler, Head Women's Basketball Coach, Howard University.**

- What were your experiences at Howard University that led you to file suit under the Equal Pay Act and Title IX?
- How has your work experience been since your case was resolved?
- Do you think the problem of wage discrimination has been solved?

**Panel Participants for Equal Pay Event**

**Professor Nancy Hopkins, molecular biologist, Massachusetts Institute of Technology**

Professor Hopkins was the initiator of the effort at M.I.T. to study gender discrimination in the School of Science. At the beginning of her career at M.I.T, Professor Hopkins felt that she was treated equally with the male faculty members. However, even after learning somewhat fortuitously that she was 20 percent underpaid, she did not really believe that she was being discriminated against, albeit unintentionally. However, in 1994 after seeing how other women were treated, Professor Hopkins joined forces with the only 14 other tenured women faculty vs. 194 tenured male faculty in the School of Science to see whether their situations were unique. These woman found that they shared common experiences, and the university agreed to set up a committee to study how female faculty were treated in the School of Science. The committee found that senior female faculty members were marginalized; were not given sufficient space or resources for their research; and were not paid equally. Recently, M.I.T. published the report of the committee and has made concerted efforts to correct these disparities. Professor Hopkins believes that the success of this initiative stemmed, in large part, from the collaboration between the school and the professors in trying to identify and solve the problem. Professor Hopkins continues to try to expand this effort to the entire university.

**Sanya Tyler, Head Women's Basketball Coach, Howard University**

Ms. Tyler is the head women's basketball coach at Howard University. Ms. Tyler sued Howard University under Title IX and the Equal Pay Act and won. Ms. Tyler claimed that her program received fewer resources such as locker room facilities and equipment and that she made less money than the men's basketball and football coaches. Ms. Tyler has worked at Howard for 24 years, and has coached there 18 years, winning many championships and being voted coach of the year several times.

**Patricia Higgins, Nurse, MetroHealth Medical Center, Cleveland, Ohio**

Ms. Higgins, 50, has been a nurse for 25 years and has worked at MetroHealth Medical Center, a public hospital, in Cleveland for 16 years. She is currently involved in an AFSCME union drive and feels very strongly that nurses are underpaid and undervalued. She has three children -- a son who is 30 years old, a daughter in college who wants to be a nurse, and a son who is 20 and disabled. It was only when her daughter indicated that she wanted to be a nurse that Ms. Higgins became more vocal about trying to get more pay for nurses. Ms. Higgins admitted that if she did not have her husband's salary it would have been very difficult to raise her children and that she certainly could not have paid for her daughter's college tuition.

**Carolyn Gantt, Clerk, Retired Seniors Volunteer Program (a senior program), Washington, D.C.**

Ms. Gantt is 74 years old, African American, and has seven children. She worked for the D.C. Housing Department between 1976 and 1980, and again between 1985 and 1992. Ms. Gantt, who has a G.E.D., admitted that when she worked for the D.C. government she was paid low wages and that men who had less education than she (high school drop outs) received better positions and more training. Ms. Gantt retired in 1992 and hoped that she would be able to relax, travel, and take some classes. However, she realized that she could not make ends meet

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on her social security check, and she, therefore, took a position where she works as a clerk for a senior program, RSVP. (She is actually paid by the National Black Caucus).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June Shih ( CN=June Shih/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 6-APR-1999 18:31:53.00

SUBJECT: equal pay draft

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: MITTLEBEEL\_E@a1@CD@VAXGTWY ( MITTLEBEEL\_E@a1@CD@VAXGTWY @ VAXGTWY [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Draft 4/6/99 6:15 pm

Shih

PRESIDENT WILLIAM J. CLINTON

OPENING STATEMENT EQUAL PAY ROUNDTABLE

THE WHITE HOUSE

APRIL 7, 1999

Acknowledgments: The First Lady, who has worked so hard over the past 25 years on behalf of America's children and families. Sec. Herman; Sen. Harkin and Del. Eleanor Holmes-Norton, who have been champions for equal pay in the Congress.

As Americans, we believe that all people who work hard and play by the rules should be able to build better lives for themselves and their families. And, for the past six years, I have worked to make this vision real for all Americans. Today, we are living in a time of unprecedented prosperity. We have more than 18 million new jobs. The lowest unemployment in a generation. The greatest real wage growth in more than 20 years. Median family income up \$3500. Black poverty and Hispanic unemployment at record lows. And, as the First Lady has said, we have made progress in closing the wage gap between men and women.

But we all know we have much more to do. Imagine working hard every day and taking home just three paychecks for every four collected by a male colleague in the same job. Unfortunately, that's still the reality for too many women across America.

Equal pay is much more than a women's issue. Whenever we deny a woman equal pay for equal work, we aren't just shortchanging her bank account; we are shortchanging her family. With more families relying on two paychecks to pay the mortgage or the rent, every man whose wife is underpaid is himself being taken advantage of! The wage gap can translate into fewer bags of groceries, fewer visits to the doctor; and over a lifetime, hundreds of thousands of dollars in smaller pensions and retirement savings. The CEA estimates that, for a woman who began working in 1963, the wage gap has cost some \$210,000 in lost earnings.

