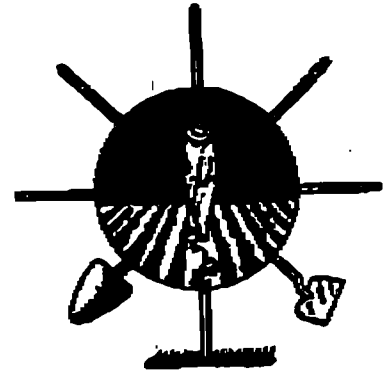


**H2A
Q&A
December 4, 2000**

Q: What is the Administration's position on legislation to provide legalization to undocumented farmworkers and to reform the current H2A program (the H-2A "guest worker" program admits temporary nonimmigrant agricultural workers)?

A: We understand that there have been ongoing negotiations to develop a farmworker compromise legislation. We have not been provided legislative language on this compromise and therefore have not yet determined our position. However, we will review this farmworker legislation in light of our immigration legislative priorities that would provide fairness to long-term immigrants and their families currently living in the United States who deserve an opportunity to normalize their status.

FARMWORKER JUSTICE FUND, INC.
1111 19th Street, N.W., Suite 1000
Washington, D.C. 20036
(202) 776-1757
Fax: (202) 776-1792
e-mail: fjf@nclr.org



TO: Irene Bueno, 202 456 5581

FROM: Bruce Goldstein

DATE: October 24, 2000

Pages: __ (including this page)

This fax may contain confidential or privileged information. If you receive it in error, please return to sender and do not distribute. Thank you.

October 24, 2000

The Honorable William Jefferson Clinton
President of the United States of America
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20050

Re: Migrant Farmworkers and Agricultural Guestworker Legislation

Dear Mr. President:

The national, state and local organizations listed below write to ask you to strongly oppose S. 1814, S. 1815, H.R. 4548, H.R. 4056 and any other similar agricultural guestworker bills being considered by Congress.

This legislation would be extremely harmful to the nation's agricultural workers. These bills would substantially weaken the labor protections of the class of workers in this country who most need greater protection. Workers will be harmed by low wages, lack of housing, inadequate labor law enforcement and many other ills associated with this legislation. The local communities where these guestworkers will be employed will bear the burdens of helping these workers to overcome the obstacles to survival that will result from the inadequate living and working conditions that these bills will authorize.

The United States Commission on Agricultural Workers recommended against any new guestworker program. The United States Commission on Immigration Reform concluded that any new guestworker program for agriculture would be "a grievous mistake." These and other commissions for many years have recommended that agriculture modernize its labor practices to stabilize the work force and end the history of rapid high turnover leading to new waves of foreign workers.

We should be discussing ways to improve farmworkers' lives, including by providing employment to the many farmworkers who are suffering high unemployment and by offering law-abiding undocumented farmworkers in the United States the opportunity to obtain lawful immigration status without subjecting them to indentured servitude. These bills offer no improvements, only employer-driven elimination of worker protections. Please oppose these *bracero* bills. If Congress passes any of these bills or similar legislation, Mr. President, we ask that you veto them.

Thank you very much for your consideration of these important issues.

Sincerely,

NATIONAL ORGANIZATIONS

American Federation of State, County and Municipal Employees
American for Democratic Action
American Friends Service Committee
Association of Farmworker Opportunity Programs
Center for Community Change
Farm Labor Organizing Committee
Farmworker Justice Fund, Inc.
International Brotherhood of Teamsters
International Longshore and Warehouse Union
League of United Latin American Citizens
Mexican American Legal Defense and Educational Fund
Migrant Legal Action Program
National Center for Farmworker Health
National Council of La Raza
National Employment Law Project
National Farm Worker Ministry
National Immigration Law Center
National Immigration Project, National Lawyers Guild
Union of American Hebrew Congregations
Union of Needletrades, Industrial, and Textile Employees
United Farm Workers of America
United Food and Commercial Workers Union
United Methodist Church, Board of Church and Society

STATE AND LOCAL ORGANIZATIONS

ACLU of Texas
Advocates for Basic Legal Equality, Inc., OH
Aguila, Inc, CA
Alivio Medical Center, IL
Altamed Health Services, Corp., CA

American Friends Service Committee, CA
Amigos Del Valle, Inc., TX
Anglican Diocese of Olympia, WA
Arc-En-Ciel, OR

Arizona Interagency Farmworker Coalition,
AZ

Asian Human Services, IL

Asian Law Alliance, CA

Benedictine Resource Center Hispanic
Outreach Program, TX

Border Agricultural Workers Project, TX

Border Association for Refugees from Central
America, Inc., TX

Cabrillo Economic Development Corp., CA

Cabrini Immigrant Service, NY

California Rural Legal Assistance Foundation,
CA

Campesinos Sin Fronteras, AZ

Carlos Rosario International Career Center and
Charter School, DC

Carlsbad SER-Jobs For Progress, Inc., CA

Carol Cook, Representative for Sisters of
Charity, BVM to the National Farmworker
Ministry, IL

Catholic Charities Diocese of Fresno, CA

Catholic Charities Immigration Services, OR

CAUSA, OR

Center for Economic and Social Rights, NY

Center for Training and Careers, CA

CHARO Community Development
Corporation, CA

Chicano Awareness Center, NE

Chicano Federation of San Diego County, Inc.,
CA

Chicanos Por La Causa, AZ

Churches' Center for Land and People, WI

Clinicas de Salud del Pueblo, Inc., CA

Coalition for Humane Immigrant Rights of
Los Angeles, CA

Coalition of Florida Farmworker
Organizations, FL

Coalition of Immokalee Workers, FL

Colorado Rural Housing Development
Corporation, CO

Communication Workers of America, Local
3605, NC

Concilio for the Spanish Speaking, WA

Council for the Spanish Speaking, Inc., WI

Division of Public Health, NC

Dominican Sisters of Houston, TX

Economics/Employment Relations, NY

El Centro de la Raza, WA

El Centro del Pueblo, CA

Escuela de La Raza Unida, CA

Eugene-Springfield Solidarity Network, a Jobs
with Justice affiliate, OR

Everglades Community Association, FL

Farmworker Association for Florida, Inc., FL

Farmworker Coordinating Council of P.B.C.,
FL

Farmworker Legal Services of New York,
Inc., NY

Federation of Latin American Descendants,
Inc., CA

Florida Impact, FL

Florida Legal Services, Inc., FL

Franciscan Friars of St. Barbara Province JPIC
Office, CA

Franciscan Sisters, MN

Friendly House, AZ

Greater Dallas Foundation, TX

Guadalupe Social Services, Catholic Charities,
FL

Haiti Solidarity Network of North East, NJ

Hands Across Cultures, NM
Harvest America Corporation, KS
Heartland Alliance for Human Needs and Human Rights, IL
Hispanic American Council, MI
Hispanic Center of Western Michigan, MI
Hispanic Coalition, Corp., FL
Hispanic Community Center, NE
Home Education Livelihood Program, Inc., NM
Houston Esperanza, TX
Houston Immigration and Refugee Coalition, TX
Illinois Coalition for Immigrant and Refugee Rights, IL
In Dios, Inc, FL

Iniciativa Frontera, TX
INS Watch, CA

International Alliance of Theatrical Stage Employees, locals #322 & #837, TX
Justice and Witness Ministries, United Church of Christ, OH
La Causa, Inc., WI
La Raza Centro Legal, CA
Las Americas Immigrant Advocacy Center, TX
Latin Americans For Social and Economic Development, MI
Latino Community Development Agency, OK

Lawyers Committee for Civil Rights Under Law of Texas, TX

Luz Social Services, Inc., AZ
Maui Economic Opportunity, Inc, HI
Mayor-Somerton, AZ
Mexican American Unity Council, Inc., TX
Mexican Community Committee, IL

Mexicayotl Academy, AZ
Mexicayotl Academy Parents Group, AZ
Mexico-US Advocates Network, IL
Migrant Health Promotion, MI
NAF Multicultural Development Corporation, NE
Network for Immigrant Justice, OR
Nevada Hispanic Services, Inc., NV
New Economic for Women, CA
New York Taxi Workers Alliance, NY
North Carolina Council of Churches, Farmworker Ministry Committee, NC
Northern California Coalition for Immigrant Rights, CA
Nuestra Clinica del Valle, TX
Orange County California Interfaith Committee To Aid Farm Workers, CA
Oregon Farm Worker Ministry, OR
Oregon Law Center, OR
Organizacion Civica y Cultural Hispana America, OH
Our Lady of Victory Missionary Sisters, CA
Our Redeemer Lutheran Church, CA
Pacific Southwest District/Unitarian Universalist Association, CA
Peace and Justice Commission, Holy Spirit Parish, TX

Pineros y Campesinos Unidos del Noroeste, AFL-CIO, OR
Proyecto Digna, Inc., TX
Public Justice Center, MD
Regional Offices of the National Council of La Raza, AZ, CA, IL, TX
Rehabilitation and Disability, Inc., ME

Rhode Island Department of Labor and
Training, RI
Rural Organizing Project, OR
San Diego County SER-Jobs for Progress, CA
San Felipe de Jesus Catholic Church, TX
San Jose Obrero Mission, IL
Second Generation Media, NY
Servicios de La Raza, Inc., CO
Siete del Norte, NM
Sisters of Charity of Nazareth in Nicaragua,
Nicaragua

South Texas Civil Rights Project, TX
Student Action with Farmworkers, NC
Texas Appleseed, TX
The Employment Law Center, CA
The National Lawyers Guild, Cross-Border
Litigation Project, CA
The National Lawyers Guild, San Diego, CA
Texas Catholic Conference, TX
Texas Immigrant and Refugee Coalition, TX
Triangle Friends of the United Farm Workers,
NC
Unete al Movimiento de Conciencia Popular,
OR
United Migrant Opportunity Services, WI
United Network for Immigrants and Refugee
Rights, IL
University of St. Thomas Hispanic Pre-
College Project, MN
Valle del Sol, Inc., AZ
Virginia Justice Center Farm and Immigrant
Workers, VA
Washington Alliance for Immigrant and
Refugee Justice, WA
Watts/Century Latino Organization, CA

Western Massachusetts Legal, MA
Workers' Awaaz, NY

H2A

Admission instead Certification - less

Freeze ANWR until next year

Legalization / prospective

next Oct

100 day work plan
for BLM next
6 yrs.

Collective Bargaining (CBA) - but wage prevails

Implementation ~~day~~ 1 yr.

Enforcement mechanism - H1B-like

NCLR

NATIONAL COUNCIL OF LA RAZA

Raul Yzaguirre, President

National Office

1111 19th Street, N.W., Suite 1000

Washington, DC 20036

Phone: (202) 785-1670

Fax: (202) 776-1792

FAX COVER MEMODATE: 10 / 05 / 00

TIME: _____

COST CENTER _____

TO
NAME: Irene BuenoCOMPANY: White House

CITY: _____

FAX#: (202) 456 1 5581FROM: **Concepcion Elizabeth Romero, Administrative Assistant**
Office of Research, Advocacy & Legislation (ORAL)

DIRECT LINE: 202-776-1782

ORAL'S FAX #: 202-776-1794

of pages in transmission, including cover 6MESSAGE:

NCLR



DON'T LET AMERICA'S FARMWORKERS DOWN

PLEASE OPPOSE EFFORTS TO ATTACH AGRICULTURAL GUESTWORKER LEGISLATION TO APPROPRIATIONS

October 6, 2000

Dear Representative/Senator:

We write to ask you to strongly oppose S. 1814, S. 1815, H.R. 4548, H.R. 4056 and any other similar agricultural guestworker bills being considered by Congress this year.

This legislation would be extremely harmful to the nation's agricultural workers. These bills would substantially weaken the labor protections of the class of workers in this country who most need greater protection. Workers will be harmed by low wages, lack of housing, inadequate labor law enforcement and many other ills associated with this legislation. The local communities where these guestworkers will be employed will bear the burdens of helping these workers to overcome the obstacles to survival that will result from the inadequate living and working conditions that these bills will authorize.

The United States Commission on Agricultural Workers recommended against any new guestworker program. The United States Commission on Immigration Reform concluded that any new guestworker program for agriculture would be "a grievous mistake." These and other commissions for many years have recommended that agriculture modernize its labor practices to stabilize the work force and end the history of rapid high turnover leading to new waves of foreign workers.

We should be discussing ways to improve farmworkers' lives, including by providing employment to the many farmworkers who are suffering high unemployment and by offering law-abiding undocumented farmworkers in the United States the opportunity to obtain lawful immigration status without subjecting them to indentured servitude. These bills offer no improvements, only employer-driven elimination of worker protections. Please oppose these *bracero* bills. If Congress passes any of these bills or similar legislation, we call on President Clinton to veto them.

