

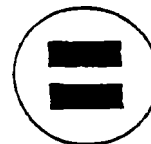
ACTION

PHOTOCOPY
PRESERVATION

H-1B: Following the passage of the H-1B bill, Congresswomen Sheila Jackson Lee, Barbara Lee, and Eva Clayton, along with the NAACP and Urban League, asked me to meet with them. They wanted to discuss additional legislative or administrative means to ensure that high tech companies who are using H-1B visas are truly reaching out to minorities and people from rural areas. Although I met with them on October 13, it is obviously too late to come up with a new legislative package and, in fact, Congresswoman Zoe Lofgren and others rightly think that some of these proposals would be seen as overly regulatory and even explosive with the high tech community. After a few lengthy conversations with the Congresswomen, I think I have been able to convince them that we might get more done using the possibility of legislative or administrative action as an inducement to get the industry to agree to a series of best practices on recruitment. One possibility the Congresswomen would support, which I will discuss with John Podesta, is to plan a meeting with you, high tech CEOs and minority members of Congress in December. During the intervening period we would work with representatives from the high tech companies and several members of Congress to see if we could devise a set of deliverables that could be announced at such a meeting. In my initial soundings out of TechNet, Hewlett-Packard and others, they have given tentative agreement to work with us, but this is just a proposal and needs further review by the Chief of Staff and Scheduling Office.

StarLink Corn: The NEC is supporting the process led by Sally Katzen and Neal Lane to coordinate the Administration's response to recent developments. NEC Acting Deputy Al Larson is focusing on coordinating communication with, and impacts on, U.S. trading partners.

StarLink corn is a variety of bioengineered corn that has been genetically modified to produce a protein that protects the plant from certain insect pests. Although it is approved by EPA only for use as animal feed or for industrial applications, it has found its way into the human food distribution system. It was initially found to have contaminated yellow corn flour from one mill in Texas and taco shells made from that flour. It now appears to be more widely commingled with other varieties of corn, raising the prospect that the contamination is more widespread and may affect other food products. On Wednesday, the manufacturer submitted data to EPA in support of a time-limited petition for an exemption which would allow the StarLink corn that is now commingled in the food distribution to be used as human food. EPA is initiating an expedited review process, but the manufacturer's data do not appear (upon a cursory examination) to be completely convincing. We face the prospect, therefore, that human food products containing StarLink will continue to be viewed as adulterated. This would require sporadic recalls of processed foods and diversions of corn to animal feed and industrial uses for the next several years, until the portion of the current crop that has not been recovered works its way through the food distribution system. USDA is supporting industry efforts to identify and divert StarLink corn to animal feed and industrial uses. The FDA is carefully monitoring reports of contamination (and EPA, FDA and USDA are asking the food industry to turn over their incident reports for the government's review). As long as the number and degree of reactions reported is small, we can be fairly confident that there is no public health problem.



National Urban League, Inc.

WASHINGTON OPERATIONS
1111 Fourteenth Street, N.W.
6th Floor
Washington, D.C. 20005
Telephone: (202) 898-1604

*****TELECOPY*****

DATE: 10-25-2000

TO: FAX: 456-2882

Chief of Staff to the President John D. Podesta

FROM: William Spriggs

FYI: This is your copy of a letter mailed to
President Clinton

FAX # (202) 408-1965
NUMBER OF PAGES INCLUDING THIS SHEET 5
WASHINGTON OPERATIONS



NATIONAL URBAN LEAGUE

Wednesday, October 25, 2000

President William Jefferson Clinton
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Maria

Dear Mr. President:

We are disappointed you signed the H-1B visa legislation. That legislation is flawed. It lacks provisions for effective monitoring of fair employment practices in granting the visas.

While you have been President, the African American and Hispanic communities have enjoyed unequalled economic success. Our incomes have risen to record levels, and our poverty rates and unemployment rates have fallen to record low levels. We are grateful for the economic policies we helped you put in place in 1992, and with our votes helped continue in 1996.

But, our unbridled economic success is also because of the hard work of African American and Hispanic workers and families. Over the last thirty-five years, our families have dramatically increased the education attainment of our children. And, those children have acquired skills vitally important to the success of our economy. Quickly adapting to changing times, today African Americans with occupations vital to the information technology boom represent about 11 percent of the information technology work force, and Hispanic workers represent about 7 percent, shares that roughly equal our shares of the American work force. Today's African American middle class is in information technology. Information technology occupations make up over fifty percent more of the African American work force than do kindergarten to high school teachers. And, a slightly higher share of the information technology work force is African American than is the K-12 teacher corps.

Letter from Members of the Black Leadership Forum Page 2 of 4

These results directly reflect the effects of affirmative action. African American and Hispanic workers, because of affirmative action hiring and recruiting, heavily represent many of the occupations in the information technology arena. Key areas, vital to the expansion of the Internet highway, like cable installation and switching equipment installation and repair rely on a very diverse work force. Bottlenecks have not developed in those areas of the information technology world, precisely because that part of the industry has benefited from active recruitment and training of Americans. With those opportunities open, African American and Hispanic workers have aggressively filled those positions.

Unfortunately, for all the talk of the industry in looking for skilled workers, the same patterns of discrimination that marked the old economy are repeated in the information technology world, particularly among those firms that produce software and hardware. Mr. President, that cannot be allowed to continue. Passing an increase in H-1B visas while ignoring their discriminatory hiring and pay practices, will only encourage firms to take the easy way, and not address the need to recruit, hire, retain, train and encourage the development of all workers. This is not a problem that can be solved by offering training through government programs. This problem will only be solved when the company provided training, and recruiting, hiring and worker retention programs incorporate modern human resource policies that include affirmative action.

Analyzing data from the Census Bureau's Current Population Survey for 1997 and 1998, the National Urban League reports that in the high end occupations of computer programmer, computer systems analysts and electrical engineers in the information technology work force (those who create or design software and hardware), that a slightly higher share of African American workers have college degrees than do whites in those occupations. In their *State of Black America 2000*, the National Urban League also reports that college attendance is increasing at a faster rate for African American men and women than for whites. The National Science Foundation reveals that African American college students are almost twice as likely as white students are to major in computer science. This means the African American community is driving hard in the right direction to fill America's needs in the information technology sector. But, this cannot be a win-win situation for America if the information technology industry does not change its practices.

Letter from Members of the Black Leadership Forum Page 3 of 4

Yet, with all this success, discrimination in the information technology arena is rampant. Few firms comply with Title VII of the Civil Rights Act of 1964 and file their EEO-1 forms. Many of the firms with government contracts do not have their compliance reports on file, as required by E.O. 11246. Mr. President, that simply must stop.

The result is the National Urban League shows that at the median and top quarter income levels in the information technology occupations, African Americans earn eight percent less a year than whites. And for Hispanic workers in information technology occupations, at the bottom quarter and median income levels, they earn 16 percent less than whites, and at the top quarter of income they earn eight percent less than whites. All of this after controlling for their education, experience and how technology intensive their industry is. Your own Council of Economic Advisors, looking at a much more narrow definition of information technology workers, found similar significant hourly wage gaps for women in this industry. None of this discrimination is acceptable, but Mr. President, as these are the jobs of the future, this simply cannot be allowed to fester.

