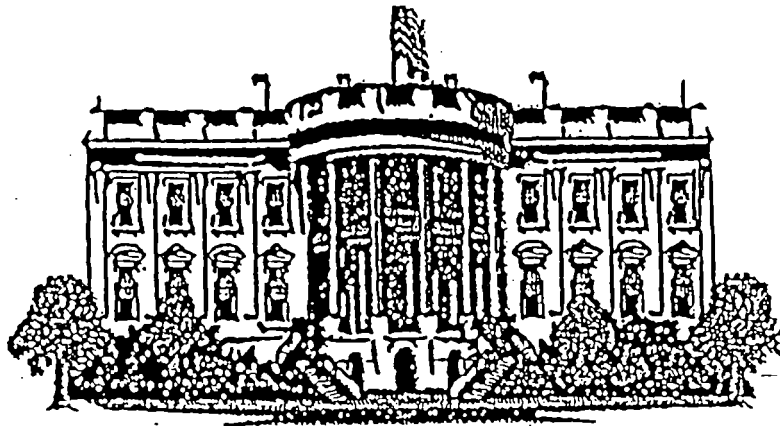




THE WHITE HOUSE

Domestic Policy Council

DATE: 10/14/99

FACSIMILE FOR: Eric Liu / Anna Richter

PHONE: () -

FAX: (~~202~~) 6 - 2878

FACSIMILE FROM: IRENE B. BUENO

PHONE: (202) 456 - 6558

FAX: (202) 456 7028 or 5581

NUMBER OF PAGES (INCLUDING COVER): 3

☐ FOR YOUR REVIEW

☒ PER MY E-MAIL OR VOICE-MAIL MESSAGE TO YOU

☐ PER YOUR REQUEST

COMMENTS: _____

Mr. Moe Biller
13602 Gladwyn Court
Chantilly, Virginia 22021

Dear Moe:

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

My Administration continues to strongly oppose agricultural guest worker legislation and does not believe that it is necessary or appropriate at this time. We recognize that farmworkers are among the poorest and most vulnerable people in our society. Average annual earnings of farmworker families are only about \$6,500 and farm workers are employed on average only about 26 weeks per year. Instead, we support reform of the current H-2A guest-worker program and are working -- through administrative actions and the regulatory process -- to reengineer the program while maintaining strong worker protections. My Administration is committed to improving the H-2A program to assure growers of an adequate, predictable labor supply while protecting U.S. farmworkers.

We will continue to work with all interested parties to address this issue in a way that will not jeopardize vital worker protections. As we move forward in this endeavor, I'm glad to know that I can count on your help.

Sincerely,



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

August 31, 1999

Moe Biller, President
(202) 842-4246

The Honorable William J. Clinton
President
The White House
Washington, DC 20500

Dear Mr. President:

I write in support of the United Farm Workers (UFW) and urge you to oppose any new agricultural "guest worker" proposals offered this year on behalf of agricultural employers. A guest worker program cannot be justified, particularly when there is no shortage of domestic farm workers.

Growers have made no real effort to recruit domestic farm workers. They prefer to fabricate worker shortages in order to justify hiring "guest workers" and thus depress the wages of all farm workers. Farm workers' wages have actually been dropping—the opposite of what economists would expect if labor shortages really existed. Moreover, a recent U.S. Labor Department study of the California grape industry showed that 77 percent of the growers and labor contractors are violating federal laws, especially the minimum wage law.

The chief proponent of the guest worker legislation is the Western Growers Association (WGA), which is in the forefront of agribusiness opposition to UFW organizing efforts. The WGA hopes to use the guest worker program to help stop unionization. Ironically, where growers truly care about economic growth under fair conditions, partnerships have been developed with the UFW and profits have risen—even with the higher wages paid to union workers.

On behalf of the 366,000 members of the American Postal Workers Union, AFL-CIO, I ask you to oppose any new "guest worker" proposals.

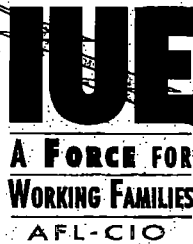
Sincerely,

Moe Biller
President

MB:hfa
opeiu #2/afl-cio

cc: Arturo Rodriguez
President, UFW

SEP - 7 1999



Edward Fire, *President*

Thomas J. Rebman, *Secretary-Treasurer*

1126 Sixteenth Street, N.W.
Washington, D.C. 20036-4866
202-785-7200
202-785-4563 FAX
www.iue.org

September 14, 1999

The Honorable William Jefferson Clinton
The White House
Washington, D.C. 20501

Dear President Clinton:

I have been informed that employers of agricultural employers are trying to secure so-called major "guest worker" legislation.

As a strong backer of the United Farm Workers and out of concern for the plight of farm workers in the United States, I respectfully request that you oppose any new agricultural "guest worker" proposals that would worsen already terrible working conditions and subsistence-level wages of farm workers.

There are many domestic farm workers available. State unemployment figures during harvest months for two of the largest agricultural states, Texas and California, consistently top 10% - usually double the usual average for those states. The General Accounting Office (GAO) issued a report in December 1997 on the current guest-worker program, concluding that while there may be some local labor shortages for specific crops, there is no national agricultural labor shortage. In fact, many of the agricultural counties have very high rates of unemployment.

Growers have made little or no effort to recruit domestic workers, instead they have fabricated worker shortages. In California some growers even tried to get the National Guard to help harvest the raisin crop in 1998. Growers have also not made

SEP 16 1999

The Honorable
William Jefferson Clinton

-2-

September 14, 1999

efforts to become competitive. Farm labor wages have been steadily dropping, the opposite of what agricultural economists predict, if labor shortages really existed. Despite statistics that show farmwork is among the most dangerous type of work, many growers often fail to honor even the most basic regulations. A recent U.S. Department of Labor study of the California grape industry showed 77% of the growers and labor contractors are violating federal laws, especially the minimum wage law.

Only unions have improved working conditions and provided livable wages for farmworkers. In relationships where the grower cares about expanding and providing a good food product, partnerships have been developed and profits have risen, even with higher wages.

The guest worker effort is being pushed by the Western Growers Association, not coincidentally the leader of the agribusiness' vehement opposition to UFW organizing efforts. This association wants to use the guest worker program to fight union organizing. They want farm workers to work like indentured servants, with no chance to organize.

Mr. President, I ask that you stop this effort to exploit farm workers!

I hope you will help.

Sincerely,



Edward Fire
President

EF:jec

c: International Executive Board
Tom Rebman
Arturo Rodriguez
Richard Chapman
Peter Mitchell
Lauren Asplen
Giev Kashkooli

June 23, 1999

Ms. Marion Malcolm
Immigrant Rights Program
Community Alliance of Lane County
Post Office Box 10837
Eugene, Oregon 97440

Dear Marion:

Thank you for your letter regarding guest worker legislation. I understand the concerns that prompted you to write, and I have passed along your correspondence to my Domestic Policy staff. Be assured that your views will be carefully considered.

My Administration continues to strongly oppose agricultural guest worker programs. As you know, these programs avoid a sustainable solution to labor shortages and increase illegal immigration. In addition, they reduce employment opportunities for United States citizens and other legal residents and depress wages and work standards for United States farmworkers. We are prepared to work with Congress and all interested parties to address this issue in a way that will not jeopardize vital worker protections. As we move forward in this endeavor, I'm glad to know I can count on your help.

Sincerely,

BILL CLINTON

BC/TFS/DDA/SH/DC/ddj-bws (Corres. #4342800)
(6.malcolm.m)

cc: Tracy Sisser, 97 OEOB
cc: Neal Sharma, 97 OEOB
cc: DWB/SPM, 94 OEOB
cc: Irene Bu~~eno~~, DPC, 216 OEOB

June 23, 1999

Ms. Florence Prescott
Network for Immigrant Justice
3820 Greenwood Street
Eugene, Oregon 97404-1236

Dear Florence:

Thank you for your letter regarding guest worker legislation. I understand the concerns that prompted you to write, and I have passed along your correspondence to my Domestic Policy staff. Be assured that your views will be carefully considered.

My Administration continues to strongly oppose agricultural guest worker programs. As you know, they avoid a sustainable solution to labor shortages and increase illegal immigration. In addition, they reduce employment opportunities for United States citizens and other legal residents and depress wages and work standards for United States farmworkers. We are prepared to work with Congress and all interested parties to address this issue in a way that will not jeopardize vital worker protections. As we move forward in this endeavor, I'm glad to know I can count on your help.