Sincerely,

NATIONAL ORGANIZATIONS

American Federation of State, County and Municipal Employees, AFL-CIO

American for Democratic Action

American Friends Service Committee

Letter to Representatives and Senators
October 6, 2000
Page 2

Association of Farmworker Opportunity Programs
Center for Community Change
Farm Labor Organizing Committee, AFL-CIO
Farmworker Justice Fund, Inc.
International Longshore and Warehouse Union, AFL-CIO
League of United Latin American Citizens
Mexican American Legal Defense and Educational Fund
Migrant Legal Action Program
National Center for Farmworker Health
National Council of La Raza
National Employment Law Project
National Farm Worker Ministry
National Immigration Law Center
National Immigration Project, National Lawyers Guild
Union of American Hebrew Congregations
Union of Needletrades, Industrial, and Textile Employees, AFL-CIO
United Farm Workers of America, AFL-CIO
United Methodist Church, Board of Church and Society

STATE AND LOCAL ORGANIZATIONS

Advocates for Basic Legal Equality, Inc., OH	Arizona Interagency Farmworker Coalition, AZ
Aguila, Inc, CA	Asian Human Services, IL
Alivio Medical Center, IL	Asian Law Alliance, CA
Altamed Health Services, Corp., CA	Cabrillo Economic Development Corp., CA
American Friends Service Committee, CA	Cabrini Immigrant Service, NY
Amigos Del Valle, Inc., TX	California Rural Legal Assistance Foundation, CA
Anglican Diocese of Olympia, WA	
Arc-En-Ciel, OR	

Letter to Representatives and Senators

October 6, 2000

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Campesinos Sin Fronteras, AZ

Carlos Rosario International Career Center and
Charter School, DC

Carlsbad SER-Jobs For Progress, Inc., CA

Carol Cook, Representative for Sisters of
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Ministry, IL

Catholic Charities Diocese of Fresno, CA

Catholic Charities Immigration Services, OR

CAUSA, OR

Center for Economic and Social Rights, NY

Center for Training and Careers, CA

CHARO Community Development
Corporation, CA

Chicano Awareness Center, NE

Chicano Federation of San Diego County, Inc.,
CA

Chicanos Por La Causa, AZ

Churches' Center for Land and People, WI

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Coalition of Immokalee Workers, FL

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Corporation, COCommunication Workers of America, Local
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Concilio for the Spanish Speaking, WA

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Division of Public Health, NC

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Eugene-Springfield Solidarity Network, a Jobs
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Farmworker Coordinating Council of P.B.C.,
FLFarmworker Legal Services of New York,
Inc., NYFederation of Latin American Descendants,
Inc., CA

Florida Impact, FL

Florida Legal Services, Inc., FL

Franciscan Friars of St. Barbara Province JPIC
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Franciscan Sisters, MN

Friendly House, AZ

Greater Dallas Foundation, TX

Guadalupe Social Services, Catholic Charities,
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Haiti Solidarity Network of North East, NJ

Hands Across Cultures, NM

Harvest America Corporation, KS

Heartland Alliance for Human Needs and
Human Rights, IL

Hispanic American Council, MI

Hispanic Center of Western Michigan, MI

Hispanic Coalition, Corp., FL

Letter to Representatives and Senators

October 6, 2000

Page 4

Hispanic Community Center, NE

Home Education Livelihood Program, Inc.,
NM

Houston Esperanza, TX

Illinois Coalition for Immigrant and Refugee
Rights, IL

In Dios, Inc, FL

INS Watch, CA

International Alliance of Theatrical Stage
Employees, locals #322 & #837, TXJustice and Witness Ministries, United Church
of Christ, OH

La Causa, Inc., WI

La Raza Centro Legal, CA

Latin Americans For Social and Economic
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Latino Community Development Agency, OK

Luz Social Services, Inc., AZ

Maui Economic Opportunity, Inc, HI

Mayor-Somerton, AZ

Mexican American Unity Council, Inc., TX

Mexican Community Committee, IL

Mexicayotl Academy, AZ

Mexicayotl Academy Parents Group, AZ

Mexico-US Advocates Network, IL

Migrant Health Promotion, MI

NAF Multicultural Development Corporation,
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Network for Immigrant Justice, OR

Nevada Hispanic Services, Inc., NV

New Economic for Women, CA

New York Taxi Workers Alliance, NY

North Carolina Council of Churches,
Farmworker Ministry Committee, NCNorthern California Coalition for Immigrant
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Nuestra Clinica del Valle, TX

Orange County California Interfaith
Committee To Aid Farm Workers, CA

Oregon Farm Worker Ministry, OR

Oregon Law Center, OR

Organizacion Civica y Cultural Hispana
America, OH

Our Lady of Victory Missionary Sisters, CA

Our Redeemer Lutheran Church, CA

Pacific Southwest District/Unitarian
Universalist Association, CAPineros y Campesinos Unidos del Noroeste,
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Rural Organizing Project, OR

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San Jose Obrero Mission, IL

Second Generation Media, NY

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Siete del Norte, NM

Sisters of Charity of Nazareth in Nicaragua,
Nicaragua

Letter to Representatives and Senators
October 6, 2000
Page 5

Student Action with Farmworkers, NC

Texas Appleseed , TX

The Employment Law Center, CA

The National Lawyers Guild, Cross-Border
Litigation Project, CA

The National Lawyers Guild, San Diego , CA

Triangle Friends of the United Farm Workers,
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Unete al Movimiento de Conciencia Popular,
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United Migrant Opportunity Services, WI

United Network for Immigrants and Refugee
Rights, IL

University of St. Thomas Hispanic Pre-
College Project, MN

Valle del Sol, Inc., AZ

Virginia Justice Center Farm and Immigrant
Workers, VA

Washington Alliance for Immigrant and
Refugee Justice, WA

Watts/Century Latino Organization, CA

Western Massachusetts Legal, MA

Workers' Awaaz, NY



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

September 13, 2000

THE DIRECTOR

The Honorable John Conyers, Jr.
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Conyers:

This letter presents the Administration's views on H.R. 4548, the "Agricultural Opportunities Act," which I understand your Committee plans to mark up. The Administration shares the goals of assuring that our agricultural labor policy and any reform of the H-2A program both provides growers with a predictable and reliable labor supply, and assures adequate workplace protections for domestic and foreign farm workers. However, this bill would not meet these goals and therefore the Administration strongly opposes enactment of H.R. 4548. If the bill were presented to the President, his senior advisors would recommend that he veto it.

H.R. 4548 would establish a new three-year agricultural guest worker program as an alternative to the existing H-2A temporary nonimmigrant agricultural worker program under the Immigration and Nationality Act. Under this new program, costs and risks would be shifted from the growers to farm workers, who are among the poorest and most vulnerable workers in our society. Specifically, H.R. 4548 would:

- eliminate the current requirement that agricultural growers recruit workers and create a government run job registry – thereby reducing the growers' obligation to conduct positive recruitment;
- erode U.S. worker wages by lowering the required minimum wage and allowing this lower rate to be paid on *average* to a group of workers;
- eliminate workers' guarantee of pay for at least three-quarters of the work hours/days offered in the employer's contract and allow workers to be terminated without pay at any time for "lack of work;" and,
- provide an inadequate mechanism for housing foreign guest workers by allowing growers to give a housing voucher in lieu of actual housing.

In addition, this bill would likely increase illegal immigration, reduce work opportunities for U.S. citizens and other legal residents, and depress wages and work standards for American workers.

The President remains strongly opposed to legislation that would create a new agricultural guest worker program. This position is consistent with the conclusions of two congressionally-created commissions – the bipartisan Commission on Immigration Reform and the Commission on Agricultural Workers – as well as the more recent Binational Study on Migration, a joint study by highly respected scholars from both Mexico and the U.S., which issued its report in September 1997.

The Administration has acknowledged problems with the current H-2A agricultural guest worker program and has been working administratively to reengineer and streamline the program to better assure growers an adequate, predictable labor supply while protecting U.S. farm workers. For example, the President's FY 2001 Budget requested \$10 million to fund America's Agricultural Labor Network ("AgNet") an Internet-based, electronic tool that will facilitate the recruitment of agricultural workers by growers and the movement of agricultural workers to areas with employment needs. This request did not receive support in the House or Senate. In addition, the Departments of Labor and Justice have published regulations to streamline the application process for growers. This too has met resistance from the Congress. The current Conference agreement on the Labor, Health and Human Services, Education and Related Agencies Appropriations Bill, FY 2001, contains a rider blocking these regulations. Congress should work with us on these proposals to improve the current H-2A program.

Based on the findings of the bipartisan Commissions and the Administration's proposals to make the current H-2A program more responsive to growers without weakening workers' protections, we believe this bill is unnecessary and would likely worsen the current conditions in the agricultural labor market. Therefore, the Administration remains strongly opposed to H.R. 4548, and if the bill were presented to the President, his senior advisors would recommend that he veto it, as noted above.

Sincerely,



Jacob J. Lew
Director

Identical Letter Sent to The Honorable Henry J. Hyde

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
LEGISLATIVE AFFAIRS

PHONE: 395-4790 / FAX: 395-3729

TO: IRENE BUENO

DATE:

FROM:

___ CHUCK KIEFFER

___ ELIZABETH GORE

___ TED ZEGERS

___ LISA MOLYNEUX

✓
___ BROOKE LIVINGSTON

___ NANCY BRANDEL

___ KATE ELTRICH

___ ANDREW ERICKSON

Comments: H2A LETTER

FAX #: 6-1907

PAGES: 4

PHONE NUMBER: _____

(includes cover page)

From: Lisa J. Macecevic on 09/14/2000 09:49:12 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Richard E. Green/OMB/EOP@EOP, James J. Jukes/OMB/EOP@EOP

Subject: CQ on Judiciary Mark-up - H-2A & Mandatory Auto Arbitration

CQ MONITOR NEWS

PROPOSAL TO CHANGE FARM VISA PROGRAM IN HOLDING PATTERN

By Amy Fagan, CQ Staff Writer

Sept. 13, 2000 - A move in the House to overhaul the program that documents foreigners to work for U.S. farmers stalled Wednesday as lawmakers negotiated sticking points.

House Republican leaders are solidly behind the concept of significantly changing the H-2A visa program. But Howard Berman, D-Calif., said the bill pending in the House Judiciary Committee (**HR 4548**) has no chance to pass.

Berman declined to specify which points are in dispute.

But farmworker groups strongly oppose the House bill. They say it would eliminate requirements in the H-2A program that are designed to protect workers.

The farmworker groups want higher wages for the workers and green cards for workers who are in the United States illegally.

The Senate's H-2A bill (**S 1814**) would allow some illegal migrant workers to obtain green cards, but not nearly as quickly as farmworker representatives would like.

The Senate bill would make immediate changes to the H-2A program. The House bill would make the changes part of a three-year test program.

Each bill would let farmers pay foreign farm laborers less in most cases than they do now. Farmers also could choose to pay a housing stipend instead of finding housing for workers.

The bills also would set up a data base to help farmers recruit domestic farmworkers.

It is possible that supporters of the proposed changes will try to attach them to an end-of-the-year spending bill to save time.

Farmers say they are losing money -- and in some cases going out of business -- because of a shortage of legal farmworkers.

They say the H-2A program, which is supposed to provide them with a stable work force, burdens them with paperwork and unfair requirements and has done almost nothing to expand the pool of legal farm laborers.

• **Auto arbitration.** Members of the Judiciary panel also approved, by voice vote, a measure (**HR 534**) that would abolish "take it or leave it" franchise contracts that force car dealers to use arbitration to settle disputes with manufacturers.

The bill would make arbitration voluntary, as one of several options for resolving disputes.

As originally written, the bill would have applied to a broad group of businesses and contracts. But the Commercial and Administrative Law Subcommittee narrowed it during a July markup to apply only to the auto industry.

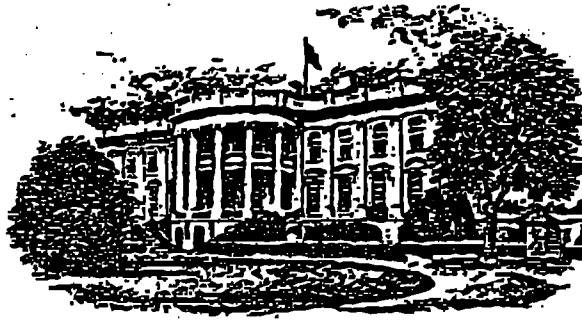
Melvin Watt, D-N.C., said he would have liked the committee to approve the broader bill.

He and other Democrats said business owners who are not car dealers also face problems with mandatory arbitration requirements in contracts

Source: CQ Monitor News
Round-the-clock coverage of news from Capitol Hill.
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Message Sent To:

Maria Echaveste/WHO/EOP@EOP
Debra J. Bond/OMB/EOP@EOP
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David J. Haun/OMB/EOP@EOP
Joel K. Wiginton/WHO/EOP@EOP
Irene Bueno/WHO/EOP@EOP
Larry R. Matlack/OMB/EOP@EOP
Ann E. Bushmiller/WHO/EOP@EOP
Steven D. Aitken/OMB/EOP@EOP



THE WHITE HOUSE
WASHINGTON

FACSIMILE FROM: JEFFREY OAKMAN
OFFICE OF PRESIDENTIAL LETTERS AND MESSAGES
OLD EXECUTIVE OFFICE BUILDING, ROOM 97

PHONE: (202) 456-5517 FAX: (202) 456-5426

NUMBER OF PAGES (INCLUDING COVER): 2

DATE: 9/5

TO: Irene Bueno

FAX: 61907

PHONE: _____

INCOMING LETTER(S) FROM: _____

RE: _____

- ☐ FOR YOUR REVIEW
☒ PER MY E-MAIL OR VOICE MAIL
☐ PER YOUR REQUEST

COMMENTS:

Thanks!
Jeffrey

513 8439

John W. ...