At the beginning of this century, the legacy of slavery left the American South with African Americans heavily represented among skilled trade workers. But, as Southern cities grew, and the economy shifted so those occupations became more desirable, African Americans were blocked in continuing in those occupations and eventually chased out. Despite massive efforts to train African Americans for the new industrial age, including passage of the Second Morrill Act in 1890, correcting for discrimination in land grant colleges, that produced or expanded funding for sixteen public colleges to educate African Americans, and sympathetic philanthropy that bolstered the growth of dozens more private colleges and helped African American parents extend the school year for their children in segregated and discriminatorily funded elementary and secondary schools, training opportunities created then could not overcome the failure to address discrimination. The result was that in the 1960s, we had to fight to get African Americans jobs as bricklayers, and dry wall installers and carpenters. Mr. President, America cannot afford to repeat that mistake.

We call on you, Mr. President to issue an executive order, extending the principles of Executive Order 11246 to those companies that apply to use H-1B visa workers. An aggressive message must be sent out, that America will not repeat its past failures, and the new information age will also be the

Letter from Members of the Black Leadership Forum Page 4 of 4

dawn of a new age of opportunity. The unprecedented changes that are taking place in our industries have come on the heels of unprecedented changes in opportunities for African Americans to learn and participate in the American economy. These changes, having come together as they have, present America with a real opportunity to move forward. But, Mr. President, America's history is unfortunately clear, we will not move forward together unless we take action to insure we move together.

We know you want to leave as your legacy, having put in place a path for America that cannot be reversed. Issuing an executive order to assure modern personnel practices follow our modern industries will do that. Mr. President, we thank you.

Sincerely,

Hugh B. Price, President
National Urban League

Dr. Joseph Lowery, Chairman
Black Leadership Forum

Dr. Jane Smith, President
National Council of Negro Women, Inc.

Norman Hill, President
A. Philip Randolph Institute

Gerald R. Reed, President
Blacks in Government

Hilary Shelton, Director
NAACP Washington Bureau

Dr. Yvonne Scruggs-Leftwich, Executive Director
Black Leadership Forum

CBC Interests in H-1B

CBC gave us the following amendments they would have liked to attach to H-1B legislation.

1. **Recruitment from Underrepresented Minority Groups** (Sheila Jackson-Lee). Would add a certification requirement that the employer is taking steps to recruit these groups, including recruiting at HBCU's and other minority institutions and advertising in publications that reach underrepresented U.S. workers, including older workers, minority groups, non-English speakers and disabled veterans. Would require annual reporting by employer to DoL on the steps taken.
2. **DoL Compliance Survey** (Sheila Jackson-Lee). This additional amendment would authorize DoL to conduct an ongoing survey on compliance with H-1B program requirements.
3. **Recruitment from Rural Areas** (Eva Clayton). H-1B dependent employers would be required to take good faith steps to ensure that at least 20% of the people interviewed in the required recruitment efforts are from rural areas (defined as having a population density less than 200 persons per square mile).
4. **Ensuring H-1B Fees Benefit Rural Areas** (Eva Clayton). Would require that at least 40% of H-1B fees that go to each of DoL Training, NSF Low-Income Scholarships, and NSF's funds for K-12 Math & Science Enrichment go to rural areas as defined above. There was nothing in the amendments sent over by CBC on ensuring the money served minorities, but we can probably anticipate that will also be a request.

TODAY'S FOLLOW-UP CALL:

Regarding Recruitment & Compliance Survey

1. They are insistent upon introducing legislation so we agreed to give them recommendations on improving their legislative language; plus
2. We need to let them know what we can do administratively under current law.

Current Law:

- There is no requirement for the overwhelming majority of H-1B employers to do any domestic recruitment whatsoever. (Jackson-Lee's attestation requirement would have applied to all H-1B employers. Clayton's provision would only apply to H-1B dependent employers.)
- H-1B dependent employers and willful violators, as defined in the 1998 H-1B law, are required to attest that they:
 1. have **"taken good faith efforts to recruit, in the United States using procedures that meet industry-wide standards..."** U.S. workers for the position for which they seek an H-1B; and
 2. have offered the job to an U.S. worker who applies and is equally or better qualified for the job.

Recommendations on Draft Legislation:

- Recommend consolidating recruitment amendments, by including residents from rural areas in the legislation addressing minority recruitment.
- As drafted, Jackson-Lee amendment would require recruitment **ONLY** from under-represented groups. **First would need to require attestation to recruitment from ALL U.S. workers.** Otherwise, in itself discriminatory.
- Steps listed to recruit underrepresented minorities should be listed as "including, but not limited to" so that implementing regulations can be crafted more broadly.
- Would like to see older workers included among underrepresented.
- Compliance survey amendment, as drafted, establishes a survey with no goal.
 - DoL could identify violations but would not have any way to address.
 - The information has no target, such as a report to Congress or recommendations to the Secretary.
 - Point out that as drafted, survey not mandated, just authorized at Secretary's discretion.
 - **Kennedy had a draft survey amendment and DoL also has language they could share.**

Recruitment (minority or rural) – Administrative Possibilities:

- The final regulation implementing this provision has not been published, but the language of the law does not allow a requirement of aggressive minority recruitment.
 - We cannot say that it is the industry practice – CBC clearly feels it is not.
 - We could include language in the preamble to the reg encouraging employers to recruit among underrepresented populations and rural areas.
- In addition, the reg language notes that methods of soliciting U.S. may be active or passive.
 - The reg states that **active solicitation** includes notification of incumbent and/or previous workers, training incumbent workers, participating in jobs fairs, etc.
 - We could include a parenthetical after job fairs to the effect of "including at minority-serving institutions, community colleges, and vocational technical colleges."
 - Examples of **passive solicitation** include advertising in general distribution publications, trade publications, and special interest publications.
 - We could include in the parenthetical after special interest publications something about publications targeting underrepresented groups, including minorities, persons with disabilities and residents of rural areas.

ETA Training Money (OMB estimates \$154 million in FY 01)

- DOL "grades" grant proposals on a 100-point scale.
- They have an institutional 10-points available for proposals that reach out to groups underrepresented in the high tech field (including women, minorities, and persons with disabilities).
- In the next solicitation for grant proposals, they are willing to increase the point allocation by as much as 50% or maybe award "bonus points" for such outreach, plus and include the rural poor among the underrepresented groups.
- DoL is working on developing the next solicitation to incorporate this goal.

6PM, 10/17/00

- DoL reports that even a 10-point allocation is having a significant impact on the proposals being submitted. More awards will be announced this week, and Gene and Secretary Herman could be made available to brief CBC on the award winners.
- DoL believes that a point system can influence how all of the money is awarded, as opposed to a set-aside, which could become a ceiling rather than a floor.

NSF Low-Income Scholarships (OMB estimates \$63 million in FY 01.)

- A significant portion of the NSF scholarships granted thusfar with H-1B money has indeed gone to minority students.
- Grants were made in 40 of the 48 states and territories which applied to the program.
- The collective success rate for HBCU's and Hispanic Serving Institutions (HSI's) was 45%, slightly higher than the overall rate.
- In addition, many funded programs from other schools direct scholarships to minority students, including Native Americans.
- No targeting was necessary to accomplish this because of the emphasis on low income.

NSF K-12 (OMB estimates \$40 million in FY 01.)

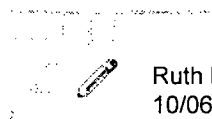
- NSF is committed to ensuring a strong rural component.
- NSF is exploring new ways to accomplish this goal, including using H-1B monies to supplement the existing rural systemic initiative program or soliciting proposals for innovative programs to enhance education in information technology in rural areas.

