

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	re: personal stories by topic (6 pages)	n.d.	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Ann O'Leary
OA/Box Number: 19580

FOLDER TITLE:

NPRM [Notice of Proposed Rulemaking] Re: UI [Unemployment Insurance] - Leave [1]

2013-0436-S

rc1307

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

UI-BAC Notice of Proposed Rule-Making CONTACT LIST

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→ 219-6036 → 645-5959

H. Day

Prin. Sec.

George Agnew

- 25

- 24 hrs

Indy
Newbury
UI proposal
pass/wase
WT - my mail
MD + Idaho
MA - miche

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Thy. Klein

prints magazine
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Dodd-Kennedy

new will 5-15-11 cost = 1.5 million

Women's vote

more the future than

Equal Pay
unemployment

Dear colleague →

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Subcommittee on Children and Families
Committee on Labor and Human Resources
Senator Christopher J. Dodd
Ranking Member

70/271-
9787
Suzanne
Day

FACSIMILE TRANSMITTAL FORM

Phone: (202)224-5630

Fax: (202)224-7475

DATE: 2/9/2000 TIME: 2:50 AM
P.M.

TO: Ann O'Leary

of _____

FAX # () 456-2878

PHONE # () _____

FROM:

Other: _____

Brooke Byers

Suzanne Day

Jim Fenton

Jeanne Ireland

SITIT FIRST
5201-Exman

NUMBER OF PAGES, including this form: 5

COMMENTS / MESSAGE: Ann - Sorry I just got back
from ESSA meetings. Heres the two fact
sheet; bin also including Dadds letter requesting
funds.

Summary of Family and Medical Leave Fairness Act of 1999

Senator Christopher J. Dodd

Background

The Family and Medical Leave Act of 1993 mandated that employees receive up to 12 weeks of leave within a one-year period for the arrival of a newborn, newly adopted, or new foster care child; for the care of a seriously ill close relative; or for one's own serious health condition. In order to be eligible, employees must have been employed at that company for at least one year, and have worked for at least 1,250 hours during the previous year. In addition, employees must work for an employer who is covered by the FMLA. Only employers with 50 or more employees within a 75-mile radius of the worksite are covered by the FMLA.

As the law currently stands, only 57% of the private U.S. workforce is covered by the FMLA. This means that the basic benefits offered by the FMLA are still unavailable to 43% of the private workforce, leaving almost 41 million workers uncovered. A recent survey found that 27% of Americans needed to take a family or medical leave but were unable to do so, and 44% of these employees did not take a leave because they would have lost their jobs or their employers did not allow it. If the threshold were lowered to include worksites with 25 or more employees, an additional 13 million workers would be covered by the FMLA, raising the percentage of covered employees to 71% of the private workforce.

Findings from the Commission on Leave's Report have allayed previous concerns about the effect of the legislation on businesses. Over 90% of private employers covered by the FMLA experienced little or no cost and a minimal, or positive, impact on productivity as a result of the Act. Furthermore, although employers of all sizes reported easy administration and low cost of implementing the FMLA, smaller worksites found it less expensive and easier to administer than larger worksites.

The Family and Medical Leave Fairness Act of 1999

The Family and Medical Fairness Act of 1999, S. 201, extends coverage of the FMLA to a larger portion of the American workforce. Under this proposal, the employee threshold is lowered from 50 to 25, so that all employers with 25 or more employees are covered by the FMLA.

CHRISTOPHER J. DODD
CONNECTICUT

COMMITTEE:
BANKING, HOUSING, AND
URBAN AFFAIRS

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LABOR AND HUMAN RESOURCES

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December 22, 1999

John Podesta
Chief of Staff to the President
1600 Pennsylvania Avenue
Washington, DC 20500

Dear John:

I am writing to urge you to do everything possible to secure adequate funding in the President's budget for child care and paid parental leave. Specifically, I am requesting that the budget include an additional \$818 million in discretionary funding for the Child Care and Development Block Grant and \$400 million for FIRST Insurance, a program to support state innovations in paid leave.

As we move into the millennium, I believe that we have before us a significant opportunity to make substantial progress in two areas critical to ensuring that children get the right start in life — paid leave and high quality, affordable child care. As you well know, much of our focus has been on education and we have been very successful in increasing our investments in that area. However, I believe we need to broaden our message to better include young children. We, and all the parents in America, know that "education" begins long before a child enters school. We need to ensure that we articulate this message in our funding priorities and our agenda for 2000.

One of the key federal initiatives supporting young children is the Child Care and Development Block Grant (CCDBG). This program provides flexible support, through the states, to help low-income parents afford child care. In addition, it requires states to invest in quality improvements that make child care safer and stronger educationally. However, this program is woefully underfunded, with only one in ten eligible children currently receiving assistance.

I know that you share my disappointment that, despite several major victories on the Senate floor related to increased funding for the CCDBG, the final appropriations bill did not include any new funding for this critical program. I am encouraged that Senator Specter has personally committed to providing an additional \$818 million in his chairman's mark for the CCDBG in FY2001, bringing the total to \$2 billion. The Senate consensus on this issue and the significant bipartisan support in the House provides with an unprecedented opportunity to

substantially augment the federal investment in child care. More than ever, it is critical that the Administration's budget reflect this shared commitment to child care by meeting the target set by Senator Specter and myself of an additional \$818 million in discretionary funding for CCDBG in FY2001 and continuing at least that level of investment in FY2002.

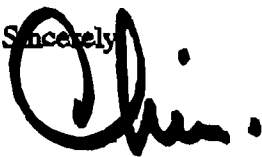
Also crucial to the long-term success of children are the first weeks and months of their lives. While our party clearly owns this message with the enactment of the Family and Medical Leave Act, the time is ripe to build on that success with initiatives to ensure that this all-important leave is affordable for all American families. The Administration has taken the first critical steps in this area with the recently released proposed regulations that will allow states to provide some wage replacement to working new parents through the unemployment insurance system.

I have proposed legislation that, beyond allowing innovation in the unemployment system, would offer states additional federal funding to support their efforts to provide paid leave to new parents - I call it FIRST Insurance (Family Income to Respond to Significant Transitions Insurance). The legislation leaves it to the states to determine if they will use unemployment insurance, temporary disability insurance (which is already in place in several states, including New York, California and New Jersey), or another model for delivering this assistance to new parents. My legislation also includes a strong evaluation component allowing us to learn more about usage, cost and impact of family leave insurance. Funding the legislation at the fully authorized level of \$400 million would reflect the Administration's strong commitment to this policy as well as undercut the arguments of many that providing paid leave is an unaffordable option.

Obviously, there are other key funding areas for children. Continued strong investment in Head Start, with the goal of serving 1 million children by 2002, is critical to our most at-risk children. Protecting the existing mandatory funding that goes to children, including the Title XX Social Services Block Grant and TANF funding to families, is also a key safety net concern. In addition, we cannot give the Congressional majority the upper hand in education by proposing lackluster funding for core elementary and secondary and higher education programs.

As we approach the final year of this Administration, we have before us the opportunity to expand your legacy of educational investments to include the earliest years of a child's life. I urge you to continue your efforts on behalf of America's children by ensuring that your funding priorities for the start of the next century reflect our shared interest in giving every child the right start in life.

Sincerely,



CHRISTOPHER J. DODD
United States Senator

Sorry we couldn't meet on this.

National Partnership
for Women & Families

FAX COVER SHEET

TO: Ann O'LearyORGANIZATION: White HouseFROM: Lauren AsherDATE: 6/8/00

PROGRAM CHARGED: _____

FAX NO.: 456-2878NO. OF PAGES (incl cover): 2COMMENTS: Will go out @ 4:30 pm
tomorrow - note embargo.
Thanks! Ys

1875 Connecticut Avenue, NW • Suite 710 • Washington, DC 20009 • (202) 986-2600 • Fax: (202) 986-2539

PLEASE CALL 202/986-2600, IF TRANSMISSION IS INCOMPLETE

National Partnership

for Women & Families



EMBARGOED UNTIL
Saturday, June 10, 2000
10:06 AM (EDT)

CONTACT: Kirsten Weeks
202/986-2600

PARENTAL LEAVE BENEFIT IS GOOD NEWS FOR NEW PARENTS **Many States Poised to Provide Family Leave Benefits**

Statement by Judith L. Lichtman, President
National Partnership for Women & Families

Today, President Clinton announced the publication of an important Labor Department regulation that will help working parents afford time off when they have or adopt a child. The regulation, first proposed in December 1999, encourages states to provide unemployment benefits to help new parents make ends meet while on parental leave.

This parental leave benefit is good news for new parents. Today, most women work for pay, and most men want more time with their families. Yet, even in an era of unprecedented prosperity and at a time when we know that parental involvement helps babies thrive, far too many moms and dads cannot afford time off to care for their babies.

It is time – past time – to update our policies to fit today's workforce and today's families. With the 1993 Family and Medical Leave Act (FMLA), our nation took a major step forward by protecting many workers' jobs and health insurance during up to 12 weeks of unpaid leave. But, for far too many working women and men, taking time off without pay is simply not possible. Most Americans – 79 percent – support extending state unemployment or disability insurance programs to cover unpaid family and medical leave, including parental leave. And states around the country are poised to do just that.

Right now, five states -- California, Connecticut, New York, New Hampshire, and Illinois -- are conducting studies to help them decide whether, when, and how to establish family leave benefits. And lawmakers and advocates in Indiana, Maryland, Massachusetts, New Jersey, Washington and elsewhere see using unemployment insurance as one of the most promising options. The publication of the new regulation clears the way for every state to consider how best to solve the problem of unpaid leave.

This regulation is a significant step forward for America's working families. We applaud the Clinton/Gore Administration for advancing this innovative approach to helping parents balance work and family. And we urge state lawmakers to waste no time in considering the opportunity to make unemployment benefits available to new parents. America will be better off when they do.

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Note: The National Partnership for Women & Families, formerly the Women's Legal Defense Fund, wrote the first draft of the FMLA and led the nine-year fight for its passage. In 1999, the National Partnership launched the Campaign for Family Leave Benefits, a multi-year initiative to make family and medical leave more affordable for all working Americans. The National Partnership is a non-profit, non-partisan organization that promotes fairness in the workplace, quality health care, and policies that help women and men meet the dual demands of work and family.

BIRTH AND ADOPTION UNEMPLOYMENT COMPENSATION (UC)
QUESTIONS AND ANSWERS
06/07/2000

1. What does the Birth and Adoption UC regulation do?

The Department of Labor (Department) has issued this rule to allow States that so choose to implement an experiment using UC as a means for providing partial wage replacement to employees who desire to take approved leave or otherwise leave their employment following the birth or placement for adoption of a child. The Department developed this rule because of dramatic changes in the workforce and interest among State legislatures, worker advocates, members of the Congress, and the President in finding ways to help working families cope with work and family demands.

2. Under what authority is the Department issuing these regulations to permit this use of UC funds? Why is the Department issuing regulations and not seeking legislation as some members of Congress have suggested?

The Department has the authority and responsibility to interpret Federal UC statutes such as the requirement that individuals must be "able to work and available for work" (known as the able and available requirements) to be eligible for UC. Although no explicit able and available requirements are stated in Federal UC law, the Department and its predecessors (the Social Security Board and the Federal Security Agency) have interpreted Federal UC law as requiring participating States to have these requirements.

The Department believes that an expansion of an earlier interpretation of existing Federal law provisions does not require legislative approval. The Department has previously interpreted the able and available requirements to permit the payment of UC in some specific areas: jury duty, temporary layoffs, illness, and training. While none of these previous interpretations exactly parallels the payment of Birth and Adoption UC, they are based on the same premise that situations exist in which it is important to allow a flexible demonstration of availability.

For example, all States now treat individuals in training approved by the State agency as meeting the able and available requirements. The rationale for this interpretation is that the best route to a strong labor market attachment for these workers is to acquire new skills through training. In 1961, the Department interpreted Federal law to permit States, on a voluntary basis, to allow workers to participate in approved training while receiving benefits. This strategy was so successful that the Congress subsequently amended the law in 1970 mandating that States allow workers to participate in State approved training while receiving benefits.

3. What is the purpose of the experiment?

The Birth and Adoption UC experiment will test whether expanding the able and available interpretation to include new parents will strengthen their connection to the workforce as some studies indicate.

4. Will States be required to develop Birth and Adoption UC experiments?

No. State participation is wholly voluntary and States will have wide latitude in developing their experiments. A State choosing to implement Birth and Adoption UC will need to amend its UC law.

5. Who will be eligible to receive UC for the birth or adoption of a child?

This experiment extends only to parents on approved leave or who otherwise leave their employment to be with their newborns or newly-adopted children. The initial time period during which a new child is introduced into a home, and how that child's care will be assimilated into the working lives of the parents, is critical. It is during this period that secure emotional bonds are formed between children and their parents. It is also during this period that a system of child care, which will foster the parents' availability for work, can be firmly established. These requirements are universal when any working family has a new child. That is why this group was chosen for the experiment.

6. When will Birth and Adoption UC be available?

It is difficult to predict when individuals will be able to collect UC to be with their newborns or newly-adopted children. The regulation becomes final 60 days from its publication in the Federal Register. The Department of Labor anticipates that the final rule will be published in the Federal Register early next week. States may enact legislation authorizing a Birth and Adoption experiment based on this regulation. Each State's legislation would set the dates to begin operation of the experiment in its State.

7. Some critics of the experiment cite the Department's own concerns about State unemployment fund solvency as a reason not to allow States the flexibility to offer these benefits. Will these regulations undermine fund solvency?

No. The Department expects that a State will not enact changes without assessing the effect on the solvency of its unemployment fund. Each State has the responsibility to assess the cost to its unemployment fund whenever coverage, benefit expansions, or tax

changes are considered within its UC program. States in weak solvency positions should not conduct a Birth and Adoption UC experiment without creating a means of financing it. The Department will provide technical support to States needing assistance in determining their solvency positions.

8. **There have been cost estimates that suggest employer tax rates will escalate. For example, one study estimated that, if New York enacted Birth and Adoption UC, employer tax rates would need to increase 32% to 129% in order to compensate its fund. Do you agree with these estimates?**

No. We estimate that there will be a 6% to 9% average benefit-cost increase in States that choose to conduct Birth and Adoption UC experiments: we think the figures from the referenced study are inflated. First, we disagree with the cost estimate that underlies this estimated tax rate increase, which is significantly higher than ours. The high end of the estimate assumes a 100% take-up rate by individuals and that all recipients will receive Birth and Adoption UC for 26 weeks. The low end reduces the take-up rate to a more reasonable 47% but assumes all recipients will receive a full 12 weeks of Birth and Adoption UC. It is unlikely that individuals will receive Birth and Adoption UC for this length of time because UC only provides *partial* wage replacement. Further, this cost estimate makes no adjustment for those who take employer-paid leave.

Second, the percentages quoted are not the result solely of Birth and Adoption UC costs. Instead they are estimates of “tax rates that would be needed to stem the rate of trust fund depletion” in New York including conventional UI costs. In fact, New York is exploring an alternative method of providing parental leave benefits through its existing temporary disability insurance system in recognition of the level of trust fund reserves.

9. **The Department’s cost estimates have been called “scandalously” low as compared to the estimates offered by some others which ranged as high as \$36 billion. How do you explain the differences between the estimates?**

We believe the \$36 billion estimates grossly overstate expenditures. They assume:

- All States will enact Birth and Adoption UC. We expect only a few.
- All employed workers will be eligible. This is not the case - some do not have sufficient earnings.
- All potential eligibles will take leave. We think this is doubtful, especially for both parents.
- All leave-takers will apply for Birth and Adoption UC. This is not the case for the

current program where at most 70 to 80 percent of eligibles apply.

- Each claimant will collect the full 12 weeks. This ignores that UC does not provide full wage replacement so that many people will still need to get back to work sooner than 12 weeks.
- There will be no deductible income such as employer supplied disability insurance or paid annual or sick leave. In fact, due to employer-provided benefits, there will be substantial reductions which will lower costs to the States' UC programs.

10. In 1997 the Department of Labor, in response to a bill introduced in the Vermont legislature, stated that the UC program could not be used to provide partial wage replacement under the Vermont family and parental leave program. Why has the Department changed its policy in this area?

The Department has, indeed, revisited its position. Since the time of the Vermont inquiry, additional State legislatures expressed interest in using the UC program for this purpose. We subsequently determined that there was sufficient flexibility in Federal UC law to accommodate an experiment in this area, and focused that experiment on birth and adoption leave.

11. How does the final rule differ from the proposed rule?

Although the Department received many comments, it was necessary to make very few changes to the final rule--most changes were clarifications to definitions. There were two changes of note:

- The age of an adopted child is now capped at age 18. The Birth and Adoption UC experiment is clearly designed for parents with young children. To assure that the Birth and Adoption UC experiment is extended only to its intended test group, we chose to limit the age of adopted children to the age typically used to define a minor.
- The estimated costs changed between the proposed rule, issued December 3, 1999, and the final rule. (The regulatory language is not affected.) After the proposed regulation was published, legislation was introduced in significantly more States than had previously shown interest in Birth and Adoption UC. Consequently, based on past enactment of UC expansions (e.g., dependents' allowances), we adjusted the upper range of our cost estimate to \$196 million to reflect the increased likelihood of State experimentation with Birth and Adoption UC. Although actual costs will vary among States, a typical State's expenditures

will increase only by 6% to 9% of current benefits.

Because of this change in the cost estimates, the Birth and Adoption UC rule is considered a “major” rule. Accordingly, a Regulatory Impact Analysis has been developed and is available as part of the public record.

12. When will the rule be effective?

The proposed regulation will be effective 60 days from the date of its publication in the Federal Register.

**Birth and Adoption
Unemployment Compensation
(BAA-UC)**

- There have been dramatic changes in our society and economy since the unemployment compensation (UC) program was designed. One of those changes is the tremendous increase in women who work outside the home. Today, almost 60 percent of mothers with children under the age of one are in the work force.
- Evidence suggests that children who have bonded strongly with their parents in their first weeks of life tend to be healthier emotionally and physically. Working parents who are able financially to take leave from their jobs can spend this critical time with their children. Yet, too many parents cannot afford to do so.
- According to the Department's report "A Workable Balance," nearly two-thirds of employees who did not take leave to be with their newborns cited lost wages as the primary reason.
- The BAA-UC program is an experiment, recognizing this change in our labor force, that permits States to use their UC programs to help parents spend time with their new-born or newly adopted children.
- This experiment builds on past Department of Labor interpretations that said, under certain circumstances, workers need not meet the classic definition of being "able to and available for work" to receive benefits.
- For example, if States approve, UC beneficiaries who go into training are not required to accept work during the course of their training. The rationale for this interpretation is that the best route to a strong labor market attachment for these workers is to acquire new skills through training. Other special circumstances under which states may permit unemployed workers to continue to receive UC benefits include temporary illnesses and jury duty.
- The proposed rule would permit States to test whether these special circumstances should be expanded to individuals on leave following birth and adoption by determining whether payment of UC promotes their connection to the labor market.
- The projected costs of BAA-UC are relatively low when compared with current expenditures for UC. Although actual costs will vary between States, a typical State's expenditures on BAA-UC would be only about 6 - 9 % of current benefits.
- The comment period closed 2/2/00. About 3800 comments were received and

were roughly split between “fors” and “againsts”

STATE FAMILY LEAVE INCOME INITIATIVES: *Making Family Leave More Affordable*

Around the country, activists for women, children, seniors, and working families are organizing to make family leave more affordable through *family leave income*. Efforts have been undertaken in at least nine states to provide family leave benefits. For example, many states are considering expanding unemployment or disability insurance to provide some pay during periods of unpaid family and medical leave.

- ◆ Most Americans -- fully 82% of women and 75% of men -- support such "family leave insurance" proposals.*

Currently, the federal Family and Medical Leave Act (FMLA) guarantees covered employees 12 weeks of *unpaid* leave each year to care for a newborn or newly adopted child or seriously ill family member (family leave), or to recover from their own serious health condition (medical leave). The FMLA was an essential step toward recognizing Americans' work and family responsibilities. However, because FMLA leave is unpaid, many employees cannot afford to take time off at the very time their families need them most.

- ◆ The bipartisan Family Leave Commission found that nearly two-thirds of employees who needed but did not take family or medical leave cited lost wages as the reason.**

Existing public and private responses are limited. For instance, five states (as well as Puerto Rico) require employers to offer temporary disability insurance (TDI), which provides partial wage replacement to employees who are temporarily disabled for non-work-related reasons, and many employers voluntarily offer TDI as an employee benefit. While TDI covers disabilities arising from pregnancy or childbirth, TDI currently offers no benefits for employees who take leave beyond the period of maternal disability, or take leave for paternity, for adoption, or to care for seriously ill family members. Although the five states with TDI systems employ 22% of working Americans, employees in other states have no such coverage guarantees.

Attached is a sampling of current state efforts compiled by the National Partnership for Women & Families as the leader of the Campaign for Family Leave Income.

* National Partnership for Women & Families, *Family Matters: A National Survey of Women and Men*, 1998.

** Commission on Leave, *A Workable Balance: Report to Congress on Family and Medical Leave Policies*, 1996.

CALIFORNIA

A dynamic coalition of advocates for women, children, and labor has advanced a family leave agenda for the 1999-2000 legislative session. In February 2000, a bill was introduced to state the intent of the legislature to provide employer-based paid sick leave to full-time low-wage employees of businesses with five or more workers. In 1999, California enacted a law requiring a study of the cost of extending the state's TDI program to cover family leave, and increasing the weekly TDI benefit cap from \$336 to \$490. Also in 1999, California passed a law requiring employers who offer paid sick leave to let employees use some of their sick leave to care for a sick child, parent, or spouse.

Contact: State Senator Hilda Solis
(916) 445-1418

State Senator Tom Hayden
(916) 445-1353

Lisa Ecks
California Labor Federation
(916) 444-3676

Netsy Firestein
Labor Project for Working Families
(510) 643-6814

Assemblyman Wally Knox
(323) 932-1201

Aimee Durfee and Emily Katz Kishawi
Equal Rights Advocates
(415) 621-0672

Patricia Shiu and Joannie Chang
Employment Law Center
(415) 864-8848

CONNECTICUT

During the 2000 legislative session, the Connecticut legislature considered a bill, **HB 5619**, to set up a study of the costs and benefits of providing wage replacement to workers on family and medical leave through new temporary disability or family and medical leave insurance programs, or through existing state systems such as unemployment insurance. The study would also include a comprehensive survey of Connecticut employers and employees to assess current leave policies and usage. **HB 5619** was approved by the Joint Labor and Public Employees and Finance, Revenue and Bonding Committees, but disapproved by the Joint Committee on Legislative Management. As of April 19, 2000, Senate and House leaders hope to pass the study as part of an omnibus budget bill which will be acted on before the end of this legislative session.

Contact: State Representative Christopher Donovan Leslie Brett
(860) 240-0540

Connecticut Permanent Commission on
the Status of Women
(860) 240-8300

ILLINOIS

A bill was introduced in February 2000 to provide up to 12 weeks of unemployment benefits to workers on any approved FMLA leave and to workers who leave a job for any reason specified in the FMLA. On April 14, 2000, the House passed a resolution to study the effectiveness of the state's current unemployment insurance program and its effect on people taking family and medical leave. The resolution created the Subcommittee on Unemployment Insurance for the New Workforce of the House Committee on Labor and Commerce, which must submit a report to the full committee by December 1, 2000.

Contact: State Representative Julie Hamos
(217) 782-8052

Lindsey Crawford
Women Employed
(312) 782-3902

-more-

INDIANA

In January, 2000, Indiana House legislators introduced a bill that would provide up to 12 weeks of unemployment insurance benefits to parents who take leave to care for a newborn or newly adopted child. The bill passed by a 52-44 vote, with bipartisan support. The Senate is now considering the legislation; it has been referred to the Committee on Pensions and Labor.

Contact: State Senator Anita Bowser
(317) 232-9400

State Representative Linda Lawson
(317) 232-9600

IOWA

A bill introduced during the 1998 legislative session would have established a fund for providing benefits to employees on family leave. It would also have created a work and family task force to examine the impact of this family leave insurance program.

Contact: State Senator Michael Gronstal
(515) 281-3901

MARYLAND

Bills were introduced in the House and Senate in February 2000 to provide up to 12 weeks of unemployment insurance benefits to parents who take leave to care for a newborn or newly adopted child. Several local groups, including the Maryland Women's Law Center and the Public Justice Center, have been working to support the bills. Hearings were held in March before the House Committee on Economic Matters (which voted not to move the House bill forward) and the Senate Finance Committee. During the 1999 session, Maryland passed a law requiring employers that grant paid leave to workers following the birth of a child to grant the same leave to employees who adopt a child.

Contact: Delegate Michael Dobson
(410) 841-3850

Debra Gardner
Public Justice Center
(410) 625-9409

Denise Davis
Maryland Women's Law Center
(410) 321-8761

-more-

MASSACHUSETTS

Spearheaded by the Women's Statewide Legislative Network, a diverse and active Family Leave Coalition is rallying support for a bill to extend unemployment benefits to employees taking family and medical leave. The estimated cost of providing unemployment benefits for family and medical leave is less than \$1.25 per week per employee. Also pending is a bill aiming to create a "family and employment security trust fund." In April 1999, the state legislature's Joint Committee on Commerce and Labor (chaired by Senator Steven Lynch, sponsor of the unemployment insurance bill) held a

(ms) Donnan J,
AFCC 1010 in NHAT

hearing on the two bills. A broad array of researchers, legislators, advocates, and leave-takers testified in support of the bills, and the hearing was widely and favorably reported by media across the state. The bills are currently pending in the Joint Committee on Commerce and Labor. Further, Massachusetts recently unveiled a \$13 million plan to make the state a more "family friendly" employer, including a proposal to allow state workers to use up to 12 weeks of accumulated sick leave for maternity or adoptive leave without a doctor's note.

Contact: Monica Halas
Greater Boston Legal Services
(617) 371-1270, ext. 621

Linda Johnson
Women's Statewide Legislative Network
(617) 426-1878

State Representative Anne Paulsen
(617) 722-2140

→ 107060

MINNESOTA

In February 2000, two bills were introduced in the Minnesota House and Senate that would provide income to employees taking leave to care for a newborn or newly adopted child. One bill (SF3541/HF3869) would create financial incentives for employers to offer partially paid parental leave by having the state match an employer's contribution to an employee's wage replacement during such leave. The Senate passed a \$1 million pilot program of this proposal as part of an omnibus supplemental appropriations bill (SF3798) that is pending in conference. Another bill (SF2996/HF3605) would provide benefits under a "birth and adoption leave program" financed through unemployment insurance funds. Since July 1998, a state-funded, at-home infant child care program has allowed working parents who fulfill income eligibility requirements to receive subsidies for caring for infants under the age of one.

Contact: Marcie Jefferys
Children's Defense Fund-MN
(651) 227-6121

State Senator Jerry Janezich
(651) 296-8017

Cherie Kotilineck
Department of Children, Family & Learning
(651) 582-8562

State Senator Ellen Anderson
(651) 296-5537

NEW HAMPSHIRE

The New Hampshire legislature has passed a bill to establish a committee to study a broad range of options for providing benefits to New Hampshire employees who take family and medical leave. The legislation now awaits the governor's signature.

Contact: State Representative Mary Stuart Gile
(603) 224-2278

Jonathan Baird
New Hampshire Legal Assistance
(603) 542-8795

-more-

NEW JERSEY

The New Jersey legislature will consider at least two family leave income initiatives this session. Bill A2037, introduced in February 2000, would extend unemployment insurance benefits to employees who take leave to care for a newborn or newly adopted child and TDI benefits to employees who take

leave to care for an ill parent, child, or spouse. Another bill introduced this legislative session— A1577 – would also extend benefits for leave taken to care for newborn or newly adopted children or ill parents, children or spouses, but would do so solely through the statewide TDI system.

Contact: Assemblywoman Arline M. Friscia
(732) 634-2526

Assemblyman Charles Zisa
(201) 996-8040

Mark Watson
CWA, local 1034
(609) 530-0060

NEW YORK

A dedicated group of labor unions is generating support for family leave insurance in New York. A bill has been introduced to amend New York's TDI law to cover employees taking family leave.

