

THE WHITE HOUSE
WASHINGTON

June 6, 1998

MR. PRESIDENT:

Attached are two information memos responding to requests you have made. Each requires a budget amendment, which, if you have no objection, I will have executed on your behalf on Monday and sent to the Hill in advance of appropriations mark-ups.

1) Port of New York-New Jersey: Jack Lew, Gene, Katie and Larry Stein have come up with a way to fund the Army Corp of Engineer project to deepen the main transportation/shipping artery in the port. The offset involves \$22 million in unused/unobligated money in the DOE budget; DOE had planned to use this money to augment the Climate Change Technology Initiative, which Congress will likely underfund. Instead, your economic/environmental team has recommended using the money for the port project. Todd does not object.

2) Chemical/Biological Weapons: Jack Lew and Sandy Berger have sent you a memo describing a \$294 million budget amendment to pay for additional efforts to defend against domestic use of CBW. This money is in addition to the almost \$1 billion in your FY '99 budget request and focuses on public health efforts; training and equipment for "first responders" and law enforcement; and research. The offsets, agreed upon by the various agencies, include \$116 million from Bureau of Prisons operations due to delays; and \$80 million across the board from increases in spending from FY '98-'99, excepting FDA and Indian Health Services.

Phil Caplan

THE WHITE HOUSE
WASHINGTON

June 5, 1998

MEMORANDUM FOR THE PRESIDENT

'98 JUN 5 PM 3:14

FROM: Jacob J. Lew
Gene Sperling
Kathleen A. McGinty

SUBJECT: Additional FY 1999 Funding for the Port of New York and New Jersey

You asked on Monday how we could find \$22 million in additional funding for the Army Corps of Engineers' project to deepen the Kill Van Kull (KVK) channel, the main transportation and shipping artery in the Port of New York and New Jersey. We recommend that you transmit a budget amendment to Congress before the House Energy and Water Subcommittee takes up the FY 1999 appropriations next week.

Background

The Corps is deepening the KVK channel in two phases. The first phase, completed in 1995, deepened the channel to 40 feet. The second phase will deepen the channel to 45 feet at a total cost of about \$1.1 billion, about \$500 million of which is Federal spending. The second phase will take about 10 years on an optimum schedule.

In the FY 1998 appropriations, Congress added \$500,000 to begin construction. The Corps of Engineers has the capability to spend about \$32 million on the project in FY 1999. Your 1999 budget includes \$10 million to continue construction, a level that balanced the need to fund Corps projects now under construction with the need to fund a limited number of important new projects, such as KVK. This funding level for KVK will delay project completion by several years, relative to the ten-year optimum schedule. Tuesday's Senate Energy and Water Appropriations Subcommittee mark-up provided \$19 million for KVK.

Criticism of the Administration's budget request has been sharpened by an announcement in April by the major Port operator (Maersk-SeaLand) that it is considering a move to Norfolk, Virginia or Halifax, Nova Scotia, if it does not receive greater assurances concerning completion of the KVK deepening. If they move, the International Longshoremen's Association (ILA) and other maritime unions could lose more than 50,000 jobs. The area would also lose a major transportation hub, and there could be severe economic impacts throughout the region. New Jersey representatives, joined by the ILA and other labor groups, are urging the Administration to request the full \$32 million for the KVK deepening.

The Administration's position dates to July 24, 1996, when the Vice President announced an agreement among environmentalists, longshoremen, and port shipping interests on an

Administration plan to resolve years of controversy over dredging and ocean dumping. This plan included a commitment that the Corps would study deepening the Port to 50 feet. While completing the 45-foot project for KVK is not an explicit commitment in the Vice President's plan, local interests believe expeditious completion of this project is implicit in his commitment to study a 50-foot project.

Offset Options

To be credible, any proposal to increase funding for KVK will have to be paid for with offsets. We considered two offsets to finance the additional \$22 million in 1999.

The recommended option is to propose a budget amendment to reallocate \$22 million from balances available within the Department of Energy. In its action on DOE's 1999 budget, the Senate Energy and Water Appropriations Committee identified these unobligated balances as its reason for providing less than the requested amounts for certain DOE programs in your budget. Although these funds are currently unobligated, DOE had planned to allocate them to their science and environmental cleanup missions.

While these balances are available, there is some concern about using funds for spending outside of the Department. Congress is likely to underfund the Administration's Climate Change Technology Initiative, and any additional resources within DOE -- such as these balances -- could potentially be used directly or indirectly to fund climate change activities. While it would be difficult to use these funds to support Climate Change activities, using them instead as an offset for KVK somewhat reduces our flexibility.

Another option, which we considered but do not recommend, is to reallocate funds from the Army Corps of Engineers' Columbia River Salmon Mitigation (WA) project. Many environmental groups, tribal interests, and others oppose some of the actions proposed for funding in 1999. The Senate Energy and Water Appropriations Subcommittee mark-up provided \$95 million for the Salmon Mitigation project -- \$22 million less than the budget request -- based on an agreement between Senators Gorton and Murray. There is little substantive risk associated with this offset, but CEQ is concerned that it could be misunderstood as weakening of Administration support for salmon recovery efforts, particularly in light of this week's Federal District Court decision striking down Oregon's salmon recovery plan and next week's Year of the Oceans conference, which you and the Vice President are attending. Because the salmon project and KVK are funded from the same account, this approach could be carried out through a letter from the Army Corps of Engineers to the appropriations subcommittees, rather than through a formal budget amendment.

Recommendation

OMB, NEC, and CEQ recommend that the Administration transmit the recommended budget amendment with the DOE offset to the Congress at the same time we send the budget amendment for chemical-biological terrorism preparedness.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

June 5, 1998

MEMORANDUM FOR THE PRESIDENT

266447
98 JUN 5 PM 1:03

FROM: Jacob J. Lew, Office of Management and Budget
Samuel R. Berger, National Security Council

SUBJECT: **Proposed Budget Amendment for Resources to Counter Domestic Chemical and Biological Attacks**

Summary: You asked that we consider possible additional funding for efforts to defend against domestic use of chemical and biological weapons (CBW). Over the past three weeks, working with the agencies, NSC and OSTP, we have developed a proposed budget amendment that would provide an additional \$294 million in FY99. This package would be offset largely by reductions within the agencies themselves. It is supported by HHS, DoD, DOJ, FEMA, NSC, OSTP and OMB.

We all agree that threats from use of CBW are real. Much work remains to be done in order to formulate a comprehensive and cost-effective coordinated response. We will undertake a cross-cutting review of future budget requirements in the FY 2000 budget. *Nonetheless, in order to make the case that more resources should be made available in FY 1999, we should submit a budget amendment before appropriations markups are concluded. Since appropriations subcommittees are marking up rapidly and time is of the essence, we propose to send a budget amendment forward as soon as possible.*

Background: Your budget for FY 1999 already includes almost \$1 billion for programs related to chemical and biological weapons, and funding for CBW has doubled over the past three years. Over the past few weeks, we reviewed both the efforts already underway and possible expansions. We focused on:

- 1) Public Health: developing a stockpile for civilians and improving public health surveillance capabilities,
- 2) Training and equipment for first responders and law enforcement, and
- 3) Research.

We based funding on additions to and expansion of PDD-62: enhancing local first responders in a range of cities. We have also taken into account the fact that we do not yet have well-developed plans for the civilian antibiotic stockpile program or for additional research; out-year budgets would be decided over several years as a comprehensive strategy is devised.

I. Public Health

Civilian Stockpile. A major feature of this package is a new HHS program for making available sufficient antibiotics and other drugs to handle a large scale biological or chemical attack. This new stockpile should initially contain antidotes and antibiotics that are currently available. Funding for current and/or new vaccines and antivirals might be added in the future. The program will most likely be a public-private partnership through which drug companies would simply increase their inventories of key products and make stock available to the government at a pre-determined cost. We will work with HHS and DoD to determine the best and most cost-effective way to do this in the next several months. The initiative would allocate \$51 million to these activities in FY 1999. In the first year, this could pay for treating 1.5 million people if we purchase the drug -- and potentially more depending on the type of stockpiling arrangements we can negotiate with drug manufacturers.

Public Health Surveillance and Analysis. According to PHS and DoD, there is an acute need to increase our capacity to detect an attack, and rapidly identify the pathogen used. HHS has proposed to add \$43 million to CDC's existing efforts for FY 1999. These funds will assist state laboratories and epidemiologists, and will serve the dual purpose of supporting general purpose public health infrastructure.

II. Training and Equipment Acquisition for Responders and Law Enforcement

The 1999 Budget already funds training and equipping civilian first responders, largely for conventional and chemical threats. DOJ, NSC and OMB agree on a scenario which would provide an additional \$174 million for DOJ and FEMA training and equipment programs and modest increases for FBI's internal CBW capabilities. This funding, while consistent with PDD-62's general direction, goes beyond the activities and timetables prescribed in that document. It would complete the training and equipment cycle by 2001, versus PDD-62's goal of 2002. It would also provide resources for others besides first responders (e.g., FBI bomb squads, state and local law enforcement). We are not proposing to expand beyond PDD-62's 120 cities, except to ensure that all 55 States and territories are covered. We also agree on providing \$16 million for training and equipment for health-related emergency response through HHS.

III. Research

Both DoD and NIH have active research programs in this area. NIH spends about \$15 million annually, DoD considerably more. While scientists at NIH and DoD have been working together in individual cases, their work has not been part of an over-arching research agenda for developing vaccines and therapies for biological terrorist threats. OMB, NSC and OSTP agree that a clear research agenda needs to be established. We will work with HHS/NIH and DoD over the next three months to create a coordinated agenda targeted towards the most threatening viruses and toxins, based on our best intelligence. HHS has agreed to provide an additional \$10 million for NIH efforts in this area. DoD has also committed to an enhanced effort from existing resources, reprogramming if necessary.

Funding Offsets

The proposal would be financed entirely through an agreed-upon set of offsets for FY 1999, largely from the individual agencies themselves. In spite of initial agency objections to providing offsets, the success of the effort to finance the CBW initiative demonstrates the importance that the agencies assign to these efforts. The offsets proposed in many cases reflect difficult programmatic tradeoffs. Offsets include: for DOJ, \$116 million from Bureau of Prisons operations due to delays; \$10 million from FBI technology acquisitions; and \$45 million from excess balances in the working capital fund; for HHS, \$80 million across the board from increases in spending from FY 1998-99, excepting FDA and the Indian Health Service. An additional \$43 million will come from a variety of other accounts.

Recommendation

Propose a budget amendment of \$294 million for FY99 to enhance responses to threats of domestic use of chemical and biological weapons, funded from existing programs.

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Rec Sean Maloney
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THE WHITE HOUSE
WASHINGTON

June 6, 1998

98 JUN 12 AM 10:28

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM:

SAMUEL BERGER (K) m

SUBJECT:

International Criminal Court (ICC)

Purpose

To respond to a letter regarding the ICC.

Background

Fifteen prominent Americans, including former Attorney General Benjamin Civiletti, request that you modify current U.S. positions on several key issues relating to the ICC. They urge that we support an independent prosecutor who could initiate investigations on his or her own initiative; that we forego U.S. Security Council approval of the exercise of Court jurisdiction in most cases; and that we reject proposals that would require States Parties to consent to prosecutions of their own nationals. While they acknowledge the concern that the ICC not become a forum for politically motivated prosecutions of U.S. citizens, they contend that strong "complementarity" provisions (which would require that the court defer to effective national legal systems) would provide adequate protection.

Your response emphasizes your commitment to the establishment of an effective court. You note that the Administration is in the process of reviewing options addressing their various concerns.

RECOMMENDATION

That you sign the attached letter.

Attachment

Tab A Letter to Norman Dorsen.

Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

2 p/cgs

6-15-98

THE WHITE HOUSE
WASHINGTON

Dear Mr. Dorsen:

Thank you for your letter regarding the International Criminal Court (ICC).

