

NLWJC - Kagan

DPC - Box 040 - Folder 005

Race-Hispanic Caucus Meeting

Bilingual Education

The English Fluency Act, introduced by Rep. Riggs, may come to the House floor this week. The bill would eliminate the existing Bilingual Education and Emergency Immigrant Education programs and replace it with a block grant requiring students to be placed in regular English-language classes after two years, and denying funds to districts for any children remaining in bilingual classes after three years. The bill would also eliminate funding for professional development programs, and would curtail the enforcement powers of the Education Department's Office of Civil Rights.

Members of the Hispanic Caucus have been concerned that you would couple opposition to the Riggs bill with a proposal of your own to reform bilingual education. They feel strongly that Congress should address the program during its scheduled reauthorization next year. Reps. Becerra, Hinojosa and Martinez were each told last week that the Administration did not intend to transmit an alternative to the Riggs bill, unless there was broad sentiment within the Democratic Caucus that one is needed. At present, there is no push from the Democratic Caucus for an alternative bill. We are preparing a SAP that will indicate strong opposition to Riggs, but will stop short of a veto threat. We do not believe we should issue a veto threat without an alternative bill to support. Further, since it is extremely unlikely that the Senate will take up the bill this session even if it passes the House, a veto threat is unnecessary as a practical matter.

Talking Points:

- I am opposed to the Riggs bill. It would arbitrarily cut off services to students who need them, retreat from our efforts to provide well-prepared teachers for bilingual education programs, and curtail efforts to protect the civil rights of LEP students.
- I do not plan to transmit an alternative to the Riggs bill during this session of Congress. I believe we must strengthen our efforts to help LEP students learn English and succeed in academic subjects, and plan on sending a proposal to Congress next year, as part of the reauthorization of the Elementary and Secondary Education Act.

I have asked the Education Department and my Domestic Policy Council staff to consult with the Hispanic Caucus as we develop our proposal for reauthorization of the Bilingual Education program and other programs in the Elementary and Secondary Education Act (ESEA). I hope we can work together on this.

If you are asked if you will veto the Riggs bill, we recommend the following response:

- I do not believe that the Riggs bill will come to my desk, because it is very unlikely that the Senate will even take it up. At this point, I think it best simply to state strong opposition to the Riggs bill. If the situation changes, then I will consider whether it makes sense to issue a veto threat.

Minorities on Welfare Caseloads Hispanic Caucus Briefing

Background

The New York Times reported recently that minorities are an increasing share of the welfare caseloads in some states. As you have requested, the DPC is working with HHS and others to examine these trends carefully. As you know, the racial/ethnic composition of welfare caseloads has been changing gradually over the last 25 years: whites rose from 38 percent in 1973 to a peak of 42 percent in 1983 and have dropped steadily since then, to 35 percent in 1997. The proportion of blacks also has generally declined, from 46 percent in 1973 to 37 percent in 1997. As The New York Times points out, the most significant trend is the increase in the Hispanic portion of the caseload, from 13 percent in 1973 to 23 percent in 1997. (Of course, some of this increase is attributable to the rapid increase in the Hispanic population overall.)

We still have a great deal to learn about how welfare reform is affecting these historic trends. The latest statistics show that from 1994 to 1997, the percent of the welfare caseload that is Hispanic grew from 20 to 23 percent, while the proportion that is white fell from 37 to 35 percent. In addition, new statistics indicate that although the number of white, black, and Hispanic families receiving welfare all dropped since 1994, the rate of decline has been greatest for whites and smallest for Hispanics.

Talking Points

- I have asked my staff to examine thoroughly the issue of whether and why there are more minorities on the welfare caseloads, as The New York Times recently reported. This new information is important and merits close attention.
- Of course, the number of all families receiving welfare -- white, black, and Hispanic -- has dropped since 1994, but the rate of decline may well be greatest for whites and lowest for Hispanics.
- The New York Times obtained much of its data directly from a sample of states. We need to examine whether the trend in those states is reflective of the national situation, and if it is, what factors account for this trend. Once we have figured out the causes, we will have a better idea of what to do about the situation.

INS Reform August 3, 1998

Background

The Administration has developed a plan to make federal immigration activities more effective by separating enforcement and service operations within INS -- from headquarters to the field -- while preserving the necessary integrating functions for supporting and coordinating both operations. Congressman Reyes developed an alternative proposal that was introduced by Rep. Rogers last week. This bill would create a separate agency within DOJ that would handle all immigration enforcement; however, the Rogers bill does not address either reforms to the services operation or overall immigration policy coordination. Our legislation was recently transmitted to the Hill and was introduced by Senator Kennedy and Representatives Watt and Berman on Thursday, July 30th. We -- along with the House Democratic leadership (including Rep. Becerras) -- have been trying to persuade Rep. Reyes to work with the Administration our proposal.

Talking Points

- The focus of the Administration's reform effort is to untangle the INS's confusing organizational structure and replace it with two clear organizational chains of command -- one to provide immigration-related services and the other to accomplish its enforcement mission. This separation will result in an INS organization with better accountability and improved efficiency.
- We believe that this proposal is far better than the Commission on Immigration Reform's recommendation to disband the INS and reallocate its responsibilities to the Departments of Justice, State and Labor. That proposal would only compound the current problems with the nation's immigration system. To be most effective, all immigration policy and management should remain within one agency at the Justice Department.
- The Administration did consider Congressman Reyes's proposal to pull enforcement operations out of INS into Main Justice. Consistent with Congressman Reyes's recommendation, our plan consolidates all enforcement operations to create a single point of responsibility and accountability. However, because of the variety of ways in which service officials depend on data collected by enforcement officers, and vice versa, we decided that both operations would work best when housed within a single entity.

Section 377 -- Late Amnesty
August 3, 1998

Background

The Immigration Control and Reform Act of 1986 (IRCA) legalized the immigration status of certain aliens who had been unlawfully present in the United States since before January 1982. IRCA provided for a one-year application period for this benefit, ending in May 1988. The INS's implementation of the legalization program was challenged on the ground that the INS dissuaded some individuals from applying within the requisite time period. Despite a 1993 Supreme Court decision severely limiting the class of those potentially harmed by INS's action, much class action litigation continued.

Section 377 of the 1996 Immigration Act brought this litigation to an end by removing federal court jurisdiction from cases where the claimant couldn't show that he actually filed a legalization application within the specified period, or that he attempted to file during the time period, but was turned away. The Justice Department supported this provision.

Many immigration advocates are concerned that hundreds of thousands of individuals who have resided legally in this country for years will become deportable in the near future as a result of this provision. Many of these individuals claim to have been in the United States since before January 1, 1982, and few would be able to secure any other form of relief from deportation.

Talking Point

- As you know, the Justice Department supported the enactment of Section 377 in an effort to bring an end to lengthy litigation covering individuals without bona fide claims to legalization. However, I have asked my staff to look into this further and welcome your thoughts on this matter.

“Parity” for Salvadorans and Guatemalans

August 3, 1998

Background

The Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted during the last session of Congress, authorized the more lenient (pre-1996 Act) rules for suspension of deportation to apply to pending cases of Guatemalans and Salvadorans, while providing amnesty (automatic “green cards”) for Nicaraguans and Cubans. The Hispanic Caucus and many Central American advocates have urged the Administration to implement NACARA in a way that would achieve “parity” among all Central American groups affected by the legislation. Since last fall, Congressmen Gutierrez and Becerra have strongly supported amnesty for Salvadorans and Guatemalans (equivalent to that received by the Nicaraguans and Cubans). Also, Congressman Gutierrez has introduced a bill that would give amnesty to Salvadorans, Guatemalans, Haitians, and Hondurans. We have consistently taken the position that Hondurans are not similarly situated to the Central American groups covered by NACARA, and thus have opposed special relief for this group.

Talking Points

- I share your concern about the disparities in treatment in NACARA. As I indicated in my signing statement, we are seeking to minimize these disparities in the implementation process.
- In this regard, the Attorney General has authorized a new administrative procedure for adjudicating the cases of Salvadorans and Guatemalans covered by NACARA. This procedure will empower INS asylum officers -- not just immigration judges -- to decide the suspension claims of these individuals. This modified procedure will be less adversarial than immigration court and will thus lessen the need for representation by an attorney, thus reducing the cost.
- Also, the INS will issue a regulation that codifies existing case law on the “extreme hardship” standard to ensure that there is fair and consistent interpretation of this standard to all applicants.
- We expect that these changes will result in a generous approval rate.
- I am generally supportive of efforts to achieve parity among similarly situated groups, but would have to review any proposed legislation carefully before deciding whether I could support it.

State & local law enforcement performing immigration functions

Background

The 1996 Immigration Act permits the Attorney General to delegate certain immigration functions to state or local law enforcement officers. The immigrant advocacy community is very concerned about this level of cooperation between the INS and local law enforcement. They fear that this delegation will lead to violations of civil and constitutional rights on the part of insufficiently trained and perhaps wrongly motivated local police. Advocates are also concerned that this delegation will make immigrants fearful of cooperation with local police departments on other law enforcement matters.

Last year, the Attorney General agreed to conduct a one-year pilot project to implement this provision in Salt Lake City, Utah. After negotiations among the Department of Justice (including INS, the Civil Rights Division and the Community Relations Service) and the local police department and community representatives, an MOU was prepared and is ready to be executed by the INS and the local mayor, pending city council approval.

The Salt Lake City MOU allows a small group of selected, trained, and supervised police officers to conduct immigration-related questioning and arrests after a lawful arrest has been made on state criminal grounds or repeat municipal offenses. After the pilot is completed and evaluated, the INS will propose a plan for full implementation of this provision and publish this plan in the Federal Register for comment.

Talking points

- The Department of Justice is taking careful steps to implement this provision of the 1996 Act.
- As in other areas, we want to promote the use of tools that assist local law enforcement in doing their jobs effectively, while maintaining vigilance in protecting people's civil rights.
- The Attorney General will initiate a pilot project to implement this provision in Salt Lake City. The development of this pilot was done in conjunction with the local police department, community advocates, and civil rights groups. We hope that the pilot will assist us in identifying how best to implement this provision, consistent with protecting the civil rights of those affected.
- I welcome your input throughout this process.