Contact: Assemblywoman Catherine Nolan
Attention: Geri Reilly
Counsel for Labor Committee
New York State Assembly
(518) 455-4311

Deborah King
New York Union Child Care Coalition
AFL-CIO
(212) 494-0524

VERMONT

A bipartisan bill was introduced in the 2000 legislative session to authorize a three-year pilot program, financed through Vermont's general fund, that would provide partial pay for employees who take leave to care for newborn or newly adopted children. The estimated cost of providing income to Vermont workers on parental leave is less than 15 cents per week per employee. In February and March 2000, the Senate Committees on Appropriations, General Affairs and Housing, and Finance held hearings on the bill.

Contact: State Senator Jan Backus
(802) 655-7455

State Senator Cheryl Rivers
(802) 828-2228

State Senate President Peter Shumlin

State Senator Peter Illuzzi
(802) 828-2228

(8

02)
828-2228

Michael Sirotkin and Adam Necrason
Vermont AFL-CIO
(802) 223-9988

-more-

WASHINGTON

In early February 2000, the Washington State Senate Committee on Labor and Workforce Development held hearings on, and passed, a bill providing 5 weeks of unemployment benefits for employees taking leave to care for newborn or newly adopted children. The witnesses, who all supported the bill, included a pediatrician, advocacy groups, union representatives, and parents who had suffered financially in taking unpaid family leave. Similar legislation is also pending in the Washington House of Representatives, where the Children & Family Services Committee held a Work Session on Family Leave later in February that also featured strongly supportive testimony

from advocates, labor representatives, and leavetakers. These proposals have been estimated to cost 11 cents per employee per week. Washington law already allows employees to use accrued sick leave to care for sick children.

Contact: John Burbank
Economic Opportunity Institute
(206) 633-6580

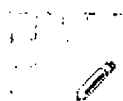
State Senator Lisa Brown
(360) 786-7604

Jeff Johnson
Research Director, Washington State
Labor Council, AFL-CIO
(360) 943-0608

State Representative Mary Lou Dickerson
(360) 786-7860

*For more information about the **Campaign for Family Leave Income**, including a list of Advisory Committee members, a round-up of state proposals, and the latest news and research, please see our web site (www.nationalpartnership.org) or contact the National Partnership for Women & Families at 1875 Connecticut Avenue, NW, Suite 710, Washington, D.C. 20009, (202) 986-2600, info@nationalpartnership.org.*

3/17/00



Jason H. Schechter
11/30/99 11:20:05 AM

Record Type: Record

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

cc:

Subject: Fact Sheet: President Clinton: Taking New Steps to Support America's Parents

**PRESIDENT CLINTON: TAKING NEW STEPS TO SUPPORT
AMERICA'S PARENTS**
November 30, 1999

"On the eve of the 21st century, we ought to set a goal that all working Americans can take time when they need it to care for families without losing the income they need to support their families. Achieving that goal cannot come overnight and will require a significant shift in how our nation helps families to succeed at home and work. But it can make all the difference in your lives demand thought and creativity, a willingness to experiment; it has to be done in a way that gives families flexibility and doesn't undermine our dynamic and growing economy."

--President Clinton, May 24, 1999

Today, President Clinton will announce a new rule that empowers states to develop ways of offering paid leave to parents following the birth or adoption of a child. Specifically, the proposed regulation will allow states to use their unemployment compensation systems to help offer paid leave to new parents. This innovative step builds on the President's longstanding efforts to support America's parents and strengthen America's working families.

MAKING PARENTAL LEAVE MORE AFFORDABLE. A 1996 study by the Commission on Family and Medical Leave found that the most significant reason why parents did not take advantage of unpaid leave after the birth or adoption of a child was the expected loss of income. Today, President Clinton will announce proposed regulations that will enable new parents, through the unemployment insurance system, to take leave without sacrificing the wages their families need. The rules respond to the President's Executive Memorandum of May 24, 1999, directing the Secretary of Labor to allow states the opportunity to experiment.

ENCOURAGING STATES TO CREATE MORE OPTIONS. Several states have asked the Administration whether they could have the authority to adapt their unemployment compensation systems for this purpose. This pilot program will be wholly voluntary for states, and states will have considerable flexibility in designing their own programs. The regulations will be published in the Federal Register for public comment and are also available for review on the Department of Labor's website at <http://www.dol.gov>.

HELPING PARENTS BALANCE RESPONSIBILITIES AT HOME AND AT WORK.

Throughout his Administration, President Clinton has fought to provide families with the tools they need to meet their responsibilities both at home and at work. The President has:

- Signed the Family and Medical Leave Act, providing workers with up to 12 weeks of unpaid, job-protected leave;
- Fought for and won dramatic expansions in after-school programs, including \$450 million in the FY 2000 budget agreement, more than doubling the program's size;
- Fought for and won significant increases in Head Start, including \$607 million in the FY 2000 budget agreement, helping low-income toddlers prepare for school;
- Proposed a new tax credit for families struggling with long-term care costs;
- Put forward an ambitious initiative to make child care better, safer, and more affordable for working families; and
- Proposed expanding the FMLA to cover more workers and allow leave for more parental activities, including parent-teacher conferences and routine doctor's visits.

Message Sent To: _____

main sign
→ Mark Tuck
Sandra Ann Atty
An. at home.
↕

DRAFTDRAFT**DRAFT**
PRESIDENT CLINTON ANNOUNCES ACTIONS TO
OFFER PAID LEAVE TO AMERICA'S WORKING FAMILIES

Today, in his weekly radio address, the President will announce new steps to support America's working families, who increasingly feel the pressure of balancing work and family responsibilities and have few resources to afford to take family leave without pay. President Clinton today will announce final actions to enable states to help parents afford to take leave after the birth or adoption of a child and to enable federal employees to take paid leave to care for a seriously ill family member.

PARENTS NEED OPTIONS TO AFFORD PARENTAL LEAVE.

A recent poll released by the National Parenting Association showed that low-income parents and parents with very young children were the least likely to have flexibility in their job to take family leave. And, we know from the 1996 study by the Commission on Family and Medical Leave that the most significant reason why parents did not take advantage of unpaid leave after the birth or adoption of a child was the expected loss of income. Parents need more support to help balance their responsibilities at home and at work.

ENCOURAGING STATES TO CREATE MORE OPTIONS FOR PARENTS.

That is why today the President announced that the U.S. Department of Labor is issuing a final regulation offering states the option to use their unemployment compensation system to offer paid leave for new parents. This regulation will allow states to amend their unemployment compensation laws to allow parents to take paid leave after the birth or adoption of a child. In amending their unemployment compensation system, states are strongly encouraged, and will be offered assistance by the Department of Labor, to assess the effect of this change on the solvency of its unemployment system. Since the President issued the Executive Memorandum on May 24, 1999, directing the Secretary of Labor to allow states this opportunity, States have demonstrated increasing interest. At the time, there were four states with paid leave proposals pending in their State legislature. Today, there are 15 states with paid leave proposals, including Massachusetts that is considering legislation in this session to use their unemployment compensation system for this purpose. The President urged states to take advantage of this final regulation to provide new parents with greater access to parental leave to care for a new born or newly adopted child. The President also highlighted his FY 2001 budget initiative that would provide \$20 million in competitive planning grants for states or regions to make parental and family leave more available and affordable for those who need it.

ALLOWING FEDERAL EMPLOYEES TO USE EARNED SICK LEAVE TO CARE FOR SERIOUSLY ILL FAMILY MEMBERS

Today, the President also announced that effective June 20th, Federal employees will be able to use up to twelve weeks of earned sick leave to care for a family member with a serious health condition. This benefit will broaden the options available for employees to meet their family responsibilities and will ensure that the Federal government is leading by example.

BUILDING ON A STRONG RECORD OF SUPPORTING WORKING FAMILIES.

Throughout his Administration, President Clinton has fought to provide families with the tools they need to meet their responsibilities both at home and at work. In 1993, the President signed the Family and Medical Leave Act, providing workers with up to 12 weeks of unpaid, job-protected leave, which has benefited more than 20 million Americans. Today, the President continues to set forth an agenda for working families. The President's FY 2001 budget will help give all Americans more tools to meet their responsibilities at home and at work – by doubling funding for after-school programs, investing an additional \$1 billion in Head Start, providing expanded tax credits and more subsidies for child care, and tripling the proposed tax credit for long-term care costs.

PRESIDENT CLINTON ANNOUNCES NEW FUNDS ENABLING STATES TO PROVIDE PAID LEAVE TO AMERICA'S WORKING PARENTS

February 12, 2000

Today, in his weekly radio address, President Clinton will announce a new initiative enabling states to offer paid leave options to working parents. The \$20 million proposal will make it more affordable for more parents to take time from work to care for loved ones. President Clinton today will also call on Congress to expand the scope of the Family and Medical Leave Act, and allow an additional 10 million workers to benefit from this law. Today's budget initiative is part of the President's agenda to help America's families balance responsibilities at work and at home, and builds on the Administration's longstanding efforts to make parental leave more widely available.

MAKING PARENTAL LEAVE MORE AFFORDABLE. A 1996 study by the Commission on Family and Medical Leave found that the most significant reason why parents did not take advantage of unpaid leave after the birth or adoption of a child was the expected loss of income. To help address that problem, the President today will announce that his FY 2001 budget includes \$20 million in competitive planning grants for states or regions to make parental and family leave more available and affordable for those who need it. Under the President's proposal, states will be able to 1) identify workers who face the greatest financial barriers to taking family leave, and 2) use Unemployment Insurance, Temporary Disability Insurance, or other mechanisms to offer these workers paid leave. Today's proposal builds on a November announcement by the President and Labor Secretary Herman of a new proposed regulation allowing states to use their Unemployment Insurance systems to provide paid leave for new parents.

WORKING TO EXPAND THE FAMILY AND MEDICAL LEAVE ACT. Since the President signed the Family and Medical Leave Act in 1993, more than 20 million Americans have been able to take up to 12 weeks of job-protected, unpaid leave to care for a newborn or adopted child, attend to their own serious health needs, or care for a seriously ill parent, child, or spouse. Today, the President will also urge Congress to cover an additional 10 million workers by expanding the scope of the FMLA to businesses that employ 25 or more employees. (Currently the law covers only businesses with over 50 employees). The President will also call on Congress again to allow FMLA-eligible workers to take up to 24 hours of additional leave each year to meet certain family obligations – specifically, to 1) participate in school activities, such as parent-teacher conferences; 2) accompany one's child to routine dental or medical appointments; and 3) accompany an elderly relative to routine medical appointments or other professional services.

BUILDING ON A STRONG RECORD OF FAMILY AND MEDICAL LEAVE. In addition to signing the Family and Medical Leave Act and proposing new rules to allow states to offer paid leave options, President Clinton has also worked to ensure that the federal government leads by example. At the President's direction, the federal government now allows employees to use up to 12 weeks of accrued sick leave each year to care for a family member with a serious health condition. Federal employees can also take up to 24 hours of unpaid leave for routine family responsibilities such as parent-teacher conferences and doctor's visits, and can donate annual leave to other employees. The President's FY 2001 budget will help give all Americans more tools to meet their responsibilities at home and at work – by doubling funding for after-school programs, investing an additional \$1 billion in Head Start, providing expanded tax credits and more subsidies for child care, and tripling the proposed tax credit for long-term care costs.



STATE FAMILY LEAVE INCOME INITIATIVES: *Making Family Leave More Affordable*

Around the country, activists for women, children, seniors, and working families are organizing to make family leave more affordable through *family leave income*. Efforts have been undertaken in at least nine states to provide family leave benefits. For example, many states are considering expanding unemployment or disability insurance to provide some pay during periods of unpaid family and medical leave.

- ◆ Most Americans – fully 82% of women and 75% of men -- support such "family leave insurance" proposals.*

Currently, the federal Family and Medical Leave Act (FMLA) guarantees covered employees 12 weeks of *unpaid* leave each year to care for a newborn or newly adopted child or seriously ill family member (family leave), or to recover from their own serious health condition (medical leave). The FMLA was an essential step toward recognizing Americans' work and family responsibilities. However, because FMLA leave is unpaid, many employees cannot afford to take time off at the very time their families need them most.

- ◆ The bipartisan Family Leave Commission found that nearly two-thirds of employees who needed but did not take family or medical leave cited lost wages as the reason.**

Existing public and private responses are limited. For instance, five states (as well as Puerto Rico) require employers to offer temporary disability insurance (TDI), which provides partial wage replacement to employees who are temporarily disabled for non-work-related reasons, and many employers voluntarily offer TDI as an employee benefit. While TDI covers disabilities arising from pregnancy or childbirth, TDI currently offers no benefits for employees who take leave beyond the period of maternal disability, or take leave for paternity, for adoption, or to care for seriously ill family members. Although the five states with TDI systems employ 22% of working Americans, employees in other states have no such coverage guarantees.

To make family leave more affordable for more Americans, state legislators, activists, and researchers are mobilizing behind a range of innovative proposals. Attached is a sampling of current state efforts compiled by the National Partnership for Women & Families as the leader of the Campaign for Family Leave Income.

* National Partnership for Women & Families, *Family Matters: A National Survey of Women and Men*, 1998.

** Commission on Leave, *A Workable Balance: Report to Congress on Family and Medical Leave Policies*, 1996.

-more-

CALIFORNIA

A dynamic coalition of advocates for women, children, and labor advanced a family leave agenda for the 1999 legislative session. In 1999, California enacted a law requiring a study of the cost of extending the state's TDI program to cover family leave, and increasing the weekly TDI benefit cap from \$336 to \$490. Also in 1999, California passed a law requiring employers who offer paid sick leave to let employees use some of their sick leave to care for a sick child, parent, or spouse.

Contact: Lisa Ecks
California Labor Federation
(916) 444-3676

Aimee Durfee and Emily Katz Kishawi
Equal Rights Advocates
(415) 621-0672

Netsy Firestein
Labor Project for Working Families
(510) 643-6814

Patricia Shiu
Employment Law Center
(415) 864-8848

CONNECTICUT

In November 1999, the co-chairs of the Connecticut General Assembly's Labor Committee, Representative Christopher Donovan and Senator Edith Praigue, convened a task force to investigate the problem of unpaid leave and to make recommendations about family leave income legislation to be introduced in the 2000 legislative session.

Contact: State Representative Christopher Donovan
(860) 240-0540

Leslie Brett
Connecticut Permanent Commission on the Status of Women
(860) 240-8300

INDIANA

In January, 2000, Indiana House legislators introduced and passed a bill that would provide up to 12 weeks of unemployment insurance benefits to parents who take leave to care for a newborn or newly adopted child. The Senate now must consider the legislation and has referred it to the Committee on Pensions and Labor.

Contact: State Senator Anita Bowser
(317) 232-9400

IOWA

A bill introduced during the 1998 legislative session would have established a fund for providing benefits to employees on family leave. It would also have created a work and family task force to examine the impact of this family leave insurance program.

Contact: State Senator Michael Gronstal
(515) 281-3901

-more-

MARYLAND

A bill was introduced in February 2000 to provide up to 12 weeks of unemployment insurance benefits to parents who take leave to care for a newborn or newly adopted child. During the 1999 session, Maryland passed a law requiring employers that grant paid leave to workers following the birth of a child to grant the same leave to employees who adopt a child.

Contact: Denise Davis
Maryland Women's Law Center
(410) 321-8761

Debra Gardner
Public Justice Center
(410) 625-9409

MASSACHUSETTS

Spearheaded by the Women's Statewide Legislative Network, a diverse and active Family Leave Coalition is rallying support for a bill to extend unemployment benefits to employees taking family and medical leave. The estimated cost of providing unemployment benefits for family and medical leave is less than \$1.25 per week per employee. Also pending is a bill aiming to create a "family and employment security trust fund." In April 1999, the state legislature's Joint Committee on Commerce and Labor (chaired by Senator Steven Lynch, sponsor of the unemployment insurance bill) held a hearing on the two bills. A broad array of researchers, legislators, advocates, and leave-takers testified in support of the bills, and the hearing was widely and favorably reported by media across the state. The bills are currently pending in the Joint Committee on Commerce and Labor. Further, Massachusetts recently unveiled a \$13 million plan to make the state a more "family friendly" employer, including a proposal to allow state workers to use up to 12 weeks of accumulated sick leave for maternity or adoptive leave without a doctor's note.

Contact: Monica Halas
Greater Boston Legal Services
(617) 371-1270, ext. 621

Linda Johnson
Women's Statewide Legislative Network
(617) 426-1878

MINNESOTA

Since July 1998, a state-funded, at-home infant child care program has allowed working parents who fulfill income eligibility requirements to receive subsidies for caring for infants under the age of one.

Contact: Cherie Kotilineck
Department of Children, Family and Learning
(651) 582-8562

NEW HAMPSHIRE

A new bill introduced in November 1999 would provide up to 12 weeks of unemployment insurance benefits to employees who take family and medical leave.

Contact: Representative Mary Stuart Gile
(603) 224-2278

Jonathan Baird
New Hampshire Legal Assistance
(603) 542-8795

-more-

NEW JERSEY

A bipartisan bill introduced in the 1998 legislative session proposed to extend New Jersey's statewide TDI system to cover family leave. The bill would also have established a task force to study the impact of family leave benefits on workers, their families, employers, and the general public.

Contact: Laurel Brennan
New Jersey AFL-CIO
(609) 989-8730

Meryl Frank
New Jersey Coalition for
Family & Medical Leave
(732) 247-3561

NEW YORK

A dedicated group of labor unions is generating support for family leave insurance in New York. A bill has been introduced to amend New York's TDI law to cover employees taking family leave.

Contact: Assemblywoman Catherine Nolan
Attention: Geri Riley
Counsel for Labor Committee
New York State Assembly
Office of Program and Counsel
(518) 455-4311

Deborah King
New York Union Child Care Coalition
AFL-CIO
(212) 494-0524

VERMONT

A bipartisan bill was introduced in the 2000 legislative session to authorize unemployment benefits for employees who take leave to care for newborn or newly adopted children, and to grant a 4.3% unemployment tax cut to employers. The estimated cost of providing income to workers on parental leave is less than 15 cents per week per employee.

Contact: State Senator Jan Backus
(802) 655-7455

State Senate President Peter Shumlin
(802) 828-2228

State Senator Cheryl Rivers
(802) 828-2228

Michael Sirotkin and Adam Necrason
Vermont AFL-CIO
(802) 223-9988

-more-

WASHINGTON

In February 2000, the Washington State Senate Committee on Labor and Workforce Development passed a bill providing 5 weeks of unemployment benefits for employees taking leave to care for newborn or newly adopted children. Similar legislation is also pending in the Washington House of Representatives. Washington law already allows employees to use accrued sick leave to care for sick children.

Contact: John Burbank
Economic Opportunity Institute
(206) 633-6580

State Senator Lisa Brown
(360) 786-7604

Jeff Johnson
Research Director, Washington State
Labor Council, AFL-CIO
(360) 943-0608

State Representative Mary Lou Dickerson
(360) 786-7860

*For more information about the **Campaign for Family Leave Income**, including a list of Advisory Committee members, a round-up of state proposals, and the latest news and research, please see our web site (www.nationalpartnership.org) or contact the National Partnership for Women & Families at 1875 Connecticut Avenue, NW, Suite 710, Washington, D.C. 20009, (202) 986-2600, info@nationalpartnership.org.*

2/10/00

F:\USERS\COMMON\W&F\LEAVE\INS\CLEAR\G\ROUNDUP.FIN

WHITE HOUSE STAFFING MEMORANDUM

Date: 6/8/00 ACTION / CONCURRENCE / COMMENT DUE BY: ASAPSubject: Radio Address on Paid Leave

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	LOCKHART	☐	☒
PODESTA	☒	☐	MARSHALL	☐	☐
ECHAVESTE	☒	☐	MOORE	☐	☐
RICCHETTI	☒	☐	NASH	☐	☐
LEW	☐	☐	NOLAN	☐	☐
BAILY	☐	☐	REED	☒	☐
BERGER	☐	☐	SPERLING	☒	☐
BLUMENTHAL	☐	☐	STRETT	☐	☐
BRAIN	☐	☐	TRAMONTANO	☒	☐
BURSON	☐	☐	UCELLI	☒	☐
CAHILL	☐	☐	VERVEER	☐	☐
EDMONDS	☐	☐	<u>C. Jennings</u>	☒	☐
FRAMPTON	☐	☐	<u>Ann O'Leary</u> →	☒	☐
IBARRA	☐	☐		☐	☐
JOHNSON, B.	☐	☐		☐	☐
JOHNSON, J.	☒	☐		☐	☐
LANE	☐	☐		☐	☐

REMARKS:

Comments to Gottheimer x62554

RESPONSE:

Draft 06/08/00 7:30pm
Josh Gottheimer

**PRESIDENT WILLIAM J. CLINTON
RADIO ADDRESS ON PAID LEAVE
THE WHITE HOUSE
June 9, 2000**

Good morning. As we enter the new century, Americans are finding it harder and harder to balance the demands of work and family. People are working more jobs and longer hours than ever before – forcing many of them to make the unacceptable choice between being good workers, and being good parents or caregivers. Today I want to speak with you about important new steps we are taking to give working Americans the time off they need to care for their families -- without losing the income they need to support them.

According to a recent federal study, parents in the average family now have 22 fewer hours per week to spend at home than they did just a generation ago. And the percentage of married mothers working outside the home has nearly doubled – from 38 percent to 68 percent over the last three decades. Many of them are working weekends or on the night shift – times they have traditionally spent at home caring for their families. In our fast-paced, ‘round-the-clock economy, there just don’t seem to be enough hours in the day for working Americans to do everything they need to.

For more than seven years now, our Administration has taken action to give families the flexibility they need to balance the demands of work and home. We’ve helped make child care better, safer, and more affordable for millions of families. We’ve greatly expanded pre-school and after-school programs. We’ve fought to give generous tax credits to help the growing number of families who provide care for aging and ailing loved ones at home.

I am especially proud that the first bill I signed as President was the Family and Medical Leave Act. Since 1993, more than 20 million Americans have used it to take up to 12 weeks of unpaid leave to care for a newborn or a sick relative without fear of losing their jobs. But there are still too many families that aren’t taking advantage of the law – because they simply can’t afford to take the time off if it means sacrificing their paycheck.

Today I am announcing two new steps that will allow working Americans to take the time off they need to care for their families, without giving up the pay they need to support them. First, we all know that record numbers of Americans are providing for aging or ailing loved ones at home. It’s a loving choice, but potentially a very expensive one. That’s why, beginning later this month, all federal employees will be able to take up to 12 weeks paid sick leave, that they have earned, to nurse an ailing child or parent back to health. If every company in America followed this example, half of all American workers would have this important benefit for their families.

Second, I am pleased to announce that, effective today, states will have the option to use funds from their unemployment insurance programs to provide paid leave to new parents

following the birth or adoption of a child. While this initiative is totally voluntary, there are already 15 states considering legislation that will allow them to provide paid leave through unemployment insurance or other means. In fact, Massachusetts may vote on such a bill in the next few weeks. In this strong economy, I hope that more states will take advantage of this new option. And I believe that those that do, can provide this new benefit, while still preserving the fiscal soundness of their unemployment insurance programs. The first few months with a newborn are precious ones. No parent should have to miss them.

There are additional steps that I believe we should take right away to help more parents balance work and family. Again, I call on Congress to extend the benefits of Family and Medical Leave to employees of smaller companies – so that we can reach another 12 million American families. And I urge Congress to pass the \$3,000 long-term-care tax credit to meet the growing needs of the elderly and their families.

At the dawn of the last century, Teddy Roosevelt said, "The greatest prizes of life ... are those connected to the home." Today, more than a century later, our families are still our most valued treasures. That's why I believe no American should ever have to choose between the job they need and the parent or child they love. The actions we are taking today go a long way toward ensuring that they will never have to.

Thanks for listening.

file: VI-BAA
just leave**IMMEDIATE OFFICE OF THE SOLICITOR****FAX TRANSMITTAL SHEET**

Fax# 456-2878

TO: Ann O'LearyFROM: Sally PachtDATE: June 2PAGE NUMBER ONE OF 11 PAGES**COMMENTS:**Here's the latest. Call if questions.Sally**IF YOU HAVE ANY QUESTIONS REGARDING THIS
FAX, PLEASE CALL: (202) 693-5260.**

800-HUDSON-0, or contact Walker Information at 800-334-3939 or access the Web site, www.walkerinfo.com/employee.

Family Leave

House Republican Asks Justice to Probe DOL Plan to Use UI Funds for Parental Leave

Rep. David McIntosh (R-Ind.) May 31 asked the Justice Department to assess the propriety of the Labor Department's pending proposal to allow the use of state unemployment insurance system funds to provide partial wage replacement to new parents on unpaid leave.

McIntosh, chairman of the House Government Reform Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, also is seeking a legal opinion from DOJ regarding the Labor Department's alleged use of outside contractors for "inherently governmental functions in the rulemaking process," specifically work on the Occupational Safety and Health Administration's ergonomics proposal. McIntosh said in his request to DOJ that he has obtained from the Labor Department a listing of 70 contracts awarded from 1996 to 2000 for the ergonomics rulemaking; 41 of them noncompetitive and 28 of them directed to individuals testifying at DOL hearings on the rulemaking.

Both the ergonomics standard and the proposal to allow states to voluntarily provide birth and adoption unemployment compensation (BAA-UC) are "defective," McIntosh maintained. He argued that the proposal to use unemployment insurance to provide paid leave for new parents seems to be "backdoor legislating," and requested a legal opinion on how the plan for a "major revision" of the unemployment compensation system can be defended "against a claim of usurpation of legislative authority, which is solely granted to Congress under Article I of the Constitution."

McIntosh reiterated this concern in a separate May 31 letter to Labor Secretary Alexis M. Herman. Citing a review of internal documents related to the proposal by McIntosh's staff, the letter referred to a recommendation that legislation would be the best vehicle for using unemployment compensation to provide paid family leave because a regulatory fix would not survive a legal challenge.

"Congress did not delegate its legislative authority to DOL to make such a major revision of this program through rulemaking," McIntosh said. He compared the situation to that in *FDA v. Brown & Williamson* (U.S., No. 98-1152, 3/21/00), in which the Supreme Court held that "an administrative agency's power to regulate in the public interest must always be grounded in a valid grant of authority from Congress." The high court's ruling struck down the Food and Drug Administration's attempt to regulate tobacco on grounds that it was clear that Congress intended to exclude tobacco products from the agency's jurisdiction.

The BAA-UC proposal is under review at the Office of Management and Budget and is expected to be issued in final form shortly. OSHA is aiming to publish its final ergonomics standard by the end of the year.

Pensions

Majority of 401(k) Plan Participants Cash Out Account When Changing Jobs

More than half of tax code Section 401(k) plan participants who changed jobs in 1999 cashed out their Section 401(k) balance in lieu of rolling it into another tax-deferred cash arrangement, according to a new analysis by Hewitt Associates.

Hewitt's analysis of 170,000 defined contribution plan distributions to participants aged 20-59 showed that 68 percent of plan participants opted for lump-sum cash payments when switching jobs; 26 percent of plan participants rolled their balances into individual retirement accounts; and 6 percent of plan participants moved their money into their new employer's plans.

"It's troubling to see that many [Section] 401(k) plan participants are making costly mistakes. Whether it's using the money to buy a new car, take a vacation or pay off credit cards, [Section] 401(k) participants are losing out in the long run," Hewitt consultant Mike McCarthy said in a May 30 statement.

Even though baby boomers and veterans are least likely to take cash payments, a significant number of them still are doing so, according to the analysis by the Lincolnshire, Ill.-based Hewitt.

Sixty percent of individuals age 40-58 surveyed by Hewitt took lump-sum distributions when changing jobs, compared to 66 percent of individuals aged 30-39 and 78 percent of individuals aged 20-29.

Similar to other industry studies, Hewitt found that the smaller the account balance, the more likely it is that the participant, regardless of age, will opt for the cash payment. Eight percent of baby boomers over age 50 take cash payments for balances less than \$3,500 and 84 percent of boomers aged 40-49 do so. Similarly, 85 percent of Generation Xers aged 30-39 and 88 percent of Generation Xers aged 20-29 cash out instead of building their retirement funds.

