

NLWJC - Kagan

DPC - Box 065 - Folder-014

Welfare-Welfare to Work Flex Bill

From: Kenneth S. Apfel on 01/31/97 12:09:41 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Local Flex

fyi

----- Forwarded by Kenneth S. Apfel/OMB/EOP on 01/31/97 12:05 PM -----



John A. Koskinen

01/31/97 10:51:24 AM



Record Type: Record

To: Kenneth S. Apfel/OMB/EOP

cc: Franklin D. Raines/OMB/EOP, Jacob J. Lew/OMB/EOP, Jonathan D. Breul/OMB/EOP

Subject: Local Flex

Elaine is out but I talked with Leanne Brackett, her most knowledgeable staffer on local flex issues, who agreed with me and will advise Elaine that the most the Vice President should say on Monday, if he has to say anything, is that the Federal government wants to continue to improve its partnership with state and local government. We are interested in working with the Governors to see how we can build greater flexibility into our relationships so as to be able to tailor our programs to local situations and needs.

I'm going to send this same message by e-mail to Elaine. Leanne agrees that any more detail will simply bring all of the interest groups back down upon the VP's head in a reprise of last year's fun.

From: Kenneth S. Apfel on 01/31/97 01:49:39 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Local Flex

fyi

----- Forwarded by Kenneth S. Apfel/OMB/EOP on 01/31/97 01:45 PM -----



John A. Koskinen

01/31/97 01:28:25 PM



Record Type: Record

To: elaine c. kamarck @ ovp @ eop

cc: Kenneth S. Apfel/OMB/EOP

Subject: Local Flex

Just a quickie. Ken shared with me your note about the VP's speech to the NGA on Monday. As I mentioned to Lee Anne, I think that going into the detailed discussion in the memo risks bringing down on the VP's head all those who objected to last year's version. This is narrower, but not by much and risks being interpreted as more of the same. |

I think the Veep should say we are anxious to continue to improve our partnerships with state and local govt. (citing ed flex, medicare waivers, performance partnerships in place) to improve the flexibility with which they can respond to local problems. We look forward to working with them to make improvements in this area. More than that and we're in trouble.

Thanks.



Beverly.Godwin @ npr.gsa.gov
01/31/97 01:54:00 PM

Record Type: Record

To: Kenneth S. Apfel, Jonathan D. Breul, Elena Kagan

cc:

Subject: daughter of local flex

To address a few concerns:

This version is NOT more comprehensive than Local Flex bill last year.

That bill was govt-wide, and included regulatory agencies -- was a lot of opposition from regulatory side, particularly environmentalists.

This version also includes only programs under jurisdiction of Labor-HHS-Ed Appropriations subcommittee - not justice, agriculture, et al.

Strong opposition last year came from, in addition to environmentalists, the education voucher issue (which needs to be addressed through exclusion) and from labor unions. Re: labor unions, the Admin's exclusions list for Local Flex addressed this ... a more specific list is part of the Workforce Flexibility provisions passed in approp. act last year. These were worked out with labor unions and include the following exclusions:

For Title I-III of JTPA (EXCEPTIONS for requirements relating to wage and labor standards, grievance procedures and judicial review, non-discrimination, allotment of funds (would not want this if want funding flexibility), and eligibility (don't recommend this; really restricts flexibility))

For Wagner-Peyser Act (EXEMPTIONS FOR: requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services without cost to job seekers)

From: Kenneth S. Apfel on 02/03/97 12:13:02 PM

Record Type: Record

To: Beverly.Godwin @ npr.gsa.gov @ INET @ LNGTWY

cc: Jonathan D. Breul/OMB/EOP, Elena Kagan/OPD/EOP

Subject: Re: daughter of local flex 

I'd argue to go slow for 2 reasons. First, the whole local flex notion has generated quite a bit of heat, so we need to be sure we all know where we're going before we jump in. And second, the decision was made to not put out details on Administration welfare to work initiatives until later this year .

Went to
BCS + BW

January 29, 1997

From: Elaine Kamarck

To: Ken Apfel

Here's an idea worked up by NPR staff and some DPC staff for a "Son of Local Flex" bill.

I think its great and I'd like to be able to have the VP say something about it in his NGA speech Monday. Can you get back to me on this? Can we have a process?