Sincerely,

BILL CLINTON

BC/TFS/SH/DC/ddj (Corres. #4372060)
(6.prescott.f)

cc: Tracy Sisser, 97 OEOB
cc: Neal Sharma, 97 OEOB
cc: DWB/SPM, 94 OEOB
cc: Irene Bueno, 216 OEOB

Final**U.S. DEPARTMENT OF LABOR****SECRETARY OF LABOR
WASHINGTON, D.C.****JUL 22 1998**

The Honorable Ron Wyden
United State Senate
Washington, D.C. 20510-3703

Dear Senator Wyden:

This letter presents the Administration's views on your proposed amendment to the Commerce, Justice, State, and Judiciary appropriations bill, S. 2260. While the Administration shares your goal of assuring that our agricultural labor policy and any reform of the H-2A program both provides growers with a predictable and reliable labor supply, and assures adequate workplace protections for domestic and foreign farm workers who are among the poorest and most vulnerable in our society, the Administration strongly opposes your amendment.

The President opposes legislation that would create a new guest worker program. This position is consistent with the findings and recommendation of two bi-partisan commissions — the Commission on Agricultural Workers and the Commission on Immigration Reform. However, he has directed that if efforts to halt illegal immigration contribute to agricultural labor shortages, the Departments of Agriculture and Labor should work cooperatively to improve and enhance existing programs to meet the labor requirements of our vital agricultural industry, consistent with our obligations to American workers. While the General Accounting Office has recently reported (December 1997) that "ample supplies of farm labor appear to be available in most areas" there is some possibility of localized shortages relating to specific crops or geographic areas.

The Administration's guiding principles in reforming the H-2A program are attached. We are currently engaged in a process of reform consistent with these principles, and we invite a constructive partnership.

In response to concerns regarding localized shortages, the Departments of Agriculture and Labor have been working cooperatively under the aegis of the Domestic Policy Council and the National Economic Council to develop administrative and regulatory reforms to the current H-2A program to make it more responsive to agricultural producers and more effective in protecting U.S. workers.

As a first step, the Administration has initiated a rulemaking process to streamline the H-2A program that is to be completed by the end of January 1999, for next year's growing season. In response to the growing concerns regarding the supply, adequacy and cost of migrant worker housing, we are looking Administration-wide at alternatives and resources available to address the issue.

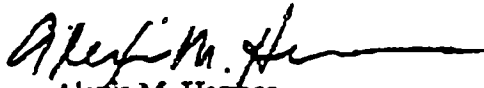
WORKING FOR AMERICA'S WORKFORCE

-2-

We want to continue to explore policy proposals which increase our ability to achieve our above stated goals. We would like to work with you in this ongoing process. However, we do not believe that your proposed amendment, which makes changes to the agricultural farm worker program that weaken the labor protections for migrant farm workers, accomplishes these goals.

The Office of Management and Budget advises that there is no objection to presentation of this report from the standpoint of the Administration's program.

Sincerely,



Alexis M. Herman

STATEMENT OF PRINCIPLES H2-A REFORM

The Administration's guiding principles for reform of the H2-A program are intended to assure that these policies achieve greater stability in the agricultural workforce so that our agricultural producers and farm workers both benefit. Growers must have a more predictable and reliable labor supply, while we provide adequate workplace protections for domestic and foreign farm workers who are among the poorest and most vulnerable in our society.

The Administration's guiding principles in reforming the H-2A program are designed to create a system:

- where the procedures for using the program are simple and the least burdensome for growers;
- which assures an adequate labor supply for growers in a predictable and timely manner;
- that provides a clear and meaningful first preference for U.S. farm workers and a means for mitigating against the development of a structural dependency on foreign workers in an area or crop;
- which avoids the transfer of costs and risks from businesses to low wage workers;
- that encourages longer periods of employment for legal U.S. workers;
- which assures decent wages and working conditions for domestic and foreign farm workers, and that normal market forces work to improve wages, benefits, and working conditions.

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

MAR 12 1998

Honorable Lamar S. Smith
Chairman, Subcommittee
on Immigration and Claims
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Smith:

This letter presents the views of the Administration on H.R. 3410, entitled "Temporary Agricultural Worker Act of 1998." This bill would establish a pilot program to provide another means to bring foreign workers into the United States to provide temporary or seasonal agricultural services. The Administration strongly opposes enactment of H.R. 3410. If H.R. 3410 were passed by the Congress and presented to the President, I would recommend that he veto the bill.

As the General Accounting Office (GAO) has recently reported (December 1997), the existing temporary foreign agricultural worker (H-2A) program already assures an adequate and dependable labor supply for agricultural producers, while it seeks to protect the employment, compensation and working conditions of the U.S. agricultural labor force. The recent GAO report found that "ample supplies of farm labor appear to be available in most areas," although there is some possibility of localized shortages relating to specific crops or geographic areas.

Consistent with the findings and recommendations of two bi-partisan commissions -- the Commission on Agricultural Workers and the Commission on Immigration Reform -- the President ~~opposes~~ a new guestworker program. He has, however, directed that, if efforts to halt illegal immigration contribute to agricultural labor shortages, the Departments of Agriculture and Labor should work cooperatively to improve and enhance existing programs to meet the labor requirements of our vital agricultural industry consistent with our obligations to American workers. In response to concerns regarding localized shortages, the Departments of Agriculture and Labor will work cooperatively to determine means of streamlining the current H-2A program to make it more responsive to the needs of agricultural producers, and more effective in protecting U.S. workers.

Also we acknowledge that there have been difficulties administering the H-2A program. However, none of these difficulties require legislation; all can be effectively addressed administratively. The GAO made several such recommendations that the administering agencies have agreed to take the necessary steps to implement. In addition to changes in the program that respond to GAO recommendations, such as shortening the lead time on submitting H-2A

applications from 60 to 45 days, other possible H-2A program changes are being considered that address issues contained in H.R. 3410. These include reducing the lead time for completing housing inspections from 30 to 20 days prior to date of need; providing expedited certification for employers who reduce their use of H-2A workers by 25 percent or more over the previous year; and other changes to strengthen worker protections and enforcement. We plan to proceed with these and other proposals as soon as possible.

In view of the President's position, the GAO's findings and accepted recommendations, and the cooperative efforts of the Departments of Agriculture and Labor to develop ways to administratively restructure the H-2A program, the Administration is strongly opposed to H.R. 3410.

The Office of Management and Budget advises that there is no objection to presentation of this report and that enactment of H.R. 3410 would not be in accord with the Administration's program.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alexis M. Herman". The signature is fluid and cursive, with the first name "Alexis" being more prominent.

Alexis M. Herman

Y19
To Julie

Immig- H2A

From: M. Tormey

United States Senate

WASHINGTON, DC 20510

FYI

January 11, 1999

cc: Bruce
Barbara Chaw
Julie F.
Maria G.

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

Dear Mr. President:

Late last year we considered 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 in finding a stable and legal supply of workers. The current H-2A program does neither.

Each of us has been working on this problem for many months, if not years. Over the last several months, officials within your Administration have committed to work with us to develop a solution. 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.

Respectfully Yours,

Paul WydenBob GertmanBlanche L. LincolnMax Cleland

The Honorable William J. Clinton

Page 2

Chuck Robb

United States Senate

WASHINGTON, DC 20510

January 11, 1999

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

Dear Mr. President:

Late last year we considered 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 in finding a stable and legal supply of workers. The current H-2A program does neither.

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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.

Respectfully Yours,

Ben Wyden

Bob Graham

Blanche L. Lincoln

Max Cleland

The Honorable William J. Clinton

Page 2

Chuck Robb



U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

JUN 26 1998

The Honorable Edward M. Kennedy
Ranking Member
Subcommittee on Immigration
Judiciary Committee
United States Senate
Washington, D.C. 20510

Dear Senator Kennedy:

This letter is intended to confirm the Administration's commitment to immediately undertake rulemaking to propose several measures to streamline the H-2A program as outlined below. Streamlining measures already put in place administratively are enclosed in the attachment.