But this is more than just about paychecks. It is about

principle. When we deny a woman equal pay for equal work, whether in the halls of academia or on the factory floor, we are undermining the idea at the heart of the American Dream: Equal opportunity for all.

Today, in this time of abundance, we have a remarkable opportunity to end wage discrimination once and for all. There will never be a better time to act.

Earlier this year, I called on Congress to pass two measures to strengthen our wage discrimination laws and boost enforcement of existing ones. So, on the eve of Equal Pay Day, I renew my call. I again ask Congress to support the \$14 million Equal Pay Initiative in my balanced budget. This initiative would help the EEOC identify and respond to wage discrimination, educate employers and workers about their rights and responsibilities, and help bring more women into better-paying jobs, especially non-traditional ones.

And again, I ask Congress to pass the Paycheck Fairness Act, sponsored by Sen. Daschle and Rep. DeLauro. The Act would put employers on notice that wage discrimination against women is just as unacceptable as discrimination based on race and ethnicity. Under current law, victims of racial wage discrimination can seek compensatory and punitive damages -- this new law would give women the same right. The law would protect employees who share salary information from retaliation. And it would expand training for EEOC workers, strengthen research and establish an award for exemplary employers.

We can do even more. Today, I am pleased to announce that we will strengthen this legislation by requiring the EEOC to determine what more information on worker salaries they need to improve enforcement of wage discrimination laws and to find a way to collect it. Under this new provision, we would call on the EEOC to issue a new rule within 18 months to collect -- in the most effective and efficient way possible -- pay data from companies based on the race, sex and national origin of employees.

Addressing wage discrimination takes courage, as our panelists can tell you. It takes courage as an employee to speak out and to gather the evidence you need to make your case. And, it takes courage as an employer to recognize problems in pay equity and to take steps to remedy them. Just recently, we saw this courage among the administrators and women scientists at MIT, who together, looked at the cold hard facts -- about disparities in everything from lab space to annual salary -- and sought to make things right. I commend them. I hope their success can be replicated in workplaces across the country. I look forward to hearing their stories.

Let's all get to work. This is not a partisan issue. It is about building the America we all want to live in -- and the America we want our daughters and sons to inherit -- an American that is fair, that is just, that truly provides equal opportunity for all.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 18:48:45.00

SUBJECT: FYI- unrelated litigation at MIT

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI -- On Monday, a state appeals court in Massachusetts reversed a lower court ruling that MIT had not discriminated against a woman because of her gender. The case was filed in 1995 by a woman who alleged that her post-doctoral position was terminated because she was pregnant. The case is now remanded back to the trial court for further proceedings. Our panelist, Nancy Hopkins, was quoted in the article as saying this litigation is unrelated to the issues addressed in the report about the status of women professors in the science department.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 19:15:48.00

SUBJECT: Hate Crimes Hearings

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:

Eddie Correia told me that he heard today that Hatch has scheduled his hate crimes hearings for April 28.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 19:38:02.00

SUBJECT: TIMING OF One Stop/Workforce Investment Act Rule

TO: Elena Kagan ( CN=Elena Kagan/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

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

READ:UNKNOWN

TEXT:

As I said at this morning's staff meeting, the Workforce Investment Act rule will be published Friday (on public display Thursday). DOL is planning to brief trade press Thursday morning and distribute a press release that day. I believe our options include:

- 1) At a minimum, get good quotes from the President in the DOL release
- 2) Issue a written statement from the President Thursday from the WH
- 3) Have the President discuss the issue at the top of the press conference Thursday
- 4) Have the President do an event Thursday
- 5) Have the President do an event later around the approval of the first new One Stop (maybe coinciding with the monthly employment statistics or some other jobs announcement).

I recommend #1 and #5.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-APR-1999 20:21:01.00

SUBJECT: Cardin Wants Two Changes to Our Welfare-to-Work Proposal

TO: Nicole R. Rabner ( CN=Nicole R. Rabner/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/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

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

READ:UNKNOWN

TEXT:

As I mentioned Monday, Rep Cardin wants to introduce our Welfare-to-Work reauthorization proposal. However, he wants to make two changes:

- 1) Add stand-alone training as an allowable activity (now training is allowed only as a post-employment activity for someone who is working); and
- 2) Add youth aging out of foster care as an eligible population

Frankly I think both of these detract from our work-focused program for long-term welfare recipients. However, so far we have few champions for our \$1 billion reauthorization proposal (except for the fathers piece and as I mentioned Monday, Republicans are pushing to re-program 1999 funds instead of using new dollars), and we need Cardin's help. Secretary Herman supports the first change (will probably call you Bruce) and is agnostic on the second. These changes will give us more things we could drop in future negotiations. Cardin wants to drop the bill in the next two weeks, so it will be out there before the April 27th W&M subcommittee hearing on fathers (at which DOL has been asked to testify).

When we thought Cardin was going to introduce our bill as is, we were considering skipping the formal transmission of the language to the Hill and just giving it to Cardin informally. However, now I think we should transmit it, so it's clear what our proposal is (however, Leg Affairs think that would be somewhat obnoxious since Cardin is helping us by pushing what is 99% our proposal).

On the Senate side, Robb may be our lead sponsor. Republicans range from indifferent (Roth) to critical (Voinovich).