Ann O'Leary's Files
Office of Policy Development, Domestic Policy Council, First Lady's issues

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DOMESTIC POLICY COUNCIL – Authorizing Priorities – FALL 2000

Children and Families

Reauthorization of the Corporation for National Service: The CNS reauthorization bill, S. 2794, was marked-up and passed out of the Senate HELP Committee on Friday, July 21, 2000. Senators Jeffords and Kennedy have made an agreement with Daschle and Lott to try to get it passed on the Senate Floor next week under UC. The House, however, has no plans to take up this bill. Chairman Goodling has been clear that he does not support this reauthorization and does not plan to schedule a mark-up. The House Leadership, led by Army and Delay, has also continually expressed their distaste for this bill. The Administration needs to formulate a House strategy to pass the reauthorization given the dynamics.

Reauthorization of the Violence Against Women Act: VAWA II has passed out of the Judiciary Committees in both the House and Senate, but has not yet been scheduled for floor action. Currently, there are no clear vehicles in the Senate. There have been some rumors of adding VAWA reauthorization to the Trafficking bill, but the Administration is concerned about holding up Trafficking due to VAWA. The House was prepared to move VAWA under suspension, but the bills became bogged down in both the Commerce and Education and Workforce Committees, which have jurisdiction over the HHS programs. The Administration needs to work to get the committees to either waive jurisdiction or quickly move VAWA.

Hate Crimes: The Hate Crimes bill passed the Senate in June as an amendment to the Defense Authorization bill. Pre-Senate version is pending in the House. Our strategy has been to try to push Hastert into bringing the bill to the Floor, and then work to adopt the Senate version in conference (Mary Smith is handling this issue, but keeping us informed).

Breast and Cervical Cancer Treatment Act: This bill provides a new Medicaid treatment option for low-income women diagnosed with breast or cervical cancer through the Federal screening program. The proposal was included in the President's budget. The authorization bill passed the House in May and was approved by the Senate Finance Committee in June, but there is no clear vehicle for floor consideration, and no indication from the leadership of when it will move.

Older-Americans Act Re-authorization: On July 21, 2000, the Senate Committee on Health, Education, Labor and Pensions reported S. 1536, the Older Americans Act Amendments of 1999. This bill represents the culmination of months of negotiations between Administration and Senate staff (Jeffords, DeWine, Kennedy and Mikulski) to craft a bipartisan reauthorization bill. In addition to the support of the Administration, the committee reported bill has the support of the key aging organizations. The Senate expects to consider the reported bill on the floor during the week after Labor Day weekend. During the August recess, Senate staff worked closely with the House to enlist their support of the bill. There are a few issues remaining to be worked out with House staff. If these issues can be resolved prior to Senate consideration, the Senate may address them through a floor amendment. If not, the Senate still intends to consider the bill after Labor Day and then pass it on to the House for their consideration.

Crime and Guns

Gun Safety Legislation: The key provisions of this legislation would require background checks at gun shows; mandate child safety locks with every handgun sold; ban the importation of high capacity ammunition clips; and bar the most violent juvenile offenders from possessing guns as adults. These measures were all included as part of the Administration's omnibus gun bill, the Youth Crime Gun Enforcement Act, that was introduced last spring by Rep. Conyers and by Senator Schumer. The proposals were passed as part of the Senate Juvenile Justice bill last spring with a tie-breaking vote by Vice President Al Gore, but failed to pass in the House. The Juvenile Justice legislation is now in conference, but the conferees have only held one meeting largely because of the contentious nature of the gun issues, particularly the gun show provisions. Rep. Conyers and Chairman Hyde have been attempting to work out a compromise on the gun provisions with the Administration's assistance, but none has been reached yet. The Administration has talked with Rep. Conyers' staff about the possibility of convening a meeting at the White House with Chairman Hyde after the August recess to work out our differences, but nothing has been scheduled.