HISPANIC EDUCATION ACTION PLAN:

Investment (in millions):	FY 1998	FY99 Budget	Proposed Increase	House Committee	Cut from Action Plan
I. Title I grants to school districts	\$7,375	\$7,767	\$392	\$7,375	\$-392
II. Bilingual Education (Teacher Training, etc.)	\$199	\$232	\$33	\$199	\$-33
Adult Education (Model ESL, etc.)	\$361	\$394	\$33	\$378	\$-16
III. Comprehensive School Reform Demos	\$120	\$150	\$30	\$120	\$-30
IV. TRIO College Preparation Programs	\$530	\$583	\$53	\$600	\$17
Hispanic-Serving Institutions	\$12	\$28	\$16	\$16	\$-12
V. Migrant Education Program	\$305	\$355	\$50	\$355	\$0
Migrant Education: HEP and CAMP	\$10	\$15	\$5	\$12	\$-3
Migrant Youth Job Training Demonstration	\$0	\$5	\$5	\$5	\$0
TOTAL:	\$8,912	\$9,529	\$617	\$9,060	\$-469

Race - Hispanic caucus meeting

THE WHITE HOUSE
WASHINGTON

August 3, 1998

MEETING WITH THE CONGRESSIONAL HISPANIC CAUCUS

DATE: Tuesday, August 4, 1998
LOCATION: Cabinet Room
TIME: 12:30 p.m. - 1:30 p.m.
FROM: Larry Stein *LD*
Janet Murguia *Jm*

I. PURPOSE

To meet with the Congressional Hispanic Caucus in order to touch base and discuss issues of concern.

II. BACKGROUND

The Hispanic Caucus wants to discuss several issues, but will focus attention on three issues which they deem as urgent items to address on their agenda for the meeting with you (See Attachment # 1): (1) Accurate 2000 Census, including census appropriations funding and census education and outreach; (2) Education, including bilingual education and the Riggs (R-CA) bill scheduled for House floor consideration later this week. Also in this category is follow-up on the Hispanic Education Agenda which you proposed in your budget and the possibility of hosting a White House Summit on Staying in School in order to address the issue of high Hispanic drop out rates; and (3) Immigration and Citizenship, including the naturalization backlog, fee increase, and Immigration & Naturalization Service (INS) reorganization. In this area they will also request Administration support for "parity" for Salvadoreans and Guatemalans and other efforts to provide amnesty relief to various groups of refugees.

Ask Mike

In addition, the Caucus will raise the issue of Latino Presidential appointments including: Latino judges and U.S. Attorneys; the Special Envoy to the Americas vacancy and State Department appointments; and Federal career workforce issues (See Attachment #2). Other Hispanic Caucus priorities that may be raised if time permits are: telecommunications and the E-rate; development funding for Latin America; Health and minority tobacco issues; Welfare-to-Work rates and Hispanics; the Race Initiative; and issues related to the territories of Puerto Rico and Guam.

Ask Chris

1. Census

The Caucus wants the White House to take a strong stand in support of Census appropriations funding. This is an important issue in the Hispanic community, where an estimated 5% were undercounted in the 1990 Census. On Wednesday (7/15), the House Appropriations Committee ignored a Presidential veto threat and voted to approve the Commerce-Justice-State Appropriations bill that provides just six months of funding for Census 2000. This measure would provide \$952 million for preparations for the 2000 Census for FY99. But only half the money would be immediately available. The rest would be withheld until April and could only be released if Congress votes to do so. The House is scheduled to consider the CJS bill on Tuesday. The Caucus as well as other Democrats will be attempting to pass the Mollohan (D-WV) Amendment which will provide full funding and which the Administration supports. The Senate provided the Administration's request for the decennial census.

2. Education

The English Fluency Act, introduced by Rep. Riggs, may come to the House floor this week. This bill would eliminate the existing Bilingual Education and Emergency Immigrant Education programs and replace it with a block grant requiring students to be placed in regular English-language classes after two years, and deny funds to districts for any children remaining in bilingual classes after three years. The bill would also eliminate funding for professional development programs, and would curtail the enforcement powers of the Education Department's Office of Civil Rights.

Members of the Hispanic Caucus have been concerned that you would couple opposition to the Riggs bill with a proposal of your own to reform bilingual education. They feel strongly that Congress should address the program during its scheduled reauthorization next year. Reps. Becerra, Hinojosa and Martinez were each told last week that the Administration did not intend to transmit an alternative to the Riggs bill, unless there was broad sentiment within the Democratic Caucus that one is needed. At present, there is no push from the Democratic Caucus for an alternative bill. We are preparing a SAP that will indicate strong opposition to Riggs, but will stop short of a veto threat. We do not believe we should issue a veto threat without an alternative bill to support. Further, since it is extremely unlikely that the Senate will take up the bill this session even if it passes the House, Senior advisers believe a veto threat is unnecessary as a practical matter.

get memo

how?

get SAP

3. Immigration and Citizenship

Many Hispanic advocates have expressed serious concerns over the naturalization backlog and INS's naturalization fee increases. The dramatic increase in naturalization applications (from 540,000 in FY 1994 to almost 1.6 million in FY 1997), along with the dedication of substantial resources over the past nine months to implement quality procedures, has resulted in an increase in the number of pending applications to nearly 1.9 million as of the end of May 1998.

Currently, most applicants are experiencing a wait time of 12 to 15 months, if not longer.

The Hispanic Caucus is very concerned about the backlog and the Administration's plan to increase the naturalization fee, which funds the naturalization program. We have developed the following proposed plan to address the INS backlog and delay the naturalization fee increase (we will go forward with the other fee increases on schedule). The plan has been discussed with Congressman Becerra and he agrees that **we should not announce** the plan at this time. The House is currently considering the Commerce, Justice, State appropriations bill, and announcement of this plan may jeopardize the funding for this initiative.

The proposed plan would

- provide an additional \$171 million in FY 1999 dedicated to reduce the backlog;
- implement management improvements by establishing a new **Deputy Executive Associate Commissioner for Immigration Services** who will focus exclusively on benefits service delivery with a mandate to reduce the naturalization backlog, continue reengineering of adjudications processes, and improve customer service;
- establish backlog reduction teams comprised of adjudicators dedicated to naturalization application processing. The teams will be **concentrated in the five cities that represent 65% of the backlog** -- Los Angeles, San Francisco, New York, Miami, and Chicago.
- ^(process) **implement reengineering improvements** (recommended by Price Waterhouse Coopers) including implementing a comprehensive national phone center, consolidating medical waiver and complete file review at service centers, and implementing the *Guide to Naturalization* ensuring standard procedures across the agency.
- **implement the naturalization fee increase, including a fee waiver policy, effective January 1, 1999.** All other immigration services fee increases will be

effective in October, 1998. These fee increases are necessary to reflect the true cost of immigration services.

Congressman Becerra and we believe that we must delay announcement of this plan to protect funding and prevent Republican (Chairman Rogers) opposition. Therefore, you should not go into any of the specifics of this plan at tomorrow's meeting.

4. Other Issues

The Office of Legislative Affairs has coordinated with other White House offices including DPC, NEC, OMB, OPL, and IGA to provide background and talking points on other Caucus priorities which we believe may be highlighted.

(See Attachment III)

III. PARTICIPANTS

Pre-Brief

President

Erskine Bowles

John Podesta

Maria Echaveste

Jack Lew

Gene Sperling

Mickey Ibarra

Bob Nash

Janet Murguia

Elena Kagan

Jeff Farrow

Mike Cohen

Event

President

Erskine Bowles

John Podesta

Maria Echaveste

Jack Lew

Mickey Ibarra

Bob Nash

Janet Murguia

Elena Kagan

Jeffrey Farrow

Members of Congress

Rep. Xavier Becerra (D-CA), Chairman
Rep. Nydia Velazquez (D-NY), Vice Chair
Rep. Loretta Sanchez (D-CA), Vice Chair
Rep. Henry B. Gonzalez (D-TX)
Rep. Luis Gutierrez (D-IL)
Rep. Ruben Hinojosa (D-TX)
Rep. Matthew G. Martinez (D-CA)
Rep. Robert Menendez (D-NJ)
Rep. Solomon P. Ortiz (D-TX)
Rep. Ed Pastor (D-AZ)
Rep. Silvestre Reyes (D-TX)
Rep. Ciro Rodriguez (D-TX)
Rep. Carlos Romero-Barcelo (D-PR)
Rep. Lucille Roybal-Allard (D-CA)
Rep. Jose Serrano (D-NY)
Rep. Esteban E. Torres (D-CA)
Rep. Robert Underwood (D-Guam)

IV. PRESS PLAN

Closed Press.

V. SEQUENCE OF EVENTS

As usual.

VI. REMARKS

None.

VII. ATTACHMENTS

- I. Congressional Hispanic Caucus Agenda.
- II. Latino Appointees Background from Presidential Personnel.
- III. Background and Talking Points on relevant issues and other Caucus priorities.

ATTACHMENT I

**** CONGRESSIONAL HISPANIC CAUCUS AGENDA**
MEETING WITH PRESIDENT CLINTON
Tuesday, August 4, 1998**

A. URGENT ITEMS TO ADDRESS

1. **ACCURATE 2000 CENSUS (Roybal-Allard)**
 - Census Appropriations Funding (Sanchez)
 - Census Education and Outreach
2. **EDUCATION (Hinojosa)**
 - Bilingual Education
 - CHC Education Funding Priorities & President's Hispanic Education Agenda
3. **IMMIGRATION AND CITIZENSHIP (Gutierrez)**
 - Naturalization - Backlog, Fee Increase, Reorganization (Reyes)
 - Support for HR 3553, Central American & Caribbean Refugee Assistance
 - Section 377 Late Amnesty

B. LATINO APPOINTMENTS AND FEDERAL EMPLOYMENT

4. **LATINO PRESIDENTIAL APPOINTMENTS (Torres)**
 - Latino Judges and US Attorneys (Serrano)
 - Special Envoy office & State Department Employment (Menendez)
 - Federal Career Workforce (Rodriguez)

C. OTHER CHC PRIORITIES TO REVIEW

5. **TELECOMMUNICATIONS AND THE E-RATE (Reyes)**
 - Expanding Information Technology Opportunities for Latinos
6. **DEVELOPMENT FUNDING FOR LATIN AMERICA (Menendez)**
7. **HEALTH (Underwood)**
 - Addressing Latino Tobacco Abuse
 - National Anti-Drug Campaign
 - Children's Health Insurance -- Equal Treatment for All Children (Romero-Barcello)
8. **ECONOMIC DEVELOPMENT (Velazquez)**
 - Welfare to Work & Minorities
9. **PRESIDENT'S RACE INITIATIVE (Serrano)**
10. **AID FOR FARMWORKERS AFFECTED BY HEAT WAVE (Becerra)**
 - H2A & Emergency Aid

THE WHITE HOUSE
WASHINGTON

July 31, 1998

MEMORANDUM TO THE PRESIDENT

FROM: BOB NASH,

B. Nash
Assistant to the President and
Director of Presidential Personnel

RE: BACKGROUND ON LATINO APPOINTMENTS

Over the course of the administration, Erskine Bowles, John Podesta and my office has met with the Congressional Hispanic Caucus and the National Hispanic Leadership Agenda on a regular basis regarding Latino appointments. We have met formally once a month. Our staffs converse on a daily basis. The following should be helpful regarding your meeting with the Congressional Hispanic Caucus (CHC).