GARY LOCKE
Governor

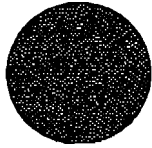


416431

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 753-6780 • TTY/TDD (360) 753-6466

April 7, 2000



The Honorable Bill Clinton
President of the United States
1600 Pennsylvania Avenue NW
Washington D.C. 20500

Dear President Clinton:

I am writing to urge you not to support legislative proposals now in Congress (S. 1814, S. 1815, and H.R. 4056) that would revise the H2-A agricultural guest worker program.

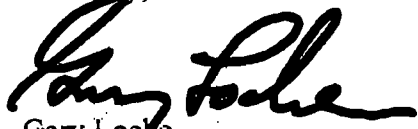
I have made farmworker housing a top policy priority for my administration. Therefore, I am greatly concerned about legislation that would bring more workers to our state and exacerbate a problem that has already reached emergency proportions.

I believe these proposals would weaken current labor protections. They would also eliminate the requirement that employers provide lodging for foreign temporary agricultural workers. Instead, they would substitute a housing allowance provision that would be ineffective when combined with low wages and tight markets.

I am aware that some growers are concerned about agricultural worker shortages. The temporary worker legislation rests on this very premise, yet previous General Accounting Office studies have shown that there are no such shortages. In addition, the current program admits 35,000 guest workers each year, and the Department of Labor estimates that 99 percent of agricultural employers' applications for guest workers are approved.

These bills would be a serious setback to our efforts to provide safe and adequate housing to all farmworkers in Washington State. Thank you for your attention to this matter.

Sincerely,


Gary Locke
Governor

APR 13 2000

8-416321



Jeffrey H. Oakman

09/05/2000 12:03:47 PM

Record Type: Record

To: Irene Bueno/WHO/EOP@EOP

cc:

Subject: H-2A letter

Thanks for your message. This is a bit old, and that's why our Director wants to check that it's still OK. The incoming, from Gov Gary Locke, is on the fax. Thanks!
jeffrey

Dear Gary:

Thank you for your letter regarding new agricultural guest worker legislation. I appreciate knowing your concerns and have shared your correspondence with members of my staff in the Domestic Policy Council.

Although my Administration has not taken a position on the legislation you mention in your letter, we have strongly opposed similar agricultural guest worker legislation in the past and do not believe that such legislation is necessary or appropriate at this time. We recognize that farmworkers are among the poorest and most vulnerable people in our society. Average annual earnings of farmworker families are about \$10,000, and farm-workers are employed on average only about 26 weeks per year. Instead, we support reform of the current H-2A guest worker program and are working -- through administrative actions and the regulatory process -- to reengineer the program while maintaining strong worker protections.

We will continue to work with all interested parties to address this issue in a way that will not jeopardize vital worker protections. As we move forward in this endeavor, I'm grateful for your insights.

podesta.com

Fax Cover SheetDATE: 27 July 2000 CODE: 250TO: Irene Burns
White HouseFAX: 456-1907FROM: Charles M. Hansen
hansen@podesta.comPHONE: 202.393.1010
FAX: 202.393.5510Number of pages, including cover sheet: 9**MESSAGE**

As we discussed...

001 G Street, NW
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Washington, DC 20001

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NATIONAL
COUNCIL OF
AGRICULTURAL
EMPLOYERS

Statement of the National Council of Agricultural Employers

Stuart W. Longworth, Jr., President

America's agricultural labor system is broken. Of the 1.6 million farmworkers who work in the fields putting food on our tables, in surveys over half admit to working under fraudulent documents, putting themselves and their employers at risk. For the last five years, farmers and farmworkers have been urging Washington to address this crisis and pass legislation that will allow farmworkers to earn the right to legal status in this country, while ensuring farmers the stability of a legal workforce. Despite Senate passage of legislation in 1998 (by a strong bipartisan vote of 68-31) to reform the status quo, to date nothing has been enacted into law.

Agriculture can wait no longer.

Two weeks ago, the National Council of Agricultural Employers, together with over 100 agricultural organizations including the American Nursery and Landscape Association and the National Cotton Council, wrote to Congress urging that our needs be addressed at the same time Congress considers legislation concerning the high-technology sector's labor needs. We told Congress that American agriculture would oppose any immigration legislation that does not provide an opportunity to reform an intolerable status quo under which farmers and farmworkers are suffering.

Time is short. Congress should act quickly to address all outstanding immigration issues.

Formed as a non-profit organization in 1964, the National Council of Agricultural Employers is the only national association focusing solely on agricultural employment interests and issues. NCAE's membership employs approximately 75 percent of the agricultural workforce.

Contact: Sharon M. Hughes, CAE, Executive Vice President, (202) 728-0300

July 27, 2000

07/25/00 TUE 10:58 FAX 2027898634

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008

07-16-00 08:33 From: FARM BUREAU

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Internet: <http://www.afb.com/>

VIA FACSIMILE**(Faxed to the Full Senate)**

June 17, 2000

Dear Senator:

The Senate may soon consider immigration reform legislation. Farm Bureau recognizes the critical need for a variety of American industries to access foreign workers due to serious shortages of available domestic workers. Farm Bureau has sought a simplification of the visa program for temporary farm workers (the so-called H-2a program) and a modification of the legal status of the current illegal farm workforce for several years. Despite what we believe is a clear and convincing need for this legislation which is important to many Farm Bureau members, Congress has failed to act.

Farmers who produce specialty crops and ornamental and nursery products that require an adequate labor force in states such as California, Florida, New York, Michigan, the Carolinas, Pennsylvania, Oregon and Washington represent one of the fastest growing segments of our industry. The lack of affordable and available legal labor will stop the growth in this important segment of the agricultural industry.

The Senate may soon act again on immigration reform and expansion measures, but may not have an opportunity to consider H-2a reform. This situation is not acceptable. If an H-2a reform amendment is not permitted when this legislation goes to the Senate floor, we ask you to oppose passage of that bill.

I urge you to ensure that the Senate has an opportunity to reform the H-2a program.

Sincerely,

Bob Stallman
President

BS:blj
E:\m\h2a.717

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1230 I Street, NW • Suite 500 • Washington, DC 20005-3922
Tel: 202/ 789-2900 • Fax: 202/ 789-1893

July 18, 2000

The Honorable Trent Lott
United States Senate
487 Russell Senate Office Building
Washington, D.C. 20510

+ all Senators

Dear Senator Lott,

The 2,600 members of the American Nursery and Landscape Association and their state and regional association partners representing an additional 16,000 small and family nursery and landscape businesses will strongly oppose any immigration legislation passed by the Senate that does not include H-2A reform!

We need to reform an intolerable status quo under which growers and their workers are suffering. Over the past several years, the Congress has passed a variety of immigration reform measures affecting individuals, families and businesses. During the same period, we have made our case to Congress to reform the H-2A temporary and seasonal foreign agricultural worker visa program. We have participated in numerous hearings and patiently waited our turn. We cannot afford to wait any longer!

We understand that the Senate soon will consider immigration reform legislation. We urge that components similar to those contained in S. 1814, the Agricultural Jobs Opportunity and Benefits Security Act -- a bipartisan H-2A reform and adjustment of status bill-- be included. The Senate has held numerous hearings on the problems of the agricultural labor market and failures of the H-2A program during the past several years, including a May 4, 2000 hearing on S. 1814 in the Senate Subcommittee on Immigration. These hearings have clearly demonstrated a bipartisan consensus that the status quo is broken, the 50-year old H-2A program does not work and that both farm employers and workers are suffering.

It has been too easy for Congress to ignore an indefensible status quo in the agricultural labor market. The solution to the problem is set forth in S. 1814, a bipartisan bill cosponsored by Senators Gordon Smith, Larry Craig, Bob Graham, Max Cleland and many others. The problems facing growers and farmworkers are not new. The Senate acted responsibly at the end of the last Congress to solve them by passing an H-2A reform bill by a strong bipartisan vote of 68-31. The need for reform is even more compelling now!

Recent Senate testimony by the Chairman of the Federal Reserve Board indicates that there is a need to admit more foreign farm workers due to the increasing agricultural worker shortage, while at the same time the National Agricultural Workers Survey just released by the Department of Labor shows that the percentage of unauthorized agricultural workers has increased dramatically and now exceeds 50% of the workforce.

The American Nursery and Landscape Association and the undersigned state and regional associations urge your support for inclusion in pending immigration legislation of components similar to those in S. 1814. They would reform the agricultural labor market while maintaining immigration control.

Page 2

Nursery Growers will get the stability of a legal workforce and the certainty that crops would be harvested in a timely manner. Farmworkers could earn the right to legal status, avoid the risks of undocumented status, and get the protection of U.S. labor laws.

Time is short, and we desperately need your help!

Sincerely,

**American Nursery & Landscape Association
National Christmas Tree Association
Arizona Nursery Association
Arkansas Nurserymen's Association
Associated Landscape Contractors of Massachusetts
California Association of Nurserymen
Colorado Nursery Association
Connecticut Nursery & Landscape Association
Florida Nurserymen & Growers Association
Idaho Nursery Association
Illinois Nurserymen's Association
Illinois Landscape Contractors Association
Massachusetts Nursery & Landscape Association
Michigan Nursery & Landscape Association
Minnesota Nursery & Landscape Association
Mississippi Nurserymen's Association
New England Nursery Association
Ohio Nursery & Landscape Association
Oregon Association of Nurserymen
Pennsylvania Landscape & Nursery Association
Rhode Island Nursery & Landscape Association
South Carolina Nursery & Landscape Association
Southern Nursery Association
Texas Nursery & Landscape Association
Utah Nursery & Landscape Association
Virginia Nursery & Landscape Association**

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P. 1

July 14, 2000

The Honorable Arlen Specter
United States Senate
711 Hart Senate Office Building
Washington, DC 20510

+ all readers

Dear Senator Specter:

Over the past several years, the Congress has passed a variety of immigration reform measures affecting individuals, families and businesses. During the same period, U.S. agriculture has made its case to Congress for reform of the H-2A temporary and seasonal foreign agricultural worker visa program and adjustment of status of certain farmworkers in the U.S. It has participated in numerous hearings and patiently waited its turn. It cannot afford to wait any longer! We understand that the Senate soon will consider immigration reform legislation. We urge that components similar to those contained in S. 1814, the Agricultural Jobs Opportunity and Benefits Security Act "AgJOBS" – a bipartisan H-2A reform and adjustment of status bill be included. American agriculture will oppose any immigration legislation that does not provide an opportunity to reform an intolerable status quo under which farmers and farmworkers are suffering.

The Senate has held numerous hearings on the problems of the agricultural labor market and the failures of the H-2A program during the past several years, including a May 4, 2000 hearing on the AgJOBS bill in the Senate Subcommittee on Immigration. These hearings have clearly demonstrated a bipartisan consensus that the status quo is broken, the 50-year-old H-2A program does not work and that both farm employers and workers are suffering. It has been too easy for too long for Congress to ignore an indefensible status quo in the agricultural labor market. The solution to the problem is set forth in S. 1814, a bipartisan bill cosponsored by Senators Larry Craig, Gordon Smith, Bob Graham, Max Cleland and many others.

The problems facing farmers and farmworkers are not new. The Senate acted responsibly at the end of the last Congress to solve them by passing an H-2A reform bill by a strong bipartisan vote of 68-31. The need for reform is even more compelling now. Recent Senate testimony by the Chairman of the Federal Reserve Board indicates that there is a need to admit more foreign farmworkers due to the increasing agricultural worker shortage. At the same time, the Department of Labor's just released National Agricultural Workers Survey shows that the percentage of fraudulently documented agricultural workers has increased dramatically and now exceeds one-half of the workforce.

The undersigned organizations strongly urge your support for inclusion in pending immigration legislation of components similar to those in S. 1814. They would reform the agricultural labor market while maintaining immigration control. Farmers would get the stability of a legal workforce and the certainty that crops would be harvested in a timely manner. Farmworkers could earn the right to legal status, avoid the risks of undocumented status, and get the protection of U.S. labor laws.

Time is short. Farmers and farmworkers throughout America need your help in the coming weeks.

