

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-OCT-1999 10:51:35.00

SUBJECT: Sick Leave Regs

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

READ:UNKNOWN

TEXT:

Dan, per the e-mail below from Mark Hunker, I don't think OPM has begun to redraft the sick leave expansion regs per our collective judgement that we should explore ways to address the domestic partner issue in an oblique way. I replied to this message saying that I thought OPM shouldn't wait for a "decision" on this issue, since the memo we are (?) preparing for Podesta is purely informational. Would you please reinforce this with OPM through whatever mechanism is appropriate, i.e. that OPM should devise options for what approach to take on this issue to satisfy our goal? Thanks.

----- Forwarded by Nicole R. Rabner/WHO/EOP on 10/26/99
10:48 AM -----

"Hunker, Mark" <MEHUNKER@opm.gov>

10/20/99 05:18:19 PM

Record Type: Record

To: Nicole R. Rabner/WHO/EOP, S. A. Noe/OMB/EOP

cc:

Subject: RE:

OPM has not reworked the regs. We are waiting for decision.

-----Original Message-----

From: Nicole_R._Rabner@who.eop.gov [mailto:Nicole_R._Rabner@who.eop.gov]

Sent: Wednesday, October 20, 1999 5:02 PM

To: S._A._Noe@omb.eop.gov; mehunker@opm.gov

Subject:

Two questions, (1) what is the status of the memo for Podesta?, and (2) has OPM worked on revised regs based on our agreement to seek an oblique approach to the "family" definition issue?

-- E-Mail scanned for viruses. --

-- E-Mail scanned for viruses. --

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ruby Shamir (CN=Ruby Shamir/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-OCT-1999 17:50:36.00

SUBJECT: New Ideas Follow Up

TO: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

As we discussed in our lunch meeting, below is our 'to do' list from the Bruce New Idea Mtg:

Child Care

- Tax Cut: Mtg with Treasury on Tax Cut: NR
- Block Grant: Wait and see what happens next week.: NR
- Campus Based Child Care: What is our policy, etc: AOL
- Early Learning: AOL to bring together HHS and DoEd to discuss Jeffords proposal. NR to talk to HHS about tightening quality proposals.
- After Hours: research topic; studies, people affected, need for after hours care: RS

Leave Policy

- Domestic Partners: What is federal policy, etc: AOL
- Extended Family Leave: Moloney bill: AOL
- Paid Leave Demo: NR

Adoption/Foster Care

- Talk with groups and others about ideas. Talk to Treasury about \$500 per child tax credit and its applications to foster parents: NR

Youth

- Convene brainstorming mtg next week: AOL and NR
- Ideas/sockhop memo: AOL

Changing Work Landscape

- Do research and memo identifying problem/need and different approaches: RS

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer Ferguson (CN=Jennifer Ferguson/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:12-NOV-1999 08:52:04.00

SUBJECT: Re: Status - Final OPM Sick Leave Memo

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

READ:UNKNOWN

TEXT:

This memo expands on the May 25 POTUS E.O. The memo that was sent to Podesta's office a couple of days ago has to do with adding of "Definition of Family" We are looking to include domestic partners in our broad definintion.

Karen Tramontano

11/11/99 11:10:31 AM

Record Type: Record

To: Jennifer Ferguson/OMB/EOP@EOP

CC:

Subject: Re: Status - Final Sick Leave Memo

the paid unemployment eo? is that what you mean when you are referring to to the final sick leave memo?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-NOV-1999 12:13:59.00

SUBJECT: Re: domestic partnership meeting

TO: Paul Oetken (CN=Paul Oetken/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:

Absolutely kosher.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth J. Potter (CN=Elizabeth J. Potter/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-NOV-1999 16:55:52.00

SUBJECT: State Department and Domestic Partners

TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Meeting: Thursday, 9:15 AM Office of Public Liaison - RM: 122

The American Foreign Service Association (AFSA) represents State Department and other U.S. Government missions who are posted abroad in US Missions.

The AFSA Board recently endorsed a set of 13 measures that the State Department should take to provide support for partners of FSO's and employees as family members, not spouses. These measures apply to both same and opposite sex unmarried couples.

The National Gay and Lesbian Taskforce (NGLTF) and the Federal Gay and Lesbian Employee Organization (GLOBE) has asked to sit down with the WH to discuss the issue.

I have asked Mark Hunker from OPM to attend, let me know if you think anyone else should be invited.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth J. Potter (CN=Elizabeth J. Potter/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-NOV-1999 17:41:05.00

SUBJECT: State Department and Domestic Partners

TO: Paul Oetken (CN=Paul Oetken/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:

----- Forwarded by Elizabeth J. Potter/WHO/EOP on
11/17/99 05:40 PM -----

Elizabeth J. Potter

11/17/99 04:55:45 PM

Record Type: Record

To: Thomas L. Freedman/OPD/EOP@EOP, Edward W. Correia/WHO/EOP@EOP

cc:

Subject:State Department and Domestic Partners

Meeting: Thursday, 9:15 AM Office of Public Liaison - RM: 122

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I have asked Mark Hunker from OPM to attend, let me know if you think anyone else should be invited.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth J. Potter (CN=Elizabeth J. Potter/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-NOV-1999 17:00:02.00

SUBJECT: State Department and Domestic Partners

TO: Mara E. Rudman (CN=Mara E. Rudman/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TEXT:

----- Forwarded by Elizabeth J. Potter/WHO/EOP on
11/17/99 04:58 PM -----

Elizabeth J. Potter
11/17/99 04:55:45 PM
Record Type: Record

To: Thomas L. Freedman/OPD/EOP@EOP, Edward W. Correia/WHO/EOP@EOP
cc:
Subject:State Department and Domestic Partners

Meeting: Thursday, 9:15 AM Office of Public Liaison - RM: 122

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I have asked Mark Hunker from OPM to attend, let me know if you think anyone else should be invited.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Paul Oetken (CN=Paul Oetken/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-NOV-1999 12:01:06.00

SUBJECT: domestic partnership meeting

TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:

Hi Eddie --- Chai Feldblum left me a message about this meeting that Julian P. has scheduled for tomorrow (9:15?). Do you think it would be kosher for me to attend too?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christopher K. Scully (CN=Christopher K. Scully/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-NOV-1999 12:35:21.00

SUBJECT: DC Appropriations Veto

TO: Dawn L. Smalls (CN=Dawn L. Smalls/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TEXT:

Here are the drafts that I sent to Janie about the DC Approps. veto.
----- Forwarded by Christopher K. Scully/WHO/EOP on
11/18/99 12:34 PM -----

Christopher K. Scully
11/01/99 05:49:51 PM

Record Type: Record

To: Janie L. Jeffers/OMB/EOP@EOP

cc:

Subject: DC Appropriations Veto

Hey Janie,

The President has received a handful of letters urging him to veto HR 2587.

Two Advisory Neighborhood Commissioners (Jourdinia Smith Brown and James Jones) urged a veto on the grounds that the bill was an affront to home rule. They both cited the provision allowing cellular towers in Rock Creek Park as the most egregious example.

Craig Howell of the Gay and Lesbian Activists Alliance of Washington uged a veto on the grounds that certain provisions of the legislation violate the fundamental principles of self-government. They cited the language on needle exchange, medical marijuana, and domestic partners as their examples.

Nan Aron of Alliance for Justice urged a veto on the grounds of the provisions limiting attorneys' fees in special education cases under IDEA.

I've written the following drafts in response. Please let me know if what I've written is ok. If you would like to see the incoming letters, let me know and I'll fax them to you. Thanks for your help.

Chris

ANC letters

Thank you so much for sharing your concerns about H.R. 2587, the District of Columbia Appropriations Act.

As you know, on September 28, I vetoed H.R. 2587 because of its objectionable riders that would have prevented local residents from making their own decisions about local matters. Be assured that my

Administration strongly supports home rule in the District and that we are pressing Congress to pass an appropriations bill that does not infringe upon the rights of the people of the District to govern local matters.

I appreciate having your perspective on this issue, and I ,ll keep your thoughts in mind as I work with Congress to complete the appropriations process.

Craig Howell letter

Thank you so much for sharing your concerns about certain provisions of H.R. 2587, the District of Columbia Appropriations Act.

As you know, on September 28, I vetoed H.R. 2587 because of the provisions you cited and other objectionable riders that would have prevented local residents from making their own decisions about local matters. In my veto message, I informed Congress that were it not for the provisions concerning the Domestic Partners Act, needle exchanges, and controlled substances, among others, that I would have signed the legislation.

Be assured that my Administration is committed to protecting the rights of localities to govern local matters. I appreciate having your perspective on this issue, and I ,ll keep your thoughts in mind as I work with Congress to complete the appropriations process.

Nan Aron letter

Thank you for sharing your concerns about H.R. 2587, the District of Columbia Appropriations Act.

As you may know, on September 28, I vetoed H.R. 2587 because of the provision you cited as well as other highly objectionable riders. I strongly oppose capping the award for plaintiffs , attorneys , fees for proceedings under the Individuals with Disabilities Education Act and have urged Congress to remove immediately this provision from the legislation. I firmly believe that such caps undoubtedly restrict poor families in the District from having adequate access to the due process protections provided by IDEA.

Be assured that my Administration is committed to protecting the rights of disabled children and their families. I appreciate having your perspective on this issue, and I ,ll keep your thoughts in mind as I work with Congress to complete the appropriations process.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Paul Oetken (CN=Paul Oetken/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-NOV-1999 10:28:54.00

SUBJECT: State Department domestic partners

TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:

Eddie --- The next meeting with Julian Potter et al. on the State Department domestic partners issue was set for Tuesday, Nov. 30 at 3:00. Let me know when you have a few minutes to talk about that.

Paul

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-NOV-1999 20:39:37.00

SUBJECT: ideas

TO: Ruby Shamir (CN=Ruby Shamir/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Domestic Partners: Recognize the changing nature of the American family and empower non-traditional families by calling for the inclusion of domestic partners in the Family and Medical Leave Act. Take leadership in the drive to include domestic partners as health care beneficiaries by putting forward an Executive Order calling for the inclusion of domestic partners in the Federal Employee Health Care Benefit plan.

Youth Development Ideas:

(1) An Agenda for Youth) Demonstrate an across the board increase and investment in young people from small high schools to national service to family support to healthy adolescent development. The package could be focused on four components (drawn from research): Family, School, Health, and Communities.

(2) Youth Empowerment Fellowships) Reward and support creativity by proving fellowships to young people that have developed innovative youth driven ideas ranging from engaging their peers in civic action to increasing academic achievement to improving their communities. The Fellowships could be modeled on programs such as the Echoing Green Fellowships which are targeted to post-college graduates to develop and implement their ideas. The awards would be selective (e.g. 100 per year), prestigious, and would represent a diverse set of young people and set of ideas for youth empowerment. The awardees would begin to develop a web of communication among each other and other young people on empowerment and action in their various communities.

(3) Caring Community Grants) Many community-based organization feel dis-empowered and unrecognized by the Federal government due to the fact that many funding streams require that they receive their funds through a school district or other entity. These grants could be dedicated directly to community based organizations that demonstrated accountability for healthy and academic development of teenagers by engaging the entire community and holding the community accountable for its actions. (Needs further development, but the idea is to reward successful CBOs and recognize their role in educating and raising young people)

(4) Rewarding Youth Achievement) Re-invigorate the Rewarding Youth Achievement (RYA) proposal that was floated in the FY2000 budget. The goal of RYA is to increase the rate at which academically achieving, economically disadvantaged students graduate from high school and continue on to higher levels of education or training. RYA would provide longer term summer employment to youth who meet academic achievement and

attendance standards. RYA participants would also be eligible to receive an end of the summer bonus if they perform well in their summer job. In addition, RYA would provide career assessment and counseling, mentoring, tutoring and strive to place participants in career related employment.