Although the prevalence of lump-sum distributions tapers off as account balances enlarge, the Hewitt analysis said that a substantial withdrawal percentage for balances up to \$25,000, even for participants aged 30 and above.

"What participants don't realize is that they are cheating themselves because even small balances in a qualified plan or IRA could grow substantially over time. Whether the participant is nearing retirement age or if they are just starting out in their career, investing the money in a qualified plan or IRA is a sensible decision for any balance account," McCarthy said.

The full survey is not publicly available. A summary of results is available at <http://www.hewitt.com>.

Health Care Employees

Unfair Practices Charges Filed; Duke Nurses Union Vote Delayed

RALEIGH, N.C.—A union representation election at Duke University Hospital in Durham, N.C., scheduled for June 2-3, has been delayed by the filing of unfair labor practice charges by the International Union

05/31/00 12:48

002/003

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Congress of the United States

House of Representatives

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BERNARD SANDERS, VERMONT,
INDEPENDENT

May 31, 2000

BY FACSIMILE

Randolph Moss, Esq.
 Acting Assistant Attorney General
 for Office of Legal Counsel
 Department of Justice
 10th Street and Constitution Avenue, N.W.
 Washington, D.C. 20530

David W. Ogden, Esq.
 Acting Assistant Attorney General
 Civil Division
 Department of Justice
 10th Street and Constitution Avenue, N.W.
 Washington, D.C. 20530

Dear Messrs. Moss and Ogden:

I am writing to bring to your attention two Department of Labor (DOL) pending final rulemakings which, I believe, are defective.

First, DOL's regulatory proposal to use unemployment compensation for paid family leave seems to me to be backdoor legislating. As a consequence, on May 18, 2000 and May 31st, I wrote Office of Management and Budget Director Jack Lew and DOL Secretary Alexis Herman, respectively, to object to DOL's pending final rule, entitled "Birth and Adoption Unemployment Compensation" (popularly known as "Baby UI"). Copies of my letters are enclosed. In light of the Supreme Court's decision in *Food and Drug Administration v. Brown & Williamson Tobacco Corp.* (120 S.Ct. 1291), and pursuant to the Constitution and Rules X and XI of the United States House of Representatives, I request that the Department of Justice (DOJ) provide a legal opinion of its ability to defend the Administration's proposed major revision of unemployment compensation against a claim of usurpation of legislative authority, which is solely granted to Congress under Article I of the Constitution.

Second, the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, which I chair, is investigating possible augmentation of DOL full-time equivalents by use of contractors and improper use of contractors for inherently governmental functions in the rulemaking process. As part of this investigation, on May 10, 2000, I wrote Secretary Herman for information about its contract awards for its ergonomics rulemaking. On May 10th, I also wrote one of DOL's contractors for its ergonomics rulemaking. Copies of my letters are enclosed. On May 26th, DOL provided a listing of 70 contracts awarded from 1996 to 2000 for this rulemaking, including 41 non-competitive awards and 28 awards for individuals to

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testify at DOL's rulemaking hearings. Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, I request that DOJ provide a legal opinion of the propriety of DOL's use of contractors for what may be inherently governmental functions related to this rulemaking, DOL's use of paid witnesses in its rulemaking hearings, and DOL's use of noncompetitive contracting for noncommercial functions related to its rulemakings.

Please provide both legal analyses before finalization of these rules. If you have any questions about this letter, please contact Professional Staff Member Barbara Kahlow at 226-3058 or Subcommittee Counsel Bill Waller on 226-2067.

Sincerely,



David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

Enclosures

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

S2002

Office of Congressional & Intergovernmental
AffairsUS DEPARTMENT OF LABOR
Transmittal and Routing Slip

Date: May 31, 2000

To: Ed Montgomery; Sally Paxton; Geri Palast; Teri Bergman;
Bill Kamela; Gerry Hildebrand; Cheryl Atkinson

Subject: Letter from Chairman McIntosh

☐	Action	☐	Investigate
☐	Approval	☐	Justify
☐	As requested	☐	Note and Return
☐	Circulate	☐	Per Our Conversation
☐	Comment	☐	Prepare Reply
☐	File	☐	See Me
☐	For Clearance	☐	Signature
☐	For Correction	☐	Coordination
☐	For Your Information	☐	

Message:

From: Steve Heyman

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BERNARD SANDERS, VERMONT
INDEPENDENT

May 31, 2000

BY FACSIMILE

The Honorable Alexis M. Herman
Secretary
Department of Labor
200 Constitution Avenue, N.W. - Room S2018
Washington, D.C. 20210

Dear Madam Secretary:

This letter continues our investigation of the Federal agencies' use of non-codified documents (such as guidance, guidelines, manuals, and handbooks) as opposed to codified regulations or legislation. Early this year, the Department of Labor (DOL) admitted that all of its Occupational Safety and Health Administration non-codified documents issued since March 1996 do not have general applicability and future effect and are not legally binding. I understand that DOL will be admitting that they also do not have any legal effect. On February 15, 2000, DOL's Solicitor testified that DOL's non-codified documents were not being used as backdoor rulemaking. Now, our investigation is turning to the Federal agencies' use of codified regulations instead of legislation for significant policy changes without a specific delegation by Congress, i.e., backdoor legislating.

First, DOL's regulatory proposal to use unemployment compensation for paid family leave seems to me to be backdoor legislating. As a consequence, I object to DOL's pending final rule, entitled "Birth and Adoption Unemployment Compensation" (popularly known as "Baby UI"). I have concerns not only about the statutory basis for this rulemaking but also about DOL's compliance with certain provisions governing codified regulations, including Executive Order (E.O.) 12866, the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Regulatory Flexibility Act (RFA), the Unfunded Mandates Reform Act (UMRA), and the Paperwork Reduction Act (PRA). To be fair to DOL and to understand the basis for its approach, I asked to review all of its internal legal analyses relating to its decision to propose a regulatory change instead of initiating a legislative proposal ("DOL's 48 internal documents"). I also wanted to see how DOL analyzed its legal obligations under E.O. 12866 and the aforementioned laws governing rulemaking.

After reviewing DOL's proposed rule, the public comments received before publication, during the 60-day public comment period, and after the close of the comment period, and DOL's 48 internal documents, I challenge DOL's decision to pursue a regulatory change instead of initiating a legislative proposal. Section 604.10 in DOL's proposed rule states, "Under [DOL's] authority to interpret Federal unemployment compensation law, the DOL interprets the Federal able and available requirements to include experimental Birth and Adoption unemployment compensation" (64 FR 67977). However, DOL's preamble admits that "no explicit able and available requirements are stated in Federal law" (64 FR 67972). Interestingly, there are also no able and available requirements in DOL's codified rules governing its unemployment compensation program.

Instead, Federal law authorizes DOL to "make and publish such rules and regulations, not inconsistent with this chapter, as may be necessary to the efficient administration of the functions with which [DOL] is charged under this chapter" (42 USC §1302(a)). Federal law requires DOL to approve any State law which provides that "all money withdrawn from the unemployment fund of the State shall be used solely in the payment of unemployment compensation" (26 USC §3304(a)(4), *emphasis added*). Federal law defines "compensation" to mean "cash benefits payable to individuals with respect to their unemployment" (26 USC §3306(h)). I note that Federal law does not define "unemployment," presumably since its meaning is commonly understood.

In a March 1999 memorandum, DOL's Solicitor's Office asserted that the design of the unemployment compensation system is rooted in the common understanding of the word "unemployment" and that DOL has consistently held that unemployment must be involuntary and due to an inability to find suitable work. A 1945 Social Security Board non-codified guidance document provided by DOL stated, "The Board has held consistently on the basis of the legislative history of the Federal Acts, that the word 'unemployment' as used in the Social Security Act and the Federal Unemployment Tax Act refers only to unemployment due to lack of work." A November 1998 DOL internal document points to the DOL Bureau of Labor Statistics' definition of "unemployed" as referring to someone available to the labor market. In contrast, Baby UI is for persons who are not employed due to lack of work but voluntary choice and persons who are not available to the labor market. Also, DOL admits in Appendix B to its proposed rule that Baby UI "will require some legislation on the part of every State seeking to adopt this program" (64 FR 67977).

Of especial importance is DOL's own rejection of a 1997 proposal by Vermont to use unemployment compensation for paid family leave. On July 17, 1997, DOL wrote Senator Patrick Leahy that, "We have consistently interpreted these provisions as requiring that State UI [unemployment insurance] laws contain tests to assure that UI is paid only to workers who lose their positions when employment slackens and who ... cannot find other work ... That this was the intent behind these provisions is clearly demonstrated by the history of the 1935 legislation creating the Federal-State UI program ... stated that, to serve its purposes, UI 'must be paid only to workers involuntarily unemployed' (*emphases added*).

re-interpreted

A DOL internal document admitted that, after the decision was made to use unemployment compensation for paid family leave, DOL challenged its employees to think outside the box and see what flexibility actually existed in Federal law. Unfortunately, several DOL internal documents, including a March 1998 memorandum, conclude that Federal law needs to be amended to use unemployment compensation for paid family leave. In a March 1999 memorandum, DOL's Solicitor's office presented the pros and cons of a Legislative Fix as opposed to a Regulatory Fix, recommending that carefully drafted legislation is the best vehicle because a regulatory fix would likely not survive a court challenge given the legislative history, the legislative framework of the unemployment compensation program, and the Federal Government's longstanding interpretation. The memorandum concluded that the court is likely to invalidate such a DOL regulation as an arbitrary agency action. Another DOL internal document mentioned possible challenges to the rule on equal protection and/or Administrative Procedure Act (APA) grounds.

As a consequence, I contend that, even for an experiment, such a major substantive revision of the unemployment compensation program requires a change in Federal law. Congress did not delegate its legislative authority to DOL to make such a major revision of this program through rulemaking. The Supreme Court recently struck down a similar attempt by an executive agency, holding that the Food and Drug Administration could not regulate tobacco products without a specific authorization from Congress. The Supreme Court found that "an administrative agency's power to regulate in the public interest must always be grounded in a valid grant of authority from Congress" (*Food and Drug Administration v. Brown & Williamson Tobacco Corp.*, 120 S.Ct. 1291, p. 1315). I believe that DOL's proposed major revision of unemployment compensation is a usurpation of legislative authority solely granted to Congress under Article I of the Constitution and, therefore, is illegal.

Second, E.O. 12866 requires agencies to provide an assessment of the potential costs and benefits of the regulatory action for all "significant" regulatory actions, i.e., including DOL's Baby UI regulatory action. For those regulatory actions which "may" have an annual effect on the economy of \$100 million or more, the Order requires agencies to provide more detailed cost-benefit analysis (also known as a regulatory impact analysis (RIA)), including an identification and assessment of "reasonably feasible alternatives to the planned regulation" (Sec. 3(f)(1) & Sec. 6(a)(3)(C)). Section 804 of SBREFA defines a major rule as one which is likely to result in an annual effect on the economy of \$100 million or more.

I question the underlying logic behind DOL's proposed rule cost estimate, which ranges from zero to \$68 million, because DOL's flawed methodology assumed that only four States would volunteer for Baby UI. DOL's preamble admits that the \$68 million estimate "is based on the expressed interest of a small number of States" (64 FR 67975). Many public commenters challenged DOL's underestimate of the costs and instead estimated costs up to \$36 billion (e.g., see 2/2/00 U.S. Chamber of Commerce, pp. 2 & 8). If more States volunteered, the cost clearly "may" exceed the \$100 million threshold for an RIA. In fact, March 9, 2000 testimony before the House Ways and Means Subcommittee on Human Resources revealed that eight States are

considering Baby UI. A March 2000 DOL decision memorandum admitted that DOL's authority and cost considerations are, indeed, the most sensitive issues in the 3,800 Congressional and public comments. However, this same memorandum did not reveal to you the methodologies behind the many estimates in the billions of dollars and the reasons for DOL staff's rejection of these methodologies. Instead, the memorandum revealed DOL staff's revised upper costs estimate as \$91 million instead of \$68 million.

Commenters also expressed concern about noncompliance with the RFA and the SBREFA (e.g., see 2/2/00 U.S. Senate Committee on Small Business, pp. 1 & 3). Chairman Kit Bond stated,

The Department has misconstrued its obligation under the Regulatory Flexibility Act (RFA) and the Small Business Regulatory Enforcement Fairness Act (SBREFA) and consequently has wrongly decided not to determine the consequences of this rulemaking on small businesses. ... this rule has a potentially very serious impact on virtually all small businesses which should have triggered a regulatory flexibility analysis as required by the RFA ... any employer that is subject to the federal unemployment tax will be covered and would be obligated to provide this leave if the state in which the employer operates implemented this provision (p. 3).

I share this concern, especially about the absence of a full analysis in DOL's proposed rule and DOL's 48 internal documents of the substantial effects on small businesses.

Congress specifically exempted small businesses from the Family and Medical Leave Act's (FMLA's) unpaid leave provisions. In fact, in recognition of the effect on employers, FMLA included other eligibility factors as well. The Associated Builders and Contractors, Inc. comment letter stated,

this aspect of the proposal is inconsistent with Federal FLMA law as written and passed by Congress. Congress extensively debated and ultimately required a whole host of eligibility factors for family leave provided under the Family and Medical Leave Act. For example, Congress decided to limit employee eligibility to those with twelve months of service and to those who worked at least 1250 hours within the twelve months preceding the leave. Congress also chose not to cover businesses with fewer than 50 employees. Additionally, Congress provided a key employee exemption that allows companies to exclude certain highly compensated and key individuals from the unpaid mandate. In contrast, the BAA-UC [Baby UI rule] provides leave payments to all covered individuals, regardless of income (2/2/00, p. 5).

LPA, Inc. commented, "Although Congress found that *unpaid* family leave was too burdensome to impose upon small business and therefore exempted them from the obligations imposed by the FMLA, see 29 U.S.C. § 2612(c), no similar exception can be carved out of the unemployment compensation system because, as the NPRM recognizes, any eligibility test for unemployment

compensation must relate directly to the fact or cause of the individual's unemployment" (2/2/00, p. 12).

The Republican Governors Association objected to the proposal on several grounds, commenting,

The Department of Labor's proposed regulations also create another layer of administrative burden on states and employers, which could further harm the solvency of the UI system. This action creates more opportunities for fraud and abuse, again placing the solvency of the fund at risk. This effort is a backdoor, unfunded approach that would be harmful to state government treasuries as well as the UI Trust Fund. It could also threaten the continued growth and prosperity of small businesses. If the federal government wants to pursue this as national policy, then the issue should be taken before the U.S. Congress, and funded accordingly (emphasis added) (12/2/99, p. 1).

The Employment Policy Foundation's comment letter analyzed the effect of Baby UI on recommended State solvency levels and projected State tax rate increases that would be needed to stem the trust fund depletion. For example, under four scenarios (with 12 or 26 weeks of paid leave and under two different take-up assumptions), New York would require a 32% to 129% tax rate increase (1/26/00, p. 10).

Interestingly, DOL's 48 internal documents gave short shrift to compliance with the UMRA. In fact, there appeared to be only one dismissive reference to the impact on States, referring to the fact that DOL's experimental approach calls for voluntary participation by a State. Nonetheless, as noted above, there are various costs and cost considerations for States under this significant rule. As a consequence, pursuant to the Constitution and Rules X and XI of the United States House of Representatives, I request that DOL prepare a final RIA, including costs and cost considerations for States, and a final regulatory flexibility analysis, including costs for small businesses, before DOL issues a Baby UI final rule.

Third, I was surprised that DOL's preamble for the proposed experiment admits that "The Federal evaluation methodology has not yet been completed" (64 FR 67974). In fact, a DOL internal document indicated that DOL felt that it seemed counterproductive to spend considerable time developing a methodology that would delay implementation of the experiment. However, an evaluation is critical for any experiment, especially this one since DOL's preamble states that the evaluation "may also serve as a basis for further expanding coverage to assist a broader group of employees to better balance work and family needs" (64 FR 67974). What will be the effects of the experiment on State taxes, State unemployment benefit levels, solvency of State unemployment funds, etc.? By what outcome performance measures will the success or failure of this experiment be judged?

As a consequence, pursuant to the Constitution and Rules X and XI of the United States House of Representatives, I request that DOL complete its proposed evaluation methodology,

including the specifics of any necessary reporting and recordkeeping, and submit its proposed paperwork burden for public comment under the PRA before DOL issues a Baby UI final rule. I also request that DOL delay the final rule's effective date until DOL has analyzed the public comments and finalized the reporting and recordkeeping requirements essential to the evaluation of the experiment.

If you have any questions about this letter, please contact Professional Staff Member Barbara Kahlow at 226-3058.

Sincerely,



David M. McIntosh

Chairman

Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

3 to

He is - BAA
proud work

Raiding the Unemployment Funds

The Clinton Administration has often accused the GOP Congress of "raiding" Social Security trust funds, even though the funds don't exist. But the 50 state unemployment trust funds are both real and in danger of being raided so they can pay mothers and fathers who leave their jobs to care for a new or adopted child. The Labor Department's own lawyers warned the White House that any such policy would require Congressional action. But they were ignored, and regulations are now being finalized to authorize states to raid their unemployment funds.

You'll recall that when Congress debated the Family and Medical Leave Act in 1993, assurances were made to secure passage that any leave would be unpaid and small businesses exempted. But once the regulatory foot was in the door, President Clinton began moving to use unemployment funds as off-budget financing to pay for such leave. This is textbook Clintonian politics.

Labor Department lawyers flashed warning lights. In 1997, Labor assured Congress that "to serve its purposes, Unemployment Insurance must be paid only to workers involuntarily unemployed." A March 1999 memo from the Solicitor's office at Labor noted legislation would be required for UI to cover family leave. The memo concluded that the courts would likely strike down a mere regulation. Ignoring its own lawyers, Labor last December proposed regulations creating paid family leave. Small businesses aren't exempted.

If even a majority of states followed Labor's regs it could jeopardize the system's solvency. Even in today's hot economy, 20 states are already below recommended solvency levels in their UI funds. Any economic downturn would imperil the funds of many more states.

To make up the drain on their funds, states would no doubt raise employers' payroll taxes, which likely would lead to lower wages and fewer jobs. A Society for Research Manage-

ment study, with different usage scenarios, estimated that New York would require a 32% to 129% tax rate increase to compensate its fund. The truly unemployed would subsidize those higher up the income charts who want time off from their jobs, albeit for understandable reasons.

Rep. David McIntosh, who chairs a Government Oversight subcommittee, says Labor's regs are just the latest questionable use of this President's executive power. Just last week, Washington used the Antiquities Act to declare once again that huge chunks of Western states are now national monuments, forever closed to development. Alaskan officials expect President Clinton to shut the vast Arctic National Wildlife Refuge to oil exploration before leaving office.

Sometimes his unilateral actions have inflamed even fellow Democrats. In 1998, he revoked a Reagan executive order limiting federal power. Seven organizations, including the U.S. Conference of Mayors, protested that "no state and local government official was consulted in the drafting" of a new Clinton order. Then Philadelphia Mayor Ed Rendell, now chair of the Democratic National Committee, complained that the new order made "serious changes" to "the pre-emption of state and local authority and expanded the list of instances where federal action is justified." Mr. Clinton finally suspended his order indefinitely.

But that was a rare retreat in a constant encroachment on the powers of both Congress and local governments. The courts have worked overtime in striking down the most blatant: the Supreme Court recently declared the FDA's attempt to regulate tobacco without Congressional authorization unconstitutional.

Those who say the coming election isn't about big issues haven't talked to state and local officials who, whatever their party, worry about the expansion of federal power. They hope that regardless of who becomes President, he'll show more sensitivity to the U.S. system of divided authority.

Moving Microsoft

Our trade competitors have scratched their heads as the Justice Department tries to smash Microsoft, one of the world's most dynamic companies. Late Friday a rumor erupted that the province of British Columbia, Canada, was offering Microsoft incentives and a safe harbor if they would move 120 miles to the other side of the international border. Gordon Wilson, a British Columbia investment official, said Microsoft would be "a welcome asset" and its move north could frustrate the Justice Department offensive against it. Microsoft denied it all the next day. Still, what a wonderful fright for the Clinton Justice department—the very notion that Canada would offer itself as more capitalist-friendly than the United States. Why not? Attorney General Reno, during a Q&A on the Microsoft case at her weekly news confer-

ence last week, remarked that, "America was not made the industrial giant of the world by the robber barons alone." Egad. A Justice spokesman later ran out onstage to assure the world that Ms. Reno wasn't commenting on a specific case, but it is in such wonderful moments that this Administration's 1960s political instincts emerge. Recall the early effort that went into getting White House aides to stop bad-mouthing military officers. The conventional wisdom nowadays is that Bill Gates is in trouble mainly because he didn't pay proper fealty and obeisance to the regulatory mandarins in Washington. Canada's amazing entreaty to Microsoft is a kind of early warning signal: Any country that places this much value on schmoozing bureaucrats to stay in business is a country on the verge of competitive complacency.

Old Regulations Stifle the New Economy

The Federal Communications Commission last week announced its acceptance of an industry-brokered proposal to restructure the prices of local and long-distance phone service. The basic rate for a residential line and a dial tone will go up by \$3; rates for long-distance calls will drop commensurately, through lower per-minute rates, the elimination of monthly fees, and reductions in a tangle of other FCC charges.

This is a major reform, and long overdue. The FCC's then-Chairman Mark

consumers. Cable operators were required to underprice what regulators defined as "basic" service, and to make money instead on the "premium" side of the ledger.

The regulatory gimmicks have ossified, even as the Internet has grown up around them. When Internet start-ups first arrived on the scene, they sensibly signed up for the fairy-tale deals. The FCC took a quick look and agreed that Internet access providers should be treated as "local customers"—which they obviously aren't—rather than as "long-distance carriers," which they obviously are. So today, tens of millions of residential Internet users dial up, log on and stay connected for hours under pricing schemes that don't reflect actual costs.

Keeping things just that way has become a matter of great principle among the digerati, the same crowd that is determined to save Internet civilization from the shackles of patents and copyrights. Every move toward securing private property or implementing pay-as-you-go service in cyberspace is denounced as a regulation or tax. Just call it "Internet" these days, and people who ought to know better rush to declare it forever free.

The industry itself has been sucked deep into the racket. Cable operators won the right to pirate local air broadcasts; television being "free" by regulatory fiat, they were also entitled to help themselves. Broadcasters, in turn, got "must carry" obligations imposed on cable, thus winning the right to occupy premium quarters on the pirate's own ship. Satellite operators won the right to pirate cable's content, persuading Congress that if they couldn't pirate the pirates, they couldn't possibly compete against them. Last year the satellite operators won the additional right to pirate local broadcast signals. Washington's logic for all of this is perfectly captured by a sign that hangs outside a saloon in Anchorage, Alaska: "We cheat the other guys, and pass the savings on to you."

Even as it finally permits long-distance and local phone companies to rationalize their tariffs, the FCC is busily writing a new volume of fairy-tale economics. This one is directed at what competing local carriers pay each other. The commission has defined an exhaustive catalog of "unbundled network elements" that incumbents are required to sell to competitors at prices far below what it cost to build them. (An appellate court is expected to rule any day now on the legality of that one.) Incumbent carriers are also required to pay "reciprocal compensation" to competitors when traffic flows from old carrier to new. So paging companies and Internet access providers gleefully run services that always receive traffic but never officially send any back. They can boost their revenues simply by placing lengthy phone calls to themselves or inducing their customers to do the same.

The one bright spot is in wireless markets. Here, federal authorities have completely deregulated prices and service, and have barred state regulators from re-regulating them. In 1996 Congress even freed local Bell companies to bundle local and long-distance wireless service. Meanwhile, the FCC had allowed wireless carriers to bundle carriage and content, voice, paging, e-mail, Internet access—whatever they like. When wireless bandwidth gets

high enough, they'll be free to transmit "Wrestlemania" to your video wristwatch, if they so choose.

In this happy environment, the wireless industry is rapidly developing new, economically viable business models to replace the old. Here, AT&T folds its long-distance service into the price of a distance-insensitive monthly package of wireless minutes. This is exactly how the economic value of networks should be protected—by

continuously expanding the scope of service and (implicitly) loading the fees on to the least elastic components of the bundle. Content providers are now teaming up with wireless companies in the same way, and for the same reason. This approach to protecting the economic value of content, however, is feasible only when regulators let markets assemble their own bundles and price their own services.

Most of the industry remains wired, and on that side of the divide the obsolete regulatory models of unbundling and fairy-tale pricing endure. The authorities thus keep the wired telecom economically safe for none but the Gnutellas. To get network services and content back in the economic bottle there has to be a bottle, not just shards of price-regulated glass.

Mr. Huber is author of "Law and Disorder in Cyberspace" (Oxford University Press, 1997). He has consulted for several regional Bell companies.

Manager's Journal

By Peter Huber

Fowler tried to implement a similar plan in 1987; Congress and consumer groups denounced him as a Reaganite enemy of the people. Yet what he was attempting to change was a scheme that since the 1960s has perpetuated a populist illusion that local phone service costs less than it really does. It was "fairy tale economics," says John Nakahata, a former FCC official who helped design the latest plan.

There's a great deal more regulatory mischief yet to be undone. From Hollywood on down, the high-speed Internet is dismantling the old economic infrastructure of the communications industry. But the current regulatory environment won't allow the market to build up a new one in its place. As a result, the technological triumph of the Internet is rapidly turning into an economic disaster for industries in the communications business itself.

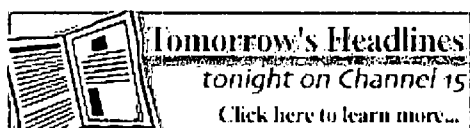
Long-distance carriers face the complete collapse of 10-cent-a-minute (domestic) and 50-cent-a-minute (international) calls; they're headed for no-cents-a-minute. Local phone companies face the equally rapid erosion of the remaining "access charges" they are required to collect from long-distance carriers rather than from end users. Napster and Gnutella, meanwhile, let millions of small-time pirates coordinate their copyright crimes. We each transfer a file or two—a song or a movie—to our computers; Gnutella then pools our efforts by way of our high-speed connections to the Web. Cable operators will soon be competing against a torrent of such "streaming video" content. So much for premium or pay-per-view channels.

Competition being what it is, the industry supplies the rope to hang itself. Gnutella was originally released through America Online's massive servers; the program's biggest victim will be AOL's own betrothed, Time Warner, the biggest owner of electronic copyrights. Cable operators are terrified of streaming video, yet much of it will be delivered over cable's own high-speed Internet access services. Long-distance carriers like AT&T are rushing into "Internet telephony" because it will let them bypass the access charges they pay local carriers; but Internet telephony will eventually wipe out the long-distance carriers' own toll revenues.

The industry can't adapt, because regulators won't let it. The old regulatory models, still largely in place, work to fragment the industry and to bury charges where consumers are least likely to notice. Below-cost local phone service was the result of foisting costs onto long-distance tariffs. The miracle of "free" television was achieved by forcing Hollywood to sell its wares to Madison Avenue rather than to



file: paid leave



RUTLAND HERALD

Wednesday, May 10, 2000

online edition

RUTLAND, VERMONT, U.S.A.



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SPONSORS

Family-leave proposal squeaks through

May 10, 2000

By FREDERICK BEVER Vermont Press Bureau

MONTPELIER - Amid accusations of political pandering, the Senate on Tuesday narrowly approved using an employer-financed trust fund to pay for up to 12 weeks of leave for new parents.

Work continued on other key bills, meanwhile, as the session hobbled toward its conclusion. The state budget for fiscal 2001, attempts to bring down the cost of prescription drugs, and new rules for big-rig trucks were all under consideration Tuesday.

But the fiercest debates of the day took place on the Senate floor, as Democrats pushed to add the paid parental leave program to a bill that would update the state's welfare rules. The controversial proposal has pitted organized labor against business interests for close to two years, and its Senate supporters had to water it down just to eke out a tie vote that was broken by Lt. Gov. Douglas Racine.

