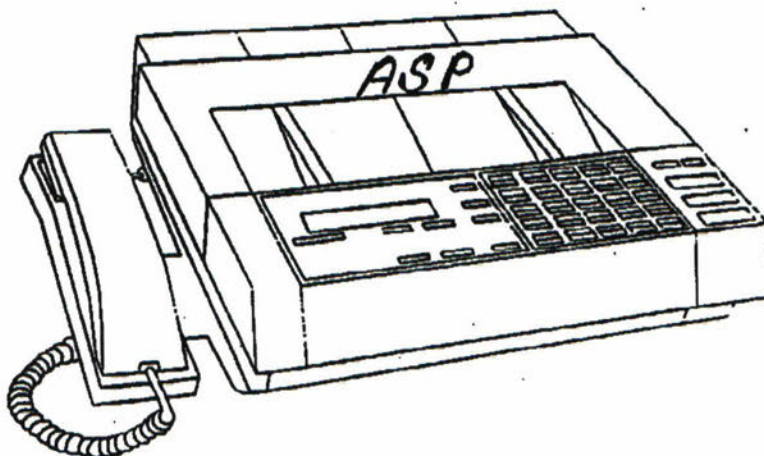




FAX COVER SHEET



DATE: _____

TO: Todd Stern

FAX NO: _____

COMPANY: _____

PHONE NO: _____

FROM: Jennifer O'Connor

PHONE NO: _____

FAX NO: (202) 219-9216

NUMBER OF PAGES INCLUDING COVER: _____

MESSAGE: Please get to Ms Herman -
it's what she asked for last night,
plus new OS from Wainer, plus
the "cheat sheet"

MEMORANDUM FOR ALEXIS HERMAN

FROM: JENNIFER O'CONNOR

Attached are:

- 1) Answers to the questions you posed last night.
- 2) A new set of Qs & As that we just heard Senator Warner may ask you.
- 3) A revised "cheat sheet" on which legislation has been introduced by which Senator on the Committee.

Also, for your information, today's USA Today has a story reporting that Ford will drop three of its major lines. This will result in the shutdown of a plant in Lorraine, Ohio, resulting in the dislocation of approximately 1,800 workers. Senator DeWine may ask you about dislocated worker programs. It is an opportunity for you to talk about the dislocated worker program (pages 100-102 in your Q & A book). In addition, you could say:

- I understand that the response by the Department is normally very quick in these type of situations. I can assure you that if confirmed, I will look into what can be done right away.

PRINCIPAL CHALLENGES FACING WORKERS

Question:

What are the principal challenges facing U.S. workers today?

Answer:

- Workers in our society face a host of difficult challenges:

developing the skills they need throughout their careers to be productive and raise their incomes;

finding economic security throughout their lives, particularly in retirement;

overcoming barriers to employment opportunity and safe and healthy workplaces; and

balancing work and family.

- I discussed these challenges in my opening statement because I believe that it will be my job, should I be confirmed as Secretary of Labor, to help workers meet these challenges.

THE 21ST CENTURY WORKPLACE

Question:

What will work and the workplace look like in the 21st Century?

Answer:

- At the end of the 19th century, American society evolved from an agricultural economy to an industrial economy. As the 20th Century comes to a close, we are evolving from an industrial economy to an information/communications economy.
- There are many new types of jobs being created in the new economy. For example, there are thousands of jobs related to the Internet that did not exist 20 years ago.
- There are also traditional jobs that are being done in new ways. Consider the auto worker on the assembly line who used to do his job with a wrench and now uses a computer to control a robotic arm.
- We must remember, however, that there is an old economy as well as a new economy. There are millions of Americans who still toil daily in the old economy with bare hands and traditional machines. And while we will continue to make advances in technology and globalization in the 21st Century, there will always be workers in traditional jobs who must not be left behind.
- It is our responsibility to make sure that all workers, regardless of their jobs, have economic security with rising wages, pensions, health benefits, and opportunities to improve their skills.

3/18/97

AVERAGE HOURLY EARNINGS

Question:

What is the average hourly wage in the economy today?

Answer:

- o The average hourly earnings for production and nonsupervisory workers was \$12.09 in January 1997.
- o Median usual weekly earnings for women who work full time was \$425 per week in the fourth quarter of 1996.
- o Median usual weekly earnings for males who work full time was \$565 per week in the fourth quarter of 1996.

3/18/97

TRENDS IN THE COMPOSITION OF THE LABOR FORCE

Question:

Could you describe the trends in the composition of the labor force that we might expect to see now and in the future?

Answer:

- o There are a number of major trends in the composition of the work force that are important to note. Between 1980 and 1996 labor force participation of women rose from 47.7 percent to 56.0 percent. Women now account for 46 percent of the work force up from 42 percent in 1980. This increased representation of women is expected to continue into the future.
- o Another important trend that is projected to continue into the future is the increasing representation of minorities in the work force. Between 1980 and 1996 African-Americans increased their percentage of the labor force from 10.2 to 11.3 percent. More dramatically Hispanics increased their representation from 5.7 percent to 9.6 percent.
- o A final important trend is the aging of the work force. In the 1970's the baby boom generation came of age and entered the work force. This cohort has now reached middle age and is expected to begin retiring in 2010.

Women in Nontraditional and Construction Occupations

Question:

1. What is the Department doing for women in nontraditional and construction occupations?

Response:

- ▶ I am fully aware that nontraditional occupations provide a ladder to security for women who are not economically secure by ensuring good training while earning good wages in good jobs.
- ▶ It is my understanding that since 1992, the department of Labor, through the Women's Bureau, administers the Nontraditional Employment for Women (NEW) Act and Women in Apprenticeship and Nontraditional Occupations (WANTO).
- ▶ Both programs reached out to over 450,000 workers and coordinated with Community based organizations, employers, unions and state governments to increase participation of women in construction and nontraditional occupations throughout the nation.
- ▶ Construction and Nontraditional occupations present a viable alternative for women and are alternatives that we must explore further to meet the challenges the Department faces in the near future.

POTENTIAL QUESTIONS FROM JOHN WARNER

Whistleblowers

Many members believe Secretary Reich expanded whistleblower protections far beyond what Congress intended. Are you aware of this and the problems it is causing?