Thanks,

Elaine
Elaine

Copies for John Koskinen
Jack Lew

Bruce-

Everyone agreed that the VP shouldn't say anything specific about this idea.

But the idea does look pretty interesting, and it strikes me that we should have a process in place to work through it. (As far as I can tell, Jeanine is the only DPC staff member to have worked on this already.)

How do you recommend we proceed?

Elena

Welfare to Work Flexibility Act
1-29-97 Draft

Purpose:

Allow States and localities broader flexibility to achieve results in transitioning low-income people into the workforce, maintaining people in the workforce, and protecting the well-being of their children to assure their development into healthy and productive adults. Flexibility would be provided in a broad range of education, labor and human service programs to cut red tape and to allow more efficient and effective use of funds.

Principles:

- Promote better use of existing funding and resources; no new funding and no reduction of funding
- Link flexibility under this program to states achieving measurable results in three critical areas: transitioning low-income people to the work force, maintaining them in the work force, and preparing their children to participate fully in society as workers and citizens
- This is not a block grant to states. Rather, existing categorical programs would remain in place, but states and localities would have the option of combining some of their funds and requirements between and among programs in order to make government work better and cost less...

Programs Which States/Localities Could Include in their Flexibility Plan:

The core criteria are that flexibility plans could include federal grant programs that go to states that are: (See Attachment 1 for a listing of programs that might be included.)

- have as their purposes getting low-income adults into the paid workforce, maintaining their participation in the workforce, and preparing their children to participate fully in society as workers and citizens.
- administered by the Departments of Labor, Education, and Health and Human Services and funded through the Labor-HHS-Education Appropriation Subcommittee.
- [needs-based, i.e., where income is a criteria??] grant programs that currently go to States either by allocation formula or by competitive application. Federal entitlement programs can not be included in the flexibility plan.

Scope:

- 6 State Demo: This is a demonstration program that will be limited, at least initially, to six States (3 urban, 3 rural--use size criteria from Local Flex bill) through competitive application linked to the state's welfare to work plan.
- The General Accounting Office will conduct a comprehensive evaluation, and, after five [three?, four?] years, recommend whether the Congress should eliminate this flexibility or expand it to all states.
- SubState: States would in turn provide flexibility to localities, but would have the option of providing flexibility statewide or targeting the flexibility to portions of the States. States would describe which of these they chose and why as part of the competitive application process.

Flexibilities Provided:

[An alternative to the three pieces listed below is a simpler Ed-Flex, Labor-Flex version to make similar to flex authority in other areas]

- **Funding Flexibility:** States/localities could choose to transfer up to 25 percent of total funds from programs in the flexibility pool to any allowable activity under any other program(s) within the flexibility pool.
- **Duplicative and Conflicting Requirements Flexibility:** Waiver authority would be given to the Secretaries of Labor, Education and HHS which they would then delegate to the selected demonstration states. The delegated waiver authority would be for the purposes of eliminating duplication and conflicting requirements in the areas of eligibility, planning, applications, reporting, information sharing, administrative overhead (e.g., caseworkers for each separate program). As with

Ed-Flex and Work-Flex states, once a state is selected as a welfare to work flex demonstration site and waiver authority is delegated, the state would not have to come back to the Departments of Labor, Education or HHS for further approval but would inform the departments of the flexibilities they are providing.

- **Other Flexibilities to Make Government Work Better and Cost Less:** The Secretaries of Labor, Education, and HHS would be given broad statutory and regulatory authority to approve state requests for additional waivers and flexibilities that do not fall under the terms of the delegated waiver authority but are related to reforms to make government work better and cost less.

Exemptions:

No waivers/flexibilities would be allowed in the areas of civil rights, fair labor standards, environmental and public health standards, worker safety, and use of education vouchers. [NOTE: Use first Administration list from Local Empowerment and Flexibility Act, plus exclude education vouchers.]