Unions say the entry of women into the modern workforce makes paid parental leave a legitimate use of the Unemployment Insurance Trust Fund, which in Vermont has grown to a healthy \$290 million. But the business community says the fund should be tapped only for its traditional purpose of protecting those who lose their jobs.

"We have tried to meet every single concern of the business community, and all the business community does is throw up new barriers," huffed Sen. Jan Backus, D-Chittenden. "I'm tired of it."



Photo of the day



Sen. Gerald Morrissey, R-Bennington, complained that Democrats were being extravagant with somebody else's money. "This is really living proof that government shouldn't be in charge of too much money, because they'll find a way to spend it," he said.



Analysts have estimated that roughly 2,000 Vermonters would ask for paid parental leave in the program's first year. As with unemployment benefits, they would receive half their previous pay, up to a maximum of \$287 a week. The average benefit would fall at \$196 a week, according to estimates.



Senate President Pro Tem Peter Shumlin, D-Windham, proposed a last-minute compromise after it became clear that key votes would be lost for a proposal that would have started the \$1.5 million program this July. Two Democratic senators were worried about the program's effects on nonprofit organizations and on the unemployment insurance fund's fiscal stability.

Shumlin's plan would kick in only if the fund was healthy enough to both reduce employer contributions by \$9 million and to finance the cost of paid parental leave - a situation expected to occur in July 2001. It would also exempt nonprofits, municipalities and school districts from participating unless they chose to.

"This is an extraordinarily cautious approach," Shumlin said in an interview. "There is absolutely no reason for anyone to claim that this jeopardizes the (unemployment insurance) fund."

But according to Senate Minority Leader John Bloomer, R-Rutland, Shumlin's proposal was so provisional as to be meaningless - except as an election-year ploy. "What I seriously see is a series of hollow promises," Bloomer said on the Senate floor. "I see nothing but symbolism."

But when Bloomer proposed instead to spend \$750,000 in state funds to finance a one-year pilot program for parental leave, the accusations flew back his way. Democrats said Bloomer knew full well that the funds were not available and that his proposal was a disguised attempt to kill the initiative.

"This is basically trying to save face," said Sen. Jeb Spaulding, D-Washington. Spaulding chairs the Senate Appropriations Committee, and he is currently struggling to negotiate with House

members to find a compromise state budget that will meet Gov. Howard B. Dean's bottom line.

"If you want to make a statement, this is one way to do it," Spaulding told Bloomer. "But if you want (paid parental leave) to happen, this is not the way to do it."

Sears was a question mark right until the end: At one point Shumlin met him outside the Senate chamber to urge him on. "We can win this one," Shumlin exhorted Sears, who eventually voted for the bill.

Labor representatives said they were satisfied with the compromise, even though it would not become effective for at least a year and even though it would not cover municipal employees.

"Given the politics around this issue, we thought it was important to juxtapose the employers' tax reduction of \$9 million against the \$1.5 million cost of the benefit for families," said Michael Sirotkin, a lobbyist who represents several unions.

The Senate version of the overall welfare bill must now go to the House for consideration. The parental leave program is expected to be equally controversial in that chamber.

More news



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To amend the Family and Medical Leave Act of 1993 to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, or grandparent if the domestic partner, parent-in-law,...
(Introduced in the House)

HR 2104 IH

106th CONGRESS

1st Session

H. R. 2104

To amend the **Family and Medical Leave Act of 1993** to permit **leave** to care for a domestic partner, parent-in-law, adult child, sibling, or grandparent if the domestic partner, parent-in-law, adult child, sibling, or grandparent has a serious health condition.

IN THE HOUSE OF REPRESENTATIVES**June 9, 1999**

Mrs. MALONEY of New York introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the **Family and Medical Leave Act of 1993** to permit **leave** to care for a domestic partner, parent-in-law, adult child, sibling, or grandparent if the domestic partner, parent-in-law, adult child, sibling, or grandparent has a serious health condition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEAVE TO CARE FOR A DOMESTIC PARTNER,

PARENT-IN-LAW, ADULT CHILD, SIBLING, OR GRANDPARENT.

(a) **LEAVE REQUIREMENT**- Section 102 of the **Family and Medical Leave Act of 1993** (29 U.S.C. 2612) is amended--

(1) in subsection (a)(1)(C), by striking 'or parent' each place it occurs and inserting 'domestic partner, parent-in-law, adult child, sibling, grandparent, or parent'; and

(2) in subsection (e)(2)(A), by striking 'or parent' and inserting 'domestic partner, parent-in-law, adult child, sibling, grandparent, or parent'.

(b) **CERTIFICATION**- Section 103 of the **Family and Medical Leave Act of 1993** (29 U.S.C. 2613(a)) is amended--

(1) in subsection (a), by striking 'or parent' and inserting 'domestic partner, parent-in-law, adult child, sibling, grandparent, or parent';

(2) in subsection (b)(4)(A), is amended by striking 'or parent' and inserting 'domestic partner, parent-in-law, adult child, sibling, grandparent, or parent'; and

(3) in subsection (b)(7), is amended by striking 'parent' and inserting 'domestic partner, parent-in-law, adult child, sibling, grandparent, parent'.

(c) **EMPLOYMENT AND BENEFITS PROTECTION**- Section 104(c)(3) of the **Family and Medical Leave Act of 1993** (29 U.S.C. 2614(c)(3)) is amended--

(1) in subparagraph (A)(i), by striking 'or parent' and inserting 'domestic partner, parent-in-law, adult child, sibling, grandparent, or parent'; and

(2) in subparagraph (C)(ii), by striking 'or parent' and inserting 'domestic partner, parent-in-law, adult child, sibling, grandparent, or parent'.

SEC. 2. FEDERAL EMPLOYEES.

(a) **LEAVE REQUIREMENT**- Section 6382 of title 5, United States Code, is amended--

(1) in subsection (a)(1)(C), by striking 'or parent' each place it occurs and inserting 'domestic partner, parent-in-law, adult child, sibling, grandparent, or parent'; and

(2) in subsection (e)(2)(A), by striking 'or parent' and inserting 'domestic partner, parent-in-law, adult child, sibling, grandparent, or parent'.

(b) **CERTIFICATION**- Section 6383 of title 5, United States Code, is amended--

(1) in subsection (a), by striking 'or parent' and inserting 'domestic partner, parent-in-law, adult child, sibling, grandparent, or parent'; and

(2) in subsection (b)(4)(A), is amended by striking 'or parent' and inserting 'domestic partner, parent-in-law, adult child, sibling, grandparent, or parent'.

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Family and Medical Leave Improvements Act of 1999 (Introduced in the House)

HR 91 IH

106th CONGRESS

1st Session

H. R. 91

To amend the **Family and Medical Leave Act of 1993** , and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

January 6, 1999

Mr. CLAY introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the **Family and Medical Leave Act of 1993** , and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE- This Act may be cited as the '**Family and Medical Leave Improvements Act of 1999**'.

(b) REFERENCE- Whenever in this Act (other than in section 4) an amendment or repeal is

expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the **Family and Medical Leave Act of 1993** .

SEC. 2. COVERAGE OF EMPLOYEES.

Paragraphs (2)(B)(ii) and (4)(A)(i) of section 101 (29 U.S.C. 2611 (2)(B)(ii) and (4)(A)(i)) are each amended by striking '50' each place it appears and inserting '25'.

SEC. 3. GENERAL REQUIREMENTS FOR LEAVE .

(a) ENTITLEMENT TO LEAVE - Section 102(a) (29 U.S.C. 2612(a)) is amended by adding at the end the following:

‘(3) ENTITLEMENT TO PARENTAL INVOLVEMENT AND ELDER-CARE LEAVE -

‘(A) IN GENERAL- Subject to section 103(f), an eligible employee shall be entitled to a total of 24 hours of **leave** during any 12-month period, in addition to **leave** available under paragraph (1), to--

‘(i) participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school;

‘(ii) accompany the son or daughter of the employee to routine **medical** or dental appointments, such as checkups or vaccinations; and

‘(iii) accompany an elderly relative of the employee to routine **medical** or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

‘(B) DEFINITIONS- As used in this paragraph:

‘(i) SCHOOL- The term ‘school’ means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education **Act** of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start **Act** (42 U.S.C. 9831 et seq.), and a child care facility licensed under State law.

‘(ii) ELDERLY RELATIVE- The term ‘elderly relative’ means an individual of at least 60 years of age who is related by

blood or marriage to the employee, including a parent.’.

(b) SCHEDULE- Section 102(b)(1) (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: ‘**Leave** under subsection (a)(3) may be taken intermittently or on a reduced **leave** schedule.’.

(c) SUBSTITUTION OF PAID LEAVE - Section 102(d)(2)(A) (29 U.S.C. 2612(d)(2)(A)) is amended by inserting before the period the following: ‘, or for **leave** provided under subsection

(a)(3) for any part of the 24-hour period of such **leave** under such subsection’.

(d) NOTICE- Section 102(e) (29 U.S.C. 2612(e)) is amended by adding at the end the following:

‘(3) NOTICE FOR PARENTAL INVOLVEMENT AND ELDERCARE**LEAVE** - If the necessity for **leave** under subsection (a)(3) is foreseeable, the employee shall provide the employer with not less than 7 days notice before the date the **leave** is to begin. If the necessity for **leave** is not foreseeable, the employee shall provide such notice as is practicable.’.

(e) CERTIFICATION- Section 103 (29 U.S.C. 2613) is amended by adding at the end the following:

‘(f) CERTIFICATION FOR PARENTAL INVOLVEMENT AND ELDER-CARE**LEAVE** - An employer may require that a request for **leave** under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.’.

SEC. 4. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO **LEAVE** - Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

‘(3)(A) Subject to section 6383(f), an employee shall be entitled to a total of 24 hours of **leave** during any 12-month period, in addition to **leave** available under paragraph (1), to:

‘(i) participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences, or interviewing for a new school;

‘(ii) accompany the son or daughter of the employee to routine **medical** or dental appointments, such as checkups or vaccinations; and

‘(iii) accompany an elderly relative of the employee to routine **medical** or dental appointments or appointments for other professional services related to the elder’s care, such as interviewing at nursing or group homes.

‘(B) As used in this paragraph:

‘(i) The term ‘school’ means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education **Act** of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start **Act** (42 U.S.C. 9831 et seq.), and a child care facility licensed under State law.

‘(ii) The term ‘elderly relative’ means an individual of at least 60 years of age who is related by blood or marriage to the employee, including a parent.’.

(b) SCHEDULE- Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: ‘**Leave** under subsection (a)(3) may be taken intermittently or on a reduced **leave** schedule.’.

(c) **SUBSTITUTION OF PAID LEAVE** - Section 6382(d) of such title is amended by inserting before ‘, except’ the following: ‘, or for **leave** provided under subsection (a)(3) any of the employee’s accrued or accumulated annual **leave** under subchapter I for any part of the 24-hour period of such **leave** under such subsection’.

(d) **NOTICE**- Section 6382(e)(1) of such title is amended by adding at the end the following: ‘If the necessity for **leave** under subsection (a)(3) is foreseeable, the employee shall provide the employer with not less than 7 days notice before the date the **leave** is to begin. If the necessity for **leave** is not foreseeable, the employee shall provide such notice as is practicable.’.

(e) **CERTIFICATION**- Section 6383 of such title is amended by adding at the end the following:

‘(f) **CERTIFICATION**- An employing agency may require that a request for **leave** under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.’.

SEC. 5. EFFECTIVE DATE.

This **Act** shall take effect 120 days after the date of enactment.

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Time for Schools Act of 1999 (Introduced in the Senate)

S 1304 IS

106th CONGRESS

1st Session

S. 1304

To amend the **Family and Medical Leave Act of 1993** to allow employees to take school involvement **leave** to participate in the academic school activities of their children or to participate in literacy training, and for other purposes.

IN THE SENATE OF THE UNITED STATES

June 30, 1999

Mrs. MURRAY (for herself, Mr. DODD, Mr. KENNEDY, Mr. DASCHLE, Mr. FEINGOLD, Mr. HARKIN, Mr. LAUTENBERG, Mr. INOUE, Mr. WELLSTONE, Mr. KERRY, Mr. AKAKA, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the **Family and Medical Leave Act of 1993** to allow employees to take school involvement **leave** to participate in the academic school activities of their children or to participate in literacy training, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This **Act** may be cited as the 'Time for Schools **Act** of 1999'.

SEC. 2. GENERAL REQUIREMENTS FOR LEAVE .

(a) ENTITLEMENT TO **LEAVE** - Section 102(a) of the **Family and Medical Leave Act of 1993** (29 U.S.C. 2612(a)) is amended by adding at the end the following:

'(3) ENTITLEMENT TO SCHOOL INVOLVEMENT **LEAVE** -

'(A) IN GENERAL- Subject to section 103(f), an eligible employee shall be entitled to a total of 24 hours of **leave** during any 12-month period to participate in an academic activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a **family** literacy program.

'(B) DEFINITIONS- In this paragraph:

'(i) **FAMILY LITERACY PROGRAM**- The term '**family** literacy program' means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a **family** and that integrate all of the following activities:

'(I) Interactive literacy activities between parents and their sons and daughters.

'(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

'(III) Parent literacy training.

'(IV) An age-appropriate education program for sons and daughters.

'(ii) **LITERACY**- The term 'literacy', used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary--

'(I) to function on the job, in the **family** of the individual, and in society;

'(II) to achieve the goals of the individual; and

'(III) to develop the knowledge potential of the individual.

'(iii) **SCHOOL**- The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education **Act** of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start **Act** (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

'(4) **LIMITATION**- No employee may take more than a total of 12 workweeks of **leave** under

paragraphs (1) and (3) during any 12-month period.’.

(b) SCHEDULE- Section 102(b)(1) of such **Act** (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: ‘**Leave** under subsection (a)(3) may be taken intermittently or on a reduced **leave** schedule.’.

(c) SUBSTITUTION OF PAID **LEAVE** - Section 102(d)(2)(A) of such **Act** (29 U.S.C. 2612(d)(2)(A)) is amended by inserting before the period the following: ‘, or for **leave** provided under subsection (a)(3) for any part of the 24-hour period of such **leave** under such subsection’.

(d) NOTICE- Section 102(e) of such **Act** (29 U.S.C. 2612(e)) is amended by adding at the end the following:

‘(3) NOTICE FOR SCHOOL INVOLVEMENT **LEAVE** - In any case in which the necessity for **leave** under subsection (a)(3) is foreseeable, the employee shall provide the employer with not less than 7 days’ notice, before the date the **leave** is to begin, of the employee’s intention to take **leave** under such subsection. If the necessity for the **leave** is not foreseeable, the employee shall provide such notice as is practicable.’.

(e) CERTIFICATION- Section 103 of such **Act** (29 U.S.C. 2613) is amended by adding at the end the following:

‘(f) CERTIFICATION FOR SCHOOL INVOLVEMENT **LEAVE** - An employer may require that a request for **leave** under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.’.

SEC. 3. SCHOOL INVOLVEMENT LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO **LEAVE** - Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

‘(3)(A) Subject to section 6383(f), an employee shall be entitled to a total of 24 hours of **leave** during any 12-month period to participate in an academic activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a **family** literacy program.

‘(B) In this paragraph:

‘(i) The term ‘**family** literacy program’ means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a **family** and that integrate all of the following activities:

‘(I) Interactive literacy activities between parents and their sons and daughters.

‘(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

‘(III) Parent literacy training.

‘(IV) An age-appropriate education program for sons and daughters.

‘(ii) The term ‘literacy’, used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary--

‘(I) to function on the job, in the **family** of the individual, and in society;

‘(II) to achieve the goals of the individual; and

‘(III) to develop the knowledge potential of the individual.

‘(iii) The term ‘school’ means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education **Act** of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start **Act** (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

‘(4) No employee may take more than a total of 12 workweeks of **leave** under paragraphs (1) and (3) during any 12-month period.’.

(b) SCHEDULE- Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: ‘**Leave** under subsection (a)(3) may be taken intermittently or on a reduced **leave** schedule.’.

(c) SUBSTITUTION OF PAID **LEAVE** - Section 6382(d) of such title is amended by inserting before ‘, except’ the following: ‘, or for **leave** provided under subsection (a)(3) any of the employee’s accrued or accumulated annual **leave** under subchapter I for any part of the 24-hour period of such **leave** under such subsection’.

(d) NOTICE- Section 6382(e) of such title is amended by adding at the end the following:

‘(3) In any case in which the necessity for **leave** under subsection (a)(3) is foreseeable, the employee shall provide the employing agency with not less than 7 days’ notice, before the date the **leave** is to begin, of the employee’s intention to take **leave** under such subsection. If the necessity for the **leave** is not foreseeable, the employee shall provide such notice as is practicable.’.

(e) CERTIFICATION- Section 6383 of such title is amended by adding at the end the following:

‘(f) An employing agency may require that a request for **leave** under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.’.

SEC. 4. EFFECTIVE DATE.

This **Act** takes effect 120 days after the date of enactment of this **Act** .

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Donna Lenhoff <dlenhoff@nationalpartnership.org>

03/01/2000 05:06:27 PM

Record Type: Record

To: Ann O'Leary/OPD/EOP

cc:

Subject: Vermonters for the conference call

Ann, here's the line-up of who will be invited to be on the call (obviously I don't know if they all will be able to make it):

Senate President Peter Shumlin (a cosponsor of the bill)
Senator Cheryl Rivers, Chair of the Finance Committee (also a cosponsor)
Senator Susan Bartlett, Chair of the General Affairs & Housing Committee (where the bill is currently awaiting action; she's positive, but a little worried about doing this if the Governor won't ultimately support it)
Michael Sirotkin and Adam Necrason, representing the Vermont AFL-CIO

All are Democrats. The real target of this conversation is Susan Bartlett, who is supportive but can't quite seem to "cut bait" and do what's finally necessary to get the bill out of her committee.

Also, here are some talking points for you to crib from (with editorial comments from me in brackets):

--The President is very enthusiastic about this initiative, and is hoping that states will take advantage of it -- Vermont could be the first, and would get a lot of positive attention for it, perhaps even a White House ceremony of some kind! [Think Ann can say this?]

--Vermont is in the best position of any state to pass this legislation, because:

- of the composition of its government (D Governor, House, and Senate)
- of the health of its trust fund (see below).

--Concerns about the solvency of the Vermont trust fund in a recession are unwarranted:

- Vermont has probably the healthiest trust fund in the country -- 2.4 times what is necessary to survive a very bad recession. And inserting a solvency trigger, as has been proposed, would protect the trust fund completely.

- The cost of this proposal is only \$2.3 million a year -- the trust fund is more than \$262 million.

- The Vermont Joint Fiscal Office (JFO) has issued an analysis concluding that the bill would not adversely affect the solvency of Vermont's UI trust fund.

It was good to hear from you. Best wishes.

2. Leon Panetta has written to urge the President to propose a GI Bill for National Service that would provide full tuition or forgiveness of education loans for 2 years of national service. He stated that a recent study conducted by the Panetta Institute found that young people today are turned off by politics, but are interested in serving their communities and that

such a GI Bill would be a great legacy to the President's commitment to citizens service. He also suggests that he

could unveil this proposal in the State of the Union address.

How should we respond to this letter? Normally, (as I did with the Kinsley/Kwak letter) we just say we're passing the proposal along for review, but I'm not sure this is an appropriate response for Leon Panetta. This is **urgent** because we want to get it out before the SOTU, so please let me know what you think as soon as possible.

Let me know if you have any questions or would like to see the actual incoming letters.

Thanks,
Chris x65512

----- Forwarded by Christopher K. Scully/WHO/EOP on 01/20/2000 12:41 PM -----



Christopher K. Scully
01/10/2000 03:17:58 PM

Record Type: Record

To: Eric P. Liu/OPD/EOP@EOP
cc:
Subject: harris wofford letter

Eric,

In the fall you helped me by reviewing a draft that I had prepared, and I'm wondering if you would do the same again. Last month, Harris Wofford sent the President a memo updating him on 3 developments at CNS (CNS's new compact with national youth organizations to increase service opportunities for young people; CNS's continued collaboration with the Dept. of Education to foster service-learning opportunities in schools; and the new *PowerUp* initiative to help bridge the digital divide). The President asked that a nice thank you letter be sent in response, and I've prepared the following draft in accordance with the President's request. Please let me know what you think.

Thanks,
Chris

Dear Harris:

Thank you very much for your memorandum updating me on recent developments at the Corporation for National Service. I'm delighted that things are going so well.

Under your stewardship, the CNS has made great strides in enhancing its standing as one of our country's finest examples of citizen service. I'm grateful for your dedicated efforts to give more Americans the opportunity to serve and to join with their fellow citizens in taking responsibility for their communities, our nation, and the world.

Hillary and I send our best.

-Vermont employers are already scheduled to get a \$9 million UI tax cut this year: and no one is saying the trust fund can't afford that.

-Even the business community's worst-case cost estimates -- using inflated assumptions about usage and coverage -- conclude that Vermont can afford this proposal.

PRESIDENT CLINTON ANNOUNCES NEW FUNDS ENABLING STATES TO PROVIDE PAID LEAVE TO AMERICA'S WORKING PARENTS

February 12, 2000

Today, in his weekly radio address, President Clinton will announce a new initiative enabling states to offer paid leave options to working parents. The \$20 million proposal will make it more affordable for more parents to take time from work to care for loved ones. President Clinton today will also call on Congress to expand the scope of the Family and Medical Leave Act, and allow an additional 10 million workers to benefit from this law. Today's budget initiative is part of the President's agenda to help America's families balance responsibilities at work and at home, and builds on the Administration's longstanding efforts to make parental leave more widely available.

MAKING PARENTAL LEAVE MORE AFFORDABLE. A 1996 study by the Commission on Family and Medical Leave found that the most significant reason why parents did not take advantage of unpaid leave after the birth or adoption of a child was the expected loss of income. To help address that problem, the President today will announce that his FY 2001 budget includes \$20 million in competitive planning grants for states or regions to make parental and family leave more available and affordable for those who need it. Under the President's proposal, states will be able to 1) identify workers who face the greatest financial barriers to taking family leave, and 2) use Unemployment Insurance, Temporary Disability Insurance, or other mechanisms to offer these workers paid leave. Today's proposal builds on a November announcement by the President and Labor Secretary Herman of a new proposed regulation allowing states to use their Unemployment Insurance systems to provide paid leave for new parents.

WORKING TO EXPAND THE FAMILY AND MEDICAL LEAVE ACT. Since the President signed the Family and Medical Leave Act in 1993, more than 20 million Americans have been able to take up to 12 weeks of job-protected, unpaid leave to care for a newborn or adopted child, attend to their own serious health needs, or care for a seriously ill parent, child, or spouse. Today, the President will also urge Congress to cover an additional 10 million workers by expanding the scope of the FMLA to businesses that employ 25 or more employees. (Currently the law covers only businesses with over 50 employees). The President will also call on Congress again to allow FMLA-eligible workers to take up to 24 hours of additional leave each year to meet certain family obligations – specifically, to 1) participate in school activities, such as parent-teacher conferences; 2) accompany one's child to routine dental or medical appointments; and 3) accompany an elderly relative to routine medical appointments or other professional services.

BUILDING ON A STRONG RECORD OF FAMILY AND MEDICAL LEAVE. In addition to signing the Family and Medical Leave Act and proposing new rules to allow states to offer paid leave options, President Clinton has also worked to ensure that the federal government leads by example. At the President's direction, the federal government now allows employees to use up to 12 weeks of accrued sick leave each year to care for a family member with a serious health condition. Federal employees can also take up to 24 hours of unpaid leave for routine family responsibilities such as parent-teacher conferences and doctor's visits, and can donate annual leave to other employees. The President's FY 2001 budget will help give all Americans more tools to meet their responsibilities at home and at work – by doubling funding for after-school programs, investing an additional \$1 billion in Head Start, providing expanded tax credits and more subsidies for child care, and tripling the proposed tax credit for long-term care costs.



Christopher K. Scully
01/20/2000 01:15:56 PM

Record Type: Record

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

cc:

Subject: harris wofford letter

In addition to this letter, I have 2 other similar letters that I need your assistance on.

1. Carol Kinsley, a member of the Board of Directors of CNS, and Christine Kwak, the Director of the W. W. Kellogg Foundation's Volunteerism and Philanthropy Division, wrote the President to offer 2 proposals to increase service-learning opportunities in our country. Their first proposal is to create the President's National Service Awards for Educators, a program to be modeled after the President's Student Service Awards, to reward educators who develop learn and serve programs in their schools. Their second proposal is for the President to host a White House Conference on service-learning that focuses on (1) the connection of service-learning to citizenship education, and (2) current examples of service-learning in schools and how to promote such endeavors throughout the country.

I've written the following draft in response:

Dear Carol and Chris:

Thank you for your thoughtful letter and kind words of support.

I appreciate

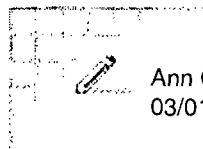
learning about your interesting proposals to foster
service-learning

opportunities, and I've passed along your letter to members of my
staff for

review and consideration. As you know, I have made it a top
priority to

provide Americans with more opportunities to serve in their
communities, and I

look forward to your continued involvement in this vital
endeavor.



Ann O'Leary
03/01/2000 05:56:07 PM

Record Type: Record

To: Ann F. Lewis/WHO/EOP@EOP
cc: Aprill N. Springfield/WHO/EOP@EOP
Subject: VT Conference call

Ann -

Thank you for agreeing to lead this conference call tomorrow morning. VT is at a critical juncture and needs a push from us. Apparently, they need to hold one more hearing to get this onto the Senate floor and need to do in on Friday before they go on a one week break and lose momentum.

I have drafted some suggested talking points and provided the press paper from the UI-BAA event in November and the radio address on paid leave several weeks ago (see attached below).

The participants on the call will be:

Senate President Peter Shumlin (a cosponsor of the bill)
Senator Cheryl Rivers, Chair of the Finance Committee (also a cosponsor)
Senator Susan Bartlett, Chair of the General Affairs & Housing Committee
(where the bill is currently awaiting action; she's positive, but a little worried about doing this if the Governor won't ultimately support it)
Michael Sirotkin and Adam Necrason, representing the Vermont AFL-CIO

All are Democrats. The real target of this conversation is Susan Bartlett, who is supportive but do what's finally necessary to get the bill out of her committee.

Please give me a buzz to discuss one more sensitive issue.

Thanks.

-Ann O'L



VT UI-BAA talking pts.doc paidleavepress.fin1129.doc PaidLeave.0212Final.do

Schumer Proposals

Recommendations

Early Childhood

Conference Call on VT UI-BAA Proposal

Talking Points

- Thank you all for joining this call. I am calling because we, at the White House, have been thrilled to learn that up in Vermont you are working hard to move a bill through the state legislature that would set up a pilot program to provide unemployment benefits for employees who take leave to care for newborn or newly adopted children.
- President Clinton has been working hard to promote the issue of providing benefits to workers who would like to take leave for the birth or adoption of their child and is very excited to hear about the work that you are doing in Vermont.
- After seven years of the Family and Medical Leave Act, which has helped more than 20 million workers, President Clinton knows that one of the greatest barriers to taking unpaid leave is the tremendous financial strain it places on families.
- Just several months ago, the President and Secretary Herman announced the proposed regulation that would allow states, like Vermont, to use their Unemployment Insurance system to provide partial wage replacement for workers when they take leave after the birth or adoption of a child. The comment period on this proposed regulation just closed and the Department of Labor is now sifting through thousands of comments, but they hope to be able to finalize the regulation by late Spring.
- As you know, States need to take leadership in order to take advantage of this regulation. You have the potential of being the first State to test out this critical issue of ensuring that all parents have the opportunity to take leave during those first crucial days of their child's life.
- While several States have proposals pending, Vermont is in a very good position to get something done now with a Democratic governor and a Democratic State legislature, as well as a very health Unemployment Insurance Trust fund.
- I am calling to cheer you on and to urge you to be the leader in the country on this critical issue.