(5) High School component for National Service) Challenge States and local communities, to require all high school students in be an active member of their community by participating in community service. This call to action could strictly be a bully pulpit item or it could include grants to communities to start-up such initiatives. (Note: Thus far, we have been unsuccessful in adding any high school component to AmeriCorps).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-NOV-1999 16:14:12.00

SUBJECT: Domestic Partners

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

READ:UNKNOWN

TO: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC: Elizabeth J. Potter (CN=Elizabeth J. Potter/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:

The meeting with Julian Potter, et al., is 3:00 on 11/30. I agree that we should have an internal meeting first. I'll talk to Julian on Monday about arranging something.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth J. Potter (CN=Elizabeth J. Potter/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-NOV-1999 13:12:42.00

SUBJECT: Re: Domestic Partners

TO: ann o'leary (CN=ann o'leary/OU=opd/O=eop@eop [OPD])

READ:UNKNOWN

TO: nicole r. rabner (CN=nicole r. rabner/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:

I understand that you all have a background and/or interest in participating in the working group being formed to look at the President's Executive Order prohibiting discrimination based on sexual orientation. The largest national gay and lesbian constituency groups, HRC and NGLTF, have asked that I convene this group. The first meeting is scheduled for tomorrow Nov 30th at 3:00 pm in Mrs. Clinton's office.

Including yourselves, the following persons have been suggested to me as likely participants. I would appreciate your input on who should be invited and also I would like the opportunity for us to talk about what the WH expectations are for the EO and how we would like to shape the working group and its focus.

I can meet this afternoon at 4:00 or at your convenience. I am in room 117

DPC

Mary Smith

Thom Freedman

WH Counsel

Paul Oetkin

John Berry: Dept of Interior

Helen Norton: DOJ Civil Rights: Management Division 353-0742

Tim Henipal: Office of Special Counsel: 653-5117

Elaine Kaplan: Office of Special Counsel

Len Hirsh: Federal Globe

Rob Sadler:Globe

OPM:

Marsha Koonz: Barney Franks office

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-NOV-1999 21:52:11.00

SUBJECT: Re: Domestic Partners

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

CC: nicole r. rabner (CN=nicole r. rabner/OU=who/O=eop@eop [WHO])
READ:UNKNOWN

CC: edward w. correia (CN=edward w. correia/OU=who/O=eop@eop [WHO])
READ:UNKNOWN

TEXT:
Julian -

My apologies for not getting back to you sooner. Nicole and I were both swamped today getting together an event for tomorrow morning.

Any chance we can sit down before the 3:00 p.m. -- would 2:15 or 2:30 work? In addition to being interested in the EO on sexual orientation, we would like to brainstorm with both you and Eddie on potential SOTU announcements on domestic partners (e.g. expanding FMLA to domestic partners, pushing the idea of an EO to include domestic partners in Federal Employee Health Benefits).

Let us know if you could both meet prior to the 3 pm.

Thanks.

-Ann (6-6275)

Elizabeth J. Potter
11/29/99 01:12:39 PM
Record Type: Record

To: Edward W. Correia/WHO/EOP@EOP, ann o'leary/opd/eop@eop, nicole r. rabner/who/eop@eop
CC:
Subject: Re: Domestic Partners

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likely participants. I would appreciate your input on who should be invited and also I would like the opportunity for us to talk about what the WH expectations are for the EO and how we would like to shape the working group and its focus.

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WH Counsel

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Helen Norton: DOJ Civil Rights: Management Division 353-0742

Tim Henipal: Office of Special Counsel: 653-5117

Elaine Kaplan: Office of Special Counsel

Len Hirsh: Federal Globe

Rob Sadler:Globe

OPM:

Marsha Koonz: Barney Franks office

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-NOV-1999 10:32:17.00

SUBJECT: Re: Domestic Partners

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

TEXT:

OK - I'll send an email to all. Is your office big enough to hold 7 people?

Elizabeth J. Potter
11/30/99 10:23:44 AM
Record Type: Record

To: Ann O'Leary/OPD/EOP@EOP
cc:
Subject: Re: Domestic Partners

My office is fine. I think that Paul Oetkin from WH Counsel should come and what about Mary Smith and Thom Freedman. I am not sure who from DPC is appropriate.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Paul Oetken (CN=Paul Oetken/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-NOV-1999 13:07:11.00

SUBJECT: Re: Domestic Partners

TO: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TEXT:

Thanks; I'll plan to be there.

Paul

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth J. Potter (CN=Elizabeth J. Potter/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-NOV-1999 10:10:31.00

SUBJECT: Re: Domestic Partners

TO: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TEXT:

Sounds terrific. 2:15 is good. Do you want to meet in my office? 117 or I can come over to DPC land.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-NOV-1999 13:23:52.00

SUBJECT: Re: Domestic Partners

TO: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC: elizabeth j. potter (CN=elizabeth j. potter/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC: edward w. correia (CN=edward w. correia/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TEXT:

Fine with me.

Ann O'Leary

11/30/99 10:19:36 AM

Record Type: Record

To: Nicole R. Rabner/WHO/EOP@EOP, Edward W. Correia/WHO/EOP@EOP

cc: Elizabeth J. Potter/WHO/EOP@EOP

Subject:Re: Domestic Partners

Nicole and Eddie - Are you free at 2:15, too?

Probably easiest to meet in your office, Julian, if that is OK.

----- Forwarded by Ann O'Leary/OPD/EOP on 11/30/99 10:18 AM -----

Elizabeth J. Potter

11/30/99 10:10:22 AM

Record Type: Record

To: Ann O'Leary/OPD/EOP@EOP

cc:

Subject: Re: Domestic Partners

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-NOV-1999 13:01:21.00

SUBJECT: Domestic Partners

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

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

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

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

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

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

TEXT:

Several of us have been talking about SOTU ideas on the issue of domestic partners --- e.g. what we can do to push the issue of including Domestic Partners in FMLA or thinking about an EO on health benefits for domestic partners in the Federal Workplace.

Julian, Nicole, Eddie, and I are meeting at 2:15 to brainstorm in Julian's office (Rm. 217). It would be great if you all could join us.

-Ann

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth J. Potter (CN=Elizabeth J. Potter/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-NOV-1999 10:23:52.00

SUBJECT: Re: Domestic Partners

TO: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TEXT:

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-NOV-1999 10:19:48.00

SUBJECT: Re: Domestic Partners

TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Elizabeth J. Potter (CN=Elizabeth J. Potter/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:

Nicole and Eddie - Are you free at 2:15, too?

Probably easiest to meet in your office, Julian, if that is OK.

----- Forwarded by Ann O'Leary/OPD/EOP on 11/30/99 10:18
AM -----

Elizabeth J. Potter

11/30/99 10:10:22 AM

Record Type: Record

To: Ann O'Leary/OPD/EOP@EOP

cc:

Subject: Re: Domestic Partners

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can come over to DPC land.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth J. Potter (CN=Elizabeth J. Potter/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-NOV-1999 11:03:42.00

SUBJECT: Re: Domestic Partners

TO: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TEXT:

Yes...albeit tacky it works.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer Ferguson (CN=Jennifer Ferguson/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 2-DEC-1999 16:35:25.00

SUBJECT: question on sick leave memo

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

READ:UNKNOWN

TEXT:

Hi Karen - Once again, I work in Dan Mendelson's office and am seeking the status of the sick leave memo which was sent to Podesta's office about 3 weeks ago. I faxed you a couple of this document as well. This memo expands on the May 25 POTUS E.O. about on to the "Definition of Family" We are looking to include domestic partners in our broad definition. I haven't heard anything and was wondering if you have? Thank you.

----- Forwarded by Jennifer Ferguson/OMB/EOP on 12/02/99
03:26 PM -----

S. A. Noe

12/02/99 03:52:29 PM

Record Type: Record

To: Jennifer Ferguson/OMB/EOP@EOP

cc:

Subject:question on sick leave memo

Hello.

Do you have any idea what happened to the sick leave memo? A while ago, you told us that the memo was in the Chief of Staff office. Has COS made any decision yet? OPM and OIRA folks are anxious to find out the outcome of the memo. We would greatly appreciate it if you could let us know any new development. Thanks.

Aromie

[illegible]

Federal Support for State Paid Parental Leave Initiatives

Background:

The Family Medical Leave Act (FMLA) signaled our nation's recognition that American workers face enormous obstacles in their struggle to balance work and family, and that the federal government can, and should, play a role in helping to achieve that balance. The FMLA enables millions of working Americans to care for a child after birth or adoption, by providing up to 12 weeks a year of unpaid, job-protected leave. But many of those workers are unable to take the full amount of time they need and are entitled to, because they simply cannot afford to go that long without a paycheck. Other workers who are not protected by FMLA but have access to unpaid leave can face the same dilemma.

Several state governments are exploring strategies to provide wage replacement for parents who have access to and want to take leave to care for a newborn or newly adopted infant but cannot afford to do so. The Department of Labor, at the direction of the President, has provided an opportunity for State agencies that administer the Unemployment Compensation (UC) program to pay, under a voluntary experimental program, UC to parents who take time off from employment after the birth or placement for adoption of a child. The Administration could further assist states in this effort, and encourage states to consider other paid leave initiatives, through a federally funded grant program. The funds could be used by states to underwrite the administrative and implementation (benefit) costs of starting up a state-funded benefit program; and to evaluate the success of state or local initiatives. Supporting these initiatives would not only benefit the working citizens of the individual states, but would also allow us to explore, through the "laboratory of the states," which approaches to paid parental leave work best and possible promising models for a nation-wide paid leave plan.

States could be invited to submit proposals, and grants could be awarded competitively, with the size and number of awards dependent upon the amount of funding available. In addition to new funds for the grants, we would need to have legislative authority for the grant program. It is possible that legislative authority for current DOL programs could be used **although new legislation would likely be necessary** to authorize a more flexible and complete grant program. The following proposal is similar to legislation introduced by Dodd/Woolsey this summer that would establish a demonstration program to support states and political subdivisions provide partial or full wage replacement to new parents and workers on other forms of FMLA leave. This legislation would also provide experience on what the most effective mechanism is for providing wage replacement assistance.

II. Proposal

Provide \$50 million to \$250 million for a new competitive federal grant program for increasing availability of paid parental leave. Grant monies would be available to states and appropriate sub-state entities to be used for some combination of the following:

- 1) Subsidizing benefits in a demonstration, or pilot program, to provide paid leave to care for newly born infants and adopted children.

- 2) Subsidizing administrative and startup costs for promising models of state paid parental leave.
- 3) Funding research that assesses the impact of existing and new paid leave activities.

Details of proposal

- 1) Subsidize benefits in a pilot or demonstration project:

The cost of a benefit subsidy (modeled after \$200 a week federally paid leave proposal) is based on a \$200 benefit a week per person; benefit cost varies from \$9m-\$38m per state, assuming between 4 and 12 weeks of paid leave to *women* with infants. Benefit costs could be reduced if assume a subsidy of less than \$200 a week. The costs would, of course, increase up to two-fold if new fathers were covered.