Sincerely,

National Council of Agricultural Employers
AgriBank, F.C.B.
Agricultural Affiliates
Agricultural Council of California

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Agricultural Producers
Allied Grape Growers
American Mushroom Institute
American Nursery & Landscape Association
Apple Growers of Dutchess County
Bruce Jontzsch Mink Farm
C. P. Yeatman & Sons Inc.
California Avocado Commission
California Canning Peach Association
California Citrus Mutual
California Farm Bureau Federation
California Freestone Peach Association
California Grape & Tree Fruit League
California Pear Growers
Citrus World, Inc.
CoBank
Colorado Sugarbeet Growers Association
Cooperative Producers, Inc.
Cooperative Three, Inc.
Fagerberg Produce Company
Farm Credit of Western New York
Farm Credit Services of North Central Wisconsin
Farmers Co-op Oil
Federation Co-op
First Pioneer Farm Credit
Florida Citrus Mutual
Florida Citrus Packers, Inc.
Florida Farm Bureau Federation
Florida Fruit & Vegetable Association
Florida Nurserymen & Growers Association
Florida Strawberry Growers Association
Florida Sugar Cane League, Inc.
Frederick County Fruit Growers Association, Inc.
Fresno County Farm Bureau
Georgia Agribusiness Council, Inc.
Georgia Fruit & Vegetable Growers Association
Grower-Shipper Vegetable Association of Central California
Grower-Shipper Vegetable Association of Santa Barbara & San Luis Obispo Counties
Gulf Citrus Growers Association
Gulf Harvesting, Inc.
Haines City Citrus Growers Association
Hood River Grower-Shipper Association
Hopewell Organics, LLC
Hunt Brothers, Inc.
Illinois Specialty Growers Association
John C. Leo & Son
Kentucky Farm Bureau Federation
Lake Placid Citrus Growers Association
Marsing Agricultural Labor Sponsoring Committee
Michigan Asparagus Advisory Board
Michigan Farm Bureau
National Cattlemen's Beef Association

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National Christmas Tree Association
National Cotton Council
National Cotton Ginners Association
National Council of Farmer Cooperatives
National Peach Council
National Watermelon Association
New England Apple Council
New Jersey Farm Bureau
New Jersey Vegetable Growers Association
New York Apple Association
New York Farm Bureau
Nisei Farmers League
North Carolina Farm Bureau Federation
North Carolina Sweet Potato Growers Association
Northern California Growers Association
Northern Christmas Trees & Nursery
Northwest Food Processors Association
Northwest Horticultural Council
Nursery Growers Association
Ohio Farm Bureau
Ohio Fruit Growers Society
The Ohio Nursery & Landscape Association
Ohio Vegetable & Potato Growers Association
Oregon Association of Nurserymen
Oregon Raspberry & Blackberry Commission
Oregon Strawberry Commission
Pennsylvania Farm Bureau
Ranch One Cooperative, Inc.
Rio Grande Valley Sugar Growers
Snake River Farmers Association
Society of American Florists
Southeastern Cotton Ginners Association, Inc.
The South Eastern Forestry Contractors Association
Sugar Cane Growers Cooperative of Florida
Texas & Southwestern Cattle Raisers Association
Texas Produce Association
Turfgrass Producers International
United Egg Association
United Egg Producers
United Fresh Fruit & Vegetable Association
U.S. Apple Association
Valley Growers Cooperative, Inc.
Vegetable Growers Association of New Jersey
Ventura County Agricultural Association
Village Nurseries L.P.
Wasco County Fruit & Produce League
Washington Growers Clearing House Association, Inc.
Washington Growers League
Washington State Farm Bureau
Waverly Citrus Growers Association
Western Growers Association
Winegrape Growers of America

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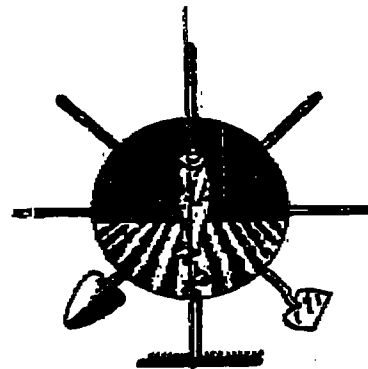
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P. 4

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Winterhaven Citrus Growers Association
Wisconsin Christmas Tree Producers
Wisconsin Farm Bureau
Wisconsin Nursery & Landscape Association
Yeatman Brothers Properties, LP
Yeatman Property Management Inc.

FARMWORKER JUSTICE FUND, INC.
1111 19th Street, NW, Suite 1000
Washington, DC 20036
Tel. (202) 776-1757
Fax (202) 776-1792
E-mail: bgoldstein@nclr.org



FAX COVER SHEET

This fax may contain confidential or privileged information. If you receive it in error, please contact the sender and do not distribute. Thank you.

TO: Irene Bueno, White House
Fax (202) 456-5581

FROM: Bruce Goldstein

DATE: September 11, 2000

RE: Letter from the National Latino Summit Against Guestworker Legislation

No. Pages: 03 (including this page)

456-1907

GUESTWORKER LEGISLATION WASHINGTON, D.C.

Steering Committee

Mario Obledo, Chair
President, California
Coalition of Hispanic
Organizations

Antonia Hernandez
President, Mexican American
Legal Defense and Education
Fund

Arturo Rodriguez
President, United Farm
Workers of America

Baldemar Velázquez
President, Farm Labor
Organizing Committee

Raúl Yzaguirre
President, National Council
of La Raza

September 8, 2000

U.S. House of Representatives
Washington, D.C. 20515

Dear Representative:

The National Latino Summit against Guestworker Legislation strongly requests that you oppose the legislative proposals to establish a new "adjustment" agricultural guestworker program, revise the current H-2A temporary foreign agricultural guestworker program, and establish a new "H-2C" agricultural guestworker program. One of these proposals, H.R. 4548, is to be marked up in the House Judiciary Committee on Wednesday, September 13, 2000. All of these proposals would inflict great harm on farmworkers while offering agricultural employers extraordinarily unfair advantages over their employees. Please vote against H.R. 4548 and H.R. 4056.

The Hispanic community would like to see a prosperous agricultural industry that treats its migrant and seasonal farm workers with dignity, respect and economic fairness. Unfortunately, despite an expanding labor-intensive agricultural sector, our goal remains distant. Research by the Congressional Research Service, the General Accounting Office, the Department of Labor and the U.S. Commission on Immigration Reform confirms the harsh reality. The wages of farmworkers have declined in real economic terms. Poverty rates have increased so that the majority of farmworkers earn less than the poverty level. Unemployment rates in major agricultural production areas remain at double or triple that of other workers.

Agricultural industry lobbyists assert that these bills represent a "solution to the labor problems in the agricultural industry." Nothing could be further from the truth. Numerous commissions have considered these same arguments and have, nonetheless, rejected the validity of the employers' demands. In 1951, the President's Commission on Migratory Labor, and in 1997 the U.S. Commission on Immigration Reform, among many others, opposed expansion of guestworker programs and made the same basic recommendations. Agricultural employers must modernize their employment practices and improve wages and working conditions to attract and retain workers, and thereby stabilize the workforce and continue increases in productivity.

It is not just agricultural employers who have failed to take the steps necessary to stabilize the agricultural work force and improve the disturbing conditions faced by so many farmworker families. Through our government, all of us have failed. As the President's Commission said in 1951, "We have failed to adopt policies designed to insure an adequate supply of labor at decent standards of employment." This

Labor Donated

National Latino Summit against Guestworker Legislation
July 26, 2000
Page 2

conclusion is still valid today. At the federal level and in many states, farmworkers continue to be denied access the legal protections that other workers have come to expect. Studies show extensive violations of farmworkers' labor law rights and the resources to enforce labor laws in agriculture are inadequate. The Department of Labor has not adequately protected the H-2A guestworkers or the U.S. workers at H-2A employers, according to several reports, including a new report by Human Rights Watch, a series of articles in *The Charlotte Observer*, a GAO report, and others.

The pending legislation is too complex and long to analyze in this letter. At bottom, it is quite simple. Agricultural employers are demanding federal laws that allow them unlimited access to foreign workers in an extremely vulnerable, controllable status under temporary, non-immigrant work visas. Such workers would have neither the political rights nor the economic leverage to improve their conditions. A system of state "job registries" would be created, under which employers would be permitted to blame the government (rather than their own recruitment and hiring practices) for failing to supply them with workers and thereby justify access to as many guestworker visas as they seek. These proposals would specifically authorize employers to establish wages and working conditions that would undermine the standards of American farmworkers and exploit the vulnerability of foreign workers. Many of the labor and housing protections that existed in the abusive *bracero* program would not be offered. The few protections in the Migrant and Seasonal Agricultural Worker Protection Act are also under attack in pending legislative proposals.

We are interested in working with all legislators as well as the agricultural employers to enact legislation that maintains a prosperous agricultural industry and creates a more humane farm labor system. These pieces of legislation, however, are so inappropriate that they do not form the basis for meaningful discussions.

We ask that you vigorously oppose the agricultural guestworker legislation and work with us in the Latino community to build a better future for America's farmworkers.

Sincerely,

Mario Obledo
President
California Coalition of Hispanic
Organizations

Antonia Hernandez
President
Mexican American Legal Defense and
Education Fund

Arturo Rodriguez
President
United Farm Workers of America, AFL-CIO

Baldemar Velazquez
President
Farm Labor Organizing Committee, AFL-CIO

Raul Yzaguirre
President
National Council of La Raza

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Voter Profiles Selling Briskly As Privacy Issues Are Raised

The New York Times - 09/09/2000

By LESLIE WAYNE

c. 2000 New York Times Company

SAN FRANCISCO -- At the end of an alley on a nondescript street, a political consulting firm with the unusual name of Aristotle International has compiled the nation's largest voter databank, the names of 150 million Americans registered to vote. And it is selling them to politicians like George W. Bush, Joseph I. Lieberman and John McCain in ways that many fear removes too much privacy from the voting booth.

Want to contact Democrats in your district between the ages of 45 and 55, who have Hispanic names, children, own their homes and annual incomes of more than \$75,000? That's possible. What about sending a personalized letter to Republican women, in a specific precinct, older than 65 who have made campaign contributions and voted in at least three primaries? "No problem," according to Aristotle's advertising.

How about reaching the rich? Aristotle's "Fat Cat" list of wealthy donors can turn "your personal computer into a proven fund-raising machine" and "raise more money than you ever thought possible."

With promises like that, it is not surprising Aristotle, which was started in 1983 by two brothers with the same middle name, has a client list that reads like a political convention: 45 senators, more than 200 members of the House, 46 Republican and Democratic state parties, and most major presidential candidates this year except Al Gore, whose campaign said it would not hire any firm whose practices could jeopardize the public's privacy.

Of particular concern this election season, when electronic privacy has become a significant issue, is Aristotle's ability to help transmit "pop-up" campaign advertisements to specific voters using the Internet.

"They are one of the first companies to fully exploit the use of technology in the political system," said William Dal Col, a Republican strategist and manager of the New York Senate campaign of Rick A. Lazio, who is not an Aristotle client. "They found a niche and exploited it dramatically. They built a database and made it readily accessible. And they market, market, market it."

For nearly two decades, John Aristotle Phillips and Dean Aristotle Phillips have been collecting voter registration lists from states, towns and counties. While this information is public, it is not always easy to obtain -- located on ledgers or computers in town halls, state office buildings or county courthouses, each with different hours and different rules of access.

As a result of the brothers' persistence, Aristotle now has the nation's largest repository of registered voters, including their names, addresses, telephone numbers, party affiliation and frequency of voting. Aristotle blends this data with information from other sources -- the Internet and commercial vendors that sell personal data -- to provide office-seekers with even more detailed voter profiles, including information about their cars, ethnicity, incomes, employers and up to 25 other factors.

In Wisconsin, for instance, where public voter lists do not include a person's party affiliation, Aristotle can make that information available. And any Congressional candidate can use Aristotle's software to find out if any donor has inadvertently given more than the \$1,000 allowed.

And Aristotle's databank can help place candidates' advertisements that pop up, as if by magic, on the

09/11/2000 6:37 AM

computer screens of some voters.

For campaigns pressed for time and worried about cash, such precise information is golden, enabling them to identify potential supporters and not waste money on the unswayable. In some ways, Aristotle's voter lists simply provide a modern version of the information that office-seekers have long used to get out the vote.

"It's not the database; it's the data," said Steve Grubbs, a former official of Steve Forbes's presidential campaign. "If I want to talk to retirees in Alabama who are registered to vote, I'd go to Aristotle first. If I wanted soccer moms who are registered Republican, I'd go there. Lots of states don't keep their voter files very well. Aristotle does this a lot better than the government."

But information that makes for good business or could be useful in politics concerns privacy advocates, especially when it begins to pull back the curtain of one of the most protected locations in America, the voting booth. Privacy advocates say this scrutiny of the electorate has brought a Big Brother aspect to politics: many fear that if citizens feel their privacy is being invaded by voting and donating to campaigns, they may stop going to the polls.

Moreover, the combination of the information available on the Internet with voter lists creates a potent stew of data that voters may not even know exists.

"We're concerned," said Ari Schwartz, an analyst at Center for Democracy and Technology, a Washington nonprofit group. "And we are especially concerned when we are talking about voting and citizenship, things that are so central to the election process."