I. CURRENT STATUS OF LATINO APPOINTMENTS

Overall, Latino hiring in both the first and second Clinton/Gore terms has averaged 7% of overall appointments.

In the second term, taken by itself, Latino hiring has averaged 8%.

The following is a breakdown of Hispanic Representation to date:

<u>POSITION</u>	<u>NUMBER</u>	<u>PERCENTAGE</u>
PAS	90(appointed or selected)	7%
(Presidential appointments with Senate confirmation)		
PA	90	8%
(Presidential appointments without Senate confirmation)		
Non Career-SES	48	7%
Schedule C	126	8%
TOTAL	354	8%

II. LATINO ANNOUNCEMENTS SINCE YOUR LAST MEETING WITH THE CONGRESSIONAL HISPANIC CAUCUS ON APRIL 16, 1998

Since your last meeting with the CHC on April 16th, 145 Latinos have been appointed or nominated. Another 26 are in vetting as of today. The following list contains recent appointments, appointees pending in the Senate and Latino judicial nominees:

Recent appointments

- Ambassador Bill Richardson, confirmed as Secretary of Energy on July 31, 1998
- Maria Echaveste, Deputy Chief of Staff to the President
- Awilda Marquez, Secretary General, U.S Foreign and Commercial Service, Department of Commerce
- Ed Romero, Ambassador to Spain

Pending in the Senate

- Simon Ferro, nominated to be Ambassador to Panama
- Saul Ramirez, nominated to be Deputy Secretary, Department of Housing and Urban Development
- Mari Carmen Aponte, nominated to be Ambassador to the Dominican Republic
- Henry Solano, nominated to be Solicitor General at the Department of Labor
- Ida Castro, nominated to be Chairman of the Equal Employment Opportunity Commission
- Patricia Montoya, nominated to be Commissioner of Children, Youth, and Families at the Department of Health and Human Services
- Romulo Diaz, nominated to be Assistant Administrator, Administration and Resource Management at the Environmental Protection Agency

CHC has heard that the White House has pulled the nomination of Mari Carmen Aponte as Ambassador to the Dominican Republic. This is incorrect. We continue to support this nomination. We are working through some issues that may have come up in the Senate.

Pending Latino Judicial Nominees

- Emilio Cividanes, DC Court of Appeals
- Jorge Rangel, 5th Circuit Court of Appeals *
- Richard Paez, 9th Circuit Court of Appeals *
- Sonia Sotomayor, 2nd Circuit Court of Appeals *
- Anabelle Rodriguez, District Judge, Puerto Rico

** We have received assurances that these will be done soon.*

Please note: 7% of Clinton's judicial nominees and appointees are Latino

III. POSSIBLE AREAS OF INTEREST

Special Envoy to the Americas

Ambassadors to Latin American countries have asked the CHC to advocate keeping the Special Envoy to the Americas office open. You should tell the CHC that you plan to keep the office, but no decision has been made as to the head of the office.

U.S. Attorney Vacancies

No Latinos are currently "confirmed" as U.S. attorneys.

You should mention that the Administration is committed to ensuring Latinos serve as U.S. Attorneys. The following vacancies may come up:

- **Arizona:** Jose de Jesus Rivera has been nominated to be U.S. Attorney in Arizona. He has been installed as the court appointed interim U.S. Attorney pending confirmation.
- **Los Angeles:** The Hispanic community supports Alejandro Mayorkas for this position. It is still being worked out between Sen. Feinstein and Sen. Boxer. The Justice Department is OK with Mayorkas, but Sen. Feinstein and Sen. Boxer need to support this position. We have asked them to do so.
- **San Diego:** Chuck LaBella, a career DOJ employee has been appointed as Acting U.S. Attorney for 120 days. The Attorney General would like to keep Mr. LaBella. CHC supports Greg Vega, Assistant U.S. Attorney in San Diego, and President of the Hispanic Bar Association. This is a very sensitive issue.
- **Texas, Southern District:** Mervyn Mosbacher, who is Hispanic, has been recommended by the South Texas Congressional delegation to be U.S. Attorney in South Texas. You should mention that WE are committed to appointing a Latino to this position. He is being vetted by the Department of Justice. Houston area Latino state legislators would rather have someone from Houston.
- We will look for other opportunities for Latino U.S. attorneys.

The Census Bureau

- The Census Bureau has begun to hire what will end up to be about 250,000 temporary workers for the census count. These are not political positions, the Census Director and State Directors will hire these temporary workers.

You should suggest that CHC request a meeting with the Acting Director of the Census, James Holmes and Secretary of Commerce Bill Dailey, to have input in the selection of the census workforce, especially, in states with large Latino populations, such as California, Texas, New York and Florida. You should mention that we will help to ensure that the census workforce looks like America.

Director of the National Guard Bureau

- General Edward Baca retired on July 31, 1998, as Director of the National Guard Bureau. CHC was supporting General William (Billy) Navas as his replacement. Both Baca and Navas are Army officers. Major General Russ Davis, an African American and an Air Force officer was confirmed at 11:05 p.m. on July 30 to replace General Baca.
- CHC is very upset that Navas wasn't chosen and expressed their displeasure at their recent meeting with the Vice-President. Historically, the Director of the National Guard Bureau has been chosen by alternating between the Army and Air Force. By tradition, it was the turn of the Air Force to have one of their own lead the National Guard Bureau. Major General Davis is from the Air Force.

Underrepresentation in Career Federal Service

- Secretary Pena convened a *Hispanic Federal Executive Summit* workshop on June 24, 1998 for Hispanic executives to discuss their views and ideas for increasing the numbers of Hispanics in the higher levels of the Career Federal Service. Secretary Pena, Office of Personnel Management (OPM) Director Janice LaChance, Maria Echavaste and I spoke to this group. The recommendations that come out of the workshop will be presented to Director LaChance for implementation purposes at OPM.
- CHC will bring up the "9 point plan" developed by OPM to address Latino Federal employment. CHC will ask for an executive order to bring accountability and oversight to the plan. We do not believe this is appropriate. If we do an executive order for Hispanics every ethnic group will want the same treatment. We have made this statement to the CHC and Latino groups.

Marife Hernandez

- Some CHC members will bring up the candidacy of Marife Hernandez for Ambassador to Argentina. This will not happen. Ms. Hernandez will be notified in the next few days. Please let the CHC know that you want to find a way for Marife Hernandez to serve. They do not know that a preliminary decision has been made on Argentina.

Closing

Your administration has appointed more Latinos than any other in the history of the United States of America. You should be very proud of this record, not defensive. The CHC will say that significantly improving Bush's bad record is not enough. You should answer that we continue to work toward having this administration look more like America. Your record since the last time you met with the CHC underscores this point.

ATTACHMENT III - BACKGROUND AND TALKING POINTS

Census

Background:

Our goal is the most accurate census, employing the most up-to-date, scientific methods with the most cost effective use of taxpayer dollars. Such accuracy is necessary because the census has real impact on the lives of real people. Information gathered in the decennial census is used by states and local governments to plan schools and highways, by the federal government to distribute funds for health care and other programs, and by businesses in making their economic plans. Because the census is so important, we must do everything we can to ensure that everyone is included in the count. We know that previous censuses overlooked millions of Americans, especially children and minorities. That's not fair, it's not accurate, and it's not acceptable. We are determined to do better.

HISPANIC/LATINO SPECIFIC CENSUS FACTS

More than 245,000 Latinos and persons of Hispanic Origin were not counted in the state of Texas in 1990. In California, more than 395,000 Latinos and persons of Hispanic Origin were missed, the most in the nation. The national undercount rate for Latinos and persons of Hispanic Origin in 1990 was 5%. The highest Hispanic undercount rate in 1990 was seen in Georgia at 6.9%.

Talking points:

- Thank the Caucus for their hard work and leadership on this issue.
- Ask them to continue to talk about the importance of a fair and accurate census in their states, with their constituents and their colleagues.
- Assure the Caucus that this census issue is very important to the President and that the White House is working hard to ensure that the 2000 Census is the most accurate possible using the National Academy of Science's endorsed use of statistical sampling.

Education: Bilingual Education

Background:

The English Fluency Act, introduced by Rep. Riggs, may come to the House floor **this** week. The bill would eliminate the existing Bilingual Education and Emergency Immigrant Education programs and replace it with a block grant requiring students to be placed in regular English-language classes after two years, and denying funds to districts for any children remaining in bilingual classes after three years. The bill would also eliminate funding for professional development programs, and would curtail the enforcement powers of the Education Department's Office of Civil Rights.

Talking Points:

- I am opposed to the Riggs bill. It would arbitrarily cut off services to students who need them, retreat from our efforts to provide well-prepared teachers for bilingual education programs, and curtail efforts to protect the civil rights of LEP students.
- I do not plan to transmit an alternative to the Riggs bill during this session of Congress. I believe we must strengthen our efforts to help LEP students learn English and succeed in academic subjects, and plan on sending a proposal to Congress next year, as part of the reauthorization of the Elementary and Secondary Education Act.

I have asked the Education Department and my Domestic Policy Council staff to consult with the Hispanic Caucus as we develop our proposal for reauthorization of the Bilingual Education program and other programs in the Elementary and Secondary Education Act (ESEA). I hope we can work together on this.

If you are asked if you will veto the Riggs bill, we recommend the following response:

- I do not believe that the Riggs bill will come to my desk, because it is very unlikely that the Senate will even take it up. At this point, I think it best simply to state strong opposition to the Riggs bill. If the situation changes, then I will consider whether it makes sense to issue a veto threat.

Education: Hispanic Education Action Plan

Background:

In February, the VP announced a more than \$600 million investment plan for addressing the educational needs of Hispanic Americans. It was warmly received by the caucus and Latino organizations.

Talking Points:

- I will fight for these investments. I have already promised to veto the House version of the Labor-HHS-Education appropriations bill. It is \$469 million short on my Hispanic Education Action Plan.
- Proposing the plan had an impact: while the House appropriations bill is short, increases over FY 98 are included in 6 of the 9 programs that I recommended.
- I hope you will join me in taking every opportunity to criticize Republicans for failing to address important needs. For example, my doubling of training for teachers that serve LEP children (from \$25 million that we won in the BBA last year, to \$50 million.)

