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Institute of Museum and Library Services Act (1996): Correspondence 08

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June 4, 1996

To: Senator
Fr: DE
Re: Workforce Development Conference

Unfortunately, the conference on the job training, vocational and adult education bill is beginning to divide along sharp partisan lines. The President has sent a letter to the conferees listing six items he believes he must have in the final conference agreement, and the Republicans are balking. Basically, they are willing dare the President to veto a conference agreement. However, if they do not have any Democratic support for the Conference Report, it is possible that the bill will never reach the President's desk. The Conference Report could be defeated in the House by a coalition of Democrats and conservative Republicans who think the bill is too liberal. In the Senate, there is always the possibility of a filibuster that would doom the bill.

Senator Kassebaum has convened a leadership meeting for 4 pm tomorrow in S-211. Participants will be as follows: Kassebaum, Jeffords, Kennedy, and Pell from the Senate. Goodling, McKeon, Clay and Williams from the House. She wants to see if she can't make the climate of the conference a bit more friendly. However, she seems unwilling to compromise on any of the points the Clinton Administration and the Democratic leadership in the House and Senate feel strongly about.

As the only Democrat to support the bill when it was reported out of Committee, this potentially puts you in a difficult spot. We would like a bill, but we want a good bill. We want the bill to enjoy bipartisan support, but that means give on both sides. You supported the bill in Committee because 80% of what you asked for in vocational and adult education you got. Two of these are issues on which we have reached no agreement in Conference, which are very important to education and which should have an impact on whether or not you support the final Conference Report..

Formula

The current formula divides the money as follows: 70% on Title I, 20% on special education, and 10% on population. Both the House and Senate have agreed to scrap the 20% special education. However, the House Republicans want all of that 20% to go into population. The Senate and House Democrats want it split between Title I and population. In other words, the House Republicans want a 70/30 split and the Senate and House Democrats want a 80/20 split. A 75/25 compromise would be acceptable, but the House Republicans are balking.

Another important formula issue is Corrections Education. Current law provides a 1% setaside in Vocational Education and a 10% setaside in Adult Education. We lost the specific setaside, but Kassebaum agreed to language that required the states to spend money on corrections education. The House Republicans now want that language weakened, and to permit - not require - the states to spend money on corrections education. You and I both know that states will not spend money in this area unless they are required to do so.

The formula should be the most important item to you now outstanding. At tomorrow's meeting, I believe you need to indicate that you strongly support both an 80/20 split between Title I and population, and that you equally strongly support required (and not permissive) spending for corrections education.

School to Work

This is very important to the Clinton Administration. Both bills repeal the School to Work Act, but the Senate bill requires that money be spent on School to Work. That provision has the effect of continuing the Act. The House will not agree to the Senate language. In fact, the most they may agree to is permissive funding. Senator Jeffords has a compromise that would terminate the bill in 1999 (two years early) and permit no new grants to be made after 1998. By that time, most states that want to take part will already be in the program. This is a good compromise, but the other Republicans apparently find it unacceptable.

The Democrats will argue that the School to Work law ought to be left alone and that references to the law should be dropped from this bill in order to accommodate the Administration.

I would urge you to support continuation of the School to Work law. It is very popular in Rhode Island and very important to the President. At tomorrow's meeting, it would be very helpful if you urged its continuation.

Workforce Development Conference -- Key Open Issues

1. Authorization

The Republicans want to use "such sums" in order to avoid having to agree to a low number. The Democrats want a specific number, would agree to \$6 billion in the first year and then such sums afterward. The House Republicans, however, will not agree to a number that high.

Recommendation: Such sums is not as important an issue as the Democrats make it out. We could agree to such sums if they were to give on some other key issues. I would believe that you might want to let Kennedy and the House Democrats fight this one.

2. Percentages

The Republicans have proposed 35% for employment and training; 20% for vocational education; 5% for adult education; 15% for at-risk youth; and 25% for a flexibility account. The Democrats will contend that the percentages will really depend on what the authorization is.

Recommendation: The percentages are not as bad as the Democrats contend. In fact, they are good in that we have finally achieved a specific stream of funding for adult education, something we failed to do in the original Senate bill. Again, I would simply urge that you let Kennedy and the other Democrats lead on this issue.

3. Vouchers

The Republicans have agreed to have a pilot program in every state to test the voucher approach. The size of the pilot would be left up to the states. The focus would be upon dislocated workers. The Clinton Administration wants mandatory vouchers for dislocated workers.

Recommendation: You have been wary of the voucher approach and concerned with how it might affect Pell Grants. We have strong language in the Conference Report protecting Pell Grants. Since we have protective language, the question of whether the program is a pilot program or a mandatory program for dislocated workers really does not matter. However, since the President personally wants the mandatory program, I would urge that you again follow the Democrats lead on this one.

4. Drug Testing

This is a particularly thorny issue. The full Senate passed an amendment requiring drug testing. You opposed it. The House bill has no language, and the House staff has suggested that drug testing ought to be permissive. Senator Ashcroft has said this is unacceptable and that failure to accept his language will mean he will oppose the Conference Report.

Recommendation: Follow Kennedy's lead and support his position. We really should drop the provision. However, if we cannot, it should be permissive and the states should be required to develop a reliable test to protect false positive testing.

5. Adult Education Hold Harmless

The House wants language that will protect funding for Adult Education. Senator Kassebaum has reluctantly agreed to modified language, but word is that Senator DeWine will move to hold harmless at-risk youth programs if we accept an adult education hold harmless. That, in turn, will result in efforts to hold everything in the bill harmless, which would be a mess.

Recommendation: Support the adult education hold harmless as necessary protection for a small, but critical program that otherwise might be overwhelmed. Emphasize that while you would like to see all programs in the bill adequately funded, you would reluctantly draw the line at adult education.

6. 85/15

The House bill modifies the 85/15 rule now in law. This is the law that prohibits any school from receiving more than 85% of their revenue from federal student aid. The House has agreed to drop their provision that would have opened the 15% to include private and federal contracts, but they insist on their provision moving the effective date of the 85/15 rules to 1994.

Recommendation: You should simply re-state your well-known position on behalf of the 85/15 rule and your belief that the House should simply recede on this issue and let it be considered when Higher Ed comes up for reauthorization next year.