I share your commitment to the establishment of an effective ICC. The creation of such a Court would be an important part of our efforts to promote universal respect for internationally recognized human rights. A credible and effective institution would help bring perpetrators of serious international crimes to justice and would deter others who might be inclined to commit such crimes.

I recognize the importance of the issues you raise, including the role of the prosecutor, the relationship of the Court to the work of the United Nations Security Council, and the question of state consent. Moreover, I appreciate your recognition that the Court should not become a vehicle for unwarranted prosecutions against the citizens of the United States or of any other country. My Administration is currently reviewing options for addressing all of these concerns. Your letter and perspectives are both timely and appreciated.

Again, thank you for sharing your views with me.

Sincerely,

Professor Norman Dorsen
New York University School of Law
40 Washington Square South, Room 308
New York, New York 10012

May 15, 1998

The Honorable William J. Clinton
The White House
Washington, DC

Dear Mr. President:

You and your Administration have shown admirable leadership in promoting the cause of international justice. The United States has played a key role in supporting the work of the Yugoslavia and Rwanda war crimes tribunal. We were greatly encouraged also by the appointment last year of Ambassador David Scheffer as the first senior State Department official focussed exclusively on war crimes issues. And you stirred the community of nations with your call before the United Nations last fall for the creation, before the century ends, of a permanent international criminal court (ICC) "[t]o punish those responsible for crimes against humanity and to promote justice so that peace endures."

While the United States has played an active and generally useful role in the diplomatic debates leading up to the Rome Diplomatic Conference, it has stopped short of supporting an independent Court on several crucial issues that go to the heart of the Court's effectiveness. If the United States maintains its current position on those issues at the Rome Conference, we fear that it will be at odds with many of the key governmental proponents of the ICC, as well as the non-governmental human rights community:

An ICC that can effectively step in when national judicial systems are unable or unwilling to prosecute those who commit the most heinous violations of international humanitarian law would contribute to international peace, stability and justice through the 21st Century and beyond. And our collective experience as lawyers, prosecutors and judges persuades us that in order to be effective, the ICC must be -- and must be perceived to be -- an impartial and independent judicial body whose functioning is guided by legal rather than political considerations. Thus, the national interest in creating an *effective* ICC requires an *independent* ICC.

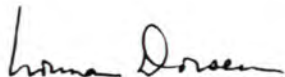
On three key issues, the United States has yet to support an independent court. First, the United States has opposed giving the prosecutor the discretion to begin preliminary investigations unilaterally, insisting instead that only the Security Council and individual states be able to trigger the Court's jurisdiction. Unless the prosecutor's office is permitted to initiate proceedings on its own, politics rather than the demands of justice might control the Court's docket. Second, the United States has advocated a requirement that the Court obtain Security Council approval before moving forward in most instances. This role for the Security Council would create at least the perception that the Court is not an independent institution governed solely by judicial considerations. In addition, the United States has reserved its position on various proposals that cases be allowed to go forward only if certain states, including the state of a suspect's nationality, give their consent. Such a consent regime would often give a veto over prosecutions to governments actually controlled by the suspect or his allies, thus rendering the Court ineffective.

We share the concern that the ICC should not become a forum for politically motivated prosecutions of U.S. citizens. This concern is legitimate, and we agree that there should be protections against such a result. But safeguards already proposed for inclusion in the draft treaty can achieve this goal without denying the Court the independence it needs to be an effective judicial institution. Most important of these safeguards is that by design the Court will only complement -- not supplant -- national judicial systems. Specifically, under Article 15 of the proposed statute, the Court will not step in unless a state is "unwilling or unable genuinely to carry out the investigation or prosecution." This provision will ensure that the ICC will intervene only when a national judicial system has collapsed or has been compromised by the very crimes under investigation, or when a state is unwilling to prosecute the accused, conditions that will not apply to independent and functioning legal systems such as the United States.

If necessary, the statutory protections against inappropriate prosecutions can be strengthened by enhancing the procedures by which the substantive provisions of Article 15 are implemented. Additional potential safeguards could include creating a Pre-Trial Chamber, composed of a panel of ICC judges, whose function would be to decide early in any proceeding whether the national legal system is willing and able to investigate and prosecute suspected criminal activity; empowering states to appeal adverse decisions from this Pre-Trial Chamber; and requiring the ICC prosecutor to notify a state party to the treaty of his or her intention to initiate an investigation against one of its citizens.

Mr. President, the concern about inappropriate prosecutions need not lead us to sacrifice the national interest in -- and your commitment to -- an effective International Criminal Court. Time is short before the nations of the world gather in Rome to negotiate a final ICC treaty. And the need for your leadership is more critical than ever if those negotiations are to achieve your goal of creating an effective ICC before the end of the century. We urge you to make certain that the United States leads the way in Rome for an independent ICC.

Sincerely yours,



Professor Norman Dorsen†
New York University School of Law



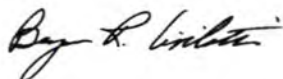
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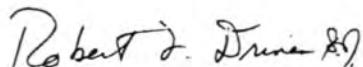
Professor Harold H. Koh
Yale Law School



Hon. Benjamin R. Civiletti, Esq.
Venable, Baetjer, Howard & Civiletti, LLP



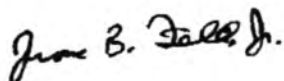
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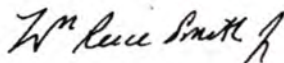
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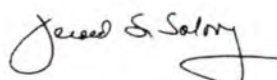
Jerome B. Falk, Jr., Esq.
Howard Rice Nemerovski Canady Falk &
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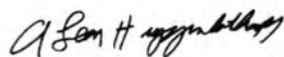
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Carlton, Fields, Ward, Emmanuel, Smith &
Cutler



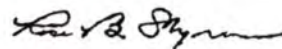
Mark I. Harrison, Esq.
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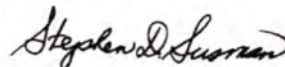
Jerold S. Solovy, Esq.
Jenner & Block



Hon. A. Leon Higgenbotham, Jr.
Paul, Weiss, Rifkind, Wharton & Garrison



Rose B. Styron



Stephen D. Susman, Esq.
Susman Godfrey LLP

† Affiliations are for identification purposes only. ~~All responses should be to: Professor Norman Dorsen, New York University School of Law, 40 Washington Square South, Room 308, New York, NY 10012~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

3596

June 5, 1998

Date 6/11

6/6

ACTION

MEMORANDUM FOR SAMUEL R. BERGER (10) fr
THROUGH: ERIC SCHWARTZ SB fr
FROM: SCOTT BUSBY SB
SUBJECT: Letter on International Criminal Court

Staff Secretary

Preclearance please!

NSC Execsec

69461

Attached is a memorandum to the President and a response to a letter from fifteen prominent Americans on the above topic.

SB fr

Concurrence by: Mary DeRosa, Will Wechsler, Bob Bell, Jay Farrar, Mary McCarthy

RECOMMENDATION

That you sign the attached memorandum.

Attachment

Tab I Memorandum to the President
Tab A Letter to Norman Dorsen et al.
Tab B Incoming Correspondence

SEE EDITS
[Signature]

THE WHITE HOUSE

WASHINGTON

June 6, 1998

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER (K) *fm*

SUBJECT: International Criminal Court (ICC)

Purpose

To respond to a letter regarding the ICC.

Background

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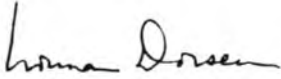
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Sincerely yours,



Professor Norman Dorsen†
New York University School of Law



Helene L. Kaplan, Esq.
Skadden, Arps, Slate, Meagher & Flom



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President, Florida State University



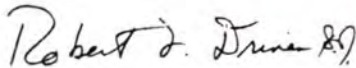
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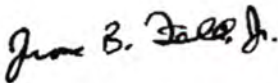
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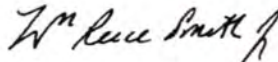
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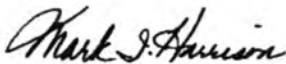
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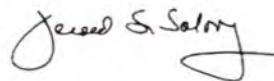
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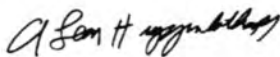
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Cutler



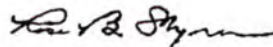
Mark I. Harrison, Esq.
Bryan Cave LLP



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Jenner & Block



Hon. A. Leon Higgenbotham, Jr.
Paul, Weiss, Rifkind, Wharton & Garrison



Rose B. Styron



Stephen D. Susman, Esq.
Susman Godfrey LLP

† Affiliations are for identification purposes only. All responses should be to: Professor Norman Dorsen, New York University School of Law, 40 Washington Square South, Room 308, New York, NY 10012.

Records -

RECORD ID: 9803596
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DOC DATE: 15 MAY 98
SOURCE REF:

w/ Baker, Wechsler,

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CRIME

Scott Busby

SUBJECT: INTL CRIMINAL COURT & TREATY NEGOTIATIONS IN ROME

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 29 MAY 98 STATUS: S

STAFF OFFICER: SCHWARTZ

LOGREF:

FILES: WH

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CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
SCHWARTZ

FOR CONCURRENCE
BAKER
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BUSBY

COMMENTS: _____

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THE WHITE HOUSE
WASHINGTON

June 5, 1998

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MEMORANDUM TO THE PRESIDENT

FROM: GENE SPERLING

RE: UPCOMING CHILD LABOR ISSUES

As part of the on-going NEC process to advance your agenda on child labor, this memo presents several options regarding two upcoming issues, one international and one domestic.

International Issue: Next week in Geneva at the annual meeting of the ILO, members will begin drafting a new convention aimed at eliminating the most extreme forms of child labor. I discuss below the outlines of the new convention, its relationship to an earlier ILO convention on child labor that the U.S. has not ratified, the drafting, adoption and ratification processes, and U.S. influence on them. Your advisors recommend that you champion the new convention by sending a strong public message that Secretary Herman can echo next Thursday when she meets in Geneva with the convention drafters.

Congressional Issue: On June 11, the Senate Labor Committee is holding a hearing on child labor. Senator Tom Harkin is expected to introduce legislation shortly before the hearing aimed at improving U.S. child labor protections, mainly in the agriculture sector. The Department of Labor will testify. After describing the probable elements of the legislation, we recommend that the Department issue a statement generally supportive of Senator Harkin's efforts to modernize our child labor laws in agriculture.

INTERNATIONAL

NEW ILO Convention on the Most Extreme Forms of Child Labor

This week, the ILO began work on a new convention dealing with the most egregious forms of child labor, such as bonded labor, child prostitution, hazardous work and work by the very young. The new convention was proposed, in part, because of the very low ratification rate of an earlier convention on minimum working ages for children -- Convention #138. The ILO hopes to achieve widespread ratification of the new convention.

Convention #138, drafted in 1973, has been ratified by about 60 countries, with 10 more expected in the next few months. This is up from 40 about three years ago. Ratification of Convention #138 has not been pursued by the U.S. because most conclude that it does not conform to various aspects of federal law -- most notably standards for agricultural work by children -- and because it may be at odds with state laws. For example, at a minimum, the following statutory changes would be required for the Fair Labor Standards Act (FLSA) to conform to Convention #138:

1. Raise the minimum age for hazardous work in agriculture from 16 to 18;
2. Eliminate exemptions which allow children under 13 to work on farms;
3. Authorize the Secretary of Labor to regulate total hours and conditions of work for 13, 14, & 15 year olds; and
4. Authorize the Secretary of Labor to operate an individual work-permit system for children employed in entertainment, to cover those states that do not have such a system. (Many states, including New York and California, already do this.)

In addition, in 1991 the Tripartite Advisory Panel on International Labor Standards (TAPILS) -- the U.S. government, business and labor body charged with review of ILO conventions -- raised the possibility that ratification of #138 would require changing U.S. law regarding *family farms*, thus repealing their status as exempt from child labor laws. TAPILS also raised concerns about the need for states to modify their laws.