Education: Dropout Summit

Background:

Citing the high Latino "dropout rate," the caucus and Senator Bingaman sent you a letter asking that the White House call a "summit" on the problem of high school dropouts. We have been following up the staff level, asking for more detail about the goals of such an effort, and suggestions for who and what would be included. The caucus may be aware your staff have concerns about focusing on dropouts.

Talking Points:

- The Hispanic dropout rate is too high. I noticed that your letter cites the problem of overcrowding and that is why we're pressing for school construction funding and out other investments.
- The High Hopes for College proposal is critical. It targets kids early and works with them over the long term. We know that's what works.
- Beyond this budget fight, a summit of some sort could make good sense.

If they push:

- If we are going to have a summit focused on dropouts, I want to make sure that what the press and public focus on is constructive and action-oriented.
- No matter how you slice the data, it is clear that we need to do much more to address the needs of Hispanic youth. But we need to be careful, because part of the reason for the high drop out rate is not Latinos who actually drop out of U.S. schools, it is immigrants who come here without finishing school in their own country, then they get counted in the dropout numbers.
- There are legitimate needs that we want to address -- that's why I've asked for more adult education funds, for example, -- but some could draw the wrong conclusions, attaching immigration at "the problem." We need to think carefully about whether we want to give them an opportunity to do that. Or perhaps there is a way to address it that minimizes the danger.

Note: The CEA report done for the race initiative says that: Educational attainment has increased much faster for native-born Hispanics than for the Hispanic population as a whole. For example, the high school completion rates of native-born Hispanics are now comparable to those of non-Hispanic blacks, whereas those of Hispanic immigrants are considerably lower. Thus, the slow increase in average educational attainment of Hispanics is at least partly due to the increasing representation of immigrants with lower educational attainment in the Hispanic population.

Immigration: INS Naturalization -- Backlog Reduction

Background

Many immigration advocates have expressed serious concerns over the naturalization backlog and INS' proposed immigration service fee increases -- primarily for naturalization. The dramatic increase in naturalization applications (from 540,000 in FY 1994 to almost 1.6 million in FY 1997), along with a greater focus on the integrity rather than the speed of the naturalization process, has resulted in an increase in the number of pending applications. As of the end of May 1998, nearly 1.9 million applications were pending. Currently, most applicants are experiencing a wait of 18-24 months.

Talking Points

- I agree that the growing **backlog is unacceptable**. My Administration is committed to both management reforms and providing the resources necessary to reduce waiting times. In the past year, the INS has implemented several reforms to the naturalization process that are designed to expedite processing, while maintaining integrity. We recognize, however, that INS's efforts to date represent just the first steps in a long road -- enormous challenges lie ahead, and we are committed to meeting those challenges expeditiously.
- We are working with the caucus to develop a new plan with INS to meet the backlog reduction targets outlined in the Budget. **The plan will provide INS with the means to reduce the backlog and improve customer service.** The plan will include a package of management reforms and process reengineering improvements.

Immigration: INS Reorganization

Background

The Administration has developed a plan to make federal immigration activities more effective by separating enforcement and service operations within INS -- from headquarters to the field -- while preserving the necessary integrating functions for supporting and coordinating both operations. Congressman Reyes developed an alternative proposal that was introduced by Rep. Rogers last week. This bill would create a separate agency within DOJ that would handle all immigration enforcement; however, the Rogers bill does not address either reforms to the services operation or overall immigration policy coordination. Our legislation was recently transmitted to the Hill and was introduced by Senator Kennedy and Representatives Watt and Berman on Thursday, July 30th. We -- along with the House Democratic leadership (including Rep. Becerras) -- have been trying to persuade Rep. Reyes to work with the Administration our proposal.

Talking Points

- The focus of the Administration's reform effort is to untangle the INS's confusing organizational structure and replace it with two clear organizational chains of command -- one to provide immigration-related services and the other to accomplish its enforcement mission. This separation will result in an INS organization with better accountability and improved efficiency.
- We believe that this proposal is far better than the Commission on Immigration Reform's recommendation to disband the INS and reallocate its responsibilities to the Departments of Justice, State and Labor. That proposal would only compound the current problems with the nation's immigration system. To be most effective, all immigration policy and management should remain within one agency at the Justice Department.
- The Administration did consider Congressman Reyes's proposal to pull enforcement operations out of INS into Main Justice. Consistent with Congressman Reyes's recommendation, our plan consolidates all enforcement operations to create a single point of responsibility and accountability. However, because of the variety of ways in which service officials depend on data collected by enforcement officers, and vice versa, we decided that both operations would work best when housed within a single entity.

Immigration; Section 377 -- Late Amnesty

Background

The Immigration Control and Reform Act of 1986 (IRCA) legalized the immigration status of certain aliens who had been unlawfully present in the United States since before January 1982. IRCA provided for a one-year application period for this benefit, ending in May 1988. The INS's implementation of the legalization program was challenged on the ground that the INS dissuaded some individuals from applying within the requisite time period. Despite a 1993 Supreme Court decision severely limiting the class of those potentially harmed by INS's action, much class action litigation continued.

Section 377 of the 1996 Immigration Act brought this litigation to an end by removing federal court jurisdiction from cases where the claimant couldn't show that he actually filed a legalization application within the specified period, or that he attempted to file during the time period, but was turned away. The Justice Department supported this provision.

Many immigration advocates are concerned that hundreds of thousands of individuals who have resided legally in this country for years will become deportable in the near future as a result of this provision. Many of these individuals claim to have been in the United States since before January 1, 1982, and few would be able to secure any other form of relief from deportation.

Talking Point

As you know, the Justice Department supported the enactment of Section 377 in an effort to bring an end to lengthy litigation covering individuals without bona fide claims to legalization. However, I have asked my staff to look into this further and welcome your thoughts on this matter.

amnesty period - "legalization program"
some unlawfully turned away
law suits

f. 377 - only if you filed or were
actually turned away
if not - you're out of ct.

Immigration: "Parity" for Salvadorans and Guatemalans

Background

The Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted during the last session of Congress, authorized the more lenient (pre-1996 Act) rules for suspension of deportation to apply to pending cases of Guatemalans and Salvadorans, while providing amnesty (automatic "green cards") for Nicaraguans and Cubans. The Hispanic Caucus and many Central American advocates have urged the Administration to implement NACARA in a way that would achieve "parity" among all Central American groups affected by the legislation. Since last fall, Congressmen Gutierrez and Becerra have strongly supported amnesty for Salvadorans and Guatemalans (equivalent to that received by the Nicaraguans and Cubans). Also, Congressman Gutierrez has introduced a bill that would give amnesty to Salvadorans, Guatemalans, Haitians, and Hondurans. We have consistently taken the position that Hondurans are not similarly situated to the Central American groups covered by NACARA, and thus have opposed special relief for this group.

Talking Points

I share your concern about the disparities in treatment in NACARA. As I indicated in my signing statement, we are seeking to minimize these disparities in the implementation process.

In this regard, the Attorney General has authorized a new administrative procedure for adjudicating the cases of Salvadorans and Guatemalans covered by NACARA. This procedure will empower INS asylum officers -- not just immigration judges -- to decide the suspension claims of these individuals. This modified procedure will be less adversarial than immigration court and will thus lessen the need for representation by an attorney, thus reducing the cost.

- Also, the INS will issue a regulation that codifies existing case law on the "extreme hardship" standard to ensure that there is fair and consistent interpretation of this standard to all applicants.

We expect that these changes will result in a generous approval rate.

- I am generally supportive of efforts to achieve parity among similarly situated groups, but would have to review any proposed legislation carefully before deciding whether I could support it.

Territories: Puerto Rico Status Choice

Background:

The House-passed Puerto Rico status choice bill appears to have little chance of passing the Senate. Some Republicans (1) are concerned that Puerto Rico would be a Democratic state and (2) are responding to proponents of English becoming the Nation's official language. Governor Rossello and the leaders of Puerto Rico's legislature, therefore, plan to call a future status referendum in December using terms of the bill that we support whether it becomes law or not.

Talking Points:

- Exactly 100 years ago, our country was taking Puerto Rico from Spain militarily. A century later, the residents are U.S. citizens and live under most Federal laws, but have no vote in their national government although we are the greatest democracy in history.
- I am disappointed some Senate Republicans don't want to let them choose their future status because of their Spanish heritage and a State of Puerto Rico might be Democratic.
- I'll support nationhood or statehood if Puerto Ricans vote for either change and continue to help them under the Commonwealth local government arrangement if they do not.

Territories Data Collection

Background:

The territories are not included in all data collection programs. The reasons include (1) costs related to Puerto Rico's Spanish heritage and the other areas' small size and distance from the States and (2) a lack of consideration by some agencies. The areas complain the exclusions cost them funds they are due. Resident Commissioner Romero-Barcelo has advocated inclusion in all appropriate programs since he was Puerto Rico's Governor and raised the issue with you in 1995.

Puerto Rico Interagency Group follow-up efforts to improve Puerto Rico's coverage led to the Administration reversing itself in 1996 on a proposal to discontinue the Economic Census in the territories at a cost of \$4.8 million. In the process, resistant Commerce and OMB officials expressed concern about the cost of including the territories in other surveys. Given this, the Census sampling fight with Congress, and time constraints, more has not been done on the issue.

Talking Points:

- Carlos, I know this has concerned you since you were Governor 20 years ago. We began to work on it after you raised it with me three years ago.
- In identifying the specific problem areas, we found the Commerce Department proposed to discontinue the Economic Census in the territories and we recalled that proposal at a cost of reallocating \$4.8 million in the budget.
- Commerce and OMB are concerned about the costs of equal coverage -- a real problem especially because of Census appropriations issues. But some of the cost arguments aren't good and some of the problem is a lack of consideration by agencies.

- I don't think we've done enough on this and I will have my Puerto Rico Interagency Group work further on it. You could help by identifying the priorities.

Puerto Rico Judgeship

Background:

Commonwealth Annabelle Rodriguez was nominated to the District Court for Puerto Rico 2 ½ years ago when we agreed to the priority appointments request of Gov. Rossello and Congressman Romero: letting the acting U.S. Attorney stay in that office. Rodriguez's nomination has not been considered in the Senate, however, because of Romero's opposition.

Romero objects to Rodriguez on the grounds that she (1) does not acknowledge the extent of Federal authority in the Commonwealth and (2) is not supported by the elected Democratic officials. She is, however, supported by Representatives Gutierrez and Velazquez.

Talking Point:

- The Judiciary Committee should have a hearing on the nomination and act on it.