- 2) Funding administrative and startup costs:

Administrative costs for the start-up of new state (or local level) program ranges from \$250,000 to \$2,500,000 per state (estimate based upon using UI system for delivery) – assuming first year operating costs of approximately \$3m to \$4m per state. A decision would need to be made if it would be limited to a TDI-type state program or if it could be used for states wishing to use UI (after DOL's regulation is finalized).

- 3) Research and evaluation grants:

Cost per review-type paper estimated at \$50,000.

Minimum funding for a single state commission including administration, travel and survey/review, assuming meets 6 times in one year is: travel \$50,000.

Options for funding levels

- At \$50m, the grants would probably be restricted to administrative grants and research; perhaps 10 state-wide administrative grants and the rest in research.
- At \$100m, 3 or 4 grants for sub-state benefit subsidies or small states subsidies could be added to account for the additional \$50m.
- At \$200m, there would likely be no increase in administrative grants (not many more states than original 10 would be interested in administrative grants); with the additional \$100m, benefit subsidies could be made available to 2 or 3 large states in addition to the 3 to 4 smaller benefit grants.
- At \$250m, another large state benefit grant could be added, for a total of 3-4 large state benefit grants (\$150m), 3-4 smaller state (or sub-state) benefit grants (\$50m), 10 administrative grants (\$35m), and about \$15m in research.

Preliminary Grant Elements

Careful and targeted design of the grant program would be crucial, and should include the following factors:

- ◆ Specific policy goals to be served in addition to increasing workers' ability to take new parent leave, if any;
- ◆ Multi-activity proposals would be considered (i.e., combining benefit subsidy and/or administrative costs and/or research);
- ◆ Benefit subsidy/administrative costs proposals must include outcome measurement/evaluation, perhaps with third party participation (such as universities) to assist in evaluation activities;
- ◆ Defined duration of pilot;
- ◆ Demonstrate sustainability of program -- likelihood of continuation without federal funding after demonstration/pilot period, if successful;
- ◆ Benefit recipient eligibility tied to need/income level (this would not apply to any UC based proposals);
- ◆ Benefit receipt eligibility includes workforce attachment requirement.

In addition, the following questions needed to be answered or criteria need to be developed while designing the grant program:

- ◆ How to limit the number of pilot benefit proposals;
- ◆ What are the specific criteria for selecting proposals, including:
 - size of population to be served;
 - issues to be addressed in research proposal;
 - areas for evaluation, e.g., at what benefit level/benefit duration are workers with various incomes more likely to take leave;
 - what impact does paid leave have on new parents' return to the workforce;
 - what impact does paid leave have on employer incentives to provide paid leave or unpaid leave (if not FMLA-covered);
 - length or amount of benefit;
 - ratio of federal subsidy to state dollars, and whether it could vary by proposal.

III. Factors to be considered

Pros:

- Minimizes federal dollars (compared to funding paid leave) by leveraging state funds;
- May encourage states to take advantage of new UI option;
- Announcement could be coordinated with Dodd/Woolsey plans;
- Expansion of programs such as TDI may have broader benefits than just parental leave (may also be con if it dilutes message too much);
- Experience could help with development/passage of federal legislation or lead to more states and private employers providing paid leave;

- Provides some real benefits to real people in need;
- Research and experimental program would be helpful in laying groundwork for widespread provision of paid leave.

Cons:

- Unclear if proposal is sufficient to get interest of states' and third parties (NGA, AFL-CIO) particularly given large cost of funding benefits and lukewarm reception to the DOL proposed rule;
- Difficulty in securing needed authorizing legislation;
- Delivery systems and benefits would vary across states;
- Possible conflicting signals with welfare to work (e.g., do we want low-income parents at home with kids or in workplace?);
- Benefit subsidy (vs. just using federal funds to cover administration) may not be appropriate for a one-time intervention -- would states be willing to pay for funding program (i.e. benefit) costs in the out years?
- Programs to provide government subsidized leave could create negative incentives for employers who currently, or might otherwise, provide paid leave for their employees.

CHILD CARE SUBSIDIES

BACKGROUND: As documented in HHS' September 1999 report, Access to Child Care for Low-Income Working Families, only 10 percent of children eligible for federal child care assistance through the Child Care and Development Block Grant (CCDBG) are receiving support. The report compiled state-by-state data of the number of children eligible for federal funds and found that the percentage of children helped ranged from a low of 4% in Mississippi to a high of 24% in West Virginia. Overall, the report estimates that 14.7 million children in low income families were eligible to receive a subsidy under federal income limits, but only 1.5 million children in 1998 received assistance. The President's FY 1999 and FY 2000 budget requests contained significant new mandatory resources for child care assistance through CCDBG (\$7.5 billion over five years) to provide child care subsidies to 1.15 million additional children.

RECOMMENDATION: Move the President's subsidy expansion request to the discretionary side of the budget. Currently, the discretionary title is funded at \$1.182 billion. Increase that by \$818 million for FY 2001 and 1.12 for FY 2002 (because CCDBG is an advance appropriated program, our budget should address both fiscal years). An increase of \$818 million in FY 2001 would enable the program to serve an additional 220,000 low-income children, assuming no state match, and 275,000 additional low-income children, with an 80-20 match. While the current discretionary title contains no match, the President's FY 2000 budget request for additional mandatory subsidy dollars introduced a new 80-20 match. Therefore, we recommend maintaining the 80-20 match in the new discretionary budget request.

FURTHER RECOMMENDATION: If we decide to pursue a child care quality initiative on the mandatory side of the budget, we recommend re-proposing for FY 01 two items in CCDBG that exist in FY 00 but were not included in the Omnibus Appropriations, which forward-funding CCDBG for FY 01 – (1) the \$50 million set-aside for infants and toddlers, and (2) the \$10 million set-aside for child care research.

EARLY LEARNING AND CHILD CARE QUALITY

It is critical that the President's child care initiative retain a strong commitment to promoting school readiness and cognitive development by improving the quality of care. Research bears this out:

- Three multi-site studies conducted between 1988 and 1994, including the highly regarded *Cost, Quality and Child Outcomes in Child Care Centers*, found that only 12 to 14 percent of children in care are in arrangements that promote their growth and learning, while 12 to 21 percent are in settings that are unsafe and actually impair their development. For infants and toddlers, the percentage of poor/unsafe settings is much higher -- 40 percent (*Florida Child Care Quality Improvement Study: Interim Report*, Howes, Smith, Galinsky, Families and Work Institute, 1995).
- Children in higher quality settings develop receptive language more rapidly, have superior math skills, engage in more complex play with both objects and other children and exhibit fewer behavior problems (both at the time and upon entering school). Studies have found that the impacts on social skills and academic performance persist into elementary school (*Are They in Any Real Danger*, Love et. al., Mathematica Policy Research, 1996)
- As noted in the CEA paper on early learning: "children who receive care in quality centers tend to be less distracted and more task-oriented, considerate, happy and socially competent in elementary school. They are more self-confident, proficient in language, advanced in cognitive development and make better academic progress. Conversely, children in poor quality programs risk the development of poor school skills and heightened aggression."

The following three options focus on improving the quality of the vast majority of existing care for children aged 0-5, and ensuring that these opportunities help us to meet the first goal of Goals 2000 – school readiness.

OPTION ONE: Re-propose the Early Learning Fund, included in FY 99 and FY 00 at a \$3 billion over five year in mandatory funds to improve child care quality and promote school-readiness. Modeled on the successful North Carolina Smart Start initiative, the proposed Early Learning Fund provides challenge grants to communities (distributed by states) to support programs to improve early learning and the quality of child care for children ages 0 to 5. To receive funds, HHS must approve a state's early learning program plan that specifies a lead agency, outlines community grant procedures, describes community participation in planning and monitoring, specifies activities to be carried out, and outlines performance goals and measures. Allowable activities include parenting education, resource and referral services, the development of family child care networks, provider training, efforts to improve staffing ratios, licensing and accreditation assistance, health services, added care for children with special needs. Each state would be required to submit an annual report documenting the use of the funds and progress toward achieving performance goals.

OPTION TWO: Propose a More Targeted Version of the Early Learning Fund, at or above \$3 billion over five years in mandatory dollars. Target the allowable uses of the Early Learning Fund to measurable activities that promote the cognitive development and school readiness of children aged 0-5 in child care. These activities would include: improving provider training, recruitment and retention, reducing teacher to student ratios, promoting accreditation, increasing reimbursement rates for accredited programs, increasing networks for family child care providers, and promoting adherence to professional quality standards. Goals in some or all of these categories would be required for the state's early learning program plan, and the state's annual report would document progress toward those goals (e.g., number of programs with ratios below a specified level, number of children in accredited programs, number of providers receiving AAs or BAs or ECE through the program). States failing to make progress toward the goals would have to submit a corrective action plan or lose funding.

OPTION THREE: Create a New Set-Aside Within the Discretionary Title of CCDBG to Promote Cognitive Development of children aged 0-5 in child care. In FY 2000, the \$1.182 billion discretionary title of CCDBG includes 3 discretionary pots of funds: (1) a 4 percent set-aside for quality activities; (2) \$50 million for infant and toddler child care quality improvement activities; and (3) \$173 million for general child care quality activities. By folding the second and third funding streams into one program to improve child care quality for children aged 0-5, and adding \$277 million, we could create a \$500 million school readiness fund. Similar to our proposed Early Learning Fund, this fund would support child care quality improvements designed to promote the cognitive development (i.e. improve the language, reading and math skills) of children in care. Parameters of the \$500 million fund would mirror the above-described options, including:

- The funds would be distributed according to the CCDBG formula, but in order to receive its share of the funds, HHS would have to approve a State's "school readiness plan" describing how the State would use the dollars to enhance the cognitive development of children in care and establishing performance goals and measures.
- The funds would be used to improve provider training, recruitment and retention, reduce teacher to student ratios, promote accreditation, increase reimbursement rates for accredited programs, promote adherence to professional quality standards, etc.
- Each year, the state would be required to report on how funds were used and on progress toward goals established in the plan (e.g., number of programs with ratios below a specified level, number of children in accredited programs, number of providers receiving AAs or BAs or ECE through the program). States failing to make progress toward the goals would have to submit a corrective action plan or lose funding.

The Administration could seek minimal appropriations language for this, e.g.:

"...Provided further, That of the funds provided for fiscal year 2001, \$172,672,000 \$500,000,000 shall be reserved by the States for activities to support the cognitive development of children aged 0-5 authorized under section 658G of the Omnibus Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990) and approved by the Secretary of Health and Human Services, such funds to be in addition to the amounts required to be reserved by the States under section 658G . . ."

NOTE: Child care advocates and congressional democratic staff working on child care have urged that we maintain our child care quality proposal on the mandatory side.

Early Child Educator Professional Development in the ESEA: The Department of Education and others are very concerned that preschool needs to have a tangible education focus. To that end, we need a pipeline of caregivers well trained in teaching small children – caregivers, for example, knowledgeable in how reading is learned and able to spot developmental disabilities. Standards alone do not appear to be enough. Currently, this proposal is funded at \$50 million in the ESEA and in our budget request. We might consider enhancing that amount to complement one of the items described above. A substantial increment in funding to this component – on the order of \$200 million – would highlight its importance and help it to achieve its goals.