Irene Bueno
10/06/2000 03:26:40 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP@EOP
cc:
Subject: CBC will urge VETO of H-1B

----- Forwarded by Irene Bueno/WHO/EOP on 10/06/2000 03:26 PM -----



Ruth M. Samardick
10/06/2000 12:13:19 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: CBC will urge VETO of H-1B

according to BNA:

No. 195
Friday, October 6, 2000

Page A-10

ISSN 1522-5968

News

Immigration
Black Caucus Protests Lack of Targeted
Training Programs in High-Tech Visa Bill

Members of the Congressional Black Caucus Oct. 5 said they will ask President Clinton to veto a recently passed bill that would raise the cap on H-1B visas for highly skilled foreign workers unless it includes targeted training programs for minorities and residents of rural areas.

Before seeking a veto, however, caucus members will first "work with the White House" to resolve the lack of attention to the minority training issue. "I hope we won't reach the point of pressing for a veto," said Rep. Sheila Jackson Lee (D-Texas), the ranking Democrat on the Judiciary Committee's Immigration and Claims subcommittee. "We're working with the White House, and we would like them to address our concerns."

"The president is our only opportunity" to correct the lack of targeted training programs, said Rep. Eva Clayton (D-N.C.). A veto would offer "an absolute opportunity" to add the desired provisions, she said,

but admitted that a presidential veto of the H-1B bill is unlikely.

Both the House and Senate Oct. 3 approved the American Competitiveness in the Twenty-First Century Act of 2000 (S. 2045), which would increase the number of available H-1B visas to 195,000 for the current fiscal year, FY 2002, and FY 2003 (193 DLR AA-1, 10/4/00). President Clinton has signaled that he will sign the bill (194 DLR AA-1, 10/5/00).

The H-1B program allows employers to hire a limited number of foreign, highly skilled workers for temporary jobs in the United States. The limit on H-1B visas for the statutory fiscal year 2000--which ended Sept. 30--was 115,000. That limit was reached in March (55 DLR A-2, 3/21/00).

"We support H-1B," Lee said. However, she characterized the House's quick passage of the Senate bill as a "missed opportunity" to address other problems in the high-tech industry.

Correct Bias Problems, Caucus Says

The high-tech industry's workforce tends to be young, urban, and white, Lee said. According to statistics assembled by the National Urban League, black workers make up about 11 percent of the high-tech workforce and Hispanics make up about 7 percent. The percentage of older workers is also disproportionately low, she said, although statistics for those workers is not yet available.

The Urban League will release a study this month that examines diversity issues in the high-tech industry, according to economist William E. Spriggs, president of the league's research and policy division.

Some high-tech firms also are not complying with federal equal employment opportunity laws, Lee said. A study conducted last year by the Coalition for Fair Employment in Silicon Valley revealed that about 1,200 high-tech companies in Northern California failed to file required EEO-1 reports in 1996 and 1997, she said. Employers with more than 50 employees are required to annually submit EEO-1 reports to the Equal Employment Opportunity Commission. Those reports provide a breakdown of employers' workforces by race and gender within broad job groups.

Because the House voted on the H-1B bill under suspension of its rules, Lee said, Black Caucus members were unable to offer amendments that would have created protections for minority, rural, and older workers. The caucus will now seek Clinton's assistance in adding those provisions to an appropriations bill or another legislative vehicle before Congress adjourns.

The proposals advanced by the caucus include:

- requirements that H-1B employers recruit, hire, and train minority workers;

- salary requirements of \$40,000 for each H-1B worker foreign worker (to prevent incentives for hiring foreign workers to lower costs);

- exemptions of the H-1B filing fee for elementary and secondary education schools;

- equal employment opportunity requirements aimed specifically at rural communities;

- requirements that H-1B employers retrain "incumbent" American workers; and

- allocation of funding to the Labor Department specifically for recruitment at historically black colleges and universities.

The Black Caucus's tactic is similar to one used earlier this month by congressional Democrats on

behalf of the Hispanic community. Senate Minority Leader Thomas A. Daschle (D-S.D.) announced last week that he had secured President Clinton's promise to veto the Commerce, Justice, State, and Judiciary appropriations bill (S. 2912) if it does not include certain "Latino fairness" measures that would grant amnesty to thousands of Central American immigrants (188 DLR A-13, 9/27/00).

It is uncertain whether Black Caucus members will succeed in their attempt to incorporate their proposals before Congress adjourns. Lee said she had alerted the president about the caucus's concerns and that he is "sensitive" to the issue. Clinton's press office did not return phone calls for comment.

Bill's Training Provisions Inadequate?

The H-1B bill contains several training and education provisions, but Lee said those provisions do not address discrimination problems in the high-tech industry because the bulk of funding generated by the bill would be given to the states in grant form. That money could fund training on "how to turn a computer on," she said, but it would not address the needs of the high-tech industry.

As passed, the H-1B bill would generate almost \$140 million per year for training and education programs through filing fees paid by employers, according to data from Sen. Spencer Abraham (R-Mich.), one of the sponsors of the H-1B bill. The Labor Department would receive \$82 million in each year that is earmarked specifically for worker training programs, a \$40 million increase from its current funding level for those programs, according to an Abraham staffer.

Those figures are based on the current filing fee of \$500. If that fee were increased to \$1,000, a move that has overwhelming bipartisan support, the available funding for training programs would double. Rep. David Dreier (R-Calif.) has introduced legislation (H.R. 5362) that would increase the filing fee.

The total funding for training provided for in the H-1B bill is adequate, Lee acknowledged. However, training programs need to be targeted toward the actual needs of the industry, instead of being distributed in grants administered by states, she said. Moreover, she said, some funding should be earmarked for minority training programs. "I'm already getting questions" from constituents about the lack of minorities employed by high-tech companies, she said.

The high-tech industry may be addressing these issues without federal intervention. A spokesman for Sun Microsystems Inc. told BNA that Sun actively recruits at historically black colleges and has an alliance with a Hispanic engineering association. "The fact is that there aren't that many black engineers coming out of these schools," he said.

A spokesman for the American Electronics Association said association members "aren't opposed to training programs per se." However, the high-tech companies have been vehemently opposed to any controversial amendments that would slow the H-1B bill's progress, he said.

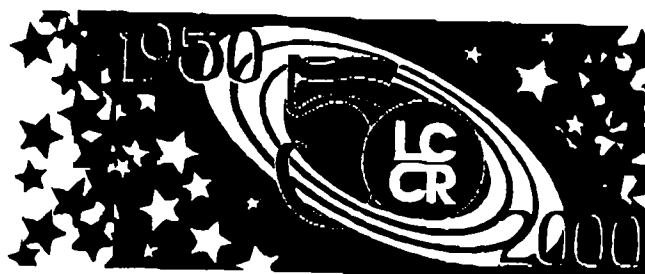
The Sun spokesman agreed. "If there had been amendments, [the bill] would have been dead," he said, noting that Congress does not have time for another conference committee on the bill before it adjourns.