Territories: Guam U.S. Attorney

Background:

A Bush-appointed U.S. Attorney continues to serve in Guam. Two candidates recommended by Delegate Underwood and Governor Gutierrez have been judged unfit by the Justice Department and Justice officials are unenthusiastic about the third, Phillip Tydingco. They think it may be impossible to find an acceptable local candidate because of inter-relationships among the territory's small population. We have stressed the importance of finding a candidate acceptable to insular officials and who comes from or has lived on the Island.

Talking Points:

- I'm happy to have some progress to report: Knowing of your interest, staff asked Justice to seriously consider Mr. Tydingco. He will now, finally, be interviewed.
- If he doesn't work out, we will work with you and Gov. Gutierrez to find someone acceptable to you both and with a Guam background.

Guam Philippines Visa Waiver

Background:

Visas are not required for short-term visitors to Guam from 17 countries. The nearby Philippines has been excluded from the waiver because of the high rate of visa overstays by Filipinos. Delegate Underwood and House Immigration Subcommittee Chairman Smith have proposed that visas not be required for up-to-15 day visits by 100 Filipinos for a one year trial period. The INS is opposed because of the Philippines overstay rate and because it is reviewing the entire program.

Talking Point:

- We will make sure your proposal is seriously considered and INS' review of the overall program is completed expeditiously.

Guam Visit

Background:

During the last meeting with the Caucus, you told Delegate Underwood that you would try to stop on Guam during the India trip later this year if you could not during the China trip. Underwood and Gov. Gutierrez have been pressing to have this publicly confirmed. Scheduling is working on this. Like Underwood, Gutierrez wants to participate in the confirmation. You are scheduled to do an event with him tomorrow.

Talking Point:

- Bob, I'm going to try to stop on Guam later this year, as I told you in April I would. We hope to confirm this soon. We'll let you know when we can.

Welfare to Work: Minorities on Welfare Caseloads

Background

The New York Times reported recently that minorities are an increasing share of the welfare caseloads in some states. As you have requested, the DPC is working with HHS and others to examine these trends carefully. As you know, the racial/ethnic composition of welfare caseloads has been changing gradually over the last 25 years: whites rose from 38 percent in 1973 to a peak of 42 percent in 1983 and have dropped steadily since then, to 35 percent in 1997. The proportion of blacks also has generally declined, from 46 percent in 1973 to 37 percent in 1997. As The New York Times points out, the most significant trend is the increase in the Hispanic portion of the caseload, from 13 percent in 1973 to 23 percent in 1997. (Of course, some of this increase is attributable to the rapid increase in the Hispanic population overall.)

We still have a great deal to learn about how welfare reform is affecting these historic trends. The latest statistics show that from 1994 to 1997, the percent of the welfare caseload that is Hispanic grew from 20 to 23 percent, while the proportion that is white fell from 37 to 35 percent. In addition, new statistics indicate that although the number of white, black, and Hispanic families receiving welfare all dropped since 1994, the rate of decline has been greatest for whites and smallest for Hispanics.

Talking Points

- I have asked my staff to examine thoroughly the issue of whether and why there are more minorities on the welfare caseloads, as The New York Times recently reported. This new information is important and merits close attention.
- Of course, the number of all families receiving welfare -- white, black, and Hispanic -- has dropped since 1994, but the rate of decline may well be greatest for whites and lowest for Hispanics.
- The New York Times obtained much of its data directly from a sample of states. We need to examine whether the trend in those states is reflective of the national situation, and if it is, what factors account for this trend. Once we have figured out the causes, we will have a better idea of what to do about the situation.

E-RATE

Background

The e-rate program was established as part of the Telecommunications Act of 1996 to ensure Internet access to schools and libraries throughout the United States. For the past several months, the program has been under harsh attack by those who have cynically cast it as the "Gore tax." Speaker Gingrich has vowed to schedule a House vote to kill the program this session. The Hispanic Caucus is critical to our efforts to defend the "e-rate" from political attacks. They have worked with the Black Caucus and Secretary Riley to organize press conferences and rallies to defend the e-rate.

Rep. Scarborough (R-FL) has filed an amendment to the Commerce, Justice, State (CJS) Appropriations bill (scheduled for floor action this week) that would prevent the FCC from collecting any additional funds for the e-rate. Apparently, the chairman of the CJS Appropriations subcommittee has asked Scarborough to withdraw the amendment.

Talking Points

- All of our nation's children must have access to the educational tools of the 21st Century. The "digital divide" must be bridged.
- If the Scarborough amendment comes up for a vote, I am confident that the Hispanic Caucus will help lead the effort to defeat it.
- The Vice President and I will continue to speak out in support of the e-rate, and to oppose any effort by the Congress to eliminate or delay it. I want to thank you for all of your work on the e-rate, and I hope you will continue to make sure that the Congress doesn't unplug our kids from the future.

Race - Hispanic caucus meeting

CONGRESSIONAL HISPANIC CAUCUS

**MEETING WITH PRESIDENT BILL CLINTON
AUGUST 4, 1998, 12:30 P.M.**

I. URGENT ITEMS TO ADDRESS p. 1

1. ACCURATE 2000 CENSUS p. 1

2. EDUCATION p. 2

 • Latino Educational Status — Proposed Drop Out Summit

 • CHC Education Funding Priorities & President’s “Hispanic Education Agenda”

 • Bilingual Education

3. IMMIGRATION AND CITIZENSHIP p. 5

 • Naturalization — Backlog, Fee Increase, Reorganization

 • Support for HR 3553, Central American & Caribbean Refugee Assistance

 • Section 377 Late Amnesty

II. LATINO APPOINTMENTS AND FEDERAL EMPLOYMENT p. 8

4. LATINO PRESIDENTIAL APPOINTMENTS p. 8

 • Latino Judges and US Attorneys

 • Special Envoy Office & State Dept. Employment

 • Federal Career Workforce

III. OTHER CHC PRIORITIES TO REVIEW p. 12

6. TELECOMMUNICATIONS AND THE E-RATE p. 12

 • Expanding Information Technology Opportunities for Latinos

7. DEVELOPMENT FUNDING FOR LATIN AMERICA p. 13

8. HEALTH p. 14

 • Addressing Latino Tobacco Use

 • National Anti-Drug Campaign

 • Children’s Health Insurance -- Equal Treatment for all Children

9. ECONOMIC DEVELOPMENT p. 16

10. PRESIDENT’S RACE INITIATIVE p. 17

11. FARMWORKERS: H-2A AND EMERGENCY AID p. 18

I. URGENT ITEMS TO ADDRESS

1. ACCURATE 2000 CENSUS

Mr. President, an accurate and fair count in the 2000 Census is crucial to our large and growing communities. Are you committed to vetoing any attempt to stop the use of statistical methods in the 2000 Census?

Census Appropriations Funding: Keep fighting for funding for sampling for Census 2000. The Administration made a bad deal in the appropriations process last November. Postponing a decision on the Census until March of 1999 puts the Census in jeopardy. Now that the majority has broken that deal by moving a CJS bill which stops the funding only for the Census in March of 1999 the Administration should not agree to go back to the original deal. Republicans are trying to break their deal by jeopardizing full funding of the Census bureau. Appropriators already voted along party lines to limit the Census Bureau's funding which will devastate Census 2000. We urge the Administration to veto the FY99 Commerce, State, Justice Appropriations bill in September if census sampling is banned and the funding problem remains.

- Latino communities cannot afford another undercount. According to a GAO report, Latinos were undercounted by 5% in the 1990 Census.
- The Census Bureau must be fully funded from the get-go in fiscal 1999. Much of the agency's vital preparatory work for 2000 needs to be done early in the year -- regardless of how the sampling issue finally gets decided. This appropriations fight is occurring in the midst of an operational challenge for the Census Bureau, as they ramp up to have almost half a million employees in just under twenty months from now. The Census needs a decision on this issue now, not in six months. The reason the GAO says this is a program at risk, is the lack of a decision by Congress, not the plan itself.
- Join our community outreach effort. In September, we will hold press conferences, town hall meetings and co-sponsor community events in order to highlight the importance of the census to the American public. We would welcome the opportunity to produce joint public service announcements. We need the President, the Vice President and the entire Cabinet to do public events to rally our side and public opinion. Potential events include: meeting with Civil Rights leaders, touring undercounted communities both in urban and rural areas and utilizing the President's race commission as a topic for consideration. Many Mayors on both sides of the aisle, would be happy to do events with you and the Vice President and cabinet members.

2. EDUCATION

a. Latino Educational Status -- Proposed Drop Out Summit

Mr. President, we must work together to address the low Latino educational attainment rates and the low participation rates of young Latinos in federally-funded education programs. Can we count on your support to convene a national summit on the drop out crisis facing Latinos?

Over the past ten years, Latino educational attainment rates have stagnated or worsened. This is a national crisis that must be addressed because today's Latino youth are tomorrow's workforce. From pre-kindergarten through college, the Latino population is lagging far behind other racial and ethnic groups in educational attainment. A report released in July compiled by the National Council of La Raza (NCLR), indicates that Latino schoolchildren are less likely to be enrolled in Head Start and other preschool programs, less likely to take rigorous academic classes and far more likely to drop out than children from other groups. This trend portends a devastating impact for Latinos and the general population because of the rapid growth of the Latino population -- already, school-age Latino children are the largest minority in their age group.

- Latinos have the highest high school drop out rate and graduation rates remain low. In 1993, the high school dropout rate for Latinos age 16-24 was 28% compared to 14% for Blacks and 8% for Whites. According to the Census Bureau, from 1985 to 1995, the percentage of Latinos age 25-39 with high school diplomas decreased from 61% in 1985 to 57% in 1995. For the same time period, the percentage of blacks with high school diplomas rose to equal whites.
- Latino college graduation rates lag. In 1995, fewer than 9% of Latinos over age 25 had completed college compared to 24% of the White population and 13% of the Black population. Over the past twenty years, there has been a less than 1% increase in the proportion of Latinos aged 18-24 enrolled in college.
- Latinos have excessively high teenage pregnancy rates. Hispanic teenagers are more than twice as likely as whites to become mothers before they turn 20, according to a new study issued by the National Center for health statistics. The cultural and social issues surrounding Latino teenage pregnancy should be fully explored and addressed.

b. CHC Education Funding Priorities — President's "Hispanic Education Agenda"

Mr. President, thank you for your leadership in developing and funding your "Hispanic Education Agenda." Now, we need your assistance during this appropriations process to ensure our education priorities are adequately funded.

The CHC education priorities and the President's "Hispanic Education Agenda" are underfunded in the House Labor-HHS appropriations bill. The CHC has urged the Appropriations Committee to increase funding for critical education programs that address the unique educational needs of disadvantaged Latino students. Our education priorities were included in the President's FY99 budget request.