no committee action

COPS Reauthorization: The Administration's COPS Reauthorization bill would extend the COPS program created in the 1994 Crime Act through FY 2005. The legislation would fund the hiring of up to 50,000 more officers on the street; provide law enforcement with the latest crime-fighting technologies; provide $200 million to hire new community prosecutors; and authorize new community crime prevention funding. Senator Biden and Rep. Weiner have introduced the Administration's COPS bill in Congress with some minor differences. For example, the Biden/Weiner legislation does not include community crime prevention funding and allows up to 50% -- instead of 5% proposed by the Administration-- of the hiring grants to be used for grants to retain officers already hired. The President formally endorsed the Biden/Weiner bill last fall. Attempts failed in both the House and the Senate to attach COPS Reauthorization to the Juvenile Justice bill last year. Senator Biden plans to offer his bill as an amendment to the Senate Commerce, Justice, State bill in September.

Violent Crime Reduction Trust Fund (VCRTF) Reauthorization: This legislation would extend the Violent Crime Reduction Trust Fund (VCRTF) first authorized in the 1994 Crime Act through FY 2005. The VCRTF creates a "lock box" to protect over $6 billion each year through FY 2005 for law enforcement programs and to secure federal law enforcement funding so that local communities can better plan their budgets through 2005. This legislation is a high priority for national law enforcement organizations. Senator Biden introduced this legislation this year, and he included the language in the Violence Against Women Act (VAWA) bill that passed the Senate Judiciary Committee last month. However, the VAWA legislation passed in the House Judiciary Committee this year without the VCRTF language. Senator Biden also plans to introduce his VCRTF proposal as an amendment to the Senate Commerce, Justice, State appropriations bill in September.

Death Penalty -- DNA Testing/Competent Counsel: Senator Leahy introduced the "Innocence Protection Act" earlier this year to provide post-conviction DNA testing for inmates and competent counsel for capital case defendants. The "Innocence Protection Act" contains a number of other provisions relating to the death penalty such as a prohibition on the Attorney

General from seeking the death penalty in States that do not have this penalty under State law. While the Administration has not endorsed the "Innocence Protection Act", the Administration has been working with Leahy staff to develop a slimmed down version of the legislation that could get bipartisan support and the support of Senator Feinstein. The revised bill would focus solely on DNA testing and competent counsel, and would remove the original bill's grant conditions and replace them with funding incentives for States to implement the provisions. The House and Senate have not held hearings on the Innocence Protection Act, but there is some Judiciary Committee movement on DNA legislation. Senator Leahy's staff believes there is a chance that Hatch could try to move his post-conviction DNA testing bill, and that it is critical to tie competent counsel provisions to the DNA legislative vehicle. Senator Feinstein has presented Senator Hatch with a competent counsel grant program developed by the Justice Department and generally approved by Leahy staff to see if Hatch is willing to accept it as part of his DNA bill. At last check, Hatch had not given Feinstein any response to the proposal.

'01 Appropriations Language Issues

Transportation Appropriations Bill

Drunk Driving .08 BAC: This legislation proposed by Senator Lautenberg and Rep. Lowey would help to set a national impaired driving standard at .08 blood alcohol content (BAC). Currently, 18 States have adopted .08 BAC as the impaired driving standard. The bill language under consideration would give states three years to adopt .08 BAC as the impaired driving standard or risk losing a portion of their highway construction funds. President Clinton announced his support for the legislation in March 1999. On June 28, 2000 the Senate passed the FY 2001 Transportation Appropriations bill, which included language by Senators Lautenberg and Shelby that would set a national drunk driving standard at .08 BAC. The House-passed bill does not contain a .08 provision. Congressman Wolf supports the measure and will chair the transportation appropriations conference, which will likely take place in early September. Strong opposition is expected from the alcohol lobby, who managed to defeat the measure in House-Senate conference in 1998.

Labor/HHS/Education Appropriations Bill

School Construction: The conference report includes $1.3 billion for the Title VI block grant, which rolls together school construction and class size reduction. Because construction is only a permissible use of the money in their Title VI fund, removing school construction from Title VI and appropriating additional funds with the authorizing language in our budget proposal would be ideal.

Class Size Reduction: Though multi-year authorizing language from our ESEA proposal (outside of Title VI) would be most desirable, a one-year reauthorization similar to last year's agreement is more realistic and would be very difficult for the conferees not to accept in the negotiation.