- I am not familiar with Secretary Reich's activities in this area, but I would be happy to look into it and consult with you after I am confirmed.

[FYI (don't go into this) -- In early January, Sec. Reich announced some administrative changes whereby OSHA and ESA swapped some enforcement responsibilities, and in the swap, OSHA picked up some whistleblower protections. The change went into effect on February 3. Labor groups like the swap, anticipating that OSHA will enforce more aggressively than ESA. OSHA hasn't yet heard any complaints from businesses about the swap. You don't want to get into it.]

OSHA

Is the Department finally going to issue industrial truck regulations?

- I haven't reviewed all of the regulations at the Department and have not reviewed this one in particular. I am aware, however, that the Department did issue a proposed rule in this area and is working through the comments and the process of developing regulatory language in anticipation of publishing a final rule. I am not aware of the date they anticipate publishing the final rule.

[FYI (don't go into this) -- the regulation is currently scheduled to be finalized in September 1997. It is a regulation regarding training in order to protect industrial trucking workers, and it is supported by industry groups.]

NLRB

Do you believe that the NLRB should be tilting to one side? How do you think the NLRB composition can be better balanced?

- Definitely not. The NLRB is an independent agency charged with interpreting and enforcing our basic labor relations law -- the National Labor Relations Act. It must interpret the law fairly and impartially.
- While the Secretary of Labor has no authority over the NLRB or its composition, as a general matter I think it is important that the vacancies on the NLRB be filled as quickly as possible with a high quality and balanced group of appointees.

[FYI (don't go into this) -- the NLRB is independent of DoL. It is made up of 5 members -- 3Ds and 2 Rs and changes balance when the Presidency changes party. Currently, there are 2 vacancies (1D & 1R) and 2 recess appointees who must be confirmed or replaced this year (1 D & 1 R). Thus, only the Chair, Bill Gould, has been confirmed by the Senate and there is a 2-1 ratio of Ds to Rs.]

LEGISLATION BY LABOR COMMITTEE MEMBER

JAMES JEFFORDS

Sponsor

Team Act (S. 295)

Commission on Retirement Security Legislation (expected)

Cosponsor

Audit Bill (in the 104th Congress)

DAN COATS

Cosponsor

Team Act (S. 295)

Beck (S. 9 "Paycheck Protection Act")

Comp Time (S. 4 "Ashcroft-DeWine Bill")

JUDD GREGG

Sponsor

State and Local Volunteer Preservation Act (sponsor in 104th Congress)

Codification of OSHA Reform (sponsor in 104th Congress)

BILL FRIST

Cosponsor

Team Act (S. 295)

MIKE DEWINE

Sponsor

Comp Time (S. 4 Ashcroft-DeWine bill)

Cosponsor

Team Act (S. 295)

MIKE ENZI

Cosponsor

Team Act (S. 295)

Beck (S. 9 "Paycheck Protection Act")

Comp Time (S. 4 "Ashcroft-DeWine bill")

TIM HUTCHINSON

Sponsor

Salting legislation (plans to sponsor it)
Houseparents legislation (plans to sponsor it)

Cosponsor

Team Act (S. 295)
Beck (S. 9 "Paycheck Protection Act")
Comp Time (S. 4 "Ashcroft-DeWine Bill")

SUSAN COLLINS

Cosponsor

Team Act (S. 295)
Comp Time (S. 4 "Ashcroft-DeWine Bill")

JOHN WARNER

Sponsor

Volunteer Firefighter and Rescue Squad Worker Act (expected as in 104th)

Cosponsor

Team Act (S. 295)
Beck (S. 9 "Paycheck Protection Act")
Comp Time (S. 4 "Ashcroft-DeWine Bill")

MITCH MCCONNELL

Cosponsor

Team Act (S. 295)
Comp Time (S. 4 "Ashcroft-DeWine Bill")

EDWARD M. KENNEDY

Sponsor:

Health Care for Children bill

Additional Wage & Hour Inspectors to Control Immigration (S. 103)

Tax Credit For Low Wage Workers Who Contribute to Pension Plans (in Daschle pension bill)

Consumer Protection in Health Care bill

Sweatshop bill (in 104th Congress)

Cosponsor

"Placeholder" Job Training bill (S. 17) cosponsor

Murray's FMLA 24 hour expansion bill cosponsor

Dodd's FMLA Threshold bill cosponsor

CHRISTOPHER DODD

Sponsor

FMLA Threshold Expansion (S. 183)

TOM HARKIN

Sponsor

Labelling bill "Child Labor Free Consumer Information Act"

Ban on imports bill "Child Labor Deterrence Act"

Cosponsor

FMLA Threshold Expansion (S. 183)

FMLA 24 Hour Expansion (S. 280)

BARBARA MIKULSKI

Cosponsor

FMLA 24 Hour Expansion (S. 280)

JEFF BINGAMAN

Sponsor

Pension Pro-Save Proposal

PAUL WELLSTONE

Cosponsor

FMLA 24 Hour Expansion (S. 280)
FMLA Threshold Expansion (S. 183)

PATTY MURRAY

Sponsor
FMLA 24 Hour Expansion (S. 280)

JACK REED

POTENTIAL QUESTIONS FROM JOHN WARNER

Whistleblowers

Many members believe Secretary Reich expanded whistleblower protections far beyond what Congress intended. Are you aware of this and the problems it is causing?

OSHA

Is the Department of Labor finally going to issue industrial truck regulations?

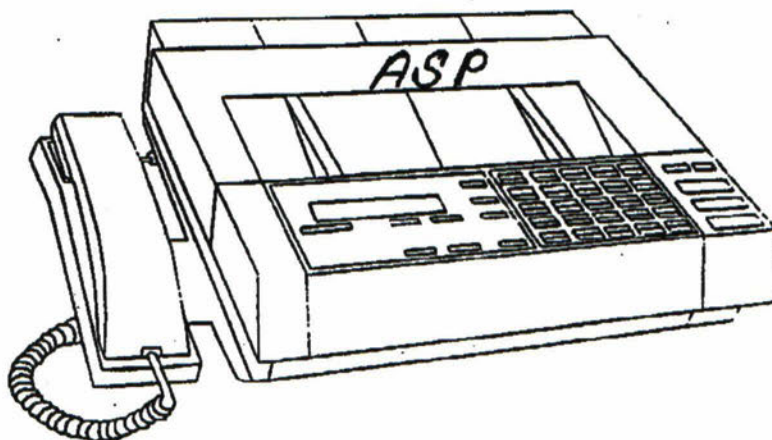
NLRB

Do you believe that the NLRB should be tilting to one side? How do you think the NLRB composition can be better balanced?