- **Hispanic Serving Institutions (HSIs):** The CHC sought the committee's support for \$45 million in FY 1999 for HSIs with \$4 million to be dedicated for grants to HSIs to provide graduate and professional education opportunities. The President's request was only \$16 million which was the level the committee allocated.

Likewise, we are proposing to raise the authorization level for HSIs. For this year's reauthorization of the Higher Education Act, we propose raising the authorization level for HSIs to \$80M. While the House bill includes a reauthorization of \$80M, the Senate amount remains at \$45M. We urge you to support the House version during conference.

- **Bilingual Education:** The CHC urged the committee to support funding for Emergency Immigrant Education and provide \$250 million in FY 1999 specifically for Bilingual Education, including \$50 million for professional development and \$19 million for support services. Although the President requested \$232 million, the Committee allocated only \$199 million.
- **HEP-CAMP:** The CHC sought \$15 million for HEP and \$5 million for CAMP in FY99 -- the same amounts requested by the President. The Committee allocated \$9 million and \$3 million respectively.
- **Migrant Education Program (MEP):** The CHC sought support for \$375 million for the MEP. The Committee allocated \$355 million which is the amount the President requested.

We applaud the President's Hispanic Education Initiative. The plan has five goals which include maintaining and refining programs that boost Hispanic and LEP students' achievement to world-class standards and lower the Hispanic dropout rate, building the capacity of teaching professionals to meet the educational needs of Hispanic and LEP students and ensuring a program of ongoing, empirical data collection and research that targets the educational needs of Hispanic and LEP students.

- **Education Department report and response.** There has been a very favorable response by the Hispanic Community to the long-awaited Hispanic Dropout Project report entitled NO MORE EXCUSES. Now is the time develop serious programmatic efforts to many of the recommendations.
- **Call for a national summit on the drop out crisis.** We urge the President to fully support a recent request, from the Senate Democratic Group on Hispanic Issues and the Congressional Hispanic Caucus, which calls for a national summit on the dropout crisis that is plaguing our nations schools.

c. **Bilingual Education**

Mr. President, we are pleased to learn that you will not be introducing an alternative bilingual education bill this year. We want to work with you to ensure that limited English proficient children have access to the best education programs possible. Can we count on you to work with us to protect bilingual education programs and help limited-English proficient children attain world class standards?

Fighting the “Language Fluency Act” introduced by Rep. Frank Riggs. “The Language Fluency Act” (H.R. 3892) contains many devastating provisions including transforming bilingual programs from competitive grant programs into a block grant to states, voiding consent decrees and limiting student participation in the programs to two years. The CHC opposes the Riggs bill.

- We oppose reforms to bilingual education this year: Reauthorization of the Elementary and Secondary Act (ESEA) which is only months away is the proper place to submit any bilingual education reform proposals. Any Bilingual Education reforms merit the careful review of Congress, with input from stakeholders, practitioners and experts in the community, the type of process that reauthorization affords.
- Working together to strengthen bilingual education: As we begin the process of reauthorizing Title VII, we hope to work with you in full partnership on this issue that is fundamentally crucial to our community to change the terms of the debate from those that are purely political to those that focus on student needs. If we are to craft programs that work for our children, we must remove politics from the process and engage in a deliberative and thorough probing process.
- Benefits of bilingualism: We view bilingualism as a resource in a global economy and many public and private schools are promoting two-way bilingual education and foreign-language instruction in the early grades. According to the National Academy of the Sciences, LEP students in bilingual programs make greater academic gains in content areas, like math, than students who received English-only instruction. Like all other education programs, bilingual education works only if it is properly implemented. It is difficult to generate support for bilingual education when we have not made the case for learning multiple languages.
- Establish a Bilingual Education Reauthorization Task Force: We recently suggested that Secretary Riley consider establishing a Bilingual Education Reauthorization Task Force which includes participation by CHC members as well as key Senate colleagues. The purpose for this Task Force would be to hold national events, such as hearings, seminars, and working conferences, that would culminate with recommendations to the White House and the Secretary for the ESEA reauthorization of programs targeting limited-English proficient students.
- Latinos support Bilingual Education: A majority --63%--of Latino voters voted against California’s “UNZ” Initiative signaling their rejection of the devastating attack on California’s bilingual education programs. A majority of African-Americans also rejected the measure.

3. IMMIGRATION AND CITIZENSHIP

a. Naturalization — Backlog, Fee Increase, Reorganization

Mr. President, our country is a nation of immigrants. However, we have experienced a recent backlash against immigrants. As a result, many immigrants' efforts to become citizens have been thwarted. Will you assist us in promoting citizenship by addressing the largest naturalization backlog in United States history?

Roughly 2 million individuals are waiting to become U.S. citizens. Millions of applicants are waiting for the INS to work through the largest backlog of naturalization applications in U.S. history. Many individuals face a two to three year wait from the day they apply for citizenship to the day they are sworn-in. In addition, some INS reports state that by September the INS will have 5.1 million unprocessed applications for immigration benefits, including 2.6 million citizenship applications. This is unacceptable. The INS should be moving forward, not backwards.

- Appropriate funds to address the backlog The Administration's budget request for the INS's Naturalization and Adjudication department for FY 1999 is \$771 million. This represents an increase of less than 1% over the FY 1998 budget of \$766 million. We are concerned that this will not be a sufficient budget increase to adequately address this backlog.
- Additional \$\$\$ needed to adequately address backlog. We strongly urge the Administration to request a one time allocation of funds to address the largest backlog in U.S. history.
- Reduction of naturalization applications INS expected 1.6 million people to apply for citizenship during the 1998 fiscal year. However, the applications for this year are closer to 850,000 and the agency expects only 700,000 applications next year. How does the agency plan to make up for this shortfall in funds that this reduction will create?

Increased naturalization fees without improved services is unacceptable. We are concerned that a fee increase will serve as disincentive to becoming a citizen. We urge you to fully explore other possible alternatives that would allow the INS to provide adequate service without such drastic fee increases.

- Today, the naturalization fee is \$95, plus a \$25 fee for fingerprinting, for a total of \$120. However, the citizenship application fee is scheduled to increase on October 1 to \$225, plus the fingerprinting fee, for a total of \$250. This represents an increase of nearly 110% percent in one year. At a minimum, we ask for a delay in the increasing of fees until there is no backlog and all pending applications have been successfully processed.
- "Improvements" must not impede access to the naturalization process. We urge you to work with us to ensure that as the INS implements its "Blueprint for the New Naturalization Process." More importantly, we wish to make sure that the "improvements" to the naturalization process do not create additional obstacles for those seeking to become citizens.

We are eager to work with you to reach out to the Latino community with notice of any changes.

INS Restructuring Several proposals have been suggested on the future structure of the INS. We would like to work with you to ensure that all interested parties will be satisfied with the final INS restructuring proposal.

- **Chairman Rodgers' Proposal** As you are aware, Chairman Rodgers has introduced legislation that will restructure the INS. This proposal recently passed the Immigration and Claims subcommittee and is headed to full committee. Please share with us your perspectives on this legislation and what action the Administration will take to halt the splitting of the INS into two separate agencies.
- **Congressional Hispanic Caucus' Concerns** The Administration has presented its own INS restructuring proposal. However, many in Congress are skeptical about allowing the INS to restructure once again and do not feel that these proposed changes will adequately address the mismanagement problems that the INS currently suffers from. In addition, the CHC is apprehensive about this proposal since it does not address the many of the CHC's concerns. Is the Administration willing to work with the CHC on a plan that would address all of our concerns?

b. Support for HR 3553, Central American & Caribbean Refugee Assistance

Mr. President, legislation has been recently introduced in an effort to provide parity for Central American and Caribbean Refugees? Will you join us and over 100 co-sponsors in urging passage of HR 3553?

Parity for Salvadorans, Guatemalans, Hondurans and Haitians Members of the CHC are not satisfied with an outcome that singles out one group for favorable treatment. In order to achieve parity, H.R. 3553 was introduced to finalize the process started by the Nicaraguan Adjustment and Central American Relief Act (NACARA) and make sure that there is equal treatment for immigrants who have endured similar economic and political hardships.

- **Disparity Among Groups** The NACARA legislation states that **Nicaraguans and Cubans**, who entered the United States before December 1995 and apply before the year 2000, will receive amnesty. However, immigrants from **El Salvador and Guatemala** have to obtain their permanent residency through a suspension of deportation hearing where they are required to demonstrate extreme hardship. **Hondurans and Haitians** were excluded from both of these arrangements and are in danger of being deported.
- **Plight of the Central Americans** There are currently approximately 280,000 Guatemalan, Salvadoran, Nicaraguan, and Honduran nationals residing legally in our nation who are at risk of being deported because of the changes in the Illegal Immigration and Immigrant Responsibility Act of 1996 (ILRIRA).

- Application of Legislation H.R. 3553 This bill would amend the NACARA Act and allow certain nationals of El Salvador, Guatemala, Honduras and Haiti to apply and become legal permanent residents. In addition, his/her spouse and any unmarried child under 21 years of age who is in the United States would now qualify . These nationals must have entered the United States by December 1, 1995.
- Application Time Frame Individuals would need to apply by April 1, 2000. Moreover, the new three and ten year bars to re-entry, due to unlawful presence, would also be waived for these nationals. Individuals receiving adjustment of their status under this bill would also be authorized to work during the time their adjustment is being processed.

c. Late Amnesty

Mr. President, too many tax payers dollars have been spent in fighting "late amnesty cases." Can we work together to find a solution for the 400,000 immigrants who have not had their day in court?

Nearly 400,000 immigrants that have been in the United States since before January 1, 1982, have become deportable. Many in this group reside in California and New York, have put down roots and have been contributing to the economy as taxpayers for over 15 years. Virtually none of these individuals will be able to secure relief from deportation by any other means.

- These immigrants attempted to legalize their status through amnesty. In 1986, President Reagan signed the Immigration Reform and Control Act which created an amnesty program through which undocumented immigrants had one year to apply to legalize their status, beginning on May 5, 1987.
- Four days before the application period began, the INS promulgated a rule which prevented anyone who had briefly left the country from applying for amnesty. This was in direct violation of the plain language of IRCA. Several class action suits sought redress for immigrants who were not able to apply for amnesty because of the INS' incorrect rule. These suits were in various stages of appeal in the Federal Court system when Congress passed Section 377 of the Immigration and Nationality Act.
- An Administrative remedy should be pursued immediately. Section 377 retroactively stripped the courts of jurisdiction over any claim under the legalization program, unless the applicant had filed a completed application with the INS. If necessary, the Administration should throw its weight behind legislation to allow the class members to at least have their day in court

II. LATINO APPOINTMENTS AND FEDERAL EMPLOYMENT

4. POLITICAL APPOINTMENTS

a. Status of Latino Political Appointments

Mr. President, thank you for making the increase of Latino political appointments one of your top priorities. Yet, we find it difficult to keep pace with high turnover. We urge you to maintain the naming of Latino appointments a top priority. Having Latinos in senior positions within your Administration is critically important to assuring adequate representation in the decision-making and program-development process.