By Fawn H. Johnson

Message Sent To:

David Tseng/OPD/EOP@EOP
Joseph N. Crisci/OPD/EOP@EOP
Christopher M. Wanken/OPD/EOP@EOP
Elliott H. Baer/OPD/EOP@EOP
Amy Mall/OPD/EOP@EOP
Sarah Rosen Wartell/OPD/EOP@EOP
Sylvia M. Vellino/OPD/EOP@EOP
Mark D. Magana/WHO/EOP@EOP
Joel K. Wiginton/WHO/EOP@EOP
Irene Bueno/WHO/EOP@EOP
Debra J. Bond/OMB/EOP@EOP

LEADERSHIP CONFERENCE ON CIVIL RIGHTS



1629 "K" Street, NW, • Suite 1010 • Washington, DC • 20006 • Phone: 202.466.3311 • Fax: 202.466.3435 • www.civilrights.org

FOR IMMEDIATE RELEASE

Contact: Brian Komar, Leadership Conference
202.466.3311 or komar@civilrights.org
Wade Rendlett, Red Gorilla
415.575.0418 or wrendlett@redgorilla.com

High-Tech and Civil Rights Leaders Urge Greater Funding to Bridge the Digital Divide

(Washington, DC) October 3, 2000 – In a letter sent to Senate and House Congressional leadership, over three dozen high-tech and civil rights leaders today urged Congress to provide additional funding to bridge the digital divide.

The sign-on letter, spearheaded by the Leadership Conference on Civil Rights (LCCR), the nation's oldest and largest civil rights coalition, and ClickStart, a coalition of Silicon Valley companies seeking to overcome the Digital Divide, calls upon Congress to fully fund the Home Internet Access (HIA) program and the Technology Opportunity Partnership (TOP) program. President Clinton's budget called for \$50 million for the new Home Internet Access program and \$45.1 million for the Technology Opportunity Program.

Wade Henderson, Executive Director, LCCR, noted, "Just yesterday, the Gartner Group Inc. reported that as many as 50 million U.S. adults are in danger of becoming functionally 'illiterate' in coming years because they lack knowledge of or access to the Internet. If our nation is to continue as the world's leader in innovation, economic growth and job creation, we are going to need all our best minds working together. Full funding for these important programs will help to greatly accelerate the understanding, acceptance and use of information technology among under-served communities."

The Home Internet Access program is a new \$50 million program that will significantly increase the number of low-income families that have access to the Internet in their homes by providing targeted investments to bring at-risk populations online. Despite broad and outspoken support from the high-tech and civil rights communities, there has yet to be support for this program in Congress and as it currently stands, the program will not be funded in the upcoming fiscal year.

The Technology Opportunity Program, formerly the Telecommunications and Information Infrastructure Assistance Program, provides matching funds to state, local and tribal governments and non-profit entities to extend the benefit of information technologies to all Americans, especially those in under-served communities.

Wade Rendlett, Co-Founder of Red Gorilla, stated, "Given the importance of information-related skills to our economy, the Leadership Conference and companies like Red Gorilla believe that access to and utilization of emerging technologies is a critically important policy matter." Rendlett added, "While time is winding down on the 106th Congress, we believe that this unprecedented collaboration between the civil rights and high-tech community demonstrates how members of Congress, working in a bipartisan fashion, can advance common objectives in the remaining days of this congressional session."

"EQUALITY IN A FREE, PLURAL, DEMOCRATIC SOCIETY"

HUBERT H. HUMPHREY CIVIL RIGHTS AWARD DINNER – 50TH ANNIVERSARY CELEBRATION – MAY 4, 2000

FOUNDERS

Arnold Avonson*
A. Philip Randolph*
Roy Wilkins*

OFFICERS

CHAIRPERSON

Dorothy I. Height

VICE CHAIRPERSONS

Anthonia Hernandez

Judith L. Uchman

William L. Taylor

SECRETARY

Moraca Deets

TREASURER

Gerald W. McEnroe

CONSUMER LIAISON

Joseph L. Rauh, Jr.*

ONORARY CHAIRPERSONS

Marvin Coplan*

Benjamin L. Hooks

Charles M. Mitchell, Jr.*

EXECUTIVE COMMITTEE

Barbara Aronow

Lawrence Carter, Jr. for Civil Rights Under Law

Sandy Bernard

American Federation of University Women

Elizabeth Birch

Human Rights Campaign

JoAnn K. Chase

National Congress of American Indians

Robert Chase

Small Business Association

Robert W. Edgar

National Council of Churches

Marcia Greenberger

National Women's Law Center

Patricia Ireland

National Organization for Women

Cathy Jefferson-Jenkins

League of Women Voters

Elaine R. Jones

National Legal Education Fund, Inc.

George Kourilios

National Council of Senior Citizens

Daphne Kwok

Chinese American

Leon Lynch

Statewide of America

Kwesi Mumo

NACCP

Laura Murphy

National Civil Liberties Union

Ralph G. Nease

For The American Way

Hugh B. Price

National Urban League

David Saperstein

Religious Congregation

Richard Womack

ACCIO

Patricia Wright

National Urban League

Stephen P. Yochim

National Urban League

Wade Rendlett

Red Gorilla

Raul Yzaguirre

National Council of La Raza

ADVISORY COMMITTEE

COMMITTEE

Staff

EXECUTIVE DIRECTOR

Wade J. Henderson

(*Deceased)

The Leadership Conference on Civil Rights is the nation's oldest, largest and most diverse coalition of organizations committed to the protection of civil and human rights in the United States. It is comprised of more than 180 national organizations representing people of color, women, children, labor unions, persons with disabilities, older Americans, major religious groups, gays and lesbians and civil liberties and human rights groups. For more information, visit www.civilrights.org.

ClickStart.org is the Silicon Valley's leading advocate for Home Internet Access for low-income families. Founded by executives from Red Gorilla, Ask Jeeves, Novell, 1stUp.com, Excite@Home, and many others, ClickStart provides modest subsidies to non-profit organizations so that the families they serve can benefit from the resources on the Web. ClickStart has subsidized Home Access for families in Oakland and East Palo Alto, California, and hopes to spread the model to communities nationwide. For more information, contact Wade Randlett at 415/575-0418 or wrandlett@redgorilla.com.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS



1629 "K" Street, NW • Suite 1010 • Washington, DC • 20006 • Phone: 202.466.3311 • Fax: 202.466.3435 • www.civilrights.org

October 3, 2000

FOUNDERS
Arnold Aronson*
A. Philip Randolph*
Roy Wilkins*

OFFICERS
CHAIRPERSON
Dorothy I. Height
VICE CHAIRPERSONS
Antonia Hernandez
Judith L. Lichman
William L. Taylor
SECRETARY
Horace Deek

TREASURER
Gerald W. McEnien
CONVENE CHAIRMAN
Joseph S. Rauh, Jr.*

EMERITUS CHAIRPERSONS
Marvin Kaplan*
Benjamin M. Hooks
C. De M. Mitchell, Jr.*

EXECUTIVE COMMITTEE
Barbara Arrington
Sandy Brinard
Elizabeth Birch
JoAnn K. Chase
Robert Chase
Robert W. Edgar
Jocita Greenberger
Patricia Ireland
Cory Jefferson-Jenkins
Elaine R. Jones
George Koussios
Daphne Kwock
Leon Lynch
Kwame Ninsin
Laura Murphy
Ralph C. Ninsin
Hugh B. Price
David Saperstein
Richard Wernick
Parisha Wright
Stephen P. Yankin
Raul Yzaguirre

ADVISORY BOARD
George Koussios
Daphne Kwock
Leon Lynch
Kwame Ninsin
Laura Murphy
Ralph C. Ninsin
Hugh B. Price
David Saperstein
Richard Wernick
Parisha Wright
Stephen P. Yankin
Raul Yzaguirre

ADVISORY BOARD
George Koussios
Daphne Kwock
Leon Lynch
Kwame Ninsin
Laura Murphy
Ralph C. Ninsin
Hugh B. Price
David Saperstein
Richard Wernick
Parisha Wright
Stephen P. Yankin
Raul Yzaguirre