Title I Accountab~~ility:~~ ~~As~~ with last year, we would like to insert our ESEA language from Title XI for the comprehensive Accountability package, but should at least be able to secure one-year supporting ~~language for the~~ grants as we did last year. Last year's agreement did not include the set-aside for states that we were seeking and instead sent funds directly to districts. We should probably try again to secure some percentage of the funds for states (we proposed 30%, but 20% would also be acceptable). Also, since Goodling is unhappy with our interpretation of last year's agreement that applies the school choice provisions only to districts receiving Accountability money, he may push to broaden this provision to apply to all failing schools.

Goals 2000

Teacher Quality: The current ESEA Eisenhower language on national activities includes recruitment, and is broad enough to encompass Troops-to-Teachers: Transition-to-Teaching, School Leadership, and Hometown Teachers. However, we would need additional authorizing language for the Early Childhood Educators since it is not a K-12 program and gives funds to consortia, as well as for Higher Standards Higher Pay and Teacher Quality Incentive Awards initiatives.

21st Century Community Learning Centers: Senator Gregg's amendment allowing CBOs to compete on equal terms with schools dictates our negotiating stance to some degree; if we are comfortable moving off of the 10% CBO-school partnership language in our FY2001 budget proposal, we could modify the language to increase the percentage of funds CBO partnerships are eligible for (up to 25%), as long as the overall level of funding is increased sufficiently towards the $1 billion goal. In addition to the percent of funds question, we may also need to think about whether or not we are OK with Gregg's language which would not require CBOs to work in partnership with schools.

→ Kennedy → John [illegible]
2D filed a report 2D 650-326-2272

Signed - everyone except Gillmor & Heating - OK
(prob [illegible]) Owens - CO, GW

Rosco - Not

→ Kennedy will like to release letter next week

POSS letter re Gore letter

11:45 - 11:50

→ [illegible] - just [illegible]

VE

House -

[illegible] - Sharp - doesn't want to do it under suspension

Warp - up to [illegible] on approps

[illegible] - neutral

Delay & Army - against CAS
Watts - for CAS

John [illegible] & Chip [illegible] - [illegible]

X

→ Preliminary results of study - Americans [illegible]
[illegible]

RU
~~DPC~~

Weekly
Report

5-2-00

'00 APR 28 -- 10:30

THE WHITE HOUSE

WASHINGTON

April 28, 2000

Copied
Reed
Liu
Podesta

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Eric Liu

SUBJECT: DPC Weekly Report

1. Crime – Gun Lawsuit. This week, the National Shooting Sports Foundation and seven leading manufacturers of law enforcement firearms (Glock, Beretta, Browning, Sig Arms, Colt's, Taurus and Sturm Ruger) filed a lawsuit against Secretary Cuomo, New York Attorney General Eliot Spitzer, Connecticut Attorney General Richard Blumenthal and 19 mayors. The suit attacks new procurement policies giving preference to Smith & Wesson and any manufacturer that signs a code of conduct as unlawful attempts to regulate interstate commerce. The plaintiffs also allege that Secretary Cuomo is exceeding the limits of his statutory authority. So far, 190 community leaders have joined HUD's public housing authorities in adopting these new procurement policies. The Justice Department is representing HUD, and a preliminary review of the complaint reveals serious weaknesses in the gun industry's arguments.

2. Health Care – Update on Assisted Suicide. On Thursday, the Senate Judiciary Committee voted largely along party lines to report out the Hatch-Hyde legislation prohibiting assisted suicide. As you may recall, this legislation passed 271-156 in the House last October. (The Justice Department expressed qualified support). The bill would terminate the license of a physician who prescribes a controlled substance for use in a physician-assisted suicide and would create new criminal penalties for that activity. It also takes new steps to encourage the appropriate provision of palliative care, which helps explain the bill's endorsement by the AMA and the National Hospice Organization. Senate Democrats, however, argue that this legislation could actually deter the appropriate provision of palliative care. Although this bill is clearly a Republican priority, it is unclear when or whether Senator Lott will schedule a floor vote, due to a promised filibuster by Senators Wyden and Smith.