Given the improbability of eliminating the family farm exemption and given that the convention is 25 years old and has no potent organized support in this country, your advisors all feel that it would be unwise to attempt to ratify #138 at this time.

Although the new convention is not yet drafted, ratification may well require attention to some of the same problems in current federal law which stand in the way of ratification of #138. (For example, items 1 and 2 listed above may also be issues for the new convention.) In addition, the contentious issues of children working on family farms and regulating hazardous work on family farms may arise in this context as well.

However, in spite of the apparent similarities between the two conventions, we feel that the new convention differs from the old in context and in substance.

- First, we feel the new convention will have considerably greater political and rhetorical energy behind it than #138 did, because it is targeted against the most extreme forms of child labor. (The focus on the most extreme forms of child labor is consistent with the focus of your budget initiative and your previous public statements on this issue.)
- Second, the new convention is being drafted with an eye towards forms of child labor which by and large do not exist in this country. Also, although we do not believe the new convention will include an explicit exemption for family farms, many countries are

lobbying for a simple, focused and sufficiently general convention to encourage widespread ratification.

- Third, unlike #138, there is no current TAPILS legal analysis raising the issue of regulating work on family farms. We are starting with a clean slate. We believe we can take steps that will reduce the chances of the same problems arising for the new convention, as described below.

The Process of Drafting, Adopting and Ratifying ILO Conventions

ILO conventions are negotiated in a tripartite process, where each country has three autonomous votes: one government; one worker; and one business vote. Drafting of the new convention began this week, and the final convention is scheduled for adoption in June of 1999, at next year's ILO meeting. We will be working hard in the drafting to reduce or eliminate any potential conflicts with U.S. law; if successful, that result would make domestic efforts to ratify the convention much simpler.

Once adopted, you would have the option of submitting the convention to the Senate for a two-thirds vote. To be ratified, a convention must be consistent with U.S. law and practice. Since President Carter, the job of determining consistency with U.S. law has fallen to TAPILS, which is chaired by the Solicitor of Labor and includes the chief counsels of the AFL-CIO and the U.S. Council on International Business. TAPILS is a subcommittee of the President's Committee on the ILO, an Advisory Committee created by Executive Order. The President's Committee is charged with making recommendations to the President and Secretary of Labor and to "exert its best effort to develop a coordinated position on U.S. policy on ILO issues." TAPILS functions not just as a legal clearinghouse, but also as a bellwether of tripartite political support for ILO conventions. This structure mirrors the practical domestic politics of ratification; to be ratified, a convention must have the support of business and labor as well as the U.S. government. (To date, the U.S. has only ratified 12 of 180 ILO conventions.)

U.S. Influence in the Drafting, Adoption and Ratification

The U.S. begins the process with limited influence, both because the U.S. government is only one of many voices, and because the U.S. has failed to ratify the vast majority of ILO conventions, including #138. Having said that, we believe that, should you decide to champion the new convention, there are several steps we would take to enhance and exert our influence over the drafting process:

- issue strong public statements by you and Secretary Herman to establish a U.S. commitment that has been lacking on past conventions and send clear signals to our negotiators;

- issue a strong statement by Secretary Herman in favor of modernizing our child labor laws in agriculture to establish our commitment to change U.S. law as necessary and appropriate, thus enhancing our credibility in saying that we want to ratify a new convention; (The pros and cons of this strategy are discussed in the next section of this memo.)
- have U.S. negotiators seek to include qualifiers, such as “where appropriate” or “as necessary,” to key elements of the convention;
- have Secretary Herman take the unprecedented step of participating directly in the upcoming drafting session and directly engage her counterparts from other key countries; and
- have U.S. negotiators work with the many other countries that have stated clearly that they want a simple, ratifiable convention limited to broad fundamental principles to gain support for convention language without barriers to U.S. ratification..

In addition, and because of the domestic politics of ratification, we will immediately begin working with the business and labor representatives on TAPILS. We feel that, by bringing business and labor into discussions early and by demonstrating a strong interest in this new convention, we stand a good chance of building the political and legal case necessary for a ratifiable convention -- e.g. one which does not require changes to sacrosanct elements of U.S. laws, especially those relating to the family farm exemption.

Options and Recommendations

Option #1: Do nothing for now. Under this option, you and your cabinet would be silent on the new convention. As negotiations proceed, you would have the option to speak out in favor if you learn that the convention emerging poses fewer problems than were feared. You could also wait until the convention was drafted, adopted and reviewed by TAPILS to decide whether or not to submit the convention for ratification and support it at that time.

PROS:

- Keeps your options open and protects you from the risk of supporting a convention that turns out to be unratifiable due to politically difficult issues regarding child labor in agriculture.

CONS:

- Your influence over the drafting and negotiations process would be reduced as your negotiators will be in Geneva without a strong public mandate from you.
- Leaves you out of the discussion of what we believe will be an important and potent convention on the most extreme forms of child labor.
- If you later support the convention, you could be perceived as a Johnny-Come-Lately on this issue, instead of a leader.

Option #2: Support a New, Ratifiable ILO Convention on the Most Extreme Forms of Child Labor. Under this option, prior to Secretary Herman's public appearance in Geneva, you would make a strong public statement of your support for a tightly focused, simple, ratifiable convention on the most extreme forms of child labor.

PROS:

- Enhances your leadership position on child labor, while maintaining your focus on the most extreme forms of child labor and positioning your efforts in the mainstream.
- Increases the probability that the ILO will draft a convention consistent with U.S. laws and that there will be political support for ratification.
- Offers a multilateral alternative to legislation offered by Rep. Chris Smith that demands automatic, unilateral sanctions on countries with child labor abuses, which is inconsistent with your strong opposition to automatic sanctions.

CONS:

- By associating with a convention that has neither been drafted nor analyzed, you could find yourself having championed a convention that turns out to have problems, and which you would not want to submit for ratification because of conflicts with U.S. law.
- May open the U.S. to charges of hypocrisy. Critics could call attention to the fact that we have not ratified #138 and have maintained the exemptions in our federal child labor laws regarding agriculture. (This problem can be mitigated by having Secretary Herman make a general statement in favor of modernizing our child labor laws in agriculture, as discussed in the next section of this memo.)

The NEC, NSC, OMB, Office of the Chief of Staff (John Podesta and Karen Tramontano), Secretaries Herman and Albright, and Ambassador Barshefsky recommend Option #2.

Secretaries Glickman, Daley and Rubin have no objection. I (Gene Sperling) strongly favor: (1) an aggressive approach to not only supporting but seizing the unique opportunity to be a visible champion of a new convention on the most egregious forms of child labor; and (2) an aggressive communications strategy to do so. Secretary Herman agrees and feels that this will reaffirm your international leadership on this issue, improve our standing at the ILO, strengthen her ability to influence her counterparts from other nations, and increase the likelihood that the negotiations on the new convention will produce a ratifiable document. Secretary Glickman has some concerns about expected objections from the agricultural community, but feels that those objections will be manageable as long as the family farm exemption is kept in tact.

In sum, most of your advisors believe that there is a strong case for Presidential leadership on this issue and that the risk of championing a convention that you would not want to submit to the Senate can be minimized. However, should the political environment and legal process appear inhospitable to ratification, we anticipate that the TAPILS process would stall indefinitely. In that event, you could delay submission of the Convention to Congress until TAPILS concluded its work; you could send the Convention to the Senate without the benefit of a TAPILS report, although the Senate would probably not act without conclusive legal analysis; or you could

circumscribe the scope of TAPILS' inquiry to allow a consensus, but less thorough, report to be issued. Again, the TAPILS outcome is likely to reflect the existing state of tripartite political support at the time we consider submission for ratification.

PART TWO: DOMESTIC

Senator Harkin has announced his intention to introduce and promote legislation to amend the Fair Labor Standards Act regarding child labor, with a domestic focus. The Department of Labor has been asked to testify at a June 11th hearing on the bill. Specifically, Harkin's bill would harmonize U.S. child labor laws in agriculture with those regulating non-agricultural employment, increase penalties (civil and criminal) for child labor law violations, and increase the Department of Labor's capacity to enforce child labor laws.

We anticipate that Senator Harkin's legislation would bring federal law closer to conformity with the anticipated convention on the most extreme forms of child labor. For example, the bill would prohibit work on farms by children under 14 and prevent 16 & 17 year olds from doing hazardous farm work. However, the bill will leave the family farm exemption fully intact. Harkin's bill will also go further in some areas than would likely be required by the new convention. For example, the bill would ban the use of children in door-to-door for-profit sales, while continuing to allow charitable and non-profit activities.

Although the bill has virtually no chance of passage this year, Harkin is planning to aggressively promote it and is working closely with Senator DeWine in an effort to win bipartisan support. (DeWine has been noncommittal thus far.) Harkin is eager for an endorsement -- either general or specific -- from the Administration.

Options & Recommendations

Option #1: Take No Position on the Harkin bill. Under this option the Department of Labor would confine its June 11th testimony to analysis, without taking a position.

PROS:

- Doesn't lock us into supporting legislation that probably won't pass this year.

CONS:

- Will diminish our credibility in our fight against child labor with NGOs, allies in Congress, the labor movement and some members of the media.

Option #2: Make a general statement of support for Harkin's efforts to modernize our child labor laws. Under this option, Secretary Herman would be generally supportive of Harkin's efforts to close the most extreme loopholes in our child labor laws.

PROS:

- Reinforces the Administration's commitment to fighting child labor domestically, as well as internationally.
- Enhances our international position by demonstrating our willingness to change U.S. law to conform with a new convention.
- Builds goodwill with Senator Harkin, who is championing your budget request on child labor, specifically the 10-fold increase in funding for the International Program for the Elimination of Child Labor.

CONS:

- Republicans may oppose the legislation.
- The Farm Bureau and agricultural employers may oppose the bill.

Option #3: Support the Harkin bill. Under this option Secretary Herman would formally endorse the legislation prior to the hearing.

PROS:

- Strongest demonstration of the Administration's commitment to fighting child labor domestically.

CONS:

- Commits us to the bill so early in process that we would have little leverage to change it down the road.
- Commits us to supporting changes beyond those necessary to fight the most extreme forms of child labor under the new convention.
- There has been insufficient time for the bill to be vetted by interested parties whose reaction to its specifics cannot be fully anticipated.

The NEC, OMB and Secretary Herman recommend Option #2. Secretaries Glickman and Daley has no objection. Secretary Herman feels that this will give support to our allies on the Hill and help to focus on child labor problems within the U.S., without locking us into a specific piece of legislation. By focusing on the most obvious loopholes in our domestic laws, we can hold the moral high ground. Secretary Glickman's view on this issue is the same as on the ILO convention. He has concerns, but they can be managed if the family farm exemption remains in tact.

In sum, your advisors feel that option 2 optimizes our position by enhancing our credibility both domestically and internationally, while maintaining the focus on some of the most obvious loopholes in our law and still preserving some flexibility for us in the next Congress. This recommendation, combined with the recommendation that you take a leadership role on the new ILO convention, makes a serious statement of your commitment to the issue of child labor and lays the foundation for important progress on this issue both domestically and internationally over the next two years.

THE WHITE HOUSE
WASHINGTON

June 4, 1998

MR. PRESIDENT:

This Sperling/Reed memo seeks your approval of several policy announcements already included in the new draft of Friday's MIT speech, which you will receive separately today.

Technology Literacy. Gene and Bruce ask you to announce a national goal of universal information technology literacy by the time students complete middle school. Literacy means having the ability to: use technology as a learning tool in core subjects; locate and synthesize information from multiple sources; communicate and present information using electronic media; and collaborate in teams using technology. They also propose challenging the states to make technology literacy a middle school graduation requirement.