ADVISORY BOARD
George Koussios
Daphne Kwock
Leon Lynch
Kwame Ninsin
Laura Murphy
Ralph C. Ninsin
Hugh B. Price
David Saperstein
Richard Wernick
Parisha Wright
Stephen P. Yankin
Raul Yzaguirre

The Honorable Trent Lott
Majority Leader
United States Senate

The Honorable Ted Stevens
Chairman
Appropriations Committee
United States Senate

The Honorable Dennis Hastert
House Speaker
United States House of Representatives

The Honorable Bill Young
Chairman
Appropriations Committee
United States House of Representatives

Dear Senate and House Leaders:

The undersigned civil rights and high-tech leaders have come together under the umbrella of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest and most diverse coalition of organizations committed to the protection of civil and human rights in the United States, to request your assistance on an issue of great importance: **accelerating the understanding, acceptance and use of information technology among under-served communities.**

Specifically, we are urging you to support full funding for the Home Internet Access (HIA) program, a \$50 million program increasing the number of low-income families that have access to the Internet in their homes, and \$45 million of the Technology Opportunity Program (TOP), that are contained in the Department of Commerce's Appropriations Bill (H.R. 4690).

The Home Internet Access program is modeled after the highly successful Technology Opportunity Program. Since first implemented in 1994, TOP has provided matching grants to more than 400 public and nonprofit organizations to demonstrate how the Internet and other emerging telecommunications and information technologies can be used to provide better lifelong learning, health, economic development, public safety, and other social services to under-served communities.

"EQUALITY IN A FREE, PLURAL, DEMOCRATIC SOCIETY"

HUBERT H. HUMPHREY CIVIL RIGHTS AWARD DINNER - 50TH ANNIVERSARY CELEBRATION - MAY 4, 2000

Senate and House Leaders
October 3, 2000
Page Two

Like TOP, the guiding principles of the Home Internet Access program are: 1) locally-driven solutions; and 2) public-private partnerships. The Home Internet Access program will be administered by the National Telecommunications and Information Administration (NTIA) who will make grants to intermediate organizations -- non-profits; state, local, and tribal governments, colleges and universities -- to develop local programs for providing home-based access to families most at risk of being excluded from today's information-based economy.

The program will not provide direct subsidies to individuals because NTIA's experience has shown that the most creative, innovative, and effective solutions come not from the federal government, but from local communities. Therefore, NTIA will challenge communities -- both rural and urban -- to devise solutions that best reflect their circumstances and meet the needs of their low-income residents.

Strong partnerships and broad community support are key ingredients in sustaining information technology projects. The Home Internet Access program will encourage partnerships among local organizations, academia, and private industry. In order to demonstrate the local and private sector commitments, NTIA will require applicants to provide matching funds.

Given the importance that information-related skills in our economy, the undersigned civil rights and high-tech leaders believe that access to and utilization of emerging technologies is a critically important policy matter. While time is winding down on the 106th Congress, we believe that this unprecedented collaboration our two communities demonstrates how members of Congress, working in a similar bipartisan fashion, can advance common objectives in the remaining days of this congressional session.

We therefore urge you to support full funding for the Home Internet Access program and Technology Opportunity Program and in doing so, help to accelerate the understanding, acceptance and use of information technology among under-served communities.

Respectfully,

Wade Henderson
Executive Director
Leadership Conference on Civil Rights

Wade Randlett
VP, Business Development
Red Gorilla

Julie Kitka
President
Alaska Federation of Natives

Garrett Gruener
Partner
Alta Partners

Senate and House Leaders
October 3, 2000
Page Four

Mark Gorenberg
Partner
Hummer Winblad Ventures

Barbara Arnwine
Executive Director
Lawyers' Committee for Civil Rights
Under Law

John Lucena
Founder
Liquidthinking.com

Kweisi Mfume
President and CEO
National Association for the Advancement
of Colored People

Brenda Girton-Mitchell
Associate General Secretary
National Council of Churches

Patricia Ireland
President
National Organization for Women

Milton J. Little, Jr.
Executive Vice President
National Urban League

Muki Hansteen-Izora
President
Izora Consulting (and Plugged-
In E)

Dr. Dorothy I. Height
Chairperson
Leadership Conference on
Civil Rights

Antonia Hernandez
President and General Counsel
Mexican American Legal
Defense & Educational Fund

Susan Masten
President
National Congress of
American Indians

Shanna L. Smith
Executive Director
National Fair Housing Alliance

Judith L. Lichtman
President
National Partnership for
Women and Families

Marcia Greenberger
Co-President
National Women's Law Center

Senate and House Leaders
October 3, 2000
Page Five

Reed Hastings
CEO
NetFlix.com Inc.

Daphne Kwok
Executive Director
Organization of Chinese Americans

Ron Posner
Chairman
PS Capital

John Witchel
CEO
Red Gorilla

Danny Rimer
Partner
The Barksdale Group

Stratton Sclavos
President & CEO
VeriSign Inc.

David Ellington
President & CEO
NetNoir

Ralph G. Neas
President
People For the American Way

Ariel Kleckner
President
Red Gorilla

John Dean
President and CEO
Silicon Valley Bancshares

John Luongo
CEO (retired)
Vantive

Geoff Ralston
Vice President of Engineering
Yahoo!

WANTED! U.S. CITIZENS FOR HIGH-TECH JOBS

TECHNOLOGY

BY BARA VAIDA

High-tech companies in recent years have had an easy time of it in Congress whenever they've come begging for an increase in the immigration quotas for well-trained foreign workers. But the next time the industry comes calling, the cries from critics of the guest-worker program, known as an H-1B visa, could resonate louder with members of Congress than the high-tech industry's lobbyists, money, and arguments.

That the companies will come to Congress again is not in doubt. Three years from now, the caps on the heavily used H-1B visas will again need to be lifted to avert a potential labor crisis in the fast-growing technology sector. But next time, the critics will question even more closely whether the industry is doing enough to reach out and train American citizens to fill its high-tech vacancies.

"Critics have fired a shot across the bow," said Rep. Anthony Weiner, D-N.Y., who supported an increase in H-1B visa caps this year, a measure that easily passed. "It will be tougher in the future for the industry to make the same claims they made this year if they do nothing to participate in training the domestic worker."

The 1990 Immigration Act created the H-1B visa program. It allowed foreigners to work for six years in U.S. specialty occu-

pations, with an annual cap set at 65,000 visas. With the explosion of the Internet industry, high-tech companies found the program a fast way to fill jobs, particularly with Indian- or Chinese-born individuals who are fresh out of college and have degrees in computer science or engineering. In 1998, high-tech lobbyists pushed Congress to pass legislation that increased the annual cap on the visas to 115,000 in fiscal years 1999 and 2000. The cap was scheduled to fall back to 107,500 in 2001, but Congress this year lifted the cap again, to 195,000 through fiscal year 2003, when it is scheduled to fall back to 65,000.

Currently, companies in the United States employ about 5 million information-technology workers. That number is projected to grow by about 7 percent annually until the year 2008, according to a report published in October by the National Academy of Sciences. At the same time, the number of U.S. graduates in computer science and engineering is at a 17-year low, and about 800,000 jobs in the industry are currently unfilled. Nor does it look likely that American schools will churn out in the near term enough graduates qualified for high-tech jobs.

