

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	To Irene Bueno from Erin Bannister re: April 26th Meeting (partial, DOB, SSN) (1 page)	04/22/1999	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Irene Bueno
OA/Box Number: 17169

FOLDER TITLE:

H2A Background: H2A [3]

2017-1120-S

ry2228

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

LAUS ESTIMATE INFORMATION QUERY (RELEASED)

UNITED STATES						Released
State:		Areacode: US000000		Method: 6	000000	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg					
1999	Jan	137,943,000	131,339,000	6,604,000	4.8	
1999	Feb	138,202,000	131,639,000	6,563,000	4.7	
1999	Mar	138,418,000	132,299,000	6,119,000	4.4	

YUMA COUNTY						Released
State: ARIZONA		Areacode: PA040500		Method: 1	Co FIPS: 027	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	65,286	47,092	18,194	27.9	
1999	Jan	62,812	51,586	11,226	17.9	
1999	Feb	60,887	51,836	9,051	14.9	
1999	Mar	61,499	52,960	8,539	13.9	

ARIZONA						Released
State: ARIZONA		Areacode: ST040000		Method: 9	St FIPS: 04	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	2,272,388	2,178,306	94,082	4.1	
1999	Jan	2,333,599	2,246,588	87,011	3.7	
1999	Feb	2,351,445	2,265,672	85,773	3.6	
1999	Mar	2,359,574	2,272,240	87,334	3.7	

FRESNO COUNTY						DERIVED FROM SM284000 Released
State: CALIFORNIA		Areacode: CN060190		Method: 3	Co FIPS: 019	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	376,244	322,487	53,757	14.3	
1999	Jan	375,369	312,102	63,267	16.9	
1999	Feb	372,348	309,730	62,618	16.8	
1999	Mar	371,176	307,770	63,406	17.1	

IMPERIAL COUNTY						Released
State: CALIFORNIA		Areacode: PS060350		Method: 1	Co FIPS: 025	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	56,672	42,088	14,584	25.7	
1999	Jan	56,196	43,207	12,989	23.1	
1999	Feb	54,859	43,509	11,350	20.7	
1999	Mar	55,115	44,595	10,520	19.1	

KERN COUNTY						Released
State: CALIFORNIA		Areacode: PS060400		Method: 1	Co FIPS: 029	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	279,268	245,351	33,917	12.1	
1999	Jan	280,055	240,598	39,457	14.1	
1999	Feb	277,250	238,465	38,785	14.0	
1999	Mar	278,248	237,353	40,895	14.7	

MADERA COUNTY						DERIVED FROM SM284000 Released
State: CALIFORNIA		Areacode: PA064200		Method: 3	Co FIPS: 039	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	52,352	45,644	6,708	12.8	
1999	Jan	51,976	44,174	7,802	15.0	
1999	Feb	50,817	43,839	6,978	13.7	
1999	Mar	51,569	43,561	8,008	15.5	

MERCED COUNTY						Released
State: CALIFORNIA		Areacode: PS060600		Method: 1	Co FIPS: 047	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	85,524	72,590	12,934	15.1	

LAUS ESTIMATE INFORMATION QUERY (RELEASED)

MERCED COUNTY						Released
State: CALIFORNIA		Areacode: PS060600		Method: 1	Co FIPS: 047	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1999	Jan	85,191	70,318	14,873	17.5	
1999	Feb	85,967	70,508	15,459	18.0	
1999	Mar	86,649	71,807	14,842	17.1	
MONTEREY COUNTY						Released
State: CALIFORNIA		Areacode: PS060620		Method: 1	Co FIPS: 053	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	184,830	164,949	19,881	10.8	
1999	Jan	187,356	154,729	32,627	17.4	
1999	Feb	186,286	155,675	30,611	16.4	
1999	Mar	187,279	160,038	27,241	14.5	
BALANCE OF CALIFORNIA, STATE LESS LOS ANGELES PMS						Released
State: CALIFORNIA		Areacode: BS060100		Method: 9	St FIPS: 06	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	11,688,429	11,023,769	664,660	5.7	
1999	Jan	11,772,451	11,038,848	733,603	6.2	
1999	Feb	11,777,307	11,079,287	698,020	5.9	
1999	Mar	11,825,355	11,152,064	673,291	5.7	
CALIFORNIA						Released
State: CALIFORNIA		Areacode: ST060000		Method: 7	St FIPS: 06	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	16,329,178	15,360,632	968,546	5.9	
1999	Jan	16,366,009	15,321,132	1,044,877	6.4	
1999	Feb	16,383,069	15,380,699	1,002,370	6.1	
1999	Mar	16,455,890	15,493,675	962,215	5.8	
RIVERSIDE COUNTY						Released
DERIVED FROM SM678000						
State: CALIFORNIA		Areacode: CN060650		Method: 3	Co FIPS: 065	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	657,337	613,276	44,061	6.7	
1999	Jan	670,684	629,521	41,163	6.1	
1999	Feb	672,529	633,318	39,211	5.8	
1999	Mar	672,855	637,011	35,844	5.3	
SAN DIEGO COUNTY						Released
State: CALIFORNIA		Areacode: PS060850		Method: 1	Co FIPS: 073	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	1,319,398	1,272,972	46,426	3.5	
1999	Jan	1,335,000	1,285,981	49,019	3.7	
1999	Feb	1,334,261	1,289,278	44,983	3.4	
1999	Mar	1,335,074	1,292,833	42,241	3.2	
SAN JOAQUIN COUNTY						Released
State: CALIFORNIA		Areacode: PS061080		Method: 1	Co FIPS: 077	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	250,376	224,065	26,311	10.5	
1999	Jan	247,308	217,807	29,501	11.9	
1999	Feb	246,692	218,286	28,406	11.5	
1999	Mar	249,600	222,999	26,601	10.7	
SANTA BARBARA COUNTY						Released
State: CALIFORNIA		Areacode: PS061010		Method: 1	Co FIPS: 083	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	195,698	187,046	8,652	4.4	
1999	Jan	193,105	182,307	10,798	5.6	

LAUS ESTIMATE INFORMATION QUERY (RELEASED)

SANTA BARBARA COUNTY						Released
State: CALIFORNIA		Areacode: PS061010		Method: 1	Co FIPS: 083	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1999	Feb	194,023	184,028	9,995	5.2	
1999	Mar	195,853	186,406	9,447	4.8	

STANISLAUS COUNTY						Released
State: CALIFORNIA		Areacode: PS061070		Method: 1	Co FIPS: 099	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	202,327	177,559	24,768	12.2	
1999	Jan	200,696	174,100	26,596	13.3	
1999	Feb	200,660	174,120	26,540	13.2	
1999	Mar	202,244	175,898	26,346	13.0	

TULARE COUNTY						Released
State: CALIFORNIA		Areacode: PS061210		Method: 1	Co FIPS: 107	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	163,804	138,232	25,572	15.6	
1999	Jan	165,190	131,244	33,946	20.5	
1999	Feb	162,884	130,652	32,232	19.8	
1999	Mar	164,729	130,301	34,428	20.9	

COLLIER COUNTY						Released
State: FLORIDA		Areacode: PA121400		Method: 1	Co FIPS: 021	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	91,830	88,006	3,824	4.2	
1999	Jan	96,135	93,015	3,120	3.2	
1999	Feb	96,834	94,141	2,693	2.8	
1999	Mar	98,177	95,658	2,519	2.6	

HENDRY COUNTY						Released
State: FLORIDA		Areacode: CN120510		Method: 3	Co FIPS: 051	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	16,145	14,168	1,977	12.2	
1999	Jan	16,808	15,372	1,436	8.5	
1999	Feb	16,094	14,905	1,189	7.4	
1999	Mar	15,923	14,793	1,130	7.1	

MIAMI-DADE COUNTY						Released
State: FLORIDA		Areacode: CN120860		Method: 1	Co FIPS: 086	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	1,037,280	970,335	66,945	6.5	
1999	Jan	1,040,531	966,782	73,749	7.1	
1999	Feb	1,036,371	970,742	65,629	6.3	
1999	Mar	1,039,389	975,249	64,140	6.2	

PALM BEACH COUNTY						Released
State: FLORIDA		Areacode: PS120420		Method: 1	Co FIPS: 099	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	507,754	479,836	27,918	5.5	
1999	Jan	520,233	492,285	27,948	5.4	
1999	Feb	522,151	496,456	25,695	4.9	
1999	Mar	523,277	498,925	24,352	4.7	

ST LUCIE COUNTY						Released
State: FLORIDA		Areacode: PA121350		Method: 3	Co FIPS: 111	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	75,141	67,355	7,786	10.4	
1999	Jan	74,601	68,432	6,169	8.3	
1999	Feb	73,773	68,620	5,153	7.0	

LAUS ESTIMATE INFORMATION QUERY (RELEASED)

ST LUCIE COUNTY					DERIVED FROM SM271000		Released
State: FLORIDA			Areacode: PA121350	Method: 3	Co FIPS: 111		
Year	Month	Labor force	Employed	Unemployed	Unemploy rate		
1999	Mar	73,611	68,814	4,797	6.5		

FLORIDA						Released
State: FLORIDA		Areacode: ST120000		Method: 9	St FIPS: 12	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	7,227,969	6,917,750	310,219	4.3	
1999	Jan	7,312,988	6,979,955	333,033	4.6	
1999	Feb	7,332,866	7,037,107	295,759	4.0	
1999	Mar	7,361,549	7,076,075	285,474	3.9	

YAKIMA COUNTY						Released
State: WASHINGTON		Areacode: PS530170		Method: 1	Co FIPS: 077	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	114,778	102,788	11,990	10.4	
1999	Jan	107,238	91,835	15,403	14.4	
1999	Feb	108,270	93,201	15,069	13.9	
1999	Mar	108,967	95,945	13,022	12.0	

WASHINGTON						Released
State: WASHINGTON		Areacode: ST530000		Method: 9	St FIPS: 53	
Year	Month	Labor force	Employed	Unemployed	Unemploy rate	
1998	Avg	3,039,238	2,894,626	144,612	4.8	
1999	Jan	3,076,459	2,907,665	168,794	5.5	
1999	Feb	3,074,657	2,898,990	175,667	5.7	
1999	Mar	3,061,974	2,907,965	154,008	5.0	

DRAFT

Final

[4-27-99, 2:19 P.M.]

FISCAL YEAR 1998

(October 1997-September 1998)

H-2A REPORT

**PREPARED BY THE DIVISION OF FOREIGN LABOR CERTIFICATIONS
UNITED STATES DEPARTMENT OF LABOR**

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FY 1998 REGION & U.S. H-2A TOTALS 1/

REGION	APPLICATIONS RECEIVED	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
I	421	3,418	3,215	414
II	219	2,906	2,899	219
III	65	4,309	4,216	55
IV	645	21,624	17,905	547
V	34	1,066	630	20
VI	185	2,332	2,308	144
VII	48	299	272	38
VIII	654	1,061	1,035	645
IX	701	1,583	1,407	694
X	422	1,115	1,011	413
U.S. TOTAL	3,394 <u>2/</u>	39,713	34,898	3,189 <u>3/</u>

1/ This report is an unofficial issuance of the U.S. Department of Labor based on hand counts and may contain some inaccuracies.

2/ Applications received from growers/employers located in all fifty States except for Delaware and Hawaii.

3/ Represents and estimated 4,000 employers. Several large associations file single applications for multiple numbers of individual growers/employers.

FY 1997 COMPARED TO FY 1998 H-2A & FY 1998 FEES COLLECTED DATA

Region	Workers Certified 1997	Applications Certified 1997	Workers Certified 1998	Applications Certified 1998	Fees Paid 1998 <u>7/</u>
I <u>4/</u>	3,489	396	3,215	414	\$ 67,530
II <u>4/</u>	2,122	187	2,899	219	32,400
III	3,714	33	4,216	55	145,080
IV	9,873	509	17,905	547	309,340
V	298	7	630	20	9,000
VI	1,160	195	2,308	144	33,850
VII	145	14	272	38	3,270
VIII	840	183	1,035	645	56,890
IX	1,065	466	1,407	694	66,610
X	646	291	1,011	413	51,410
TOTAL	23,352 <u>5/</u>	2,281 <u>6/</u>	34,898	3,189	\$775,380

4/ Does not include H-2 logging activity in New England and New York. In 1998 120 applications were filed resulting in 680 worker certifications. Data for 1997, 1996 and 1995 are 114/702, 104/681 and 109/746 applications filed/worker certifications respectively.