U.S. Department of Labor

Office of the Assistant
Secretary for Policy
Washington D C 20210

FAX COVER SHEET



DATE: _____

TO:

Todd Stern

FAX NO: _____

COMPANY:

PHONE NO: _____

FROM:

Jennifer O'K

PHONE NO: _____

FAX NO: (202) 219-9216

NUMBER OF PAGES INCLUDING COVER: _____

MESSAGE:

2 things: 1) list of major bills
2) new As + Bs from 3 Senators (to
discuss on conf call

MAJOR LABOR BILLS & SPONSORS

Team Act -- Jeffords, Coats, Gregg, Frist, DeWine, Enzi, Hutchinson, Collins, Warner, McConnell

Ashcroft comp time bill -- Jeffords, Coats, DeWine, Enzi, Hutchinson, Collins, Warner, McConnell

Legislation to create a commission on retirement income security (pensions) -- Jeffords

Audit bill -- Jeffords co-sponsored Administration's pensions Audit bill in last Congress

Beck (a.k.a. Paycheck Protection Act) -- Coats, Gregg, Enzi, Hutchinson, Warner

State & Local Volunteer Preservation Act -- Gregg in last Congress

Volunteerism bill limited to volunteer firefighters -- Warner in last Congress

Houseparents bill -- Hutchinson in House in last Congress (bill eliminated minimum wage for Houseparents and lowered their pay among other things)

Salting -- Hutchinson plans to introduce; has been introduced by Fawell in House

Job training bill (consolidation, skill grants) -- Kennedy

FMLA expansion (24 hours for parent teacher conferences) -- Murray, Kennedy, Harkin, Mikulski, Wellstone

FMLA expansion (lower the threshold from 50 to 25) -- Dodd, Kennedy, Harkin, Wellstone

Health Care for Children -- Kennedy

Fair Pay Act (pay equity and equal employment opportunities) -- Harkin

Paycheck Fairness Act (strengthens existing Equal Pay Act) -- Daschle

Pension Pro-Save -- Jeffords, Bingaman

150 new inspectors for Wage & Hour -- Kennedy

Sweatshop legislation (to make garment manufacturers liable for violations of their contractors) -
- Kennedy in last Congress

Child labor bills (labelling bill & bill prohibiting imports of child-made products) -- Harkin

Tax credit for families to cover health care for kids -- Daschle

Consumer protection in health care -- Kennedy, Wellstone, Dingell

Tax credit for low wage workers who contribute to pension plans (in Daschle pensions bill) --
Kennedy

Daschle Pension Proposal -- Daschle

Social Security Commission -- not yet introduced; Roth & Moynihan

Codify OSHA reforms -- Gregg in last Congress

Corporate Welfare Commission -- no legislation; Kennedy supports it

BARBARA MIKULSKI (D-MD)
RANKING MEMBER AGING SUBCOMMITTEE

FAIR PAY LEGISLATION (p. 269)

Would you support legislation to reduce the wage gap between men and women?

WELFARE-TO-WORK – CURRENT SYSTEM (p. 97)

How do current employment and training programs address the needs of welfare recipients?

JACK REED (D-RI)

JOB TRAINING CONSOLIDATION: SKILL GRANTS (p. 95)

The Administration's approach relied heavily on the use of vouchers ("skill grants") for adults to access job training. Will this remain a part of the Administration's proposal, and how do you answer the criticism that vouchers might result in participants being lured to "fly-by-night" or ineffective providers?

EFFORTS TO HELP WOMEN TRAIN FOR NONTRADITIONAL JOBS

Are there initiatives to aid women get better paying jobs through training for jobs in construction and other traditionally male jobs?

DOL'S EFFORTS TO ASCERTAIN WHAT BUSINESSES WANT FROM HIGH SCHOOL GRADUATES

YOUTH TRAINING: WHAT WORKS? (P. 110)

OUT-OF-SCHOOL YOUTH (p. 114)

SCHOOL-TO-WORK (In general)

How can the Department of Labor facilitate the process of putting business people together with students for the purpose of job training?

Note: Senator Reed has been visiting factories throughout Rhode Island where employers have told him that many new employees are simply not ready for the workplace in terms of skills and work habits. Questions in this area may focus on what DOL has done to help businesses find out what they want from recent high school graduates.

CHRIS DODD (D-CT)
RANKING MEMBER CHILDREN AND FAMILIES SUBCOMMITTEE

DISLOCATED WORKERS: RESPONSE TO DEFENSE DOWNSIZING (p. 102)

Do you think we need to have special federal efforts to continue to deal with defense downsizing?

FAMILY AND MEDICAL LEAVE: THRESHOLD (p. 147)

Small businesses are already inundated by too many regulations and red tape. In view of this, do you favor my proposal to lower the FMLA threshold from 50 to 25 employees?

ONE STOP CENTERS (In general)

Note: Dodd is supportive of the One-Stop concept and may ask you a general question on the topic.

CONSTRUCTION SAFETY (In general)

Note: Dodd may talk about the need for continuing to work toward providing a safer workplace in the construction industry.

JAMES JEFFORDS (R-VT)
FULL COMMITTEE CHAIRMAN

CPI: BOSKIN REPORT (p. 236)

The Boskin Commission recently issued a report concluding that the CPI overstates the true cost of living by an estimated 1.1 percentage points a year. What are your views on the problems associated with the CPI?

ETA: EDUCATION COMMUNITY CRITICISM OF SCHOOL TO WORK (p. 117)

Some members of the education community are indicating that better use of students' time could be made by focusing on academics rather than on School-to-Work. What do you think about this?