We commend you, Mr. President, for your recent selection of talented Latinos to key positions within your White House. Before 1997, no Latinos advised the President at the highest levels within the White House. Today, several very qualified and talented Latino hold these positions. The President made a historic appointment by naming Maria Echaveste as his Deputy Chief of Staff, the highest position a Latino/a has ever held in any White House. Other key Latino staff at the White House include Mickey Ibarra, Assistant to the President, and Janet Murguia, Deputy Assistant to the President.

Since our April 1997 meeting with President Clinton, when this issue was raised, several Departments have made progress in naming senior Latino appointments. Yet, we find it difficult to keep pace with the high turn over -- as we continue to identify qualified Latinos for public service posts, we are barely keeping up with the high turnover. The CHC has been meeting regularly with Bob Nash and John Podesta to monitor progress. In addition, the CHC has met at least once with every Cabinet Secretary to discuss personnel and other legislative items.

- Departments with highest percentages: Since we met in April of 1997, we are pleased that several Departments have made significant gains in appointing Latinos to senior positions. The Departments with the greatest number of Latino appointees includes the Education, HHS, Energy, and Agriculture. Those with the greatest percentages of Latino appointees includes HUD (14.9%), Education (14.9%) and Energy (14.8%). Other Department that made significant senior appointment includes Defense. Defense Secretary Cohen has made a significant effort to find a diverse group of qualified individuals to fill vacancies -- recent nominations include Luis Caldera as Army Secretary and Joe Westphal at Assistant Secretary for Civil Works. Even in this case, however, when we take one step forward in finding talented Latinos to serve as presidential appointees, we often lose ground on other fronts (i.e. Vice Chief of the National Guard Bureau, a Latino, was not selected to replace outgoing Chief Baca).

- Departments lowest percentages of Latino appointees: On the other hand, since our meeting with you in April of 1997, several Departments continue to lack senior Latinos appointees. The departments with the fewest number of Latino appointees include Veterans Affairs, Interior, Labor, and State. In addition, the Departments with the lowest percentage of Latino appointees include Veterans Affairs (2.1%), State (4.3%), Defense (4.7%), and Treasury (5.6%).
- Historic number of Latino Ambassadors appointed: Eight Latino Ambassadors have been nominated to represent the US in diverse countries -- from Belgium to Belize. Five have been confirmed by the Senate and three are waiting Senate confirmation. In addition, the US Representative to the Organization of American States is Latino.

b. Latino Judges and US Attorneys

Mr. President, several qualified Latinos were re-nominated because their judicial nomination expired at the end of 1996. What are your plans so that current nominations do not expire once again? Likewise, Mr. President, can we count on your support to help nominate qualified Latinos to key U.S. Attorney vacancies in states with large Latino populations?

Only two Latino judicial nominees have been confirmed during this Congress. We have an ongoing campaign to urge the Senate to move expeditiously to consider Latino judicial nominees. We have had several press conferences and written to Majority Leader Lott and Senators Hatch and Thompson urging immediate action, particularly on Judges Paez and Sotomayor who were unanimously voted out of committee.

- Of 69 judicial confirmations this Congress, 2 were Latinos: So far during this Congress, 69 Federal judges have been confirmed (1997 and 1998), and only 2 have been Latinos -- two were confirmed in 1998 and none in 1997.
- Latino judicial nominees experience long delays: Latino judicial candidates, even after obtaining support from their respective Senators, face unwarranted delays due to Senate inaction. Several Latino judicial nominees have waited over 2 years; thus they had to be re-nominated because their nomination expired at the end of 1996.
- Latinos remain underrepresented on the Federal bench: We call on President Clinton to forward more qualified Latino Judicial nominees. Latinos comprise only 4% of judges on the Federal bench. None of the 7 appellate judges appointed in 1997 was Latino.

There are currently no Latino US Attorneys. Since there are several key US Attorney vacancies in areas with large Latino populations, Mr. President, you have an opportunity make important gains in this area.

- Latinos do not hold any of the 98 U.S. Attorney positions. We are pleased to learn that we may soon have a Latino confirmed as the US Attorney in Arizona.

- Vacancies: In addition, other U.S. Attorney vacancies exist in California (Los Angeles and San Diego), Texas-Southern, New York-Western, Illinois-Northern, Colorado-Denver, and Guam. We have qualified Latinos to fill several of these vacancies.

c. **Special Envoy Office & State Department Employment**

Mr. President, the creation of the Special Envoy to the Americas Office within the White House has advanced hemispheric relations. Will you maintain this valued Office within the White House and appoint a new Special Envoy?

Maintaining the Special Envoy to the Americas Office at the White House. The creation of this office has advanced our hemispheric relations and elevated the profile of the Americas within the U.S. Government. As we move into the 21st Century and one hemispheric free trade zone, Latin America will become a region of greater economic importance. Already, the Western Hemisphere accounts for sixty percent of U.S. export growth. These exports support over three million American jobs. For these reasons, we strongly urge you to maintain this office and appoint a new Special Envoy to the Americas.

d. **Federal Career Workforce**

Mr. President, can we count on your support to bring Executive level attention to the low levels of Latino employment in the Federal workforce? Will you issue an executive order with strong accountability and oversight to address the dire underrepresentation of Latinos in the Federal workforce?

Latinos remain the most underrepresented group in the Federal workforce, particularly in high level positions. Improving the representation of Latinos in the Federal workforce is critically important to assuring adequate representation in the decision-making and program-development. The "16 Point Program" -- now called the Hispanic Employment Program -- was implemented in 1970 to eliminate the underemployment of Hispanics in the federal civilian workforce. Regrettably, this program has been ineffective in addressing this problem. We support the "9 Point Plan" developed by the Office of Personnel Management to address Latino Federal employment. Yet, an executive order would be the muscle to provide the accountability and oversight this plan needs. The need for this plan is demonstrated by the following OPM September 1996 figures:

- Latino representation in the Federal workforce is 4.5 points below the civilian labor force, more than any other major group. Latinos comprise 6.0% of the total federal civilian employees, compared to 10.5% of the civilian labor force.
- Latino Federal employment is concentrated in the lower pay levels. Nearly 79% of Latinos were employed in the GS-5 to GS-12 grade groups. Only about 2.4% of the Federal government's career-SES positions were held by Latinos.

- Latinos are underrepresented in 16 of the 17 executive departments. It is troubling that the Departments with the worst record of Latino employment are those with programs critically important to Latinos. The four departments where Latinos are least represented included Commerce (2.6%), HHS (2.7%), Education (3.7%), and State (3.9%). Even when you adjust for the representation of Latinos in the specific departmental occupation, HHS, Commerce, Education, and State still fall at the bottom.
- Latinos are underrepresented in 22 of the 23 independent agencies. Agencies with low levels of Latino employment include the National Science Foundation (1.4%), the Federal Trade Commission (1.5%), the Office of Personnel Management (2.5%), and the Federal Emergency Management Agency (2.9%).

III. OTHER CHC PRIORITIES TO REVIEW

5. TELECOMMUNICATIONS AND THE E-RATE

Mr. President, America must prepare its children's for the 21st Century's global and technology-driven economy. If Latinos are to succeed in this new economy, expanding access to Information Technology is vital to our community's future prosperity. Will you commit to assuring that all our schools will receive the necessary connections to the Internet through the E-Rate Program?

E-Rate As you know, the FCC recently voted 3-2 to scale back the E-Rate program from \$2.25 billion to \$1.28 billion a year. The decision cuts the program for next year by nearly 50 percent. However, more distressing, is that the program's future still remains uncertain. As you are aware, Congressman Sarsborough recently introduced an amendment that would prohibit the FCC from using any funds for the E-Rate program.

- This decision will adversely impact Hispanics Schools and libraries are critical to the Latino community having access to computers and the Internet. Currently, 38% of Latinos who need to use the Internet go to the library.
- Students in predominantly minority schools are three times less likely to have Internet access than predominantly White schools. Only 27% of our public school classrooms are connected to the Internet and in the poorest neighborhoods, this level of connection is only 14%. With the E-Rate, more than half of the nation's classrooms will be connected, including almost every classroom in the nation's fifty largest urban school districts
- The Administration should not stand by and allow this initiative to be labeled a "new tax" We urge the Administration to take a more aggressive approach to make sure that the E-Rate program does not receive additional cuts or is possibly eliminated entirely.

Bridging the Digital Divide. By the year 2000, 60% of all jobs will require the technology skills that only a fraction of Americans now have. This, in combination with the fact that Hispanics represent nearly 40% of all new labor-force entrants, highlights the need to make sure that Hispanics have the skills required to succeed in the high-tech, high-wage jobs of the future. We look forward to working with you to help address the disparities that affect Hispanics in this burgeoning industry.

- Hispanics and Information Technologies. It is estimated that nearly one-third of Hispanic adults have never used a computer. In addition, reports find that ethnicity does matter in terms of who is accessing and using computers as well as on-line services. When income, educational attainment levels, and occupational status are held constant, Hispanics remain less likely than non-whites to access information technologies.
- Preparing Hispanic youth for high-tech jobs. If the gap continues to grow between the computer literate and illiterates, who will fill the one million information technology related jobs projected to become available between now and 2005? We urge the Administration to make sure that Hispanics have the skills required to succeed in these high-tech, high-wage jobs of the future.

6. INTERNATIONAL RELATIONS

Mr. President, we are concerned about current U.S. foreign assistance levels for Latin America and the Caribbean. Will you support our recommendation to increase development funding for this region?

Development Funding for Latin America and the Caribbean: Funding for this region has been cut to one quarter of its level from the mid-1980's. U.S. development assistance for education, microcredit and enterprise programs, health, and agricultural development are crucial to alleviate poverty and subsequently reduce illegal immigration and drug trafficking. U.S. assistance is insufficient to address these critical issues.

- Sufficient Funding. In 1985, U.S. aid to the region was \$3.3 billion. The Administration's request for FY 1999 was only \$815 million. In addition, the development assistance account, the most crucial, is limited to less than \$300 million for FY 1999. This is for the entire Latin American and Caribbean region. We urge the Administration to amend your assistance request for this fiscal year and the next to reflect the real development needs of the region and its importance to the United States.
- The Hispanic Caucus feels that it was misled by the Administration, which neglected to note in its presentation to the Caucus, that the \$70 million increase in the region's budget was intended for Haiti. With the current political stalemate in Haiti and with no resolution of that crisis in sight, there seems to be little justification for such a large increase in assistance for that country at this time, especially when other countries such as Guatemala, Nicaragua and El Salvador are making excellent progress and are receiving far less assistance.