Even in Silicon Valley, according to a study of 1,160 schools conducted in May 1999 by the consulting firm AT Kearney, only 13 percent of elementary students and 12 percent of high school students thought a career in computer science or programming was "cool." The majority of students favored subjects such as history, art, foreign languages, and English. Only 16 percent said math or computing was their favorite subject. When students were asked why they didn't choose math or computing, they answered that the classes were "too hard" or "not interesting." To increase the supply of high-tech workers, the study urged Silicon Valley schools to foster student interest in "hard subjects" such as math, sciences, computers, and engineering.

That adds up to the high-tech industry continuing to rely on H-1B visas in the foreseeable future. "Some of the high-tech companies in my district have

told me they think they'll be needing H-1B visas for many years to come," said Rep. Eddie Bernice Johnson, D-Texas, who handles high-tech issues for the Congressional Black Caucus and represents Dallas, where Texas Instruments has its headquarters.

High-tech companies don't deny that if they are to wean themselves from H-1B visas, they need to be investing more money in training U.S. citizens. Many companies have funded math and science programs in their local schools, as well as teacher training. Businesses have also provided millions of dollars in donated computers and software.

"We see the H-1B visa program as only a Band-Aid solution," said Phil Bond, senior vice president of the Information Technology Industry Council, which represents 31 of the nation's largest high-tech companies. "And we also know we need to do a better job illustrating the commitment of these companies to investing in education and training."

The council says that 20 of its member companies have spent an aggregate \$1 billion on work-force education efforts. These range from Apple Computer's software learning kits for teachers and students to America Online's free Internet service to schools. Other programs include Unisys' support for science centers in schools, Compaq's technology grants for schools and mentoring programs, and Microsoft's donations of \$570 million in cash, software, and support staff for teacher training at the high school and community college levels. Microsoft also participates, with Intel, in a Teach to the Future program, which aims to train 400,000 teachers by 2002 in how to get the most out of computers in the classroom.

But as important as these programs may be, work-force experts say that the best way to fill gaps in the information-technology work force is to forge comprehensive partnerships between the private sector and high schools and colleges. These partnerships could ensure that curriculum matches the evolving needs of the industry.

"What exists right now seems to be a disconnect between what employers need and what local schools are offering ... and hence, we aren't getting enough students in the pipeline to fill new-economy jobs



EDDIE BERNICE JOHNSON: "High-tech companies in my district have told me they think they'll be needing H-1B visas for many years to come."

own the road," said Hans Meeder, former executive director of the 21st Century Workforce Commission, a panel chartered by Congress to examine what kinds of jobs will be needed for the new economy.

Two companies that are working directly with local schools to shape curriculum are Cisco Systems and 3Com. Cisco created 3,500 networking academies that teach U.S. secondary-school and junior-college students the basics of creating and maintaining a computer network. The program, which will have 10,000 graduates by next spring, enables students to enter the workplace immediately or to gain a leg up in advanced computing studies. 3Com also created a computer network management program in 500 schools, called Net-Prep, aimed at providing students with training in running computer networks.

"I've seen the networking academies have two impacts," said Michael Timmeny, Washington representative for Cisco. "One, on students who aren't necessarily going on to college, they can get certified and go off to work at a company immediately; and the other, for students who intend to go on to college ... it gets them excited about going into electrical engineering and computer science."

The government has also been trying to use the H-1B program, run by the Labor Department, to bring high tech and educational institutions together. In 1998, companies agreed to pay an additional \$500 fee for each H-1B application. The money is used for training efforts and for engineering and math scholarships. In the past two years, the H-1B program has raised about \$175 million, of which half was allocated to Labor. The remainder went to the National Science Foundation to pay for scholarships and to the Immigration and Naturalization Service to process the increased number of H-1B applications.

Labor has been doling out the H-1B money to state-appointed groups known as Workforce Investment Boards, which are made up of officials from private companies, educational institutions, and labor unions. In October, Labor announced it had allocated \$54 million to 22 boards, including \$1.57 million to the Workforce Investment Council in the District of Columbia. The D.C. board—in conjunction with Marriott, UPS, Deloitte and Touche, Howard University, and Trinity College—aims to provide 300 unemployed and underemployed inner-city individuals with new skills for using computer applications in business, Internet research, accounting, and e-commerce.



HARRIS MILLER: "You can't just create a computer programmer overnight. It takes a number of years."

The Labor Department will be handing out twice as many grants through the program next year because Congress increased the H-1B visa application fee to \$1,000 this year.

But critics say the Labor Department has been slow in getting out the word about the program. Most high-tech companies have no idea the program exists, even though they are paying for it when they apply for an H-1B visa. The Information Technology Association of America is one of the few groups that knew of the program. Its representatives met with Labor Secretary Alexis Herman in October to work on improving ties between the industry and government.

"A lot of our companies don't even know that the boards exist to them as a resource," said Marjorie Bynum, vice president of the association's work-force development programs. "What we are going to do is make sure our companies get involved so they can influence how the money is spent, to make sure it is on high-tech training."

Critics of Labor's program also fault it for aiming at low-skilled workers who can fill only entry-level jobs. The jobs held by H-1B visa holders generally require a bachelor's, master's, or doctoral degree. Robert D. Atkinson, director of the Progressive Policy Institute's Project on Technology and the New Economy, believes the H-1B money should be given directly to industry instead. "Labor is using this money to make their training bureaucracy look more relevant rather than supporting industry-led efforts," Atkinson said.

One example of a successful industry-

run training initiative is the Massachusetts Software Council Fellowship program. In what is essentially a 23-week boot camp, executives from outside the high-technology industry are trained for management jobs in the new economy. The program is paid for with a pool of money donated by Boston-area software companies. The executives become interns in local high-tech companies four days a week, and spend the fifth day in the classroom learning about specific topics such as programming or graphic design. The executives must have 10 years of work experience to qualify. Five hundred graduates of the program are now working in many of the 3,000 Boston-area high-tech companies.

The program draws praise from both Meeder and Atkinson, who said it "has a whole look and feel that is different from these bureaucratic programs that have been historically tied to disadvantaged workers."

However, none of these high-tech and government efforts is likely to ease the tight information-technology labor market within the next two years. Jobs under the H-1B program require individuals with five to 10 years of education, and it may take that long before the United States can begin to meet its high-tech labor needs with domestic talent, said Harris Miller, president of the Information Technology Association of America. "You can't just create a computer programmer overnight. It takes a number of years," he said. If the industry, over time, can show a reversal of the decline in the number of U.S. students graduating with computer science degrees, then when it goes to Congress next time, it will have tangible evidence that it is indeed doing something, and that the H-1Bs, as intended, are only a temporary solution, Miller said.

Meanwhile, members of Congress are looking at options for making high-tech companies pay even more money for their H-1B visas. Reps. Christopher Cox, R-Calif., and David Wu, D-Ore., introduced a bill on Nov. 3 that would provide for an additional 65,000 H-1B visas annually, in exchange for a donation of \$4,500 per visa to an educational institution of each applying company's choice. The visas would be in addition to the 195,000 already authorized by Congress this year.

Bara Vaida is a senior writer for National Journal's Technology Daily.

Imp1
U. S. HOUSE OF REPRESENTATIVES

Committee on the Judiciary
Democratic Staff Office
B-336 Rayburn House Office Building
Washington, D.C. 20515
Fax: (202)225-1845

Imp1

FACSIMILE COVER LETTER

TO: Gene Sperling / Ruth

FAX NO: 456-2878 # PAGES: 4 (including this page)

FROM: LEON C. BUCK, JR.
Minority Democratic Counsel
Phone: (202)225-2329
E-Mail: Leon.Buck@mail.house.gov

COMMENTS:

Propose Executive
Orders that Congressional
Black Caucus would like
to see President Clinton sign.!
Leon

If parts of this transmission are unclear or transmission
was faulted, please call: (202) 225-2329.