MEETING THE NEEDS OF THE NON-STANDARD WORKFORCE

Rationale

Approximately, 25 to 30 percent of the U.S. labor force work in non-standard arrangements; this group includes independent contractors, contract workers, temporary agency employees, on-call workers, day laborers and part-time workers. While this class of workers is diverse in its demographic make-up, income scale, and satisfaction with non-standard work arrangements, many of these workers share in common a lack of access to health and retirement benefits that most workers in the traditional workforce receive. According to estimates from the Economic Policy Institute only 12 percent of non-standard workers receive retirement coverage and health insurance benefits from their employers, compared to 66 percent of the traditional workforce.

Many temporary, contract and part-time workers are not eligible for benefits because they are not employed in any one place long enough or don't log enough hours. Additionally, while many temps are offered the opportunity to receive benefits from their temp companies, many decline because the employee contribution is too expensive. Independent Contractors are technically self-employed and therefore are excluded from employer provided benefits.

As a result of these arrangements a large and, by most estimates, growing segment of the working population does not have access to health insurance or pension benefits. This puts companies that do offer coverage under tremendous strain because they support families and spouses of their employees and therefore subsidize the cost of benefits for the companies that do not provide such coverage. This could potentially lead more companies to find ways to further skirt the obligation to provide benefits (such as hiring more non-permanent and part-time workers).

Ideas

The Department of Labor's Working Group on the Benefit Implications of the Growth of a Contingent Workforce surveyed representatives from labor unions, think tanks, temp companies, the Departments of Labor, Treasury, and the Census Bureau, and employers. In its soon to be released report, a majority of the witnesses reiterated the need to find ways to ensure that these workers have access to retirement and health benefits. Some of the Advisory Council's recommendations included extending the protections provided by labor and antitrust laws to independent contractors, temporary workers, and contract company workers; developing purchasing coalitions that would permit non-standard workers to obtain health insurance and pension benefits; supporting MEWA's; and changing the IRS definition of employee.

The DoL appears to be open to some of these ideas, however, they have not been fully vetted through the Department. Many of these recommendations reflect advocates of non-standard workers preferences as well, however, we have yet to test these ideas with other organizations such as unions.

RESEARCH OPTION

The Census Bureau's Current Population Survey (CPS) began measuring the occurrence of various types of contingent work in 1995 and collects data every two years (1997 data is the latest data that has been released; 1999 should be released within the next few weeks).

According to analysis by a number of organizations, the data is not comprehensive enough for a few reasons:

- (1) It does not include part-time workers. Part time work is tabulated monthly by the BLS and can be cross-analyzed for the time period contingent work data is collected.
- (2) Rather than measuring the hours variability and the nature of the contract entered by the employee and employer, it only measures the employee's feeling of job stability or lack thereof; and
- (3) It collects data on this class of workers only every two years. Because the nature of temporary, contract work is short term (the National Association of Temporary and Staffing Services estimates that the average job tenure for temporary employees is 9.6 weeks), and because it has a limited longitudinal component, it does not measure how this class of workers fares over time.

In brief conversations with BLS staff, the BLS appears reluctant to change the nature of the survey. However, in conversations with advocates and researchers outside the government, I have found that there is some desire to collect more detailed data more often.

We should consider developing a research fund to examine this workforce that could better inform future policy decisions that affect this population. Such a fund would enable researchers to better identify the character, growth, and nature of this population; its access to health and pension benefits; the relationship between temp companies and the non-standard workforce including, among other things, an examination of the growth of temporary companies, the types of workers they tend to employ, the services and benefits they provide (or don't provide), their effects on unemployment and welfare reform (over the course of a year or two); the effects of traditional labor protections on this population. This information currently exists in piecemeal form, and policymakers do not have adequate information to make informed policy decisions for this group of workers. [checking with DoL; would cost approximately \$2 million, needs to be scored].

TAX INCENTIVES OPTION

Given the recommendations listed above, we could develop a tax incentive for temp companies and/or unions and/or other non-profit organizations to offer benefits packages. One such non-profit organization is "Working Today" which serves free-lancers and part-timers in the New York City area. Working Today offers access to group-rate health insurance for independent workers and their families, free and low cost legal advice from a specified network of attorneys, and discounts on computers, and office equipment and supplies.

We need to check in with Treasury/NEC to see if this is viable.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1999 16:49:36.00

SUBJECT: Re: domestic partners

TO: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TEXT:

I think your memo looks great -- wow, \$18 billion is a lot of money! Let me know when it's done and I'll fold it into the other memos.

[illegible]

MEETING THE NEEDS OF THE NON-STANDARD WORKFORCE

Rationale

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Many temporary, contract and part-time workers are not eligible for benefits because they are not employed in any one place long enough or don't log enough hours. Additionally, while many temps are offered the opportunity to receive benefits from their temp companies, many decline because the employee contribution is too expensive. Independent Contractors are technically self-employed and therefore are excluded from employer provided benefits.

As a result of these arrangements a large and, by most estimates, growing segment of the working population does not have access to health insurance or pension benefits. This puts companies that do offer coverage under tremendous strain because they support families and spouses of their employees and therefore subsidize the cost of benefits for the companies that do not provide such coverage. This could potentially lead more companies to find ways to further skirt the obligation to provide benefits (such as hiring more non-permanent and part-time workers).

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The Department of Labor's Working Group on the Benefit Implications of the Growth of a Contingent Workforce surveyed representatives from labor unions, think tanks, temp companies, the Departments of Labor, Treasury, and the Census Bureau, and employers. In its soon to be released report, a majority of the witnesses reiterated the need to find ways to ensure that these workers have access to retirement and health benefits. Some of the Advisory Council's recommendations included extending the protections provided by labor and antitrust laws to independent contractors, temporary workers, and contract company workers; developing purchasing coalitions that would permit non-standard workers to obtain health insurance and pension benefits; supporting MEWA's; and changing the IRS definition of employee.

The DoL appears to be open to some of these ideas, however, they have not been fully vetted through the Department. Many of these recommendations reflect advocates of non-standard workers preferences as well, however, we have yet to test these ideas with other organizations such as unions.

TAX INCENTIVES OPTION: Given the recommendations listed above, we could develop a tax incentive for temp companies and/or unions and/or other non-profit organizations to offer benefits packages. One such non-profit organization is "Working Today" which serves free-

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One idea would be to collect data on this set of workers annually. In brief conversations with BLS staff, the BLS appears reluctant to change the nature of the survey. However, in conversations with advocates and researchers outside the government, I have found that there is some desire to collect more detailed data more often.

Another idea is to see if it is possible to include an additional question in the American Community Survey that could measure the nature of work (i.e. temporary or contract work and/or part-time).

RESEARCH OPTION

It may be worthwhile to study the relationship between temp companies and the non-standard workforce. Such a study could include, among other things, an examination of the growth of temporary companies, the types of workers they tend to employ, the services and benefits they provide (or don't provide), their effects on unemployment and welfare reform (over the course of a year or two). [checking with DoL].

**Recommendations of DoL's
Working Group on the Benefit Implications of the Growth of a Contingent Workforce**

1. The Department of Labor and the IRS should continue to vigorously enforce existing laws to prevent the denial of fringe benefits to statutory employees misclassified as contingent workers.
2. Existing labor and antitrust laws that prevent access by contingent workers to multiemployer plans of the type that have traditionally served employers and contingent workers in the construction and garment industries should be modified:
 - a) Independent contractors should be permitted to organize and bargain collectively on a single or multiemployer basis.
 - b) The “community of interest” standards developed administratively by the National Labor Relations Board to define appropriate units of workers for collective bargaining should be modified to permit temporary and contract company employees to organize and bargain with their employers.
 - c) The provisions of labor law recognizing the temporary and intermittent nature of work in the construction and garment industries, that permit employers and employees in those industries to enter into pre-hire agreements setting the terms and conditions for employment, should be extended to independent contractors, temporary agency employees and contract company workers.
3. While the decoupling of benefits from employment urged by representatives of the temporary help industry may most simply be accommodated by a system of universal health and retirement benefits, intermediates solutions should be explored:
 - a) The multiemployer plan model, which facilitates the availability of health and retirement benefits for small employers with temporary and intermittent workforces, should be expanded to the contingent workforce. In addition to the construction and garment industries, successful examples of such plans are found in state and local governments and rural electrical cooperatives.
 - b) While problems of cost and adverse selection will likely limit their effectiveness, purchasing coalitions permitting contingent workers to obtain health and retirement benefits at group rates, should be facilitated.
4. The Department of Labor should review current statutory impediments to group purchasing of health benefits along the multiemployer model. Specifically, the Department of Labor, pursuant to Section 3(40) of ERISA, should seek to expand the ability to extend health benefits to contingent workers through Multiple Employer Welfare Arrangements (MEWAs) with, however, strong safeguards to assure the adequate funding of such arrangements.
5. The Internal Revenue Code Section 403 (b) retirement plan model should be reviewed as a Prototype for utilization as a vehicle to permit employers of contingent workers to contribute to retirement accounts of those workers.
6. To eliminate a possible disincentive to the provision of health and retirement benefits to contingent workers, the Department of Labor and the Department of the Treasury should

review whether removing the provision of employee benefits as one of the factors in the current 20-factor test for determining employee status would enhance the ability of contingent workers to secure health retirement benefits, without unacceptable offsetting losses either to the critical health and retirement systems funded through employment taxes, or other fundamental worker protections.

7. The Department of the Treasury should review the Voluntary Employees' Beneficiary Association (VEBA) rules of Section 501 (c) (9) of the Internal Revenue Code, and consider allowing the inclusion of a greater percentage of non-employee contingent workers.
8. The Internal Revenue Service should amplify its instructions and conduct public information and education activities for taxpayers concerning the deductibility of individual health insurance costs.

Federal Support for State Paid Parental Leave Initiatives

Background:

The Family Medical Leave Act (FMLA) signaled our nation's recognition that American workers face enormous obstacles in their struggle to balance work and family, and that the federal government can, and should, play a role in helping to achieve that balance. The FMLA enables millions of working Americans to care for a child after birth or adoption, by providing up to 12 weeks a year of unpaid, job-protected leave. But many of those workers are unable to take the full amount of time they need and are entitled to, because they simply cannot afford to go that long without a paycheck. Other workers who are not protected by FMLA but have access to unpaid leave can face the same dilemma.

Several state governments are exploring strategies to provide wage replacement for parents who have access to and want to take leave to care for a newborn or newly adopted infant but cannot afford to do so. The Department of Labor, at the direction of the President, has provided an opportunity for State agencies that administer the Unemployment Compensation (UC) program to pay, under a voluntary experimental program, UC to parents who take time off from employment after the birth or placement for adoption of a child. The Administration could further assist states in this effort, and encourage states to consider other paid leave initiatives, through a federally funded grant program. The funds could be used by states to underwrite the administrative and implementation (benefit) costs of starting up a state-funded benefit program; and to evaluate the success of state or local initiatives. Supporting these initiatives would not only benefit the working citizens of the individual states, but would also allow us to explore, through the "laboratory of the states," which approaches to paid parental leave work best and possible promising models for a nation-wide paid leave plan.

States could be invited to submit proposals, and grants could be awarded competitively, with the size and number of awards dependent upon the amount of funding available. In addition to new funds for the grants, we would need to have legislative authority for the grant program. It is possible that legislative authority for current DOL programs could be used **although new legislation would likely be necessary** to authorize a more flexible and complete grant program. The following proposal is similar to legislation introduced by Dodd/Woolsey this summer that would establish a demonstration program to support states and political subdivisions provide partial or full wage replacement to new parents and workers on other forms of FMLA leave. This legislation would also provide experience on what the most effective mechanism is for providing wage replacement assistance.