3. Health Care – Update on Patients' Bill of Rights. We will hold a White House meeting next week with the extraordinarily diverse group of consumer and provider advocates supporting Norwood-Dingell. Like us, they are becoming increasingly frustrated with the lack of progress and increasingly skeptical of Senator Nickles' intentions. This meeting, which John Podesta will run, will serve to unify the coalition, highlight public dissatisfaction with the conference, and develop a joint strategy to push for a strong bill. We will also release a letter from you inviting the bipartisan leaders of the conference to a May 8th meeting for a status report.

4. Education – Gore's Education Accountability Agenda. On Friday, Vice President Gore outlined a five-point education accountability agenda during a speech at the National Conference of Black Mayors meeting in Dallas. The Vice President's proposals build on the standards and accountability provisions you put in place under Goals 2000 and the 1994 reauthorization of the Elementary and Secondary Education Act (ESEA), as well as your current ESEA reauthorization proposal. Gore's plan would more than triple the your Accountability Fund to $500 million and offer incentives for high-quality principals and teachers who agree to take on a failing school. It would also triple the number of charter schools by 2005, and promote public school choice by creating a competitive grant program to help 100 low-performing school districts adopt comprehensive standards-based reforms, convert every public school into a school of choice, allow all parents to choose the right public school for their child, and give principals, advised by teams of teachers, greater freedom over their own resources and staffing. Gore would also require states that wish to be eligible for his proposed investments in smaller schools and smaller classes to consider reading and math exit exams as one of multiple measures to determine whether or not students graduate from high school. Finally, he proposes to withdraw funding from states that fail to boost achievement and close the achievement gap. He would convert significant federal education programs into achievement-based funds, with clear financial incentives for success and clear financial consequences for failure. States failing to meet their targets for improving student performance and closing the achievement gap based on performance on the National Assessment of Educational Progress would lose federal administrative funds under formula programs, including Title I. States making exceptional progress would be rewarded.

5. Families – Raising Responsible Teenagers. On Tuesday, May 2, the First Lady is hosting a White House conference on raising responsible teens. This conference is the bookend to the 1997 Early Childhood Conference, and the First Lady will highlight new research suggesting that a pivotal phase of brain development occurs around puberty. She will push businesses to support parents by calling for an expansion of the Family and Medical Leave Act and will announce a new public service campaign called "Time with Your Teens." In keeping with her call for a voluntary uniform ratings system, she will also announce that media and entertainment industry leaders have come together to create a single access point on the Internet for parents to learn about all the various rating systems. You will announce an executive order prohibiting discrimination against parents in the federal workplace, and you will unveil a report by the Council of Economic Advisors that offers a demographic snapshot of today's teens.

6. Welfare Reform – Sanctions. A recent GAO report shows that although state welfare reform sanction policies are strong, the number of families who actually lose benefits is relatively small. Based on data supplied by all states except New York and Hawaii, the report estimates that during an average month in 1998, less than 1 percent of the caseload (23,100 families) had their benefits terminated due to sanctions and about 4 percent (112,700 families) had benefits reduced, with considerable state variation. Thirty-six states have "conciliation" policies giving families at least one opportunity to resolve the noncompliance before imposing a sanction; 15 states do not. Conciliation may contribute to the relatively low sanctioning rates. About 10 states provided more in-depth data showing that sanctioned families appear more likely to be high school drop-outs or to have transportation, child care or health difficulties. About one-third of sanctioned families returned to welfare after complying, 41 percent went to work, and many of the others depended on friends or family for support. Over 50 percent of those who left TANF continued to get food stamps or Medicaid. A new study from Maryland shows comparable results. Despite a stringent policy of terminating benefits for first-time non-compliance after a 30-day conciliation period, only 7 percent of all case closures came as a result of sanctions. Sanctioned recipients, as compared with the non-sanctioned, were younger, more likely to be white, and less likely to have worked before leaving welfare. They were also twice as likely to come back on welfare within three months.