Executive Order Amending Equal Employment Opportunity Executive Order 11246

Executive Order _____ - Equal Employment Opportunity Amendments

Under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, It is ordered as follows:

Part I Attestations Required for H-1B Visa Applications

Sec.101. Renumber Section (7) Section 202 of Executive Order 11246 of Sept. 24, 1965 as Section (8).

Sec.102. Insert the following:

"(7) The contractor will provide attestations to the Secretary of Labor for each H-1B visa applied for that: prior to the application, the contractor met the recruiting provisions in Section 202, paragraphs (1) and (2)."

Sec.103. Substitute "paragraphs (1) through (8)" in lieu of "paragraphs (1) through (7)" in the newly renumbered Section (8).

Part II H-1B Visa Reporting Requirements

Sec.201. Amend Section 203 of Executive Order 11246 to include:

(e) Each contractor having a contract containing the provisions prescribed in Section 202 and seeking an H-1B visa shall file – and shall cause each of his subcontractors individually to file – separate and independent Compliance Reports regarding the work for which each H-1B visa is sought with the contracting agency or the Secretary of Labor as may be directed. Compliance Reports shall be filed within such times and shall contain such information as to the practices, policies, programs, and employment policies, programs, and employment statistics of the contractor and each subcontractor, and shall be in such form, as the Secretary of Labor may prescribe.

Sec.202. Amend Section 203 of Executive Order 11246 to include:

(f) Whenever the contractor or subcontractor seeking an H-1B visa has a collective bargaining agreement or other contract or understanding with a labor union or an agency referring workers or providing or supervising apprenticeship or training, the Compliance Report for the work for which the H-1B visa is sought shall include such information as to such labor union's or agency's practices and policies affecting compliance as the Secretary of Labor may prescribe; Provided, That to the extent such information is within the exclusive possession of a labor union or an agency referring workers or providing or supervising apprenticeship or training and such labor union or agency shall refuse to furnish such information to the contractor, the contractor shall so certify to the Secretary of Labor as part of its Compliance Report and shall set forth what efforts he has made to obtain such information.

Sec.203. Amend Section 203 of Executive Order 11246 to include:

(g) The Secretary of Labor may direct that any bidder or prospective contractor or subcontractor seeking an H-1B visa shall submit, as part of his Compliance Report for the work for which the H-1B visa is sought, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, religion, sex or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this Order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the order. In the event that the union, or the agency shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the Secretary of Labor may require.

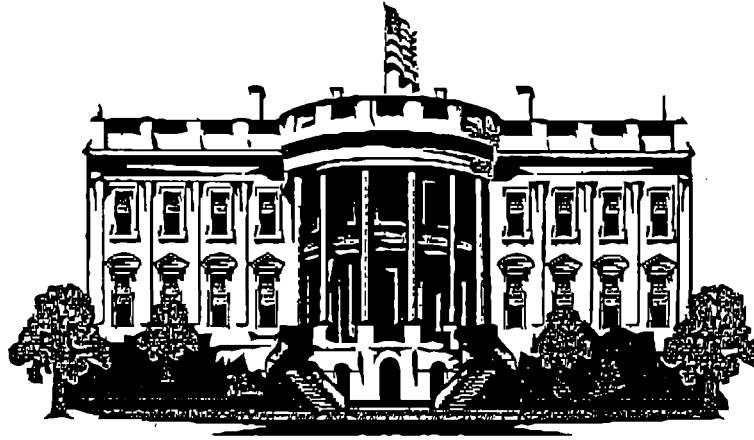
[Proposed] Equal Employment Opportunity Executive Order _____

Under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

Part I - Equal Employment Opportunity Attestations

Sec.101. No alien may be admitted or provided status as an H-1B nonimmigrant in an occupational classification unless the employer has filed with the Secretary of Labor an application stating that the employer has complied with the provisions of Executive Order 11246, as amended, for each visa sought.

Sec.102. The procedure for filing and verifying such applications shall be adopted from the process specified in a labor condition application under 8 U.S.C. Section 1182 (n).



THE WHITE HOUSE

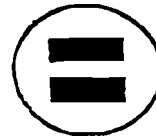
RUTH SAMARDICK
Policy Advisor
National Economic Council
Phone: (202)-456-5367
Fax: (202)-456-2223

DATE: 10/25/00 NUMBER OF PAGES (INCL. COVER): 6
TO: DBond SGreen DChirba MAracowitz M Moyaño
FAX: 51596 693-6143 ~~10224~~ 62146 62604
RE: IBueno 61907

COMMENTS:

re: CBC Proposed EO
on H-1B recruitment

The document accompanying this Facsimile Transmission Sheet is intended only for the use of the individual or entity to which it is addressed. This message contains information which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution, or taking any action in reliance on the contents of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at the number above.



National Urban League, Inc

WASHINGTON OPERATIONS
1111 Fourteenth Street, N.W.
6th Floor
Washington, D.C. 20005
Telephone: (202) 896-1664

*****TELECOPY*****

DATE: 10-25-2000
TO: FAX: 456 2878
For Gene Sperling / Ruth
Attn: Sylvia

FROM: Bill Spriggs
FYI
This is your copy

FAX # (202) 408-1965
NUMBER OF PAGES INCLUDING THIS SHEET 5
WASHINGTON OPERATIONS

Contributions to the National Urban League are tax deductible.

 NATIONAL URBAN LEAGUE

Wednesday, October 25, 2000

President William Jefferson Clinton
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

We are disappointed you signed the H-1B visa legislation. That legislation is flawed. It lacks provisions for effective monitoring of fair employment practices in granting the visas.

While you have been President, the African American and Hispanic communities have enjoyed unequalled economic success. Our incomes have risen to record levels, and our poverty rates and unemployment rates have fallen to record low levels. We are grateful for the economic policies we helped you put in place in 1992, and with our votes helped continue in 1996.

But, our unbridled economic success is also because of the hard work of African American and Hispanic workers and families. Over the last thirty-five years, our families have dramatically increased the education attainment of our children. And, those children have acquired skills vitally important to the success of our economy. Quickly adapting to changing times, today African Americans with occupations vital to the information technology boom represent about 11 percent of the information technology work force, and Hispanic workers represent about 7 percent, shares that roughly equal our shares of the American work force. Today's African American middle class is in information technology. Information technology occupations make up over fifty percent more of the African American work force than do kindergarten to high school teachers. And, a slightly higher share of the information technology work force is African American than is the K-12 teacher corps.

RESEARCH AND PUBLIC POLICY, 1111 14TH STREET, NW, 10TH FLOOR, WASHINGTON, DC 20005
(202) 898-1604 FAX: (202) 408-1965

Our Children @ Our Destiny

1

Letter from Members of the Black Leadership Forum Page 2 of 4

These results directly reflect the effects of affirmative action. African American and Hispanic workers, because of affirmative action hiring and recruiting, heavily represent many of the occupations in the information technology arena. Key areas, vital to the expansion of the Internet highway, like cable installation and switching equipment installation and repair rely on a very diverse work force. Bottlenecks have not developed in those areas of the information technology world, precisely because that part of the industry has benefited from active recruitment and training of Americans. With those opportunities open, African American and Hispanic workers have aggressively filled those positions.