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Provide \$50 million to \$250 million for a new competitive federal grant program for increasing availability of paid parental leave. Grant monies would be available to states and appropriate sub-state entities to be used for some combination of the following:

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Details of proposal

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Administrative costs for the start-up of new state (or local level) program ranges from \$250,000 to \$2,500,000 per state (estimate based upon using UI system for delivery) – assuming first year operating costs of approximately \$3m to \$4m per state. A decision would need to be made if it would be limited to a TDI-type state program or if it could be used for states wishing to use UI (after DOL's regulation is finalized).

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- At \$50m, the grants would probably be restricted to administrative grants and research; perhaps 10 state-wide administrative grants and the rest in research.
- At \$100m, 3 or 4 grants for sub-state benefit subsidies or small states subsidies could be added to account for the additional \$50m.
- At \$200m, there would likely be no increase in administrative grants (not many more states than original 10 would be interested in administrative grants); with the additional \$100m, benefit subsidies could be made available to 2 or 3 large states in addition to the 3 to 4 smaller benefit grants.
- At \$250m, another large state benefit grant could be added, for a total of 3-4 large state benefit grants (\$150m), 3-4 smaller state (or sub-state) benefit grants (\$50m), 10 administrative grants (\$35m), and about \$15m in research.

Preliminary Grant Elements

Careful and targeted design of the grant program would be crucial, and should include the following factors:

- ◆ Specific policy goals to be served in addition to increasing workers' ability to take new parent leave, if any;
- ◆ Multi-activity proposals would be considered (i.e., combining benefit subsidy and/or administrative costs and/or research);
- ◆ Benefit subsidy/administrative costs proposals must include outcome measurement/evaluation, perhaps with third party participation (such as universities) to assist in evaluation activities;
- ◆ Defined duration of pilot;
- ◆ Demonstrate sustainability of program -- likelihood of continuation without federal funding after demonstration/pilot period, if successful;
- ◆ Benefit recipient eligibility tied to need/income level (this would not apply to any UC based proposals);
- ◆ Benefit receipt eligibility includes workforce attachment requirement.

In addition, the following questions needed to be answered or criteria need to be developed while designing the grant program:

- ◆ How to limit the number of pilot benefit proposals;
- ◆ What are the specific criteria for selecting proposals, including:
 - size of population to be served;
 - issues to be addressed in research proposal;
 - areas for evaluation, e.g., at what benefit level/benefit duration are workers with various incomes more likely to take leave;
 - what impact does paid leave have on new parents' return to the workforce;
 - what impact does paid leave have on employer incentives to provide paid leave or unpaid leave (if not FMLA-covered);
 - length or amount of benefit;
 - ratio of federal subsidy to state dollars, and whether it could vary by proposal.

III. Factors to be considered

Pros:

- Minimizes federal dollars (compared to funding paid leave) by leveraging state funds;
- May encourage states to take advantage of new UI option;
- Announcement could be coordinated with Dodd/Woolsey plans;
- Expansion of programs such as TDI may have broader benefits than just parental leave (may also be con if it dilutes message too much);
- Experience could help with development/passage of federal legislation or lead to more states and private employers providing paid leave;

- Provides some real benefits to real people in need;
- Research and experimental program would be helpful in laying groundwork for widespread provision of paid leave.

Cons:

- Unclear if proposal is sufficient to get interest of states' and third parties (NGA, AFL-CIO) particularly given large cost of funding benefits and lukewarm reception to the DOL proposed rule;
- Difficulty in securing needed authorizing legislation;
- Delivery systems and benefits would vary across states;
- Possible conflicting signals with welfare to work (e.g., do we want low-income parents at home with kids or in workplace?);
- Benefit subsidy (vs. just using federal funds to cover administration) may not be appropriate for a one-time intervention -- would states be willing to pay for funding program (i.e. benefit) costs in the out years?
- Programs to provide government subsidized leave could create negative incentives for employers who currently, or might otherwise, provide paid leave for their employees.

CHILD CARE SUBSIDIES

BACKGROUND: As documented in HHS' September 1999 report, Access to Child Care for Low-Income Working Families, only 10 percent of children eligible for federal child care assistance through the Child Care and Development Block Grant (CCDBG) are receiving support. The report compiled state-by-state data of the number of children eligible for federal funds and found that the percentage of children helped ranged from a low of 4% in Mississippi to a high of 24% in West Virginia. Overall, the report estimates that 14.7 million children in low income families were eligible to receive a subsidy under federal income limits, but only 1.5 million children in 1998 received assistance. The President's FY 1999 and FY 2000 budget requests contained significant new mandatory resources for child care assistance through CCDBG (\$7.5 billion over five years) to provide child care subsidies to 1.15 million additional children.

RECOMMENDATION: Move the President's subsidy expansion request to the discretionary side of the budget. Currently, the discretionary title is funded at \$1.182 billion. Increase that by \$818 million for FY 2001 and 1.12 for FY 2002 (because CCDBG is an advance appropriated program, our budget should address both fiscal years). An increase of \$818 million in FY 2001 would enable the program to serve an additional 220,000 low-income children, assuming no state match, and 275,000 additional low-income children, with an 80-20 match. While the current discretionary title contains no match, the President's FY 2000 budget request for additional mandatory subsidy dollars introduced a new 80-20 match. Therefore, we recommend maintaining the 80-20 match in the new discretionary budget request.

FURTHER RECOMMENDATION: If we decide to pursue a child care quality initiative on the mandatory side of the budget, we recommend re-proposing for FY 01 two items in CCDBG that exist in FY 00 but were not included in the Omnibus Appropriations, which forward-funding CCDBG for FY 01 – (1) the \$50 million set-aside for infants and toddlers, and (2) the \$10 million set-aside for child care research.

EARLY LEARNING AND CHILD CARE QUALITY

It is critical that the President's child care initiative retain a strong commitment to promoting school readiness and cognitive development by improving the quality of care. Research bears this out:

- Three multi-site studies conducted between 1988 and 1994, including the highly regarded *Cost, Quality and Child Outcomes in Child Care Centers*, found that only 12 to 14 percent of children in care are in arrangements that promote their growth and learning, while 12 to 21 percent are in settings that are unsafe and actually impair their development. For infants and toddlers, the percentage of poor/unsafe settings is much higher -- 40 percent (*Florida Child Care Quality Improvement Study: Interim Report*, Howes, Smith, Galinsky, Families and Work Institute, 1995).
- Children in higher quality settings develop receptive language more rapidly, have superior math skills, engage in more complex play with both objects and other children and exhibit fewer behavior problems (both at the time and upon entering school). Studies have found that the impacts on social skills and academic performance persist into elementary school (*Are They in Any Real Danger*, Love et. al., Mathematica Policy Research, 1996)
- As noted in the CEA paper on early learning: "children who receive care in quality centers tend to be less distracted and more task-oriented, considerate, happy and socially competent in elementary school. They are more self-confident, proficient in language, advanced in cognitive development and make better academic progress. Conversely, children in poor quality programs risk the development of poor school skills and heightened aggression."

The following three options focus on improving the quality of the vast majority of existing care for children aged 0-5, and ensuring that these opportunities help us to meet the first goal of Goals 2000 – school readiness.

OPTION ONE: Re-propose the Early Learning Fund, included in FY 99 and FY 00 at a \$3 billion over five year in mandatory funds to improve child care quality and promote school-readiness. Modeled on the successful North Carolina Smart Start initiative, the proposed Early Learning Fund provides challenge grants to communities (distributed by states) to support programs to improve early learning and the quality of child care for children ages 0 to 5. To receive funds, HHS must approve a state's early learning program plan that specifies a lead agency, outlines community grant procedures, describes community participation in planning and monitoring, specifies activities to be carried out, and outlines performance goals and measures. Allowable activities include parenting education, resource and referral services, the development of family child care networks, provider training, efforts to improve staffing ratios, licensing and accreditation assistance, health services, added care for children with special needs. Each state would be required to submit an annual report documenting the use of the funds and progress toward achieving performance goals.

OPTION TWO: Propose a More Targeted Version of the Early Learning Fund, at or above \$3 billion over five years in mandatory dollars. Target the allowable uses of the Early Learning Fund to measurable activities that promote the cognitive development and school readiness of children aged 0-5 in child care. These activities would include: improving provider training, recruitment and retention, reducing teacher to student ratios, promoting accreditation, increasing reimbursement rates for accredited programs, increasing networks for family child care providers, and promoting adherence to professional quality standards. Goals in some or all of these categories would be required for the state's early learning program plan, and the state's annual report would document progress toward those goals (e.g., number of programs with ratios below a specified level, number of children in accredited programs, number of providers receiving AAs or BAs or ECE through the program). States failing to make progress toward the goals would have to submit a corrective action plan or lose funding.

OPTION THREE: Create a New Set-Aside Within the Discretionary Title of CCDBG to Promote Cognitive Development of children aged 0-5 in child care. In FY 2000, the \$1.182 billion discretionary title of CCDBG includes 3 discretionary pots of funds: (1) a 4 percent set-aside for quality activities; (2) \$50 million for infant and toddler child care quality improvement activities; and (3) \$173 million for general child care quality activities. By folding the second and third funding streams into one program to improve child care quality for children aged 0-5, and adding \$277 million, we could create a \$500 million school readiness fund. Similar to our proposed Early Learning Fund, this fund would support child care quality improvements designed to promote the cognitive development (i.e. improve the language, reading and math skills) of children in care. Parameters of the \$500 million fund would mirror the above-described options, including:

- The funds would be distributed according to the CCDBG formula, but in order to receive its share of the funds, HHS would have to approve a State's "school readiness plan" describing how the State would use the dollars to enhance the cognitive development of children in care and establishing performance goals and measures.
- The funds would be used to improve provider training, recruitment and retention, reduce teacher to student ratios, promote accreditation, increase reimbursement rates for accredited programs, promote adherence to professional quality standards, etc.
- Each year, the state would be required to report on how funds were used and on progress toward goals established in the plan (e.g., number of programs with ratios below a specified level, number of children in accredited programs, number of providers receiving AAs or BAs or ECE through the program). States failing to make progress toward the goals would have to submit a corrective action plan or lose funding.

The Administration could seek minimal appropriations language for this, e.g.:

"... Provided further, That of the funds provided for fiscal year 2001, ~~\$172,672,000~~ \$500,000,000 shall be reserved by the States for activities to support the cognitive development of children aged 0-5 authorized under section 658G of the Omnibus Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990) and approved by the Secretary of Health and Human Services, such funds to be in addition to the amounts required to be reserved by the States under section 658G . . ."

[illegible]

Options for Increasing Benefits for Domestic Partners

Background:

- According to the Human Rights Campaign WorkNet, "From 1994 to 1998, the number of married couple households in the US increased by just 2 percent, while the number of unmarried partner households increased by 11 percent. In 1998, there were 5.9 million people in the US living with a domestic partner. Of these, approximately 28 percent, or 1.7 million people, were in same-sex relationships." This changing family pattern calls for a re-assessment of policies that support and reward families and a recognition that providing benefits for domestic partners is a step toward providing equal pay for equal work (benefits can comprise up to 40 percent of compensation packages).
- There has been a groundswell in past two years of private companies, colleges and universities, and state and local governments that now offer benefits for domestic partners – since 1997, the number has gone from a few dozen to 2,800.
- While there is growing support, resistance continues to appear. Today, the NYT ran an article about the Exxon-Mobile merger. In 1997, Mobile began to offer DP benefits due to the large amount of business they do in San Francisco. In acquiring Mobile, Exxon is ending benefits for domestic partners.
- Arguments against providing benefits for domestic partners, often include a "high cost" argument. This argument has not proved true in the companies that have adopted benefits for domestic partners – only an average of 1-2% of employees take advantage of benefits. This low percentage could be attributed to the fact that most domestic partners are both working and many will be offered health care through their own employer.
- The Federal government took a step forward in supporting domestic partners by issuing non-discrimination guidance on the basis of sexual orientation. While this effort was applauded by the gay rights community, there is concern that implementation of the order is not consistent across agencies.
- Political support – both Gore and Bradley have publicly acknowledged that they would support benefits for domestic partners in the Federal Workforce

Option A: Support the "Domestic Partnership Benefits and Obligations Act of 1999" sponsored by Representative Barney Frank.