5/ In 1994, 1995, and 1996, 15,811, 15,117 and 19,103 workers were certified respectively.

6/ In 1995 and 1996, 2,027, and 1,930 applications were certified respectively.

7/ Readers should be cautioned regarding the number of applications as presented. In crops with large master orders, the number of applications cannot be equated with the number of employers who receive certification. Consequently, this number cannot be related to the amount of fees collected, since one application certified may represent over 400 employers who will be billed for \$100 each under current regulations.

REGION I STATES

STATE	APPLICATIONS RECEIVED BY CROP	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
CONNECTICUT	12 Apple	32	28	12
	3 Christmas Trees	24	24	3
	25 Diversified Crop	65	64	25
	3 Farmworkers General II (Diary & Poultry)	6	4	2
	9 Horticultural Worker II (Greenhouse & Nursery)	70	27	7
	1 Poultry	1	1	1
	4 Sod	8	7	3
	48 Tobacco	1,335	1,221	48
	4 Vegetables	4	4	4
State Total	109	1,545	1,380	105
MASSACHUSETTS	80 Apples	258	235	80
	2 Farm worker General II	2	2	2
	52 Diversified Crop	179	178	52
	3 Horticultural Worker II	7	7	3
	2 Sod	6	6	2
	15 Tobacco	300	294	15
	20 Vegetables	60	59	20
State Total	174	812	781	174

REGION I STATES (Continued)

STATE	APPLICATIONS RECEIVED BY CROP	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
MAINE	37 Apple	327	327	37
	1 Blueberries	76	76	1
	2 Diversified Crop	11	11	2
	2 Horticultural Worker II	4	3	1
	2 Vegetables	4	4	2
State Total	44	422	421	43
NEW HAMPSHIRE	26 Apples	185	184	26
	14 Diversified Crop	39	38	13
	2 Vegetables	15	14	2
State Total	42	239	236	41
RHODE ISLAND	6 Apple	9	9	6
	1 Diversified Crop	1	1	1
State Total	7	10	10	7
VERMONT	34 Apple	319	316	33
	10 Diversified Crop	64	64	10
	1 Poultry	7	7	1
State Total	45	390	387	44
TOTAL	421	3,418	3,215	414

REGION I I STATES

STATE	APPLICATIONS RECEIVED BY CROP	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
NEW YORK	200 Apple	2,548	2,547	200
	6 Cabbage	135	135	6
	7 Vegetables	70	70	7
	1 Nursery	20	20	1
	3 Cranberry	72	72	3
State Total	217	2,845	2,844	217
NEW JERSEY	1 Diversified Crops	11	11	1
	1 Peach/Pear/ Nectarine	50	44	1
State Total	2	61	55	2
PUERTO RICO	None			
TOTAL	219	2,906	2,899	219

REGION I I I STATES

STATE	APPLICATIONS RECEIVED BY CROP	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
DELAWARE	None			
WASHINGTON, D.C.	None			
MARYLAND	4 Nursery	200	200	4
	2 Dairy	2	1	1
	1 Christmas Trees	2	0	0
State Total	7	204	201	5
PENNSYLVANIA	4 Nursery	37	0	0
	1 Vegetables	8	0	0
State Total	5	45	0	0
VIRGINIA	22 Apple	642	642	22
	7 Vegetables	97	94	7
	4 Tobacco	90	89	4
	3 Tobacco/Produce/Hay	2,895	2,891	3
	2 Cabbage	17	17	2
	2 Organic Berry/Vegetables	20	20	2
	2 Peach/Apple/Nursery	56	56	2
	1 Apple/Peach/ Nectarine	7	7	1
	1 Vegetables/Berry	9	8	1
	1 Peach/Sweet Corn/Cannery	10	10	1

REGION I I I STATES (Continued)

STATE	APPLICATIONS RECEIVED BY CROP	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
VIRGINIA (Continued)	1 Tobacco/Cabbage	24	24	1
	1 Cucumber	6	0	0
	1 Peppers	2	2	1
	1 Nursery	6	0	0
State Total	49	3,881	3,860	47
WEST VIRGINIA	2 Apple	140	140	2
	2 Tobacco/Sweet Corn/Hay	39	15	1
State Total	4	179	155	3
TOTAL	65	4,309	4,216	55

REGION I V STATES

STATE	APPLICATIONS RECEIVED BY CROP	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
ALABAMA	8 Horticultural	70	50	7
	3 Fruit	34	19	2
	1 Sheep	4	4	1
	1 Sweet Potatoes	6	6	1
State Total	13	114	79	11
FLORIDA	2 Tomato	45	25	1
	2 Sugar	4	4	2
	5 Strawberry	138	138	5
	1 Horticulture	20	10	1
	5 Citrus	240	0	0
	1 Trees	8	8	1
State Total	16	455	185	10
GEORGIA	1 Horticulture	3	0	0
	24 Vegetables	3,190	2,270	18
	3 Peach	805	744	3
	3 Onions	1,305	0	0
	1 Grains	8	8	1
State Total	32	5,311	3,022	22
KENTUCKY	387 Tobacco	3,076	2,645	339
	12 Horticultural	61	51	9
	4 Vegetables/Tomatos	80	70	3
	3 Livestock	6	1	1

REGION IV STATES (Continued)

STATE	APPLICATIONS RECEIVED BY CROP	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
Kentucky (Continued)				
State Total	406	3,223	2,767	352
MISSISSIPPI	10 Horticulture	104	80	8
	6 Fish	15	12	4
	1 Watermelon	32	32	1
	1 Sod	6	6	1
	2 Vegetables	11	7	1
State Total	20	168	137	15
NORTH CAROLINA	18 Tobacco/Vegetable	10,014	9,772	17
	11 Christmas Trees	845	688	10
	4 Horticulture	36	14	3
	1 Sweet Potato	80	0	0
	1 General	1	1	1
State Total	35	10,976	10,475	31
SOUTH CAROLINA	2 Horticulture	60	0	0
State Total	2	60	0	0
TENNESSEE	64 Tobacco	717	675	59
	50 Horticulture	434	414	42
	1 Christmas Trees	16	16	1
	2 Livestock	15	0	0
	2 Vegetable/Tomato	123	123	2
	2 Fruit	12	12	2
State Total	121	1,317	1,240	106
TOTALS	645	21,624	17,905	547

REGION V STATES

STATE	APPLICATIONS RECEIVED BY CROP	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
ILLINOIS	1 Corn Detasseling	16	0	0
	1 Vegetables	85	50	1
State Total	2	101	50	1
INDIANA	1 Corn Detasseling	200	0	0
	1 Vegetables	1	0	0
State Total	2	201	0	0
MICHIGAN	1 Christmas Trees	90	90	1
	1 Vegetables	60	0	0
	1 Vegetables	1	0	0
State Total	3	151	90	1
MINNESOTA	1 Horticultural	20	13	1
	2 Grain	3	2	1
	2 Livestock	4	0	0
State Total	5	27	15	2
OHIO	10 Horticultural	410	314	8
	7 Vegetables	158	147	5
	2 Tobacco	13	13	2
State Total	19	581	474	15

REGION V STATES (Continued)

STATE	APPLICATIONS RECEIVED BY CROP	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
WISCONSIN	2 Vegetables	2	1	1
	1 Dairy	3	0	0
State Total	3	5	1	1
TOTAL	34	1,066	630	20

REGION VI STATES

STATE	APPLICATIONS RECEIVED BY CROP	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
ARKANSAS	15 Vegetables	747	734	13
State Total	15	747	734	13
LOUISIANA	9 Sugar Cane	392	390	7
State Total	9	392	390	7
NEW MEXICO	1 Sheep Shearer	1	0	0
State Total	1	1	0	0
OKLAHOMA	66 Custom Combine/Farm Machine	604	600	60
State Total	66	604	600	60
TEXAS	30 Custom Combine/Farm Machine	220	218	30
	11 Field Crops	208	207	5
	24 General Farm	61	60	14
	5 Horticulture	35	35	3
	13 Livestock	27	27	7
	2 Pecan Orchard	1	1	1
	3 Sod Farm	13	13	2
	4 Vineyard	3	3	1
	2 Watermelon	20	20	1

Texas (Continued)				
State Total	94	588	584	64
TOTAL	185	2,332	2,308	185

REGION VII STATES

STATE	APPLICATIONS RECEIVED BY CROP	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
IOWA	1 Custom Combine/Farm Machine	6	6	1
	2 Dairy Helper	18	8	1
	3 Farmworker	3	1	1
State Total	6	27	15	3
KANSAS	1 Cattle Worker	1	0	0
	27 Custom Combine/Farm Machine	181	174	27
	1 Custom Combine Crew Manager	1	0	0
	1 Farmworker	1	0	0
	1 Truck Driver	1	0	0
State Total	31	185	174	27
MISSOURI	1 Goatherder	4	4	1
	1 Livestock	2	2	1
State Total	2	6	6	2
NEBRASKA	2 Custom Combine/Farm Machine	22	22	2
	6 Farmworker	7	3	3
	1 Potato Sorter	52	52	1

State Total	9	81	77	6
TOTAL	48	299	272	38

REGION VIII STATES

STATE	APPLICATIONS RECEIVED BY CROP	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
COLORADO	1 Custom Combine/Farm Machine	1	1	1
	2 Lamber	5	5	2
	10 Livestock Worker	23	23	10
	190 Sheepherder	230	230	190
	1 Sheepshearer	12	12	1
State Total	204	271	271	204
MONTANA	7 Custom Combine/Farm Machine	54	54	7
	52 Irrigating	101	101	52
	1 Nursery	52	52	1
	45 Sheepherder	54	54	45
State Total	105	261	261	105
NORTH DAKOTA	2 Custom Combine/Farm Machine	25	25	2
	2 Goatherder	3	3	2
	1 Sheepherder	1	1	1
State Total	5	29	29	5
SOUTH DAKOTA	1 Sheepherder	4	4	1

State Total	1	4	4	1
UTAH	3 Lamber	4	4	3
	159 Sheepherder	217	191	150
State Total	162	221	195	153
WYOMING	3 Lamber	22	22	3
	1 Range Calver	1	1	1
	170 Sheepherder	205	205	170
	3 Sheepshearer	47	47	3
State Total	177	275	275	177
TOTAL	654	1,061	1,035	645

REGION VIII STATES (Continued)

REGION IX STATES

STATE	APPLICATIONS RECEIVED BY CROP	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
ARIZONA	1 Citrus	68	64	1
	5 Custom Combine/Farm Machine	31	31	5
	74 Sheepherder	109	109	74
State Total	80	208	204	80
CALIFORNIA	1 Fruit	145	145	1
	481 Sheepherder	487	487	481
State Total	489	632	632	482
HAWAII	None			
NEVADA	1 Irrigation	20	18	1
	1 Livestock	1	1	1
	5 Onion	558	388	5
	125 Sheepherder	164	164	125
State Total	132	743	571	132
TOTAL	701	1,583	1,407	694

REGION X STATES

STATE	APPLICATIONS RECEIVED BY CROP	WORKERS REQUESTED	WORKERS CERTIFIED	APPLICATIONS CERTIFIED
ALASKA	1 Sheep Shearer	6	6	1
State Total	1	6	6	1
IDAHO	1 Farm Worker	3	3	1
	79 Irrigation	417	323	70
	278 Sheepherder	438	437	278
	4 Sheep Shearer	46	43	4
State Total	362	910	806	353
OREGON	1 Farm Worker	1	1	1
	49 Sheepherder	59	59	49
	4 Sheep Shearer	130	130	4
State Total	54	190	190	54
WASHINGTON	5 Sheepherder	9	9	5
State Total	5	9	9	5
TOTAL	422	1,115	1,011	413

News

Farm Workers

DOL Aiming to Streamline Operations Of Temporary Foreign Farm Worker Program

The Labor Department is proposing changes to its program governing the temporary employment of foreign farm workers, which has come under criticism for failing to supply seasonal agricultural labor in a timely fashion.