SINGLE SEX PROPOSED REGULATION

Background

In August of 1996, the New York chapters of the National Organization for Women and the American Civil Liberties Union filed a complaint with U.S. Department of Education's Office of Civil Rights. The complaint asserted that the Young Women's Leadership Academy, a public single-sex school for girls located in Harlem, is in violation of Title IX. During 1997 and 1998, OCR conducted numerous discussions to try to reach a voluntary agreement between the New York City School Board and the organizations filing the complaint. The School Board was not willing to create any new opportunities for boys in the District, and OCR has found that unacceptable given the current regulations. This issue continues to be unresolved as the YWLA awaits guidance from the proposed regulation change. The YWLA expanded this year from 210 to 400 students and, in doing so, contacted both ED and DOJ to request an explanation for the delay in the new regulations or any guidance.

This case, in combination with the increase in public single sex schools and classrooms, has led to the proposed regulation change. In the last three years, 27 independent and public schools for girls have been established, and more than a dozen school districts have begun offering single-sex classes. This year, the Chicago School Board, for example, approved the first all-girls charter school focusing on mathematics, science, and technology to open next fall on the city's South Side.

Legislative Action and Anticipated Leg Action

Research Mixed

Regulation

Current

Proposed

Ed Angle

DOJ Angle

Outstanding Issues

Goal of proposed reg

Substantive changes

PRESIDENT CLINTON: TAKING NEW STEPS TO SUPPORT AMERICA'S PARENTS

November 30, 1999

"On the eve of the 21st century, we ought to set a goal that all working Americans can take time when they need it to care for their families without losing the income they need to support their families. Achieving that goal cannot come overnight and will require a significant shift in how our nation helps families to succeed at home and work. But it can make all the difference in your lives. It will demand thought and creativity, a willingness to experiment; it has to be done in a way that gives families flexibility and doesn't undermine our dynamic and growing economy."

--President Clinton, May 24, 1999

Today, President Clinton will announce a new rule that empowers states to develop ways of offering paid leave to parents following the birth or adoption of a child. Specifically, the proposed regulation will allow states to use their unemployment compensation systems to help offer paid leave to new parents. This innovative step builds on the President's longstanding efforts to support America's parents and strengthen America's working families.

MAKING PARENTAL LEAVE MORE AFFORDABLE. A 1996 study by the Commission on Family and Medical Leave found that the most significant reason why parents did not take advantage of unpaid leave after the birth or adoption of a child was the expected loss of income. Today, President Clinton will announce proposed regulations that will enable new parents, through the unemployment insurance system, to take leave without sacrificing the wages their families need. The rules respond to the President's Executive Memorandum of May 24, 1999, directing the Secretary of Labor to allow states the opportunity to experiment.

ENCOURAGING STATES TO CREATE MORE OPTIONS. Several states have asked the Administration whether they could have the authority to adapt their unemployment compensation systems for this purpose. This pilot program will be wholly voluntary for states, and states will have considerable flexibility in designing their own programs. The regulations will be published in the Federal Register for public comment and are also available for review on the Department of Labor's website at <http://www.dol.gov>.

HELPING PARENTS BALANCE RESPONSIBILITIES AT HOME AND AT WORK.

Throughout his Administration, President Clinton has fought to provide families with the tools they need to meet their responsibilities both at home and at work. The President has:

- Signed the Family and Medical Leave Act, providing workers with up to 12 weeks of unpaid, job-protected leave;
- Fought for and won dramatic expansions in after-school programs, including \$450 million in the FY 2000 budget agreement, more than doubling the program's size;
- Fought for and won significant increases in Head Start, including \$607 million in the FY 2000 budget agreement, helping low-income toddlers prepare for school;
- Proposed a new tax credit for families struggling with long-term care costs;

- Put forward an ambitious initiative to make child care better, safer, and more affordable for working families; and
- Proposed expanding the FMLA to cover more workers and allow leave for more parental activities, including parent-teacher conferences and routine doctor's visits.

Brief Summary
OCR Complaint Against the New York City Board of Education, Young Women's
Leadership School – OCR Case No.: 02-96-1184

12/13/99

Background on the OCR Complaint

On August 22, 1996, The NY OCR received a complaint from three civil rights organizations alleging that the creation of the New York City Young Women's Leadership School (YWLS,) a public school that will serve girls from grades 7 through 12, is a violation of Title IX.

The Leadership School is an all-girls public school located in Community School District 4 in Manhattan, a school district with many small alternative schools. It was opened in September 1996. The Leadership School was intended to provide girls at the 7-12 grade level with a traditional, academically focused "college-prep" program with small class sizes. At the time the OCR complaint was filed, the Leadership School served grades 7-8 and enrolled approximately 210 girls. This district serves a predominantly minority population (97%)(60.7% Hispanic, 36.1% black, 9% other and 2.3% white.)

During 1997 and 1998, OCR had numerous conversations with the District in attempts to reach a voluntary resolution of the complaint allegations. OCR's efforts to resolve this complaint focused on the objectives of: allowing the New York City Board of Education (the Board) the broadest flexibility for experimentation with innovative educational methodology; preserving the Board's ability to choose, assess and implement any and all viable options for providing high quality educational opportunity to its students; and ensuring that the Board's determinations meet Title IX and 14th Amendment standards. However, OCR was unable to obtain a mutually agreeable resolution.

The School Board's position was that it wanted to maintain the single sex YMLS without having to create any new opportunities for boys in the District. That approach was not acceptable to OCR at the time, given the evidence and support provided by the Board for its position.

OCR has not had resolution conversations with the District since August of 1998. Negotiations were postponed in order to conduct interagency consultations to ensure that all resolution options being considered are legally sufficient in light of Title IX, and consistent with any new proposed Title IX regulations and the 14th Amendment. Over the past several months, the Department of Education has been in consultation with the Department of Justice and the White House on the issue of single sex education generally, which impact this case.

Update on the YMLS and Current Status of OCR Complaint

For academic years 1999-2000, the Board voted to expand the YWLS to grades 7-10. The YWLS now serves 400 female students, almost double its original enrollment.

BIRTH AND ADOPTION UNEMPLOYMENT COMPENSATION (UC)

Q&A

11/30/99

Q: What is the Birth and Adoption Unemployment Compensation (UC) initiative?

A: This effort responds to the President's Executive Memorandum issued May 24, 1999, directing the Secretary of Labor to allow States the opportunity to develop innovative ways of using UC to provide partial wage replacement to parents on leave following the birth or adoption of a child and to evaluate the effectiveness of using the UC system for these or related purposes. This regulation will permit interested States to experiment with methods for allowing the use of the UC program for this purpose.

Q: Will States be required to develop UC programs for new parents?

A: No. State participation is wholly voluntary.

Q: Who will be eligible to receive UC for the birth or adoption of a child?

A: This experiment extends only to parents on approved leave or who otherwise leave their employment to be with newborns or newly-adopted children. Time taken for personal illness or to care for other family members is not compensable under this proposal.

Q: Is the President exceeding his legal authority by proposing this change through regulation instead of in Congress?

A: No. The Department of Labor has the authority and responsibility to interpret Federal UC statutes and has done so in the past with the UC program's requirements in such areas as jury duty, temporary layoffs, illness, and training.

The Administration is proposing to exercise this authority to examine how the UC system could help provide benefits for workers who take leave after the birth or adoption of a child. This pilot program would be voluntary, and is simply part of the Administration's overall effort to help working parents both on the job and at home.

Q: Would this change unfairly impact unemployed workers by draining resources away from the unemployed to provide for parents taking leave?

A: No. Each state has the responsibility to assess the cost to its unemployment fund whenever coverage changes, benefit expansions, or tax changes are considered within its UC program. Consequently, we expect prudent state decision-makers to examine the state's solvency and projected taxes and benefit payments under current law before deciding to enact any birth and adoption UC legislation.

The complainants who filed the OCR complaint have become increasingly dissatisfied with the delay in obtaining a resolution to their complaint. They have written several letters to OCR and recently they wrote to the Department of Justices requesting an explanation for the delay, especially in light of the Board's decision to expand the YWLS from 210 to 400 slots.

Next Steps

OCR is awaiting feedback from DOJ on the revised Title IX regulatory proposal in order to resume resolution conversations with the District.

(If you have any questions, please contact Susan Bowers or Lilian Dorka at 205-8217.)

Q: Why is this initiative limited to parents of newborns and newly-adopted children?

A: Data from these State experiments will help evaluate the proposition that providing paid leave through UC to new parents will increase the parents' attachment to the labor force. The experimental program is limited to the parents of newborns and newly-adopted children because this class of employees is small and easily-defined. This can allow us to determine whether paid leave helps individuals maintain, or even improve upon, their connection to the workforce by enabling them to better meet parental and family needs.

States remain free to use other mechanisms, such as separate funds or a Temporary Disability program, to reach other populations.

Q: How much will this proposal cost?

A: The cost estimate, which is based on the voluntary nature of the experiment and the expressed interest of a small number of states, ranges from zero to \$76 million.

Q: How will the rule deal with such issues as benefit amounts and employer costs?

A: The guiding principle of this regulation is to allow for maximum State flexibility within the experiment's parameters, as States currently have in determining UC policies. Consequently, each State will establish its own eligibility requirements and benefit amounts. Although the model State legislation accompanying the proposed regulation socializes costs, each State will decide whether to spread costs broadly throughout the system or limit costs to the particular employers whose employees use this benefit.

Background

As you know, in August of 1996, the New York chapters of the National Organization for Women and the American Civil Liberties Union filed a complaint with U.S. Department of Education's Office of Civil Rights. The complaint asserts that the Young Women's Leadership Academy, a public single-sex school for girls located in Harlem, violates Title IX in that the school district.

This case, in combination with the *Young II* ^{or} *substantive* ^{class} ^{that} ^{has} ^{been} ^{established} ^{to} ^{be} ^{was}

More schools and classes (do we have numbers)

In the last three years, 27 independent and public schools for girls have been established, and more than a dozen school districts have begun offering single-sex classes.

~~Research Mixed~~

Legislative Action and Anticipated Leg Action

Regulation

Goal of proposed reg

Substantive changes

Anticipated implementation and effect on the field

Women's Groups

Concerned that singling out girls sends a signal that they have to be dealt with separately

Young Title IX



Sandhya Subramanian <sandhya@nationalpartnership.org>

02/29/2000 07:41:56 PM

Record Type: Record

To: Ann O'Leary/OPD/EOP

cc:

Subject: Revised state roundup

Ann --

I just wanted to alert you to changes in our attached "roundup" of state family leave income initiatives: we've added legislators as contacts to the entries for California, Indiana, Maryland, Massachusetts, New Jersey, and Vermont, and have revised the entries for Connecticut, Vermont, and Washington to reflect the introduction of Connecticut's bill and hearings on all three states' proposed legislation. As always, please let me know if you have any questions!

Best,
Sandhya



- ROUNDUP.FIN

Anne New (Melanie) - UT?

HR-33. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

33.1 Preamble

The Governors believe that the federal Low-Income Home Energy Assistance Program (LIHEAP) is an important federal assistance program AND ~~They~~ believe that FUNDING LIHEAP should be maintained. LIHEAP provides energy assistance to low-income households to meet home heating and cooling needs. The program currently serves close to 5 million primarily elderly, disabled, and working poor households, including former welfare recipients. The average household income of most recipients is less than \$8,000 per year. LIHEAP also acts as a lever, helping to encourage utilities and other sources to establish fuel funds and other sources of assistance to help low-income households pay their fuel bills.

33.2 State Responsibility

Under current law, states have maximum flexibility to allocate LIHEAP resources, set eligibility levels, and determine administrative structures. One indication of the success of this approach is that states are able to allocate funds using a limited administrative funding level of 10 percent.

33.3 Implementation

The federal government should continue to provide advanced funding for LIHEAP. Without advanced funding, the potential for delay in program appropriations can create severe problems in states where the winter heating season can begin as early as October.

33.4 Contingency Fund

Emergency funds should continue to be available upon the request of the President in the event of unforeseen increases in energy prices, national disasters, and other emergencies. THE GOVERNORS We urge the President to release these funds in a timely manner so that they may be used during periods of greatest need.

33.5 FLEXIBILITY AND RELATED PROGRAMS

THE NATION'S GOVERNORS RECOGNIZE THAT COORDINATION BETWEEN LIHEAP AND OTHER RELATED FEDERAL PROGRAMS, SUCH AS WEATHERIZATION, COULD GREATLY BENEFIT THOSE IN NEED OF ASSISTANCE. RECENTLY, CONGRESS ENACTED A CHANGE IN THE FINANCING STRUCTURE OF THE WEATHERIZATION PROGRAM THAT DEMONSTRATES A WEAKENING OF THE FEDERAL COMMITMENT TO THE PROGRAM. SPECIFICALLY, BEGINNING IN FISCAL 2001, STATES WILL BE EXPECTED TO CONTRIBUTE

STATE FAMILY LEAVE INCOME INITIATIVES: *Making Family Leave More Affordable*

Around the country, activists for women, children, seniors, and working families are organizing to make family leave more affordable through *family leave income*. Efforts have been undertaken in at least nine states to provide family leave benefits. For example, many states are considering expanding unemployment or disability insurance to provide some pay during periods of unpaid family and medical leave.

- ◆ Most Americans -- fully 82% of women and 75% of men -- support such "family leave insurance" proposals.*

Currently, the federal Family and Medical Leave Act (FMLA) guarantees covered employees 12 weeks of *unpaid* leave each year to care for a newborn or newly adopted child or seriously ill family member (family leave), or to recover from their own serious health condition (medical leave). The FMLA was an essential step toward recognizing Americans' work and family responsibilities. However, because FMLA leave is unpaid, many employees cannot afford to take time off at the very time their families need them most.

- ◆ The bipartisan Family Leave Commission found that nearly two-thirds of employees who needed but did not take family or medical leave cited lost wages as the reason.**

Existing public and private responses are limited. For instance, five states (as well as Puerto Rico) require employers to offer temporary disability insurance (TDI), which provides partial wage replacement to employees who are temporarily disabled for non-work-related reasons, and many employers voluntarily offer TDI as an employee benefit. While TDI covers disabilities arising from pregnancy or childbirth, TDI currently offers no benefits for employees who take leave beyond the period of maternal disability, or take leave for paternity, for adoption, or to care for seriously ill family members. Although the five states with TDI systems employ 22% of working Americans, employees in other states have no such coverage guarantees.

Attached is a sampling of current state efforts compiled by the National Partnership for Women & Families as the leader of the Campaign for Family Leave Income.

* National Partnership for Women & Families, *Family Matters: A National Survey of Women and Men*, 1998.

** Commission on Leave, *A Workable Balance: Report to Congress on Family and Medical Leave Policies*, 1996.

RATES. SYNAR TARGET RATES SHOULD BE REVISED BASED UPON NEW AND MORE RELEVANT DATA.

- HHS MUST PROVIDE STATES WITH THE OPPORTUNITY TO TRULY NEGOTIATE AND RENEGOTIATE BASELINE AND ANNUAL TARGET RATES, AS ALLOWED FOR IN THE SYNAR REGULATIONS.
- HHS SHOULD PROVIDE TARGETED TECHNICAL ASSISTANCE TO STATES THAT ARE EXPERIENCING TECHNICAL DIFFICULTIES AND PROMOTE BEST PRACTICES THROUGH THE DEVELOPMENT OF MODEL PROTOCOLS TO ASSIST STATES IN THE ENFORCEMENT OF SYNAR.

34.2 PENALTY STRUCTURE

WHILE THE GOVERNORS ARE STRONGLY COMMITTED TO REDUCING TEEN SMOKING AND TOBACCO SALES TO MINORS, SEVERE CUTS TO A STATE'S SUBSTANCE ABUSE TREATMENT AND PREVENTION BLOCK GRANT WILL ONLY FURTHER HINDER THESE EFFORTS. CUTTING THESE FUNDS WILL RESULT IN A CRITICAL REDUCTION OR EVEN ELIMINATION OF VITAL CLINICAL PROGRAMS AND SERVICES FOR INDIVIDUALS WITH SERIOUS SUBSTANCE ABUSE PROBLEMS AND MENTAL ILLNESSES. SUCH CUTS WOULD ALSO LIMIT A STATE'S ABILITY TO PREVENT SUBSTANCE ABUSE, BECAUSE 20 PERCENT OF THE BLOCK GRANT IS USED FOR PREVENTIVE SERVICES. IN ADDITION TO ELIMINATING TREATMENT AND PREVENTIVE SERVICES FOR THIS VULNERABLE POPULATION, SUCH FUNDING CUTS MAY LEAD TO REDUCTIONS IN REIMBURSEMENT RATES FOR PROVIDERS AND EMPLOYEES CURRENTLY WORKING HARD TO ALLEVIATE SUBSTANCE ABUSE AND MENTAL ILLNESS MAY LOSE THEIR JOBS.

THE NATION'S GOVERNORS SUPPORT CONGRESSIONAL INTENT IN THE SAMHSA SYNAR STATUTE BUT URGE CONGRESS TO DEVELOP ENFORCEMENT STRATEGIES THAT PROMOTE PERFORMANCE AND BEST PRACTICES. RATHER THAN FINANCIALLY PENALIZING STATES THAT FACE DIFFICULT ENFORCEMENT CHALLENGES, AN EFFECTIVE ENFORCEMENT POLICY WOULD SUPPORT STATES IN THEIR EFFORTS TO

CALIFORNIA

A dynamic coalition of advocates for women, children, and labor advanced a family leave agenda for the 1999-2000 legislative session. In 1999, California enacted a law requiring a study of the cost of extending the state's TDI program to cover family leave, and increasing the weekly TDI benefit cap from \$336 to \$490. Also in 1999, California passed a law requiring employers who offer paid sick leave to let employees use some of their sick leave to care for a sick child, parent, or spouse.

Contact: State Senator Hilda Solis
(916) 445-1418

Lisa Ecks
California Labor Federation
(916) 444-3676

Netsy Firestein
Labor Project for Working Families
(510) 643-6814

Assemblyman Wally Knox
(323) 932-1201

Aimee Durfee and Emily Katz Kishawi
Equal Rights Advocates
(415) 621-0672

Patricia Shiu
Employment Law Center
(415) 864-8848

CONNECTICUT

The Connecticut General Assembly's Labor and Public Employees Committee introduced a bill in February 2000 to provide unemployment benefits to workers on parental leave. The bill would also create a "Family and Medical Leave Insurance Fund," financed by an employer payroll tax, that would pay benefits to employees taking leave to care for a seriously ill family member or to recover from a serious health condition. The cost of offering benefits equal to unemployment compensation to workers on family and medical leave has been estimated to cost as little as 28 cents per covered worker per week, and no more than \$1.15 per employee per week. The Labor and Public Employees Committee recently held a hearing on the bill at which a wide range of legislators, advocacy groups, unions, and leave-takers testified in support of the proposal.

Contact: State Representative Christopher Donovan Leslie Brett
(860) 240-0540

Connecticut Permanent Commission on
the Status of Women
(860) 240-8300

ILLINOIS

A bill was introduced in February 2000 to provide up to 12 weeks of unemployment benefits to workers on any approved FMLA leave and to workers who leave a job for any reason specified in the FMLA.

Contact: State Representative Julie Hamos
(217) 782-8052

Lindsey Crawford
Women Employed
(312) 782-3902

REBOUND RATES DO NOT REPRESENT A FAILURE, BUT ARE A RESULT OF STATES' GOOD-FAITH EFFORTS TO LOCATE AND IDENTIFY CURRENT VIOLATIONS AND TO PROPERLY REPORT SUCH FINDINGS TO THE FEDERAL GOVERNMENT. ESSENTIALLY, THE BETTER THE STATE RESEARCH AND STATE ENFORCEMENT, THE GREATER THE CHANCE THAT STATES WILL FIND VENDORS SELLING TOBACCO TO MINORS, INDUCING THEIR RATES TO REBOUND. STATES SHOULD NOT BE PUNISHED FOR THEIR GOOD-FAITH EFFORTS.

THE INITIAL DATA USED BY HHS TO DETERMINE SYNAR TARGET RATES WAS INSUFFICIENT AND INCORRECT. IF SYNAR IS TO BE FULLY EFFECTIVE, THE PROVISION MUST BUILD UPON THE EXPERTISE ALREADY GAINED IN THE STATES AND CONDUCT NEW RESEARCH IN ORDER TO DETERMINE THE TRUE EXTENT OF TOBACCO SALES TO MINORS. TO CONTINUE TO HOLD STATES TO A FALSE STANDARD IS UNREASONABLE AND OFFERS A DISINCENTIVE TO STATES TO EMPLOY HIGH-QUALITY ENFORCEMENT STRATEGIES. RESEARCH SHOULD ALSO BE CONDUCTED TO DETERMINE THE RELATIONSHIP BETWEEN TOBACCO SALES TO MINORS AND YOUTH SMOKING RATES. IF THE SALES RATE DROPS BUT TEEN SMOKING DOES NOT, STATES SHOULD BE PERMITTED TO TAKE ANOTHER APPROACH TO REDUCING TEEN SMOKING.

34.5 COORDINATION BETWEEN FEDERAL AGENCIES

SAMHSA IS NOT THE ONLY FEDERAL HEALTH AGENCY CONCERNED WITH TOBACCO SALES TO MINORS. BOTH THE FOOD AND DRUG ADMINISTRATION (FDA) AND CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) OPERATE SUCCESSFUL COMPETITIVE GRANT PROGRAMS WITH THE SAME GOAL AS SYNAR. HOWEVER, SAMHSA, FDA, AND CDC HAVE ALL SET DIFFERENT CRITERIA AND TARGETED AGE RANGES FOR THEIR PROGRAMS. THIS MAKES IT DIFFICULT FOR STATES TO PARTICIPATE IN THE GRANT PROGRAMS OFFERED BY FDA OR CDC AND HAS RESULTED IN SOME STATES HAVING DIFFICULTY ACHIEVING AND MAINTAINING SYNAR COMPLIANCE. FEDERAL AGENCIES SHOULD ESTABLISH GREATER COORDINATION,

INDIANA

In January, 2000, Indiana House legislators introduced a bill that would provide up to 12 weeks of unemployment insurance benefits to parents who take leave to care for a newborn or newly adopted child. The bill passed by a 52-44 vote, with bipartisan support. The Senate is now considering the legislation; it has been referred to the Committee on Pensions and Labor.

Contact: State Senator Anita Bowser
(317) 232-9400

State Representative Linda Lawson
(317) 232-9600

IOWA

A bill introduced during the 1998 legislative session would have established a fund for providing benefits to employees on family leave. It would also have created a work and family task force to examine the impact of this family leave insurance program.

Contact: State Senator Michael Gronstal
(515) 281-3901

MARYLAND

A bill was introduced in February 2000 to provide up to 12 weeks of unemployment insurance benefits to parents who take leave to care for a newborn or newly adopted child. During the 1999 session, Maryland passed a law requiring employers that grant paid leave to workers following the birth of a child to grant the same leave to employees who adopt a child.

Contact: Delegate Michael Dobson
(410) 841-3850

Debra Gardner
Public Justice Center
(410) 625-9409

Denise Davis
Maryland Women's Law Center
(410) 321-8761

-more-

MASSACHUSETTS

Spearheaded by the Women's Statewide Legislative Network, a diverse and active Family Leave Coalition is rallying support for a bill to extend unemployment benefits to employees taking family and medical leave. The estimated cost of providing unemployment benefits for family and medical leave is less than \$1.25 per week per employee. Also pending is a bill aiming to create a "family and employment security trust fund." In April 1999, the state legislature's Joint Committee on Commerce and Labor (chaired by Senator Steven Lynch, sponsor of the unemployment insurance bill) held a hearing on the two bills. A broad array of researchers, legislators, advocates, and leave-takers testified in support of the bills, and the hearing was widely and favorably reported by media across the state. The bills are currently pending in the Joint Committee on Commerce and Labor. Further, Massachusetts recently unveiled a \$13 million plan to make the state a more "family friendly" employer, including a proposal to allow state workers to use up to 12 weeks of accumulated sick leave for maternity or adoptive leave without a doctor's note.

- Waivers would be approved for an initial five-year period with five-year renewals thereafter.
- Waiver applications would be submitted by the Governor.
- ~~- As a condition for waiver approval, the state would have to demonstrate that the strategy has the support of the state's legislature.~~
- For states making requests for exemptions in the areas of financing or cost control, the state's waiver application would have to include a plan for expanding coverage and maintaining quality, and a strategy for documenting the state's progress toward achieving these goals.

37.2.2 The Health Insurance Market. With the enactment of the McCarran-Ferguson Act in the 1940s, a state's prerogative to regulate health insurers has been recognized by federal law. However, since ERISA's enactment in 1974, that delineation of state and federal responsibilities has been blurred. ERISA provides that self-funded single employer or Taft-Hartley jointly administered plans are exempt from state regulation. States cannot establish minimum solvency and capital requirements for these self-funded plans. They cannot ensure that employees and dependents in self-funded plans receive the basic consumer protections that are offered to those in commercial state-regulated plans; nor can they ensure that those in self-funded plans have remedies available when problems arise over coverage decisions and other matters. As such plans proliferate, they represent a growing share of the total health care market and greatly erode the ability of states to regulate the private health care market. The federal government must act to rectify the situation.

The nation's Governors call on the federal government to correct these inequities by adopting one or more of the following options.

- Congress should work with the states to establish national health care standards for self-funded plans that are similar to those imposed by states on commercial plans. If Congress is unwilling to define legislative standards in ERISA, the U.S. Department of Labor, in consultation with the states, should be given the authority to develop regulations that, at the very least, establish essential consumer protections and remedies standards for self-funded plans.
- Anecdotal evidence suggests that consumer protections problems are more likely to arise in small self-funded plans. Congress could limit self-funding authority to businesses above a certain size. Businesses below that limit would be required to follow state laws. The U.S. Department of Labor would need to enforce standards for those plans that remain under its jurisdiction.

If Congress chooses to set minimum national standards, they should be developed with state officials in consultation with representatives of affected small businesses, insurers, and consumers.

37.2.2.1 Special Group Arrangements and Markets

Healthmart Arrangements. Although Governors support many of the goals of healthmarts and recognize that they would preserve some important state prerogatives, states do have some serious concerns about the proposal. First, healthmarts would preempt state benefit requirements, which already provide some of the strongest consumer protections. These benefit requirements include automatic coverage of newborns without any preexisting condition exclusions. A healthmart could design its own benefit package without any requirements or oversight.

Second, a healthmart is allowed to determine what geographic area it will serve. This would leave people who are poorer risks in a smaller pool, raising their rates, and increasing the likelihood that their employer will drop coverage.

Finally, healthmarts would undermine state health reforms by fragmenting the health insurance marketplace. They would also undermine efforts undertaken by states to ensure that their small business communities have access to affordable health insurance.

37.2.2.2 Multiple Employer Welfare Arrangements. The Governors support efforts designed to enable small employers to join together to participate more effectively in the health insurance market. In fact, states have taken the lead in facilitating the development of such partnerships and alliances. However, these partnerships must be carefully structured and regulated by state agencies. Many states have experienced extensive and well-documented problems with fraudulent Multiple Employer Welfare Arrangements (MEWAs) in recent years. In many cases, state legislation has been adopted to protect against further abuse.

Contact: Monica Halas
Greater Boston Legal Services
(617) 371-1270, ext. 621

Linda Johnson
Women's Statewide Legislative Network
(617) 426-1878

State Representative Anne Paulsen
(617) 722-2140

MINNESOTA

Since July 1998, a state-funded, at-home infant child care program has allowed working parents who fulfill income eligibility requirements to receive subsidies for caring for infants under the age of one.

Contact: Cherie Kotilineck
Department of Children, Family and Learning
(651) 582-8562

NEW HAMPSHIRE

The New Hampshire House of Representatives is currently considering a bill to establish a committee to study a broad range of options for providing benefits to New Hampshire employees who take family and medical leave.

Contact: State Representative Mary Stuart Gile
(603) 224-2278

Jonathan Baird
New Hampshire Legal Assistance
(603) 542-8795

-more-

NEW JERSEY

The New Jersey legislature will consider at least two family leave income initiatives this session. Bill A3027, introduced in February 2000, would extend unemployment insurance benefits to employees who take leave to care for a newborn or newly adopted child and TDI benefits to employees who take leave to care for an ill parent, child, or spouse. Another bill introduced this legislative session – A1577 – would also extend benefits for leave taken to care for newborn or newly adopted children or ill parents, children or spouses, but would do so solely through the statewide TDI system.