This bill would provide benefits to domestic partners of Federal employees. Benefits would include retirement, health insurance, life insurance, and workers' compensation. Domestic partners would not be defined by sexual orientation, but would be defined as two people who are one another's sole domestic partner, who reside with one another, and who share responsibility for common welfare and financial obligations. In order to qualify for benefits, employees would have to file an affidavit of eligibility of benefits with their employer.

The Office of Personnel Management has approximated the cost of domestic partner benefits to be \$18 billion over five years.

Pros: While this bill is unlikely to pass, publicly supporting it would send a tremendous signal that providing domestic partner benefits is a recognition of changing family patterns, the need to continue to support employees in their efforts to balance work and family as defined by the employee, and the need to equitably support individuals with domestic partners for the same work performed by married employees.

Con: Supporting this bill would likely be viewed as a retreat of the Defense of Marriage Act. While extending benefits to domestic partners would not “threaten” the state of marriage, it would be seen as condoning and rewarding same-sex partnerships.

Option B: Support Representative Maloney’s bill to amend the Family and Medical Leave Act (FMLA) to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, or grandparent if the family member has a serious health condition.

This option is not mutually exclusive of the first option. It would send a clear signal that the Administration recognizes the changing family patterns and the support that adults play for one-another in terms of long-term health care.

[illegible]

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Pro: It would send a clear signal that the Administration recognizes the changing family patterns and the support that adults play for one-another in terms of long-term health care.

Con: In terms of opening up FMLA, the Administration and supporters on Congress may want to focus their priority on lowering the threshold to 25 employees rather than taking on a new piece to expand FLMA.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-DEC-1999 10:18:38.00

SUBJECT: Re: domestic partners

TO: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TEXT:

I think it looks good -- will you add a note to the FMLA option saying that those who really want to push FMLA expansion may worry about taking on this piece (i.e. they'd rather push lowering the threshold to 25). I think it's a weak argument considering NOTHING will get done, but it's worth noting that it's unclear how enthusiastic the core FMLA coalition will be.

[illegible]

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christopher K. Scully (CN=Christopher K. Scully/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-DEC-1999 14:20:02.00

SUBJECT: craig howell

TO: Dawn L. Smalls (CN=Dawn L. Smalls/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TEXT:

Dawn,

Here's a new draft for the Craig Howell letter. Again, I don't think the ANC letter would be responsive to this letter. Their motivation for writing is not the infringement of home rule, it's that they support needle exchanges, domestic partnership benefits, and medical marijuana. In other words, I think it would make the President look bad if we sent that response.

Please let me know what you think.

Thank you for sharing your concerns about certain provisions of H.R. 2587, the District of Columbia Appropriations Act.

As you know, on September 28, I vetoed H.R. 2587 because of the provisions you cited as well as other objectionable riders that would have prevented local residents from making their own decisions about local matters. In my veto message, I informed Congress that were it not for the provisions concerning the Domestic Partners Act, needle exchanges, and controlled substances, among others, that I would have signed the legislation. Though I am disappointed that some of these riders remained in the final bill, I am pleased to report that last month's Consolidated Appropriations Act did not include restrictions regarding needle exchanges.

Be assured that my Administration is committed to protecting the rights of the people of the District of Columbia to govern local matters and that we'll work to prevent such riders from being included in next year's bill. Best wishes.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Dawn L. Smalls (CN=Dawn L. Smalls/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:19-DEC-1999 20:10:37.00

SUBJECT: Re: craig howell

TO: Christopher K. Scully (CN=Christopher K. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
Chris,

i think this draft works. I have one important edit. I would change "Though I am disappointed that some fo these riders remained in the final bill, I am pleased to report that last month's Consolidated Appropriations Act did not include such restrictions regarding needle exchanges."

Restrictions on usign federal or local funds were still included in the bill. The restriction on using private funds was the one that was removed.

Christopher K. Scully
12/17/99 02:19:54 PM

Record Type: Record

To: Dawn L. Smalls/OMB/EOP@EOP
cc:
Subject: craig howell

Dawn,

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth J. Potter (CN=Elizabeth J. Potter/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-DEC-1999 19:38:05.00

SUBJECT: revised, incorporates the question with the answer.

TO: Alejandro G. Cabrera (CN=Alejandro G. Cabrera/O=OVP@OVP [UNKNOWN])

READ:UNKNOWN

TEXT:

I strongly support legal protections for domestic partnerships. I applaud the Vermont Supreme Court's decision that gay couples must be granted the same benefits and protections given married couples of the opposite sex. A strong message of non discrimination and equality are inherent in the courts decision that the constitutional imperative is to afford all Vermonters the common benefit, protection, and security of the law regardless of gender.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-DEC-1999 12:15:01.00

SUBJECT:

TO: Elizabeth J. Potter (CN=Elizabeth J. Potter/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:

Here's my suggested answer:

In some cases, it may be appropriate for the law to recognize benefits for persons outside the traditional definition of family members, including domestic partners. That is an issue that Congress and the states may wish to review.

[illegible]

**Domestic Partners
Q&A
December 21, 1999**

Q: What is the President's opinion on the Vermont Supreme Court's decision that gay couples must be granted the same benefits and protections given married couples of the opposite sex?

A: We are pleased that the decision will result in more equal treatment of domestic partners in Vermont. In many cases, it is matter of basic fairness that domestic partners are eligible for the same benefits as spouses.

Q: Does the President now support the right of a gay couple to marry?

A: While the President supports more equal treatment for domestic partners, he has said that he does not support formal recognition of marriage between persons of the same sex.

Q: Will the Administration take this position in court?

A: The opinion was decided under the Vermont Constitution. The Justice Department will review the decision to determine to what extent these principles apply under the United States Constitution.

Q: What about DOMA? How does that effect the Vermont Court's decision?

A: In 1996, Congress passed the Defense of Marriage Act (DOMA), which denies federal recognition of homosexual marriage and allows states to ignore same-sex unions licensed elsewhere. DOMA does not address the provision of benefits for same-sex domestic partners. It only prohibits the recognition of same-sex partners in a formal marriage.

The Vermont Supreme Court decision only applies to statewide benefits for domestic partners. The court said these include access to a partner's medical, life, and disability insurance, hospital visitation and other medical decision making privileges, spousal support, intestate succession, homestead protections, and many other statewide statutory protections. The Court ruled that the Vermont State Legislature will establish a system for determining domestic status partnership in order for domestic partners to qualify for benefits.

Q: Can this be appealed to the Supreme Court?

A: Today's ruling cannot be appealed to the U.S. Supreme Court since the Vermont court based its decision on the state Constitution. The Vermont Supreme Court is the state's only appeals court. The court said the Legislature will determine whether such benefits will come through formal marriage or a system of domestic partnerships.

Q: What do think of the Vice President's comments on the Court's ruling?

A: Like the Vice President, we are pleased that the Vermont decision supports equal treatment for domestic partners.

Q: Does the President support legal protections for domestic partnerships?

A: While the Administration has not taken a formal position on this question, the President is heartened by the Vermont Supreme Court's decision. This Administration has been very supportive of gays and lesbians during his Administration. The President has supported the Employment Non-Discrimination Act, which prohibits workplace discrimination against gays and lesbians, and has signed an executive order prohibiting discrimination based on sexual orientation in the federal workplace. He has also championed new legislation to prohibit hate crimes based on sexual orientation.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-DEC-1999 12:44:36.00

SUBJECT: Additional q

TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: William Marshall (CN=William Marshall/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Elizabeth J. Potter (CN=Elizabeth J. Potter/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:

This is not been reviewed by Bruce yet, but this is what I drafted.

----- Forwarded by Mary L. Smith/OPD/EOP on 12/21/99

12:41 PM -----

Mary L. Smith

12/21/99 12:37:15 PM

Record Type: Record

To: Eric P. Liu/OPD/EOP@EOP, Bruce N. Reed/OPD/EOP@EOP

cc: Anna Richter/OPD/EOP@EOP, Nicole R. Rabner/WHO/EOP@EOP, Thomas

L. Freedman/OPD/EOP@EOP

Subject:Additional q

The press office asked for an additional question (please disregard the paper copy the Counsel's Office provided):

Q: Does the President support legal protections for domestic partnerships?

A: The President has been very supportive of gays and lesbians during his Administration. The President has supported the Employment Non-Discrimination Act, which prohibits workplace discrimination against gays and lesbians, and has signed an executive order prohibiting discrimination based on sexual orientation in the federal workplace. He has also championed new legislation to prohibit hate crimes based on sexual orientation. The President is heartened by the Vermont Supreme Court's decision, and the Administration is in the process of exploring additional measures that may be taken to support gays and lesbians.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth J. Potter (CN=Elizabeth J. Potter/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-DEC-1999 11:55:12.00

SUBJECT: One more question

TO: Alejandro G. Cabrera (CN=Alejandro G. Cabrera/O=OVP@OVP [UNKNOWN])

READ:UNKNOWN

TO: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Dag Vega (CN=Dag Vega/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

In reference to the Vice President's statement:

Does the President support legal protections for domestic partnerships?

please provide guidance from OPD and WH Counsel

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-DEC-1999 12:02:06.00

SUBJECT: One more question

TO: William Marshall (CN=William Marshall/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:

another question from the press office. Here's my suggested answer:

In some cases, it may be appropriate for the law to recognize benefits for persons outside the traditional definition of family members, including domestic partners. That is an issue that Congress and the states may wish to review.

----- Forwarded by Edward W. Correia/WHO/EOP on 12/21/99
12:01 PM -----

Elizabeth J. Potter

12/21/99 11:55:05 AM

Record Type: Record

To: See the distribution list at the bottom of this message

CC:

Subject:One more question

In reference to the Vice President's statement:

Does the President support legal protections for domestic partnerships?

please provide guidance from OPD and WH Counsel

Message Sent

To:

Jason H. Schechter/WHO/EOP@EOP

Stephen N. Boyd/WHO/EOP@EOP

Dag Vega/WHO/EOP@EOP

Edward W. Correia/WHO/EOP@EOP

Mary L. Smith/OPD/EOP@EOP

Ann O'Leary/OPD/EOP@EOP

Nicole R. Rabner/WHO/EOP@EOP

Alejandro G. Cabrera/OVP@OVP

Mary E. Cahill/WHO/EOP@EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-DEC-1999 12:37:19.00

SUBJECT: Additional q

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

READ:UNKNOWN

TO: Eric P. Liu (CN=Eric P. Liu/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Anna Richter (CN=Anna Richter/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TEXT:

The press office asked for an additional question (please disregard the paper copy the Counsel's Office provided):

Q: Does the President support legal protections for domestic partnerships?