Building on your previously announced FY99 Educational Technology Initiative, Sperling/Reed propose to: (a) target \$180M over 3 years from the \$2B Technology Literacy Challenge Fund to provide technology training to teams of teachers, who can train other teachers, in all middle schools with technology literacy requirements; and (b) support competitions to develop high-quality educational software and web sites (\$5M/year for 3 years).

Approve ____ Disapprove ____ Discuss ____

None of your advisors objects to these proposals.

Phil Caplan *Phil*
Sean Maloney *SM*

THE WHITE HOUSE

WASHINGTON

June 3, 1998

MEMORANDUM FOR THE PRESIDENT

CC: THE VICE PRESIDENT

FROM: GENE SPERLING, BRUCE REED, TOM KALIL

RE: MIT COMMENCEMENT ADDRESS -- UNIVERSAL INFORMATION TECHNOLOGY LITERACY

Summary: We believe that you should use the MIT commencement address to set a national goal of universal information technology literacy by the time students leave middle school. We think there is a strong case to be made that this is a "new basic." To be full participants in the information economy and information society - our children need to be able to use information technology to acquire and synthesize information, prepare for a life-time of learning, and collaborate in the technology-intensive workplace of the 21st century. Information technology can also be a powerful tool for teaching and learning in all academic subjects. As of 1996, 10 states have already established some sort of requirement in this area - although most require a course or demonstration of competency for high school graduation.

This initiative builds on your Educational Technology Initiative -- the centerpiece of which is the \$2 billion Technology Literacy Challenge Fund. You have set four goals: connecting all classrooms to the Internet, training teachers, increasing the number of computers in the classroom, and promoting the development of high-quality educational software. Since the press has tended to focus on the "wiring" goal -- the MIT announcement focuses on the ability of students to use the technology and teacher training.

To strengthen this initiative -- we believe that you should:

- Provide states that join with you to meet this goal with the resources to train a team of technology expert teachers in each middle school - who could in turn help train the other teachers. The cost of this (\$180 million over three years) would be paid for by targeting a portion of the Technology Literacy Challenge Fund -- which is already slated to increase in the FY2000 budget.
- Support competitions to encourage the development of high-quality educational software and educational Web sites by students, university faculty, and commercial software companies -- and make it easier for teachers and parents to find high-quality resources. This would cost \$5 million per year for three years.

Your vision of universal information technology (IT) literacy needs to be broader than the traditional definition of "computer literacy" - which has tended to focus on the basic skills required to use a computer and a few computer programs, such as a word processor or a spreadsheet. This is necessary but not sufficient. For example, students need to be able to effectively use information technology to locate, extract, and synthesize information from multiple sources. They need to be able to use information technology to learn and express key concepts in all academic subjects - such as math and science.

Why should you call for universal IT literacy?

1. Information technology can be a powerful tool for teaching and learning in all academic subjects

IT literacy is not just an end in itself. The rationale for your Educational Technology Initiative is that information technology can be a powerful tool for teaching and learning across the curriculum. Students who are IT literate and who have access to technology are able to:

- Engage in project-based learning - such as collecting and sharing environmental information with students and scientists all over the world;
- Conduct research using primary material - such as the Library of Congress;
- Learn at their own pace, and get immediate feedback on whether they understand a new concept by using interactive courseware.

2. Many high-wage jobs now require IT skills:

- There is already a 10-15 percent wage premium for people who know how to use computers as compared to those who don't.
- Jobs in the information technology sector pay \$48,000 per year, as compared to a private sector average of \$28,000.
- Information technology is increasingly pervasive in all industries. Many firms are using information technology to customize products and services, forge closer relationships with customers and suppliers, and slash the time required to develop new products. A machinist, for example, may need to know how to operate a programmable machine tool.
- Although there is some debate about the exact numbers, many high-tech companies report that they cannot hire enough workers with IT skills, and that this is their number one constraint on growth.

3. Being IT-literate will allow people to be full participants in the emerging Information Society:

Information technologies are becoming so pervasive that people who are IT-literate will have more opportunities and will be able to make better choices -- as workers, parents, voters, consumers, owners of small business, and members of local communities. People who are IT-literate are able to:

- Be better consumers of health care by finding out what others are saying about the quality of care they are receiving from HMOs or individual physicians;
- Track the voting record of their member of Congress on issues they care about -- or get more information on a policy issue than the 30 second soundbite on the evening news;
- Tap in to an EPA database to find out what corporations are dumping toxic substances into the local environment;
- Work from home - or use the Internet to sell the products and services of their own small business;
- Log on to the web site of their local school to find out what homework their children are supposed to be doing, communicate more frequently with their children's teachers, and compare how their school is doing relative to other schools;
- Use "intelligent agents" to get the best price on a new car or a family vacation;
- Acquire a new skill to compete for a higher-wage job by participating in a "virtual university"; and
- Learn and adapt to future waves of technological innovation.

Proposed Administration "vision" for universal IT literacy

- Just as schools would not allow students to graduate from middle school without being able to read and write -- all students should be "IT literate" before they graduate from middle school.
- This is a "new basic" - but it clearly rests on a foundation of the fundamentals -- the first basic skills. Obviously, knowing to send e-mail or browse the Web is worthless without knowing how to read and write effectively.
- Being IT literate is about more than knowing how to turn on a computer and use a few computer programs. It requires demonstrating the ability to:

- Use technology effectively as a tool for learning in core academic subjects;
 - Locate and synthesize information from multiple sources;
 - Communicate and present information effectively using electronic media; and
 - Collaborate in teams using information technology.
- The Administration will call on educators and high-tech employers to develop a consensus on the important elements of IT literacy -- building on the experiences of states and local school districts that have been leaders in this area.

Technology training for teachers

Students will have a difficult time becoming technologically literate unless their teachers are as comfortable with a computer as they are with the chalkboard. As you noted in a speech you gave last year, "I met with a group of young people yesterday in their 20s who said .. 'What difference will it make if you connect every classroom in the country to the Information Superhighway if the teachers aren't trained to use the technology and the kids know more than they do?'"

We think that it would make sense to provide states that set a goal of universal IT literacy with the funding to train a team of technology experts in each middle school - who could in turn help train the other teachers.

We estimate that the cost of this would be \$180 million over three years - \$30 million in the first year, and ramping up to \$90 million in year 3 as all states establish universal IT literacy as a goal. It would be paid for by targeting a portion of the Technology Literacy Challenge Fund over the next three years -- which is already slated to increase in the FY2000 budget.

Schools would use the money (\$20,000 over three years) to:

- Provide intensive training during the summer to a team of teachers in each school; and
- Provide follow-up training and release time so that these teachers can help train other teachers.

Competition for high-quality educational software

You could also use the speech to announce that the Administration will sponsor competitions for educational software and educational Web sites -- working with industry, educators, and other experts. These competitions would award prizes in different categories,

including students, university faculty, and commercial software developers.

These competitions would:

- Highlight the incredible ways in which students are using technology in the classroom. One recent contest encouraged students to develop interactive Web sites on Black History Month, tracking a stock market portfolio using real-time data, and modeling the tradeoffs between tourism and the environment in Hawaii.
- Help students, parents and teachers find higher-quality software by providing prizes to software and Web sites that are truly excellent.
- Provide grants to universities that developed the best ideas for developing educational software.

The cost of this proposal would be \$5 million per year for three years.

Discussion

Pros

- Universal IT literacy is clearly an important national goal. Achieving this goal will help students improve their academic performance, prepare them for the workplace of the 21st century, and enable them to be full participants in the emerging Information Society.
- Even those parents who have a sense that technology has passed them by definitely want their children to participate in the Information Revolution.
- This initiative would also make progress on teacher training and educational software.

Cons

- It may be difficult to communicate that the Administration is promoting something that goes beyond the traditional, narrow definition of "computer literacy."
- The proposal could get caught up in the politics of the national standards debate.

Views of your advisors

This proposal is supported by the Department of Education, NEC, DPC, and OMB. Secretary Riley wants to make sure that you use the speech to defend the e-rate -- since it is under attack and is the biggest source of revenue we have to help reduce the gap between rich and poor schools. There is a section on the e-rate in the current draft of your speech.

WHITE HOUSE STAFFING MEMORANDUM

Date: 6/3 ACTION / CONCURRENCE / COMMENT DUE BY: 6/4 12 noon

Subject: MIT Commencement - Second Memo - Universal Information Technology

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	McCURRY	☐	☒
BOWLES	☒	☐	McGINTY	☐	☐
McLARTY	☐	☐	NASH	☐	☐
PODESTA	☒	☐	REED	☒	☐
MATHEWS	☒	☐	RUFF	☐	☐
LEW	☒	☐	SMITH	☐	☐
BEGALA	☒	☐	SOSNIK	☒	☐
BERGER	☐	☐	SPERLING	☐	☐
BLUMENTHAL	☒	☐	STEIN	☒	☐
ECHAVESTE	☒	☐	STERN	☐	☐
EMANUEL	☒	☐	STREETT	☐	☐
GIBBONS	☒	☐	VERVEER	☐	☐
IBARRA	☒	☐	WALDMAN	☒	☐
KLAIN	☒	☐	YELLEN	☐	☐
LEWIS	☒	☐	_____	☐	☐
LINDSEY	☐	☐	_____	☐	☐
MARSHALL	☐	☐	_____	☐	☐
			_____	☐	☐

REMARKS:

Comments to his office

RESPONSE:

THE WHITE HOUSE

WASHINGTON

June 3, 1998

MEMORANDUM FOR THE PRESIDENT

CC: THE VICE PRESIDENT

FROM: GENE SPERLING, BRUCE REED, TOM KALIL

RE: MIT COMMENCEMENT ADDRESS -- UNIVERSAL INFORMATION
TECHNOLOGY LITERACY

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3. Being IT-literate will allow people to be full participants in the emerging Information Society:

Information technologies are becoming so pervasive that people who are IT-literate will have more opportunities and will be able to make better choices -- as workers, parents, voters, consumers, owners of small business, and members of local communities. People who are IT-literate are able to:

- Be better consumers of health care by finding out what others are saying about the quality of care they are receiving from HMOs or individual physicians;
- Track the voting record of their member of Congress on issues they care about -- or get more information on a policy issue than the 30 second soundbite on the evening news;
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- Work from home - or use the Internet to sell the products and services of their own small business;
- Log on to the web site of their local school to find out what homework their children are supposed to be doing, communicate more frequently with their children's teachers, and compare how their school is doing relative to other schools;
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Proposed Administration "vision" for universal IT literacy

- Just as schools would not allow students to graduate from middle school without being able to read and write -- all students should be "IT literate" before they graduate from middle school.
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- Being IT literate is about more than knowing how to turn on a computer and use a few computer programs. It requires demonstrating the ability to:

- Use technology effectively as a tool for learning in core academic subjects;
 - Locate and synthesize information from multiple sources;
 - Communicate and present information effectively using electronic media; and
 - Collaborate in teams using information technology.
- The Administration will call on educators and high-tech employers to develop a consensus on the important elements of IT literacy -- building on the experiences of states and local school districts that have been leaders in this area.

Technology training for teachers

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We think that it would make sense to provide states that set a goal of universal IT literacy with the funding to train a team of technology experts in each middle school - who could in turn help train the other teachers.

We estimate that the cost of this would be \$180 million over three years - \$30 million in the first year, and ramping up to \$90 million in year 3 as all states establish universal IT literacy as a goal. It would be paid for by targeting a portion of the Technology Literacy Challenge Fund over the next three years -- which is already slated to increase in the FY2000 budget.

Schools would use the money (\$20,000 over three years) to:

- Provide intensive training during the summer to a team of teachers in each school; and
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You could also use the speech to announce that the Administration will sponsor competitions for educational software and educational Web sites -- working with industry, educators, and other experts. These competitions would award prizes in different categories,

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- Help students, parents and teachers find higher-quality software by providing prizes to software and Web sites that are truly excellent.
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The cost of this proposal would be \$5 million per year for three years.