Our goal is to publish a final rule to implement streamlining changes in H-2A program pursuant to notice and comment rulemaking by the end of January 1999. The publication of this rule will be timed to have an impact on the program's administration during next year's growing season. Our rulemaking would propose:

1. Immigration and Naturalization Service (INS) delegating H-2A petitioning authority to the Department of Labor (DOL);
2. INS delegating to DOL the authority to issue petitions for replacement of certified H-2A employees upon proof of an H-2A employee's repatriation;
3. Eliminating the requirement that employers use a registered farm labor contractor (FLC) as a source to recruit U.S. workers if the FLC has a demonstrated history of employing illegal or unauthorized workers, or has a history of other abuses;
4. Reducing the length of time that employers must file an H-2A application from 60 to 45 days before the date when employees are needed;
5. Changing the deadline for when employer-provided housing must be available for inspection from 30 days before the date of need to 15 days before the date of need; and
6. Eliminating the requirement that certified H-2A employers provide notice that H-2A employees have departed for the place of employment.



These proposed changes will ease application filing and housing inspection deadlines and reduce the program's process steps. As a result, they will have a direct effect on the timeliness with which H-2A employees are made available -- a key and recurring criticism of the program voiced by employers.

My staff appreciated the opportunity to speak with you about the H-2A program and hope that our proposals are responsive to your concerns. We also look forward to a continuing dialogue with Congress, agricultural employers, and farmworker advocates on other key H-2A issues.

Sincerely,



Alexis M. Herman

Enclosure

cc: All Members of the Immigration Subcommittee of the Senate Judiciary Committee

H-2A Reform Proposal

This proposal is for a notice of proposed rulemaking (NPRM) in two parts. Part I will discuss the steps already taken by DOL to streamline the H-2A program. Part II will lay out the reforms that are being noticed for rulemaking.

Part I

Action accomplished

(By General Administrative Letter (GAL) directive)

- A. The Labor Department now requires "positive recruitment" of U.S. farmworkers only in areas where DOL finds that there is a significant number of qualified workers willing to make themselves available for employment at the time and place needed.
- B. The Labor Department now counts as "available" for employment only those U.S. workers who are identified by name, address and social security number.
- C. The Labor Department is committed to consistently meeting the existing 7-day deadline after receipt of initial application to notify employer of deficiencies that prelude adjudication of the application and the 20-day deadline -- prior to the employers' "date of need" -- to issue approved certifications. The Labor Department will improve automation to assist in meeting these deadlines.

Part II

Rulemaking proposals -- Stage 1

- A. INS to delegate H-2A petition approval authority to DOL. Removing the INS adjudication step will result in two-step (State --DOL) process, rather than a three-step (State --INS --DOL) process. DOL will then provide simultaneous approval of H-2A certification and petition approval.
- B. INS delegation of authority to DOL to issue petition approval (I -797) for replacement of certified H-2A workers upon proof of the worker's repatriation.
- C. Eliminate the requirement that a certified H-2A employer provide notice of H-2A workers' departure for the place of employment .
- D. Require employers' H-2A labor certification applications to be submitted 45 (rather than 60) days prior to the employers' "date of need."
- E. Reduce the deadline for employer-provided housing to be available for inspection from 30 to 15 days prior to the employers' "date of need ."

- F. Grower will no longer be required to use a registered farm labor contractor (FLC or "crew leader") as a source of U.S. workers if the FLC has a demonstrated history of employing illegal or unauthorized workers or of other labor abuses.

JAN 14 1999 11:17AM
PAUL D. COVERDELL
GEORGIA

CONFERENCE SECRETARY

United States Senate
WASHINGTON, DC 20510-1004

CHAIRMAN
WESTERN HEMISPHERE SUBCOMMITTEE
FOREIGN RELATIONS COMMITTEE

CHAIRMAN
MARKETING, INSPECTION, AND PRODUCT
PROMOTION SUBCOMMITTEE
AGRICULTURE COMMITTEE

SMALL BUSINESS COMMITTEE

January 14, 1999

The Honorable Alexis Herman
Secretary
United States Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Dear Secretary Herman:

As you recall, last year we agreed to organize a bi-partisan working group to carefully examine important issues regarding migrant workers in agriculture and to discuss reforms to the current H-2A program. It is imperative for Congress and the Administration to address this serious crisis facing our nation's agricultural employers, especially since a new growing season is soon upon us.

I appreciated our previous discussions on this matter and for your staff's willingness to address these issues in the fall and the informal meetings that occurred. Unfortunately, due to the debate on H-2A reform legislation and timing, we were never able to formalize the working group. Having consulted with other members of Congress, we believe it would now be a good time to begin. Therefore, I respectfully request that the Department of Labor establish a meeting schedule for this bi-partisan working group and a proposed agenda. If my staff can be helpful in this process please do not hesitate to let us know. Enclosed is a list of United States Senators and Members of Congress whose participation I recommend in these discussions. Adjustments, of course, could be made to the participants and structure.

There is a growing consensus that the current H-2A program does not work and needs to either be streamlined and simplified or eliminated and replaced with a new guest worker program. If we fail to act in a timely manner, farmers will continue to be plagued by labor shortages and uncertainty such as I have seen in my state. We need your help to remedy this situation.

Thank you for your consideration of this important matter. I look forward to hearing from you soon.

Sincerely,



Paul D. Coverdell
United States Senator

H-2A Bi-Partisan Working Group

Senator Paul Coverdell (R-GA)
Senator Gordon Smith (R-OR)
Senator Larry Craig (R-ID)
Senator Slade Gorton (R-WA)
Senator Spence Abraham (R-MI)
Senator Ron Wyden (D-OR)
Senator Bob Graham (D-FL)
Senator Diane Feinstein (D-CA)
Senator Max Cleland (D-GA)
Congressman Saxby Chambliss (R-GA)
Congressman Richard Pombo (R-CA)
Congressman Larry Combest (R-TX)
Congressman Charlie Stenholm (D-TX)
Congressman Sanford Bishop (D-GA)
Congressman Gary Condit (D-CA)

JAN. 14, 1999 11:17AM



SENATOR PAUL D. COVERDELL

FAX TRANSMISSION

200 Russell Senate Office Building
Washington, DC 20510-1004
202-224-3643
Fax: 202-228-3783

To: Secretary Herman

Date: 1-14-99

Fax #: 219-852 88

Pages: 3
including this cover sheet.

From: Richard Gipton

Subject: H-2A Bi-partisan Working Group

COMMENTS:

FYI

Confidentiality Note:

The information contained in this facsimile message is confidential information intended solely for the use of the individual or entity named above. Such information may also be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or duplication of this facsimile is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original to us at the address above via the United States Postal Service.



UNITED STATES

DEPARTMENT OF LABOR

FACSIMILE TRANSMISSION

OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS

200 Constitution Avenue,
N.W.
Room S-1325
Washington, DC 20210

Confirmation:
202/219-6141

January 14,
1999/1:50PM

To: JULIE FERNANDEZ

DEPARTMENT/COMPANY:

FACSIMILE NUMBER: 456-5581

FROM: EARL GOHL

NUMBER OF PAGES INCLUDING COVER:

FACSIMILE REPLIES: CONGRESSIONAL AFFAIRS

INTERGOVERNMENTAL AFFAIRS

IMMEDIATE OFFICE OF THE ASSISTANT SECRETARY

202/219-5120

202/219-5736

202/219-5288

MESSAGE:

Congress of the United States**Washington, DC 20515****October 7, 1997**

**The Honorable Dan Glickman
Secretary of Agriculture
U.S. Department of Agriculture
Main Administrative Building
14th Independence Avenue SW
Washington, D.C. 20250**

Dear Secretary Glickman:

The undersigned strongly urge you and the Administration to support H.R. 2377, supported by many of our colleagues on a bipartisan basis. H.R. 2377 addresses a critical issue in our districts. This issue was brought to your attention by the Chairman and Ranking Member on the House Committee on Agriculture in a letter to you dated January 8, 1997.

The farmers and ranchers in our districts are finding it increasingly difficult to hire and continue to employ an adequate workforce. This is caused by current high levels of employment and increasing INS and Social Security Administration activity that is removing a substantial number of agricultural employees from law abiding employers. The severity of this problem has increased significantly in the past year in our districts and in those of our colleagues throughout the U.S.

The only current program to address the labor shortage problem is the H-2A program. Despite past efforts by Congress to streamline it, it simply does not work. H.R. 2377 provides an alternative approach to admitting temporary and seasonal alien agricultural workers. It is a modest two year pilot that admits a maximum of 25,000 workers annually and provides ample protections for domestic and alien workers while ensuring alien workers will not overstay their visas.

