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FAX TRANSMISSION

DATE: Feb. 10, 2000
TO: Julian Potter
FIRM: Ofc of Public Liaison
FROM: Neil Kinkopf

Phone: (404) 651-0892 **Return Fax:** 404/651-2092

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2-10-00 12:22PM, GEORGIA STATE UNIV. :4046512092 # 27 5

file ED5

Employment Nondiscrimination in Federal Contracts

Employment non-discrimination directly promotes efficient economic performance and productivity. When Federal contractors engage in discrimination on the basis of sexual orientation, the unavoidable consequence is a serious adverse impact upon the Federal Government's economy, efficiency, and cost of operations. In order to operate as effectively as possible, the Federal Government must demand that the entities with which it has contractual relations not discriminate on the basis of sexual orientation.

The adverse effects of employment discrimination on federal procurement are demonstrated by the straightforward application of basic principles of market economics. When Federal contractors discriminate, the supply of labor is artificially reduced. Other factors being equal, this decrease in supply will cause an increase in the cost of labor. It is the policy of the Federal government to secure goods and services, to complete Federal contracts, and to see federally assisted construction contracts completed in the most economical and efficient manner possible. Therefore, it is the policy of the Executive branch not to tolerate employment discrimination by Federal contractors.

Every President since Franklin Delano Roosevelt has recognized and acted on the force of this argument. In June 1941, President Franklin Roosevelt issued Executive Order 8802 forbidding race-based discrimination by Federal contractors. Less than three weeks after entering World War II, President Roosevelt issued Executive Order 9001 forbidding defense contractors to discriminate on the basis of race. Thus, when economical and efficient procurement has been most vital to the national interest, Presidents have insisted on the non-discrimination principle as crucial to maximizing our procurement efforts.

NOW, THEREFORE, to ensure the economical and efficient administration and completion of Federal Government contracts, and by the authority vested in me as President by the Constitution and the laws of the United States of America, including 40 U.S.C. 486(a) and 3 U.S.C. 301, it is hereby ordered as follows:

Section 1. It is the policy of the executive branch to oppose all forms of discrimination, including discrimination on the basis of sexual orientation.

Sec. 2. It is the finding of the executive branch that discrimination on the basis of sexual orientation interferes with the economical and efficient administration and completion of Federal contracts and federally assisted construction contracts.

Sec. 3. All Federal contractors are hereby forbidden to engage in discrimination on the basis of sexual orientation.

Sec. 4. The Office of Management and Budget is directed to issue regulations to enforce this Executive Order. These regulations shall establish:

(a) procedures by which individual allegations that a Federal contractor has engaged in

discrimination on the basis of sexual orientation may be received, investigated, and resolved;

(b) protections for individuals who make an allegation under subsection (a) against retaliation by a Federal contractor;

(c) specific measures to respond to a determination that a Federal contractor has engaged in discrimination on the basis of sexual orientation. These measures should include, without limitation, termination of contract(s) for convenience, suspension, and debarment; and

(d) mechanisms to encourage equal employment opportunity practices by Federal contractors. These mechanisms may include posting of notices to employees of the equal employment opportunity policies of this Order and positive incentives to Federal contractors that foster a work environment of non-discrimination on the basis of sexual orientation.

The Director shall issue these regulations within 60 days of the effective date of this order.

Sec. 5. For the purposes of this Order, it shall be considered "discrimination on the basis of sexual orientation" for a Federal contractor, or any organizational unit thereof,

(a) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because of such individual's sexual orientation;

(b) to limit, segregate, or classify the employees or applicants for employment of the employer in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the status of the individual as an employee because of the individual's sexual orientation; or

(c) to discriminate against any individual because of the sexual orientation of the individual in admission to, or employment in, any program established to provide apprenticeship or other training.

Sec. 6. For the purposes of this Order, "sexual orientation" means homosexuality, bisexuality, or heterosexuality, whether the orientation is real or perceived.

Sec. 7. This Order does not, and the implementing regulations shall not, authorize or require:

- (a) adoption or implementation of a quota on the basis of sexual orientation;
- (b) preferential treatment for any individual on the basis of sexual orientation;
- (c) entering into an order or consent decree that includes a quota, or preferential treatment to an individual based on sexual orientation; or
- (d) collection of statistics on sexual orientation.

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Sec. 8. The fact that an employment practice has a disparate impact, as that term is used in section 703(k) of the Civil Rights Act of 1964, on the basis of sexual orientation does not establish a prima facie violation of this Order, or the implementing regulations.