A: The President has been very supportive of gays and lesbians during his Administration. The President has supported the Employment Non-Discrimination Act, which prohibits workplace discrimination against gays and lesbians, and has signed an executive order prohibiting discrimination based on sexual orientation in the federal workplace. He has also championed new legislation to prohibit hate crimes based on sexual orientation. The President is heartened by the Vermont Supreme Court's decision, and the Administration is in the process of exploring additional measures that may be taken to support gays and lesbians.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-DEC-1999 13:36:16.00

SUBJECT: Re: Domestic partners Q&A

TO: Anna Richter (CN=Anna Richter/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TEXT:

also cleared by counsel's/julian potter? thanks

[illegible]

**Domestic Partners
Q&A
December 21, 1999**

Q: What is the President's opinion on the Vermont Supreme Court's decision that gay couples must be granted the same benefits and protections given married couples of the opposite sex?

A: We are pleased that the decision will result in more equal treatment of domestic partners in Vermont. In many cases, it is matter of basic fairness that domestic partners are eligible for the same benefits as spouses.

Q: Does the President now support the right of a gay couple to marry?

A: While the President supports more equal treatment for domestic partners, he has said that he does not support formal recognition of marriage between persons of the same sex.

Q: Will the Administration take this position in court?

A: The opinion was decided under the Vermont Constitution. The Justice Department will review the decision to determine to what extent these principles apply under the United States Constitution.

Q: What about DOMA? How does that effect the Vermont Court's decision?

A: In 1996, Congress passed the Defense of Marriage Act (DOMA), which denies federal recognition of homosexual marriage and allows states to ignore same-sex unions licensed elsewhere. DOMA does not address the provision of benefits for same-sex domestic partners. It only prohibits the recognition of same-sex partners in a formal marriage.

The Vermont Supreme Court decision only applies to statewide benefits for domestic partners. The court said these include access to a partner's medical, life, and disability insurance, hospital visitation and other medical decision making privileges, spousal support, intestate succession, homestead protections, and many other statewide statutory protections. The Court ruled that the Vermont State Legislature will establish a system for determining domestic status partnership in order for domestic partners to qualify for benefits.

Q: Can this be appealed to the Supreme Court?

A: Today's ruling cannot be appealed to the U.S. Supreme Court since the Vermont court based its decision on the state Constitution. The Vermont Supreme Court is the state's only appeals court. The court said the Legislature will determine whether such benefits will come through formal marriage or a system of domestic partnerships.

Q: What do think of the Vice President's comments on the Court's ruling?

A: Like the Vice President, we are pleased that the Vermont decision supports equal treatment for domestic partners.

Q: Does the President support legal protections for domestic partnerships?

A: While the Administration has not taken a formal position on this question, the President is heartened by the Vermont Supreme Court's decision. This Administration has been very supportive of gays and lesbians during his Administration. The President has supported the Employment Non-Discrimination Act, which prohibits workplace discrimination against gays and lesbians, and has signed an executive order prohibiting discrimination based on sexual orientation in the federal workplace. He has also championed new legislation to prohibit hate crimes based on sexual orientation.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Eric P. Liu (CN=Eric P. Liu/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-DEC-1999 13:17:24.00

SUBJECT: domestic partner benefits -- POTUS support

TO: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

----- Forwarded by Eric P. Liu/OPD/EOP on 12/23/99 01:17
PM -----

Mary L. Smith

12/23/99 11:45:35 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Eric P. Liu/OPD/EOP@EOP, Thomas L.
Freedman/OPD/EOP@EOP

cc: Anna Richter/OPD/EOP@EOP

Subject:domestic partner benefits -- POTUS support

FYI-- Below is a POTUS transcript with Larry King -- it appears that he
supports domestic partner benefits.

Q Do you agree with the Vermont judiciary that while
marriage may be wrong, they are entitled, couples who live together who
are gay, to equal benefits?

THE PRESIDENT: I do. I think that ,s a good thing. That ,s always
been my position, that -- you ,ve got gay couples that, for example, have
been together for years now. One of them -- and I ,m beginning to think
about this, because I ,m moving into this age bracket now -- one of them
has a heart attack, one of them gets sick, one of them is in the intensive
care unit in the hospital and only family members can come in and
sometimes they ,re not allowed in -- that kind of thing.

You know, I think that -- in terms of health care coverage at work
or in terms of property and willing of property to your closest family
member, that sort of thing, I think they ought to be able to do that.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-DEC-1999 11:25:18.00

SUBJECT: Domestic Partners

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Eric P. Liu (CN=Eric P. Liu/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TEXT:

Eric -

Attached is the original memo that we prepared with a cost estimate of \$18 billion over 5 years! I do know, however, that OPM put out this cost estimate as a high-end cost assuming full participation of any all and all domestic partners (approximately 10% of the workforce). Although, we know from research that of the 3,000 private companies that are offering benefits for domestic partners, the average participation is 1-2% of the workforce. I will try to reach OPM to see if we can get a low-end estimate as well.

-Ann

----- Forwarded by Ann O'Leary/OPD/EOP on 12/27/99 11:16 AM -----

Ann O'Leary

12/09/99 09:12:29 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Eric P. Liu/OPD/EOP@EOP

cc: See the distribution list at the bottom of this message

Subject:

Bruce and Eric -

Attached please find several options for expanding benefits for domestic partners. Nicole, Mary and I have been working together to put these options together.

Last week, as part of OPL's on-going Gay and Lesbian outreach, a number of groups came in to meet with Julian Potter (who took Richard Socardies' place) to discuss the implementation of the EO on non-discrimination in the Federal workforce based on sexual orientation. The groups are certainly pleased with the EO, but feel that more needs to be done to ensure non-discrimination. They were all urging us to move forward on providing benefits to domestic partners.

Let us know your thoughts.

- Ann

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===== ATTACHMENT      1 =====
ATT CREATION TIME/DATE:    0 00:00:00.00
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Unable to convert ARMS_EXT:[ATTACH.D86]ARMS22878790N.046 to ASCII,
The following is a HEX DUMP:

[illegible]

Options for Increasing Benefits for Domestic Partners

Background:

- According to the Human Rights Campaign WorkNet, "From 1994 to 1998, the number of married couple households in the US increased by just 2 percent, while the number of unmarried partner households increased by 11 percent. In 1998, there were 5.9 million people in the US living with a domestic partner. Of these, approximately 28 percent, or 1.7 million people, were in same-sex relationships." This changing family pattern calls for a re-assessment of policies that support and reward families and a recognition that providing benefits for domestic partners is a step toward providing equal pay for equal work (benefits can comprise up to 40 percent of compensation packages).
- There has been a groundswell in the past two years of private companies, colleges and universities, and state and local governments that now offer benefits for domestic partners – since 1997, the number has gone from a few dozen to 2,800.
- While there is growing support, resistance continues to appear. Today, the NYT ran an article about the Exxon-Mobile merger. In 1997, Mobile began to offer DP benefits due to the large amount of business they do in San Francisco. In acquiring Mobile, however, Exxon has chosen to cancel the benefits for domestic partners and, thus, former Mobile employees will no longer have access to benefits for their domestic partners.
- Arguments against providing benefits for domestic partners, often include a "high cost" argument. This argument has not proved true in the companies that have adopted benefits for domestic partners – only an average of 1-2% of employees take advantage of benefits. This low percentage could be attributed to the fact that most domestic partners are both working and many will be offered health care through their own employer.
- The Administration has taken steps to make the Federal workplace better for gay and lesbians. Last year, the President issued an executive order prohibiting discrimination in the Federal workplace on the basis of sexual orientation. While this effort was applauded by the gay rights community, there is concern that implementation of the order is not consistent across agencies. Supporting benefits for domestic partners would be viewed as the next step in a non-discrimination agenda.
- Political support – both Gore and Bradley have publicly acknowledged that they would support benefits for domestic partners in the Federal Workforce

Option A: Support the "Domestic Partnership Benefits and Obligations Act of 1999" sponsored by Representative Barney Frank.

This bill would provide benefits to domestic partners of Federal employees. Benefits would include retirement, health insurance, life insurance, and workers' compensation. Domestic partners would not be defined by sexual orientation, but would be defined as two people who are

one another's sole domestic partner, who reside with one another, and who share responsibility for common welfare and financial obligations. In order to qualify for benefits, employees would have to file an affidavit of eligibility of benefits with their employer.

The Office of Personnel Management has approximated the cost of domestic partner benefits to be \$18 billion over five years.

Pro: While this bill is unlikely to pass, publicly supporting it would send a tremendous signal that providing domestic partner benefits is a recognition of changing family patterns, the need to continue to support employees in their efforts to balance work and family as defined by the employee, and the need to equitably support individuals with domestic partners for the same work performed by married employees.

Con: Supporting this bill would likely be viewed as a retreat of the Defense of Marriage Act. While extending benefits to domestic partners would not "threaten" the state of marriage, it would be seen as condoning and rewarding same-sex partnerships.

Option B: Support Representative Maloney's bill to amend the Family and Medical Leave Act (FMLA) to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, or grandparent if the family member has a serious health condition.

This option is not mutually exclusive of the first option.

Pro: It would send a clear signal that the Administration recognizes the changing family patterns and the support that adults play for one-another in terms of long-term health care.

Con: In terms of opening up FMLA, the Administration and supporters on Congress may want to focus their priority on lowering the threshold to 25 employees rather than taking on a new piece to expand FLMA.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Eric P. Liu (CN=Eric P. Liu/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-DEC-1999 11:28:53.00

SUBJECT: Re: Domestic Partners

TO: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC: nicole r. rabner (CN=nicole r. rabner/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:

Well, we're not going to find an extra \$1.8 billion -- let alone \$18 billion -- laying around at this stage, so don't over-exert on this now.

Ann O'Leary

12/27/99 11:25:13 AM

Record Type: Record

To: Eric P. Liu/OPD/EOP@EOP, Mary L. Smith/OPD/EOP@EOP, Nicole R. Rabner/WHO/EOP@EOP

CC:

Subject:Domestic Partners

Eric -

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-Ann

----- Forwarded by Ann O'Leary/OPD/EOP on 12/27/99 11:16 AM -----

Ann O'Leary

12/09/99 09:12:29 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Eric P. Liu/OPD/EOP@EOP

cc: See the distribution list at the bottom of this message

Subject:

-Ann

Nicole R. Rabner/WHO/EOP@EOP
Ruby Shamir/OPD/EOP@EOP
Thomas L. Freedman/OPD/EOP@EOP
Mary L. Smith/OPD/EOP@EOP
Cathy R. Mays/OPD/EOP@EOP
Anna Richter/OPD/EOP@EOP

Unable to convert ARMS_EXT:[ATTACH.D47]ARMS25888790D.046 to ASCII,
The following is a HEX DUMP:

[illegible]

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Background:

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- While there is growing support, resistance continues to appear. Today, the NYT ran an article about the Exxon-Mobile merger. In 1997, Mobile began to offer DP benefits due to the large amount of business they do in San Francisco. In acquiring Mobile, however, Exxon has chosen to cancel the benefits for domestic partners and, thus, former Mobile employees will no longer have access to benefits for their domestic partners.
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Con: Supporting this bill would likely be viewed as a retreat of the Defense of Marriage Act. While extending benefits to domestic partners would not "threaten" the state of marriage, it would be seen as condoning and rewarding same-sex partnerships.