While the Administration opposed a much broader guestworker program last year, H.R. 2377 is a pilot of limited scope and duration that would allow a fair test of a streamlined structure. We wish that H-2A could be streamlined administratively to meet our farmer's needs. Some of us recently met with top officials at the Labor Department to explore administrative reforms to the H-2A program but are not confident that the essential changes we seek can be achieved administratively. Efforts between USDA and DOL to achieve administrative improvements last year were not successful.

Mr. Secretary, we believe that support of H.R. 2377 is in the best interests of our farmers and workers and ask that you seek Administration support for it. Equally important, we believe that the increased need for this legislation and the limited pilot approach taken in H.R. 2377 should convince the Administration not to oppose it. We ask for your leadership in this regard.

Sincerely,

Page 2

Letter to Secretary Dan Glickman
October 7, 1997

Dan P. Rieff

Dorene Holey

J. Allen Boyd

Bernard Kennedy

Craig C. C. C.

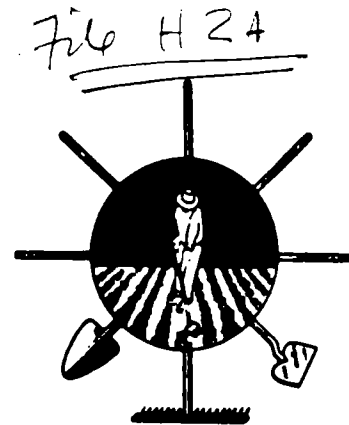
cc: Alexis Herman

FARMWORKER JUSTICE FUND, INC.

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

Washington, D.C. 20036

Phone (202) 776-1757



July 24, 1998

Hon. Alexis Herman
Secretary of Labor
U.S. Department of Labor
Washington, D.C. 20210

cc: Julie Fernandez

from Maria Echaveste

FYI

Dear Secretary Herman:

On behalf of the Board of Directors of the Farmworker Justice Fund, Inc. and many other farmworker advocates around the country, we write to thank you for the help you and the Department of Labor are providing to migrant and seasonal farmworkers during the debate in Congress over a new temporary foreign agricultural worker program.

The agricultural guestworker bill introduced by Senators Gordon Smith, Ron Wyden and others, which passed suddenly in the Senate as an amendment to an appropriations bill on July 23, 1998, truly would have a devastating impact on the nation's farmworkers. Despite the co-sponsors' claims of a bipartisan effort to bridge the gap between workers and employers, the only private endorsers listed in the Congressional Record were 103 agricultural employer organizations. Despite the proponents' declarations of careful consideration of the issues, the bill was rammed through the Senate with no time to debate the details of this long, complex, deceptive legislation.

At bottom, this guestworker legislation, if enacted, would permit agricultural employers to (1) bypass United States farmworkers, (2) avoid private-market forces that would have induced companies to improve wages and working conditions and modernize labor practices, (3) secure large numbers of foreign workers who would hold a temporary "non-immigrant" status that effectively denies them the economic or political power needed to improve their conditions or challenge unlawful conduct, (4) substantially reduce the minimum labor standards required by current law, (5) and reduce government oversight and law-enforcement over the immigration and labor laws that agricultural employers are notorious for violating.

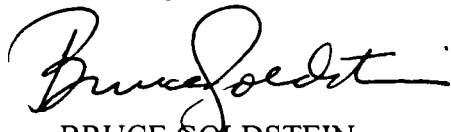
Yesterday was a sad day for those of us trying to help farmworkers. If this guestworker program or anything similar to it were enacted, the results would be further deterioration in many aspects of farmworkers' lives: wages, living conditions, working conditions, family relationships, health, union organizing and life opportunities. I hasten to point out

that farmworker advocates for several years have criticized the H-2A program regulations as too weak to implement the statutory intent. It is difficult to believe that we could be debating the possibility of removing most of the H-2A program's modest labor protections.

We hope and expect that farmworkers can continue to rely on the Administration's opposition to a new agricultural guestworker program. Facts, policy, fairness, government and private studies, editorial boards, and members of the public with an interest in farmworkers are all on our side. This serious threat to farmworkers can be defeated with your continued help.

Again, we thank you and officials in the White House for your assistance to farmworkers.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Goldstein", with a stylized, flowing script.

BRUCE GOLDSTEIN
CO-EXECUTIVE DIRECTOR
FARMWORKER JUSTICE FUND, INC.

cc: Maria Echaveste, Deputy Chief of Staff, The White House

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

March 7, 1996

Honorable Orrin Hatch
Chairman, Committee on
the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Proposed amendments to the Immigration and Nationality Act, referred to as the "Temporary Agricultural Worker Amendments of 1995," if enacted, would create a new agricultural guestworker program. The proposed new program, designated as H-2B, would not replace the existing temporary agricultural worker program, H-2A, but rather, create yet another means by which agricultural employers may import foreign farm workers. If such a proposal is included in an immigration reform bill, we would strongly recommend that the President veto the legislation. However, the Administration is prepared to work with all interested parties, including the Congress, as appropriate, to address ways to improve the existing H-2A program which will not jeopardize worker protections.

The Administration strongly opposes a new agricultural guestworker program. A new guestworker program is unwarranted for several reasons:

- It would increase illegal immigration;
- It would reduce work opportunities for U.S. citizens and other legal residents;
- It would depress wages and work standards for U.S. farmworkers; and
- It is not a sustainable solution to any labor shortage which might develop.

Such results are entirely incompatible with this Administration's strenuous efforts to improve illegal immigration control and to improve earnings of American workers. The Administration's position conforms closely with the views of two congressionally-mandated, bi-partisan Commissions -- the Commission on Immigration Reform, known as the Jordan Commission after its late Chair, Barbara Jordan, and the Commission on Agricultural Workers.

The Jordan Commission has stated its unambiguous opposition to a new agricultural guestworker program:

The Commission believes that an agriculture guestworker program, sometimes referred to as a revisiting of the "bracero agreement," is not in the national interest and

unanimously and strongly agrees that such a program would be a grievous mistake.

Independently, the Commission on Agricultural Workers concluded in its 1992 report that:

[d]espite an expanding perishable crop industry, the national supply of agricultural labor has been more than adequate for the past several years.

Analysis of recent data from the Department of Labor's National Agricultural Worker Survey reveals a persistently high degree of underemployment among farmworkers at both the national and regional level. The Commission on Agricultural Workers did acknowledge that in many localities a significant portion of the harvest work is unauthorized. But it went on to say that to the extent that the agricultural labor supply needs to be supplemented, the existing H-2A program was sufficient, though it should be reviewed in light of grower criticism and litigation which surrounds the existing programs.

This Administration recognizes that there are areas of agriculture in this country that are heavily labor intensive and rely on a dependable harvest work force. It is also vital that we protect the competitiveness of U.S. agriculture and related employment in non-farm industries that depend on farm production. At the present time, however, there is simply no evidence of an agricultural labor shortage in this country. On the contrary, all of the available evidence indicates a continuing and structural agricultural labor surplus. Rather, advocates of a new agricultural guestworker program justify the purported need on fears of possible future shortages. This is no basis for a whole new guestworker program. Rather the Administration believes that if there are future shortages, they can be effectively dealt with through improvements of the existing H-2A program.

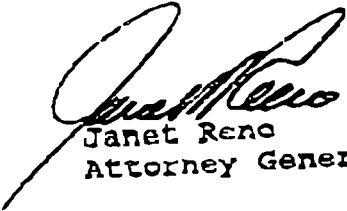
Unfortunately, the proposed guestworker amendments do not effectively address either the Administration's or the Jordan Commission's justified concerns about workers. The amendments do not promote or protect job opportunities for U.S. workers; on the contrary, these amendments substantially weaken the statutory preference for and protections of U.S. workers currently embodied in the H-2A program. The amendments would largely negate the current law's protections intended to ensure that wages and working conditions of U.S. farmworkers do not suffer from the presence of guestworkers in the low-wage, low-skill agricultural labor market. Other provisions in the amendments would simply eliminate many existing labor protections for U.S. and foreign workers, such as the employer's obligation to provide housing and transportation for migrant workers. Finally, the amendments

could well increase the likelihood that guestworkers will not return to the sending countries upon completion of employment.

