

NLWJC - Kagan

DPC - Box 067 - Folder-002

Welfare-Wellstone Amendment

WR - Wellstone
amendment

Andrea Kane

Record Type: Record

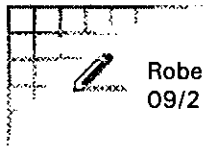
To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: Wellstone Amendment update

FYI

----- Forwarded by Andrea Kane/OPD/EOP on 09/21/98 06:34 PM -----



Robert M. Shireman
09/21/98 05:50:56 PM

Record Type: Record

To: Andrea Kane/OPD/EOP, Cecilia E. Rouse/OPD/EOP, Cynthia A. Rice/OPD/EOP, Emil E. Parker/OPD/EOP

cc:

Subject: Wellstone Amendment update

Nothing is resolved. However, at a meeting this afternoon, the lead non-W&M conferees sounded as if they expect the conference to wind up late this week without ANY amendment to the welfare law. W&M conferees are firm, and Senate conferees are arguing to Wellstone that an HEA bill is not an appropriate place to press for a welfare change.



Cynthia A. Rice

08/10/98 04:28:06 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP, Andrea Kane/OPD/EOP

cc:

Subject: Spoke to Wellstone's staffer about TANF amendment

He had read our SAP language as a more positive statement about his amendment, and was disappointed to say the least about our "do not oppose" stance. He will continue to urge us to weigh in in conference. He asked if we would consider supporting as a compromise a provision which allows 12 months of postsecondary education or vocational education, (without making both 24 months and without taking the teens out of the 30 percent cap). We have in essence in the TANF reg allowed this, since states define "vocatioal education" but more states would realize they had the option if it were in the statute. Thoughts, comments?

Wp - Wellstone amendment



Cynthia A. Rice

08/05/98 12:28:48 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP, Andrea Kane/OPD/EOP
cc:
Subject: Those Ed Dept folks are persistent!

They've proposed to add the following language to the conferee letter:

"The Administration strongly supports the goal of providing educational opportunities to enable
~~enabling~~ more welfare recipients to move from welfare to work."

I plan to say no -- I assume you agree?

Here is how the whole paragraph would read.

The Senate bill contains a provision amending the Temporary Assistance for Needy Families program (TANF). It would expand the type and length of education programs that may be counted toward a State's "work activity" participation rate. The provision would also extend the FY98 and FY99 exclusion of teen parents from the cap on education programs that may be counted toward a State's "work activity" participation rate to FY2000 and beyond. The Administration strongly supports the goal of providing educational opportunities to enable ~~enabling~~ more welfare recipients to move from welfare to work. We look forward to working with conferees to ensure that the final legislation keeps the doors of college open to all Americans while still maintaining the welfare law's strong work requirements.

Constance J. Bowers

07/29/98 01:25:35 PM

Record Type: Record

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

cc:

Subject: ED's proposed insert on "Wellstone Amendment" (TANF) for ED's draft conferee letter on HR 6

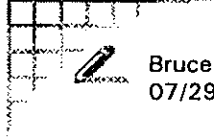
The Department of Education proposes to include the insert below in its draft letter to conferees on HR 6 that was circulated earlier today (LRM CJB 260). Please respond specifically on this proposed insert by the deadline for reviewing the letter (4:00 p.m., tomorrow, Thursday, July 30th). Thanks.

"I strongly support the goal of the Senate provision on Temporary Assistance to Needy Families (TANF) of enabling more welfare recipients to move from welfare to work. I look forward to working with conferees to ensure that the final legislation keeps the doors to college open to all Americans while still maintaining the welfare law's strong work requirements."

Message Sent To:

Diana Fortuna/OPD/EOP
Cynthia A. Rice/OPD/EOP
Andrea Kane/OPD/EOP
Barbara Chow/OMB/EOP
Sandra Yamin/OMB/EOP
Barry White/OMB/EOP
Jack A. Smalligan/OMB/EOP
Anil Kakani/OMB/EOP
Wayne Upshaw/OMB/EOP
Kathryn B. Stack/OMB/EOP
Robert M. Shireman/OPD/EOP
Elena Kagan/OPD/EOP
William H. White Jr./WHO/EOP
Doris O. Matsui/WHO/EOP
Larry R. Matlack/OMB/EOP
Maureen H. Walsh/OMB/EOP
Daniel J. Chenok/OMB/EOP
Daniel I. Werfel/OMB/EOP
lrm @ os.dhhs.gov @ inet
ssa.lrm @ ssa.gov @ inet
Janet R. Forsgren/OMB/EOP
Melinda D. Haskins/OMB/EOP

W₂ - Wellstone amendment



Bruce N. Reed
07/29/98 04:00:44 PM

Record Type: Record

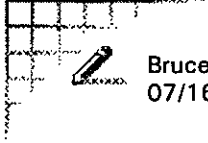
To: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Michael Cohen/OPD/EOP, Andrea Kane/OPD/EOP

cc:

Subject:

Riley will say "we don't oppose Wellstone, but it's not one of our priorities like Master Teachers etc."

Wp - Wellstone amendment



Bruce N. Reed
07/16/98 06:33:05 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP

cc: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Andrea Kane/OPD/EOP, Laura Emmett/WHO/EOP

Subject: Re: Wellstone alternatives

If we have to do something, I guess I prefer some version of #1 that says college can count for up to half a person's work requirement (i.e., 10-15 hrs) for up to 2 yrs.