Contact: Laurel Brennan
New Jersey AFL-CIO
(609) 989-8730

Meryl Frank
New Jersey Coalition for
Family & Medical Leave
(732) 247-3561

Assemblywoman Arline M. Friscia
(732)-634-2526

Assemblyman Charles Zisa
(201)-996-8040

NEW YORK

A dedicated group of labor unions is generating support for family leave insurance in New York. A

RESPONDING TO FUTURE MEDICAL RECORDS PRIVACY NEEDS THAT CANNOT BE FORESEEN AT THIS TIME. ADDITIONALLY, THE GOVERNORS EXPECT THAT FEDERAL LEGISLATION OR REGULATION WILL NOT INHIBIT THE NECESSARY ACTIVITIES OF STATE INSURANCE COMMISSIONERS, PARTICULARLY IN REGARD TO THE INVESTIGATION OF FRAUD AND ABUSE, THAT ALLOW STATES TO PRESERVE THE FINANCIAL INTEGRITY OF PUBLIC PROGRAMS AND PROTECT CONSUMERS. GOVERNORS ARE CONCERNED THAT THE REGULATIONS COULD IMPOSE SIGNIFICANT AND COSTLY ADMINISTRATIVE BURDENS FOR THE STATES, SUCH AS REWRITING AND DISTRIBUTING MEMBER HANDBOOKS, PROVIDING ADDITIONAL TRAINING FOR STATE AGENCY PERSONNEL, AND ESTABLISHING PRIVACY OFFICERS. ~~These state laws should not be preempted in any way by federal action regarding HIPAA.~~

- 37.2.5 **Medical Tort Reform.** Reform of the medical tort system should be undertaken with a view toward achieving high-quality and appropriate care. Ideally, medical tort reform will reduce the cost of defensive medicine and provide appropriate levels of compensation for patients injured by medical negligence. Toward that end, the federal government should establish national minimum tort and liability standards. States could establish more restrictive standards if they so choose. The federal government, working with states, also must consider alternative dispute resolution strategies that could be used to reduce the costs of litigation.
- 37.2.6 **Antitrust.** More and more Americans are receiving their care through health delivery networks. Establishing these networks requires new approaches to cooperation among providers and businesses that heretofore have been competitors. Congress and the administration must work with the states to accommodate this new health care environment while ensuring that competition remains in the marketplace.
- 37.2.7 **Outcome and Quality Standards.** If meaningful choices are ever to be made in health care, research must be supported to develop outcomes and quality standards for use by providers, purchasers, and consumers alike. Also, information systems must be developed that include price and quality information for all providers and consumers of health care services in a given geographic area. The federal government, the states, and the private sector (both purchasers and providers) must cooperate in the development and implementation of such standards. Data measures must provide information relevant to state programmatic decisions and consumer choice. The collaborative processes of standard development and measurement must be designed in such a way that they do not create unreasonable administrative burdens without yielding useful results.
- 37.2.8 **Administrative Simplifications.** The administrative complexity of the current system must be reduced. The Governors support the reforms set forth in the Health Insurance Portability and Accountability Act to move the nation toward uniform claims forms and uniform standards for electronic data interchange. However, states must be closely involved in the development of the national standards to ensure that state data needs are met and individual privacy rights are protected.
- 37.2.9 **Public Sector Health Care Delivery.** Although the Governors support the delivery of care through the private health care system, a public system of services, funded by the state and federal governments, has arisen to address needs unmet by the private sector. (See the Governors' Public Health Services policy, HR-7.)

bill has been introduced to amend New York's TDI law to cover employees taking family leave.

Contact: Assemblywoman Catherine Nolan
Attention: Geri Riley
Counsel for Labor Committee
New York State Assembly
(518) 455-4311

Deborah King
New York Union Child Care Coalition
AFL-CIO
(212) 494-0524

VERMONT

A bipartisan bill was introduced in the 2000 legislative session to authorize a three-year pilot program providing unemployment benefits for employees who take leave to care for newborn or newly adopted children; to grant a 4.3% unemployment tax cut to employers; and to fund workforce education and training grants. The estimated cost of providing income to Vermont workers on parental leave is less than 15 cents per week per employee. In February 2000, the Senate Committees on Appropriations, Finance, and General Affairs and Housing held hearings on the bill.

Contact: State Senator Jan Backus
(802) 655-7455

State Senator Cheryl Rivers
(802) 828-2228

State Senate President Peter Shumlin

State Senator Peter Illuzzi
(802) 828-2228

(8

02)

828-2228

Michael Sirotkin and Adam Necrason
Vermont AFL-CIO
(802) 223-9988

-more-

WASHINGTON

In February 2000, the Washington State Senate Committee on Labor and Workforce Development held hearings on, and passed, a bill providing 5 weeks of unemployment benefits for employees taking leave to care for newborn or newly adopted children. The witnesses, who all supported the bill, included a pediatrician, advocacy groups, union representatives, and parents who had suffered financially in taking unpaid family leave. Similar legislation is also pending in the Washington House of Representatives. These proposals have been estimated to cost 11 cents per employee per week. Washington law already allows employees to use accrued sick leave to care for sick children.

Contact: John Burbank
Economic Opportunity Institute
(206) 633-6580

State Senator Lisa Brown
(360) 786-7604

Jeff Johnson
Research Director, Washington State
Labor Council, AFL-CIO
(360) 943-0608

State Representative Mary Lou Dickerson
(360) 786-7860

*For more information about the **Campaign for Family Leave Income**, including a list of Advisory Committee members, a round-up of state proposals, and the latest news and research, please see our web site (www.nationalpartnership.org) or contact the National Partnership for Women &*

HR-39. SENIOR PRESCRIPTION DRUGS

IF CONGRESS DECIDES TO EXPAND PRESCRIPTION DRUG COVERAGE TO SENIORS, IT SHOULD NOT SHIFT THAT RESPONSIBILITY OR ITS COSTS TO THE STATES. FURTHERMORE, IN THE PROCESS OF DEVELOPING A SENIOR PRESCRIPTION DRUG POLICY, THE FEDERAL GOVERNMENT SHOULD ACKNOWLEDGE AND ACCOMMODATE STATE PROGRAMS AND AVOID DISINCENTIVES TO STATE INNOVATION, SUCH AS UNREASONABLE MAINTENANCE-OF-EFFORT REQUIREMENTS, REDUCED FEDERAL MATCHING FUNDS, OR OTHER PENALTIES.

Time limited (effective Winter Meeting 2000–Winter Meeting 2002).

*Families at 1875 Connecticut Avenue, NW, Suite 710, Washington, D.C. 20009, (202) 986-2600,
info@nationalpartnership.org.*

2/28/00

F:\USERS\COMMON\W&F\LEAVE\INS\CLEAR\G\ROUNDUP.FIN

HR-40. BUILDING SUCCESSFUL LITERACY INITIATIVES

40.1 PREAMBLE

READING IS A FUNDAMENTAL TOOL FOR SUCCESS FOR ALL. IT OPENS THE DOORS TO ALL OTHER ACADEMIC SUBJECTS FOR STUDENTS. EARLY INTERVENTION IS ESSENTIAL TO ENSURE THAT EACH CHILD HAS THE READING SKILLS TO SUCCEED FIRST AS A STUDENT AND LATER AS AN ADULT. WHILE IN THE PAST ILLITERATE ADULTS HAVE FACED GREAT CHALLENGES IN FINDING WORK, THE NEAR FUTURE WILL HOLD EVEN FEWER JOB OPPORTUNITIES FOR THOSE WHO CANNOT READ. THE INFORMATION AGE AND THE ADVANCEMENT OF NEW TECHNOLOGIES WILL FUEL A NEW ECONOMY THAT HOLDS ALMOST NO JOB OPPORTUNITIES FOR THOSE WHO ARE NOT LITERATE.

HOWEVER, IN 1998 ONLY 60 PERCENT OF THE NATION'S FOURTH-GRADE STUDENTS WERE READING AT A LEVEL APPROPRIATE FOR THEIR AGE OR GRADE LEVEL. THIS IS IN PART BECAUSE MANY STUDENTS ARRIVE AT SCHOOL WITHOUT THE FUNDAMENTAL SKILLS AND EXPERIENCES TO LEARN TO READ. IMPORTANT EXPERIENCES THAT LEAD TO READING SUCCESS BEGIN VERY EARLY IN LIFE. CHILDREN WHO ARE LIKELY TO DEVELOP READING DIFFICULTIES INCLUDE THOSE WHO DO NOT HAVE GENERAL VERBAL ABILITIES, AWARENESS OF THE SOUNDS OF LANGUAGE, OR FAMILIARITY WITH THE BASIC PURPOSE AND MECHANICS OF READING. THESE CHILDREN RARELY EXPERIENCE THE JOY OF READING OR BEING READ TO.

THE GOVERNORS HAVE LONG RECOGNIZED THE CRITICAL ROLE THAT READING PLAYS IN THE LIFE OF A CHILD. ACROSS THE COUNTRY, STATES ARE ENGAGED IN EFFORTS TO ENRICH THE LIVES OF CHILDREN BY CULTIVATING COGNITIVE, LANGUAGE, PHYSICAL, SOCIAL, AND EMOTIONAL DEVELOPMENT DURING THE FIRST FIVE YEARS OF LIFE. MANY STATES HAVE INSTITUTED FAMILY LITERACY PROGRAMS THAT TEACH BOTH PARENTS AND THEIR CHILDREN TO READ. THESE INITIATIVES HAVE AND WILL CONTINUE TO HELP MORE CHILDREN ARRIVE AT SCHOOL READY TO LEARN

Friday, February 11, 2000

10:10 AM	James Brady Press Briefing Room Dedication; and Drop-By Reception for James Brady	Tab A
	- Remarks	Tab B To Be Forwarded
	- Bios of Jim and Sarah Brady	Tab C
	- History of Press Briefing Room	Tab D
11:45 AM	Meeting [Hernreich]	No Paper
3:00 PM	Meeting [Podesta]	No Paper
4:00 PM	Departure Photograph with Larry Cockell	Tab E To Be Forwarded
4:15 PM	Tape Radio Address	Tab F
	- Remarks	Tab G To Be Forwarded
5:00 PM	Drop-By Departure Party for Larry Cockell	No Paper

Friday, February 11, 2000

**Schedule of the President
For
Friday, February 11, 2000**

00 FEB 10 PM 7:08

Final Schedule

SCHEDULING DIRECTOR:

STEPHANIE STREETT

HOME: 202-332-5651

OFFICE: 202-456-2823

WHCA PAGER: 4824

PRESS DESK:

ANNE EDWARDS

HOME: 301-565-3101

OFFICE: 202-456-2921

WHCA PAGER: 4208

EVENT COORDINATOR:

STEPHEN LAMB

HOME: 202-483-3905

OFFICE: 202-456-7184

WHCA PAGER: 4207

EVENT COORDINATOR:

LAURA SCHWARTZ

HOME: 202-331-4339

OFFICE: 202-456-5655

WHCA PAGER: 4293

WEATHER:

WASHINGTON, D.C.

Cloudy with morning rain showers. Winds southwest becoming west at 8 to 12 knots. Low 37°F. High 50°F.

February 10, 2000 (6:43 PM)

Friday, February 11, 2000

**Schedule of the President
for
Friday, February 11, 2000
*Final Schedule***

9:00	am-	MEETING
9:15	am	OVAL OFFICE Staff Contact: John Podesta
9:15	am-	BRIEFING
9:30	am	OVAL OFFICE Staff Contact: Samuel Berger
9:30	am-	BRIEFING
9:45	am	OVAL OFFICE Staff Contact: Samuel Berger
9:50	am-	BRIEFING
10:10	am	OVAL OFFICE Staff Contact: Joe Lockhart
10:10	am-	MEET AND GREET WITH JAMES AND SARAH BRADY
10:15	am	OVAL OFFICE Staff Contact: Joe Lockhart CLOSED PRESS

February 10, 2000 (6:43 PM)

Friday, February 11, 2000

10:20 am-
11:00 am

JAMES BRADY PRESS BRIEFING ROOM DEDICATION

PRESS BRIEFING ROOM

Remarks: Heather Hurlburt

Staff Contact: Joe Lockhart

Event Coordinator: Stephen Lamb

OPEN PRESS

Note: There will be approximately 25 guests in attendance.

- Off-stage announcement of **the President**, accompanied by Joe Lockhart and James and Sarah Brady.
- Joe Lockhart makes brief remarks and introduces **the President**.
- **The President** makes remarks, unveils Brady Briefing Room plaque, and presents James Brady with small plaque.
- James Brady makes brief remarks.
- Sarah Brady makes brief remarks.
- **The President**, accompanied by James and Sarah Brady, proceeds to Diplomatic Reception Room.

11:05 am-
11:25 am

DROP-BY RECEPTION FOR JAMES BRADY

DIPLOMATIC RECEPTION ROOM

Staff Contact: Capricia Marshall, Joe Lockhart

Event Coordinator: Laura Schwartz, Stephen Lamb

CLOSED PRESS

Note: There will be approximately 40 guests in attendance.

11:35 am-
11:40 am

MEETING

OVAL OFFICE

Staff Contact: Stephanie Streett

11:45 am-
11:55 am

MEETING

OVAL OFFICE

Staff Contact: Nancy Hernreich

12:00 pm-
3:00 pm

PHONE AND OFFICE TIME

OVAL OFFICE

3:00 pm-
4:00 pm

MEETING

OVAL OFFICE

Staff Contact: John Podesta

February 10, 2000 (6:43 PM)

Friday, February 11, 2000

4:00 pm-
4:15 pm

DEPARTURE PHOTOGRAPH WITH LARRY COCKELL
OVAL OFFICE
Staff Contact: Donald Flynn
WHITE HOUSE PHOTO ONLY

4:15 pm-
5:00 pm

BRIEFING AND TAPE RADIO ADDRESS
OVAL OFFICE
Remarks: Lowell Weiss
Staff Contact: Loretta Ucelli, Megan Moloney

**Note: Following the Radio Address, the President will tape a brief
radio actuality on Lands Legacy.**

5:00 pm-
5:15 pm

DROP-BY DEPARTURE PARTY FOR LARRY COCKELL
INDIAN TREATY ROOM
Staff Contact: Donald Flynn
CLOSED PRESS

DOWN FOR EVENING

BC RON

**THE WHITE HOUSE
WASHINGTON, D.C.**

HRC RON

**PRIVATE RESIDENCE
CHAPPAQUA, NEW YORK**

February 10, 2000 (6:43 PM)

A

THE WHITE HOUSE
WASHINGTON

00 FEB 10 PM 8:27

February 10, 2000

JAMES BRADY WHITE HOUSE PRESS LOBBY DEDICATION

DATE:	Friday, February 11, 2000
LOCATION:	The Press Lobby, The White House
BRIEFING TIME:	9:50 am – 10:10 am
MEET & GREET TIME:	10:10 am – 10:15am
EVENT TIME:	10:20 am – 11:00 am
RECEPTION TIME:	11:05am – 11:25am
FROM:	Joe Lockhart

I. PURPOSE

For you to dedicate the White House Press Lobby in the name of James Brady.

II. BACKGROUND

You will rename the White House Press Lobby after James Brady, to honor his service to the White House and to the nation.

Since leaving the White House, Mr. Brady has spent much time lobbying with his wife Sarah, Chair of Handgun Control, Inc.(HCI), for stronger gun laws (see attached biography). On November 30, 1993, you signed into law the "Brady Bill," a bill named in Mr. Brady's honor.

As you know, you've seen the Bradys many times over the past seven years. Jim traveled with you to see the Pope in St. Louis on January 26, 1999. Jim was also at the White House on August 8, 1998, for a Brady Bill Extension event. You last saw Sarah Brady on November 30, 1999, at a Los Angeles fundraiser for the Center to Prevent Handgun Violence. Sarah was also at the White House on May 10, 1999, for the White House Strategy Session on Children, Violence and Responsibility.

The White House Press Lobby (informally known as the Press Briefing Room) was an indoor swimming pool until President Nixon had it converted to a press briefing area in 1970 (see attached fact sheet). Ronald Reagan had the briefing room renovated in November 1981. The renovations were unveiled in a ceremony that included Brady, after he had been severely wounded in an assassination attempt on Reagan.

Former White House press secretaries will be in attendance as well, including Mike McCurry, Larry Speakes (Reagan's Press Secretary), Jerald terHorst (Ford's Press Secretary), and Pierre Salinger (Kennedy's Press Secretary).

III. PARTICIPANTS

Briefing Participants:

Joe Lockhart

Bruce Reed

Heather Hurlburt

Event Participants

YOU

Joe Lockhart

James Brady

Sarah Brady

IV. PRESS PLAN

The event is open to the press.

V. SEQUENCE OF EVENTS

- **YOU** greet James and Sarah Brady in the Oval Office, and proceed to the West Collonade.
- **YOU** are announced into the Press Briefing Room, accompanied by Joe Lockhart, James and Sarah Brady.
- Joe Lockhart delivers opening remarks and introduces **YOU**.
- **YOU** deliver remarks and unveil the dedication plaque.
- **YOU** present James Brady with a small replica plaque.
- James Brady makes remarks.
- Sarah Brady makes remarks.
- **YOU** depart and proceed to the Diplomatic Reception Room.

VI. REMARKS

To be provided by speechwriting.

B

JAMES BRADY PRESS BRIEFING

ROOM DEDICATION REMARKS

WILL BE FORWARDED

C

The Honorable James S. Brady

James S. Brady achieved a lifelong career goal with his appointment by President Ronald Reagan in January of 1981 to be Assistant to the President and White House Press Secretary. However, his service was interrupted on March 30, 1981, when John Hinckley attempted to assassinate the President, and shot both President Reagan, Mr. Brady, and two law enforcement officers. Although seriously wounded by the gunshot wound to the head, Mr. Brady remained the White House Press Secretary until the end of the Reagan Administration.

Since leaving the White House, Mr. Brady has spent much time lobbying with his wife Sarah, Chair of Handgun Control, Inc.(HCI), for stronger gun laws. On November 30, 1993, President Clinton signed the "Brady Bill", a bill named in Mr. Brady's honor, into law. The Brady law requires a national waiting period and background check on all handgun purchases through licensed dealers. Mr. Brady also serves on the Board of Trustees of the Center to Prevent Handgun Violence, HCI's sister organization, which is a 501 (3)(c) organization working to reduce gun violence through education, research, and legal advocacy. In addition, Mr. Brady serves as Vice Chairman of the National Head Injury Foundation as well as the Vice Chairman of the National Organization on Disability.

Prior to serving in the Reagan Administration, Mr. Brady was Spokesperson for the Office of the President-Elect and had served as Director of Public Affairs and Research for the Reagan-Bush Committee.

Mr. Brady's tenure in Washington began in 1973 when he moved from Chicago to serve as a Communications Consultant to a member of the U.S. House of Representatives. From late 1973 to 1975, he served as Special Assistant to the Secretary of Housing and Urban Development, which was followed by a position as the Special Assistant to the Director of the Office of Management and Budget from 1975 to 1976. He left OMB to serve as an Assistant to the Secretary of Defense from 1976 - 1977. He joined the Staff of Senator William V. Roth, Jr., (R-DE) in 1977, and left in 1979 to serve as Press Secretary to then-presidential candidate Gov. John Connally.

During 1961 - 62, Mr. Brady was a staff member in the Office of Senator Everett M. Dirksen, Minority Leader of the U.S. Senate. During the summer of 1962, he was an Honor Intern at the U.S. Department of Justice's Antitrust Division. Mr. Brady returned to Illinois, where he held the following positions: faculty member at Southern Illinois University, 1964 - 65; Assistant National Sales Manager and Executive Manager to the President, Lear-Seigler, 1965 - 66; Director of Legislation and Public Affairs for the Illinois State Medical Society, 1966 - 68; Whitaker and Baxter's Chicago Office Manager, 1968 - 69; Executive Vice President of James and Thomas Advertising and Public Relations, 1969 - 73.

Mr. Brady was born in Centralia, Illinois, August 29, 1940. He was graduated from the University of Illinois in 1962, where he earned a B.S. degree in Communications and Political Science.

Mr. Brady is the recipient of numerous honorary degrees. In addition, he received the Robert A. Taft Award for Outstanding Service to the Republican Party, the Significant Sigma Chi Award, and the Distinguished Eagle Award from the Boy Scouts of America. He and Mrs. Brady were the 1990 recipients of the Advancement of Communications Award given by the Annenberg Washington Program. He and Mrs. Brady were recipients of the Lenore and George W. Romney Citizen Volunteer Award. The Bradys were presented with the John W. Gardner Leadership Award by Independent Sector. In 1996, The Secretaries of State awarded Mr. and Mrs. Brady with the Margaret Chase Smith Award. The Jewish Community Relations Council of Greater Philadelphia presented the Bradys with the Jules Cohen Memorial Award. Mr. Brady was the recipient of the Lincoln Award for being a "National Hero".

Currently, Mr. Brady and his wife, the former Sarah Kemp, reside in Arlington, Virginia, with their son, Scott. Mr. Brady also has a daughter, Melissa.

HANDGUN CONTROL

**ONE MILLION STRONG . . . working to
keep handguns out of the wrong hands.**

CENTER TO PREVENT HANDGUN VIOLENCE

Sarah Kemp Brady
Chair, Handgun Control, Inc.
Chair, Center to Prevent Handgun Violence

Sarah Brady was born on February 6, 1942, in Missouri and was raised in Alexandria, Virginia. Mrs. Brady received her B.A. from the College of William and Mary in 1964. She married James Scott Brady in 1973 and they have a son, James Scott Brady, Jr.

From 1964 to 1968, Mrs. Brady was a public school teacher in Virginia. For the next ten years, she worked actively in various capacities within the Republican Party. She served as Assistant to the Campaign Director at the National Republican Congressional Committee from 1968 to 1970. In 1970, Sarah joined the staff of U.S. Representative Mike McKeivitt (R-CO) as an Administrative Aide. She held the same position in Congressman Joseph J. Maraziti's office (R-NJ) from 1972-1974. During the next four years, Mrs. Brady was Director of Administration and Coordinator of Field Services for the Republican National Committee.

Sarah has been active in the gun control movement since the mid-1980s and became Chair of Handgun Control, Inc. (HCI) in 1989. On November 30, 1993, Sarah watched President Clinton sign into law the "Brady Bill". The bill, named for her husband, Jim, requires a national waiting period and background check on all handgun purchases through licensed dealers. In 1996, Sarah continued to lead the gun control movement by addressing the National Democratic Convention in Chicago, Illinois.

Mrs. Brady also serves as Chair of the Center to Prevent Handgun Violence, HCI's sister organization, which is a 501 (3)(c) organization working to reduce gun violence through education, research, and legal advocacy. She also serves as the Honorary Chairperson of the National Head Injury Foundation.

Her past activities include Chairing the Building Committee for the Republican National Committee Annex, serving as a delegate to five Virginia Republican State Conventions, and serving as an Honorary Regent of the National Federation of Republican Women. She also sat on the Board of the Easter Seals Society and the Board of Alumni of the College of William and Mary.

Some of the honors bestowed on Sarah include being named "Washingtonian of the Year" in 1983 by Washingtonian Magazine; "USO Woman of the Year" in 1984; one of MS. Magazine's "Women of the Year" in 1988; one of 1989's "100 Most Powerful Women in Washington" by Washingtonian Magazine; and one of Glamour Magazine's "Women of the Year" in 1990 (its inaugural year). In 1991, Mrs. Brady received the "Excellence in Public Service" Award from the American Academy of Pediatrics; the "National Hero --Life Savers and Crusaders" Award from the Big Brothers/Big Sisters of America; and one of the "Mothers of the Year" awards from the National Mother's Day Committee. She and Jim were the 1991 recipients of the Union of American Hebrew Congregations' "Maurice N. Eisendrath Bearer of Light Award". In 1992, along with her husband, Jim, Sarah received the "C.

1225 Eye Street, NW, Suite 1100 • Washington, D.C. • 20005

HCI: (202) 898-0792 • FAX (202) 371-9615

CPHV: (202) 289-7319 • FAX (202) 408-1851

D

HISTORY OF THE WHITE HOUSE PRESS BRIEFING ROOM

When the West Wing was first turned into office space during Teddy Roosevelt's Administration, the journalists who covered the White House had no space of their own. They roamed outside the entrance to the White House, watching visitors in search of stories. In 1902, Theodore Roosevelt, who relished chats with reporters, allotted space for them next to his secretary's office.

Presidents Wilson, Harding, Coolidge and Franklin Roosevelt held informal chats and formal press conferences in the Oval Office or in the East Room. Since no separate briefing room existed, radio addresses were given from locations such as the Diplomatic Reception Room and a tiny workshop on the second floor. From 1902 to 1969, the press space remained a fluid mix in the West Wing lobby.

The enlarged press corps and the advent of television radically increased the need for a specific press area. President Kennedy tried to accommodate TV cameras and sound crews by holding press conferences in auditoriums outside the White House. President Johnson considered a plan to turn the Fish Room (now the Roosevelt Room) into a full broadcast studio. Although that plan failed, Johnson turned the family theatre into a mock briefing room. Johnson also renovated the West Wing lobby to provide reporters with more room. The press continued to occupy the main lobby until 1969, sharing it with guests and dignitaries.

In 1970, President Richard Nixon covered the White House indoor swimming pool, built in 1933 as part of FDR's polio therapy. Along with his Press Secretary Ron Ziegler, Nixon built a permanent briefing room above the swimming pool, moving reporters from the cramped West Wing lobby to the current space. Nixon's Administration also designed the current booth space and the bin system.

The Press Briefing Room was created in its current form in November, 1981, under President Reagan's Administration. The sofas in the briefing room space were replaced with theater style seating. Permanent seat assignments were created. The renovations were unveiled in a ceremony that included Press Secretary James Brady, after he had been severely wounded in an assassination attempt on Reagan.

During the Bush and Clinton administrations, small changes such as new paint and a new blue curtain have been made.

Information courtesy of Betty Caroli, Inside the White House. 1992 Canopy Books, Division of Abbeville Press, NY.

E

**THE BRIEFING PAPER FOR DEPARTURE
PHOTOGRAPH WITH LARRY COCKRELL
WILL BE FORWARDED**

F

THE WHITE HOUSE

WASHINGTON

February 10, 2000

'00 FEB 10 PM 0138

TAPED WEEKLY RADIO ADDRESS

DATE: February 11, 2000
LOCATION: Oval Office
TIME: 4:15 PM
FROM: Megan Moloney

I. PURPOSE

As we celebrate the 7th anniversary of the signing of the Family and Medical Leave Act, you will discuss what steps have been and can still be taken to further this legislation.

II. BACKGROUND

The Family and Medical Leave Act, the first piece of legislation you signed into law, allows workers to take up to 12 weeks of unpaid leave to care for seriously ill family members, new born or adoptive children, or their own serious health problems without fear of losing their jobs. Nearly 91 million workers (71% of the labor force) are covered by the Family and Medical Leave Act and millions of workers have already benefited from FMLA since its enactment.

In this address, you will urge Congress to expand FMLA to more workers. In addition, you will call on Congress to support a 24-hour leave provision, which would enable parents to take leave to doctor's appointments and school conferences.

You will also announce a \$20 million paid leave initiative in the FY 2001 budget that will provide approximately 15 competitive grants to states to explore paid leave options. This initiative will help to address the issue that many families are unable to take advantage of FMLA due to financial constraints. It builds on the proposed Department of Labor regulation that would allow states to provide paid leave for new parents through their unemployment insurance system.

III. PARTICIPANTS

Briefing 4:15 PM to 4:30 PM
THE PRESIDENT
Loretta Ucelli
Bruce Reed
Ann O'Leary
Lowell Weiss

Taping 4:30 to 5:00 PM
THE PRESIDENT
Megan Moloney
Mary Morrison
White House Communications Agency (WHCA) Personnel
White House Television (WHTV)
White House Photographer
Approx. 80 guests (see attached for list)

IV. PRESS PLAN

The ABC, AP, C-SPAN, CBS, Mutual, Westwood One, Metro, NPR, USA, American Urban, Standard News and Armed Forces Radio networks will carry the address in its entirety to their collective thousands of stations worldwide on Saturday at 10:06 AM ET. The address will also be made available on the White House Website.