John Aristotle Phillips, the company's chief executive, declined to comment, citing a pending public offering of the company's stock. But he provided access to the company's offices and promotional literature. At the office, a rah-rah attitude was pervasive among a youthful staff. A hand-written sign offered a daily update of voters in the firm's databank: at the time, 150,811,187.

Drawing on state motor vehicle registrations, the Postal Service and Census Bureau, among other sources, the Aristotle databank includes a person's age, sex, telephone number, party affiliation and estimated income, whether he or she rents or owns a home, has children, and has an ethnic surname. It also provides the make and model of voters' cars, whether they are campaign donors, their employer and occupation, and how often they vote. A dollar sign pops up next to the name of a voter identified as a "Fat Cat."

"As more and more voting information becomes electronic, the ability to cross-match that information with other data and build a voter profile becomes easier," said Robert Arena, a Republican strategist and webmaster for Bob Dole's presidential campaign in 1996. "Some people are finding it disturbing."

Equally, if not more, troubling to privacy advocates is Aristotle's recent foray into the advertisements that pop up when voters surf the Web. Since the advertisements appear only on the computer screens of potential supporters, they require an intimate knowledge of an individual's Web-surfing habits.

For instance, with the deadline for getting on the ballot for the Virginia primary only 10 days away, the McCain campaign hired Aristotle to send Internet advertisements to registered Virginia Republicans. When a potential voter went online, if he were a positive match with an Aristotle list, a McCain banner advertisement would appear inviting him to sign and circulate a McCain petition.

"It was effective in getting McCain on the ballot," said Max Fosc, the campaign's Internet manager. "We needed to pull out the stops."

Aristotle charged about \$5,000 for the project, Mr. Fosc said.

In Aristotle's filings with the Securities and Exchange Commission for its upcoming stock offering, it says it takes data only from public records and "standard commercially available" data sellers. It adds

that its database "does not contain information of a confidential nature."

Aristotle, which has not set a date for the offering, also said it did not use hidden tracking systems, or cookies, that could collect data on the Web behavior of those who see its clients' advertisements. Use of such devices, which track Web visits, has been criticized by privacy advocates and government regulators as a hidden intrusion into private behavior.

Still, privacy concerns have caused two big Internet players to scuttle plans to enter ventures with Aristotle. In the last year, Microsoft and America Online backed away from proposals by Aristotle to mesh its voter data with information Internet users give to Microsoft and America Online when registering to go online. The venture would have made it easier for Aristotle to place Internet advertisements and would have provided the company with millions of e-mail addresses.

In fact, America Online and Microsoft each recently enacted policies prohibiting combining data about voter registration with information collected from their users.

"There's a backlash when it comes to mixing this data," said Cyrus Krohn, director of political advertising for Microsoft.

Aristotle is also raising eyebrows with its "California Gold Rush" and "Fat Cat" databases of campaign donors because it is illegal to sell Federal Election Commission data, which is available to the public free, for commercial purposes. But Ian Sturton, a commission spokesman, said, "If someone thinks there is a violation, they can file a complaint." No one has.

Moreover, to protect itself, Aristotle requires all candidates using its services to sign a statement saying they will not use the information for illegal purposes.

"Federal election data cannot be used for commercial purposes, but no one has ever challenged it," said Trevor Potter, a former federal election commissioner. "These are some fuzzy areas, and no one has really pushed the edges of it."

When it comes to selling contributor lists, Aristotle's gushy advertisements either warm the hearts of politicians looking for cash or are examples to advocates of campaign finance reform of what is wrong with the system.

The company's promotional material offers breathless come-ons: "Hit your opponent in the Wallet! Using Fat Cats, you can ferret out your adversary's contributors and slam them with a mail piece explaining why they shouldn't donate money to the other side. This technique is 100 percent legal and especially effective in rough primary battles.

"You'll be amazed!" the material continues. "Upon viewing Fat Cats for the first time, even the most hardened political pros react with awe. Party bosses and seasoned politicians who think they 'have seen it all' can't get enough of Fat Cats."

Aristotle is looking for fat cats, too. The company, whose revenues doubled to \$3.9 million last year from \$1.7 million in 1997, has yet to turn a profit. High costs -- including a hiring spree and heavy advertising -- have caused Aristotle to rack up losses, \$1.9 million for 1999 and \$2.8 million for the first half of this year.

Aristotle wants to sell stock to raise \$20 million to \$28 million. How would the money be used? According to its S.E.C. filings, to get more voter names and more information about them.

Air Force Offers Right Stuff for Capitol Stress

By Al Kamen

Monday, September 11, 2000 : A21

While the final session of the 106th Congress may not be bloodier than past ones, members of both parties are likely to leave town angry and frustrated. And we know it's not good for people to stew about such things. Downright unhealthy, in fact.

Not to worry. The Air Force is coming to the rescue. It's got a sure-fire way for House and Senate staffers to reduce tension, relieve frustration and work out aggression. Plus there'll be some nifty toys to play with.

Yes, it's a trip to the " 'Home of the Fighter Pilot,' Nellis Air Force Base, Nevada, from 5-7 October 2000, for a series of operational updates, a firepower demonstration and Aerospace Power briefings," says the invite from Maj. Gen. T. Michael Moseley, director of legislative liaison.

You'll start Thursday afternoon from Andrews AFB on a military plane and on arrival will get a "brief tour of the Thunderbirds' hangar and mission," attend a reception and have a leisurely evening. Friday starts slowly with briefings but then you'll "get a hands-on look at our latest hardware and witness a live-fire demonstration." And these guys know how to blow things up--ask Slobodan Milosevic.

Then it's back home on Saturday, heart-rate lowered and much at ease. "We sincerely hope you will mark your calendar," Moseley writes. You bet.

Ready to Make a Comeback

If we had done our homework--or had better memories--maybe it wouldn't have been such a surprise that Republican Texas Gov. George W. Bush chose former defense secretary Richard B. Cheney as his running mate.

Seems that on this very page back in November 1992, we wrote that Cheney had a meeting with his senior political people at the Pentagon the day after Bill Clinton won the election and told them "the battle is behind us" and that none of them should expect to stay on.

He also told his aides he looked back "with considerable satisfaction" on the last four years, and said, "There may come a day when I have an opportunity to renew these relationships."

A Republican Sampler

A Loop Fan says he was delighted to receive an "official Census of the Republican Party" the other day asking for his views on abortion, tax reduction, gay rights and the antimissile defense system.

"The consequences of your failure to complete your census document are real and serious," Republican National Chairman Jim Nicholson wrote. "Without your answers to these and other questions," he said, the RNC won't be able to unify the party and energize the grass roots and such and would "be doomed to repeat the results of the 1998 elections when . . . we lost five Republicans in Congress."

"Because the Republican Party could not afford to print and mail an official Republican Party Census to each and every one of the 55 million Republicans nationwide," Nicholson said, "your answers will represent the views and opinions of all Republican voters living in your voting district."

Wait a minute! This sounds suspiciously like sampling, something the GOP has long opposed in census battles with the Democrats.

Virginia, for example, has legislation that "requires an actual count, not statistical sampling, which is nothing more than guesswork," said David Botkins, a spokesman for Virginia Attorney General Mark L.

Earley (R).

Clearly this survey is fraught with peril. Perhaps they'll ignore the answers and just cash the contributions they also asked for?

Holdup Ends on Some Confirmations

The Senate has finally confirmed seven members to the Internal Revenue Service Oversight Board who had been caught up in a fight between the State Department and Sen. Charles E. Grassley (R-Iowa) over the treatment of a department employee.

Grassley had blocked confirmation of two ambassadors and Senate Democrats in turn blocked Grassley's pick for the board, Iowa cattleman Charles L. Kolbe. Senate Republicans then held up the rest of the board. Grassley recently lifted his holds on the ambassadors, and the other holds were lifted.

In addition to Kolbe, those confirmed include: former Maryland state Sen. Larry Levitan, Washington lawyer Karen Hastie Williams, National Treasury Employees Union President Robert Tobias and former Treasury Department assistant secretary and chief financial officer Nancy Killefer.

The Senate also approved 13 ambassadorial nominees, all career employees, including Michael G. Kozak to Belarus, Ross L. Wilson to Azerbaijan, Janet A. Sanderson to Algeria, Roger A. Meccc to Malawi, Mary Ann Peters to Bangladesh, John Edward Herbst to Uzbekistan, Carlos Pascual to Ukraine and Sharon P. Wilkinson to Mozambique.

In other action, the Senate approved four members of the board of the Corporation for Public Broadcasting, including two new appointees: former Reader's Digest editor in chief Kenneth Y. Tomlinson and Ernest J. Wilson III, director of the Center for International Development and Conflict Management and an associate professor at the University of Maryland.

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TO THE IRS, YOUR HOME IS WHERE YOUR WORK IS

Orlando Sentinel - 09/10/2000

JULIAN BLOCK, UNITED FEATURE SYNDICATE

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The Internal Revenue Service unreservedly blesses business- expense deductions of 100 percent for lodgings and 50 percent for meals when travelers are on a trip that takes them "away from home" overnight. But buried in the fine print is the IRS definition of "home."

It is where a person's principal place of business or employment is located, even though his or her family or spouse resides elsewhere.

This should raise no problems for most people; they work at one job in the same place in which they live with their families.

But identifying their tax home and whether their outlays for meals and lodgings qualify as away-from-home travel expenses raises troublesome questions for the ever-growing number of two-career couples who now live apart in an effort to keep their jobs or advance their careers.

By one estimate, more than 1 million women work and maintain homes in one city, while their husbands do likewise in another city. With more women launching careers and advancing into positions of greater responsibility, the number is likely to keep increasing.

To illustrate the tax problem, consider the case of George and Mary Leyland, who found out the expensive way how the rules can twist and turn.

They lived in New Haven, Conn., where he worked for the U.S. Census Bureau and she was with IBM. It all began when the bureau sent George to Boston for a yearlong training program at the Harvard Business School.

The couple gave up their New Haven apartment and rented one in Boston. They also joined a New Haven club and took a room there for Mary, which George shared when he traveled to New Haven.

While George was in Boston, Mary sometimes went there on business for IBM. At filing time, the couple claimed their tax home was in New Haven, and deducted their Boston expenses.

But the IRS viewed the matter somewhat differently. The agency readily conceded that Mary's tax home was in New Haven, as her job location was unchanged.

This, of course, entitled her to deduct unreimbursed business expenses while in Boston on assignment by IBM. But the Tax Court agreed with the IRS that New Haven was no longer George's tax home, because he gave up his apartment there and moved to Boston.

True, his Boston assignment started out as "temporary," rather than "indefinite." Nonetheless, the court found that George chose to shift his tax home to Boston, because he was reimbursed by the bureau when he took his furniture with him and he was paid a per-diem allowance by the bureau when he traveled from Boston to New Haven on assignment.

Therefore, the court determined that he was never "away from home" while in Boston, and his rent and food there were nondeductible.

That finding did entitle George to deduct unreimbursed business expenses while in New Haven on assignment.

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AMERICA IS GOING BEIGE U.S. TAKING ITS MINORITY-MAJORITY SWITCH IN STRIDE

Chicago Tribune - 09/10/2000

Clarence Page

(Copyright 2000 by the Chicago Tribune)

America's racial and ethnic future is in California today.

That's the easiest conclusion to draw from new Census Bureau population estimates. Minorities are now the majority in California and will become the majority nationwide by mid-century, if current birth and immigration trends continue apace, the Census Bureau's estimates suggest.

The slippage of white Americans from a majority into a minority is a big deal. Yet the most remarkable aspect of this major-league story is the minor-league attention it has received. It seriously challenges California's traditional blond-haired surfer-dude image and, in general, the way we Americans have usually looked at ourselves.

Former Republican Rep. Robert "B-I Bob" Dornan, for example, might have taken smarter steps to keep his seat against the victorious Democrat, Rep. Loretta Sanchez, had he realized non-Hispanic whites in his Orange County, California, district were shrinking from 64 percent to 56 percent of the county's population between 1990 and 1999.

And remember John Rucker, the Atlanta Braves pitcher whose imprudent remarks about minorities in New York City got him into hot water? He might have benefited from the knowledge that his own native Georgia led the list, along with Nevada and North Carolina, of states that experienced the biggest percentage increases in minorities during the 1990s.

Yet most Americans appear to have greeted the news with a shrug, if they have paid any attention to it all.

Or maybe they are too anxious and confused by it to want to talk about it.

I suspect the former. These are not anxious times, and we can be grateful for that. Pat Buchanan, for example, mounted serious challenges to President Bush in 1992 and former Sen. Bob Dole in 1996, partly by calling for a moratorium on any new immigration. This year, he has hardly registered in opinion polls, either before or after leaving the Republican Party.

Anxiety and resentment between groups often fade in the warming atmosphere of a robust economy.

But I suspect another reason why this story has not been an earth-shaker for most people: The change has not brought any perceptible difference in most people's lives and probably won't for the foreseeable future.

For one thing, despite the laudatory desegregation that has occurred in Americans' lives since the 1960s, particularly in the workplace, most of us go home after work to remarkably separate lives, racially and ethnically.