State Applications:

To compete to be one of the six welfare to work flex states, a state would need to submit an application which:

- describes which of eligible programs would be part of the state's flexibility pool
- includes a flexibility plan linked to the state's welfare to work plan, which describes new use of funds and what other flexibilities are required
- describes how results are likely to be improved under the flexibility plan compared to current categorical funding streams and requirements
- lays out which results will be measured and tracked and how. Attachment 2 includes a partial list of results a state might focus on.
- describes what federal waivers and flexibility are needed to implement flexibility plan to achieve better results
- describes what state and local waivers and flexibility will be granted to achieve better results
- describes how the state will track, audit, and report to the federal government use of funds and flexibilities provided

Administrative Application and Approval Procedures:

- An Interagency Team led by the Domestic Policy Council or the National Economic Council with representatives from DPC, NEC, the Office of the Vice President, the Office of Management and Budget, and the Departments of Labor, Education, and Health and Human Services will guide the development of a federal request for applications, the selection of the demonstration sites, and implementation of this Act.
- **Delegation of waiver authority for duplication and conflicting requirement flexibility:** The selected states would be delegated waiver authority to reduce duplication and conflicting requirements in the areas of eligibility, applications, reporting, information sharing, and administrative overhead. States would report to federal agencies on the use of this authority.
- **Additional federal agency waiver authority:** States would request additional waivers and flexibilities that do not fall into the areas of delegated waiver authority but which make government work better and cost less. States would submit these requests to the affected federal agency(ies). Individual agencies would then approve or disapprove of these requests. The Interagency Team led by the White House would intervene when a waiver request affected more than one federal agencies and those agencies disagreed.

Evaluation and Reporting:

- States would track and audit use of funds and flexibilities provided and report to the federal government through each and all of the three affected federal agencies.
- Using the demonstration sites as learning labs, federal agencies and the Congress will use information on flexibilities provided to assess and implement changes which make sense for all states.

- GAO would evaluate the six demonstrations and recommend to Congress whether or not to extend these flexibilities nationwide. At year five, Congress would consider legislation to expand these flexibilities nationwide.

Legislative Vehicle:

- Attach to Labor-HHS-Education Appropriations Bill (one alternative is a free standing bill through Government Operations)
- Strong Presidential and Vice Presidential support/leadership will be needed to get buy-in from agencies, OMB, congress, and constituents
- Need to work with Big 7 intergovernmental organizations, especially the National Governors Association and the National Conference of State Legislatures
- Need to work with those who opposed the Local Empowerment and Flexibility Act (e.g., OMB Watch, the National Education Association)

Attachment I

Potential Federal Programs States/Localities Could Choose to Include in their Flexibility Plans

READY TO LEARN**HHS:**

- Child Care and Development Block Grant
- State Dependent Care Development Grants
- Child Development Associate Credential Scholarship
- Maternal and Child Health Block Grant
- Childhood Immunization Grants
- Healthy Start
- Pediatric Emergency Medical Services
- Childhood Lead Poisoning Prevention
- Children's Mental Health
- Education:
- Even Start
- IDEA Infants and Preschool
- America Reads?

YOUTH DEVELOPMENT**HHS:**

- Independent Living
- Youth Gang Substance Abuse
- Runaway and Homeless Youth Programs (basic centers, drug abuse prevention, transitional living)
- National Youth Sports
- Adolescent Family Life
- High Risk Youth
- Violent Crime Control and Law Enforcement Act of 1994 Title III (Community Schools Youth Service and Supervision Grant Program)
- Education:
- Drug Free Schools and Communities
- Violent Crime Control and Law Enforcement Act of 1994 Title III (Family and Community Endeavor Schools Grant Program)

Labor:

- Job Training Partnership Act (Summer Youth Employment and Training Program, Year-Round Youth Program, Youth Fair Chance, and Job Corps)

CHILDREN AND FAMILY SERVICES**HHS:**

- Social Services Block Grant
- Community Services Block Grant
- Temporary Child Care and Crisis Nurseries
- Child Welfare Services
- Adoption Opportunities
- Abandoned Infants
- Child Abuse State Grants
- Child Abuse Demonstrations
- Child Abuse Prevention, Substance Abuse
- Family Violence Programs
- Family Preservation and Support Program
- Family Support/Resource Centers

LIFELONG LEARNING AND EDUCATION

Labor:

- JTPA Formula Grants to States (Title IIA for Adults, Title III for Dislocated Workers?)
- JTPA Federally Administered Programs (Migrant Farmworkers Program, Labor Market Information, NOICC/SOICC State Occupation Information Aid, American Somosans/Asian Americans, Veterans employment, Rural Concentrated Employment Program, Pilots and Demonstrations: Research, Demonstration and Evaluation, Capacity Building)
- Unemployment Compensation?? (State Operations, State Integrity Activities, State Unemployment Insurance and Employment Service Operations)
- One-stop Career Center Grants)
- Employment Service (Allotment to States, National Activity-Targeted Jobs Tax Credit)
- Veterans Employment and Training (State Administration, Federal Administration)
- Community Service Employment for Older Americans (State Programs, National Contracts)
- Trade Act Adjustment Assistance Training and Benefits
- NAFTA Training and Benefits Program
- Skill Standards
- Women in apprenticeship
- Homeless Job Training

Education:

- Migrant Education (High School Equivalency Program, College Assistance Program)
- Vocational Education (Data Systems NOICC/SOICC)
- Student Financial Assistance (Pell Grants)
- Adult Education (State Programs, State Literacy Resource Centers, Workplace Literacy Partnerships, Literacy Training for Homeless Adults, Literacy Program for Prisoners)
- Vocational Rehabilitation (State Grants, Client Assistance Grants to States, Training, Supported Employment State Grants)
- Goals 2000 Educate America Act
- Title I: Helping Disadvantaged Children Meet High Standards
- Title II: Eisenhower Professional Development Program
- Title VI: Innovative Education Program Strategies
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- Carl C. Perkins Vocational Education Act
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- Law Related Education
- Christa McAullife Fellowships
- Foreign Language Assistance
- Title V: Programs to Promote Title V

HHS:

- JOBS??

SUBSTANCE ABUSE AND MENTAL HEALTH:**HHS:**

- Substance Abuse Prevention and Treatment Block Grant
- Community Prevention
- Prevention Demonstration High Risk Youth
- Treatment Improvement Demonstration: Critical Populations
- Prevention Demonstration: Pregnant, Post-Partum Women and their Infants

- Treatment Demonstrations: (Target City Demonstration; Criminal Justice; Women and Children; and Comprehensive Community Treatment Programs)
- Residential Treatment for Pregnant Women
- Capacity Expansion Program
- Treatment Improvement Demonstrations: Campus Projects
- Mental Health Block Grant
- Projects for Assistance in Transition from Homelessness (PATH)
- Demonstrations: Community Support Program
- Protection Advocacy
- Demonstrations: Homeless Demonstrations

PUBLIC HEALTH AND PREVENTION

HHS:

- Community Health Centers Grants
- Linking Community-Based Primary Care, Substance Abuse, HIV AIDS, and Mental Health Treatment Services
- Developmental Disabilities Projects of National Significance
- HIV Demonstration Program for Children, Adolescents and Women
- Family Planning-Service Delivery Improvement Research Grants
- AIDS Activities
- Preventive Health and Health Services Block Grant
- Occupational Safety and Health Research and Training
- Assistance Program for Chronic Disease Prevention and Control
- Project Grants and Cooperative Agreements for Tuberculosis Control Programs
- Community Partnership Demonstration Grants
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- Cooperative Agreements for State Based-Comprehensive Breast and Cervical
- Epidemic Services
- Infectious Disease
- Centers for Research and Demonstration for Health Promotion and Disease Prevention
- Injury Prevention and Control Research and State Grants Projects
- Minority Community Health Coalition Demonstration
- HIV Demonstration, Research, Public and Professional Education Projects
- Prevention Centers
- Emergency Preparedness
- HIV AIDS Surveillance
- Disabilities Prevention
- Comprehensive School Programs to Prevent the Spread of HIV and Important Health Problems
- Community Health Promotion
- Tobacco
- Prostrate Cancer
- Childhood Lead Poisoning Prevention

HEALTH PROFESSION TRAINING

- Health Careers Opportunity Program
- Area Health Education Centers
- Programs of Excellence in Health Professions Education for Minorities
- Minority Health
- Health Professions Student Loans, including Primary Care Loans/Loans for Disadvantaged Students
- Minority Scholarships
- Nurse Practitioner/Nurse Midwife
- Exceptional Financial Need Scholarships
- Nurse Education Special Projects