Cynthia A. Rice

07/09/98 06:57:00 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP
cc: Diana Fortuna/OPD/EOP, Andrea Kane/OPD/EOP, Michael Cohen/OPD/EOP
Subject: Wellstone Amendment passed

FYI -- OMB has just notified us that the Wellstone amendment passed the Senate 55-43:

Adding to the welfare work options postsecondary education or vocational education not to exceed 24 months (previously only 12 months of voc ed counted)

Expanding the educational cap by removing teen parents in high school from the no more than 30 percent of all work participants that can be in education (previously, both teen parents in high school and those in voc ed counted toward the 30 percent cap).

----- Forwarded by Cynthia A. Rice/OPD/EOP on 07/09/98 06:08 PM -----



Anil Kakani

07/09/98 05:53:40 PM

Record Type: Record

To: Barry White/OMB/EOP
cc: See the distribution list at the bottom of this message
Subject: Re: Wellstone

In case you didn't hear, the Wellstone amendment just passed in the Senate (55-43).

Message Copied To:

diana fortuna/opd/eop
constance j. bowers/omb/eop
cynthia a. rice/opd/eop
andrea kane/opd/eop
anil kakani/omb/eop
wayne upshaw/omb/eop
mary i. cassell/omb/eop
jack a. smalligan/omb/eop

Diana Fortuna

07/16/98 02:42:49

PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc: Cynthia A. Rice/OPD/EOP, Andrea Kane/OPD/EOP, Laura Emmett/WHO/EOP

Subject: Wellstone alternatives

Here are the options we've come up with. We'd like feedback today as to which to put in the weekly.

1. Agree to Wellstone's concept of 24 months of college counting under the voc ed cap, but limit the number of hours of college that count as work. Since the number of hours of work the law requires grows over time (20 hrs per week in '98, 25 hrs in '99, and 30 hrs in 2000 and thereafter), the options are many: We could say students always have to work at least 5 or 10 hours a week; or we could say 10 or 20 hours per week of college counts.

Pro's: Keeps principle that people are working, just for fewer hours while bettering themselves.

2. Agree to Wellstone, but say that vocational education would remain limited to 12 months per person, even though college would count for up to 24 months. (This could be combined w/#1.)

Pro's: Corrects Wellstone mistake of loosening up on voc ed and allowing people to cycle through such programs for up to 2 years.

3. Agree to Wellstone, but say that only part of the 30% ed cap can be college -- i.e., one-third or one-half.

Pro's/con's: Would limit the damage, but any sub-limit has the disadvantage of seeming pretty arbitrary.

4. Use the back-door route of easing up on separate state programs for college. The NPRM says that if we prove that a state is diverting non-working people into separate state programs so that they can make the work participation rate, we reserve the right to add back those separate state program people in computing the participation rate, potentially subjecting the state to a penalty. We could now say that, if we find they're not working because they're in college, we won't add them back in.

Pro's: Maintains our rhetoric that we are not weakening the federal work requirements.

Con's: could be bigger exemption than Wellstone;
confusing;
creates precedent on separate state programs;
procedurally complex, since the NPRM is our creation and is only a proposed rule; could we announce this in advance of the final TANF rule?

5. Agree to Wellstone's 24 months for voc ed, but not for college, on the theory that there is some overlap between community college and voc ed anyway, and that this language would allow for career-oriented community college degrees.

Pro's: Appears more limited

Con's: Doesn't get credit for college change, while opening up potential voc ed abuses
6. Amend the law to allow waivers of the work requirement for college.

Pro's: Very limited

Con's: Not clear if we are saying this needs to be tested via demonstrations, or that we think we need to look over states' shoulders as they do this, raising specter of the bad old days of federal oversight. Plus Cynthia hates it.

WR - Wellstone
amendment

Diana Fortuna

07/15/98 10:22:49

AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Cynthia A. Rice/OPD/EOP, Andrea Kane/OPD/EOP, Laura Emmett/WHO/EOP
Subject: Wellstone Amendment to count college as work

As you know, the Senate passed the Wellstone amendment 55-43 as part of the higher ed reauthorization. It would allow states to count up to 2 years of college as work under the voc ed cap. Ten Republicans voted in favor (Hatch, Snowe, Allard, Jeffords, D'Amato, Stevens, Thomas, Specter, Chafee, Collins).

We did a Q&A that day that dodged taking a position, but that will be hard to sustain as the bill moves to conference. Tomorrow, NEC is holding a meeting with the agencies to go over all the higher ed conference issues, and we are invited to go and lay out how we propose to handle this one. We can certainly roll Education if they argue we should support it. However, given this may become high-profile (see today's Post op ed page), NEC may understandably balk if we say we should take no position. We are investigating further the dynamics in the House, with the hope that they could somehow make it go away very early in the process, but that may not pan out.

We thought about whether this should be a weekly item, but weren't sure you wanted to open it up in that way. Any advice?

FYI, here's how the Q&A looked.

- Q.** On the higher education bill, a Wellstone amendment to welfare reform was adopted that supporters say helps welfare recipients who want to increase their earning potential by allowing college to count as work for up to two years, but opponents say is a loophole that undermines the work requirements of welfare reform? What is the Administration's view?
- A.** We have been encouraging colleges to use work-study and other means to help welfare recipients attend college. But we have not yet analyzed the language in the Senate bill.