Discussion

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- Universal IT literacy is clearly an important national goal. Achieving this goal will help students improve their academic performance, prepare them for the workplace of the 21st century, and enable them to be full participants in the emerging Information Society.
- Even those parents who have a sense that technology has passed them by definitely want their children to participate in the Information Revolution.
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THE WHITE HOUSE

WASHINGTON

June 3, 1998

'98 JUN 4 AM 8:42

MEMORANDUM FOR THE PRESIDENT

CC: THE VICE PRESIDENT

FROM: GENE SPERLING, BRUCE REED, TOM KALIL

RE: MIT COMMENCEMENT ADDRESS -- UNIVERSAL INFORMATION
TECHNOLOGY LITERACY

Summary: We believe that you should use the MIT commencement address to set a national goal of universal information technology literacy by the time students leave middle school. We think there is a strong case to be made that this is a "new basic." To be full participants in the information economy and information society - our children need to be able to use information technology to acquire and synthesize information, prepare for a life-time of learning, and collaborate in the technology-intensive workplace of the 21st century. Information technology can also be a powerful tool for teaching and learning in all academic subjects. As of 1996, 10 states have already established some sort of requirement in this area - although most require a course or demonstration of competency for high school graduation.

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To strengthen this initiative -- we believe that you should:

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Your vision of universal information technology (IT) literacy needs to be broader than the traditional definition of “computer literacy” - which has tended to focus on the basic skills required to use a computer and a few computer programs, such as a word processor or a spreadsheet. This is necessary but not sufficient. For example, students need to be able to effectively use information technology to locate, extract, and synthesize information from multiple sources. They need to be able to use information technology to learn and express key concepts in all academic subjects - such as math and science.

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Discussion

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- Universal IT literacy is clearly an important national goal. Achieving this goal will help students improve their academic performance, prepare them for the workplace of the 21st century, and enable them to be full participants in the emerging Information Society.
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RE: MIT COMMENCEMENT ADDRESS -- UNIVERSAL INFORMATION
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Summary: We believe that you should use the MIT commencement address to set a national goal of universal information technology literacy by the time students leave middle school. We think there is a strong case to be made that this is a "new basic." To be full participants in the information economy and information society - our children need to be able to use information technology to acquire and synthesize information, prepare for a life-time of learning, and collaborate in the technology-intensive workplace of the 21st century. Information technology can also be a powerful tool for teaching and learning in all academic subjects. As of 1996, 10 states have already established some sort of requirement in this area - although most require a course or demonstration of competency for high school graduation.

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To strengthen this initiative -- we believe that you should:

- Provide states that join with you to meet this goal with the resources to train a team of technology expert teachers in each middle school - who could in turn help train the other teachers. The cost of this (\$180 million over three years) would be paid for by targeting a portion of the Technology Literacy Challenge Fund -- which is already slated to increase in the FY2000 budget.
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Your vision of universal information technology (IT) literacy needs to be broader than the traditional definition of “computer literacy” - which has tended to focus on the basic skills required to use a computer and a few computer programs, such as a word processor or a spreadsheet. This is necessary but not sufficient. For example, students need to be able to effectively use information technology to locate, extract, and synthesize information from multiple sources. They need to be able to use information technology to learn and express key concepts in all academic subjects - such as math and science.

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98 JUN 3 PM5:48

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TECHNOLOGY LITERACY

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This initiative builds on your Educational Technology Initiative -- the centerpiece of which is the \$2 billion Technology Literacy Challenge Fund. You have set four goals: connecting all classrooms to the Internet, training teachers, increasing the number of computers in the classroom, and promoting the development of high-quality educational software. Since the press has tended to focus on the "wiring" goal -- the MIT announcement focuses on the ability of students to use the technology and teacher training.

To strengthen this initiative -- we believe that you should:

- Provide states that join with you to meet this goal with the resources to train a team of technology expert teachers in each middle school - who could in turn help train the other teachers. The cost of this (\$180 million over three years) would be paid for by targeting a portion of the Technology Literacy Challenge Fund -- which is already slated to increase in the FY2000 budget.
- Support competitions to encourage the development of high-quality educational software and educational Web sites by students, university faculty, and commercial software companies -- and make it easier for teachers and parents to find high-quality resources. This would cost \$5 million per year for three years.

Your vision of universal information technology (IT) literacy needs to be broader than the traditional definition of “computer literacy” - which has tended to focus on the basic skills required to use a computer and a few computer programs, such as a word processor or a spreadsheet. This is necessary but not sufficient. For example, students need to be able to effectively use information technology to locate, extract, and synthesize information from multiple sources. They need to be able to use information technology to learn and express key concepts in all academic subjects - such as math and science.

Why should you call for universal IT literacy?

1. Information technology can be a powerful tool for teaching and learning in all academic subjects

IT literacy is not just an end in itself. The rationale for your Educational Technology Initiative is that information technology can be a powerful tool for teaching and learning across the curriculum. Students who are IT literate and who have access to technology are able to:

- Engage in project-based learning - such as collecting and sharing environmental information with students and scientists all over the world;
- Conduct research using primary material - such as the Library of Congress;
- Learn at their own pace, and get immediate feedback on whether they understand a new concept by using interactive courseware.

2. Many high-wage jobs now require IT skills:

- There is already a 10-15 percent wage premium for people who know how to use computers as compared to those who don't.
- Jobs in the information technology sector pay \$48,000 per year, as compared to a private sector average of \$28,000.
- Information technology is increasingly pervasive in all industries. Many firms are using information technology to customize products and services, forge closer relationships with customers and suppliers, and slash the time required to develop new products. A machinist, for example, may need to know how to operate a programmable machine tool.
- Although there is some debate about the exact numbers, many high-tech companies report that they cannot hire enough workers with IT skills, and that this is their number one constraint on growth.

3. Being IT-literate will allow people to be full participants in the emerging Information Society:

Information technologies are becoming so pervasive that people who are IT-literate will have more opportunities and will be able to make better choices -- as workers, parents, voters, consumers, owners of small business, and members of local communities. People who are IT-literate are able to:

- Be better consumers of health care by finding out what others are saying about the quality of care they are receiving from HMOs or individual physicians;
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- Learn and adapt to future waves of technological innovation.

Proposed Administration "vision" for universal IT literacy

- Just as schools would not allow students to graduate from middle school without being able to read and write -- all students should be "IT literate" before they graduate from middle school.
- This is a "new basic" - but it clearly rests on a foundation of the fundamentals -- the first basic skills. Obviously, knowing to send e-mail or browse the Web is worthless without knowing how to read and write effectively.
- Being IT literate is about more than knowing how to turn on a computer and use a few computer programs. It requires demonstrating the ability to:

- Use technology effectively as a tool for learning in core academic subjects;
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 - Communicate and present information effectively using electronic media; and
 - Collaborate in teams using information technology.
- The Administration will call on educators and high-tech employers to develop a consensus on the important elements of IT literacy -- building on the experiences of states and local school districts that have been leaders in this area.

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Students will have a difficult time becoming technologically literate unless their teachers are as comfortable with a computer as they are with the chalkboard. As you noted in a speech you gave last year, "I met with a group of young people yesterday in their 20s who said .. 'What difference will it make if you connect every classroom in the country to the Information Superhighway if the teachers aren't trained to use the technology and the kids know more than they do?'"

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Schools would use the money (\$20,000 over three years) to:

- Provide intensive training during the summer to a team of teachers in each school; and
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Competition for high-quality educational software

You could also use the speech to announce that the Administration will sponsor competitions for educational software and educational Web sites -- working with industry, educators, and other experts. These competitions would award prizes in different categories,

including students, university faculty, and commercial software developers.

These competitions would:

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- Help students, parents and teachers find higher-quality software by providing prizes to software and Web sites that are truly excellent.
- Provide grants to universities that developed the best ideas for developing educational software.

The cost of this proposal would be \$5 million per year for three years.

Discussion

Pros

- Universal IT literacy is clearly an important national goal. Achieving this goal will help students improve their academic performance, prepare them for the workplace of the 21st century, and enable them to be full participants in the emerging Information Society.
- Even those parents who have a sense that technology has passed them by definitely want their children to participate in the Information Revolution.
- This initiative would also make progress on teacher training and educational software.

Cons

- It may be difficult to communicate that the Administration is promoting something that goes beyond the traditional, narrow definition of "computer literacy."
- The proposal could get caught up in the politics of the national standards debate.

Views of your advisors

This proposal is supported by the Department of Education, NEC, DPC, and OMB. Secretary Riley wants to make sure that you use the speech to defend the e-rate -- since it is under attack and is the biggest source of revenue we have to help reduce the gap between rich and poor schools. There is a section on the e-rate in the current draft of your speech.

WHITE HOUSE STAFFING MEMORANDUM

Date: 6/3 ACTION / CONCURRENCE / COMMENT DUE BY: 6/4 12 noon

Subject: MIT Commencement - Second Memo - Universal Information Technology

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	McCURRY	☐	☒
BOWLES	☒	☐	McGINTY	☐	☐
McLARTY	☐	☐	NASH	☐	☐
PODESTA	☒	☐	REED	☒	☐
MATHEWS	☒	☐	RUFF	☐	☐
LEW	☒	☐	SMITH	☐	☐
BEGALA	☒	☐	SOSNIK	☒	☐
BERGER	☐	☐	SPERLING	☐	☐
BLUMENTHAL	☒	☐	STEIN	☒	☐
ECHAVESTE	☒	☐	STERN	☐	☐
EMANUEL	☒	☐	STRETT	☐	☐
GIBBONS	☒	☐	VERVEER	☐	☐
IBARRA	☒	☐	WALDMAN	☒	☐
KLAIN	☒	☐	YELLEN	☐	☐
LEWIS	☒	☐	_____	☐	☐
LINDSEY	☐	☐	_____	☐	☐
MARSHALL	☐	☐	_____	☐	☐
			_____	☐	☐

REMARKS:

Comments to his office

RESPONSE:

THE WHITE HOUSE

WASHINGTON

June 3, 1998

MEMORANDUM FOR THE PRESIDENT

CC: THE VICE PRESIDENT

FROM: GENE SPERLING, TOM KALIL

RE: MIT COMMENCEMENT ADDRESS -- UNIVERSAL INFORMATION
TECHNOLOGY LITERACY

Summary: We believe that you should use the MIT commencement address to set a national goal of universal information technology literacy by the time students leave middle school. We think there is a strong case to be made that this is a "new basic." To be full participants in the information economy and information society - our children need to be able to use information technology to acquire and synthesize information, prepare for a life-time of learning, and collaborate in the technology-intensive workplace of the 21st century. Information technology can also be a powerful tool for teaching and learning in all academic subjects. As of 1996, 10 states have already established some sort of requirement in this area - although most require a course or demonstration of competency for high school graduation.

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268052

THE WHITE HOUSE

WASHINGTON

June 23, 1998

MR. PRESIDENT:

The attached Berger/Stein memo asks you to approve consultations with Congress over the number/allocation of refugees to be admitted to the U.S. in FY99. You authorize these consultations annually. Once your advisers have completed these consultations, you will issue a Presidential Determination finalizing the numbers.

Background. The Refugee Program identifies and provides protection to foreign refugees by bringing such persons to the U.S. for permanent resettlement. Current law requires you to make a determination each year on the overall number and allocation of refugees to be admitted and resettled in the U.S.

Proposal. Your advisers (NSC, State, Justice, HHS) propose an FY99 refugee admission ceiling of 78,000, which is less than the current year's ceiling of 83,000, but more than the 76,000 actually expected to be resettled in FY98. The regional breakdown is as follows:

Europe	48,000
Africa	12,000
East Asia	9,000
Near East/South Asia	4,000
Latin America/Caribbean	3,000
Unallocated reserve	2,000

These numbers represent a big increase for Africa (from 7,000 to 12,000); a decrease for South Asia, because our refugee programs in Vietnam are winding down; and a reduction for Soviet Jews (Europe) based on a drop in the applicant pool.