V. REMARKS

To be provided by the Office of Speechwriting

G

THE REMARKS
FOR THE WEEKLY RADIO ADDRESS
WILL BE FORWARDED

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February 11, 2000

Unemployment or family leave?

Pete du Pont

Our unemployment insurance system needs to be reformed. Although most employers pay a payroll tax on all their workers for the purpose, only 38 percent of the unemployed get benefits. Furthermore, the system is subject to abuse, and economists agree the benefits encourage the jobless to stay unemployed longer.

But rather than reform the unemployment insurance system to fix these problems, the Clinton administration wants to put it in the family-leave business. The president wants to let parents of newborn or newly adopted children draw unemployment insurance benefits while they're on leave.

Under the Family and Medical Leave Act (FMLA), workers in businesses with 50 or more employees can take up to 12 weeks of unpaid leave a year to care for newborn or newly adopted children, to help care for a family member with a serious health condition, or to care for their own serious health condition. They are guaranteed to get their job back when they return.

President Clinton has proposed allowing states to pay unemployment insurance benefits to parents — in effect making the leave paid if it is for the birth of a baby or adoption of a child. The president ordered the Labor Department to write regulations and propose model legislation for the states. States could authorize the payment of benefits to employees of any size business who take family leave, but there would be no guarantee that those in businesses with fewer than 50 employees would get their jobs back.

Thus far, states haven't shown much interest in

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authorizing the payments, but that could change with money and votes at stake.

At first glance, unemployment benefits for new parents may sound like an attractive idea, but it has the potential of causing all sorts of mischief without doing much good.

Paying people for something they know is going to happen — the birth or adoption of a child — has little to do with insurance, which is supposed to protect against the risk of an unexpected or involuntary event like losing your job, or having a car wreck or fire. And why limit the benefits to new parents? What about those who are on leave to care for a sick parent or themselves?

In a 1996 report, the Commission on Family and Medical Leave estimated that about 1 of every 6 workers had taken family or medical leave in the 18-month period beginning in January 1994. Eighty percent of them had taken leave for medical reasons, so they wouldn't qualify for unemployment insurance benefits under the Clinton proposal.

The Clinton proposal would create a new entitlement for a large number of people to take care of a small problem affecting a limited number. Referring to the commission's study, Mr. Clinton said in a memorandum, "Lost pay was the most significant barrier to parents taking advantage of unpaid leave after the birth or adoption of a child." True, as far as it goes. But only a few parents who wanted to take leave reported any barriers at all to doing so.

According to the findings, about 0.18 percent of the nation's entire work force of more than 131 million — that works out to about 240,000 people — reported they wanted to take leave for a new child but couldn't afford it. It does not diminish their importance to observe that it is not good public policy to create a new entitlement for millions to solve a problem affecting a relative few.

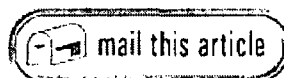
Unemployment insurance is a joint federal-state program financed by payroll taxes on employers, and is intended for use in case of involuntary unemployment. The Labor Department, which interprets federal statutes on unemployment insurance, has always required that states require that workers be "able and available" to work in order to draw benefits.

However, to comply with Mr. Clinton's orders, the Labor Department says it has revised the 60-plus-year-old interpretation of the requirement so it applies to parents of newborn or newly adopted children.

The American Institute for Full Employment devised a welfare reform plan, adopted by 14 states, that provides a state-subsidized job as a backstop for welfare recipients who can't find work. The institute has proposed abolishing unemployment insurance and replacing it with a similar program for the unemployed, which it says would actually help more jobless people while reducing the unemployment insurance tax rates significantly.

That approach appears to be workable. Certainly it is preferable to adding more baggage to the current system in the form of a new entitlement that is so questionable the Labor Department is having to stretch the language to justify it.

Pete du Pont, former governor of Delaware, is policy chairman of the National Center for Policy Analysis.



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Birth and Adoption Unemployment Compensation (BAA-UC)

- There have been dramatic changes in our society and economy since the unemployment compensation (UC) program was designed. One of those changes is the tremendous increase in women who work outside the home. Today, almost 60 percent of mothers with children under the age of one are in the work force.
- Evidence suggests that children who have bonded strongly with their parents in their first weeks of life tend to be healthier emotionally and physically. Working parents who are able financially to take leave from their jobs can spend this critical time with their children. Yet, too many parents cannot afford to do so.
- According to the Department's report "A Workable Balance," nearly two-thirds of employees who did not take leave to be with their newborns cited lost wages as the primary reason.
- The BAA-UC program is an experiment, recognizing this change in our labor force, that permits States to use their UC programs to help parents spend time with their new-born or newly adopted children.
- This experiment builds on past Department of Labor interpretations that said, under certain circumstances, workers need not meet the classic definition of being "able to and available for work" to receive benefits.
- For example, if States approve, UC beneficiaries who go into training are not required to accept work during the course of their training. The rationale for this interpretation is that the best route to a strong labor market attachment for these workers is to acquire new skills through training. Other special circumstances under which states may permit unemployed workers to continue to receive UC benefits include temporary illnesses and jury duty.
- The proposed rule would permit States to test whether these special circumstances should be expanded to individuals on leave following birth and adoption by determining whether payment of UC promotes their connection to the labor market.
- The projected costs of BAA-UC are relatively low when compared with current expenditures for UC. Although actual costs will vary between States, a typical State's expenditures on BAA-UC would be only about 5% of current benefits.

UI to be used for this purpose, how many states do you expect to take advantage of it this year? Which ones?

There are several states that have considered or are considering legislation to use their unemployment insurance system to provide paid leave for new parents, including Massachusetts, Maryland, Indiana, Vermont and Washington. The number of states that will be able to take advantage of the UI regulation will depend on when the regulation is released and the movement of the state legislatures.

Q: Other than using Unemployment Insurance, what other ways do states have to offer paid parental or family leave?

Currently, there are approximately twelve states that are exploring options for offering paid parental or family leave. Some states would like to use the unemployment insurance program, others are using Temporary Disability Insurance, while others are developing and evaluating new creative options for offering paid leave such as establishing paid leave funds or providing subsidies. For a complete review of these states, please see attached information on State Family Leave Income Initiatives prepared by the National Partnership for Women & Families.

Message Copied To:

"ATKINSON, CHERYL" <CJATKINSON@DOLETA.GOV>
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Bergman Terry <bergman-terry@dol.gov>

02/11/2000 03:12:10 PM

Record Type: Record

To: Ann O'Leary/OPD/EOP

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

Subject: Qs and As

I just realized that I went directly to the attachment and did not see the "Baby UI" Qs and As....I have put my edits in bold below. A few items which deserve special attention are:

1. timing...our schedule is to have a final regulation by late masy (byt the anniversary of the Grambling address, which is May 24). Late April is not likely...and would raise the concerns of Congress and those who plan to bring suit against us, that such an early date would mean that we did not adequately consider comments. I suggest late Spring or late May.

2. I have changed the phrasing on the consideration by States. Washington considered last year, but its not being considered this year...i think the same may be true of Maryland. We hear that Conecticut will consider...but i don't know if anything has been filed. Also, I have not seen the doucment you refer to from the partnership....but there materials are on UI-FMLA proposals which are still not permitted under the proposed rule.

RADIO ADDRESS ON FMLA AND PAID LEAVE

Q&As

Q: When do you expect the U.S. Department of Labor come out with their final regulation on allowing states to use their unemployment insurance to provide compensation for new parents after the birth or adoption of their child?

A: Just three months ago, the President and Secretary Herman announced the proposed regulation that would allow states to use their Unemployment Insurance system to provide partial wage replacement for workers when they take leave after the birth or adoption of a child.

The comment period on this proposed regulation just closed on February 2 and the Department of Labor is now sifting through over 3,000 comments, but they hope to be able to finalize the regulation by the Late Spring (or end of May).

Q: Given that states have to first pass state legislation before allowing

6-2865

code 6789

Conference Call on FMLA/Paid-Leave

Participants

- ✓ Judy Lichtman and/or Donna Lenhoff, National Partnership
- ✓ Christine Owens and/or Marcie Nelson, AFL-CIO
- Helen Blank, CDF
- ✓ Matthew Melmed, Zero to Three
- ✓ Suzanne Mintz, National Caregiver's Association
- Maurice Emsellem, National Employment Law Project
- Monica Halas, Greater Boston Legal Services
- Heidi Hartman, Institute for Women's Policy Research

lisa allen adrian

um w f

diane aron
hewling
Restoration!?

Talking Points

- Thank you all for joining this call. I wanted to let you all know that the President will be giving his weekly radio address tomorrow on the Family and Medical Leave Act and will be announcing a new \$20 million initiative to help states develop paid leave options.
- It's hard to believe that it has been seven years since the President first signed FMLA, but thanks to the tremendous effort you have all done to make the public aware of FMLA, millions and millions of Americans have been able to take advantage of it.
- Today in his Radio Address, President Clinton will highlight one of the greatest barriers to taking unpaid leave – the tremendous financial strain it places on families.
- Just three months ago, the President and Secretary Herman announced the proposed regulation that would allow states to use their Unemployment Insurance system to provide partial wage replacement for workers when they take leave after the birth or adoption of a child. The comment period on this proposed regulation just closed and the Department of Labor is now sifting through over 3,000 comments, but they hope to be able to finalize the regulation by the end of April.
- Today's announcement is the next step in exploring this problem – the President has put \$20 million in his FY 2001 budget to provide competitive grants to states to allow them to develop creative options to make parental leave and other forms of family leave more affordable and accessible to American workers.
- Thanks to the work of the National Partnership, we know that they are already 12 states have begun to explore options and these planning grants will help to move their work along.
- We have a lot to do this year – the President and the First Lady are more committed than ever to working with Congress to expand FMLA to more workers and expanding it to allow workers to take up to 24 hours for routine family responsibilities.
- And, this initiative to further explore paid leave will not be easy, but, like you, we believe

it is the next battle we need to fight if we are committed to ensuring that more and more families can take time off for important family responsibilities, like the birth or adoption of a child.



Barbara D. Woolley
02/11/2000 12:09:28 PM

Record Type: Record

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

cc:

Subject: REVISED LIST OF FMLA RADIO ADDRESS GUESTS

Radio Address

Friday, Feb. 11, 2000

4:15 pm

List of Participants - 8

Alisa Robinson
Executive Vice President
Black Diamond Enterprises, Ltd.
Easton, PA

Judith L. Lichtman
President, National Partnership for Women & Families
Washington, DC

Marcia J. Nielsen-McPherson
Legislative Affairs, AFL-CIO
Washington, DC

Matthew Melmed [sons, **Jeremy, age 9, and Andrew, age 12**]
Executive Director
Zero to Three
Washington, DC

Suzanne Mintz
Executive Director, National Family Caregiver's Association
Maryland

Anne Mosle
Senior Vice President, Center for Policy Alternatives
Washington, DC

UPDATED List of invitees (35) for FMLA conference call at 6 PM on 2/11/00

Contact for questions: Sandhya Subramanian, 986-2600 ext. 3025,
sandhya@nationalpartnership.org

Ellen Bravo
9 to 5

Gail Hunt
National Alliance for Caregiving

Melissa Josephs
Women Employed

Joan Lombardi
Bush Center in Child Development and Social Policy, Yale University

Joel Marks
American Small Business Alliance

Anne Mosle
Center for Policy Alternatives

Judith Riggs
Alzheimer's Association

Sandhya Subramanian and Elana Tyrangiel
National Partnership for Women & Families

Joannie Chang
Employment Law Center (CA)

State Senator Hilda Solis (CA)

State Senator Jackie Speier (CA)

Leslie Brett
Connecticut Permanent Commission on the Status of Women

State Representative Christopher Donovan (CT)

State Senator Anita Bowser (IN)

State Representative Linda Lawson (IN)

Denise Davis

Maryland Women's Law Center
Debra Gardner
Public Justice Center
State Delegate Michael Dobson (MD)

Linda Johnson
Massachusetts Women's Statewide Legislative Network

State Representative Anne Paulsen (MA)

State Representative Liz Brater (MI)

Jon Baird
New Hampshire Legal Services

State Representative Mary Stuart Gile (NH)

Assemblywoman Arlene Frischia (NJ)

Greg Williams
NJ State Legislature, Office of Legislative Services

Geri Riley
Office of State Assemblywoman Catherine Nolan (NY)

Deborah King
New York Union Child Care Coalition, AFL-CIO

State Senator Susan Castillo (OR)

State Representative Diane Rosenbaum (OR)

State Senator Jan Backus (VT)

Adam Necrason
Sirotkin & Necrason (VT nonprofit)

Marilyn Watkins
Economic Opportunity Institute (WA)

State Senator Lisa Brown (WA)

State Representative Mary Lou Dickerson (WA)

National Partnership for Women & Families

**EMBARGOED FOR 10 AM
Saturday, February 12, 2000**

**CONTACT: Margaret Sotham
202/986-2600**

PRESIDENT'S NEW FAMILY LEAVE INITIATIVE IS A MAJOR STEP FORWARD FOR AMERICA'S WORKING FAMILIES

**Statement by Judith L. Lichtman, President
National Partnership for Women & Families**

We applaud President Clinton's exciting new proposal to earmark \$20 million in the federal budget for competitive planning grants to help states and other entities explore ways to make family and medical leave more affordable. At a time when we have such a strong economy – and working families need relief so urgently – this initiative is a major step forward that can make a real difference to millions of Americans. Congress should appropriate these funds without delay.

Family leave has been one of President Clinton's proudest accomplishments. In 1993, the Family and Medical Leave Act (FMLA) was the first bill he signed into law. As a result, more parents are spending precious time with new babies, fewer children have to face hospital stays alone, and more workers can care for their parents in an emergency. In almost seven years, the FMLA has helped some 26 million women and men care for their loved ones *and* keep their jobs, without harming employers.

The FMLA was a critical first step, but it was not enough. Too many Americans simply cannot afford to take the unpaid leave the law provides. The bi-partisan Family Leave Commission found that lost wages are the number-one reason people do not take family leave. Nearly one in ten FMLA users is forced onto public assistance while on unpaid leave.

That is why these new initiatives are so crucial. In November, the President proposed an important new regulation that will allow states to use unemployment insurance to provide benefits to workers during short-term parental leave. The Department of Labor should waste no time in finalizing that regulation. And Congress should move quickly to pass measures to make family and medical leave available to more workers for more reasons. President Clinton is right: It's time to put our family values to work.

###

The National Partnership for Women & Families, formerly the Women's Legal Defense Fund, is a non-profit, non-partisan organization that promotes fairness in the workplace, quality health care, and policies that help women and men meet the dual demands of work and family.

NATIONAL FAMILY CAREGIVERS ASSOCIATION
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RESPONSE TO PRESIDENT'S PROPOSAL FOR FUNDING FAMILY AND MEDICAL LEAVE

**STATEMENT BY SUZANNE MINTZ
 PRESIDENT AND CO-FOUNDER
 NATIONAL FAMILY CAREGIVERS ASSOCIATION
 February 12, 2000**

For More Information Contact: 301 942 6430

"The National Family Caregivers Association (NFCA), the nation's most broadly-based organization of hands-on family caregivers, warmly welcomes The President's newest initiative to expand access to family and medical leave. By helping states develop creative ways to actually fund leave taken under the FMLA we will be edging that much closer to meeting the real needs of caregiving families."

"Family caregivers can lose over \$650,000 in wages, pension and Social Security benefits because of their caregiving responsibilities according to a recent study by the Center for Women and Aging at Brandeis and the National Alliance for Caregiving. Finding ways to creatively fund family and medical leave can help reduce this astounding number and help minimize the financial impact of caregiving."

The President's proposal enabling states to develop creative ways to fund family and medical leave is a step in the right direction. We can no longer bury our heads in the sand and think that most working caregivers can afford to forego their salaries. As the population continues to age, there will hardly be a family in America that is not involved in family caregiving. Because the proposed \$20 million dollars for competitive grants for the states is the starting point in a process that will take a number of years before dollars are actually available to compensate individuals taking leave, it is imperative that we get that process underway as soon as possible."

-more-

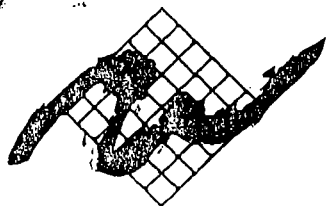
Comments on the President's Proposals for Funding Family and Medical Leave
by Suzanne Mintz
Page 2

"If you haven't walked in a caregiver's shoes you can never fully understand the emotional stress and pain that it causes. But we can all understand the financial impact that not having a salary for a time can create. When the two are coupled together we are truly putting families at risk. The President's proposal to help states find ways to compensate individuals who take family and medical leave is a welcome step in meeting the needs of the millions of working people who care for chronically ill or disabled loved ones."

" Family caregivers are underpinning our healthcare system, often at risk to their own health and well-being. They provide the vast majority of home care (approximately 80%) in this country for the chronically ill, aged, and disabled. The President's latest proposal to help states find creative ways to fund family and medical leave isn't going to change these basic realities, but it will - eventually - help lessen the financial impact for working caregivers, estimated to be \$650,000 in lost wages, pensions and social security, and that is a goal well worth achieving."

The National Family Caregivers Association (NFCA), located in Kensington, MD, is a grassroots organization dedicated to supporting and improving the lives of America's family caregivers. The growing, non-profit organization believes family caregivers need to become their own advocates to impact change in their daily lives and in society's policies and practices towards family caregivers. NFCA provides information and educational materials, support and validation, and generates public awareness and advocacy.

For more information contact: 301 942 6430 - Suzanne Mintz



INSTITUTE FOR WOMEN'S POLICY RESEARCH
1707 L Street NW, Suite 750 ♦ Washington, DC 20036

Contact: Vicky Lovell, Ph.D.
Study Director
Institute for Women's Policy Research
202-785-5100

STATEMENT OF

HEIDI HARTMANN, PH.D.
PRESIDENT AND DIRECTOR
INSTITUTE FOR WOMEN'S POLICY RESEARCH

EMBARGOED UNTIL 10:00 AM SATURDAY, FEBRUARY 12

The Institute for Women's Policy Research (IWPR) is very pleased with President Clinton's continued support of the development of family and medical leave for American workers. Coming just ten weeks after the President announced draft regulations to allow states to use their unemployment insurance systems for paid parental leave, this new initiative emphasizes how important it is to explore a variety of ways to reduce workers' caregiving burden by providing temporary, paid breaks from their jobs to care for infants, ill spouses and aging parents.

IWPR research shows that a family and medical leave program may cost roughly the same amount as unemployment insurance, even when it covers a larger portion of the workforce. Our research also documents that providing paid leave to new mothers reduces government expenditures on welfare. Paid leave can be a cost-effective strategy for simultaneously increasing women's economic security and assisting families facing on-going or emergent needs to care for children, spouses and parents.

With more parents in the workforce and more workers caring for their own elderly parents, it is crucial that the unpaid leave provided by the Family and Medical Leave Act of 1993 be expanded to cover all workers (not just those with significant job tenure employed in large firms) and to provide partial wage replacement. President Clinton's budget proposal allows states to design innovative programs, tailored to their communities, that respond to the public's desire to help families balance work and caregiving demands. These initiatives are the first steps toward the development of a comprehensive set of policies that will help integrate workers' family responsibilities with their employment commitments.

(For additional information regarding IWPR research, please contact IWPR at 202-785-5100 or visit our website, www.iwpr.org.)



National Center for Infants, Toddlers and Families

NEWS

EMBARGOED UNTIL
February 11, 2000 10:00am

Contact: Matthew E. Melmed
(202) 638-1144
(301) 263-0216 (home)

FAMILIES OF BABIES AND TODDLERS NEED MORE TIME WITH THEIR CHILDREN

President Clinton proposed a new initiative today that will help advance the movement toward paid family leave in America. The President will ask Congress to award \$20 million to states on a competitive basis to examine the feasibility of providing paid family leave. Paid family leave would help millions of parents take the time to nurture their newborn and newly adopted children instead of being forced too quickly back to work. ZERO TO THREE applauds the President's efforts.

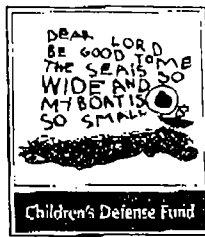
During their earliest days and months, children learn about the world through their own actions and their caregivers' reactions. They are learning about who they are, how to feel about themselves, and what they can expect from those who care for them. "Such basic human capacities as the ability to feel trust, to experience intimacy with, and to cooperate with others develop from the earliest moments of life. Babies need ample time with their parents at the very beginning of their lives to establish the give and take interactions that will be reflected in the quality of relationships they are able to establish throughout their lives," said Matthew E. Melmed, Executive Director of ZERO TO THREE.

The transition to parenthood is one of the most stressful of all life events even under the best of circumstances. Developing a mutually satisfying parent-child relationship takes time, time which many parents cannot afford to take. "Research tells us that parents who must return to work before they feel ready do so miss out on a chance to understand their infants and may lack a sense of confidence and competence," said Matthew E. Melmed, Executive Director of ZERO TO THREE. "These stresses have also been linked with decreased parental responsiveness, and with the exacerbation of postpartum depression."

According to a 1997 nationwide poll of parents of babies and toddlers conducted for ZERO TO THREE, at the end of the day nearly half of all parents feel that they have spent too little time with their young children. "Clearly America's parents want to spend time with their babies and toddlers. If babies could speak, they would tell you that that's exactly what they want and need too," said Matthew E. Melmed, Executive Director of ZERO TO THREE.

#####

ZERO TO THREE is a national non-profit founded 20 years ago by leading pediatricians and child development specialists to share new knowledge on how children develop in the early years. ZERO TO THREE focuses on the first three years of life because this is the time of greatest human growth and development. The organization's award-winning web site is located at: <http://www.zerotothree.org>.



STATEMENT

Contact: Gigi Hinton, (202) 662-3619

**Embargoed until 10:00 a.m.
Saturday, February 11, 2000**

The Children's Defense Fund supports the Clinton Administration's proposals for Expanded Family Leave Opportunities because we think it will provide important assistance to families and children. While the Family and Medical Leave Act (FMLA) has already helped more than 24 million families, its benefits still remain out of reach for millions more. We believe it should not just be limited to employers with 50 or more employees. A bi-partisan Family Leave Commission found that for the majority of those who needed family or medical leave but did not take it, lack of wages was the primary reason. In a United Nations survey of 152 countries, the United States was one of only six lacking a national paid leave requirement for new mothers and/or fathers.

We are pleased that President Clinton is proposing a package of initiatives aimed at improving the accessibility of paid family leave for American families. We hope that the proposed \$20 million competitive grant program will result in states developing creative new options for improving family leave policies. In addition, we hope the President's proposed changes to the Unemployment Insurance regulations will help make family leave feasible for new parents who want to remain at home to care for their newborns during their critical early months.

These proposals, combined with an expansion of the Family and Medical Leave Act to employers with 25 or more employees and the inclusion of up to 24 hours of leave for routine family necessities, are important steps toward ensuring real support for America's working families.

The mission of the Children's Defense Fund is to Leave No Child Behind® and to ensure every child a Healthy Start, a Head Start, a Fair Start, a Safe Start, and a Moral Start in life and successful passage to adulthood with the help of caring families and communities. CDF provides a strong, effective voice for all the children of America who cannot vote, lobby, or speak for themselves. We pay particular attention to the needs of poor and minority children and those with disabilities. CDF educates the nation about the needs of children and encourages preventive investment before they get sick or into trouble, drop out of school, or suffer family breakdown.

CDF began in 1973 and is a private, nonprofit organization supported by foundation and corporate grants, and individual donations. We have never taken government funds.

###

Children's Defense Fund
25 E Street, NW
Washington, DC 20001

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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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J. MICHAEL MYERS, MINORITY STAFF DIRECTOR AND CHIEF COUNSEL

<http://www.senate.gov/~labor>

Senator Edward M. Kennedy's Labor Policy Office

DATE:

2/9/00

TO:

Ann O'Leary

FAX NUMBER:

456-2878

FROM:

Holly Fechner

(202) 224-5441 phone

(202) 224-3533 fax

Number of Pages:

8

(including cover page)

Message:

United States Senate

WASHINGTON, DC 20510

January 31, 2000

The Honorable Alexis Herman, Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Dear Madame Secretary:

We are writing to express our strong support for the recently proposed regulation (64 Fed. Reg. 67972, December 3, 1999) allowing states to provide partial wage replacement to new parents through the unemployment insurance system.

We have worked closely with you to assist working Americans in balancing the demands of work with the responsibilities of their families, most notably in the enactment of the Family and Medical Leave Act of 1993. It is estimated that over 20 million Americans have enjoyed the protection of the Act to take leave to welcome a new child or cope with a serious medical condition, without fear that they would lose their job. But many more Americans are unable to enjoy the benefits and protections of the Act because the leave is unpaid. Studies have shown that large numbers of employees eligible for the leave do not take it because they cannot afford it.

Numerous states have begun to consider various policy options to address the needs of these families. Many, including Massachusetts, Maryland, Vermont, Washington, Connecticut, Oregon and New Hampshire, are studying or have proposed expansion of their state unemployment insurance systems to cover new parents and others. Recent polls have found that 79 percent of all Americans favor expansion of the unemployment insurance system to include paid family and medical leave. Many states already have in place unemployment benefits for workers who are on recall status with their employers, or who have relocated because of their spouse, or who are training for new employment.

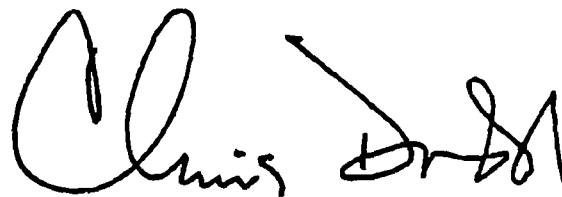
The flexibility in the Department of Labor proposed regulation builds on the strong foundation laid by these state efforts to assist families more effectively. The regulation is not a mandate. Instead, it provides states with clear authority to expand their unemployment insurance systems as they work to address these concerns. This flexibility is particularly important at a time when many states are considering other changes in their unemployment systems.

Page 2

The proposed regulation offers states an excellent opportunity to assist parents and their new children. The first weeks and months of life are critical to a child's early development and lifelong success. This initiative will help support parents as they make this key investment in the future of their children and our country. We look forward to continuing to work with you on this impressive initiative and other important issues for America's working families.

Sincerely,

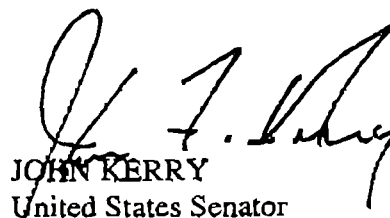

EDWARD M. KENNEDY
United States Senator


CHRISTOPHER J. DODD
United States Senator

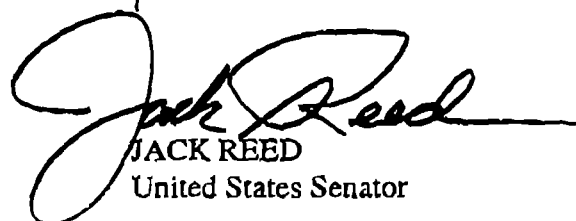

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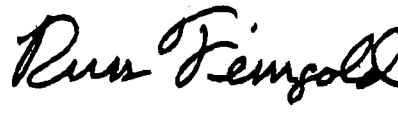

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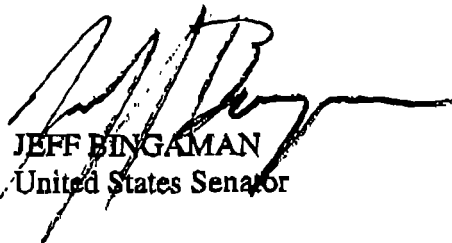

MARY L. LANDRIEU
United States Senator


RICHARD J. DURBIN
United States Senator

Page 3



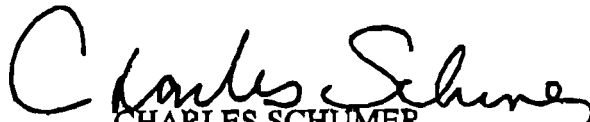
BARBARA BOXER
United States Senator



JEFF BINGAMAN
United States Senator



BARBARA MIKULSKI
United States Senator



CHARLES SCHUMER
United States Senator

cc: Grace A. Kilbane, Director
Unemployment Insurance Service

United States Senate

WASHINGTON, DC 20510-2101

January 12, 2000

The Honorable Alexis Herman, Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Dear Madam Secretary:

I am writing to express my strong support for the recently proposed regulations enabling states to expand their unemployment insurance ("UI") programs so that employees can collect unemployment insurance when they take temporary leave to care for a newborn or newly adopted child.