For all these reasons, the Administration strongly opposes the creation of a new agricultural guestworker program. Mr. Chairman, in the interest of achieving immigration reform in this Congress, we urge you to reject this proposal. Thank you for considering our views on this important matter.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,



Janet Reno
Attorney General



Robert Reich
Secretary of Labor

U.S. House of Representatives
Committee on Agriculture
Washington, DC 20515

September 28, 1998

The Honorable Harold Rogers
Chairman
Subcommittee on Commerce, Justice, State and Judiciary
H309 Capitol
Washington, DC 20515

Dear Hal:

As you know, the Senate passed S. 2337, the Agriculture Job Opportunity Benefits and Security Act as an amendment to the Commerce, Justice, State, Appropriations bill by a vote of 68 to 31. This legislation is a package of bipartisan compromises that would reform the existing H-2A program. It would establish a system of registries of domestic agricultural workers to provide for a sufficient supply of such workers. It requires that preference be given to domestic workers and, most importantly, it provides a timely process for admittance of foreign workers, only if necessary. It solves the problems identified in the current H-2A program by a recent GAO study, while also providing broad labor protections for both domestic and alien workers.

We feel that the strong bipartisan support for the Senate amendment is a clear indication of the immediate need for H-2A reform. Thirteen Democratic Senators from twelve states voted for this reform and all voting Republicans followed suit (please see attached list).

There is strong support for H-2A reform in the House. Numerous hearings have been held on this issue during the past several years. Agriculture Committee Chairman Bob Smith's bill, H.R. 3410, has some similar provisions to S. 2337 and passed by voice vote in the Subcommittee on Immigration and Claims this past March. A companion measure with strong bipartisan support, H.R. 2377, has nearly a hundred cosponsors representing 34 states. Given the limited time available during this Congress, it appears that there is insufficient time for the Judiciary Committee to further address this issue in the House. It is, nonetheless, imperative that the nation's farmers and ranchers be ensured of a reliable and legal labor supply. We cannot afford to wait any longer.

While we strongly support the bipartisan H-2A reform bill that passed the Senate, we are committed to ensuring that the concerns of our colleagues expressed in a letter to you dated August 4, 1998 are resolved in conference committee. We understand that there is commitment on the part of the bipartisan Senate supporters of the bill to modify the bill to meet the concerns of the House Members.

The Honorable Hal Rogers
September 28, 1998
Page 2

Your support is necessary for the passage of the H-2A reform amendment included as part of the Senate Commerce, Justice, State appropriations bill.

We thank you for your support. Please feel free to contact Chairman Bob Smith, or any one of us if you have any questions or would like to discuss this important matter.

Sincerely,

Bob Smith

Jack Kingston

Larry Combest

Bob Smith

Tim Everett

Barbara B. Kennedy

Phil Bass

John Cooksey

Jack Smith

Thom D. Blanton

Robert L. Shuler Br. Pikey

Wayne T. Gilchrist J. R. Th

James Dunn Chris Cannon

John Shadegg Josh R. Pitts

Jim McInerney Mary Bond

Ed R. Blum

John Quinlan Ed Whelan

Mike Caney Pat Drost

Bob Stenback Anna C. Stott

Hon. Harold Rogers

John Boehner	Frank Ruff
Charlie Norwood	William L. Jenkins
John Baldacci	Alan Chomowitz
John T. Rohette	Earl F. Hilliard
Cliff	Ed Young
Arvo Houghton	Paul E. Thompson
Pete Harkins	Ken Calvert
Mike McIntyre	Scotty Baer
Thomas W. Swamy	Jim Walsh

Richard Ponto

Sanford D Bishop Jr.

Allen Boyd

Sady Chantier

Chas. T. Conway

13th

Ing 1st

Vin Fyri

Chas. F. Folsom

David Dren

Tom Lewis

John N. Hostetter

Mark Foley

Frank D Lucas

John L. Gunn

Vin Hilleary

Lou F. Wicker

Frank H Baker

Hon. Harold Rogers

Mike Crapo ~~Jim~~ ~~Mc~~

Ed Bryant

Bill Thomas

Vince Snowberger

Howard Cobb

Jim Walsh

Angela

Ben Gilman

Tom Campbell

John McHugh

Eric Lunder

Wally Hergen

Jim Blum

Joe J. Ladd

Ch. Cox

Cass Ballenger

Jerry Lewis

Hon. Harold Rogers

Bill Hoodling

Gil Gerdrecht

Chip King

Ray Bland

Ray Johnson

Samuel S.

D. Hayes

Jerry Moran

D. E. Sumner

Doc Hitting

Ron Kind

Frank Ruff

Steven Lech

Pete Creamer

Ozzy W. Owen

Dorothy J.

Linda Smith

Bob Stenby

Hon. Harold Rogers

ROBun

List of Signors- Letter to The Honorable Hal Rogers from Chairman Bob Smith - 9-28-98

Baker	Emerson	Lucas
Baldacci	Eshoo	McGovern
Boesler	Etheridge	McInnis
Ballenger	Everett	McIntyre
Barrett	Ewing	McKeon
Bass	Fazio	McHugh
Bishop	Foley	Moran (KS)
Blunt	Gekas	Norwood
Boehner	Gilchrest	Nurse
Boyd	Gillman	Paxon
Bono	Olkner	Pease
Bryant	Goodling	Pickett
Bunning	Gutknecht	Pickering
Burr	Hastings	Pitts
Calvert	Hastert	Pombo
Camp	Hayworth	Quinn
Campbell	Hoyer	Radenovich
Canady	Hillery	Riley
Cannon	Hilliard	Riggs
Chambliss	Hockstra	Shadegg
Chenoweth	Hostetler	Schaffer (CO)
Coble	Houghton	Smith (OR)
Combest	Jenkins	Smith (WA)
Condit	John	Snowbarger
Cooksey	Johnson (Nancy)	Solomon
Cox	Kennelly	Stump
Cramer	Kingston	Suzumura
Crapo	Kind	Thomas
Deutsch	LaHood	Thune
Doolittle	LaFalce	Walsh
Dreier	LaFourette	Watts
Dunn	Lewis (KY)	Whitfield
Ehrlich	Lewis (CA)	Wicker -----99

**Mexican American
Legal Defense
and Educational Fund**

1518 K Street N.W.
Suite 410
Washington, DC 20005
(202) 628-4074
FAX: (202) 393-4206



MALDEF

September 4, 1998

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, DC 20500

Dear Mr. President:

On behalf of the Mexican American Legal Defense and Educational Fund, I am writing to thank you for your past opposition to guestworker legislation and to ask for your continued support against the recent Senate-passed amendment to the 1999 appropriations bill for the Departments of Commerce, Justice and State, the Judiciary and related agencies, which would create a new guestworker program.

The Senate-passed amendment would create a massive new *Bracero* program and have a devastating impact on both U.S. farmworkers and guestworkers. The Senate program is designed to achieve three basic goals:

- permit employers to avoid recruiting U. S. workers, including tens of thousands of unemployed U. S. farmworkers and others who need jobs;
- authorize wage rates and working conditions that are lower than what competition among law-abiding employers in the private marketplace would set, including wages lower than those required by state and federal minimum wage laws;
- legalize a series of abusive employment practices, such as "group wage rates" and unfair productivity standards designed to eliminate U.S. workers from the market and exploit the guestworkers' desperation and "nonimmigrant status".

Studies, such as the recent one by the GAO, have shown that there is no need for a temporary foreign worker program for agriculture. The studies show that, in fact, there is a surplus of unemployed U.S. farmworkers and that wages have declined for U.S. workers in the past decade with an increase in poverty rates among farmworkers. This decline in wages has occurred at a time when agribusiness can afford to pay a living wage due to the increased value of production of fruits, vegetables and horticulture, which grew 52% to \$15.1 billion between 1986 and 1995.