Approve Consultations ☐ Disapprove ☐ Discuss ☐

Phil Caplan *Phil*
Sean Maloney *SM*

THE WHITE HOUSE

WASHINGTON

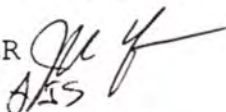
June 18, 1998

~~98 JUN 18 PM 10:25~~ACTION

MEMORANDUM FOR THE PRESIDENT

98 JUN 19 PM 2:34

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
LARRY STEIN
AKS

SUBJECT: Proposed Refugee Admissions for FY 1999

Purpose

To obtain your approval to consult with Congress on proposed refugee admissions for FY 1999.

Background

INA Requirement: The Immigration and Nationality Act requires you to determine, before the beginning of each fiscal year, the number and allocation of refugees who will be authorized to be admitted and resettled in the United States. If you so authorize, a process of formal congressional consultation will begin shortly and will lead to a Presidential Determination regarding the program for FY 1999.

Refugee Program: The Refugee Program is designed to identify and provide protection to refugees located overseas by bringing such persons to the United States and granting them permanent status here. It is distinct from the asylum process, which permits persons who are already within the United States to seek the permanent protection of our country.

Criteria: We have traditionally based our annual allocations on criteria that include historical and familial associations between the affected population and the United States, foreign policy/national security concerns, congressional sentiment and the threats faced by the affected population. In recent years, we have increased our collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR) in identifying those persons in greatest need of resettlement.

cc: Vice President
Chief of Staff



Proposal: In consultation with NSC staff, the Departments of State, Justice, and Health and Human Services propose a refugee admissions ceiling of 78,000 for FY 1999. Although this represents a reduction from the 1998 ceiling of 83,000, it is slightly more than the 76,000 we expect actually to admit in FY 1998.

Regional Breakdown of FY '99 Numbers: The FY 1999 numbers would be allocated by region as follows: 12,000 for Africa; 9,000 for East Asia; 48,000 for Europe; 3,000 for Latin America and the Caribbean; 4,000 for the Near East and South Asia and 2,000 for an unallocated reserve.

There are three notable differences between these proposed regional ceilings and the projected admissions for the current fiscal year. First, there is a substantial increase from 7,000 to 12,000 of the number of slots available to Africans, a change aimed at providing greater resettlement opportunities to the region with the highest number of refugees in the world. Second, there is a decrease from 14,000 to 9,000 for East Asia. This is the result of the winding down of our in-country refugee admissions program in Vietnam. Third, our ceiling for Soviet Jews and Evangelical Christians will be reduced from 26,000 to 23,000. This decrease is the consequence of a declining applicant pool (in fact, we expect this year to resettle no more than 23,000 of the 26,000 included in the FY 1998 ceiling), as well as the post-Cold War political evolution in the former Soviet Union. State has consulted with a broad array of non-governmental organizations, and we do not anticipate significant opposition to this proposal.

RECOMMENDATION

That you sign the attached memorandum to the Secretary of State authorizing congressional consultations on the FY 1999 Refugee Admissions Program.

Attachments

Tab A Memorandum to the Secretary of State

Tab B Materials Provided by the Department of State

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: FY 1999 Refugee Admissions Consultations

In accordance with Section 207 of the Immigration and Nationality Act (INA), you are authorized to consult with the appropriate committees of the Congress concerning refugee admissions as follows:

1. The authorization of 78,000 refugee admissions during FY 1999, which would be allocated by specific region as follows: 12,000 for Africa; 9,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 4,000 for the Near East and South Asia; 48,000 for Europe; and 2,000 for the Unallocated Reserve. The recommended level of funded admissions (75,000) is equal to the level assumed in the FY 1999 budget request.
2. The authorization of an additional 10,000 refugee admission numbers to be made available for the adjustment to permanent resident status of persons who have been granted asylum in the United States.
3. The designation, pursuant to section 101(a) (42) (B) of the INA, of persons in Cuba, Vietnam, and the former Soviet Union, who if they otherwise qualify for admission as refugees, may be considered refugees under the INA even though they are still within their country of nationality or habitual residence.

cc: The Attorney General
The Secretary of Health and Human Services



United States Department of State

Washington, D.C. 20520

3282

May 6, 1998

UNCLASSIFIEDMEMORANDUM FOR GLYN DAVIES
THE WHITE HOUSE

SUBJECT: FY 1999 Refugee Admission Numbers

The Immigration and Nationality Act requires the President to determine, before the beginning of each fiscal year, the number and allocation of refugees that will be authorized to be admitted and resettled in the United States during the coming year.

78,000 The Departments of State, Justice, and Health and Human Services have consulted with concerned private voluntary resettlement organizations, representatives of state and local governments and, on an informal basis, with Members of Congress. As a result of these consultations, and interagency agreement, the Department is recommending a refugee admissions ceiling for Fiscal Year 1999 of ~~75,000~~. The table at Tab 1 presents a proposed admissions allocation. Tab 2 is a draft memorandum from the President to the Secretary of State authorizing consultations with Congress on FY 1999 admissions. Tab 3 is a detailed description of the various programs and justification for the regional allocations. The recommended level of funded admissions is equal to the 75,000 admissions assumed in the State Department and HHS FY 1999 budget requests.

Thank you for your assistance in this matter.

Rose M. Jenkins for
Kristie A. Kenney
Executive Secretary

Attachments:

- Tab 1 - Admissions Table
- Tab 2 - Draft memorandum for the Secretary of State
- Tab 3 - FY 1999 Program Description

PROPOSED CEILING FOR REFUGEE ADMISSIONS IN FY-1999

REGION of ORIGIN	CEILING	
Africa	12,000	
East Asia	9000*	
Europe	45,000	48,000
Latin America/Caribbean	3,000	
Near East/South Asia	4,000	
Unallocated Reserve	2,000	
TOTAL	75,000	78,000

* This figure includes Amerasians and their family members who enter as immigrants under a special statutory provision but receive the same benefits as refugees.

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: FY 1999 Refugee Admissions Consultations

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cc: The Attorney General
The Secretary of Health and Human Services

Refugee Admissions -- FY-99

REGIONAL PROGRAM DESCRIPTIONS

AFRICA

Overview

The U.S. Committee for Refugees World Survey for 1997 reports that there are some 3.7 million refugees in Africa, dispersed among 39 countries. African refugees comprise about one quarter of the world's refugee population. Historically, the flow of refugees throughout Africa has been fluid, with people moving in large numbers and nations being both refugee sending and receiving countries. Africa has been something of a model when it comes to honoring the principles of first asylum. Refugee populations were allowed to cross into neighboring countries and received protection and assistance. They did not encounter threats of refoulement and were permitted to stay until it was safe to go home. There have been, however, several incidents over the past few years, that indicate that this spirit of hospitality may be lessening.

The African refugee resettlement program has been growing steadily for the past ten years, as the chart below exhibits. We believe that continued growth is warranted given the large numbers of refugees in Africa. In FY-98, the USG took two major steps toward further expansion of the program, the benefits of which will be seen mostly from FY-99 onward. We authorized the establishment of a Joint Voluntary Agency sub-office in Dakar, Senegal, to facilitate the processing of West African cases while also augmenting the program's processing capacity overall. The USG also established a new mechanism of access to U.S. resettlement processing under Priority Two. Priority Two allows access to the program for groups identified in consultation with Congress and the refugee advocacy community, on an ongoing basis. In FY-99, possibly half or even more of the U.S. admissions from Africa will come from groups identified under Priority Two.

Voluntary Repatriation

Over the past few years, many of Africa's long time refugees have returned home. In 1996 and 1997, 1.2 million Rwandans returned from Burundi, Zaire and Tanzania. In 1997 and 1998, refugees have begun returning to Ethiopia, Eritrea, Somalia, Mauritania, Mali, Togo, and Liberia. Although signs were positive in 1997 for repatriation to Sierra Leone, the new outbreak of hostilities has over the last year caused renewed refugee flight from Sierra Leone rather than return. The situation in Sudan remains volatile and unsafe for repatriation, so the 400,000 or more Sudanese refugees in neighboring countries have no prospect for return at this time.

Resettlement within the Region

While African nations historically have provided safe first asylum for refugees, most countries have not been willing to offer permanent resettlement. The expectation that refugees would eventually return home ensured their being granted first asylum protection. Now, we are concerned that this generous spirit of hospitality may be waning. Indefinite first asylum without threat of refoulement had previously approached conditions of local integration. This may no longer be the case.

Burkina Faso and Mozambique are two notable exceptions, in that both countries are in the process of making themselves available for permanent resettlement of African refugees. Both governments are working with the UNHCR to identify and relocate refugees for resettlement.

Third Country Resettlement outside the Region

Third country resettlement outside of Africa will remain a necessary and important component of refugee protection and assistance in Africa for the foreseeable future. Continuing ethnic tensions and fighting, human rights abuses, competition for resources, political upheaval and change, religious intolerance, and the easy availability of modern weaponry can all be expected to generate substantial numbers of additional refugees. Resettlement outside the region can become necessary for the protection of some refugees when repatriation (or local integration) is not an option. In other cases, refugees have been so severely traumatized by past persecution that return home is not possible. Especially in the final resolution of refugee situations, third country resettlement plays a key role for residual populations who cannot return home safely for security or other reasons.

The U.S. resettlement program for African refugees accepts more people per year than the combined total of all other resettlement countries. While less flexible and responsive to emergency situations involving individual cases, the U.S. program can and does address the resettlement needs of larger groups. In this way, the U.S. program and the programs of other countries that accept far fewer refugees but can do it much more quickly, are complementary.

U.S. Admissions Program

Virtually all refugee admissions processing in Africa is coordinated by the U.S. Embassy in Nairobi, assisted by a Joint Voluntary Agency (JVA), under a cooperative agreement with the Department of State, and the International Organization for Migration (IOM) under a Memorandum of Understanding (MOU). Processing takes place all over sub-Saharan Africa on a circuit-ride basis that calls for careful coordination among

the UNHCR for identification of refugees for processing and logistical support on site, JVA for case preparation, INS for adjudication, IOM for post-adjudication processing and travel arrangements. In previous years, the bulk of U.S. admissions processing for African refugees was conducted in Kenya, but in FY-98, the balance shifted dramatically, and the program now reaches across the continent.

The U.S. program also processes African refugees in Cairo, and in FY-98, this element of the program expanded significantly, primarily to address the needs of southern Sudanese refugees in Egypt. The Embassy in Cairo works with IOM to prepare and process cases, and INS adjudicators travel to Cairo periodically to adjudicate the cases.

FY 1998 Program

The U.S. admissions program for FY-98 includes a ceiling of 7,000 admissions from Africa. The program continues to grow more diverse both in terms of nationalities admitted to the U.S. and processing locations. In FY 97, African refugees were admitted to the U.S. from nineteen nationalities processed at over 20 different locations. The program will show similar diversity and reach in FY-98.

FY-98 is in some ways a transition year for the program in that both JVA and IOM have newly-established a presence in west Africa for case processing and Priority Two access to the program has augmented the Priority One referral system. Both in FY 96 and FY 97, the U.S. admissions pipeline from Africa was significantly strengthened by large Priority One group referrals from the UNHCR (the Benadir Somalis in 1996 and the Barawan Somalis in 1997). No such large group P-1 referral appeared for FY-98. UNHCR continues to work to develop its individual case referral capacity, and the U.S. program benefits from the increased volume of such referrals. However, in relative terms, the number of such referrals remains small. Priority Two access to the program in FY-98 will draw some 2,500-3,000 refugees into the processing pipeline.