Sec. 9. This Order does not:

- (a) repeal or modify any Federal, State, territorial, or local law, creating a special right or preference concerning employment or an employment opportunity for a veteran;
- (b) prohibit the enforcement of rules regarding nonprivate sexual conduct, if the rules of conduct are designed for, and uniformly applied to, all individuals regardless of sexual orientation; or
- (c) require the provision of employee benefits to an individual for the benefit of the domestic partner of such individual.

Sec. 10. This Order shall not apply to a Federal contractor that is a religious organization, except that this Order shall apply to employment or an employment opportunity for an employment position of a Federal contractor that is a religious organization if the duties of the position pertain solely to activities of the organization that generate unrelated business taxable income subject to taxation under section 511(a) of the Internal Revenue Code of 1986.

Sec. 11. Nothing in this Order shall be construed to prohibit a covered entity from enforcing rules regarding nonprivate sexual conduct, if the rules of conduct are designed for, and uniformly applied to, all individuals regardless of sexual orientation.

Sec. 12. Each contracting department and agency shall cooperate with the Office of Management and Budget and provide such information and assistance as it may require in the performance of the its functions under this Order.

Sec. 13. The Director of the Office of Management and Budget may delegate any function or duty under this order to any officer in the Office of Management and Budget or to any other officer in the executive branch of the Government, with the consent of the head of the department or agency in which that officer serves.

Sec. 14. This Order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. This order is not intended, however, to preclude judicial review of final agency decisions in accordance with the Administrative Procedure Act, 5 U.S.C. 701 et seq.

Sec. 15. This Order shall apply only to contracts in excess of the Simplified Acquisition Threshold.

Sec. 16. This Order is effective immediately.

WILLIAM J. CLINTON

THE WHITE HOUSE,

DATE

File: Family-Friends
networks

Nicole
Ann, fyi.

November 3, 1999

Ms. Deborah Wadsworth
Executive Director
Public Agenda
6 East 39th Street
New York, New York 10016-0112

Dear Deborah:

Thank you for your letter and the copy of *Kids These Days* '99, which I have shared with my Domestic Policy Council staff. Reports like yours point out the need to do all we can to provide young people with the necessary support and guidance to reach their full potential.

I'm encouraged that your research concludes that the majority of Americans support efforts to ensure that employers provide parents with more flexible work schedules, enabling them to spend more valuable time with their children. I have always believed that we all bear the cost when workers are forced to choose between keeping their jobs and meeting their personal and family obligations. That is why I continue to support tax credits to businesses that offer child care services, and my balanced budget includes a dramatic expansion of child care subsidies and greater child care tax relief. Additionally, I was pleased to announce the release of \$200 million to help communities nationwide create or extend high-quality after-school programs. This remains a top priority for my Administration, and I encourage Congress to triple our investment in these programs.

As we continue to address these important issues, I look forward to your continued involvement.

Sincerely,

BILL CLINTON

BC/RMS/DC/DC/efr-ws-ckb (Corres. #4387193)
(10.wadsworth.d.doc)

cc: Karin Kullman for J. Bleich w/inc.

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PUBLIC AGENDA



May 3, 1999

The Honorable William J. Clinton
The President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

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PUBLIC AGENDA

MEMBER EMERITUS

Frank Stanton
FORMER PRESIDENT, CBS INC.

Dear President Clinton:

Two years ago, with the support of Ronald McDonald House Charities (RMHC) and The Advertising Council, Public Agenda sought to better understand American attitudes toward kids and what might motivate citizens to become involved in helping the nation's children prosper. The research resulted in *Kids These Days: What Americans Really Think About the Next Generation*, a report that *Congressional Quarterly* chose as one of 1997's historic documents, and media outlets both here and abroad devoted extensive coverage to the findings.

The surveys of adults and teens were recently repeated by Public Agenda, again at the request of RMHC and the Ad Council. Confirming both the validity and significance of the first study and suggesting how deeply felt Americans' concerns about the next generation are, there is virtually no change in public opinion after two years.

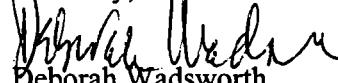
The general public, parents and teens express continued pessimism about the next generation -- few say today's children will grow up to make America a better place. Terms such as "lazy," "spoiled" and "rude" are used by the majority of Americans to describe children. Teens are characterized as "irresponsible" and "wild." Tragically, the recent murders in Littleton, Colorado will do little to reverse these views.

For Americans, "irresponsible parents" are to blame rather than social and economic pressures on families. While they recognize it's more difficult to be a parent these days, only one in five says it is "very common" for parents to be good role models and teach their children right from wrong.