National Office

634 S. Spring Street
Los Angeles, CA 90014
Telephone: (213) 629-2512
FAX Legal: (213) 629-0266
FAX Non Legal: (213) 629-3120

Regional Offices:

542 S. Dearborn Street
Suite 750
Chicago, IL 60605
(312) 427-9363
FAX: (312) 427-9393

182 Second Street
2nd Floor
San Francisco, CA 94105
(415) 543-5598
FAX: (415) 543-8235

The Book Building
140 E. Houston Street
Suite 300
San Antonio, TX 78205
(210) 224-5476
FAX: (210) 224-5382

1518 K Street N.W.
Suite 410
Washington, DC 20005
(202) 628-4074
FAX: (202) 393-4206

The Honorable William Jefferson Clinton
September 4, 1998
Page 2

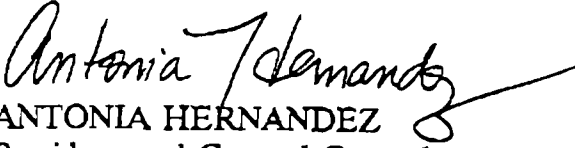
The Senate program would authorize employers to impose employment standards lower than the existing H-2A program and even worse than the old *Bracero* program. The current amendment would eventually replace the existing H-2A program, eliminating many of the protections the existing program provides, such as:

- required housing
- minimum work guarantee
- timely disclosures of work terms before the worker commits to working for the employer
- transportation cost reimbursement.

Finally, the Senate amendment would legalize traditional, outlawed abuses, supersede State and Federal minimum wage laws, and authorize employers to offer substandard wages and working conditions.

We urge you to stand firm in opposing the creation of another *Bracero* program, and send a clear message to Congress that you will veto legislation that includes a guestworker amendment.

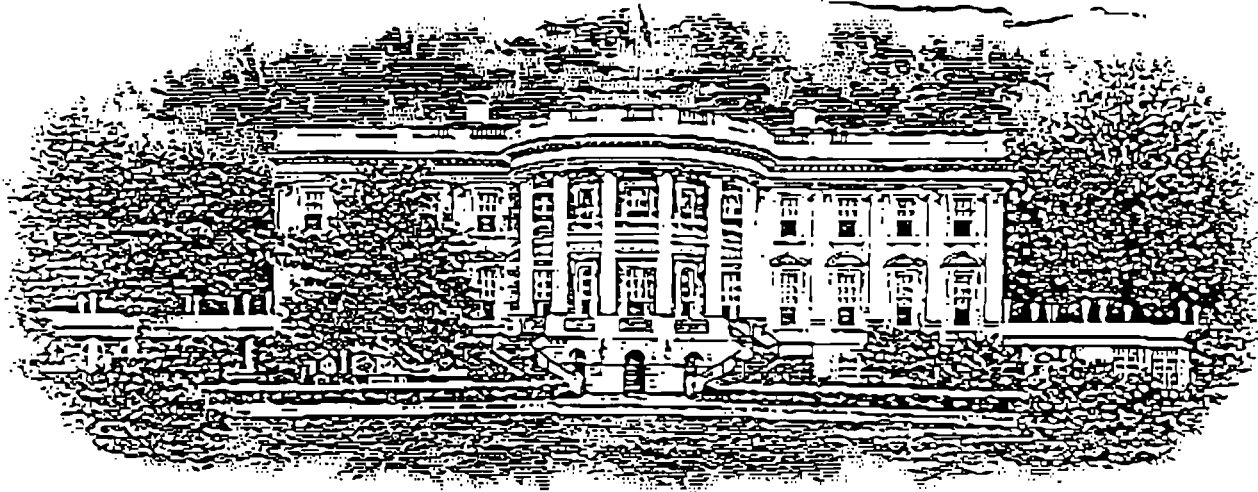
Sincerely,


ANTONIA HERNANDEZ
President and General Counsel

cc: ✓ Maria Echaveste
Deputy Chief of Staff

Janet Murgia
Deputy Director Legislative Affairs

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE CHIEF OF STAFF



Please Deliver To: Julie "Stock on the Red Line" Fernandes

of Pages (including cover sheet): 3

Fax #: 65581

Sender: Leslie "feet meet the street" Bernstein

Date: 9/9/98

Message : _____

Note : The information contained in this facsimile message is CONFIDENTIAL and intended for the recipient ONLY. If there are any problems with this transmission please call (202) 456-6798

12/09/97 10:49
12/08/97 MON 15:00 FAX 202 458 5428

FLM

242109

GEORGE D. MAZIARZ
SENATOR, 61ST DISTRICT

PLEASE RESPOND TO:

☐ ALBANY OFFICE
ROOM 803, LOB
ALBANY, NEW YORK 12247
(518) 455-2026
FAX (518) 426-6987

☐ DISTRICT OFFICE
60 PROFESSIONAL PARKWAY
LOCKPORT, NEW YORK 14094
(716) 438-0655
FAX (716) 438-0955

E-MAIL ADDRESS
MAZIARZ@SENATE.STATE.NY.US



THE SENATE
STATE OF NEW YORK

November 5, 1997

CHAIRMAN
COMMITTEE ON AGING
CO-CHAIRMAN
ADMINISTRATIVE REGULATIONS
REVIEW COMMISSION
COMMITTEES
BANKS
COMMERCE, ECONOMIC DEVELOPMENT
& SMALL BUSINESS
CRIME VICTIMS, CRIME & CORRECTION
ENERGY & TELECOMMUNICATIONS
HEALTH
HOUSING, CONSTRUCTION &
COMMUNITY DEVELOPMENT
TOURISM, RECREATION &
SPORTS DEVELOPMENT
WATER RESOURCES

President Bill Clinton
The White House
Washington, D.C. 20500

Dear President Clinton:

I write to you today regarding a federal legislative issue that could have serious implications for my New York State Senate District. I am hopeful your attention to this matter will bring about a very necessary amendment.

I would like to voice my support for the proposed amendment to the Immigration and Nationality Act, which would establish a 24-month pilot program to permit certain aliens to be admitted to the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation. This amendment is crucial to my senate district, which is largely rural and agriculturally based.

I know of many farmers who depend heavily upon seasonal labor to plant and harvest their crops in a timely manner each year. I find it most disheartening to drive through my district and see crops spoiling in the fields because farmers do not have enough workers available to harvest them. Imagine the frustration farmers feel in watching a season's worth of intensive work go to waste!

The proposed amendment would greatly alleviate this problem for farmers across our country and I urge you to seriously consider the implications we, as dependents on farm produce, would face if it is not passed. If I can be of any assistance to you regarding this issue, please do not hesitate to contact me.

Sincerely,

George D. Maziarz

George D. Maziarz
Senator, 61st District

GDM:mpo

cc: Congressman John J. LaFalce
Senator Daniel P. Moynihan
Senator Alfonse D'Amato
Niagara County Farm and Home Center
Orleans County Farm Bureau

UNITED STATES SENATE
WASHINGTON, DC 20510RON WYDEN
OREGON

Facsimile Transmission From Senator Ron Wyden

717 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-3703
(202) 224-5244 - VOICE
(202) 226-2717 - FAXTO: Cecilia Rouse 456-2223
Elena Kagan 456-2878

FROM: David Blair

DATE:

NOTE:

Mr. Vasconcellos used to be
Exec. Director of Centro Latino,
A Eugene Social Service Organization.

THERE ARE _____ PAGES TO THIS TRANSMISSION, INCLUDING THIS
COVER SHEET. IF YOU HAVE EXPERIENCED ANY DIFFICULTY, PLEASE
CONTACT _____ AT THE ABOVE NUMBER.

CECELIA, ELENA: Just FYI; This is an email.

Subject: RE: labor issues

Author: VASCONCELLOS Jayme L <Jayme.L.VASCONCELLOS@state.or.us> at
internet Date: 10/14/98 9:41 AM

I hope the house passes this! I dispute the "50% illegal alien farmworker" stat. It's darn close to 95%. My forecast: very few American citizen farmworkers will register (they don't exist...).

This bill does several key things that should be pointed out to its detractors: it establishes new, sweeping protections and benefits for farmworkers; it legalizes the status of farmworkers', thus enabling them to seek and receive protection from local, state, and federal law enforcement agencies and authorities; it strongly reduces the market for "shadow" industries in human smuggling and false document preparation; it restores respect for the law and due process. It is probably best left unsaid that it also restores fairness across the board to all immigrants: the current situation rewards illegal aliens that flaunt the law and penalizes those that await legal ingress. By granting legal status to the offspring of illegals, our current situation has also heavily weighted the cultural make-up of the US. If present trends continue, demographic forecasts show African-Americans will be overtaken as the largest minority--within fifteen or twenty years. This ain't necessarily bad: but it has occurred, and continues to, without any national debate, discussion, or decision. I can't think of any other similarly critical facet of our national identity or occupation which has been decided through such inattention, neglect, and default.