HEALTH: AFFORDABILITY OF COVERAGE FOR SMALL BUSINESSES (p. 189)

Would you support expanding health care coverage for small businesses by allowing multiple employer welfare arrangements (MEWAs) to be exempt from state laws and instead be regulated by the Department of Labor?

PENSIONS: BINGAMAN-JEFFORDS PENSION PRO-SAVE PROPOSAL (p. 211)

What is your view of the Bingaman-Jeffords Pension Pro-Save proposal?

PENSIONS: COMMISSION ON RETIREMENT INCOME POLICY (p. 212)

I have worked with others to propose the creation of a Commission on Retirement Income Policy to study trends in retirement savings and to identify ways to promote additional retirement savings. Given the critical importance of retirement savings to millions of Americans, what is your view on the need for such a Commission?

DAN COATS (R-IN)
CHAIRMAN CHILDREN AND FAMILIES SUBCOMMITTEE

METHYLENE CHLORIDE (p. 244)

Will you consider pulling back the new Methylene Chloride standard?

JUDD GREGG (R-NH)
CHAIRMAN AGING SUBCOMMITTEE

CPI: CPI AND THE PRESIDENT'S BUDGET (p. 232)

Why didn't the President's request include a proposal to adjust the CPI?

SAFETY AND HEALTH: COST BENEFIT ANALYSIS (p. 250)

Shouldn't OSHA consider both the costs and benefits of the available options before determining what regulation or standard to issue?

SAFETY AND HEALTH: ERGONOMICS (p. 243)

Do you intend to pursue ergonomics regulations?

BILL FRIST (R-TN)
CHAIRMAN PUBLIC HEALTH AND SAFETY SUBCOMMITTEE

BUDGET: POLITICAL APPOINTEES (p. 266)

Commerce Secretary Daley has announced plans to reduce his political staff by one-third. Can you commit to taking similar actions in the Labor Department?

HEALTH: ADVISORY COMMISSION ON CONSUMER PROTECTION AND QUALITY IN THE HEALTH CARE INDUSTRY (p. 190)

The President has announced the creation of an Advisory Commission on Consumer Protection and Quality in the Health Care Industry. What issues do you believe such a Commission should address?

SAFETY AND HEALTH: PROPOSITION 65 (NEW)

OSHA has delayed resolving an important issue relating to the preemption of California's hazard communication law for several years. In the meantime, businesses are being sued by bounty hunters and enduring enormous litigation expenses. Last year's appropriation bill directed OSHA to act swiftly and report to the Committee by January 1, yet still nothing has been done. Can we count on you to get OSHA to make a prompt decision about Proposition 65?

MIKE DEWINE (R-OH)
CHAIRMAN EMPLOYMENT AND TRAINING SUBCOMMITTEE

ETA: JOB CORPS (p. 112)

The Job Corps is one of the largest single programs (\$1.1 billion) within the Department of Labor, yet its results and cost effectiveness have been questioned. Should Job Corps remain a federal program or be transferred to the states as part of an at-risk youth block grant?

MIKE ENZI (R-WY)

ETA: JOB TRAINING CONSOLIDATION OUTLOOK (p. 94)

Is the Administration looking to pass legislation in the 105th Congress on job training consolidation?

Note: Senator Enzi's wife was a former JTPA state administrator and his daughter is a teacher who serves on a STW board. At a job training hearing this week, Enzi stated his support for STW, but wanted consolidation and simplification of job training programs. He wants state and local flexibility to meet the training needs of specific areas. He also expressed his support for the One Stop concept, but wondered how it would work in a rural state like Wyoming.

SAFETY AND HEALTH: BUSINESS COMPLAINTS ABOUT OSHA (p. 248)

Are there complaints about OSHA that you heard from the business community while you were the White House Public Liaison that you think are valid?

MSHA: MINE SAFETY AND HEALTH ADMINISTRATION'S REALIGNMENT (p. 253)

Why is the Department moving forward on its consolidation of the Mine Safety and Health Administration's (MSHA) Technical Support function by moving 30 employees from Denver, Colorado to Triadelphia, West Virginia?

TIM HUTCHINSON (D-AR)

NOTE: DOL is providing up to \$2 million in an emergency grant to assist approximately 300 Arkansas workers dislocated as a result of the tornadoes, storms and floods earlier this month. The funds will be used to create temporary jobs for 300 dislocated workers for cleanup and restoration efforts in the devastated areas. The award is authorized under emergency provisions of Title III of the JTPA to fund special temporary jobs that benefit the public and help dislocated workers resume regular employment.

LABOR LAW: SALTING (p. 138)

Do you think that a company should be required to keep on its payroll an employee paid by a union to organize the employer's workers?

LABOR STANDARDS: EXEMPTION FOR "HOUSEPARENTS" FROM OVERTIME (p. 162)

Will you support changes in the law to update the regulations that exempt "house parents" from overtime pay regulations?

SUSAN COLLINS (R-ME)

OSHA AND SMALL BUSINESS (p. 247)

What can be done to lighten OSHA's regulatory burden on small business?

JOHN WARNER (R-VA)

DISLOCATED WORKERS: RESPONSE TO DEFENSE DOWNSIZING (p. 102)

Do you think we need to have special federal efforts to continue to deal with defense downsizing?

UNEMPLOYMENT INSURANCE: ADMINISTRATION (p. 107)

My Governor tells me that employers in my State are paying for more in taxes than my State is receiving in return to pay for administering the unemployment insurance program. What are you planning to do to help the States on this issue?

LABOR STANDARDS: VOLUNTEERING IN THE PUBLIC SECTOR (p. 161)

Do you believe that State and local employees should be permitted to volunteer their services in the public sector without violating the FLSA?

SAFETY AND HEALTH: SMOKING IN THE WORKPLACE (p. 245)

What does OSHA plan to do about indoor air quality and smoking in the workplace?

MITCH MCCONNELL (R-KY)

SAFETY AND HEALTH: SMOKING IN THE WORKPLACE (p. 245)

What does OSHA plan to do about indoor air quality and smoking in the workplace?