Even the new black middle-class that has moved to better city and suburban neighborhoods since the civil rights era has often found itself living in gilded ghettos as earlier white residents moved farther away.

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For another thing, many Americans have wildly incorrect notions of what the nation's current population makeup is. Their misperceptions are fed by the ignorance so many of us have about each other's ethnic groups (beyond the individuals we run into in our daily lives).

A Washington Post poll showed a few years ago, for example, that most whites thought the percentage of blacks, Hispanics and Asians was much higher than it really is. Many actually thought America already is a country where whites are in the minority. No wonder they are not shocked by the recent population-trend news.

Non-whites can be just as confused. On several occasions, I have been surprised to learn from fellow African Americans that America will be a "majority black" country "in a few years."

Wrong. Majority-minority is hardly the same as majority black.

In fact, Hispanic and Asian populations are growing at the fastest rates. Between 1990 and the present, census estimates show the nation's non-Hispanic black population grew by about 16 percent to 33.5 million. Rapidly catching up is the Hispanic population, which grew 39 percent to 32.4 million. The Asian and Pacific Islander population grew 43 percent to 10.5 million.

Meanwhile, the nation's non-Hispanic white population grew about 7 percent to a total of 196.7 million. That is still a commanding majority, so there is little reason for whites to feel like they're suddenly out of fashion.

Nevertheless, the way we Americans view ourselves appears to be in for a big shake-up in coming years--as big as the shake-up the nation experienced with the massive wave of immigrants, mostly from Europe, who flowed in with the Industrial Age a century ago.

The big question is, will America's proverbial melting pot work as well in the current century as it did during the last one? Will members of non-white groups that have been historically left out of the mainstream be willing to join it?

The task is daunting, but I, for one, am optimistic. I have seen too many changes take place since the days of Jim Crow segregation in the early 1960s to believe America's ideals do not contain the best tools in the world for their own improvement.

But Americans will have to share those tools. As Martin Luther King Jr. said, we may have come here on different ships, but we're in the same boat now. Whether America sinks or floats on depends on how well it can make the best use of its entire crew.

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Sunday, September 10, 2000

Tuning In to the Cacophony of California's Population Crunch

By JAMES RICCI

EVERY WORKDAY IN HER cluttered office 10 stories above Koreatown, Danielle Elliott looks squarely into the eyes of the beast most of us are loath to acknowledge.

It is 5 p.m., and down on Wilshire Boulevard and Vermont Avenue the creature is crying out for attention in the horn-bleat and brake-squeal of rush-hour traffic and the polyphony of people crowding the bus stops.

We avert our eyes. The monster is hard to look at because it is us--the 3.8 million of us who throng Los Angeles, the 35 million of us who populate California, the 52 million of us who will be trying to live in this state 25 years from now.

"The problem is, we have great powers of adjusting," Elliott says. "We used to sit in traffic for 30 minutes; now we sit for an hour and a half. It will creep up to two hours, and we will adjust to that, too. People always want to put it on something else. People look at the traffic and say, 'Too many cars.' People look at suburban sprawl and say, 'Too many developers.' Never that there are too many people."

Elliott is executive director of Californians for Population Stabilization (CAPS), which, alone among environmental organizations, focuses on the state's fundamental dilemma, the sheer number of us living here. It is an article of faith among CAPS adherents that California already has exceeded a sustainable number of people. Every social problem--poor schools, water and power shortages, snarled transportation, environmental degradation--springs from this.

Facing up to it, much less facing it down, invites scorn from many quarters. Once you focus on population abridgment, you must then turn to reproductive freedom, privacy and that great ship-sinker on the seas of California politics, immigration.

It was mostly over the immigration issue that the California contingent of Zero Population Growth broke off from the national organization in 1986 and reconstituted itself as CAPS. Zero Population Growth, the Californians thought, paid insufficient attention to the peculiar threat that immigration-fed population growth posed to the state's environment.

From U.S. Census Bureau and state population statistics, CAPS estimates that immigration and births to immigrant women accounted for 80% of the state's population increase of almost 5 million during the past decade. Immigrants have made California's fertility rate--2.4 children per woman--the highest in the United States, and on a par with Sri Lanka and Chile. California, arch-symbol of the unlimited West, is already about 40% more densely populated than Europe, where the population remains stable.

In Los Angeles, Elliott says, the effects have been pervasive. They are apparent in the oft-reported habitation of garages, the crowding of multiple families in single apartments and other circumventions of zoning laws. They are apparent, she says, in the perpetual crisis of the Los Angeles Unified School District, and in a shortfall of services to the elderly "as society increasingly has to concentrate its resources on people of working age, those who can contribute to sustaining it."

As long as the population issue goes unaddressed, she says, the demand for new housing units--already at more than 250,000 a year, according to state Treasurer Phil Angelides--can mean only more new subdivisions on more of the state's hillsides and deserts, longer commutes, more freeway congestion, more strain on the water supply.

CAPS proposes limiting the number of immigrants to that of emigrants. It would restrict immigrant family reunification to spouses and minor children and eliminate automatic citizenship for children born here to undocumented residents. It calls for a national employment-eligibility verification system, higher penalties for employers of unpapered aliens and stepped-up INS enforcement.

The organization has its finger on a sore spot for liberals, who tend to be pro-environment but also bighearted about immigration. CAPS takes pains to explain that it is not anti-immigrant (it remained neutral, for example, on Proposition 187).

"We're not concerned about who is coming here, but simply the number," says CAPS activist Ric Oberlink. "It is not a matter of condemning those people who have come here, but of looking at resources and asking how many people this land can support with what kind of lifestyle."

Much of CAPS' agenda concerns limits on reproduction. It calls for legislators to restrict tax exemptions to the first two children of any family and to require contraception coverage in all health plans. It proposes all-out efforts to prevent unwanted pregnancies and to expand clinics that provide birth-control services, including abortions.

This, of course, is not the sort of discordant music even those of us who aren't sexual moralists or individual-rights crusaders are eager to hear. It's more pleasant to tune in some easy-listening fare, courtesy of our politicians and developers, about "smart growth," California optimism and hope springing eternal. You know, keep those cyclids shut and a happy tune playing in our heads.

* * *

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Working Families Strain To Live Middle-Class Life

The New York Times - 09/10/2000

By LOUIS UCHITELLE

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When Vice President Al Gore incorporated "working families" into his rhetoric last month and "hard-working middle-class families" this month as pivotal campaign phrases, he pointed a finger -- unintentionally perhaps -- at a central fact of American life: most of the nation's 72 million families feel they cannot make ends meet.

Three-quarters earn less than \$75,000 a year and 45 percent of all families earn \$30,000 to \$75,000, the range of middle-class incomes in most of America. No one argues that middle-income families cannot put food on the table, pay the mortgage, own a car or two, take a modest vacation. What stresses them, sociologists and economists say, are the other outlays of middle-class life: new clothes, child care, lessons for the children, restaurants, movies, home decoration, computers, big-screen television sets, stereo systems, Christmas gifts, and saving for college and retirement.

"'Working families' is a code phrase with a variety of meanings, and one is middle-class people trying to live only on wages, not earnings from investments," said Barrie Thorne, a sociologist and the co-director of the Center for Working Families at the University of California at Berkeley. "They can't do it and they feel nonaffluent and not adequately compensated for the number of hours they must work to make ends meet."

They are people like Tracey and Carrie Jones, who live with their two sons in a ranch house in Madeira, Ohio, a Cincinnati suburb. Tracey Jones's \$45,000 salary as a designer of labeling machines rose from \$40,000 in 1996, when his company elevated him to permanent employee, with health insurance, from temporary status, thanks to the booming economy and the tight labor market. The family's credit card debt is shrinking, partly because of Mr. Jones's higher income, but also, Ms. Jones says, because of her newly developed resistance to impulse buying, particularly of clothing and toys.

But unanticipated expenses force the Joneses to dip periodically into \$600 in cash savings, or to overcharge on credit cards. August was such a month. A car alternator had to be replaced, for \$143. Ms. Jones, who is 38, decided, while shopping at a Sam's Warehouse Club, to spend \$250 to stockpile packaged snack food for school lunches. The snacks were on sale. "That purchase was a mistake," she said. The semiannual \$315 car insurance premium came due. And the credit card bill somehow jumped to \$450.

So Ms. Jones, who already works two evenings a week for a dentist, earning \$4,500 a year, has taken a second job, washing luncheon dishes two days a week, four hours a day, at her sons' elementary school, earning \$41 a week. "I had volunteered in the cafeteria and I knew a lot of the women, and they asked me if I wanted to work there," she said. "It is hard work washing dishes and I am exhausted when I get home."

Mr. Gore says his tax breaks and spending proposals would enrich this broad swath of middle-income families whose incomes had languished for more than 20 years, through Democratic and Republican administrations. Gov. George W. Bush's camp increasingly insists that his tax proposals include significant cuts for this group, too. Whatever the merits of their various arguments, the emphasis has clearly shifted. Until Mr. Gore first made a point of helping "working families" and then the relabeled "hard-working middle class," the Clinton administration had pushed a different emphasis. The president spoke repeatedly of the "unprecedented prosperity" that Americans enjoyed from the economic expansion that gathered steam in the late 1990's.

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And families are doing better. Their incomes, adjusted for inflation, had plunged in the early 1990's for all but the wealthiest 20 percent. Now that lost ground has been recovered, and then some. Median family income -- half of the nation's 72 million families earn more and half less -- is likely to pass \$47,000 when the Census Bureau announces the 1999 number late this month; it was \$46,737 in 1998. The gain is small potatoes compared with the last high point, \$44,974 in 1989, an increase since that year of about \$2,000 or 4.5 percent. But 1993 provides a more optimistic comparison. That year was the low point for family income in the 1990's, only \$41,691 adjusted for inflation, and the improvement since then is a much more respectable \$5,300 or 12.7 percent.

"Middle-income families are definitely a few dollars ahead of where they were and they are happy to be there," said Jared Bernstein, a labor economist at the Economic Policy Institute and a co-author of the institute's newly updated biennial analysis of work in America. "People are more likely today to hold full-time jobs with health insurance than part-time or temporary work, without benefits. But the stock market boom has not reached middle-income families in any important way, and while family income is up, so is family debt and hours spent at work."

Rising hours, in fact, have done more than rising wages to push up family income, and stress. From 1995 through 1998, the latest year for which figures are available, middle-income family members added 70 hours a year on average to their work time, or nearly 1.3 additional weeks. >From 1989 through 1998, the increase in work time was 3.4 weeks -- often run up by people like Ms. Jones, supplementing a spouse's wages.

"I once read in the Reader's Digest that families can't make it on one income because we want so much," she said. "I think that is true."

The income from all the additional hours has lifted some families beyond the \$75,000 that pollsters find to be the minimum that a family of four feels it must have to afford a middle-class life. "In the New York metropolitan area, you can have six-figure family incomes and still feel like you are struggling," said Geoffrey Garin, president of Peter Hart Research Associates, which surveys public opinion. Still, families with earnings above \$75,000 are the ones most likely to tell pollsters that they earn enough to lead the life they want to lead, says Andrew Kohut, director of the Pew Research Center.

Vicki and James Stogdill in Des Moines are in the above-\$75,000 category, paying all their bills from their incomes and saving money. They hope to build a larger house on a suburban lot they have bought, now that they have paid off the mortgage on their present three-bedroom home. But the \$90,000 a year that they take home from Stogdill's TV and Appliances, the family business on Franklin Avenue they now own and operate, comes at a price that Vicki Stogdill resents. "If I could, I would get out in a heartbeat," Ms. Stogdill said.

But they cannot get out, they say. In the tight labor market, they cannot find or afford the people to do all the tasks they do. So they put in 110 hours a week, he from 7 a.m. until 9 p.m. as the general manager, running the sales and repair operations, and she from 9 a.m. to 5 p.m. as the administrator, in charge of the computer system, personnel and advertising.

Mr. Stogdill's father started the business in 1957, and Mr. Stogdill, who is 43, remembers an easier pace in earlier days, when his father would close the store periodically for a week or so of vacation. The arrival of giant discounters, competing for sales, put a stop to that leisurely practice. If anything, the booming economy has increased the pressure on the Stogdills to work long hours, and Ms. Stogdill, who is 35, handles child care by bringing the couple's only child to the store.

Jonathan, now 15 months, is growing up in a playpen in his mother's crowded office and along the aisles among the television sets, refrigerators, washing machines, stoves and other appliances. "He does really well here," Ms. Stogdill said. "Now if there is a second child, that could be tough."

The sense of "fulfillment in shaping my child" is the reason Ms. Stogdill keeps Jonathan with her. And the savings in child care, a major cost for middle-income families, helps to keep the Stogdills in the

black. So does their frugality, which surprises people aware of their income, Ms. Stogdill says.

"The prosperity that I keep hearing about is not what keeps money in my bank account and my bills paid every month; it is the fact that we are spending carefully," she said. "If I don't need new shoes, I don't buy them. Most people do. We drive old cars. We do spend \$800 a month on takeout food and restaurants because we work so many hours. And we tithe at the church, \$6,000 a year. But we have not gone out and built the new house yet. Bankers are trying to loan us the money. They tell us we are nuts, build it now. But we want to wait until the loan for the lot is paid off."