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Con: In terms of opening up FMLA, the Administration and supporters on Congress may want to focus their priority on lowering the threshold to 25 employees rather than taking on a new piece to expand FLMA.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-DEC-1999 11:37:01.00

SUBJECT: Re: Domestic Partners

TO: Eric P. Liu (CN=Eric P. Liu/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC: mary l. smith (CN=mary l. smith/OU=opd/O=eop@eop [OPD])

READ:UNKNOWN

CC: nicole r. rabner (CN=nicole r. rabner/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC: ann o'leary (CN=ann o'leary/OU=opd/O=eop@eop [OPD])

READ:UNKNOWN

TEXT:

I think OPM did a quick and dirty cost estimate last time -- they are going to do something more formal by tomorrow. This number might be lower -- stay tuned. Mry

Eric P. Liu

12/27/99 11:28:47 AM

Record Type: Record

To: Ann O'Leary/OPD/EOP@EOP

cc: mary l. smith/opd/eop@eop, nicole r. rabner/who/eop@eop

bcc:

Subject: Re: Domestic Partners

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12/27/99 11:25:13 AM

Record Type: Record

To: Eric P. Liu/OPD/EOP@EOP, Mary L. Smith/OPD/EOP@EOP, Nicole R. Rabner/WHO/EOP@EOP

cc:

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----- Forwarded by Ann O'Leary/OPD/EOP on 12/27/99 11:16 AM -----

Ann O'Leary
12/09/99 09:12:29 AM
Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Eric P. Liu/OPD/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject:

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Let us know your thoughts.

Thanks.

-Ann

Message Copied

To: _____
Nicole R. Rabner/WHO/EOP@EOP
Ruby Shamir/OPD/EOP@EOP
Thomas L. Freedman/OPD/EOP@EOP
Mary L. Smith/OPD/EOP@EOP
Cathy R. Mays/OPD/EOP@EOP
Anna Richter/OPD/EOP@EOP

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

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Eric P. Liu (CN=Eric P. Liu/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 27-DEC-1999 11:09:41.00

SUBJECT: Re: domestic partner benefits -- POTUS support

TO: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

CC: mary l. smith (CN=mary l. smith/OU=opd/O=eop@eop [OPD])

READ: UNKNOWN

CC: nicole r. rabner (CN=nicole r. rabner/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TEXT:

What were the budget/cost implications of this, if any? Was a figure ever attached?

Ann O'Leary

12/27/99 11:00:09 AM

Record Type: Record

To: Eric P. Liu/OPD/EOP@EOP

cc: nicole r. rabner/who/eop@eop, Mary L. Smith/OPD/EOP@EOP

bcc:

Subject: Re: domestic partner benefits -- POTUS support

Great! Does this statement give us another window to push for domestic partner benefits for Federal employees? I know it was not raised in our memos. Is it too late?

Eric P. Liu

12/23/99 01:17:15 PM

Record Type: Record

To: Nicole R. Rabner/WHO/EOP@EOP, Ann O'Leary/OPD/EOP@EOP

cc:

Subject: domestic partner benefits -- POTUS support

----- Forwarded by Eric P. Liu/OPD/EOP on 12/23/99 01:17 PM -----

Mary L. Smith

12/23/99 11:45:35 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Eric P. Liu/OPD/EOP@EOP, Thomas L. Freedman/OPD/EOP@EOP
cc: Anna Richter/OPD/EOP@EOP
Subject: domestic partner benefits -- POTUS support

FYI-- Below is a POTUS transcript with Larry King -- it appears that he supports domestic partner benefits.

Q Do you agree with the Vermont judiciary that while marriage may be wrong, they are entitled, couples who live together who are gay, to equal benefits?

THE PRESIDENT: I do. I think that ,s a good thing. That ,s always been my position, that -- you ,ve got gay couples that, for example, have been together for years now. One of them -- and I ,m beginning to think about this, because I ,m moving into this age bracket now -- one of them has a heart attack, one of them gets sick, one of them is in the intensive care unit in the hospital and only family members can come in and sometimes they ,re not allowed in -- that kind of thing.

You know, I think that -- in terms of health care coverage at work or in terms of property and willing of property to your closest family member, that sort of thing, I think they ought to be able to do that.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-DEC-1999 11:24:45.00

SUBJECT: Costs of Domestic Partner Benefits for Federal Employees

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

READ:UNKNOWN

TO: Eric P. Liu (CN=Eric P. Liu/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Ann O'Leary (CN=Ann O'Leary/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: Anna Richter (CN=Anna Richter/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TEXT:

Ann O'Leary and I just talked to OPM and they gave us more detailed information on the costs of Barney Frank's domestic partner legislation. This legislation would provide domestic partner benefits for life insurance, health insurance, and retirement benefits. The \$18 billion figure over 5 years that I provided earlier is incorrect. OPM says today that the total cost over 5 years would be \$335 million or \$67 million per year. Since this is a much more reasonable figure, do you think there is any chance we could actually do this? Thanks, Mary

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-JAN-2000 17:52:55.00

SUBJECT: Re: Costs of Domestic Partner Benefits for Federal Employees

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

READ:UNKNOWN

CC: ann o'leary (CN=ann o'leary/OU=opd/O=eop@eop [OPD])

READ:UNKNOWN

TEXT:

No -- Barney's bill is what was costed by OPM

Nicole R. Rabner

01/03/2000 04:21:31 PM

Record Type: Record

To: Mary L. Smith/OPD/EOP@EOP

cc: ann o'leary/opd/eop@eop

bcc:

Subject: Re: Costs of Domestic Partner Benefits for Federal Employees

I thought his bill was more expansive than the option we costed with OPM.

Mary L. Smith

01/03/2000 04:13:18 PM

Record Type: Record

To: Nicole R. Rabner/WHO/EOP@EOP

cc: ann o'leary/opd/eop@eop

bcc:

Subject: Re: Costs of Domestic Partner Benefits for Federal Employees

There already is legislation introduced -- the Barney Frank bill

Nicole R. Rabner

01/03/2000 04:11:53 PM

Record Type: Record

To: Mary L. Smith/OPD/EOP@EOP

cc: Ann O'Leary/OPD/EOP@EOP
bcc:
Subject: Re: Costs of Domestic Partner Benefits for Federal Employees

In the Team Leaders meeting this morning, Bruce said it was hopeless to secure an additional \$67 million in the FY 01 budget for the domestic partners issue. But, he thought that if someone introduced legislation to this effect after recess, that we might be able to endorse it in an event, given its modest price tag. And, he is still gung-ho on the FMLA expansion to domestic partners. Ann is going to explore doing an EO or Exec Memo to make the FMLA apply to domestic workers in the federal workforce. Maybe we can combine these two in an event in February.

Mary L. Smith
12/29/99 11:24:35 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Anna Richter/OPD/EOP@EOP
Subject: Costs of Domestic Partner Benefits for Federal Employees

Ann O'Leary and I just talked to OPM and they gave us more detailed information on the costs of Barney Frank's domestic partner legislation. This legislation would provide domestic partner benefits for life insurance, health insurance, and retirement benefits. The \$18 billion figure over 5 years that I provided earlier is incorrect. OPM says today that the total cost over 5 years would be \$335 million or \$67 million per year. Since this is a much more reasonable figure, do you think there is any chance we could actually do this? Thanks, Mary

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To: _____
Bruce N. Reed/OPD/EOP@EOP
Eric P. Liu/OPD/EOP@EOP
Ann O'Leary/OPD/EOP@EOP
Nicole R. Rabner/WHO/EOP@EOP
Thomas L. Freedman/OPD/EOP@EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-JAN-2000 16:13:21.00

SUBJECT: Re: Costs of Domestic Partner Benefits for Federal Employees

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

READ:UNKNOWN

CC: ann o'leary (CN=ann o'leary/OU=opd/O=eop@eop [OPD])

READ:UNKNOWN

TEXT:

There already is legislation introduced -- the Barney Frank bill

Nicole R. Rabner

01/03/2000 04:11:53 PM

Record Type: Record

To: Mary L. Smith/OPD/EOP@EOP

cc: Ann O'Leary/OPD/EOP@EOP

bcc:

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Mary L. Smith

12/29/99 11:24:35 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Anna Richter/OPD/EOP@EOP

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Bruce N. Reed/OPD/EOP@EOP

Eric P. Liu/OPD/EOP@EOP

Ann O'Leary/OPD/EOP@EOP

Nicole R. Rabner/WHO/EOP@EOP

Thomas L. Freedman/OPD/EOP@EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-JAN-2000 16:11:56.00

SUBJECT: Re: Costs of Domestic Partner Benefits for Federal Employees

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

READ:UNKNOWN

CC: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TEXT:

In the Team Leaders meeting this morning, Bruce said it was hopeless to secure an additional \$67 million in the FY 01 budget for the domestic partners issue. But, he thought that if someone introduced legislation to this effect after recess, that we might be able to endorse it in an event, given its modest price tag. And, he is still gung-ho on the FMLA expansion to domestic partners. Ann is going to explore doing an EO or Exec Memo to make the FMLA apply to domestic workers in the federal workforce. Maybe we can combine these two in an event in February.

Mary L. Smith

12/29/99 11:24:35 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Anna Richter/OPD/EOP@EOP

Subject:Costs of Domestic Partner Benefits for Federal Employees

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To: _____

Bruce N. Reed/OPD/EOP@EOP

Eric P. Liu/OPD/EOP@EOP

Ann O'Leary/OPD/EOP@EOP

Nicole R. Rabner/WHO/EOP@EOP

Thomas L. Freedman/OPD/EOP@EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-JAN-2000 16:21:34.00

SUBJECT: Re: Costs of Domestic Partner Benefits for Federal Employees

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

READ:UNKNOWN

CC: ann o'leary (CN=ann o'leary/OU=opd/O=eop@eop [OPD])

READ:UNKNOWN

TEXT:

I thought his bill was more expansive than the option we costed with OPM.

Mary L. Smith

01/03/2000 04:13:18 PM

Record Type: Record

To: Nicole R. Rabner/WHO/EOP@EOP

cc: ann o'leary/opd/eop@eop

bcc:

Subject: Re: Costs of Domestic Partner Benefits for Federal Employees

There already is legislation introduced -- the Barney Frank bill

Nicole R. Rabner

01/03/2000 04:11:53 PM

Record Type: Record

To: Mary L. Smith/OPD/EOP@EOP

cc: Ann O'Leary/OPD/EOP@EOP

bcc:

Subject: Re: Costs of Domestic Partner Benefits for Federal Employees

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cc: Anna Richter/OPD/EOP@EOP
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Bruce N. Reed/OPD/EOP@EOP
Eric P. Liu/OPD/EOP@EOP
Ann O'Leary/OPD/EOP@EOP
Nicole R. Rabner/WHO/EOP@EOP
Thomas L. Freedman/OPD/EOP@EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann O'Leary (CN=Ann O'Leary/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:12-JAN-2000 20:48:29.00

SUBJECT: FMLA

TO: Eric P. Liu (CN=Eric P. Liu/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Bruce -

As you know, the anniversary of the signing of FMLA is February 5th (which is a Saturday this year). We thought that it might be a great opportunity for the President to highlight his legacy of FMLA. We also have a number of deliverables that could be announced:

push for Congress to act on expanding FMLA to employers with 25 or more employees;

announce an EO to expand FMLA to domestic partners in the Federal Workforce; and,

highlight the paid leave demo for new parents.

Given that it is on a Saturday, would it be possible to do a radio address?

Let us know if you would like to pursue and, specifically, if you want to do an EO so that we can begin to get it ready.

Thanks.

-Ann