EDWARD KENNEDY (D-MA)
RANKING MEMBER, FULL COMMITTEE

IMMIGRATION/ALIEN LABOR CERTIFICATION (p. 125)

Will you work with me to reform the alien labor certification program and increase the number of wage and hour inspectors available for enforcement actions?

CHRIS DODD (D-CT)
RANKING MEMBER CHILDREN AND FAMILIES SUBCOMMITTEE

DISLOCATED WORKERS: RESPONSE TO DEFENSE DOWNSIZING (p. 102)

Do you think we need to have special federal efforts to continue to deal with defense downsizing?

FAMILY AND MEDICAL LEAVE: THRESHOLD (p. 147)

Small businesses are already inundated by too many regulations and red tape. In view of this, do you favor my proposal to lower the FMLA threshold from 50 to 25 employees?

TOM HARKIN (D-IA)

FAIR PAY LEGISLATION (p. 269)

Would you support legislation to reduce the wage gap between men and women?

INTERNATIONAL CHILD LABOR LEGISLATION IMPORT BAN (p. 166)

Do you feel that a U.S. ban on imports made with exploited child labor is an effective solution to the child labor problem?

INTERNATIONAL CHILD LABOR: DOL AGENDA (p. 171)

Will DOL continue to have a role in the issue of international child labor?

BARBARA MIKULSKI (D-MD)
RANKING MEMBER AGING SUBCOMMITTEE

FAIR PAY LEGISLATION (p. 269)

Would you support legislation to reduce the wage gap between men and women?

JEFF BINGAMAN (D-NM)

LABOR LAW: TEAM ACT (p. 129)

The President vetoed the TEAM Act. If the TEAM Act is not the right answer, do you believe there is a compromise you could support to clarify the law regarding labor-management cooperative programs?

PAUL WELLSTONE (D-NM)
RANKING MEMBER EMPLOYMENT AND TRAINING SUBCOMMITTEE

JOB TRAINING CONSOLIDATION LEGISLATIVE OUTLOOK (p. 94)

Is the Administration looking to pass legislation in the 105th Congress on job training consolidation?

Note: At the Employment and Training Subcommittee hearing early this week, Senator Wellstone remarked that job training reform is a major priority and that all members would like to see the system streamlined and decentralized. He would like to see a good faith reform effort made in this Congress and he described job training to be a fundamental tenet of our social policy.

DISLOCATED WORKERS: CONSOLIDATION (p. 100)

Given the Administration's support for consolidation, why should dislocated workers be maintained as a separate funding stream?

Note: Wellstone wants to ensure that there is adequate funding for vulnerable populations such as veterans or dislocated workers. In this week's hearing, he asked Acting Assistant Secretary for Employment and Training Ray Uhalde whether it is desirable to consolidate job training into one or two block grants or whether the focus should be on these vulnerable populations. Ray Uhalde described the set asides for such groups, how the Administration's funding has increased over the last several years for dislocated workers and stated that he believed consolidation could occur while still preserving funds for the vulnerable groups.

KENNEDY/WELLSTONE/DINGELL CONSUMER PROTECTION BILLS (p. 197)

What are the Administration's views on the consumer protection bills recently introduced by myself, Senator Kennedy and Congressman Dingell?

PATTY MURRAY (D-WA)

HOMELESS VETERANS: SENATE INTEREST (p. 273)

I am concerned about the future of the Homeless Veterans Reintegration Project (HVRP). What steps would you take as Secretary of Labor to assure that these valuable services continue to be delivered to veterans in need?

JACK REED (D-RI)

JOB TRAINING CONSOLIDATION: SKILL GRANTS (p. 95)

The Administration's approach relied heavily on the use of vouchers ("skill grants") for adults to access job training. Will this remain a part of the Administration's proposal, and how do you answer the criticism that vouchers might result in participants being lured to "fly-by-night" or ineffective providers?

Jennifer,

Here are the answers to the nine additional questions. I took the liberty of making a few changes to the ones provided on welfare reform /unemployment rate, union corruption, and PBGC/Martin Slate, in collaboration with the respective agencies. If you have questions or want additional changes, please let me know.

Also, Michael Kerr will not be in the office on Thursday or Friday of this week. If you need anything related to the confirmation book/hearings, I will be happy to help you.

Monica H.

PBGC

Question

What will you be looking for in the person you choose to replace Martin Slate at the PBGC?

Answer

- o Marty Slate possessed a rare combination of talents and he will be difficult to replace. His tenure at PBGC does provide some guidance for what the agency needs.
- o The head of the PBGC needs strong managerial skills to lead an organization with bottom line accountability to the pension beneficiaries it serves.
- o Beyond that, the PBGC needs a leader with vision. We need someone with an appreciation of the importance of the private pension system and an understanding of how the system works. The head of the PBGC needs to be able to negotiate fairly and firmly and to balance the interest of all parties.
- o And we need someone with creativity-- the ability to develop and implement new kinds of solutions to complicated issues.
- o Finally, we intend to find someone who shares the President's and my firm commitment to protecting the security of the hard-earned retirement benefits of American workers.

Question:

o How will the provisions of the welfare law that require welfare recipients to work affect the unemployment rate?

Answer:

o The United States economy has created 11.8 million jobs since January 1993. In the last year alone it added over 2.7 million jobs at an average pace of over 220 thousand per month, a rate of growth we expect to continue.

o Given the present strength in the labor market, it is not unreasonable to expect that a great deal of those moving from welfare to work will be absorbed into the job market, particularly the large portion which are regular participants in the labor force.

o But we can not count on the economy alone to help smooth the transition from welfare to work. Important bridges to work such as the President's Jobs Program--which provides \$3 billion toward this goal--and provisions for education and training will also play a critical role in ensuring that those harder to place welfare recipients find good jobs.

PEOPLE WITH DISABILITIES

Question:

Why doesn't the Labor Department focus its training efforts and resources more on people with disabilities?