FY 1999 Proposal and Processing Priorities

We propose a ceiling of 12,000 African refugees for FY 1999. This figure takes into account both an assessment of the resettlement need in Africa and the management aspects of expanding the program responsibly and effectively. As in previous years, the population resettled in FY-99 will be diverse and scattered over the continent. Continued emphasis will be placed on both Priority One and Priority Two referrals into the program, with Priority Three access available to close relatives of certain nationalities.

All nationalities will continue to be eligible for Priority

One processing when referred to the U.S. program by UNHCR or a U.S. Embassy. Priority Two designations will continue on an ongoing basis as discreet groups with unifying characteristics are identified and found to be in need of resettlement. Those nationalities eligible for Priority Three access will remain unchanged from FY-98--Burundians, Sudanese, Sierra Leoneans, Ethiopians and Togolese (with the understanding that additions or changes to this list may be made as emerging situations warrant and after proper consultations).

Priority Three access for Liberians ended on December 31, 1997 as the situation in Liberia evolved and refugee populations returned to Liberia. The backlog of Liberian cases filed before that date will include some admissions in FY-99. We will continue to monitor the situation in Liberia. There will likely be UNHCR Priority One referrals from among the residual population as the repatriation progresses. There may also develop the need for a Priority Two designation or even a re-opening of Priority Three.

EAST ASIA

First Asylum

The Comprehensive Plan of Action for Indochinese refugees (CPA) was established in 1989 and was concluded on June 30, 1996 in Indonesia, Malaysia, the Philippines, Singapore, and Thailand, and on June 30, 1997 in Hong Kong. The CPA was created as a multilateral framework to resolve the outflow of thousands of people, primarily from Vietnam, to other countries in Southeast Asia and to Hong Kong. Its fundamental principles were to save lives by discouraging clandestine and unsafe departures, to preserve first asylum, to ensure humane treatment, and to support regular departure programs.

There are some 1,300 Vietnamese asylum seekers in Hong Kong, most of whom had been determined to be refugees, but who are ineligible for admission to the United States under U.S. law. The status of this group is unresolved, but we expect that they may be permitted to remain and will be integrated locally. In addition, there are approximately 700 CPA screened-out Vietnamese boat people. It is expected that this group will eventually be returned to Vietnam. Some 1,500 Vietnamese screened-out boat people remain in the Philippines. Although the Government of the Philippines has not made an official commitment, it appears likely that this group will be permitted to remain in the Philippines and integrate locally as well.

As of March 31, 1998, 1,340 Lao asylum seekers remained in a camp in Thailand. In September of 1997 the Royal Thai Government (RTG) initiated a final re-screening of this population and began notifying camp residents of the results in

January 1998. Only a small number of this population are expected to be found to be refugees in need of continued protection. The U.S. has reviewed this population carefully several times, and we believe there is no one left in the camp who is both eligible and wishes to resettle in the U.S. We are prepared to consider requests from UNHCR to review individual cases. Those found not to be refugees will be expected to return to Laos. The RTG intends to close the Lao camp during 1998.

Thailand currently hosts some 116,000 Burmese ethnic minorities and students in encampments along its border with Burma, as well as about 800 Burmese students/dissidents in the Bangkok area who are recognized by UNHCR as "persons of concern."

Thailand also hosts some 63,000-64,000 Cambodian refugees who arrived immediately following the outbreak of fighting in Phnom Penh on July 5, 1997. The majority of these refugees live in several camps located along the Thai-Cambodian border. Another several hundred Cambodian refugees are living in Bangkok and Aranyaprathet.

Voluntary Repatriation

Under the CPA, asylum seekers who were found not to be refugees as defined in the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol were not eligible for resettlement and were eventually expected to return to Vietnam. As of March 31, 1998, more than 110,000 screened out Vietnamese asylum seekers have returned to Vietnam from first asylum camps in Southeast Asia and Hong Kong. The majority, (approximately 89%), returned voluntarily. UNHCR monitors returnees in Vietnam, and no evidence of a policy or pattern of persecution or discrimination against these repatriates has been documented.

In March 1996, the Vietnamese government agreed, in principle, to cooperate with the U.S. government on a new resettlement opportunity for certain Vietnamese migrants. This initiative, referred to as the Resettlement Opportunity for Vietnamese Returnees (ROVR), was designed to offer a final chance at resettlement in the United States to eligible Vietnamese who were then still in first asylum camps in Hong Kong and Southeast Asia or who had recently returned to Vietnam. Under ROVR, any Vietnamese who returned to Vietnam from the first asylum camps between October 1, 1995 and June 30, 1996 (or who volunteered to return to Vietnam prior to June 30, 1996) could register for consideration for a resettlement interview with the U.S. Immigration and Naturalization Service (INS). ROVR was announced and registration began in the first asylum camps on April 22, 1996 and continued through June 30, 1996. Some 9,000 individuals registered to participate in ROVR.

and an additional 4,500-5,000 who had returned between October 1995 and April 1996 were also eligible for consideration.

Since September 1980, a UNHCR program has facilitated the voluntary repatriation of more than 25,000 Lowland Lao, Hmong and other Highlanders from Thailand. There are several reception centers for returnees in Laos, and UNHCR monitors the returnees to ensure their safety.

Resettlement in the Region

The willingness of countries in the region to resettle refugees or even to grant temporary asylum is constrained by security and economic concerns, as well as cultural, religious, and political sensitivities. It now appears likely that the Philippines and Hong Kong will quietly integrate some 2,800 Vietnamese migrants who were not resettled under the CPA.

During 1997, and the early part of 1998, Thailand has on several occasions pushed Burmese refugees back across the border into Burma as the Thai government, unfortunately, fears another situation like that created with Vietnamese, Laotians, and Cambodians after 1975.

Third Country Resettlement

After the inception of the CPA in 1989, the United States resettled some 17,000 or 34% of the remaining pre-cutoff population and some 13,000 or 39% of the post-cutoff screened-in population (out of a total of 33,000 screened-in). Prior to the CPA, the U.S. resettled some 162,000 Vietnamese from first asylum countries.

A number of other countries also resettled significant numbers of Indochinese asylum seekers as part of the CPA. The primary participants were Australia, Canada, and France, all of which resettled well over 100,000 people each since 1975. A number of other countries also resettled thousands during the same period. It is worth noting, however, that since 1975 the U.S. alone has resettled over 940,000 Indochinese refugees (540,000 Vietnamese, 123,000 Lowland Lao, 128,000 Highland Lao (mostly Hmong), and 150,000 Khmer); a total which surpasses all other resettlement countries combined.

U.S. Admissions

The U.S. refugee admissions program in Southeast Asia has consisted of two basic parts: admissions from first asylum countries to which refugees fled and admissions through in-country processing in Vietnam under the Bangkok-based Orderly Departure Program (ODP). From 1989 through June 30, 1997, admissions of Vietnamese and Lao refugees from first asylum countries was carried out in accordance with the CPA.

Under ODP, some 482,000 Vietnamese refugees, immigrants, and parolees have been admitted to the U.S. including approximately 165,000 persons under the Former Re-Education Camp Detainee subprogram, 85,300 under the Amerasian subprogram, and 208,300 under family reunification and other subprograms. In recent years, family reunification has been accomplished through the issuance of immigrant visas by Consular Officers working under ODP, and IV issuance is no longer tracked as part of ODP refugee statistics. At present, ODP issues approximately 1,300 immigrant visas per month.

The Amerasian immigrant program remains an integral part of ODP. This program admits Amerasians along with qualifying family members for resettlement in the U.S. Although the "Amerasian Homecoming Act" of 1987 designated Amerasians as a special class of immigrant, they are accorded refugee benefits and are therefore included in the refugee admissions ceiling for consistency with the budgetary process. Large-scale processing of the Amerasian caseload was completed in 1993, although direct registration and processing of the small number of remaining qualified applicants continues.

The U.S. and Vietnam agreed on a framework for implementing ROVR on January 23, 1997. Based on the terms of the agreement between the two governments, the U.S. submitted lists of applicants and possible applicants to the Vietnamese government, which is now in the process of contacting all persons on the lists and informing them of their eligibility to pursue a resettlement interview with the U.S. The Vietnamese government originally agreed to issue exit permits to all those who expressed interest in pursuing a ROVR interview and who also met general exit permit criteria under Vietnamese law. Both sides agreed in January 1997 to seek a flow of about 1,500 persons interviewed per month beginning in April 1997, and continuing to the end of the program. However, the Vietnamese government was unable to process applicants for exit permission quickly enough to reach this number, and interviews began very slowly. Last October, Vietnam announced that it was taking steps to accelerate procedures to clear ROVR applicants for interview. These new procedures have resulted in the clearance for interview of nearly 14,000 of the estimated 18,000 currently eligible for consideration under the program. INS officers are now interviewing approximately 1,900 ROVR applicants each month. At this pace, we expect to complete ROVR interviews by the end of FY 1998 and that nearly all approved ROVR cases will depart Vietnam for the U.S. by the end of 1998.

FY 1998 Program

The FY 1998 allocation for East Asia was 14,000. Given the current pace of ROVR interviews and departures of approved cases we expect to use all of the East Asian admission numbers

this year. Of the total admitted under the East Asian regional ceiling, some 13,500 will be used by ODP, primarily ROVR. We expect the remainder of the numbers to be used by Burmese and Lao refugees and a handful of others.

FY 1999 Proposal

The proposed admission ceiling for East Asia for FY 1999 is 9,000.

First Asylum: Direct resettlement from first asylum countries is not expected to exceed 500 and would include Burmese, Chinese, Vietnamese (the last few from first asylum countries) and Lao.

The Orderly Departure Program (ODP): Projected admissions for FY-99 under ODP are 8,500, which will consist of a final group of former reeducation camp detainees and eligible family members, Amerasians and accompanying family members, residual ROVR applicants and eligible family members, and other ODP subprogram cases.

FY 99 Processing Priorities

All nationalities will continue to be eligible for Priority One processing when referred to the U.S. program by UNHCR or a U.S. Embassy. Specific groups eligible for consideration under the Orderly Departure Program will be eligible for Priority Two processing.

EUROPE

Refugee admissions from Europe come from two large resettlement programs: one for refugees from the former Soviet Union and one for refugees from the former Yugoslavia. The programs are discussed below individually.

Former Soviet Union (FSU)

Throughout 1997 and 1998 all the republics of the former Soviet Union continued to struggle with economic and political reform. Freedom of emigration and speech, protection of minorities and efforts to resolve ethnic conflicts made marked progress over the past year, despite difficult economic conditions and incidents of criminal activity, including the kidnapping of international aid workers.

In the fall of 1997, the Russian Federation passed a law to restrict the registration and activities of minority and "nontraditional" religious groups. Implementation of the law in Russia and similar laws in other republics as yet shows no evidence of systematic enforcement or resulting restrictions. Some scattered, unrelated incidents of official obstructionism

with attempts to register or local hostility toward individual members or activities of religious groups perceived as "foreign" have been reported. Based on Embassy human rights reporting, anti-Semitic incidents show a similar pattern of scattered events associated with increased lawlessness and economic stress in search of targets of blame.

U.S. Admissions

Refugee admissions processing for the FSU is carried out in Moscow for groups identified in the Lautenberg Amendment: Jews, Evangelical Christians and certain members of the Ukrainian Catholic and Orthodox Churches. Nearly all FSU refugees now being interviewed have family ties to the U.S. The rate of new eligible applications received averages 1,100 per month. Admissions, which declined in FY-97 and FY-98, are expected to decline further in FY-99.

FY 1998 Program

We expect to admit up to 23,000 refugees from the former Soviet Union. This number anticipates that some portion of those long-approved cases that have failed to travel will do so when contacted as to their continuing interest in emigration to the U.S.

FY 1999 Proposal

We propose an allocation of up to ^{23,000}~~20,000~~ admissions for refugees from the former Soviet Union during FY 1999.