Ronald and Rhoda Wright, in Bloomington, Ind., have grown similarly cautious since she was laid off in 1998 from a job paying \$10.60 an hour -- \$22,000 a year -- at a television assembly plant in Bloomington. Thomson Consumer Electronics closed the plant and moved the operation to Mexico.

Most middle-income people have only a high school degree or a year or two of college, and the Joneses, Stogdills and Wrights fall into this category. Still, the booming economy has generated plenty of \$7- and \$8-an-hour jobs for this level of education, and Ms. Wright, who is 50, says she could have easily jumped into one.

"That is not a livable wage," she said.

Instead she used \$13,000 in severance pay to reduce family debt and enrolled in a two-year bookkeeping course. She collected \$236 a week in unemployment insurance for 18 months to supplement her husband's \$36,000 salary as a maintenance worker at Indiana University.

"I was never a big shopper," she said, "but I spent on birthdays and Christmas for my two daughters and two grandchildren. If we were out for a drive and I saw something I liked, I bought it. Maybe patio furniture."

Graduation with a bookkeeping degree came last spring and, still resisting the \$8-an-hour offers, even \$9, Ms. Wright finally started last month at the Hoosier Advertising Company. There she handles accounts receivable and outgoing payments, at a salary of \$26,000, the equivalent of \$12.50 an hour. "I knew what I was worth with my schooling," she said.

There will be some renewed spending -- a \$7,500 metal shed, for example, to house her husband's tractor on their small spread. But most of her income will be used to replenish the family's almost-depleted savings. "We probably went from \$30,000 to \$1,700 to support ourselves while she was in school," Mr. Wright said.

At 55, he hopes to retire in two or three years, although starting 18 months after he retires and until he qualifies for Medicare at age 65, he will have to spend \$800 of his \$1,200-a-month pension for health insurance premiums. "That is highway robbery," he said, "but I have worked at the university for 34 years and I am not going to stay another 10 years."

Ptosha Ford, a 30-year-old nurse and instructor of nurses at Memphis Hospital School of Nursing in Memphis, earns \$36,000 and is single. But the costs that squeeze middle-income families squeeze her, too, she says, and for two years now, she has taught nursing part time at a community college, adding \$10,000 a year to her hospital income.

"To me that is still not enough," she said. Until last fall, she had lived with her parents, an arrangement that she said impinged on her independence. Rather than rent, Ms. Ford moved directly into her own home, which she had built for \$118,000 in a new suburban development. A mortgage rate of only 5.27 percent keeps her monthly house payments, including property taxes, at \$850, roughly the cost of renting an apartment in Memphis, she said.

It is the other costs that get her: car insurance, a cell phone, a beeper, cable television, beauty parlor and nail salon, gasoline, groceries, dry cleaning, home security, Internet connection, 403 (b) pension contribution, health insurance. As a preacher's daughter, she tithes \$300 a month. And there are the

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credit card bills, which average \$500 a month.

"I buy little things," she said, "like clothes and household items or a piece of art, and I pay for vacations on credit cards. I visited a friend in Houston this year, and I plan to go to Jamaica in October for a week."

Taxes are a sore point with Ms. Ford. "I don't agree with high income taxes," she said, "and I feel like Social Security won't exist when I retire."

Ms. Ford says that Mr. Bush might do more than Mr. Gore to lower her taxes and to resolve the Social Security problem, but she is voting for Mr. Gore. "He is from my home state," she said.

The voting preferences of the Wrights, the Stogdills and the Joneses seem similarly disconnected from their experiences as middle-income families. The Wrights, union members, normally vote Democratic, and are leaning that way now. The Stogdills, conservatives, are voting Republican. And the Joneses, who like some of the middle-income relief Mr. Gore proposes, make abortion their priority issue. They are against it, and therefore for Mr. Bush.

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RESTORING STATE'S IDENTITY

The New York Times - 09/10/2000

By Angela Starita

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The federal Office of Management and Budget has reversed a proposal for interpreting census data that would have made New Jersey a statistical nonentity. The Metropolitan Area Standards Review Committee, a federal panel that reviews how census information is classified, planned to define areas with a million people or more as "megapolitan," which would have absorbed North Jersey into New York City and South Jersey into Philadelphia. Under the latest plan, a region with at least two and a half million people will be subdivided into "metropolitan divisions," with at least 50,000 people, thus giving New Jersey communities an identity. The Office of Management and Budget will release its final guidelines by Dec. 31. Angela Starita

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FIVE-COUNTY METRO AREA MAY GO TO SEVEN OR MORE

The Commercial Appeal Memphis, TN - 09/09/2000

Jimmie Covington The Commercial Appeal

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Two or more additional counties would be added to the five-county Memphis metropolitan area if federal officials adopt proposed metro area standards for reporting 2000 Census data.

That could mean more business and industry.

The proposal sets 25 percent of employment commuting as the single standard for whether an outlying county would be part of a metro area for statistical reporting purposes.

A U.S. Census Bureau report that applies the proposed standards to 1990 Census figures for illustrative purposes shows Tate and Marshall counties in Mississippi would be added to the Memphis area.

Counties currently in the area are Shelby, Tipton and Fayette in Tennessee; DeSoto County, Miss.; and Crittenden County, Ark.

Dexter Muller, a former top Memphis and Shelby County planning official, said the proposed standard, which involves commuting both ways, combined with the 2000 Census figures might also add Tunica County, Miss., and additional counties.

Muller, now senior vice president for infrastructure development with the Memphis Area Chamber of Commerce, said the addition of more counties to the metro area would provide an added boost for business and industrial recruitment.

"Size is always helpful in efforts to attract businesses," he said.

Chamber, government and other business recruitment leaders hailed the addition of Fayette County to the metro area after the 1990 Census, a move that pushed the Memphis metro area past 1 million residents for the first time to 1,007,306.

The Census Bureau's 1999 estimates place the five-county metro area's population at 1,161,798. The estimates show Marshall County (Holly Springs) with 32,323 residents and Tate County (Senatobia) with 24,417.

The Memphis metro area ranked 40th in size nationally in 1990. The 1999 estimates place it at 42.

Muller said an expanded area would tie in with a regional focus being emphasized by county Mayor Jim Rout and others.

Another proposed change for the new census would designate smaller areas surrounding at least one "urban cluster" of 10,000 to 49,999 people as "micropolitan areas."

If adopted, the new category would probably include such areas as Dyersburg and Brownsville, Tenn.; Jonesboro and Blytheville, Ark.; and Mississippi areas such as Tupelo, Clarksdale, Corinth and Grenada.

The metropolitan area standards are set by the federal Office of Management and Budget. Since the 1950 Census, metropolitan areas have been designated for statistical reporting on multiple-county areas with

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an urban area at the core and substantial commuting and other ties between outlying counties and the central city or county.

Metropolitan areas must have an urban center of at least 50,000 residents.

Federal officials stress that the areas are designated to provide uniform statistical reporting and are not set up to serve any federal or other programs or to deal with any local situations.

OMB used a combination of factors in realigning metropolitan areas after the 1990 Census, said Colleen Joyce, a Census Bureau geographer in Washington. The factors included such things as the percentage of urbanized population in a county and the population density as well as commuting statistics.

"One of the goals of the (review) committee was to sort of simplify the standards," Joyce said. That approach to adding a county to a metro area "was one of the most confusing things to people with all the combinations that a county needed to meet to qualify," she said.

Joyce said the proposal to designate micropolitan areas stemmed from a goal to expand the statistical reporting system to cover more territory.

"They were trying with micropolitan areas to sort of capture those areas that are tied to some sort of core but are smaller and differentiate those a little bit from areas that really aren't tied to any core," she said.

An interagency Metropolitan Area Standards Review Committee has recommended the proposed changes to OMB. The proposals have been published in the Federal Register with a request for comments. The comment period ends Oct. 6. OMB is expected to make a decision before the end of the year.

Statistics on realigned areas will not be presented until 2003.

Reporter Jimmie Covington is at 529-2389 or send E-mail to covington@gomemphis.com

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Associated Press Newswires - 09/09/2000

By SARAH HUNSBERGER

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PORTLAND, Ore. (AP) - Lexi York busily barbecues plastic hamburgers and drumsticks on a miniature grill.

"Pollo," her Spanish teacher tells her. Chicken.

"Pollo," Lexi repeats, then squeals, scurries across the classroom and retrieves her pacifier.

Barely 3 years old, Lexi is among the growing number of Oregon preschoolers who are learning Spanish almost as soon as they're potty-trained and forming basic sentences in English.

Nationally, more English-speaking parents are paying for their children to begin learning Spanish before they reach school age.

Parents are pushing children to become not just familiar with the language but fluent, preferably by immersing them in classrooms where no English is spoken.

"It used to be Americans would sit back and say, 'Hey, everybody's learning English. Why do we need to learn these foreign languages?'" said Nancy Rhodes, director of foreign language education and testing at the Center for Applied Linguistics in Washington, D.C.

"We're just seeing a shift in public opinion in foreign language."

In Oregon, that shift has accompanied a surge in the Latino population. About 200,000 Latinos live in the state, a 77 percent jump between 1990 and 1998, according to the U.S. Census Bureau.

In the past few years, immersion preschools have sprouted around the Portland area to satisfy demand from English-speaking parents with pint-sized pupils.

Lexi attends Clackamas County's first such preschool, Amiguitos (Little Friends), which her grandmother, Ayde York, opened in Milwaukie last spring.

In Cedar Hills, a private Spanish immersion school that opened with a single student four years ago expects between 80 and 100 children, from preschool through sixth grade, to enroll in the coming school year.

One of the youngest children in this summer's program still wears diapers.

The International School, a private school in downtown Portland, sees more preschool immersion students every year.

This fall, it will add an entire class to its pre-kindergarten Spanish immersion program to accommodate a waiting list of 4-year-olds.

And almost a quarter of the preschools in Metro Child Care Resource and Referral's database, which covers Multnomah, Washington and Clackamas counties, advertise some type of Spanish services in the form of lessons or translation.

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"On one hand, I feel like, give it a break, you know, the kid's only 4. He can learn a language later," said Jeff Knorr, whose son, Gabriel, attends Amiguitos "On the other hand, this is an amazing time to learn a language."

Parents have good reasons to look ahead. State school benchmarks will include a foreign language test requirement by the time this fall's eighth-graders reach 10th grade, said Betsy Costi, who oversees foreign language standards for the state Department of Education.

By 2005, all students admitted to a state university in Oregon will have to prove that they can carry on a conversation in a foreign language, Costi said.

Spanish is still one of the most commonly taught languages in high school, especially as budget pressures cause schools to cancel the less-common languages such as Italian, she said.

Still, it's much easier for children to learn how to converse if they use the language when they're young, York said.

Parents agree, and Portland's grade-school Spanish immersion programs have long waiting lists.

The district is trying to answer for some of the demand by starting half-hour, four-days-a-week Spanish or Japanese lessons for all first-graders this fall.

Short lessons are trendy in preschools, too, spreading from Montessori schools to more traditional schools, said Doug Stearns, who helped found The International School a decade ago.

The brief lessons can't hurt, but they likely will do little more than introduce children to songs and numbers, Stearns said.

"They probably are not going to be able to carry on a conversation," he said.

That's why early immersion schools appeal to parents like Knorr. Knorr and his wife, who aren't Latino, put Gabriel in Spanish immersion preschool because they adopted him from Guatemala.

The couple wanted Gabriel to maintain his heritage and have the option of returning to Central America when he grows up.

Other families in Oregon see bilingual education as a vital tool in sustaining family relationships.

"I remember when I was going to college, you were encouraged to take a second language, but I was the typical American that didn't think it was necessary," said Paul Bliley of Vancouver, Wash.

Bliley, a design engineer for Hewlett-Packard Co., changed his mind after he married a woman from Mexico and had three children. The couple's two daughters, Cassandra, 3, and Vanessa, 5, attend Amiguitos.

"It's important for them to be able to have it at such an early age for them to be able to communicate with their aunts and uncles," Bliley said.

Other Latino parents are sending their children to learn Spanish because they've become so established in the United States that nobody in the family speaks Spanish anymore.

Tess Weir of Milwaukie said that even though her mother's family is from Mexico, they stopped teaching the children Spanish when they moved to the United States.

Now, Weir's 3-year-old daughter, Brooke, brags that she knows two languages and that she's going to teach her baby sister. A few months after Brooke started attending an immersion preschool, the

pigtailed, chubby-cheeked tot uncorks vocabulary that already baffles her parents.

"She'll say, 'Mas jugo, por favor' (More juice, please) even to her dad," who knows no Spanish. Weir said. "Her dad's like, 'Huh?'"