Answer:

- o I am aware that individuals of working age with disabilities suffer disproportionately high unemployment and with our competitive economy, we can ill afford to ignore this talent.
 - o We -- business, schools, families, and government -- must each do our part to ensure that disabled Americans have opportunities to develop good skills and get good jobs.
 - o I will be vigilant in ensuring that Department of Labor training services, such as the One Stop career center systems, provide the necessary tools to individuals with disabilities to allow them to participate in and benefit fully from the new economy.
-

Background:

- o JTPA programs help disabled low-income adults and youth acquire the skills to get jobs and become self-sufficient:
 - About 8 percent (14,000) of the adults participating in JTPA training for the disadvantaged have a disability that represents a substantial barrier to employment. 61 percent get jobs when they leave the program with starting wages averaging \$6.76 per hour.
 - 14 percent (21,600) of the youth participating in JTPA's training program for disadvantaged youth have disabilities. 18 percent get jobs after completing the program at an average wage of \$5.17 per hour, while 60 percent return to or stay in high school, get diplomas, and/or acquire workplace skills and behaviors.
 - About 3 percent (5,100) of the dislocated workers receiving services are disabled. 61 percent get jobs after leaving the program, averaging \$9.24 an hour.
- o The Labor Department also administers about a \$4 million competitive grant training program intended to increase job opportunities for disabled individuals, conduct promotional activities to expand private- and public-sector job opportunities, and train individuals in jobs providing services to the disabled. Ten organizations currently have grants -- e.g., Goodwill Industries of America, Electronic Industries Foundation, Association for Retarded Citizens, and International Association of Machinists.
- o ETA and the Rehabilitation Services Administration have a formal agreement to identify collaborative opportunities mainly among One-Stops and local vocational rehabilitation agencies that will result in improved services to individuals with disabilities.

SUBSTANCE ABUSE IN THE WORKPLACE

Q Will you expand the Labor Department's efforts to address the problem of workplace substance abuse?

- A
- The Department has been working to raise the awareness of the problem of workplace substance abuse for more than ten years.
 - I understand that the Department's principal strategy has been to promote the establishment of workplace substance abuse prevention programs, and I am told that the Workplace Substance Abuse Internet site was chosen to be linked to the White House Home Page.
 - DOL will continue to expand its strategy of promoting substance abuse prevention so that workplace substance abuse awareness and prevention programming becomes more widespread, allowing both workers and employers to have safer, healthier, and more productive workplaces.
 - I look forward to working with the members of this committee to expand our workplace substance abuse efforts.

BACKGROUND

- Both the Anti-Drug Abuse Acts of 1986 and 1988 funded DOL to conduct workplace substance abuse research and develop programs to address this problem.
- From FY 1991 through FY 1995, DOL provided funding at the level of approximately \$2 million to continue workplace substance abuse prevention activities in the Office of the Assistant Secretary for Policy (ASP). In subsequent years, funding for substance abuse dropped to approximately \$0.6 million in FY 1996 and to approximately \$0.4 million for FY 1997. Estimates for FY 1998-2002 maintain funding at approximately \$0.4 million.
- The Department's Working Partners initiative enlists the support of trade associations and other business groups to provide information to their members about workplace substance abuse. The Substance Abuse Information Database (SAID), an interactive Internet application containing information on all aspects of workplace substance abuse, has raised the awareness of businesses of all sizes of the scope and impact of workplace substance abuse and what they can do to address the problem.
- The Employment and Training Administration directly finances a substance abuse control program in the Job Corps. JTPA funds may also be used to provide substance abuse counseling and referral for training program participants.

[Draft]

NEW
3/ /97

MSHA Inspections

Question:

In light of dramatic improvements in mine safety, doesn't the Mine Act require MSHA to conduct mine inspections that are, in fact, unnecessary?

Answer:

- o Mandatory inspections under the Mine Act are the key to MSHA's demonstrated success in improving mine safety and health.
 - o Mining is inherently dangerous, and conditions in a mine change often.
 - o The Mine Act's requirements ensure that MSHA is a regular presence in America's mines. As a result, safety and health standards can be effectively enforced and expert technical help is available to mine operators.
-

Background:

- o Mining deaths have declined dramatically since passage of the Mine Act in 1977 and predecessor legislation in 1969.
- o MSHA's enforcement of the Mine Act has been widely recognized, even by industry, as a crucial factor in improving mine safety and health.
- o The Mine Act requires MSHA to inspect every underground mine four times a year and every surface mine twice a year. These requirements are the heart of the law.
- o In the 104th Congress, legislation was introduced in the House of Representatives to scale-back the Mine Act's inspection requirements, ostensibly to allow MSHA to allocate its resources more efficiently. The bill was controversial and died in committee.

[Draft]

NEW
3/ /97

Black Lung Benefits

Question:

Aren't federal compensation payments for Black Lung disease simply a subsidy to miners and their families, which should be ended, since the disease has been eliminated?

Answer:

- o Only miners who meet the very strict standards for disability due to mining-related lung disease are eligible for federal Black Lung benefits.
 - o Very few claimants--fewer than 10 per cent--actually are awarded benefits.
 - o Black Lung disease is much less common, but it has not been eliminated and dusty conditions still exist in some coal mines. MSHA is working to address that problem.
 - o An advisory committee created by former Secretary Reich recently issued a report recommending steps that could lead to the elimination of Black Lung. The Department will consider the Committee's recommendations carefully.
-

Background:

- o Black Lung disease, which is often disabling, is caused by exposure to coal mine dust.
- o The Office of Workers' Compensation Programs (OWCP) administers the Black Lung Benefits Act, which provides benefits to disabled coal miners and their survivors. MSHA regulates dust in the mines.
- o The Black Lung benefits program was created in 1969. Once-liberal eligibility criteria were made much stricter, beginning in 1977.
- o OWCP has proposed regulations that would over-haul the complicated claims process, but would not significantly change the approval rate for claims.

UNION CORRUPTION

Question:

Is the Labor Department effectively addressing widespread corruption among labor unions and union officers?