7. HEALTH

A. Addressing Latino Tobacco Use

Mr. President, will you work with the Congressional Hispanic Caucus to ensure that comprehensive tobacco control legislation includes our proposal: H.R. 4189, the Minority Community Tobacco Reduction Act. This bill is supported by public health groups, as well as by the Black Caucus, Asian Pacific American Caucus and the Native American Caucus.

Mechanism for addressing Latino tobacco use: Although minority concerns are mentioned in the various tobacco bills pending in the Congress, we are concerned that there are no specific mechanisms for ensuring that support for public health interventions in the Hispanic and other minority communities are adequately addressed. There is no accountability in existing legislation to make sure that funds are targeted to minority communities and that these funds are spent effectively and efficiently to reduce smoking by Hispanics and other minorities. Our proposal accomplishes this objective.

- Latino youth have experienced a 34 percent increase in smoking. Smoking rates are increasing dramatically, particularly among young people in minority communities. Tobacco companies continue to target minority communities as a source for replacement smokers.
- Adequate data and relevant behavioral research in minority communities are lacking, particularly for Hispanics. The recently released Surgeon General Report does not include data for the territories. The CHC proposal, H.R. 4189, requires better data collection on ethnic minorities and intervention programs targeted to minority communities.

B. National Anti-Drug Campaign

Mr. President, we fear the \$2 billion youth anti-drug campaign, recently launched by the Office of National Drug Policy, does not adequately target minority adolescents. We wish to work with the Administration to identify organizations and avenues to assure that Latinos will be better served.

National Youth Anti-Drug Media Campaign: Administration's support for more resources in Anti-Drug media campaign. Despite stereotypes and media portrayals, illegal drug use is not simply an inner-city problem; it concerns all American youth. Your report found that overall drug use varies widely by race and ethnicity.

- Hispanic adolescent drug use. While white adolescents are more likely to use marijuana, hallucinogens, amphetamines and barbiturates, Hispanic adolescents have the highest use rates for crack and heroin of any ethnic group. In addition, Hispanics also have the highest drug use rate of any ethnic group in the 8th grade.

- Equitable distribution of outreach funds. Of the \$16 million dollars in advertising purchases, only \$978K was spent buying air time from African American media outlets and \$878K spent on Hispanic American outlets. Moreover, we were unable to obtain any information regarding efforts to target Asian Americans, Native Americans or Pacific Islander Americans. We feel there should be more attention and resources devoted to targeting minority populations.
- Media outreach to minority communities. We are concerned that the \$2 billion youth anti-drug campaign does not adequately target minority adolescents.
- Adequate Hispanic representation during kick-off event. We are concerned about the omission of cities with obvious high Hispanic populations from the 202 Public Access Stations “plugged into” during the President’s kick-off event in Atlanta.

C. Children’s Health Insurance

Mr. President, can we count upon your continued support in rectifying the territory allotments for the Children’s Health Insurance Program?

Children’s Health Insurance--Equal Treatment for all Children: The Children's Health Insurance Program (CHIP) provides federal funds over five years to help states expand healthcare coverage to the nation's estimated 10 million uninsured low income children.

H.R. 4323 amends the Children's Health Insurance Program (CHIP) to ensure that all of our nation’s children are treated equally. Initially, when this initiative was passed, the territories were not treated under the same formula as the states. The Senate changed the Administration's proposed formula and the territories ended up with very little money. In the case of Puerto Rico, it is estimated that an eligible child would only receive \$31.72 per year.

- In a meeting with the CHC earlier this year, OMB's Director Franklin Raines promised to help try to rectify the allotments made to the territories. H.R. 4323 would:
 - 1) Increase the amount of money allotted to territories by \$153 million over 5 years.
 - 2) Give the states the option to extend the children's insurance to legal immigrant children. This amendment would provide \$230 million over 5 years to fill a gap in health care coverage for low income working immigrant families who entered the U.S. on or after August 22, 1996, who are now denied Medicaid and Children’s insurance eligibility under welfare reform rules.

8. ECONOMIC DEVELOPMENT

Mr. President, we are concerned about the changing face of welfare recipients. As more and more individuals leave the welfare roles, the demographics of the individuals who remain on welfare is also changing. These individuals are disproportionately minority individuals with different needs than past welfare recipients.

Welfare-to-Work Many states have experienced decreases in their welfare roles. However, this drop is misleading since minorities continue to be disproportionately represented on the welfare roles. As welfare roles continue to plunge, White recipients are leaving the system much faster than Hispanic and black recipients.

- Analysis of Welfare Roles According to a recent analysis of welfare roles by the New York Times, Hispanic and black welfare recipients outnumbered whites recipients by a 2 to 1 margin.
- Minority recipients are more likely to live in poor, inner city neighborhoods -- far from the job growth. While only 31% of White families live in inner city centers, 63% of Hispanic welfare families live in poor neighborhoods that experience little job creation.
- Need for Changes in the Program The changing demographics of the welfare roles highlights the need for the Welfare-to-Work Program to provide the appropriate job training skills that this new population will need to succeed in the workforce.

Latino Business Latinos have a strong work ethic and entrepreneurial spirit. Latino-owned businesses grew by 76% over a five year period, compared to 26% overall growth (1987 to 1992).

- Latino Entrepreneurial Spirit There are over 865,000 Latino-owned businesses in the United States which contribute over \$77 billion dollars in revenue. In addition, Latino purchasing power is over \$200 billion a year.
- Small Business Programs We must build an agenda that promotes advancement of small business opportunities for Latinos. Specifically, we would encourage the Administration to promote the Small Business Administration (SBA) and continue long-term economic development programs like Empowerment Zones. Such programs are vital to the long-term economic prosperity of Latinos.

9. PRESIDENT'S RACE INITIATIVE

Mr. President, with your Race Initiative, you have launched an important and timely debate. While we support your effort to raise public awareness and understanding of these sensitive topics, the Latino experience has not been given significant attention. What can be done to improve diversity in high profile events planned by the Initiative? Can we count on the Initiative's reports to include balanced racial and ethnic data that better reflects all of our nation's marginalized members? We hope that we can provide input on the many issues which divide Americans.

Addressing Prejudice in America: We applaud the President's leadership in support of Affirmative Action. We must continue to make forward strides in the fight against discrimination and create advancement opportunities for all Americans. The President has filled a leadership gap by insisting that we, as a Nation face our dilemmas concerning prejudice in America. Yet, we are concerned that the Initiative has lacked the appropriate mission and diversity of people. We are disappointed in the outreach efforts and activities made during the first year of the Initiative and hope that we can work together to ensure that the future activities and reports of the Initiative expand to include a diversity of issues and people.

The Latino experience of discrimination: While the manifestation of discrimination may be similar for racial and ethnic groups, the motivation for discrimination against Latinos is based not just on skin color but also on surname, language, speech, accent, and culture. Additionally, Latinos experience some unique forms of discrimination manifested in "English Only" laws and in the enforcement of immigration laws.

- **Voter Intimidation Must be Stopped:** The investigation into alleged voter fraud in Orange County is a thinly veiled attempt to intimidate voters and eviscerate the motor voter registration act.
- **English-Only is Unconstitutional:** English-only efforts deny access to government services for some tax-paying residents based on their English language skills.

10. FARMWORKERS: H-2A & EMERGENCY AID FOR THOSE AFFECTED BY HEAT WAVE

A. Guestworker Legislation (H-2A)

Mr. President, will you oppose the guestworker legislation recently passed in the Senate and likely to be introduced shortly in the House?

Many problems exist with the Smith-Wyden guest farmworker legislation. Guestworker legislation proposed by Senators Smith and Wyden was included in the Senate Commerce-Justice-State Appropriations bill (S. 2260). The Smith-Wyden amendment, which passed by a vote of 68-31, would eliminate many of the H-2A program's safeguards against excessive importation of foreign workers and the exploitation of those who obtain guestworker status. The General Accounting Office recently reported that no farmworker labor shortages exist (December 1997). We cannot justify adding to the 20,000 farm guestworkers currently admitted.

- Basic needs of farmworkers neglected: Employers would no longer be required to provide housing to farmworkers. In addition, the 3/4 minimum work guarantee which requires growers to pay guest workers for at least 3/4 of the season for which they are hired would be eliminated.
- Growers would be able to turn away American farmworkers and hire foreign labor instead. The requirement that employers recruit domestic workers before applying for visas for foreign workers would be eliminated. In addition, the 50% rule which requires employers to hire American workers who apply for employment until 50% of the season has elapsed would be eliminated. Employers would be able to seek more guest workers than needed, and thereby create a surplus of labor and drive down wages.

B. Emergency Assistance

Mr. President, we commend you for signing legislation to provide federal assistance to farmers whose land has been devastated by unusually high temperatures this season. Will you provide federal assistance to farmworkers who are out of work due to the heat and drought in the southern and western states?

Farmworkers impacted with loss of work due to the heat wave also need emergency aid. Most (3/5th) farmworkers are poor -- three-fourths earn less than \$10,000 annually. Only one-fourth of farm workers have non farm work earnings. Farmworker households also have low family incomes. Despite pervasive poverty among farmworkers, few use social insurance or social service programs.

- Farmworkers deserve the same relief as farmers because their jobs have been effectively eliminated by crop devastation. Mr. President, you ordered disaster relief to Texas farmers. Given that Rep. Stenholm (D-TX) said his state has suffered \$1.5 billion in agricultural and livestock damage, farmworkers who tend those farms and ranches are out of work and in need of federal relief. Federal funds have been made available to Texas to help families with small children and the elderly. However, farmworkers do not meet the income criteria because those figures are linked to welfare, for which farmworkers do not qualify.
- The best method of allocating funds available to address farmworkers' emergency need is under JTPA 402 "supportive services dollars" because it is flexible and money could be made immediately available to farmworkers through the existing mechanism. Currently, \$30,000 in JTPA 402 funds have been set aside to pay electrical bills primarily. However, it is estimated that farmworkers need between \$750,000 to \$1 million. JTPA 402 funding needs to be increased and targeted to individuals affected by the heat. Less optimal avenues are under FEMA and Title 3 Dislocated Worker Program funds, because neither traditionally serves farmworkers; funds cannot be used to offset lost wages (i.e. rent, groceries); and they require "employment at the time" of the disaster, which would disqualify farmworkers who had not yet commenced work this season.