The Labor Department says its proposal, scheduled for publication in the Oct. 2 *Federal Register*, is part of an ongoing effort to streamline and improve the operation of the H-2A program, which is used by an estimated 6,000 employers.

The proposal comes in the wake of legislative efforts to ease agricultural employers' access to temporary foreign farm labor. In July, the Senate approved an amendment to a fiscal year 1999 spending bill that would create new avenues for hiring foreign farm workers while attempting to ensure that U.S. workers interested in seasonal farm work have first crack at the jobs (142 DLR AA-1, 7/24/98).

The vehicle for the amendment—the spending bill for the departments of Commerce, Justice, State and Judiciary (S. 2260)—has yet to emerge from conference and is likely to end up included in omnibus legislation wrapping up spending bills that are not signed on their own by the time the short-term continuing resolution currently funding government operations expires Oct. 9. The Clinton administration strongly opposes the amendment, saying it weakens protections for migrant farm workers.

Ongoing Dialogue. The Labor Department proposal references its ongoing dialogue with the departments of State, Justice, and Agriculture over possible changes to the H-2A program that “could help streamline the program, improve operations, and address complaints raised by some users ... without weakening worker protections.”

The key changes in the proposed rule deal with the current structure of the H-2A program, time limits for filing labor certification applications, employer use of farm labor contractors, and employer notification requirements.

Structurally, the administration is proposing moving the responsibility for adjudicating visa petitions from the Immigration and Naturalization Services to the Labor Department. The current H-2A labor certification process has been “criticized by some as complicated, hard to understand, and too time consuming,” the rule says.

Transferring the adjudication function ultimately is expected to eliminate what can be a two-to three-week step in the current pre-entry process, the rule says. Under the current system, the responsibility for deciding whether to grant an employer's petition to bring a for-

eign farm worker into the United States for temporary work resides with the INS.

Such petitions cannot be granted unless the employer has applied to the secretary of labor for a certification that there are not sufficient U.S. workers who are able, willing, and qualified and who will be available at the time and place necessary to perform the work. DOL also has to certify that the employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers.

In addition, the Labor Department is proposing to shorten the advance notice an employer must provide when applying to the agency for temporary agricultural labor certifications from the current 60 days to 45 days.

“Based on program experience, little or no productive recruitment of U.S. workers occurs within the first 15 days after the application is received,” the proposal says. “The overwhelming majority of qualified U.S. workers do not apply for and make a commitment to temporary agricultural employment earlier than 45 days before the date their services are required.”

Farm Labor Contractors. The rule also proposes an exemption from the current requirement that employers applying for H-2A labor certification attempt to secure workers through farm labor contractors. Such contractors can be an effective source for recruiting U.S. workers for jobs that would otherwise be filled with the H-2A workers, the rule says, but employers that use them can incur liability when their jobs are filled with unauthorized workers.

The Labor Department therefore is proposing that an employer need not use farm labor contractors that have been sanctioned for violations of immigration laws. It also is suggesting a new procedure that will allow employers to avoid using certain contractors by showing that they have a history of furnishing unauthorized workers or a history of serious violations of labor standards.

With respect to notification requirements, the proposal would shorten the amount of time in which employers must make worker housing available for pre-occupancy inspections. The proposal would only require 15 days' lead time rather than the 30 days currently necessary. It also would eliminate a requirement that employers notify their local employment service offices of the date H-2A workers leave to go work for them.

Comments on the proposal must be submitted within 60 days of its publication in the *Federal Register*.

The Labor Department's proposed changes to the H-2A program appear in Section E.

Leading the News

Aluminum

USW Strikes Five Kaiser Aluminum Plants After Last-Ditch Effort at Settlement Fails

AUSTIN, Texas—The United Steelworkers struck Houston-based Kaiser Aluminum Corp. late Sept. 30 after rejecting a final company offer that would have raised wages \$2.75 over five years and provided a \$750 ratification bonus, but would still leave workers trailing their counterparts at other major aluminum producers.

The Steelworkers union represents some 3,000 workers at five Kaiser Aluminum plants in Washington, Louisiana, and Ohio.

Just prior to the walkout, top officials from the company and union had moved the talks from Minneapolis to Washington, D.C., in an unsuccessful effort to avert a work stoppage (190 DLR A-10, 10/1/98).

In addition to the wage increase and ratification bonus, the final company offer rejected by the Steelworkers called for an increase in the pension multiplier of \$5 per month per year of service for all current employees retiring after ratification, improved vision and dental plans, and a provision prohibiting involuntary terminations for employees affected by productivity and efficiency proposals.

A union representative said the Steelworkers were uncomfortable with a long-term, five-year contract as proposed by Kaiser.

In a detailed message explaining the reasons for the strike, David Foster, chairman of the Steelworkers negotiating committee, said the company's offer would have permanently eliminated 400 jobs and capped future retiree health insurance at the 1999 level.

Foster added that the proposed pension increases were inadequate, trailing benefits at Alcoa and Reynolds by \$6 to \$10 per month per year of service. In addition, Foster said, the wage increase would have amounted to only 2.3 percent a year, or less than the annual rate of inflation over the last decade.

Foster further complained that the company proposal would have gutted seniority agreements and local understandings.

Finally, Foster said the union was uncomfortable with a long-term contract. "Five years is just too long to trust Kaiser," Foster said. "We have had too many controversies and conflicts with the company on our existing contracts to go five without being able to renegotiate."

In the message, Foster also accused the company of unfair labor practices ranging from refusing to provide the productivity information that its bargaining approach was based on to making a contract settlement contingent on no strike.

Larry Strom, acting president of Steelworkers Local 329 at the Kaiser Aluminum plant in Mead, Wash., told BNA that Kaiser Aluminum workers were trailing workers at Alcoa and Reynolds by 25 cents an hour in base pay and \$1.17 an hour in cost-of-living adjustments.

Strom said the company's replacement workers stepped in for union workers the moment the strike began. He said union members were prepared to strike indefinitely.

Customers Top Priority. Susan Ashe, a company spokeswoman in Spokane, Wash., told BNA that all the Kaiser plants are operating with a complement of salaried employees, retirees, temporary workers, and others. "Our top priority is to keep the plants running smoothly and to meet the expectations of our customers," Ashe said.

Ashe said no talks have been scheduled.

In a statement issued after the strike began, Kaiser Aluminum President Ray Milchovich expressed disappointment. "We had an offer on the table that not only improved the standard of living for the represented employees but also enabled the continuation of productivity improvement that is essential in today's competitive aluminum industry," Milchovich said. "Kaiser seeks a fair and reasonable labor contract to make further, necessary increases in competitiveness and to protect the family wage jobs we have provided."

In 1995, the union accepted a four-year agreement after a two-week strike (41 DLR AA-1, 3/2/95). The agreement raised wages by \$1 an hour and provided cash bonuses and benefit improvements.

By KURT FERNANDEZ

Text

Labor Department's Proposed Amendments To Regulations Governing Temporary Employment of Foreign Farm Workers

Billing Code: 4510-30

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 654 and 655

[RIN 1205 - AB19]

Labor Certification Process for the

Temporary Employment of Nonimmigrant

Aliens in Agriculture in the United States; Administrative Measures

to Improve Program Performance

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Proposed rule.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor proposes to amend its regulations relating to the temporary employment of nonimmigrant agricultural workers (H-2A workers) in the United States. The proposed amendments would reduce the period of time from 30 days to 15 days prior to the date worker housing will be occupied that employers are required to assure that their housing is in full compliance with applicable housing standards, and will be available for a pre-occupancy housing inspection; reduce the time from 60 to 45 days before the date the employer needs agricultural workers that an application for temporary agricultural labor certification must be filed; provide an exception to the requirement that employers use registered farm labor contractors (FLC) when it is the prevailing practice in an area and occupation for non-H-2A employers to use such contractors, if a particular FLC has a demonstrated history of using undocumented aliens or serious labor standard violations; eliminate the requirement that employers notify the local Job Service office in writing of the date the H-2A workers depart for the employer's place of employment; and transfer the responsibility for approving H-2A visa petitions for workers outside of the United States, including petition approval for replacement of certified H-2A workers upon proof of the H-2A workers' repatriation, to the Department of Labor from the Commissioner, Immigration and Naturalization Service.

These proposals represent part of an ongoing effort to streamline and improve the operation of the H-2A program. This proposal discusses program changes being implemented administratively as well as proposals for regulatory changes for public review and comment.

DATES: Interested persons are invited to submit written comments on the proposed rule on or before [insert date 60 days from the date of publication in the Federal Register].

ADDRESSES: Submit written comments to the Assistant Secretary for Employment and Training, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-4456, Washington, DC 20210, Attention: John R. Beverly, III, Director, U.S. Employment Service.

FOR FURTHER INFORMATION CONTACT: Denis M. Gruskin, Senior Specialist, Division of Foreign Labor Certifications, Employment and Training Administration, 200 Constitution Avenue NW., Room N-4456, Washington, DC 20210. Telephone (202) 219-4369 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION

I. Statutory Standard and Implementing Regulations

The decision whether to grant or deny an employer's petition to import a nonimmigrant farm worker to the United States for the purpose of temporary employment is the responsibility of the Attorney General's designee, the Commissioner of the Immigration and Naturalization Service (INS). The Immigration and Nationality Act (INA) (8 U.S.C. 1101 *et. seq.*) provides that the Attorney General may not approve such a petition from an employer for employment of nonimmigrant farm workers (H-2A visa holders) for temporary or seasonal services or labor in agriculture unless the petitioner has applied to the Secretary of Labor (Secretary) for a labor certification showing that:

(A) There are not sufficient U.S. workers who are able, willing, and qualified and who will be available at the time and place needed to perform the labor or services involved in the petition; and

(B) The employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

[8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c), and 1188.]

The Department of Labor has published regulations at 20 CFR part 655, subpart B, and 29 CFR part 501 to implement its responsibilities under the H-2A program. Regulations affecting employer-provided agricultural worker housing are in 20 CFR part 654, subpart E, and 29 CFR 1910.42.

II. Plan to Improve H-2A Program

The Administration has, for some time, been pursuing a dialogue among the Departments of State, Justice (INS) Labor and Agriculture regarding possible changes to the H-2A temporary nonimmigrant program (H-2A program) that could help streamline the program, improve operations, and address complaints raised by some users of the program without weaken-

ing worker protections. The General Accounting Office (GAO) and the Department's Office of Inspector General (OIG) have recently completed in-depth reviews of the H-2A program, providing useful analysis and findings and making several recommendations for program changes, many of which have been accepted by the administering agencies. This rulemaking represents the first step towards implementing changes to improve operations of the H-2A program, putting forward a number of proposals for regulatory changes affecting DOL and INS activities and requirements. In addition, DOL describes below some program changes being implemented administratively. DOL is continuing to explore other ways to further streamline and improve the operation of the H-2A program and welcomes input and dialogue with the affected public on other key H-2A issues.

A. Administrative Changes

Some H-2A program changes made to enhance effectiveness and efficiency while maintaining worker protections were made by administrative directives in the form of Field Memoranda (FM) issued by the ETA national office to its 10 Regional Administrators (RA). The RA's make determinations on H-2A labor certification applications and provide functional guidance to the State Employment Security Agencies (SESA) which administer the H-2 program under 20 CFR part 655, subpart B — Labor Certification Process for Temporary Agricultural Employment in the United States. Administrative changes made by FM 17-9, issued January 6, 1997, Subject: *Improvements in H-2A processing* included:

- Clarifying under what conditions U.S. workers are considered to be "available" and thus may be counted to fully or partially deny H-2A positions requested on employers' labor certification applications. Only those U.S. workers who are identified by name, address, and social security number can be counted to reduce the number of H-2A workers requested by an employer.