Answer:

- o Labor Department agencies play an active and successful role in helping to detect and deter union corruption. While the Justice Department is responsible for criminal prosecutions, Labor Department agencies work closely with federal prosecutors and other federal investigative agencies in developing criminal cases.
- o The Inspector General, who reports directly to Congress, investigates organized crime and labor racketeering matters. The Office of Labor-Management Standards (OLMS) ensures the financial integrity of labor unions and investigates embezzlement by union officers and employees. The Pension and Welfare Benefits Administration (PWBA) protects employee benefit plans, including those sponsored or administered by unions.
- o OLMS and PWBA cooperate effectively with the Inspector General, as he has recently acknowledged.
- o I'm not aware of any recent evidence that addresses the scope of possible union corruption. Nor am I aware of any evidence suggesting that the Labor Department has not been effective in this area.

Background:

- o In July 1996, a subcommittee of the House of Representatives Committee on Government Reform and Oversight held a hearing on "The Department of Labor's Efforts against Labor Union Racketeering." OLMS, PWBA, and the Solicitor's Office testified.
- o The acting head of the Justice Department's Criminal Division official cited the good working relationship between federal prosecutors and DOL's agencies.
- o The subcommittee chairman, Congressman Christopher Shays, criticized the Department for an alleged lack of coordination among its agencies with criminal enforcement responsibility (OLMS, PWBA, OSHA, MSHA, and the Wage and Hour Division).
- o Congressman Shays cited a 1995 Inspector General's report. The report called for greater coordination, a point reiterated by the IG at the hearing. But the IG's report did

not claim that the Department's criminal enforcement had been ineffective.

- o Indeed, the report gave generally high marks to OLMS and PWBA, which have well-developed criminal enforcement programs. Over the last three fiscal years, OLMS has helped win more than 450 criminal convictions and guilty pleas; PWBA, more than 160.
- o In 1986, the President's Commission on Organized Crime made several recommendations touching on the Department's role in this area. The Reagan and Bush Administrations chose not to adopt many of those recommendations. The Clinton Administration has not revisited the subject.

H-1A Nonimmigrant Nurses Program

Question:

Do you agree that we should extend the H-1A nonimmigrant nurses program to assure that hospitals and nursing homes across the country do not experience a shortage of nurses?

Answer:

- I am told that there is no compelling evidence of a nursing shortage in our country.
- As recently as 1995 an Advisory Committee – established by Congress in the immigration law – found that “there is no national shortage of [registered nurses], although specialty and locality shortages persist.”
- In the absence of compelling evidence, I would be hesitant to support reinstituting a special foreign temporary worker program to allow admission of foreign nurses for temporary work in the U.S., especially in light of the fact that foreign nurses can be admitted under several other existing programs, both temporarily and as permanent immigrants.

Background:

- The Immigration Nursing Relief Act (INRA) was enacted in 1989, in response to a perceived national shortage of registered nurses (RNs). INRA was a five year program to allow nonimmigrant nurses then in the U.S. to adjust to permanent resident status, and to establish new criteria for future admission of nonimmigrant nurses so as to reduce the health care industry's growing dependence on foreign nurses. The program expired in September 1995.
- One provision of INRA required the creation of and chartered an “Immigration Nursing Relief Advisory Committee” to advise the Secretary of Labor on the impact of and need for INRA. The Committee operated from 1991 - 1995, conducting research and producing its March 1995 report.
- The Committee's report concluded that, “By the time the ink was dry on INRA, the national [nursing] shortage of the late 1980s had begun to abate,” and went on as quoted above. The Committee unanimously rejected continuation of INRA in its current form.

- However, a majority of the Committee – employer and public members – recommended continuation of the INRA program with a number of significant “modifications that either eliminate or strengthen some of its current provisions....”
- Three members of the Committee – the AFL-CIO, American Nurses Association, and SEIU – dissented from this recommendation, stating that “no justification exists for continuing the H-1A visa program, particularly ... a weakened program that fails to maintain adequate recruitment and retention measures for domestic nurses.”
- After the program expired (sunsetting) in September 1995, efforts in 1996 in the House of Representatives to temporarily extend the H-1A program failed on the House floor, but legislation was subsequently enacted to extend existing H-1A visas for up to one year.

New
3/10/97

H-2A Nonimmigrant Farmworker Program

Question:

Do you agree that we must reform the H-2A nonimmigrant agricultural worker – “guestworker” – program to assure that growers across the country do not have to resort to hiring illegal immigrants?

Answer:

- The H-2A program was designed by Congress to balance the need for agricultural labor with adequate protections for U.S. farmworkers, who are among the most vulnerable workers in our economy.
 - Any changes to this program – or any replacement program that may be considered – must be carefully thought through.
 - There is no evidence of existing agricultural labor shortages in the U.S. – every responsible entity that has studied the question has, in fact, concluded that there is no shortage.
 - That is not to say that the current agricultural labor force does not have many undocumented workers. But weakening existing protections for legal U.S. farmworkers does not strike me as the best answer.
 - Of course, I would be pleased to work with you on any specific proposals for improving the operation of the H-2A program.
-

Background:

- The current H-2A program was not created overnight – it was originally enacted into law as a provision of the Immigration and Nationality Act of 1952. Over the past four decades, the H-2 and (successor) H-2A programs have provided a safety valve for agricultural growers to assure that labor is available to harvest their crops.
- There are good reasons why the H-2A program has developed into its current form. The evolution of the H-2A program over the years has sought to protect U.S. farmworkers from the adverse effects of displacement, wage depression, and deterioration of working conditions due to unfair competition with foreign temporary workers. Similarly, the program has been designed to protect foreign temporary farmworkers from potential abuse and homelessness.

- Agriculture is a sector of the U.S. economy where workers are most vulnerable to exploitation and unfair competition. By any U.S. standard, working conditions are extremely poor and earnings are low due to low wages and underemployment.
- The H-2A program was codified in 1986 in a form largely written by Senator Simpson (R-WY).
- Recent efforts in the Congress have sought to replace the existing program with a new agricultural guestworker program designed to address the interests of West Coast growers, especially in California, or to substantially weaken worker protections in the existing program.
- Last year the President threatened to veto such agricultural guestworker legislation being considered in the House, but it was defeated on the House floor.