Processing Priorities for FY-1999

Eligibility criteria for the program in FY-99 are as follows: all nationalities will be eligible for Priority One. Persons who were nationals of the former Soviet Union prior to September 2, 1991, will be eligible for Priority Two processing in-country.

Former Yugoslavia

Nationals of the countries of the former Yugoslavia constitute the primary population of asylum-seekers in Europe outside the former Soviet Union. UNHCR estimates that in Western Europe 266,000 refugees from Bosnia and Herzegovina remain without durable solutions and the same holds true for 343,000 in countries of the former Yugoslavia. UNHCR has urged countries to continue temporary protection for refugees who come from areas where they would be in the ethnic minority until they can return in safety and security. For the most part, individuals who come from areas where their ethnic groups are in a majority can return, although housing, employment and services may not yet be sufficient in some areas. We continue to monitor events in Kosovo.

Voluntary Repatriation

An estimated 400,000 refugees and displaced persons have returned to their homes since the Dayton Peace Agreement was signed in December 1995. Only 35,000 of those were people who returned to areas where they were in an ethnic minority, although some progress is being made to overcome obstacles to minority return. Repatriation of refugees from other countries accounted for over 200,000 of the total. Approximately 100,000 Bosnian refugees in Germany repatriated voluntarily in calendar year 1997. UNHCR estimates repatriation of another 220,000 refugees may be possible in calendar year 1998 if there is a significant breakthrough on minority returns of persons displaced within the region. UNHCR's strategy to meet this objective includes its "Open Cities" initiative, which encourages international assistance for communities actively supporting minority returns. The United States provides political and material support for this initiative, and the complementary USG-led initiative, which promotes repatriation and return of people who originate from areas where they are in the ethnic minority.

Resettlement in the Region

A number of European countries, including Norway, Sweden and Denmark, regularized the status of most Bosnians who had been in their country under temporary protection and granted them permanent asylum or long-term residence. Some countries of Western Europe, notably Germany and Switzerland, have increased pressure on Bosnians to return or to seek third-country resettlement. In Germany, this pressure has included the threat of deportation, and some 900 individuals were actually deported in calendar year 1997, including some who came from areas where they would be in the ethnic minority. Many nationals of the former Yugoslavia have been ineligible for asylum in Germany because they presumably had an "internal flight option" or were persecuted by non-state entities, a definition which applies to most of the Bosnian Muslim population from the Republic of Srpska. These groups are therefore subject to forcible repatriation if they do not leave Germany voluntarily.

Third-Country Resettlement

In addition to resettlement in the United States and the countries of Western Europe, Australia and Canada have resettled some 26,300 and 47,578 refugees, respectively, from the countries of the former Yugoslavia. Third-country resettlement efforts continue for those refugees from the Former Yugoslavia who cannot return in safety and security.

U.S. Admissions

The U.S. admissions program for refugees from Eastern Europe focuses on vulnerable refugees who cannot return home

safely. Bosnians with close family members in the United States and certain groups considered likely to be at risk are eligible to apply directly for resettlement processing. In addition, UNHCR refers other refugees from the former Yugoslavia who are in need of third-country resettlement. While the admissions program accepted mainly Bosnian Muslims until FY-1997, Bosnians of all ethnicities are currently eligible under each priority. UNHCR referrals also include some Croatian Serb refugees from Croatia's formerly Serb-majority area of the Krajina and from Eastern Slavonia.

FY-1998 Program

We anticipate that we will admit at least 25,000 refugees from the former Yugoslavia during FY-1998, including 10-12,000 from Germany, 4-5,000 from the Federal Republic of Yugoslavia (FRY), and 7-8,000 from Croatia. In addition, smaller numbers of refugees are being admitted from Switzerland, Austria, and other countries. We estimate that we will be able to process additional refugees if unused numbers are available from other regions. The cumulative number of Bosnian refugees admitted from FY-1993 through FY-1998 is approximately 77,000.

FY-1999 Proposal

The Bosnian refugee population in Germany and other European countries requiring resettlement beyond FY-1998 will depend on the overall prospect for returns in the former Yugoslavia, the availability of continued protection in countries of first asylum, and the pressure those governments exert on refugees to repatriate. As a measure of the importance the U.S. continues to attach to the humanitarian needs of this population, we propose an allocation of up to 25,000 admissions for refugees from the former Yugoslavia during FY-1999. In turn, we urge countries which have provided temporary protection to support UNHCR's comprehensive strategy on repatriations and returns, which includes continued protection for vulnerable refugees, including many who originate in areas where they would be in the ethnic minority.

Processing Priorities for FY-1999

All nationalities will be eligible for Priority One. Bosnians of all ethnic groups are eligible for Priorities Two, Three and Four. No Priority Five cases from the former Yugoslavia will be accepted in FY-1999 (processing will be completed only for cases with Affidavits of Relationship filed by relatives before April 1, 1997, and registered before the end of FY-1998).

Under Priority Two, Bosnians eligible to apply for admission to the U.S. include the following:

- (1) Former detainees who were held on account of ethnicity or political or religious opinion;
- (2) Victims of torture or systematic violence against members of targeted ethnic groups by governmental authorities or quasi-governmental authorities in areas under their control;
- (3) Surviving spouses of civilians who would have been eligible under these criteria if they had not died or disappeared in detention or as a result of torture or violence; and
- (4) Persons in mixed marriages of any ethnic background.

LATIN AMERICA AND THE CARIBBEAN

Voluntary Repatriation

Voluntary repatriation remains a durable solution for most refugees in the region. Large numbers of Guatemalans have returned to Guatemala from Mexico, and a smaller number of Haitians have repatriated from the Dominican Republic.

Resettlement in the Region

When resettlement is required for refugees in the region, it is a regional resettlement solution that is first sought by UNHCR. In November, 1996, the U.S. began resettling Cuban migrants deemed by INS to have refugee claims from Guantanamo to other countries in the region, including Bolivia, Venezuela and Costa Rica. To date, about 50 Cubans have been resettled from Guantanamo to third countries.

U.S. Admissions

Almost all refugee processing in the region is done in Cuba. Historically, the majority of Cuban admissions have been, and remain, political prisoners or forced labor conscripts, most of whom served their sentences in the 1960's and 1970's. The program was expanded in 1991 to include human rights activists, displaced professionals, and others. The expanded criteria remain in effect today. In addition to in-country processing, any Cubans outside Cuba referred to the U.S. program by UNHCR or by an Embassy under Priority One may also be considered for resettlement.

Cubans eligible to apply for admission to the U.S. through the in-country program under Priority Two include the following:

- (1) Former political prisoners;
- (2) Members of persecuted religious minorities;
- (3) Human rights activists;
- (4) Forced labor conscripts during the period 1965-68;
- (5) Persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their

- perceived or actual political or religious beliefs; and
- (6) Others who appear to have a credible claim that they will face persecution as defined in the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol.

FY-98 Program

In FY-98, we anticipated admissions of up to 4,000 Cuban refugees. The actual number admitted is likely to be lower, due in part to the continued imposition by the Cuban government of high exit fees for those previously approved and to the difficulty younger Cubans have of satisfying the statutory requirements for refugee status. Oppression by the Cuban government generally is more subtle today than during the immediate post-revolutionary period and many applicants to the admissions program fail to establish a well-founded fear of persecution during INS interview. In addition, the parole lottery program in Cuba attracts some who might otherwise apply as refugees.

All refugee admissions are counted towards the U.S.-Cuba bilateral Migration Agreement of September 9, 1994, which provides for the approval of at least 20,000 Cubans annually for legal admission to the U.S. The balance of those admitted are immigrants or parolees.

FY-99 Proposal

We propose a ceiling for FY-99 for Latin America and the Caribbean of 3,000 refugees. Virtually all are expected to be admitted via in-country processing in Havana. All nationalities will be accepted for processing if referred by UNHCR or a U.S. Embassy under Priority One. We believe the modest reduction in refugee numbers from the FY-98 level accurately reflects the need for resettlement.

Processing Priorities for FY-99

All nationalities are eligible for Priority One processing. In addition, Cubans are authorized in-country processing under Priority Two.

NEAR EAST AND SOUTH ASIA

Although this region has the largest number of the world's refugees, few countries in the region are signatories to the 1951 UN Convention Relating to the status of Refugees and/or its 1967 Protocol. In spite of this fact, for most Palestinian or Afghan refugees, countries in the region have provided some degree of long-term protection. Countries in the region have also provided long-term asylum for Tibetan, Bhutanese and Sri Lankan refugees. The majority of refugees in the region identified

for third country resettlement by UNHCR are therefore Iraqis and Iranians. These refugees, mostly religious and ethnic minorities, have sought refuge in Pakistan, Saudi Arabia, Turkey, Jordan, Syria and other neighboring countries.

The United States ended its participation in the multinational resettlement effort for Iraqi refugees in Rafha camp in Saudi Arabia in December 1997. This effort resulted in the resettlement of some 24,260 refugees, of whom some 12,200 were resettled in the United States. The UNHCR, in cooperation with Saudi Arabia, will continue to provide protection to the remaining population of 5,830 -- the majority of whom do not seek third country resettlement.

Voluntary Repatriation

Significant numbers of Afghans have returned home in recent years, particularly from Pakistan and Iran. Repatriation of Afghan refugees continues, though at a reduced level from previous years. Continued fighting between the Taliban and other factions, along with the Taliban's discriminatory policies against women and girls, have caused occasional new outflows.

Resettlement in the Region

Many countries in the region have been generous with long-term asylum, but few offer permanent resettlement or residence to refugees from neighboring countries. Pakistan has given refugee status only to Afghans. Yemen is a signatory to the 1951 U.N. Convention and its 1967 Protocol, although few of the refugees who seek asylum there are from other countries of the Middle East.

Third-Country Resettlement

The lack of asylum legislation and legal protections for asylum-seekers in the region leaves many refugees at risk of refoulement. The situation is often even more precarious for Iranians and Iraqis, who may be viewed with suspicion or hostility by neighboring countries. In these cases, resettlement outside the region may be the only option, and can help maintain the availability of first asylum. Principal resettlement countries besides the United States were Sweden, Canada, Norway, Australia, Finland, Denmark and New Zealand. In 1997, according to UNHCR, these countries resettled more than 6,500 refugees from the Middle East. UNHCR considers family reunification, protection issues and vulnerability in first-asylum when determining which individuals to refer to resettlement countries.

U.S. Admissions

The admissions program for the Middle East and South Asia resettles mostly refugees from Iran and Iraq. They are

dispersed throughout the region and Europe, and relatively few are located in refugee camps. Most of the refugees from the region are referred to the United States by UNHCR, although those eligible can apply directly for interview where INS has refugee processing offices, as in Athens, Rome, Frankfurt or Vienna. INS conducts regular interviewing trips to Turkey, and as the caseload warrants, to Pakistan, Syria and Jordan. On an exceptional basis, INS has also traveled to other countries in the region where refugees were at risk and needed the protection of resettlement.

FY-1998 Program

The FY-1998 ceiling for the Near East and South Asia is 4,000. Although the United States provided up to 2,000 admissions numbers for resettlement from Rafha camp in Saudi Arabia, fewer than 300 refugees from Rafha were actually admitted before the resettlement program closed in December 1997. However, UNHCR has increased its referrals elsewhere in the region, and we estimate that most of the ceiling will be required.

FY-1999 Proposal

We propose a ceiling of 4,000 for FY-1999. The United States will continue to support UNHCR's efforts to use resettlement to provide protection for refugees in the region deemed at risk or in need of a durable solution. We welcome referrals from UNHCR particularly of refugees who are persecuted religious minorities, those at risk because of association with the United States, and women at risk. Refugees eligible for Priorities Two and Three may apply directly at INS offices which handle refugee processing.

Processing Priorities for FY-1999

All nationalities are eligible for Priority One processing. Iranians who belong to persecuted religious minorities will be eligible for Priority Two. Iranians and Iraqis will also be eligible for Priority Three.