- Emphasizing that regional offices should use discretion in reducing the number of certified positions requested as a result of "last minute" replacements of recruited U.S. workers where historical records of similar last minute referrals, or other information, indicate the likelihood that a proportion of the referred workers would not make themselves available for work.

- Clarifying positive recruitment requirements of U.S. farm workers in areas where there are credible reports of "a significant number of qualified U.S. workers, who, if recruited, would likely be willing to make themselves available for work at the time and place needed," thereby targeting recruitment efforts by employers and SESA's to those areas most likely to produce qualified and available U.S. workers.

- Encouraging routine positing of approved agricultural job orders on America's Job Bank in view of the increased use of this resource on the part of employers and U.S. workers.

FM Number 22-98, issued April 14, 1998, Subject: *Clarification of Transportation Requirements Home*, reaffirms and clarifies the regulatory provisions which allow H-2A workers to move from one certified employer to another and the requirement placed on the final H-2A employer to pay for (or provide) the worker's transportation home.

The Department is also committed to improving its performance in meeting the existing requirement that within 7 days after the initial receipt of an employer's application, the employer be notified of deficiencies that preclude acceptance of the application, and to meet the statutory requirement to issue certification (when such certification is warranted) at least 20 days prior to the employer's first date of need for agricultural workers.

B. H-2A Process Improvements Through Regulatory Amendments

The amendments being proposed by ETA are discussed below.

1. Time Limits for Employer Provided Housing to be Available for Inspection

Currently § 654.403 of the regulations governing housing for agricultural workers (20 CFR part 654, subpart E) provides that, for employer to gain conditional access to the intrastate or interstate agricultural clearance system, which is used for recruitment of non-local workers, they must provide assurances that the employer-provided housing will be in full compliance with the applicable standards 30 days before the housing is to be occupied. This is to allow time for a pre-occupancy housing inspection by the local Employment Service office. The housing regulations apply to all non-local agricultural job opportunities filled through the Employment Service system whether or not they are H-2A related. Reducing this lead time addresses a frequently expressed concern of employers that a 1-month lead time for employer-provided housing to meet applicable standards is not always realistic. This concern is especially common among employers in Northern States that need workers in March or April. Additionally, local employment service staff have had difficulty inspecting employer-provided housing located in Northern States in late winter or early spring. To address this problem, the proposed regulation will reduce the time that worker housing must be available for a pre-occupancy housing inspection from 30 to 15 days prior to occupancy. ETA is convinced that the "30-day assurance" can be reduced without lessening protections provided to U.S. and foreign workers.

2. Reduction in Time Limit to File Labor Certification Applications

The regulation at § 655.101(c) requires that employers file an H-2A labor certification application no less than 60 days before the first date the employer estimates the H-2A workers will be needed. Based on program experience, little or no productive recruitment of U.S. workers occurs within the first 15 days after the application is received. The overwhelming majority of qualified U.S. workers do not apply for and make a commitment to temporary agricultural employment earlier than 45 days before the date their services are required. Further, a lead time of 45 days should allow sufficient time for DOL to review the application and meet the requirements to notify an employer of any deficiencies within 7 days and to issue the labor certification not later than 20 days before the first date of need. See 8 U.S.C. 1188(c)(2)(A) and (c)(3)(A). Consequently, DOL is proposing to amend the regulation at § 655.101(c) to provide that H-2A applications shall be filed with the Regional Administrator no less than 45 calendar days before the first date of need, as was recommended by the GAO.

3. Exception from Using Certain Farm Labor Contractors

The regulations at § 655.103(f) require that employers applying for H-2A labor certification must attempt to secure workers through farm labor contractors (FLC), and to compensate FLC's with an override for their services when it is the prevailing practice in the area for non-H-2A agricultural employers to use FLC's. This requirement recognizes that FLC's can be an effective source for recruiting U.S. workers for jobs that would otherwise be filled by foreign temporary workers. In some instances, FLC's have filled these jobs with unauthorized workers and created potential vulnerabilities for growers when the unauthorized workers are identified during INS enforcement actions. At the same time, the furnishing of unauthorized workers — even under the terms and conditions of an H-2A job order — can have an adverse impact on U.S. workers. Similarly, when an FLC has a demonstrated history of serious labor violations, employers should not be compelled to provide an opportunity for recurrence of such violations, nor incur a potential liability due to violations by their contractor.

To minimize adverse effects on U.S. workers and to help assure that employers do not inadvertently employ unauthorized workers hired and supplied by FLC's, or expose themselves to potential liability by using an FLC that has a history of serious violations of labor standards, an amendment is being proposed to the current regulation to provide an exception. The employer need not use an FLC on the Wage and Hour Division's list of contractors whose certificates have been revoked or on a list of employers who have been sanctioned for violations of immigration laws and regulations. The rule also would provide a procedure whereby the employer can demonstrate that an FLC has a history of furnishing unauthorized workers or a history of serious labor standards violations. If so demonstrated, the employer need not use that FLC. This procedure is patterned after the existing procedure at § 655.106(g), which provides that employers may lodge complaints against persons or entities that have willfully and knowingly withheld U.S. workers persons prior to the arrival at the job site of H-2A workers in order to force the hiring of U.S. workers under § 655.103(e) (the 50 percent rule) of this part. That rule requires employers (with certain exceptions for small employers) to hire qualified, eligible U.S. workers who apply until 50% of the contract period has elapsed. Section 655.103(f) has been revised to add the complaint procedure at § 655.103(f)(3). It should be noted, however, that the structure of § 655.103(f) has been revised for clarity. Sections 655.103(f) (1), (2), (4) and (5) are merely a redesignation of existing regulatory provisions that are carried forward in the amended rule.

4. Elimination of Requirement to Provide Notice of H-2A Worker's Departure Date

Pursuant to § 655.106(e)(1), an employer is required to recruit for U.S. workers through the date the H-2A workers depart for the employer's place of employment (the departure date); this marks the beginning of the contract period for administering the "50 percent rule." Employers are required to notify the local employment service office, in writing of the exact departure date. Program experience indicates that the H-2A workers usually depart for the employer's place of business the day before the date they are needed. In the interest of streamlining H-2A procedures and to relieve employers

of the administrative burden of notifying the local office of the departure date, it is proposed that this requirement be removed from the regulations and the H-2A workers will be deemed to have departed for the employer's place of business on the date immediately preceding the first date of need for the foreign workers.

It should be noted, however, that the proposed amendment regarding the departure date does not affect the employer's ability, provided for by § 653.501(d)(2)(v)(D), when using the interstate clearance system, to notify the order-holding office of changes in the date of need at least 10 days prior to the original date of need specified in the job order. Such notification changes the date which starts the employer's obligation to pay eligible U.S. workers for the first week of work.

5. Transfer of Adjudication of Visa Petitions to the Department of Labor

The H-2A labor certification process — from the filing of an application with the Department of Labor to the issuance of a visa by the Department of State, and the arrival of the H-2A workers at the employer's place of work — has been criticized by some employers as complicated, hard to understand, and too time consuming. In some instances, the result is that foreign workers have not arrived by the first date of the employer's need. In an effort to reduce the number of steps, paperwork, and the time necessary to obtain foreign workers necessary to perform critical agricultural functions, the Department of Labor and the INS are proposing that the function of adjudicating visa petitions to Department of Labor, including petition approval for be transferred the replacement of a certified H-2A worker upon proof of the worker's repatriation. (INS is proposing the transfer by a separate proposed rule, soon to be published in the *Federal Register*.) Accordingly, a new § 655.114 is proposed to be added to the H-2A regulations to authorize the proposed transfer of the INS visa petitioning and adjudication function to the Department of Labor. This change is expected to eliminate what can be a 2- to 3-week step in the current pre-entry process. The Department of Labor is considering adapting into the final rule the actual regulatory text currently found in 8 CFR 214.2(h) within the text of 20 CFR 655.114. This would provide the regulated community a single source for regulations governing the H-2A petition process. The Department welcomes comments on this rule-making issue.

The INS has initiated steps in the development of a Notice of Proposed Rulemaking to delegate to the Secretary of Labor certain authorities conferred on the Attorney General under 8 U.S.C. 1184(c) involving the petition by employers for H-2A workers.

Pursuant to section 103 of the INA, the INS Commissioner will delegate to the Secretary of Labor the authority to determine on any specific case whether an employer may import temporary agricultural workers to the United States under section 101(a)(15)(H)(ii)(a) of the INA. The INS will propose any changes in form or content of the importing employer's petition which will be filed directly with the Secretary of Labor. The Secretary of Labor will approve the petition before a visa may be issued to an agricultural worker. The proposed rule states broadly that such authority will be delegated. The final rule will delineate DOL's functions with specificity.

Removing the INS adjudication will result in a streamlined process through which an importing employer needs to file only with one Federal agency. The Federal Government will ensure that the employer's petition moves through the remainder of the process, eliminating the need for the employer to interact with various different agencies. The Secretary of State will receive petition approval information for purposes of initiating the visa issuance process. This transfer does not affect the procedures whereby the alien beneficiaries obtain visas or other entry documents from the State Department or INS as appropriate.

Further, the INS will propose streamlined processing for employers seeking to replace one certified H-2A worker with another worker based on proof that the first worker has repatriated.

It is estimated that, initially, it will take employers approximately the same amount of time as it does currently to furnish the information necessary to file a completed visa petition with an ETA Regional Office since no change is contemplated in the information requested from the current INS visa petition. The department, however, is planning to consolidate the labor certification application form and the visa petition into one form that will support both labor certification and visa petitioning requirements. Design and approval of the new form may take up to 1 year from the time the responsibility for visa approval is transferred to the Department. This consolidation of forms will ultimately result in a substantial reduction of the paperwork burden now placed on employers.

EXECUTIVE ORDER 12866: The Department has determined that this proposed rule is a "significant regulatory action" within the meaning of Executive Order 12866 because of the novel legal and policy issues raised by the rulemaking. However, this rule is not an "economically significant regulatory action" because it will not have an economic effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

REGULATORY FLEXIBILITY ACT: The Department of Labor has notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to the Regulatory Flexibility Act at 5 U.S.C. 605(b), that the rule does not have a significant economic impact on a substantial number of small entities. All of the proposed amendments would alleviate the administrative burden on employers seeking H-2A workers and, at the same time, they would not singly or together have a significant economic impact on any employer. Furthermore, the total number of employers utilizing H-2A workers is only approximately 6,000. Therefore, the proposed amendments would not have a significant economic impact on a substantial number of small entities.

PAPERWORK REDUCTION ACT: The proposed rule contains collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA '95), 44 U.S.C. 3501 et seq., and the regulation at 5 CFR 1320. PRA'95 defines collection of information to mean, "the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public of facts

or opinions by or for an agency regardless of form or format." (44 U.S.C. 3502(3)(A)).

The title, description of the need for and proposed use of the information, summary of the collections of information, description of respondents, and frequency of response of the information collection are described below with an estimate of the annual cost and reporting burden, as required by 5 CFR 1320.5(a)(1)(iv) and 1320.8(d)(2). Included in the estimate is the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information.

ETA invites comment on whether the proposed collection of information:

- 1) ensures that the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- 2) estimates the projected burden accurately, including whether the methodology and assumptions are valid;
- 3) enhances the quality, utility, and clarity of the information to be collected; and
- 4) minimizes the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Title: A Voluntary Procedure to Obtain an Exception to a Requirement that Employers Must Use Registered Farm Labor Contractors (FLC) in Applying for Temporary Agricultural H-2A Workers.

OMB Number: 1205-0NEW

Frequency: On Occasion

Affected Public: Business or other for-profit; Farms; Ranches.

Number of Respondents: 600 (estimated 10% of 6,000 H-2A employers)

Total Responses: 600

Estimated Time per Respondent: It is estimated that it will take those few employers who chose to avail themselves of the option of filing complaints about an FLC not on a list maintained by ESA or INS that has a demonstrated history of employing or providing a substantial number of unauthorized workers, or a history of serious labor standard violations, about 1 hour to assemble the necessary information to support a credible complaint.