HEALTH/MEDICARE QUESTIONS*- from leg. shop*

ADVISORY COMMISSION ON CONSUMER PROTECTION AND QUALITY IN THE HEALTH CARE INDUSTRY (p. 190)

The President has announced the creation of an Advisory Commission on Consumer Protection and Quality in the Health Care Industry. What issues do you believe such a Commission should address? (Frist)

AFFORDABILITY OF COVERAGE FOR SMALL BUSINESSES (p. 189)

Would you support expanding health care coverage for small businesses by allowing multiple employer welfare arrangements (MEWAs) to be exempt from state laws and instead be regulated by the Department of Labor? (Jeffords)

PENSIONS/SOCIAL SECURITY QUESTIONS

BINGAMAN-JEFFORDS PENSION PRO-SAVE PROPOSAL (p. 211)

What is your view of the Bingaman-Jeffords Pension Pro-Save proposal? (Jeffords)

COMMISSION ON RETIREMENT INCOME POLICY (p. 212)

I have worked with others to propose the creation of a Commission on Retirement Income Policy to study trends in retirement savings and to identify ways to promote additional retirement savings. Given the critical importance of retirement savings to millions of Americans, what is your view on the need for such a Commission? (Jeffords)

LABOR LAW/LABOR STANDARDS QUESTIONS

LABOR LAW

SALTING (p. 138)

Do you think that a company should be required to keep on its payroll an employee paid by a union to organize the employer's workers? (Hutchinson)

LABOR STANDARDS

EXEMPTION FOR "HOUSE PARENTS" FROM OVERTIME (p. 162)

Will you support changes in the law to update the regulations that exempt "house parents" from overtime pay regulations? (Hutchinson)

FAMILY AND MEDICAL LEAVE: THRESHOLD (p. 147)

Small businesses are already inundated by too many regulations and red tape. In view of this, do you favor my proposal to lower the FMLA threshold from 50 to 25 employees? (Dodd)

VOLUNTEERING IN THE PUBLIC SECTOR (p. 161)

Do you believe that State and local employees should be permitted to volunteer their services in the public sector without violating the FLSA? (Warner or Gregg)

ETA QUESTIONS

DISLOCATED WORKERS: RESPONSE TO DEFENSE DOWNSIZING (p. 102)

Do you think we need to have special federal efforts to continue to deal with defense downsizing? (Warner or Dodd)

EDUCATION COMMUNITY CRITICISM OF SCHOOL-TO-WORK (p. 117)

Some members of the education community are indicating that better use of students' time could be made by focusing on academics rather than on School-to-Work. What do you think about this? (Jeffords)

JOB CORPS (p. 112)

The Job Corps is one of the largest single programs (\$1.1 billion) within the Department of Labor, yet its results and cost effectiveness have been questioned. Should Job Corps remain a federal program or be transferred to the states as part of an at-risk youth block grant? (DeWine or McConnell. Note that Kentucky has the largest number of Job Corps centers -- six.)

JOB TRAINING CONSOLIDATION (p. 94)

Is the Administration looking to pass legislation in the 105th Congress on job training consolidation? (Enzi)

UNEMPLOYMENT INSURANCE: ADMINISTRATION (p. 107)

My Governor tells me that employers in my State are paying for more in taxes than my State is receiving in return to pay for administering the unemployment insurance program. What are you planning to do to help the States on this issue? (Warner)

INTERNATIONAL/AFFIRMATIVE ACTION/IMMIGRATION QUESTIONS

Williamson
— **FAIR PAY LEGISLATION (p. 269)**

Would you support legislation to reduce the wage gap between men and women? (Harkin)

IMMIGRATION/ALIEN LABOR CERTIFICATION (p. 125)

Will you work with me to reform the alien labor certification program and increase the number of wage and hour inspectors available for enforcement actions? (Kennedy)

Tarullo
INTERNATIONAL CHILD LABOR LEGISLATION: IMPORT BAN (p. 166)

Do you feel that a U.S. ban on imports made with exploited child labor is an effective solution to the child labor problem? (Harkin)

INTERNATIONAL CHILD LABOR: DOL AGENDA (p. 171)

Will DOL continue to have a role in the issue of international child labor? (Harkin)

SAFETY & HEALTH QUESTIONS

BUSINESS COMPLAINTS ABOUT OSHA (p. 248)

Are there complaints about OSHA that you heard from the business community while you were the White House Public Liaison that you think are valid? (Enzi)

COST BENEFIT ANALYSIS (p. 250)

Shouldn't OSHA consider both the costs and benefits of the available options before determining what regulation or standard to issue? (Gregg)

ERGONOMICS (p. 243)

Do you intend to pursue ergonomics regulations? (Frist, Gregg)

METHYLENE CHLORIDE STANDARD (p. 244)

Will you consider pulling back the new Methylene Chloride standard? (Coats or Frist)

MINE SAFETY AND HEALTH ADMINISTRATION'S REALIGNMENT (p. 253)

Why is the Department moving forward on its consolidation of the Mine Safety and Health Administration's (MSHA) Technical Support function by moving 30 employees from Denver, Colorado to Triadelphia, West Virginia? (Enzi)

PROPOSITION 65 (NEW)

OSHA has delayed resolving an important issue relating to the preemption of California's hazard communication law for several years. In the meantime, businesses are being sued by bounty hunters and enduring enormous litigation expenses. Last year's appropriation bill directed OSHA to act swiftly and report to the Committee by January 1, yet still nothing has been done. Can we count on you to get OSHA to make a prompt decision about Prop 65? (Frist)

SMOKING IN THE WORKPLACE (p. 245)

What does OSHA plan to do about indoor air quality and smoking in the workplace? (Warner or McConnell)

CPI/BUDGET/CORPORATE ISSUES QUESTIONS

BUDGET**POLITICAL APPOINTEES (p. 266)**

Commerce Secretary Daley has announced plans to reduce his political staff by one-third. Can you commit to taking similar actions in the Labor Department? (Frist -- asked you about it in your courtesy call)

CPI**CPI AND THE PRESIDENT'S BUDGET (p. 232)**

Why didn't the President's request include a proposal to adjust the CPI? (Gregg)

CPI: BOSKIN REPORT (p. 236)

The Boskin Commission recently issued a report concluding that the CPI overstates the true cost of living by an estimated 1.1 percentage points a year. What are your views on the problems associated with the CPI? (Jeffords)