The Family and Medical Leave Act of 1993 is one of President Clinton's most important achievements, and has given millions of workers the time they need to care for their families. Recent studies have shown, however, that the loss of a paycheck during unpaid leave prevents millions of other workers from taking the leave when they need it. According to the bipartisan Commission on Family and Medical Leave, 63% of workers who needed leave were unable to take it because they could not afford to go without pay, and over 20% of workers with family incomes under \$20,000 were forced to resort to welfare to fund their needed leave. The UI initiative fills this serious gap in the 1993 Act, which only provides for unpaid leave, and is a giant step towards solving the problem.

This important initiative will help parents spend crucial time with their newborn or newly adopted children, instead of rushing back to work because they cannot afford to lose their paychecks. Children need this time to bond with their parents, and parents need this time to nurture their children, but too often parents cannot afford to take the unpaid leave that current law permits. At the same time, this proposal is not a mandate on states. Instead, it allows each state to evaluate its own situation, based on the current status of its unemployment insurance trust fund.

While I commend the Administration's sound and compassionate approach to funding parental leave, my own view is that these regulations are unnecessary for states that wish to utilize their unemployment trust funds for family and medical leave wage replacement. The Department's regulations create a program consistent with the requirements of federal UI law and the Department's previously exercised authority to interpret the federal UI statute regarding matters such as training, illness, jury duty and temporary layoffs. But federal law does not

restrict states' prerogatives to determine availability requirements. Nor do the laws themselves provide any particular availability requirement. The states are responsible for determining availability for work under the unemployment compensation laws. In addition, states have authority to carve out exceptions to their availability requirements. Federal law creates a floor of basic UI coverage, but it does not set a ceiling to limit states' ability to expand coverage. Thus, while a specific federal directive allowing such a use of UI is a positive endorsement of this use, I believe that states already have the legal authority to interpret the requirements and to use their UI trust funds for this purpose.

Efforts to implement legislation to provide partial income during family leave are under way in a number of states, including Vermont, Maryland, Washington, Connecticut, and Massachusetts. The Massachusetts Legislature has introduced a bill to provide unemployment insurance for up to 12 weeks to workers who leave or who become separated from their jobs for reasons that qualify for protection under the family and medical leave law.

Massachusetts UI law has as its statutory purpose "to lighten the burden on the worker and his family." It exemplifies the beneficial result of permitting state experimentation in order to best serve the needs of unemployed workers. Mass. Gen. Laws Ann., ch. 151A, §74. Consistent with this purpose, Massachusetts already provides benefits to individuals who must leave a job for non-work connected personal reasons which are "urgent, compelling, and necessitous." The statute provides that leaving a job for these reasons renders the leave "involuntary." The Massachusetts Supreme Judicial Court has interpreted this provision to include leave due to domestic responsibilities.

Massachusetts offers a number of innovative benefits. Massachusetts law provides for the longest duration of benefits (30 weeks) and one of the most generous benefit amounts (currently \$431 a week, plus a potential addition of \$215 in dependency allowance). Individuals are exempt from availability requirements while participating in approved training, and are eligible for up to an additional eighteen weeks of unemployment benefits while participating in training. Mass. Gen. Laws Ann., ch. 151A, § 30(c). Moreover, Massachusetts is the only state to provide health insurance benefits for unemployed workers and their families through a modest tax on employers. Mass. Gen. Laws Ann., ch. 151A, § 14G(j). Although this Medical Security Plan is financed through a separate trust fund, it is administered by the Massachusetts Division of Employment and Training as a needs-based program of COBRA continuation benefits or direct coverage. In another aspect of Massachusetts' program, a portion of the employer tax was diverted to provide incumbent worker training targeted to low-wage, low-skilled workers. Mass. Gen. Laws Ann. ch. 29, § 2RR; 430 CMR § 8.01 *et seq.* These provisions, like the proposed benefits for family and medical leave, advance the purpose of the Massachusetts law to benefit "the worker and his family."

Expansion of the Massachusetts unemployment system is possible because of the solvency of the Massachusetts unemployment trust fund. Currently, the Massachusetts Trust Fund contains at an unprecedented \$1.877 billion. According to John A. King, Deputy Director of the Massachusetts Division of Employment and Training, this balance "represents far and

away the largest balance the Fund has ever attained. Reserves are now large enough, even after excluding all anticipated 1999 contribution income, to pay benefits for twenty-nine months at current levels of unemployment and for more than one year at a severe recessionary level."

At the same time, Massachusetts' unemployment rate has averaged a near record low of 3.0% during 1999. This is clearly an appropriate time for the state to expand its efforts to help workers during periods of difficulty. The cost of providing unemployment benefits to workers facing a medical emergency or a family need is a modest \$1.25 per employee a week, and the estimated cost of providing family leave alone is only 22 cents per employee per week. The trust fund is solvent, yet at the same time, the data demonstrate that the prosperity of the state economy has not reached all its citizens, particularly low wage workers. Added to this fact is the impact of the state's two-year time limit on welfare, which means that many working-poor heads of households will no longer be able to rely on public assistance when they are forced to take unpaid leave. All of these factors, unique to the state, are best resolved at the state level, where the needs of workers can be evaluated in the context of the particular state's economic condition.

The proposed Massachusetts bill is an ideal opportunity to test a creative and innovative means for implementing the letter and spirit of the federal initiative. Just as Massachusetts was on the cutting edge as the first state to consider unemployment legislation in 1916, its willingness to consider the current modification constitutes the type of experimentation that the federal-state system is designed to encourage.

The expansion of the Massachusetts UI system to cover unemployment during periods of family and medical leave, as proposed in the Massachusetts bill, is clearly consistent with federal UI law. President Clinton's directive that states may use the UI system to support parents on leave following the birth or adoption of a child is firmly grounded in federal law, past precedent, and important policy considerations. This use of the UI system is based on the concept that, since federal law simply sets a floor and not a ceiling for UI coverage, states have the discretion to define "availability" so that it includes persons who are on leave because they must attend to family responsibilities. The Massachusetts bill simply applies this same logic to additional reasons for leave, as provided under the Family and Medical Leave Act — the birth or adoption of a child, or the serious illness of the worker or a family member. Thus, the legal support for the President's directive also firmly establishes the legality of the expanded coverage which the Massachusetts bill provides.

These proposed regulations offer an appropriate solution to the important challenges faced by working parents struggling to balance the demands of work with the needs and responsibilities of family. I strongly support these proposed regulations, and I commend the Administration's continued efforts on behalf of working families.

Sincerely,


EDWARD M. KENNEDY
United States Senator

cc: Grace Kilbane, Director
Unemployment Insurance Service

QUOTES FROM FOCUS GROUP WITH NEW JERSEY WOMEN (MIXED AGES) 1/20/00

Need for paid family leave

If you have a sick relative, you have to pay for hospitals, medication, you know, stuff like that. So if you are taking a sick leave for a family member, you are going to need some type of pay. Some people, me personally, I couldn't take off just to take care of a sick son. (p.15)

I just had surgery. I wouldn't have gotten through without money in my pocket to take cars back and forth to the hospital. (p.15)

Who do you choose? Your family or your job? Because if something happens, you still have to eat. (p.18)

Using UI for family leave

I'm saying since a lot of people won't use unemployment, this will be a good way of them getting something back. And I was in for a real shock because I thought everyone got paid for six weeks of maternity leave. And when I found out that wasn't the case, it was kind of company by company, I was lost. (p.28)

Because if someone is ill, you have no option but to go out, leave work and care for this person, but yet you still have to pay your mortgage or pay your rent. It leaves you with no option. [...] And I'm in a crisis, I have a problem, I'm about to lose my house, why should money just sit there? (p.51)

What kind of leave deserves some pay

People that get sick, it's just as important as having a baby. (p.40)

Taking care of a newborn baby is the same as taking care of an elderly parent. You've gotta change diapers, you know, it still works both ways. (p.40)

Limits of current FMLA

If you are working for a small company, you lose out. (p.16)

I think employers discourage it. Because I was discouraged from using it. (p.16)

QUOTES FROM FOCUS GROUP WITH NEW JERSEY MEN (ALL FATHERS) 1/20/00

Need for paid family leave

It's an absolutely necessary thing. When we find ourselves in a situation where we have sickness or a baby, money should not be the first thought. The thought should be, 'I have to get well.' [...] We shouldn't be put in that situation, my job comes before my health. (p.17)

Using UI for family leave

The unemployment agencies are already in place. You don't have to create a new agency and get new people to handle this. (p.27)

These are for the little companies that are under 50 that can't pay. That's wonderful. (p.29)

It should be for medical reasons, too, to help your family. (p.29)

Times are different from when they first came out with this plan [UI]. Things were different back then. It's pro family. (p.45)

[Covering family leave is] just updating it [UI] to the way most families are, husbands and wives both work. (p.31)

I think it [UI] needs to be updated. (p.32)

I think my employer can even do that [pay \$1.25/wk, the MA estimate for providing UI for all forms of family and medical leave] on his 22 employees. I think he can do it. Or we can make sure that he could do it. Help him do it. It doesn't seem like a lot of money, \$1.25. (p.35)

You are getting laid off because you don't have a job. It is true that you are going to have a family you are going to have to take care of. On the other side, though, if somebody's sick that's really not your fault either.

Limits of current FMLA

I'm one of those guys [who works for a smaller employer and isn't covered]. Why only for companies with 50 or more people. Why not everybody? (p.16)

It shouldn't depend on how many people are in the company. It shouldn't just be a company of 50 people or more. (p.17)

QUOTES FROM FOCUS GROUP WITH RICHMOND WOMEN (SENIORS <75) 1/18/00

Need for paid family leave

There should be something. (p.19)

Even half pay -- any amount. (p.20)

I know when my husband was ill I had to keep working [...]. At the end I was so physically, emotionally and mentally drained that I could hardly function. (p.21)

Using UI for family leave

The money is there and has not been available to those with this particular need before. It could only help everyone. (p.13)

The program is already in place. (p.47)

They don't have to start up a whole new program for it. (p.47)

It [UI] needs to be updated. It's being more realistic because of modern times that both men and women are working. (p.68)

QUOTES FROM FOCUS GROUP WITH RICHMOND WOMEN (25-45) 1/18/00

Using UI

It works for everyone, not the rich and not the poor. (p.62)

It is for the good of our country in a way, if you help people to help other people. Everybody is raising good kids or caring for sick people, those are good things. Why not make it a little easier for them to do that? (p.62)

And there is a system already in place. That is not like something that has to be set up. (p.62)

This would have been so nice when my husband's father was ill.[...] I kept seeing his face very time he would have to leave a very important job to go. he had to weigh his guilt and it was horrible for him. [...] I just think it would be a wonderful thing to have.

[about the actual reg -- new babies/adoptees only]

If they determined in the FMLA that it should cover ll these things then I think it is the same situation. (p.46)

Because it is going from a pool that is being taken from everybody, it should include everybody. (p.46)

Need for Paid Leave/Limits of current FMLA

What's missing? Just guaranteed pay. (p.14)

[self-employed woman worried about caring for aging parents] They are not here. There are there and even though I'm not in the corporate world, so to speak, that is a major concern. [...] I still need that income and yet I've got to help them certainly. So it is a major concern. (p.16)

I don't necessarily think that having a baby or caring for a someone that is ill or just died is the same thing as taking vacation. Vacation is one benefit. It is time off from your job for a vacation and this is time off for a need. (p.33)

You are never really sure maybe if your company would come up with a different reason to get rid of you. (p.14)

(lots of concern about men not being able to use because they'll be seen as not committed to their jobs or not manly)

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Clinton Presidential Records
Domestic Policy Council
Ann O'Leary
OA/Box Number: 19580

FOLDER TITLE:

NPRM [Notice of Proposed Rulemaking] Re: UI [Unemployment Insurance] - Leave [1]

2013-0436-S

rc1307

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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Family and Medical Leave Fairness Act of 1999 (Introduced in the Senate)

S 201 IS

106th CONGRESS

1st Session

S. 201

To amend the Family and Medical Leave Act of 1993 to apply the Act to a greater percentage of the United States workforce, and for other purposes.

IN THE SENATE OF THE UNITED STATES

January 19, 1999

Mr. DODD (for himself, Mr. DASCHLE, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. HARKIN, Mr. KERRY, Mr. AKAKA, Mrs. BOXER, and Mr. WELLSTONE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Family and Medical Leave Act of 1993 to apply the Act to a greater percentage of the United States workforce, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Family and Medical Leave Fairness Act of 1999'.

SEC. 2. FINDINGS.

Congress finds that--

- (1) the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) has provided employees with a significant new tool in balancing the needs of their families with the demands of work;
- (2) the Family and Medical Leave Act of 1993 has had a minimal impact on business, and over 90 percent of private employers covered by the Act experienced little or no cost and a minimal, or positive, impact on productivity as a result of the Act;
- (3) although both employers at workplaces with large numbers of employees and employers at workplaces with small numbers of employees reported that compliance with the Family and Medical Leave Act of 1993 involved very easy administration and low costs, the smaller employers found it easier and less expensive to comply with the Act than the larger employers;
- (4) over three-quarters of worksites with under 50 employees covered by the Family and Medical Leave Act of 1993 report no cost increases or small cost increases associated with compliance with the Act;
- (5) in 1998, 27 percent of Americans needed to take family or medical leave but were unable to do so, and 44 percent of these employees did not take such leave because they would have lost their jobs or their employers did not allow it;
- (6) only 57 percent of the private workforce is currently protected by the Family and Medical Leave Act of 1993; and
- (7) 13,000,000 more private employees, or an additional 14 percent of the private workforce, would be protected by the Family and Medical Leave Act of 1993 if the Act was expanded to cover private employers with 25 or more employees.

SEC. 3. COVERAGE OF EMPLOYEES.

Paragraphs (2)(B)(ii) and (4)(A)(i) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)(B)(ii) and (4)(A)(i)) are amended by striking '50' each place it appears and inserting '25'.

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S 1355 IS

106th CONGRESS

1st Session

S. 1355

To establish demonstration projects to provide family income to respond to significant transitions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

July 13 (legislative day, JULY 12), 1999

Mr. DODD (for himself, Mr. KENNEDY, Mr. LEAHY, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish demonstration projects to provide family income to respond to significant transitions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘Family Income to Respond to Significant Transitions Insurance Act’.

SEC. 2. FINDINGS.

Congress finds that--

- (1) nearly every industrialized nation other than the United States, and most developing nations, provide parents with paid leave for infant care;
- (2)(A) parents’ interactions with their infants have a major influence on the physical, cognitive, and social development of the infants; and
(B) optimal development of an infant depends on a strong attachment between an infant and the infant’s parents;
- (3) nearly 2/3 of employees, who need to take family or medical leave, but do not take the leave, report that they cannot afford to take the leave;
- (4) although some employees in the United States receive wage replacement during periods of

family or medical leave, the benefit of wage replacement is not shared equally in the workforce, as demonstrated by the fact that--

(A) employees with less education and lower income are less likely to receive wage replacement than employees with more education and higher salaries; and

(B) female employees, employees from racial minority groups, and younger employees are slightly less likely to receive wage replacement than male employees, white employees, and older employees, respectively;

(5) in order to cope financially with taking family or medical leave, of persons taking that leave without full wage replacement--

(A) 40 percent cut their leave short;

(B) 39 percent put off paying bills;

(C) 25 percent borrowed money; and

(D) 9 percent obtained public assistance;

(6) taking family or medical leave often drives employees earning low wages into poverty, and 21 percent of such low-wage employees who take family or medical leave without full wage replacement resort to public assistance;

(7) studies document shortages in the supply of infant care, and that the shortages are expected to worsen as welfare reform measures are implemented; and

(8) compared to 30 years ago, families have experienced an average decrease of 22 hours per week in time that parents spend with their children.

SEC. 3. PURPOSES.

The purposes of this Act are--

(1) to establish a demonstration program that supports the efforts of States and political subdivisions to provide partial or full wage replacement, often referred to as FIRST insurance, to new parents so that the new parents are able to spend time with a new infant or newly adopted child, and to other employees; and

(2) to learn about the most effective mechanisms for providing the wage replacement assistance.

SEC. 4. DEFINITIONS.

In this Act:

(1) SECRETARY- The term 'Secretary' means the Secretary of Labor, acting after consultation with the Secretary of Health and Human Services.

(2) SON OR DAUGHTER; STATE- The terms 'son or daughter' and 'State' have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

SEC. 5. DEMONSTRATION PROJECTS.

(a) GRANTS- The Secretary shall make grants to eligible entities to pay for the Federal share of the cost of carrying out projects that assist families by providing, through various mechanisms, wage replacement for eligible individuals that are responding to caregiving needs resulting from the birth or adoption of a son or daughter or other family caregiving needs. The Secretary shall make the grants for periods of 5 years.

(b) ELIGIBLE ENTITIES- To be eligible to receive a grant under this section, an entity shall be a State or political subdivision of a State.

(c) USE OF FUNDS-

(1) IN GENERAL- An entity that receives a grant under this section may use the funds made available through the grant to provide partial or full wage replacement as described in subsection (a) to eligible individuals--

(A) directly;

(B) through an insurance program, such as a State temporary disability insurance program or the State unemployment compensation benefit program;

(C) through a private disability or other insurance plan, or another mechanism provided by a private employer; or

(D) through another mechanism.

(2) ADMINISTRATIVE COSTS- No entity may use more than 10 percent of the total funds made available through the grant during the 5-year period of the grant to pay for the administrative costs relating to a project described in subsection (a).

(d) ELIGIBLE INDIVIDUALS- To be eligible to receive wage replacement under subsection (a), an individual shall--

(1) meet such eligibility criteria as the eligible entity providing the wage replacement may specify in an application described in subsection (e); and

(2) be--

(A) an individual who is taking leave, under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), other Federal, State, or local law, or a private plan, for a reason described in subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1));

(B) at the option of the eligible entity, an individual who--

(i) is taking leave, under that Act, other Federal, State, or local law, or a private plan, for a reason described in subparagraph (C) or (D) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)); or

(ii) leaves employment because the individual has elected to care for a son or daughter under age 1; or

(C) at the option of the eligible entity, an individual with other characteristics specified by the eligible entity in an application described in subsection (e).

(e) APPLICATION- To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum--

(1) a plan for the project to be carried out with the grant;

(2) information demonstrating that the applicant consulted representatives of employers and employees, including labor organizations, in developing the plan;

(3) estimates of the costs and benefits of the project;

(4)(A) information on the number and type of families to be covered by the project, and the extent of such coverage in the area served under the grant; and

(B) information on any criteria or characteristics that the entity will use to determine whether an individual is eligible for wage replacement under subsection (a), as described in paragraphs (1) and (2)(C) of subsection (d);

(5) if the project will expand on State and private systems of wage replacement for eligible individuals, information on the manner in which the project will expand on the systems;

(6) information demonstrating the manner in which the wage replacement assistance provided through the project will assist families in which an individual takes leave as described in subsection (d)(1); and

(7) an assurance that the applicant will participate in efforts to evaluate the effectiveness of the project.

(f) SELECTION CRITERIA- In selecting entities to receive grants for projects under this section, the Secretary shall--

(1) take into consideration--

(A) the scope of the proposed projects;

(B) the cost-effectiveness, feasibility, and financial soundness of the proposed projects;

(C) the extent to which the proposed projects would expand access to wage replacement in response to family caregiving needs,

particularly for low-wage employees, in the area served by the grant; and

(D) the benefits that would be offered to families and children through the proposed projects; and

(2) to the extent feasible, select entities proposing projects that utilize diverse mechanisms, including expansion of State unemployment compensation benefit programs, and establishment or expansion of State temporary disability insurance programs, to provide the wage replacement.

(g) FEDERAL SHARE-

(1) IN GENERAL- The Federal share of the cost described in subsection (a) shall be--

(A) 50 percent for the first year of the grant period;

(B) 40 percent for the second year of that period;

(C) 30 percent for the third year of that period; and

(D) 20 percent for each subsequent year.

(2) NON-FEDERAL SHARE- The non-Federal share of the cost may be in cash or in kind, fairly evaluated, including plant, equipment, and services and may be provided from State, local, or private sources, or Federal sources other than this Act.

(h) SUPPLEMENT NOT SUPPLANT- Funds appropriated pursuant to the authority of this Act shall be used to supplement and not supplant other Federal, State, and local public funds and private funds expended to provide wage replacement.

(i) EFFECT ON EXISTING RIGHTS- Nothing in this Act shall be construed to supersede, preempt, or otherwise infringe on the provisions of any collective bargaining agreement or any employment benefit program or plan that provides greater rights to employees than the rights established under this Act.

SEC. 6. EVALUATIONS AND REPORTS.

(a) AVAILABLE FUNDS- The Secretary shall use not more than 2 percent of the funds made available under section 5 to carry out this section.

(b) EVALUATIONS- The Secretary shall, directly or by contract, evaluate the effectiveness of projects carried out with grants made under section 5, including conducting--

(1) research relating to the projects, including research comparing--

(A) the scope of the projects, including the type of insurance or other wage replacement mechanism used, the method of financing used, the eligibility requirements, the level of the wage replacement benefit provided (such as the percentage of salary replaced), and the length of the benefit provided, for the projects;

(B) the utilization of the projects, including the characteristics of individuals who benefit from the projects, particularly low-wage workers, and factors that determine the ability of eligible individuals to obtain wage replacement through the projects; and

(C) the costs of and savings achieved by the projects, including the cost-effectiveness of the projects and their benefits for children and families;

(2) analysis of the overall need for wage replacement; and

(3) analysis of the impact of the projects on the overall availability of wage replacement.

(c) REPORTS-

(1) INITIAL REPORT- Not later than 3 years after the beginning of the grant period for the first grant made under section 5, the Secretary shall prepare and submit to Congress a report that contains information resulting from the evaluations conducted under subsection (b).

(2) SUBSEQUENT REPORTS- Not later than 4 years after the beginning of that grant period, and annually thereafter, the Secretary shall prepare and submit to Congress a report that contains--

(A) information resulting from the evaluations conducted under subsection (b); and

(B) usage data for the demonstration projects, for the most recent year for which data are available.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$400,000,000 for fiscal year 2000 and such sums as may be necessary for each subsequent fiscal year.

END

**State Family-Leave Insurance Initiatives:
Making Family Leave More Affordable**

Around the country, activists for women, children, seniors, and working families are organizing to make family leave more affordable. Efforts are underway in at least seven states to provide family leave insurance by expanding unemployment or disability insurance to provide partial wages during periods of unpaid family and medical leave.

* Most Americans -- fully 82% of women and 75% of men -- support such proposals. (National Partnership for Women & Families, Family Matters: A National Survey of Women and Men (1998)).

In addition, at least two other states are exploring other models for providing family leave benefits.

Currently, the federal Family and Medical Leave Act (FMLA) guarantees covered employees 12 weeks of unpaid leave each year to care for a newborn or newly adopted child or seriously ill family member (family leave), or to recover from their own serious health condition (medical leave). The FMLA was an essential step toward recognizing Americans* work and family responsibilities. However, because FMLA leave is unpaid, many employees cannot afford to take time off at the very time their families need them most.

* The bipartisan Family Leave Commission found that nearly two-thirds of employees who needed but did not take family or medical leave cited lost wages as the reason. (Commission on Leave, A Workable Balance: Report to Congress on Family and Medical Leave Policies (1996)).

Existing public and private responses are limited. For instance, five states (as well as Puerto Rico) require employers to offer temporary disability insurance (TDI), which provides partial wage replacement to employees who are temporarily disabled for non-work-related reasons, and many employers voluntarily offer TDI as an employee benefit. While TDI covers disabilities arising from pregnancy or childbirth, TDI currently offers no benefits for employees who take leave beyond the period of maternal disability, or take leave for paternity, for adoption, or to care for seriously ill family members. And while the five states with TDI systems employ 22% of working Americans, employees in the other states have no such coverage guarantees.

To make family leave more affordable for more Americans, state legislators, activists, and researchers are mobilizing behind a range of innovative proposals.

Here is a sampling of current state efforts:

California

A bill was introduced in the 1998 legislative session to study the cost of extending the state's TDI program to include employees taking family leave. A dynamic coalition of advocates for women, children, and labor is working on a family leave agenda for the 1999 session.

Contact: Lisa Ecks
California Labor Federation
(916) 444-3676

Netsy Firestein
Labor Project for Working Families
(510) 643-6814

Elizabeth Landsberg and
Deanna Zachary
Equal Rights Advocates
(415) 621-0672

Patricia Shiu
Employment Law Center
(415) 864-8848

Iowa

A bill introduced during the 1998 legislative session aimed to establish a fund for providing benefits to employees who took family leave and proposed to create a work and family task force to examine the impact of this program.

Contact: State Senator Michael Gronstal
(515) 281-3901

Maryland

A bill was introduced during the 1998 legislative session to create a task force to study family leave insurance. Plans are underway to reintroduce such a proposal during the 1999 legislative session.

Contact: Lieutenant Governor Kathleen Kennedy Townsend
Attention: Erin Ferguson
(410) 974-2804

Joanne Saltzberg
Maryland Commission on Women
(410) 767-7137

Massachusetts

Spearheaded by the Women's Statewide Legislative Network, a diverse and active Family Leave Coalition is rallying support for bills that were recently filed to extend unemployment benefits to employees taking family leave and to create a *family and employment security trust fund.*

Contact: Monica Halas
Greater Boston Legal Services
(617) 371-1270, ext. 621

Linda Johnson
Women's Statewide Legislative Network
(617) 426-1878

Minnesota

Beginning in July 1998, a state-funded, at-home infant child care program has allowed working parents who fulfill income eligibility requirements to receive subsidies for caring for infants under the age of one.

Contact: Cherie Kotilineck
Department of Children, Family and Learning
(651) 582-8562

New Jersey

A bipartisan bill introduced in the 1998 legislative session proposed to extend New Jersey's statewide TDI system to cover family leave. The bill would also have established a task force to study the impact of family leave benefits on workers, their families, employers, and the general public. Advocates plan to reintroduce similar legislation in the 1999 legislative session.

Contact: Laurel Brennan
New Jersey AFL-CIO
(609) 989-8730

Meryl Frank
New Jersey Coalition for Family & Medical Leave
(732) 247-3561

New York

A bill introduced during the 1998 legislative session sought to amend New York's TDI law to cover family leave. A coalition of major New York labor unions and women's groups has made

passage of a similar bill a priority for the 1999 legislative session.

Contact: Assemblywoman Catherine Nolan
Attention: Geri Riley
Counsel for Labor Committee
New York State Assembly
Office of Program and Counsel
(518) 455-4311

Deborah King
Executive Director
1199/Employment Training and Job Security Program
(212) 494-0524

Vermont

A bill was introduced in 1998 to authorize unemployment benefits for employees who take family leave, and similar legislation is expected in the 1999 legislative session.

Contact: State Senator Jan Backus
(802) 655-7455

Michael Sirotkin
Vermont AFL-CIO
(802) 658-6951

Washington

Activists are developing a bill that would set up a research task force on the feasibility of family leave insurance.

Contact: John Burbank
Economic Opportunity Institute
(206) 694-6797

Jeff Johnson
Research Director, Washington State Labor Council, AFL-CIO
(360) 943-0608

For more information on family and medical leave, please refer to the National Partnership for Women & Families* website, www.nationalpartnership.org, or contact the National Partnership

directly at 1875 Connecticut Avenue, NW, Suite 710, Washington, D.C. 20009, (202) 986-2600.