Total Burden Hours: 600 hours

Total annualized capital/startup costs: -0- **Total annual costs:** (operating/maintaining systems or purchasing services):

Description: The proposal will provide an exception to the requirement that employers use registered farm labor contractors (FLCs) when it is the prevailing practice in an area and occupation for non-H-2A employers to use such contractors, if a particular FLC has a demonstrated history of using undocumented aliens or serious labor standard violations.

The Agency has submitted a copy of the information collection request to OMB for its review and approval. Interested parties are requested to send comments regarding this information collection to the Office of Information and Regulatory Affairs, Attn: ETA Desk Officer, OMB, New Executive Office Building, 725 17th Street NW, Room 10235, Washington, D.C. 20503.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the final information collection request; they will also become a matter of public record.

Copies of the referenced information collection request may be obtained by contacting Dennis M. Gruskin, Senior Specialist, Division of Foreign Labor Certifications, Employment and Training Administration, 200 Constitution Avenue NW., Room N-4456, Washington, DC 20210. Telephone (202) 219-4369 (this is not a toll-free number).

With respect to the transfer of the visa adjudication function to DOL, it is estimated that, initially, it will take employers about the same amount of time to furnish the information necessary to file a completed visa petition with an ETA Regional Office since no change is contemplated in the information requested from the current INS visa petition. The Department, however, is planning to consolidate the labor certification application form and the visa petition form into one form to obtain information that will support both labor certification and visa petitioning requirements. This planned consolidation of forms will ultimately result in a substantial reduction of the paperwork burden now placed on employers.

CATALOGUE OF FEDERAL DOMESTIC ASSISTANCE NUMBER: This program is listed in the *Catalogue of Federal Domestic Assistance* as Number 17.202, "Certification of Foreign Workers for Agricultural and Logging Employment."

LIST OF SUBJECTS

20 CFR Part 654

Agriculture, Employment, Government Procurement, Housing standards, Labor, Migrant labor, Unemployment.

20 CFR Part 655

Administrative practice and procedure, Agriculture, Aliens, Crewmembers, Employment, Enforcement, Forests and forest products, Guam, Health professions, Immigration, Labor, Longshore and harbor workers, Migrant labor, Nurse, Penalties, Registered nurse, Reporting and record keeping requirements, Specialty occupation, Students, Wages.

PROPOSED RULE:

Accordingly, parts 654 and 655 of chapter V of title 20, Code of Federal Regulations, are proposed to be amended as follows:

PART 654 — SPECIAL RESPONSIBILITIES OF THE EMPLOYMENT SERVICE SYSTEM

Subpart E — Housing for Agricultural Workers

1. The authority citation for part 654, subpart E is revised to read as follows:

Authority: 29 U.S.C. 49k; 8 U.S.C. 1188(c)(4); 41 Op.A.G. 406 (1959).

§ 654.403 [Amended]

2. Section 654.403 is amended as follows:

a. In paragraph (a)(1) the phrase "30 calendar days" is removed and the phrase "15 calendar days" is added in lieu thereof.

b. In paragraph (a)(3) remove the phrase "30 calendar days" and add in lieu thereof the phrase "15 calendar days".

PART 655—TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES

3. The authority citation for part 655 continues to read as follows:

AUTHORITY: Section 655.0 issued under 8 U.S.C. 1101(a)(15)(H)(i) and (ii), 1182(m) and (n), 1184, 1188, and 1288(c) and (d); 29 U.S.C. 49 *et seq.*; see. 3(c)(1), Pub. L. 101-238, 103 Stat. 2099, 2103 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); P.L. 103-206, 107 Stat 2419; and 8 CFR 214.2(h)(4)(i).

Section 665.00 issued under 8 U.S.C. 1101(a)(15)(H)(ii), 1184, and 1188; 29 U.S.C. 49 *et seq.*; and 8 CFR 214.2(h)(4)(i).

Subparts A and C issued under 8 U.S.C. 1101(a)(15)(H)(ii)(b) and 1184; 29 U.S.C. 49 *et seq.*; and 8 CFR 214.2(h)(4)(i).

Subpart B issued under 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184, and 1188; and 29 U.S.C. 49 *et seq.*

Subparts D and E issued under 8 U.S.C. 1101(a)(15)(H)(i)(a), 1182(m), and 1184; 29 U.S.C. 49 *et seq.*; and sec. 3(c)(1), Pub. L. 101-238, 103 Stat. 2099, 2103 (8 U.S.C. 1182 note).

Subparts F and G issued under 8 U.S.C. 1184 and 1288(c) and (d); and 29 U.S.C. 49 *et seq.*; and P.L. 103-206, 107 Stat 2419.

Subparts H and I issued under 8 U.S.C. 1101(a)(15)(H)(i)(b), 1182(n), and 1184; 29 U.S.C. 49 *et seq.*; and sec. 303(a)(8), Pub.L. 102-232, 105 Stat. 1733, 1748 (8 U.S.C. 1182 note).

Subparts J and K issued under 29 U.S.C. 49 *et seq.*; and sec. 221(a), Pub.L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note).

§ 655.100 [Amended]

4. In § 655.100, paragraph (a)(1) is amended by removing the phrases "60 calendar days" and "60-calendar-day period" and adding in lieu thereof the phrases "45 calendar days" and "45-calendar-day period", respectively.

§ 655.101 [Amended]

5. In § 655.101, paragraph (c) is amended as follows:

a. In the introductory text of paragraph (c), the phrase "60 calendar days" is removed and the phrase "45 calendar days" is added in lieu thereof.

b. In paragraph (c)(1), the phrase "60 calendar days" is removed in the two places it appears and the phrase "45 calendar days" is added in lieu thereof.

c. In paragraph (c)(2), the phrase "60-calendar-day filing requirement" is removed and the phrase "45-calendar-day filing requirement" is added in lieu thereof.

d. In paragraph (c)(3), the unit modifier "60-calendar-day" is removed in the two places it appears and the compound modifier "45-calendar-day" is added in lieu thereof.

§ 655.103 [Amended]

6. Section 655.103 is amended by revising paragraph (f) to read as follows:

§ 655.103 Assurances.

(f) *Other recruitment.* — (1) *RA required recruitment.* The employer shall perform the other specific recruitment and reporting activities specified in the notice from the RA required by § 655.105(a) of this part, and shall engage in positive recruitment of U.S. workers to an extent (with respect to both effort and location) no

less than that of non-H-2A agricultural employers of comparable or smaller size in the area of employment.

(2) *Farm labor contractors.* When it is the prevailing practice in the area of employment and for the occupation for non-H-2A agricultural employers to secure U.S. workers through farm labor contractors (FLC) and to compensate FLC's with an override for their services, the employer shall make the same level of effort as non-H-2A agricultural employers and shall provide an override which is no less than that being provided by non-H-2A agricultural employers.

(3) *Exception to Using Certain FLC's.* Employers are not required to use a FLC who is on the Wage and Hour Division's (WHD's) list of contractors whose certificates have been revoked, or on a list of employers that have been sanctioned for violations of immigration laws and regulations maintained by the Immigration and Naturalization Service (INS).

(i) *Complaints.* Any employer who has reason to believe it can document that an FLC, although not on the lists maintained by WHD or INS, has a history of employing or providing a substantial number of workers who do not have authorization to work in the U.S., or a history of serious labor standard violations, may submit a written complaint to the local office before or during the recruitment period. The complaint shall clearly identify the FLC who the employer believes has a demonstrated history of furnishing unauthorized workers, or a history of serious labor standard violations, and shall specify sufficient facts to support the allegation (e.g., dates, places, numbers of unauthorized workers involved) and any available supporting documentation (e.g., newspaper articles, notice of INS or DOL enforcement action) which will permit an investigation to be conducted by the local office.

(ii) *Investigations.* The local office shall inform the RA by telephone that a complaint under the provisions of paragraph (f)(3)(i) of this section has been filed and shall immediately investigate the complaint. Such investigation shall, to the extent feasible, include interviews with the employer who has submitted the complaint, the FLC, and any available INS or DOL officials who may have knowledge of any enforcement action conducted against the FLC named. In the event the local office fails to conduct such an interview, the RA, to the extent feasible, shall do so.

(iii) *Reports of findings.* Within 10 working days after receipt of the complaint, the local office shall prepare a report of its findings, and shall submit such report (including recommendations) and the original copy of the employer's complaint to the RA.

(iv) *Written findings.* The RA shall immediately review the employer's complaint and the report of findings submitted by the local office, and shall conduct any additional investigation the RA deems appropriate. No later than 5 working days after receipt of the employer's complaint and the local office's report, the RA shall issue written findings to the local office and the employer. Where the RA determines that the employer's complaint is valid and justified, the RA shall immediately suspend the application of paragraph (f)(2) of this section with respect to the FLC named in the employer's complaint. Such suspension shall not take place, how-

ever, until the interviews required by paragraph (f)(3)(ii) of this section have been conducted. The RA's determination under the provisions of this paragraph (f)(3)(iv) shall be the final decision of the Secretary, and there shall be no further review by any DOL official.

(4) *Centralized cooking facilities.* Where the employer has centralized cooking and eating facilities designed to feed workers, the employer shall not be required to provide meals through an override.

(5) *Housing.* The employer shall not be required to provide for housing through an override.

§ 655.106 [Amended]

7. Section 655.106(e)(1) is amended by removing from the first sentence the phrase "and shall notify the local office, in writing, of the exact date on which the H-2A workers depart for the employer's place of employment", and by adding in lieu thereof the phrase "which shall be deemed for the purposes of this subpart to be the day immediately preceding the employer's first date of need".

8. Immediately following § 655.113, a new undesignated heading is added to read as follows:

VISA PETITIONING

§ 655.114 [Added]

9. Immediately following the newly-added undesignated heading "VISA PETITIONING", a new § 655.114 is added to read as follows:

§ 655.114 H-2A Visa Petitions.

The Commissioner of the Immigration and Naturalization Service has delegated to the Secretary of Labor the functions performed by INS under 8 CFR 214.2(h)(5), "Petition for alien to perform agricultural labor services of a temporary or seasonal nature (H-2A)," with respect to approving visa petitions for workers outside the United States, including petition approval for replacement of certified workers upon proof of the workers' repatriation. Within the Department of Labor, the functions are delegated to the Regional Administrators. The Regional Administrators shall perform these functions consistently with 8 CFR 214.2(h) and such instructions as the Director, U.S. Employment Service, shall prescribe.

Signed at Washington, DC, this 25th day of September 1998.

/s/ ALEXIS M. HERMAN;

Secretary of Labor.

Section I: Introduction

This booklet is intended to provide information to agricultural employers, associations of employers, and agents for such employers. If you are an agricultural employer who may need nonimmigrant alien workers on a temporary basis to tend or harvest your crops, or do other agricultural labor or services, you must comply with new regulations establishing certain requirements and procedures.

The information in this booklet provides only a broad overview of the process of applying for certification for the importation of temporary alien agricultural workers. The filing requirements and employer obligations are presented in general terms. The Department of Labor regulations at 20 CFR Part 655, Subpart B provide a comprehensive statement of such requirements and obligations.

The statutory basis for these employer requirements is the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986 (IRCA). IRCA is the most comprehensive reform of our immigration laws since 1952. The purpose of the requirements placed by the H-2A Regulations upon employers wishing to hire nonimmigrant aliens as temporary agricultural workers is to assure employers an adequate labor force on the one hand and to protect the jobs of U.S. workers on the other. A temporary labor certification will not be granted until it is shown that there are not sufficient U.S. workers available for the job, and the employment of aliens will not adversely affect U.S. workers. If a labor certification is granted, it is the employer's responsibility to arrange for the admission of aliens into the U.S. by filing a visa petition with the Immigration and Naturalization Service. Actual recruitment of foreign workers is solely the responsibility of the employer.