- Public Health/Preventive Medicine
- Grants for Physician Assistant Training Program
- Scholarships for Health Professions Students from Disadvantaged Backgrounds
- Mental Health Clinical or Service Related Training Grants
- Interdisciplinary Training for Health Care for Rural Areas
- Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds
- Area Health Centers - Border Health
- Health Professions Research and Data
- Health Administration Traineeships and Special Projects Programs
- Demonstration Grants to States for Community Scholarships

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Attachment 2

Labor-force attachment - This indicator focuses exclusively on the participation of an adult in the labor-market, without regard to whether means-tested assistance was received concurrently.

Educational Attainment - Completed schooling is one indicator of job skills.

Low earnings - The economic condition of the low-skill labor is key to the ability of young adult men and women to support families without receiving means tested assistance. This indicator tracks trends in the earnings of jobs in that market.

Adult/ parent alcohol and substance abuse - Parental alcohol and substance abuse is a risk factor for dependence and for adult and child well-being.

The following are from the National Indicators report:

Secure Parental Labor Force Attachment - the percent of children with at least one resident parent employed full time, full year
periodicity - Annual

Child Poverty - The percent of children living in poverty, and under 50% and 150% of poverty line.

Other indicators may include Parenting Indicators which measure certain aspects of the relationship between parents and their children including child abuse and neglect, child support, child care and reading exposure.

Social Development Indicators - Teenagers are particularly susceptible to risk factors associated with future welfare dependence and negative well-being. This group measures the risks to teens through indicators such as the teen birth rate, early sexual intercourse and teen alcohol and substance abuse.

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Attachment 1

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- Centers for Research and Demonstration for Health Promotion and Disease Prevention
- Injury Prevention and Control Research and State Grants Projects
- Minority Community Health Coalition Demonstration
- HIV Demonstration, Research, Public and Professional Education Projects
- Prevention Centers
- Emergency Preparedness
- HIV AIDS Surveillance
- Disabilities Prevention
- Comprehensive School Programs to Prevent the Spread of HIV and Important Health Problems
- Community Health Promotion
- Tobacco
- Prostrate Cancer
- Childhood Lead Poisoning Prevention

HEALTH PROFESSION TRAINING

- Health Careers Opportunity Program
- Area Health Education Centers
- Programs of Excellence in Health Professions Education for Minorities
- Minority Health
- Health Professions Student Loans, including Primary Care Loans/Loans for Disadvantaged Students
- Minority Scholarships
- Nurse Practitioner/Nurse Midwife
- Exceptional Financial Need Scholarships
- Nurse Education Special Projects

- Public Health/Preventive Medicine
- Grants for Physician Assistant Training Program
- Scholarships for Health Professions Students from Disadvantaged Backgrounds
- Mental Health Clinical or Service Related Training Grants
- Interdisciplinary Training for Health Care for Rural Areas
- Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds
- Area Health Centers - Border Health
- Health Professions Research and Data
- Health Administration Traineeships and Special Projects Programs
- Demonstration Grants to States for Community Scholarships

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Attachment 2

Labor-force attachment - This indicator focuses exclusively on the participation of an adult in the labor-market, without regard to whether means-tested assistance was received concurrently.

Educational Attainment - Completed schooling is one indicator of job skills.

Low earnings - The economic condition of the low-skill labor is key to the ability of young adult men and women to support families without receiving means tested assistance. This indicator tracks trends in the earnings of jobs in that market.

Adult/parent alcohol and substance abuse - Parental alcohol and substance abuse is a risk factor for dependence and for adult and child well-being.

The following are from the National Indicators report:

Secure Parental Labor Force Attachment - the percent of children with at least one resident parent employed full time, full year
periodicity - Annual

Child Poverty - The percent of children living in poverty, and under 50% and 150% of poverty line.

Other indicators may include Parenting Indicators which measure certain aspects of the relationship between parents and their children including child abuse and neglect, child support, child care and reading exposure.

Social Development Indicators - Teenagers are particularly susceptible to risk factors associated with future welfare dependence and negative well-being. This group measures the risks to teens through indicators such as the teen birth rate, early sexual intercourse and teen alcohol and substance abuse.