Unfortunately, for all the talk of the industry in looking for skilled workers, the same patterns of discrimination that marked the old economy are repeated in the information technology world, particularly among those firms that produce software and hardware. Mr. President, that cannot be allowed to continue. Passing an increase in H-1B visas while ignoring their discriminatory hiring and pay practices, will only encourage firms to take the easy way, and not address the need to recruit, hire, retain, train and encourage the development of all workers. This is not a problem that can be solved by offering training through government programs. This problem will only be solved when the company provided training, and recruiting, hiring and worker retention programs incorporate modern human resource policies that include affirmative action.

Analyzing data from the Census Bureau's Current Population Survey for 1997 and 1998, the National Urban League reports that in the high end occupations of computer programmer, computer systems analysts and electrical engineers in the information technology work force (those who create or design software and hardware), that a slightly higher share of African American workers have college degrees than do whites in those occupations. In their *State of Black America 2000*, the National Urban League also reports that college attendance is increasing at a faster rate for African American men and women than for whites. The National Science Foundation reveals that African American college students are almost twice as likely as white students are to major in computer science. This means the African American community is driving hard in the right direction to fill America's needs in the information technology sector. But, this cannot be a win-win situation for America if the information technology industry does not change its practices.

Letter from Members of the Black Leadership Forum Page 3 of 4

For Ruth
cont

Yet, with all this success, discrimination in the information technology arena is rampant. Few firms comply with Title VII of the Civil Rights Act of 1964 and file their EEO-1 forms. Many of the firms with government contracts do not have their compliance reports on file, as required by E.O. 11246. Mr. President, that simply must stop.

The result is the National Urban League shows that at the median and top quarter income levels in the information technology occupations, African Americans earn eight percent less a year than whites. And for Hispanic workers in information technology occupations, at the bottom quarter and median income levels, they earn 16 percent less than whites, and at the top quarter of income they earn eight percent less than whites. All of this after controlling for their education, experience and how technology intensive their industry is. Your own Council of Economic Advisors, looking at a much more narrow definition of information technology workers, found similar significant hourly wage gaps for women in this industry. None of this discrimination is acceptable, but Mr. President, as these are the jobs of the future, this simply cannot be allowed to fester.

At the beginning of this century, the legacy of slavery left the American South with African Americans heavily represented among skilled trade workers. But, as Southern cities grew, and the economy shifted so those occupations became more desirable, African Americans were blocked in continuing in those occupations and eventually chased out. Despite massive efforts to train African Americans for the new industrial age, including passage of the Second Morrill Act in 1890, correcting for discrimination in land grant colleges, that produced or expanded funding for sixteen public colleges to educate African Americans, and sympathetic philanthropy that bolstered the growth of dozens more private colleges and helped African American parents extend the school year for their children in segregated and discriminatorily funded elementary and secondary schools, training opportunities created then could not overcome the failure to address discrimination. The result was that in the 1960s, we had to fight to get African Americans jobs as bricklayers, and dry wall installers and carpenters. Mr. President, America cannot afford to repeat that mistake.

We call on you, Mr. President to issue an executive order, extending the principles of Executive Order 11246 to those companies that apply to use H-1B visa workers. An aggressive message must be sent out, that America will not repeat its past failures, and the new information age will also be the

Letter from Members of the Black Leadership Forum Page 4 of 4

dawn of a new age of opportunity. The unprecedented changes that are taking place in our industries have come on the heels of unprecedented changes in opportunities for African Americans to learn and participate in the American economy. These changes, having come together as they have, present America with a real opportunity to move forward. But, Mr. President, America's history is unfortunately clear, we will not move forward together unless we take action to insure we move together.

We know you want to leave as your legacy, having put in place a path for America that cannot be reversed. Issuing an executive order to assure modern personnel practices follow our modern industries will do that. Mr. President, we thank you.

Sincerely,

Hugh B. Price, President
National Urban League

Dr. Joseph Lowery, Chairman
Black Leadership Forum

Dr. Jane Smith, President
National Council of Negro Women, Inc.

Norman Hill, President
A. Philip Randolph Institute

Hilary Shelton, Director
NAACP Washington Bureau

Dr. Yvonne Scruggs-Leftwich, Executive Director
Black Leadership Forum

Congress of the United States

Washington, DC 20515

copied
Echaveste
Podest

THE PRESIDENT HAS SEEN
9-29-00

*Main
Newman
comment*

September 27, 2000

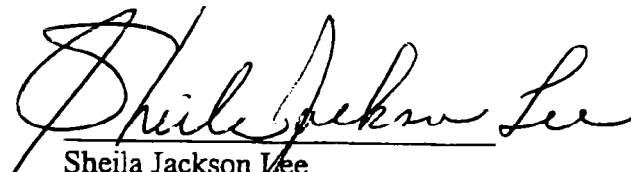
The Honorable William Jefferson Clinton
The President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

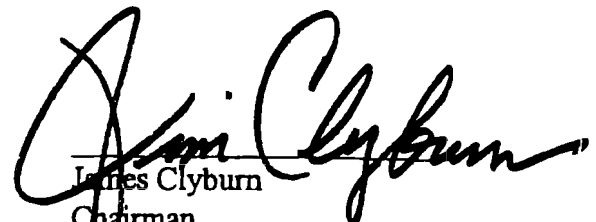
Dear President Clinton:

We write to you to bring your attention to the upcoming debate and consideration of H-1B legislation. Should Congress proceed with legislation on the H-1B visa program, we urge that any legislation that reaches the House floor include provisions that require employers to certify that they are taking constructive steps to recruit qualified United States workers who are members of under represented minority groups to fill information technology jobs.

African Americans are especially impacted by discriminatory hiring practices in the information technology field. Data from the Bureau of Labor Statistics show that the hiring of African Americans in high technology has improved only slightly during the past decade. According to a 1999 report, *Silicon Ceiling: Solutions for Closing the Digital Divide*, approximately 80% of the high technology companies in Silicon Valley do not file EEO-1 forms or affirmative action reports with the Joint Reporting Committee representing federal civil rights enforcement agencies. Clearly there's work to be done to ensure that African Americans have fair access to the lucrative high tech labor market.

In conclusion, we need a H-1B bill that responds to the demands of the lucrative job market but also protects our American workforce, provides technology education for grades K-12, training to our incumbent workers, and validates the importance of opening the doors to these information technology jobs for women and minorities.


Sheila Jackson Lee
Ranking Minority Member
Subcommittee on Immigration and Claims


James Clyburn
Chairman
Congressional Black Caucus

Eddie Bernice Johnson
M.C.

Gene M. Chuter
M.C.

Carrie Brown
M.C.

Betty Jones
M.C.

Earl F. Hilliard
M.C.

Tom M. Thompson
M.C.

Albert R. Green
M.C.

Barbara Lee
M.C.

Tom D. Peterson
M.C.

Carrie P. Meek
M.C.

Robert L. Pratt
M.C.

Halley Wells
M.C.

M.C.

M.C.

Gregory W. Hunter
M.C.

Donald Layne
M.C.

Max Adams
M.C.

David Hastings
M.C.

Ed E. Emery
M.C.

Tommy
M.C.

Barry D. Davis
M.C.

Ed Angel
M.C.

Wm M. Stanton
M.C.

Carol L. Felpatich
M.C.

Betty
M.C.

Adeline Waters
M.C.

Barbara B. Bristow
M.C.

M.C.