H-2A is one of the provisions of IRCA relating to agriculture. Information requests about other provisions relating to the Special Agricultural Workers provisions of the statute and employer sanctions should be directed to the Immigration and Naturalization Service.

The effective date of the interim final regulations upon which this booklet is based is June 1, 1987.

Section II: The Application Process

Who May Apply

The following general categories of individuals or organizations may file an application:

- An agricultural employer who anticipates a shortage of U.S. workers needed to perform agricultural labor or services of a temporary or seasonal nature may file an application requesting temporary alien agricultural labor certification. "Temporary or seasonal nature" means employment performed at certain seasons of the year, usually in relation to the production and/or harvesting of a crop, or for a limited time period of less than one year when an employer can show that the need for the alien worker(s) is truly temporary.
- The employer may be an individual proprietorship, a partnership or a corporation. An association of agricultural producers may file as a sole employer, a joint employer with its members, or as an agent of its members.
- An authorized agent, whether an individual (e.g., an attorney) or an entity (e.g., an association), may file an application on behalf of an employer. Associations may file master applications on behalf of their members.

Where To Apply

A signed application must be filed with the U.S. Department of Labor, Regional Administrator, (RA), Employment and Training Administration in the region of intended employment. (See Addendum A.) At the same time, a copy of the application must be filed with the local office of the State Employment Service in the area of intended employment.

What To Submit

The following forms, attachments, and statements must be submitted by the employer:

- Application for Alien Employment Certification (Form ETA 750), Part A, Offer of Employment;
- Agricultural and Food Processing Clearance Order (Form ETA 790). (This is the job offer portion of the application package. It must be comprehensive and precise because it, in effect, will constitute a contract between the employer and the worker, and can be the basis for enforcement.)
- Attachments (as appropriate) to supplement information requested on above forms;
- Statement of authorization of agent, if applicable; and
- Statement of association authorization and relationship, if applicable.

Conditions To Be Satisfied

Many of the benefits that must be included in a job offer and other conditions that must be satisfied will be dependent upon what prevailing practices exist in the same occupation, crop and area. Employers are advised that it is desirable to make an independent determination of such factors as prevailing wages and employer practices before filing an application.

The following specific conditions must be met by an employer who files an application for temporary alien labor certification pursuant to H-2A regulations:

- *Recruitment:* The employer must agree to engage in independent positive recruitment of U.S. workers. This means an active effort, including newspaper and radio advertising in areas of expected labor supply. Such recruitment must be at least equivalent to that conducted by non-H-2A agricultural employers in the same or similar crops and area to secure U.S. workers. This must be an effort independent of and in addition to the efforts of the State Employment Service. In establishing worker qualifications and/or job specifications, the employer must designate only those qualifications and specifications which are essential to carrying out the job and which are normally required by other employers who do not hire foreign workers. The employer must not reject or terminate U.S. workers for other than job-related reasons.

When To Apply

An employer should observe the following time considerations when applying for H-2A certification:

- A complete application must be filed with and received by the appropriate RA and local office of the State Employment Service at least sixty (60) calendar days before the first date on which workers are needed.
- If the initial application is acceptable or amended within required time frames and complies with the regulations, the RA will make a certification determination twenty (20) calendar days before the date on which the workers are needed. Delays in obtaining an acceptable application beyond the time permitted in regulations will delay the certification determination.
- Employers are encouraged to file before the minimum sixty (60) calendar-day requirement. This allows more time for review, discussion, and amendment, if necessary.
- Employers are encouraged to consult with the U.S. Department of Labor, Employment and Training Administration Regional Office and State Employment Service staff for guidance and assistance well before the sixty-calendar-day filing period.
- First-time employers of H-2A workers may be given special time considerations (until 1989).
- In emergency situations the RA may waive the time period specified, provided the RA has an opportunity to obtain sufficient labor market information on an expedited basis in order to make a determination of U.S. worker availability. None of the minimum conditions of employment (wages, housing, other benefits) are waived, however.

How To Apply

Applications may be filed using any of the methods below:

- Applications may be filed in person with the appropriate RA and local office of the State Employment Service.
- Applications may be mailed to the appropriate RA and local office of the State Employment Service by certified mail, return receipt requested.
- Applications may be delivered by guaranteed commercial delivery to the appropriate RA and local office of the State Employment Service.

Review of Applications

The RA will review an employer's application promptly. Normally, within seven (7) calendar days after receipt of an application, the RA will notify the employer in writing of the decision to accept or reject an employer's application. Copies of the notification will be sent to the local office of the State Employment Service and to the employer by means normally assuring next day delivery.

Applications Accepted For Consideration

If the application is accepted for consideration, the RA will notify the employer in writing. The RA's notice of acceptance:

- will inform the employer and the State agency of specific efforts expected of them regarding recruitment of U.S. workers;
- will require that the job order be placed into appropriate intrastate and interstate clearances; and
- may require the employer to engage in independent positive recruitment efforts within a multi-State region of traditional or expected labor supply if the RA determines there is a sufficient supply of labor to be recruited.

● **Wages:** The wage or rate of pay must be the same for U.S. workers and H-2A workers. The hourly rate must also be at least as high as the applicable Adverse Effect Wage Rate (AEWR), Federal or State minimum wage or the applicable prevailing hourly wage rate, whichever is higher. The Adverse Effect Wage Rate is established every year by the Department of Labor for every state except Alaska. Employers should consult with the State Employment Service or the Department of Labor Regional Office to determine what the rate is for their state.

If a worker will be paid on a piece rate basis and the piece rate does not result in average hourly piece rate earnings during the pay period at least equal to the amount the worker would have earned had the worker been paid at the hourly rate, then the worker's pay must be supplemented to the equivalent hourly level. The piece rate offered must be no less than what is prevailing in the area for the same crop and/or activity.

● **Housing:** The employer must provide free housing to all workers who are not reasonably able to return to their residences the same day. Such housing must be inspected and approved according to appropriate standards. Generally, housing provided must meet the full set of standards established by DOL's Occupational Safety and Health Administration (OSHA). Rental housing which meets local or State health and safety standards also may be provided.

● **Meals:** The employer must provide either three meals a day to each worker or furnish free and convenient cooking and kitchen facilities for workers to prepare their own meals. If meals are provided, then the employer may charge each worker a certain amount per day for the three meals.

● **Transportation:** The employer is responsible for the following different types of transportation of workers: (1) After a worker has completed fifty percent of the work contract period, the employer must reimburse the worker for the cost of transportation and subsistence from the place of recruitment to the place of work if such costs were borne by the worker. (2) The employer must provide free transportation between the employer's housing and the worksite for any worker who is provided housing. (3) Upon completion of the work contract, the employer must pay reasonable costs of the worker's subsistence and return transportation to the place of recruitment. Special conditions apply when the worker will not be returning to the place of recruitment because of another job. If the employer advances transportation costs to foreign workers or provides transportation, the employer must advance such costs or provide transportation to U.S. workers as well.

● **Workers' Compensation Insurance:** The employer must provide Workers' Compensation Insurance where required by State law. Where not required by State law, the employer must provide equivalent insurance for all workers. Proof of insurance coverage must be provided to the RA before certification is granted.

● **Tools and Supplies:** The employer must furnish at no cost to the worker all tools and supplies necessary to carry out the work, unless it is common practice in the area and occupation for the worker to provide certain items.

● **Three-fourths Guarantee:** The employer must guarantee to offer each worker employment for at least three-fourths of the workdays in the work contract period and any extensions. If the employer affords less employment, then the employer must pay the amount which the worker would have earned had the worker been employed the guaranteed number of days.

● **Fifty Percent Rule:** The employer must hire any qualified and eligible U.S. worker who applies for a job until fifty percent (50%) of the period of the work contract has elapsed.

● **Labor Dispute:** The employer must assure that the job opportunity for which H-2A certification is being requested is not vacant because the former occupant is on strike or is being locked out in the course of a labor dispute.

● **Certification Fee:** A fee will be charged to an employer granted temporary alien agricultural labor certification. The fee is \$100, plus \$10 for each job opportunity certified, up to a maximum fee of \$1000 for each certification granted.

● **Other Conditions:** The employer must keep accurate records with respect to a worker's earnings. The worker must be provided with a complete statement of hours worked and related earnings on each payday. The employer must pay the worker at least twice monthly or more frequently if it is the prevailing practice to do so. A copy of a work contract or the job order must be provided by the employer to each worker.

Applications Not Accepted For Consideration

If the application is not accepted for consideration, then the RA must notify the employer (copy to local office of State Employment Service) in writing within seven (7) calendar days after receipt of the application. The RA's notice of nonacceptance must state:

- why the employer's application is not acceptable for consideration;
- what changes are required for the RA to accept the application for consideration;
- that the employer has *five (5) calendar days* from the date of the RA's notice in which to resubmit the application with modifications requested by the RA to correct any deficiencies; and
- what procedures the employer may use to appeal the RA's nonacceptance.

Resubmittal of Amended Applications

An employer may choose to resubmit an application with modifications required by the RA in his/her notice of nonacceptance. In such instances, an employer should file the amended application within five calendar days of the RA's notice of nonacceptance. The amended application must be filed with the RA (with a copy to the local employment service office). Delays in doing so will result in delaying a certification determination.

Appeals of Notices of Nonacceptance

The RA will inform the employer about the system of appeals provided for in the regulations.

Recruitment of U.S. Workers

Upon receipt of an employer's application for temporary alien agricultural labor certification, the local employment service office must promptly prepare a local job order and begin recruiting U.S. workers in the area of intended employment.

Within seven (7) calendar days after receipt of an application, the local office of the State Employment Service must prepare an agricultural clearance order to permit the recruitment of U.S. workers by the employment service system on an intrastate and interstate basis.

After an application is accepted for consideration, the RA must provide direction to *both* the employer *and* the local employment service office.

After an employer's application is accepted for consideration, the RA may require the employer to independently engage in specific positive recruitment efforts within a multi-State region of traditional or expected labor supply if the RA determines there is a sufficient supply of labor to be recruited.

Certifications Denied

The RA must deny certifications for any of the following reasons:

- The application did not meet the required time frames (except in emergency situations) and there is not enough time to test the availability of U. S. workers.
- Enough able, willing, and qualified eligible U.S. workers are available to fill all the employer's job opportunities. (In the event such workers do not report when needed, there is a process for a later redetermination).
- The employer has not complied with the workers' compensation requirements.
- The employer has not satisfactorily complied with positive recruitment requirements.
- The employer, since the application was accepted for consideration, has adversely affected the wages, working conditions, or benefits of U.S. workers.
- After appropriate notice and opportunity for a hearing, the RA determines that the employer has substantially violated a material term or condition of a previous H-2A certification within the last two years.

If the RA denies certification, then the RA must notify the employer (with copy to the local office of the State Employment Service) by means calculated to assure next-day delivery. The notice of denial must state the reasons the certification was denied and offer the employer an opportunity for appeal.

Appeals of Denials of Certifications

The RA will inform the employer about the system of appeals provided for in the regulations.

Certifications Granted

If the RA determines that the employer has complied with the recruitment assurances, the adverse effect criteria, all time requirements and other appropriate requirements established by law and regulation, then the RA will grant the temporary alien agricultural labor certification for the number of job opportunities for which it has been determined there are not sufficient U.S. workers available. After certification has been granted, the employer must continue to recruit U.S. workers until the H-2A workers have departed for the place of work. In addition, the Employment Service System must continue to refer to the employer qualified and eligible U.S. workers who are seeking employment and who apply up to fifty percent of the contract period, and the employer must hire these U.S. workers.

Violations, Penalties, and Sanctions

A major thrust of IRCA, along with streamlining the system to make it more accessible for employers, is the enforcement of all major provisions related to protections for workers.

The Employment Standards Administration (ESA) of the U.S. Department of Labor has a primary role in investigating and enforcing the terms and conditions of employment. ESA will be responsible for enforcing the contractual obligations employers have toward employees, and may assess civil money penalties and recover unpaid wages. Administrative proceedings and/or injunctive actions through Federal courts may be instituted to compel compliance with an employer's contractual obligations to employees.