I stand by the assertion that it is no more unfair to expect ag workers to register than it is to mandate the registration of students---and other workers!

Mary, please, once again commend Ron for his brave (no hyperbole in this instance!) leadership on this critical issue. I am sure he is on the right path. I am mystified at the opposition. Truly. I don't understand how national leadership--La Raza, for instance-- can oppose it. I still haven't heard one rational argument from anyone against it. Alluding to "bracero" programs of the past doesn't make any sense: this is completely different. I wish I could march out front on this. If I weren't a state employee, I would.



514 C Street N.E.
Washington, DC 20002
Tel. (202) 546-2536
Fax (202) 546-4121

October 5, 1998

Speaker Newt Gingrich
2428 Rayburn Office Bldg.
Washington, DC 20515

Dear Mr. Gingrich:

On behalf of the National Hispanic Leadership Agenda (NHLA) I want to express our vigorous opposition to the agricultural guestworker amendment (Smith/Wyden amendment), that was added to the Senate's Commerce, Justice, State (CJS) appropriations bill, and urge you to oppose that amendment or any other amendment that would create a new agricultural guestworker or pilot program at this time.

We believe that this amendment will displace domestic workers, many of whom are Latino. The amendment will lead to lower wages for U.S. farm workers, and make it impossible for U.S. farm workers to ever improve their currently substandard working and living conditions.

There is no need for a new agricultural guestworker program

There is no need for a new agricultural guestworker program. U.S. farm workers have experienced a decrease in their wages over the past decade, with many of them now earning as little as \$6,000 to \$7,000 annually. A decrease in wages is not indicative of a labor shortage but rather a labor surplus. In several regions of this country where this new guestworker amendment would be implemented there is currently double digit unemployment among farm workers. Any number of U.S. workers, including welfare to work candidates, would willingly work in agriculture if wages and conditions were tolerable.

U.S. farm workers will never be able to improve their conditions

Not only are their wages extremely low but many domestic farm workers and their families live in appalling conditions. Families are making their homes in make-shift shacks, living in fields, or on riverbanks without sanitary facilities and without fresh water. Any attempts to organize and improve their conditions through work stoppages are met with employers bringing in truckloads of other workers to replace them. These replacements are often undocumented foreign workers, but with the passage of the guestworker amendment these replacements could be brought in legally with no meaningful efforts to recruit U.S. workers. With this easy and ready supply of foreign workers, U.S. workers could easily be bypassed and never be able to improve their wages or working conditions. There are protections for U.S. farm workers in the existing H-2A agricultural guestworker law. Those protections will either be reduced or eliminated all together.

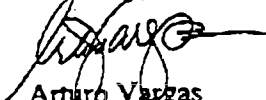
The guestworker amendment is not good for foreign guestworkers or local communities

The guestworker amendment is not good for foreign guestworkers. This country already has an existing temporary agricultural guestworker program, the H-2-A program. This existing program contains a number of worker protections including wage guarantees and provisions for employers to provide housing and transportation. The proposed guestworker legislation strips away many of these worker protections and will lead to the exploitation of temporary, foreign workers who obtain guestworker status. There is the very real potential that the burden of housing and supporting guestworkers will fall on local communities and governments.

The new guestworker amendment would permit wage rates, such as group rates, which are now illegal. Based on such a group wage rate, an employer can be in compliance with State and Federal minimum wage laws if, as a group, his employees earn the **minimum wage on average**. This would mean that employers could pay many guestworkers wages well below the minimum wage which, when combined with only a few higher wages would keep the average at minimum wage. The language of the legislation actually states that minimum wage laws are to be complied with, "**unless otherwise provided**" by the amendment, and the amendment **does provide otherwise**. The various provisions that would directly harm foreign workers would also indirectly harm domestic workers by bring overall wages and living conditions down.

This amendment is not good for farm workers, foreign or domestic. There is no need for new guestworker legislation and NHLA stands firmly against the Smith/Wyden amendment. We ask that you join the Latino community opposing this legislation.

Sincerely,



Arturo Vargas
Chairman, NHLA

Mexican American
Legal Defense
and Educational Fund

1518 K Street N.W.
Suite 410
Washington, D.C. 20005
(202) 628-4074
FAX: (202) 393-4206



MALDEF

TELECOPIER COVER SHEET

PLEASE DELIVER THE FOLLOWING FAX AT ONCE TO:

To: Julie Fernandez, Domestic Policy Council, White House

Recipients' Fax Number: 456-5581 **Voice:** _____

From: Christina Chavez Cook, Legislative Staff Attorney

Date: 10-6-98

Please advise at once if the 3 page(s), including this page, have not been received at the end of transmission. Our regular phone number is (202) 628-4074; our Fax number is (202) 393-4206.

Notes: Agricultural Guestworker Amendment (Smith/wyden
amendment).

attention Julie Fernandez

**October 8, 1998
William Clinton
President
Washington, DC**

Dear President Clinton:

It is with urgency that I write this letter to request that you veto any Appropriations Bill with an Agriculture Guestworker Amendment.

Thank You,

Ella Ochoa

**Ella Ochoa
Concerned Citizen
602 N Sherman
North Platte, NE 69101**

Community Alliance of Lane County

P.O. Box 10837
Eugene, OR 97440

Phone 541-485-1755

October 09, 1998

The White House
Attn: Julie Fernandez
Fax: 202-456-5581

GUESTWORKER LEGISLATION

I am writing in strong opposition to the Guestworker Legislation that may be passed as part of the fiscal year 1999 Commerce, State, and Justice appropriations bill. I strongly support migrant farm workers and feel that if passed this bill would be detrimental to the existing farm labor.

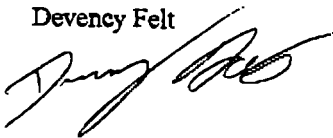
The Congressional General Accounting Office reported on December 31, 1997 that there is no current or impending national farm labor shortage. Guestworkers are not needed. A surplus of farm labor has produced low agricultural wages and inadequate housing and working conditions. The new Guestworker legislation will exaggerate these already existing problems.

If this legislation is passed employers will not be obligated to provide housing for their employees. They need only supply a "housing allowance", which will not be adequate, and in many locations housing simply will not be available.

Guestworkers visa's would be dependent upon their employers. If labor rights are not met the employee is not empowered to ask for these rights without sacrificing their job and status in the United States.

Guestworker legislation will cause problems with in existing migrant labor communities and displace many American workers and others whose livelihood depends upon the agricultural business. We are in strong opposition and urge you to veto any Guestworker legislation whether it is part of an appropriations bill or a free standing bill.

Deveney Felt





514 C Street N.E.
Washington, DC 20002
Tel: (202) 546-2536
Fax: (202) 546-4121

October 5, 1998

Speaker Newt Gingrich
2428 Rayburn Office Bldg.
Washington, DC 20515

Dear Mr. Gingrich:

On behalf of the National Hispanic Leadership Agenda (NHLA) I want to express our vigorous opposition to the agricultural guestworker amendment (Smith/Wyden amendment), that was added to the Senate's Commerce, Justice, State (CJS) appropriations bill, and urge you to oppose that amendment or any other amendment that would create a new agricultural guestworker or pilot program at this time.

We believe that this amendment will displace domestic workers, many of whom are Latino. The amendment will lead to lower wages for U.S. farm workers, and make it impossible for U.S. farm workers to ever improve their currently substandard working and living conditions.

There is no need for a new agricultural guestworker program

There is no need for a new agricultural guestworker program. U.S. farm workers have experienced a decrease in their wages over the past decade, with many of them now earning as little as \$6,000 to \$7,000 annually. A decrease in wages is not indicative of a labor shortage but rather a labor surplus. In several regions of this country where this new guestworker amendment would be implemented there is currently double digit unemployment among farm workers. Any number of U.S. workers, including welfare to work candidates, would willingly work in agriculture if wages and conditions were tolerable.

U.S. farm workers will never be able to improve their conditions

Not only are their wages extremely low but many domestic farm workers and their families live in appalling conditions. Families are making their homes in make-shift shacks, living in fields, or on riverbanks without sanitary facilities and without fresh water. Any attempts to organize and improve their conditions through work stoppages are met with employers bringing in truckloads of other workers to replace them. These replacements are often undocumented foreign workers, but with the passage of the guestworker amendment these replacements could be brought in legally with no meaningful efforts to recruit U.S. workers. With this easy and ready supply of foreign workers, U.S. workers could easily be bypassed and never be able to improve their wages or working conditions. There are protections for U.S. farm workers in the existing H-2A agricultural guestworker law. Those protections will either be reduced or eliminated all together.