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Monday, September 11, 2000

U.S. Census Bureau News Articles

The Morning Edition

TRIBUNE

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U S C E N S U S B U R E A U



Debra J. Bond

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Record Type: Record

To: Irene Bueno/WHO/EOP@EOP, Larry R. Matlack/OMB/EOP@EOP, Lauren B. Steinfeld/OMB/EOP@EOP, Daniel J. Chenok/OMB/EOP@EOP
cc: Diana L. Meredith/OMB/EOP@EOP, Carole Kitti/OMB/EOP@EOP, Brooke Dickson/OMB/EOP@EOP, Steven M. Mertens/OMB/EOP@EOP
Subject: AgNet Update: Decision Needed

We met with the Department of Labor on Wednesday to discuss the current status of the AgWork* pilot. DOL proposed a new strategy regarding the pilot and needs a "go / no go" from us. Once we give them a response, it will take 3 - 5 months to get the pilot up and running. (DOL is pushing for the 3 month side of the range.) Attached is a description of their proposal. I told DOL that we would get back to them quickly given the clock does not start ticking until we give them an answer. Please advise. Thanks--

*Note: AgNet is now AgWork. Another group was already using the name AgNet.



AgWork Pilot.do

AgWork Pilot

Where: Hope, Arkansas

When: 3 – 5 months until operational

Who: Migrant and Seasonal Farm Worker grantee – the Hope Migrant Center

How would this work?

DOL decided to focus its limited resources for a pilot program on a single location that serves a large number of migrant workers. DOL would like to provide additional funds to the Hope Migrant Center to register workers in the AgWork pilot. The Hope Center serves approximately 45,000 migrant workers annually. This center is a current grantee of DOL and USDA and thus would be a viable pilot location. Given this relationship, DOL could easily evaluate AgWork and would not have to go through a lengthy RFP process.

Use of the Hope Center does not mean that this would be a one-state pilot. Workers passing through Hope are employed in a number of states; therefore jobs from Michigan, Arkansas and Texas would be included in the pilot. This would capture some of the mid-west migrant stream.

NOTE: DOL has not contacted the Hope Migrant Center regarding this idea but believes they will be interested.

What would the Hope Center do regarding worker verification?

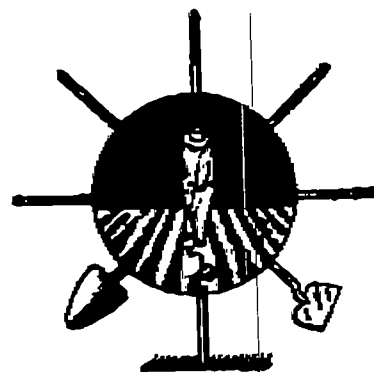
The Hope Migrant Center would verify the worker's SSN, but not through the AgWork system. There are various options on how this could be accomplished. One option would be to have the Center obtain written consent from the migrant worker for verification and maintain those records for audit as SSA previously requested. We need additional conversations with SSA and INS on whether this is the best approach.

Our concept of on-line verification would not be lost. While we are proceeding on the pilot, DOL recommends parallel discussions with SSA and others to come to closure regarding on-line verification. There are still many issues to work through.

Recommendation

The Labor Branch recommends moving forward with DOL's proposal. Their approach appears to be the most efficient way to make the pilot operational quickly. It also will provide us time to conduct further outreach to growers and workers and work through the SSN verification issue.

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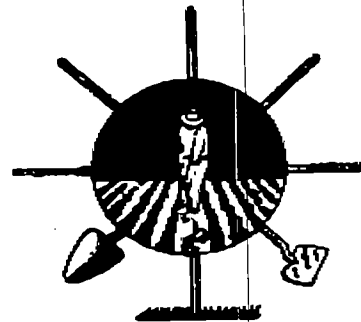
DATE: August 22, 2000

No. Pages: 5 (including this page)

This fax may contain confidential or privileged information. If you receive it in error, please return to sender and do not distribute. Thank you.

We'd like Mr. Vincent Fox and others to understand the differences between the Bracero program and the new guestworker proposals. Anything you could do would be appreciated.

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RECENT AGRICULTURAL GUESTWORKER PROPOSAL: LESS WORKER PROTECTION THAN NOTORIOUS *BRACERO* PROGRAM

Several members of Congress introduced agribusiness-supported legislation for a new agricultural guestworker program and for a revision of the existing H-2A guestworker program (S. 1814/ S. 1815, H.R. 4056, H.R. 4548). Both programs would be **less** protective of farmworkers than the old *Bracero* Program which ended in scandal in 1964 and the current H-2A guest worker program. Senators Ron Wyden and Gordon Smith have written that the former *Bracero* program was often little more than "legalized slavery." What Sen. Gordon Smith, a co-sponsor of this year's legislation, has not acknowledged is that **the *Bracero* program had worker protections in the law and in the workers' employment contracts that would not be in his new guestworker program.** A principal reason that the *Bracero* program is synonymous with legalized slavery is that guestworkers, as temporary "non-immigrants," lack the economic or political power to enforce their rights or compel the U.S. government to do so. We should not revive the *Bracero* program or, as these bills would do, adopt something even worse.

Issue: What were an employer's obligations to Mexican workers under the *Bracero* Program?

Answer: Under the *Bracero* Program, agricultural employers had to abide by standard work contracts which were eventually governed by the Migrant Labor Agreement of 1951. These contracts, negotiated between the governments of Mexico and the United States, provided substantial protections for Mexican agricultural laborers or "braceros."¹

Protections afforded Mexican Workers under the *Bracero* Program.

- **Housing** - Under Article 1 of the Standard Work Contract, employers had to provide hygienic lodgings adequate to the climatic conditions of the area of employment. Lodging came at no cost to the worker. Also, blankets, beds or cots, and mattresses had to be provided when necessary. Lodging had to comply with housing standards as prescribed jointly by the U.S. and Mexico. Willful violation of lodging provisions could have resulted in termination of the work contract and compensation to the worker.

¹ Information Concerning Entry of Mexican Agricultural Workers Into The United States, United States Department of Labor, Bureau of Employment Security, Farm Labor Service, Published February 1962.

Guestworker Bills: 1. New guestworker program (it has not yet been named but is referred to in S. 1814, S. 1815 and H.R. 4056 as an "adjustment program"): No housing provisions at all. 2. Proposed revisions to H-2A program (S. 1814, H.R. 4056) or creation of H-2C pilot program (H.R. 4548): Eliminate obligation to provide housing and permit a minimal housing allowance (at least for the first four years).

- **Insurance** - Insurance coverage for occupational and non-occupational risks to Mexican workers had to be provided by employers under Article 3 of the Standard Work Contract. With regard to occupational risks, coverage was at no cost to the worker and had to include expenses for medical care as well as compensation for personal injury and disease. Non-occupational accident and health insurance was to be provided at expense to the worker.

Guestworker Bills: 1. New guestworker program: No requirement of any kind of insurance; it is left up to other laws, but workers' compensation laws often discriminate against farmworkers. 2. Proposed revisions to H-2A program: As now, employers would provide workers compensation insurance for occupational injuries (but not non-occupational health insurance).

- **Payment of Wages** - Under Article 4 of the Standard Work Contract, braceros had to be paid the prevailing wage paid to domestic workers for similar work at the same time the work was performed and in the same manner paid. In order to contract braceros, employers had to pay the adverse effect wage rate (AEWR) as determined by the Labor Secretary. AEWRs were to be paid to braceros to prevent adverse effect on wages of similarly employed U.S. workers. AEWRs were determined by using the 1950 Census of Agriculture average hourly wage rate for each state adjusted by the 1950-1963 trend in manufacturing wages.² AEWRs were first issued to the 24 states using braceros in 1962. Prior to 1962, employers only had to pay the wage prevailing in the market.³ This methodology generally raised AEWRs for each state 10-20% above the average agricultural wage. Massive introduction of braceros resulted in depressed farm labor wages. Once the braccro program ended in 1964, farm wages slowly ascended.⁴

Guestworker Bills: 1. New guestworker program: no wage protections. 2. Proposed H-2A revisions: Wages will be reduced and wage payment methods will be less regulated against abuses. The "adverse effect wage rate" is lowered (to at most, the local prevailing wage rate plus 5%), rather than a methodology to compensate for the depression in local prevailing wage rates caused by presence of foreign workers. Also, employers need not guarantee that any individual workers will earn the prevailing wage or new AEWR. Employer could adopt a pay method under which the workers' group as a whole would average the required rate. By definition, the average would allow individuals to earn less than the required rate (but not less than the federal or state minimum wage). No protection against employers increasing productivity standards through "speed ups" to offset any increases in wage rates.

² See AFL-CIO v. Dole, 668 F.Supp. 31, 34 (Dist. Ct. D.C. 1987).

³ The Bracero Program: Interest Groups and Foreign Policy, Richard Craig, University of Texas Press, Austin & London, p. 178.

⁴ Majka & Majka, p. 141.

- **Transportation** - Under Article 7 of the Standard Work Contract, transportation from the border reception centers to and from the jobs was arranged for and paid by employers. Transportation vehicles had to meet certain standards: (1) adequate fixed seats for passengers; (2) adequate protection against inclement weather; (3) meet similar safety requirements applicable to common carriers and (4) adequate accident insurance for injuries. Upon return to reception centers, the costs of repatriation and return to the interior of Mexico were the responsibility of the U.S. Government, which was reimbursed from a revolving fund -- supported by participating employers who paid contracting fees of up to \$15 per worker.⁵

Guestworker Bills: 1. New guestworker program: no provision for employer payment of worker transportation costs or advances or reimbursement. No special transportation safety provisions; workers will be subject to the Migrant and Seasonal Agricultural Worker Protection Act (AWPA), but the same growers that are lobbying for the guestworker bills are also lobbying to reduce transportation safety provisions (H.R. 1886 and H.R. 3121). 2. Revisions to H-2A Program: The current program requires transportation costs to be reimbursed to workers by employers upon completion of half the season, and payment of costs to travel home upon completion of the full season. The revisions have confusing language, especially in a new exception that would be created for growers who provide a housing benefit, and it is difficult to determine whether this long standing benefit will be continued for all or most workers. The H-2A workers would become covered by the AWPA, subject to certain exceptions. However, the employers are lobbying for weakening of the AWPA transportation safety provisions.

- **Employment Guarantee** - Article 10 of the Standard Work Contract required employers to guarantee braceros the opportunity to work for at least three-fourths of the workdays of the total period during which the work contract and all extensions were in effect. If an employer provided less employment than required, a worker was paid the amount which he would have earned had he in fact worked for the guaranteed number of days. Whenever a worker was not afforded the opportunity to work 64 hours or more in each two-week period, employers were required to provide subsistence (i.e., three meals a day) to that worker at no cost.

Guestworker Bills: 1. New Guestworker Program: No minimum work guarantee. This will encourage over-recruitment, which will weaken workers' bargaining power. 2. Proposed Revisions to H-2A Program: No minimum work guarantee; the current H-2A program's $\frac{3}{4}$'s guarantee would be repealed.

- **Domestic Worker Preference** - Under Public Law 78, section 503, the Labor Secretary had to certify that: (1) there was a labor shortage requiring use of braceros; (2) employment of braceros would not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and (3) reasonable efforts were made by employers to attract domestic workers for employment offered to braceros. Whenever the Labor Secretary determined that domestic workers were available to fill jobs for which braceros

⁵ Temporary Worker Programs: Background and Issues, Congressional Research Service Report to the Senate Committee on the Judiciary, 96th Congress (2nd Session), February 1980, U.S.G.P.O. Stock No. 052-070-05222-8.

were contracted, employers were subject to ineligibility proceedings. (Unlike current H-2A law, hiring preferences were not limited to the first half of the season.) Braceros affected by these proceedings were transferred to other authorized agricultural employers who lacked domestic farm labor. If transfer was not possible, employers had to pay the cost of returning the bracero to the reception center from which they came as well as the three-fourths guarantee and all other amounts due the worker under the contract.

Guestworker Bills: New guestworker program: No obligation on employer to show Labor Secretary that there is a labor shortage or that U.S. workers are not available or that the wages and working conditions being offered would not adversely affect U.S. farmworkers. No labor certification required. Proposed H-2A revisions: Would remove current law's labor certification requirement. It would repeal the employer's obligation to use U.S. Job Service and to engage in private-market recruitment efforts (no "positive recruitment" would be required except advertising). No obligation on employer to hire U.S. workers who apply to the employer either directly or through a labor contractor or union hiring hall. The obligation to hire U.S. workers would be to those referred by a new government entity, a "job registry," and that obligation would be limited.

Conclusion

The pending guest worker legislation would create a system far worse than the old *Bracero* program and the current H-2A program.

The concept behind the pending legislation seems to be: "the guest worker programs with Mexico have gotten a bad reputation due to failure to enforce the law's protections for workers, so let's change the law so that there are no worker protections to enforce."

The farmworkers in the United States who are from Mexico should be offered immigration visas, not some guest worker visas that amount to indentured servitude and allow exploitative wages and working conditions for both the foreign workers and the domestic farmworkers. In addition, the labor laws must be improved to create better wages and working conditions for agricultural workers in the United States.

August 2000

For further information contact Bruce Goldstein, Farmworker Justice Fund, Inc. (202) 776-1757, or go to our website (legislative updates/guestworker legislation) at www.fwjjustice.org.