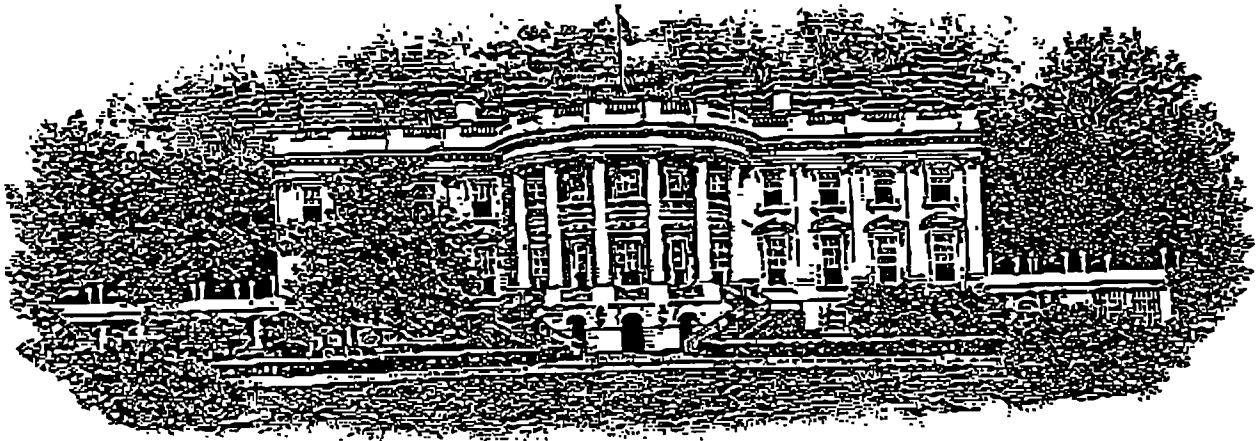
The Employment and Training Administration (ETA) will enforce other aspects of the laws and regulations. ETA will be responsible for administering sanctions relating to substantial violations of the regulations (denial of certification for up to three years) and less than substantial violations of the regulations (reductions of one-fourth of job opportunities certified).

Appeals of Employer Penalties

The RA will inform the employer about the system of appeals provided for in the regulations.

The White House

DOMESTIC POLICY COUNCIL



FAX COVER SHEET

To:

~~Irene~~

Laura

Phone:

Fax No: 65581

From:

Laura

Irene

Phone:

See attached response

Comments:

per Elena-please prepare a response &
send to us for review. Thanks!

DRAFT

The Honorable John Edwards
United States Senate
Washington, DC 20510

Dear Senator Edwards:

Thank you for your letter of March 24, 1999 regarding reform of the current temporary foreign agricultural worker (H-2A) program. The President has asked me to respond on his behalf.

In your letter, you seek the Administration's support to develop a package of meaningful and workable reforms to the current H-2A program. We share the goal of assuring an adequate, predictable labor supply of farm workers and will work with the Congress to develop reforms to the current program to ensure that it responds to agricultural needs while protecting U.S. farm workers who are among the poorest and most vulnerable in our society.

We have acknowledged the administrative difficulties that have plagued this program. As a result, we joined a bipartisan working group last fall to examine the specific issues raised by Congress and to work together to develop reform proposals. In addition, the Departments of Labor and Justice issued proposed regulations to streamline the current application process. We plan to proceed with these and other proposals as soon as possible.

We are committed to improving and enhancing existing programs to meet the labor requirements of our vital agricultural industry consistent with our obligations to U.S. workers. We are ready to again join a bipartisan working group to examine these matters.

We look forward to working with you on this important issue.

Sincerely,

Bruce Reed

04/28/99 08:38 FAX

THE WHITE HOUSE

WASHINGTON

April 22, 1999

MEMORANDUM FOR ELENA KAGAN
DOMESTIC POLICY COUNCIL

FROM: JANET MURGUIA *am*
LEGISLATIVE AFFAIRS

SUBJECT: PRESIDENTIAL CORRESPONDENCE

Enclosed please find a copy of a letter that was sent to the President from Sen. John Edwards (D-NC).

I do not believe this letter requires a Presidential response at this time. Please review the attached letter and respond directly to the Member(s) of Congress. Please forward a copy of the response to the Office of Records Management, Room 72 Old Executive Office Building.

Thank you very much for your assistance in this matter. If you have any questions, please feel free to call Eli Joseph, Office of Legislative Affairs, at 456-7500.

Enclosure

NATL ECONOMIC COUNCIL

04/28/99 08:36 FAX

JOHN EDWARDS
NORTH CAROLINA
(202) 224-3154

COMMITTEES:

BANKING, HOUSING, AND
URBAN AFFAIRS

GOVERNMENTAL AFFAIRS

SMALL BUSINESS

United States Senate
WASHINGTON, DC 20510-3306

299667

FBI

March 24, 1999

The Honorable William J. Clinton
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

I am writing to ask that you lend your support for meaningful reform of the temporary seasonal alien agricultural worker program, known as the "H-2A" program. A number of my constituents have written me to note their concern that the program is bureaucratic and costly. I share their concerns about the program. I believe it should be reformed.

This issue is one of great concern for North Carolina agricultural producers and workers. Farming provides the economic base for a substantial percentage of North Carolina's rural counties. Many of these counties are poor. It is very important that a workable H-2A program be implemented to help ensure the economic survival of residents of these counties.

North Carolina has one of the lowest unemployment rates in the country. Farmers have a hard time securing seasonal workers from North Carolina and must depend on the H-2A program to ensure an adequate workforce. However, if the current system remains in place, it will eventually become cost prohibitive for many growers, and they will be unable to afford to hire the labor that they need.

Moreover, North Carolina's farmworkers deserve meaningful protections for themselves and their families. They deserve statutory guarantees that they will be appropriately compensated for their work.

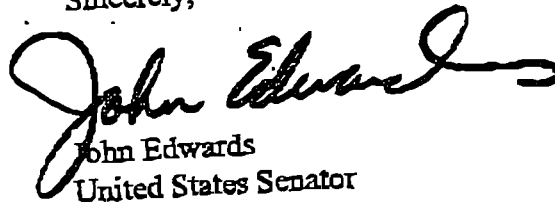
Your timely assistance in this matter is essential. The Administration and Congress should

NATL ECONOMIC COUNCIL

64/28/99 08:36 FAX

work together to ensure that practical reforms are in place in time for the 1999 harvest.
Thank you for your attention to this issue.

Sincerely,



John Edwards
United States Senator

JE/mm

cc: Commissioner Doris Meissner, INS
Attorney General Janet Reno
Paula Gupton, N.C. Farm Bureau
Alton Roberson, Lenoir Co. Farm Bureau
Marion Pridgen, Wilson Co. Farm Bureau
William Linville, Forsyth Co. Farm Bureau
Mark Wellons, W.L. Wellons and Sons
Bennie Barham, Wake Co. Farm Bureau
Richard Jenks, Wake Co. Farm Bureau
William Upchurch, Wake Co. Farm Bureau
Bobby Joe Fisher, Nash Co. Farm Bureau
Dewey Ogburn, Ogburn Farms
E. Wade Moretz, Watauga Co. Farm Bureau
Ronnie Perry, Perry Farms
Jim King, Ashe Co. Farm Bureau
Kerry Knidder, Ashe Co. Farm Bureau

August 5, 1998

IMMIGRATION AND GUESTWORKER PROGRAMS

Immigration has, and will continue to be, a source of richness for our economy and our culture. However, the AFL-CIO strongly opposes changes to immigration law which are driven by corporate efforts to pit worker against worker and turn the global marketplace into a global race to the bottom. In the expanding global economy, corporate America has relentlessly pursued low-wage labor. Our trade agreements too often facilitate the flight of jobs to low-wage economies, and increasingly our immigration laws are abused in an effort to drive down wages at home. Skilled and unskilled foreign workers are brought to this country to take jobs for which there are qualified American workers and even to take jobs from which American workers are being laid off.

In March 1998, the AFL-CIO Executive Council adopted a statement opposing current Congressional efforts to raise visa limits for H-1B information technology workers without credible evidence of a skill shortage and without including any requirements providing for prior recruitment of American workers, prohibitions against laying off American workers to hire H-1B workers, and assuring training for available American workers. The current Republican leadership agreement does not contain these protections and the President should veto it.

Currently the Avondale shipyard in Louisiana is seeking H-2B visas to hire foreign welders for jobs that should and can be filled by American workers. There is no convincing evidence of a shortage of welders. Avondale's efforts are a transparent effort to utilize immigration laws to pay substandard wages and are made even more outrageous by the firm's role as a major Navy contractor.

And now the U.S. Senate has passed legislation to create a new bracero program and replace the current H-2A agricultural guestworker program with a mechanism that would effectively give corporate growers, food processors and other employers unlimited access to foreign agricultural workers while at the same time eliminating the modest protections that workers have under current law.

A December 1997 GAO study concluded that there is a lack of evidence of an agricultural labor shortage and that real wages for agricultural workers have declined. In addition, both the Commission on Agricultural Workers and the Commission on Immigration Reform recommended that no new guestworker program be established.

The Agricultural Job Opportunity and Food Security Act would allow employers to pay less than what is required under the current H-2A program. Protections designed to compensate for the wage depression caused by the importation of guestworkers and undocumented workers are eliminated. The legislation goes so far as to remove the requirement that growers observe prevailing practices and benefits. Employers would no longer be required to provide housing and transportation for guestworkers. And more importantly, the Secretary of Labor would not have the option of pursuing an action in federal court against the employer to protect either guestworkers or domestic workers against violations.

We adamantly oppose congressional efforts to create a new bracero program and reiterate our opposition to modifications to the H-1B program that would increase the number of visas without insuring that domestic workers are protected. on ag workers

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	To Irene Bueno from Erin Bannister re: April 26th Meeting (partial, DOB, SSN) (1 page)	04/22/1999	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Irene Bueno
OA/Box Number: 17169

FOLDER TITLE:

H2A Background: H2A [3]

2017-1120-S

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



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To: Irene Bueno
The White House, Domestic
Policy Council

Date: April 22, 1999

Fax #: 202-456-5581

Pages: 1 (including cover sheet)

From: Erin Bannister

Subject: April 26th Meeting

Micheal Hill asked me to fax you the following information regarding the meeting you and he scheduled for Monday, April 26th at 3:00pm. Here is a list of the meeting participants along with the organizations they represent, their dates of birth and their social security numbers.

Bruce Goldstein, Farmworker Justice Fund, (b)(6)
Christina Chavez-Cook, Mexican American Legal Defense and Education Fund,

(b)(6)
Joel Najjar, National Council of LaRaza, (b)(6)
Micheal Hill, U.S. Catholic Conference, (b)(6)
Kevin Appleby, U.S. Catholic Conference, (b)(6)
Erin Bannister, U.S. Catholic Conference, (b)(6)

There may be an additional participant; I will fax you his name, organization, date of birth and social security number as soon as he confirms.

Please let me know if I can be of any assistance; my telephone number is 202-541-3157.

Thanks for your consideration.

Illegal Immigrant Workers Being Fired in I.N.S. Tactic

By SAM HOWE VERHOVEK

YAKIMA, Wash. — When Federal immigration agents came to the fruit-packing warehouses here in central Washington, there were no sudden raids, no emergency deportation hearings, no buses waiting to take hundreds of illegal immigrant workers back to the Mexican border, a thousand miles away.

When the investigators left, though, there was chaos in the Yakima Valley. More than 560 people were dismissed, under orders from the Immigration and Naturalization Service, because they possessed forged or otherwise improper work documents.

The dismissals, which began in February, are part of a stepped-up enforcement strategy against illegal immigration that expands on what the agency calls its "interior enforcement program."

As it has done in some places on a much smaller scale, the agency is auditing workers' documentation in industries across the country, from the farmlands and fruit-packing plants here in the Northwest to beef-packing plants in the Midwest to hotels of South Florida. Less expensive and less cumbersome than deportation of illegal immigrants found in the workplace, the auditing approach is an effort to cut them off from the goal that brought them to this country: work.