Few are willing to write off kids, and given enough attention and guidance almost all teens, in the public's view, can get back on track -- even those who are regularly in trouble. To help kids, Americans support solutions close to home: improving public schools; establishing more after-school activities; having employers give parents more flexible work schedules so they can spend more time with their children; and having more involvement by volunteer organizations dedicated to kids. They do not embrace additional broad, national government programs.

The findings reinforce the ongoing RMHC and Ad Council initiatives to help children and their families. It is the Ad Council's intention to maximize the "help parents help kids" communications strategy in campaign messages as a way to build character in kids that many see as lacking.

Sincerely,


Deborah Wadsworth
Executive Director

MAY 12 1999

Clinton Presidential Records Digital Records Marker

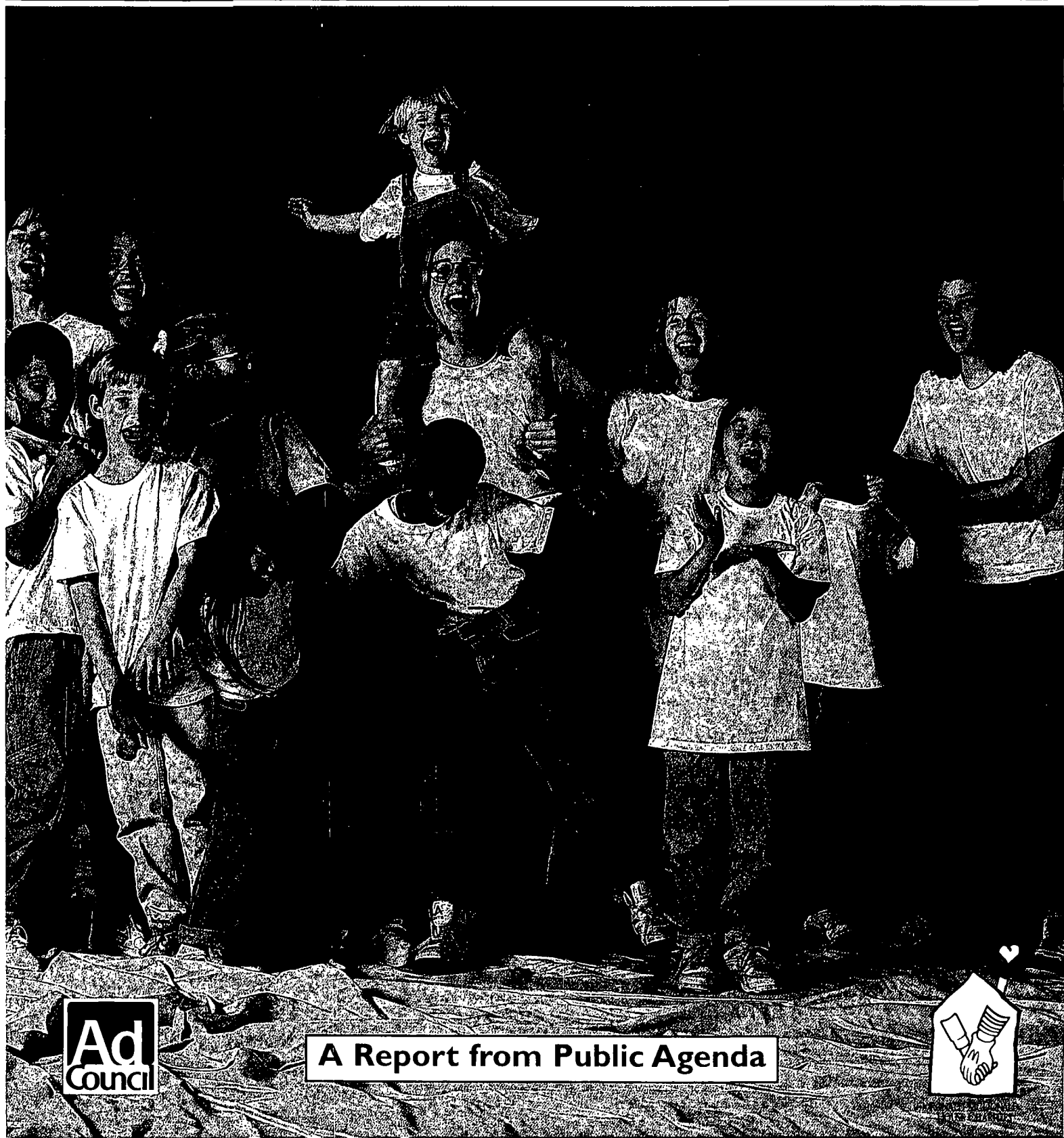
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KIDS THESE DAYS '99

WHAT AMERICANS REALLY THINK ABOUT
THE NEXT GENERATION



A Report from Public Agenda

