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THE PRESIDENT HAS SEEN
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THE WHITE HOUSE
WASHINGTON

February 20, 1998

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MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

RE: DPC Weekly Report

1. Tobacco -- New Tobacco Ad Campaign and Announcement on Synar Goals:

Next Saturday, February 28, is the one-year anniversary of the effective date for two key provisions in the FDA rule. Those provisions prohibit retailers from selling tobacco products to anyone under 18 and require retailers to check the photo identification of anyone under 27 years old. We are preparing an event for you and the Vice President to mark the anniversary by announcing a new FDA ad campaign to call attention to these access restrictions. In addition, HHS will release a report showing that all 50 states are in compliance with the Synar amendment (enforcing age restrictions on tobacco purchases), and listing the target date that each state is expected to achieve its Synar goal. The report also presents state by state information on the rate of sales to youth of tobacco products. We believe this is a good opportunity to highlight your success in moving the country forward in the fight to protect children and to repeat your challenge to Congress to enact comprehensive tobacco legislation.

2. Child Care -- Stay at Home Parents:

We are working with NEC and Treasury to prepare policy options on proposals to help "stay-at-home parents" in case we need to negotiate a proposal as part of a final child care package. Senators Chafee and Dodd have both included proposals in their child care bills to offer tax credits to parents who choose to stay at home with their young children. Last week, the House unanimously passed a resolution introduced by Congressman Goodling noting that any child care initiative passed by the Congress must not ignore stay-at-home parents (although Democrats complained that they were not given the opportunity to amend the resolution to include support for child care for working families as well). In deference to Treasury's concern that the administration maintain its leverage by not looking too eager to accept a compromise, our current position is that we welcome Republicans' interest in passing child care legislation and are still evaluating their stay-at-home proposal.

3. EEOC -- Federal Sector Rule.

On Friday, February 20th, the EEOC published a Notice of Proposed Rulemaking which seeks public comment on a number of proposed changes to the federal sector complaint process. Most notably, the proposed rule would end the current practice of allowing federal agencies accused of discrimination to overrule final decisions of

EEOC administrative judges. In addition, the proposed rule would expand the use of ADR mechanisms, provide for the dismissal of complaints where there is a clear pattern of abuse of the complaint process, and expand the use of class actions to more effectively combat systemic discrimination practices in federal employment. These proposed changes would increase the perception of fairness in the process and would increase efficiency by eliminating unnecessary layers of review, dealing more expeditiously with meritless claims and delegating more authority to front-line employees.

4. Campaign Finance Reform --McCain Feingold: Next week we expect the McCain-Feingold reform legislation to come up for consideration. After the vote on McCain-Feingold, we expect Lott to bring up Sen. Nickles's controversial Paycheck Protection Act, which would require unions to get prior consent before using dues for political purposes and is strongly opposed by Democrats who believe it could cripple labor. Sen. Snowe -- along with Sens. Jeffords and Chafee -- has been trying to make aspects of each bill more palatable to Senators on both sides of the aisle. Snowe's compromise, derived from a proposal crafted by Norm Ornstein and Thomas Mann -- would restrict both unions and corporations from airing certain types of advertising within 60 days of a primary or general election. It is not clear yet whether Democrats will support the Snowe compromise.

5. Campaign Finance Reform -- Petitions: Two weeks ago, the Federal Communications Commission (FCC) received your letter to establish a system of free and discounted TV time. Last week the Federal Elections Commission (FEC), in response to your petition to ban "soft money," asked the FEC General Counsel to provide the commission with additional options on restricting "soft money" contributions. If bipartisan campaign finance reform legislation is filibustered next week, we will focus attention on your pending petitions before the FCC and FEC. In addition, we should consider submitting other petitions, including one to the Securities Exchange Commission (SEC) on disclosure of contributions.

6. Welfare Reform -- Update on Fatherhood Initiatives by Governors and Congress: There is growing interest among governors regarding how states can use their TANF funds to promote positive fatherhood involvement. Govs. Ridge and Carper recently launched a bipartisan national effort to promote responsible fatherhood. They will host a national fatherhood summit in June, bringing together elected officials and leaders from the civic, philanthropic, education and entertainment communities. There are also indications of interest by House Republicans on this issue. Late last month, Rep. Archer called for \$1 billion "Fatherhood Counts" block grant, paid for by capping attorneys' fees in tobacco legislation. We are working with the Vice President on possible new administration initiatives on fatherhood.

7. Welfare Reform -- Welfare to Work Transportation: As you asked us to do after the State of the Union, we have sent a letter from you to all the governors urging them to use existing welfare funds for welfare to work transportation. The letter highlights Elaine Kinslow's success story, describes your proposal for \$100 million in new welfare to work transportation funds; and urges states to make full use of existing welfare funds to provide transportation

services. To help states do so, HHS, DOL and DOT will provide more detailed guidance shortly. The letter will also be sent to state legislative leaders and local elected officials.

8. Welfare Reform--Separate State Programs: New financial data from the states show that 16 states have created separate state programs. Under TANF, state expenditures in certain separate state programs may count toward a state's TANF Maintenance of Effort (MOE) requirement, even though individuals served in these separate state programs don't have to follow the TANF work and time limit rules. Information from the 16 states show that total state spending on separate state programs ranges from 1% in Indiana to 52% in Hawaii. Eight states report spending more than 10% in a separate state program: Hawaii, Illinois, Colorado, Iowa, Alabama, Wyoming, Massachusetts, and Arizona. Six of these eight states spent most or all of their funds on child care (child care funds spent in this way would not be time limited). Hawaii created a separate state program for two-parent households and legal immigrants (Florida, Michigan and Tennessee have similar programs amounting to less than 10%). Colorado's separate state program is for child welfare services.

8. Education -- NGA Meeting: On Monday, you will announce to NGA (1) a directive to the Education Department to develop guidelines for educators and policymakers on how to end social promotion; (2) John Engler's appointment to NAGB; (3) a legislative proposal to extend Ed-Flex from the current 12-state pilot program to one open to any state which sets high standards and holds schools accountable for results by issuing school-by-school report cards and intervening in failing schools; and (4) findings from a recent Education Department analysis of recent state class size reduction initiatives.

9. Education -- TIMSS Results: As we reported last week, on Tuesday the Education Department and the National Science Foundation will release the results of the TIMSS 12th grade study, in which U.S. students performed among the worst in the world. We believe the poor performance in 12th grade is due to a number of factors, including; (1) a weak foundation for learning advanced math and science, especially in math among 8th graders; (2) an unchallenging curriculum which continues to emphasis superficial mastery of facts rather than an in-depth understanding of subject matter; and (3) weak teaching due to inadequate content expertise among significant number of high school math and science teachers, as well as poor classroom teaching even by teachers with strong substantive preparation. The Education Department has also conducted a preliminary analysis of 12th grade data from the Chicago-area First in the World Consortium, which performed among the top countries in general knowledge of math and science. While this is partly because these are affluent communities, it also appears that they have a more rigorous curriculum and better teaching than the rest of the country. If this finding holds up, it will provide additional support for your arguments for higher standards, a more challenging curriculum and better teachers.