"We are trying to send a message," said Doris M. Meissner, the immigration commissioner. "The intent is to really change the dynamics, change the climate, and change the decision-making process of these migrants."

But with 5.5 million people living illegally in the country, it may take a long time to send that message. And even the immigration agency concedes that the policy is creating wrenching dilemmas for the immigrants, many of whom have quietly held their jobs for years, settled in homes and have children who were born in the United States and thus are

American citizens. In many cases, the children have never even been to Mexico, from which most of the workers come.

"This is a nightmare for so many of us," said Mireya Chavez, who was recently dismissed after working for nine years in the Yakima Valley, cutting asparagus, picking apples and packing in the warehouses — all the time as an illegal resident — though her two sons, 7 and 5 years old, are American citizens.

"I'm not looking for help from anyone," Ms. Chavez said. "I just want a job."

The dismissals have created widespread resentment in Yakima — not just among the workers but also among the warehouse owners and local officials, who are wondering how to deal with the effects of a Federal action that has thrown hundreds of people out of work. Though the workers are entitled to few government benefits, they can seek them for their children.

"They're still here, and they still have basic needs," said Steve Hill, the director of community services for Yakima County. "How do they pay their rent? Where do they get their food?"

Pat Brown, a program manager for the local office of the State Department of Social and Health Services, said: "People don't seem to be saying, 'Well, if it isn't O.K. for me to work here, then I'm going back home.' They seem to be saying, as a group, 'We're staying here. This is home.'"

Coming in the off-season for growing and picking, the dismissals have not had a major impact on production. Besides, the growers and warehouse owners said that there had been no shortage of applicants for the jobs. Many did say they were bothered at being told to let go of good workers.

"The whole thing is an ex-

tremely frustrating situation," said Dick Keller, president of Northwestern Fruit and Produce, who was recently told to dismiss 87 workers from his warehouse. "From the standpoint of the immigration agents I guess they get it all the way from D.C., from the President on down. They're told to get out and get something done. Now they've done something, but it's not curing the problem, and it's creating a lot of disruption for a lot of people."

The audits and dismissals in non-border states are not new, but under the policy shift, they will occur on a much broader basis than ever before, said Mrs. Meissner, the immigration commissioner. While the intent of the expanded strategy is clear, the impact remains to be seen. Some of the dismissed workers here say they will simply look for a new job and take their chances on being caught again.

Agricultural work has long been readily available to just about any migrant in Yakima, and the huge pool of willing workers has kept wages low. Employers are required to check documents, but forged employment or Social Security cards are readily available. In one raid on a warehouse last November in Los Angeles, the immigration service found boxes with two million fake identification documents.

"If they ever really go after the farm workers, then the whole agricultural industry is in deep trouble," said David Carlson, who owns 2,200 acres of orchards in Wapato, outside of Yakima, and a small packing house that was recently told to dismiss 9 of its 45 workers.

"A lot of people say the industry shouldn't be employing people who aren't legal," Mr. Carlson added. "On the other hand, everybody sure seems to like inexpensive food at the grocery store."

And in many ways, the continued prevalence of illegal workers demonstrates what immigration experts say has been the colossal failure of the landmark immigration law passed by Congress in 1986. That measure granted amnesty to about three million illegal workers, but was intended to stem illegal immigration with tough new sanctions against employers, including fines and prison terms.

Continued on Page A16

The New York Times

FRIDAY, APRIL 2, 1999

2/2

But the number of people living illegally in the country is growing by about 275,000 a year, according to the immigration service. Employers rarely face sanctions, as long as they can show that they checked the documents presented to them.

"It is something you cannot stop, because the conditions that we come from are so difficult," said Teresa Mendoza, 26, who recently was dismissed from her packing job and who has two children, one 5 years old and another 9 months, who are American citizens. "I am fighting for my dream for them, and I want to work. I don't want welfare. I have two hands and two legs, and I want to work. What kind of bad crime am I committing?"

Ms. Mendoza's crime is that she is here illegally, having overstayed her tourist visa. But immigrants' advocates insist that people like her are really the victims of a system that almost seems to beg them to come here seeking jobs.

"The number of undocumented workers in this region has been common knowledge to all for many, many years," said Hector Franco, executive director of Asociacion de Barrios Hispanos, a Yakima group. "It's totally inhuman to come in now and treat them like this."

Nearly 1,500 people attended a rally here a few weeks ago, demanding amnesty for the dismissed workers,

and many political leaders, including Gov. Gary Locke, a Democrat, have spoken up at least partly in their defense.

"I'm very concerned about the actions of the Immigration and Naturalization Service in terms of disruption of people, the families who have been depending on these jobs," Mr. Locke said recently at a news conference in Olympia.

He also said there must be some better system of screening applicants.

The agency has been developing such procedures, it said, and has created a much more more forgery-resistant version of the "green card," which authorizes noncitizens to work. But with the agency already contending with record numbers of citizenship applications, there appears to be little political will for any new amnesty program; and many immigration officials say such an approach would send the wrong message to people who are trying to legally obtain citizenship.

Russ Bergeron, a spokesman for the immigration service, said it was mindful of the suffering caused by the dismissals, but was simply trying to fulfill its obligation.

"One of the reasons why there is so much controversy when something like this occurs is that over the past decades, there has been a significant erosion of respect for Federal immigration law," Mr. Bergeron said. "It is to the point where individuals and certain business interests and other special interests have adopted an

attitude that it is their right to violate these laws, and that the Federal Government is conducting some sort of persecution for simply now enforcing what is the law of the land."

The agency says its "interior enforcement strategy" is aimed at industries that often are nowhere near the Mexico border, where the ranks of Border Patrol have been sharply increased as part of the more traditional approach toward stopping illegal immigration. But even effective border actions can not stop all illegal immigration: nearly half of all illegal immigrants enter the country legally, then overstay their visas.

In the fiscal year that ended on Sept. 30, the immigration service said the audits forced the dismissal of 44,474 illegal workers. That is only a fraction of the 1.5 million apprehensions at the border.

Here in Yakima, there is considerable skepticism that the audits will put any serious dent in the numbers of illegal workers, who remain in such large supply because not employing them would simply drive up the cost of food.

"They have to pay a lot more for the American people," said a dismissed worker named Olga, who would not give her last name because she was afraid that she and her husband, also recently dismissed, could be subjected to further action. "They can pay \$5.50 an hour to us, while they would have to pay maybe \$10 to the others."

The New York Times

FRIDAY, APRIL 2, 1999

THE WHITE HOUSE
WASHINGTON

February 25, 1999

MEMORANDUM FOR GENE SPERLING
NATIONAL ECONOMIC COUNCIL

FROM:

JANET MURGUIA *Jm*
LEGISLATIVE AFFAIRS

SUBJECT:

PRESIDENTIAL CORRESPONDENCE

Enclosed please find a copy of a letter that was sent to the President from Rep. Sanford D. Bishop, Jr. (D-GA) and fifteen other Members of Congress.

I do not believe this letter requires a Presidential response at this time. Please review the attached letter and respond directly to the Member(s) of Congress. Please forward a copy of the response to Eli Joseph, Office of Legislative Affairs.

Thank you very much for your assistance in this matter. If you have any questions, please feel free to call Eli at 456-7500.

Enclosure

*Elena -
If no one's responded
to this yet, we should
prepare a response
Elena*

*Elena -**attached is a draft
response for your review.**Gene*

*Elena
any, I just got
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have any already?
if not, I'll log
for delay
Gx*

SANFORD D. BISHOP, JR.

SECOND DISTRICT, GEORGIA
DEMOCRATIC WHIP AT-LARGE

COMMITTEE ON AGRICULTURE

SUBCOMMITTEES:
RISK MANAGEMENT AND SPECIALTY CROPS
DEPARTMENT OPERATIONS, NUTRITION AND
FOREIGN AGRICULTURE

COMMITTEE ON VETERANS' AFFAIRS*

SUBCOMMITTEES:
BENEFITS
OVERSIGHT AND INVESTIGATIONS

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE



Congress of the United States

House of Representatives

Washington, DC 20515-1002
February 10, 1999

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230 FEDERAL COURTHOUSE
VALDOSTA, GA 31601
PHONE: (912) 247-8705

The Honorable William J. Clinton
Office of the President
White House
Washington, D.C. 20502

Dear Mr. President:

Late last year during the final days of Omnibus Budget negotiations, many members of the House urged the inclusion of legislation designed to reform the current temporary and seasonal alien agricultural worker program, known as the "H-2A" program. Few will disagree that the current program is broken and badly in need of reform.

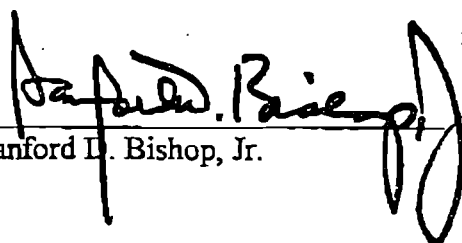
Farmworkers are entitled to protections that will improve their lives and the lives of their families. Growers are entitled to a labor program that will end the uncertainty of finding a stable and legal supply of workers. The current H-2A program does neither.

Each of us has heard firsthand of the critical labor shortage facing agricultural producers in our respective districts. Over the last several months, officials within your Administration have committed to work with members from agricultural districts to develop a solution, just as a solution to the shortage of high-tech workers was reached on behalf of many urban and suburban members. The time to move forward is now. We cannot wait for another growing season and harvest to come and go without a solution in place, particularly given the current financial crisis in American agriculture and the usual immigration pressures facing the United States.

Therefore, we seek your commitment to work with us to develop a package of meaningful and workable reforms to the current H-2A program no later than February so that the Congress will have time to enact the reforms into law in time for the 1999 harvest.

Thank you for your continued attention to this pressing problem.

Sincerely yours,


Sanford D. Bishop, Jr.


Gary Condit

THE WHITE HOUSE
WASHINGTON

February 25, 1999

Elene
Gray, I find
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have any
if not, please
for delay
for

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NATIONAL ECONOMIC COUNCIL

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LEGISLATIVE AFFAIRS

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In re -
if no one's responded
to this yet, we should
prepare a response
Elene

Enclosure

[Signature]

Allen Boyd
Allen Boyd

Eva M. Clayton
Eva Clayton

Bud Cramer
Bud Cramer

Karen Thurman
Karen Thurman

Chris John
Chris John

Peter Deutsch
Peter Deutsch

Ron Kind
Ron Kind

Mike McIntyre
Mike McIntyre

Mike Thompson
Mike Thompson

John LaFalce
John LaFalce

Ronnie Shows
Ronnie Shows

Virgil Goode
Virgil Goode

Jim McGovern
Jim McGovern

Bob Etheridge
Bob Etheridge

The Honorable Sanford Bishop
Democratic Whip At-Large
U.S. House of Representatives
Washington, DC 20515-1002

Dear Representative Bishop:

Thank you for your letter of February 10, 1999 regarding reform of the current temporary foreign agricultural worker (H-2A) program. The President has asked me to respond on his behalf.

In your letter, you seek a commitment to work with Congress to develop a package of meaningful and workable reforms to the current H-2A program. We share the goal of assuring an adequate, predictable labor supply of farm workers and will work with the Congress to develop reforms to the current program to ensure that it responds to agricultural needs while protecting U.S. farm workers who are among the poorest and most vulnerable in our society.

We have acknowledged the administrative difficulties that have plagued this program. As a result, we joined a bipartisan working group last fall to examine the specific issues raised by Congress and to work together to develop reform proposals. In addition, the Departments of Labor and Justice issued proposed regulations to streamline the current application process. We plan to proceed with these and other proposals as soon as possible.

We are committed to improving and enhancing existing programs to meet the labor requirements of our vital agricultural industry consistent with our obligations to U.S. workers. We are ready to again join a bipartisan working group to examine these matters.

We look forward to working with you on this important issue.

Sincerely,

Bruce Reed