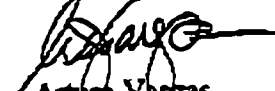
The guestworker amendment is not good for foreign guestworkers or local communities

The guestworker amendment is not good for foreign guestworkers. This country already has an existing temporary agricultural guestworker program, the H-2-A program. This existing program contains a number of worker protections including wage guarantees and provisions for employers to provide housing and transportation. The proposed guestworker legislation strips away many of these worker protections and will lead to the exploitation of temporary, foreign workers who obtain guestworker status. There is the very real potential that the burden of housing and supporting guestworkers will fall on local communities and governments.

The new guestworker amendment would permit wage rates, such as group rates, which are now illegal. Based on such a group wage rate, an employer can be in compliance with State and Federal minimum wage laws if, as a group, his employees earn the minimum wage on average. This would mean that employers could pay many guestworkers wages well below the minimum wage which, when combined with only a few higher wages would keep the average at minimum wage. The language of the legislation actually states that minimum wage laws are to be complied with "unless otherwise provided" by the amendment, and the amendment does provide otherwise. The various provisions that would directly harm foreign workers would also indirectly harm domestic workers by bring overall wages and living conditions down.

This amendment is not good for farm workers, foreign or domestic. There is no need for new guestworker legislation and NHLA stands firmly against the Smith/Wyden amendment. We ask that you join the Latino community opposing this legislation.

Sincerely,


Arturo Vargas
Chairman, NHLA



514 C Street N.E.
Washington, DC 20002
Tel (202) 546-2536
Fax (202) 546-4121

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September 1998

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OCT-05-1998 00:46

181 GOVERNMENT AFFAIRS

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**U.S. House of Representatives
Committee on Agriculture
Washington, DC 20515**

September 28, 1998

The Honorable Harold Rogers
Chairman
Subcommittee on Commerce, Justice, State and Judiciary
H309 Capitol
Washington, DC 20515

Dear Hal:

As you know, the Senate passed S. 2337, the Agriculture Job Opportunity Benefits and Security Act as an amendment to the Commerce, Justice, State, Appropriations bill by a vote of 68 to 31. This legislation is a package of bipartisan compromises that would reform the existing H-2A program. It would establish a system of registries of domestic agricultural workers to provide for a sufficient supply of such workers. It requires that preference be given to domestic workers and, most importantly, it provides a timely process for admission of foreign workers, only if necessary. It solves the problems identified in the current H-2A program by a recent GAO study, while also providing broad labor protections for both domestic and alien workers.

We feel that the strong bipartisan support for the Senate amendment is a clear indication of the immediate need for H-2A reform. Thirteen Democratic Senators from twelve states voted for this reform and all voting Republicans followed suit (please see attached list).

There is strong support for H-2A reform in the House. Numerous hearings have been held on this issue during the past several years. Agriculture Committee Chairman Bob Smith's bill, H.R. 3410, has some similar provisions to S. 2337 and passed by voice vote in the Subcommittee on Immigration and Claims this past March. A companion measure with strong bipartisan support, H.R. 2377, has nearly a hundred cosponsors representing 34 states. Given the limited time available during this Congress, it appears that there is insufficient time for the Judiciary Committee to further address this issue in the House. It is, nonetheless, imperative that the nation's farmers and ranchers be ensured of a reliable and legal labor supply. We cannot afford to wait any longer.

While we strongly support the bipartisan H-2A reform bill that passed the Senate, we are committed to ensuring that the concerns of our colleagues expressed in a letter to you dated August 4, 1998 are resolved in conference committee. We understand that there is considerable support on the part of the bipartisan Senate supporters of the bill to modify the bill to meet the concerns of the House Members.

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18" GOVERNMENT AFFAIRS

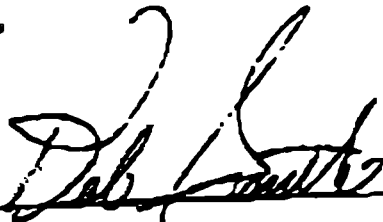
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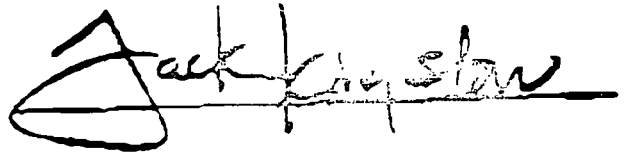
The Honorable Hal Rogers
September 28, 1998
Page 2

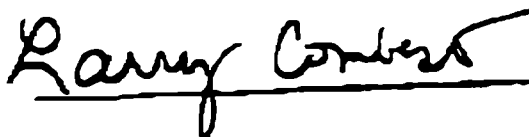
Your support is necessary for the passage of the H-2A reform amendment included as part of the Senate Commerce, Justice, State appropriations bill.

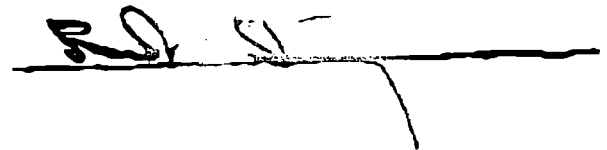
We thank you for your support. Please feel free to contact Chairman Bob Smith or any one of us if you have any questions or would like to discuss this important matter.

Sincerely,

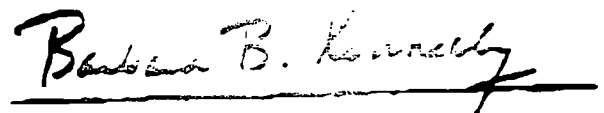


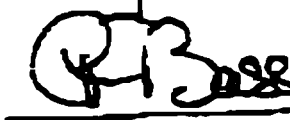


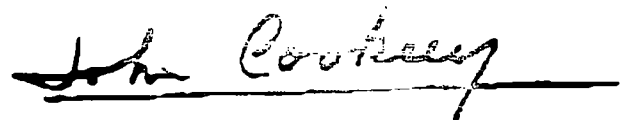


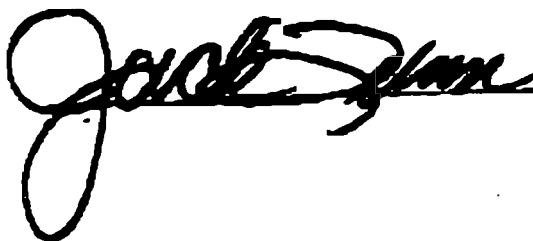














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1BT GOVERNMENT AFFAIRS

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Coy	Holifield	Pickering	
Cramer	Holmes	Pitt	
Crisp	Hortelator	Pombo	

COMPARISON OF H-2A LEGISLATIVE PROPOSALS

1) Number of workers admitted to the U.S.:

HR 3410: 20,000 workers

Senate bill: No limit

Compromise: During the first 4 years after enactment, number of workers is capped at 10%, 20%, 40% and 70% of the number of unauthorized workers found working in agriculture by the Department of Labor. After the first four years, the number of aliens admitted is limited by farmer need.

2) Sunset of the program:

HR 3410: Ends 2 years after enactment

Senate bill: No sunset provision

Compromise: GAO must report to Congress after first five years of the program, including a recommendation as to whether the program should be terminated. A privileged and expedited joint resolution procedure to end the program is created which would allow Congress to quickly terminate the program.

3) Credit towards legal residency for aliens:

HR 3410: No credit towards legal residency for aliens

Senate bill: Aliens who participate in the program for 6 months a year for 4 years may apply for legal residency

Compromise: No credit towards legal residency for aliens

4) Proof of eligibility to work in the U.S.:

HR 3410: Requires counterfeit-proof i.d. with biometric identifier

Senate bill: Requires counterfeit-proof i.d., but no biometric identifier

Compromise: Requires counterfeit-proof i.d. with an identifier such as a fingerprint

5) Application Process:

HR 3410: Use of attestation

Senate bill: Employer applies for workers through a Department of Labor operated electronic registry

Compromise: Employer applies for workers through a Department of Labor operated electronic registry

6) Legal Status of Workers:

HR 3410: No requirement that workers in the program be certified as legal

Senate bill: Attorney General must certify the legal status of workers

Compromise: Attorney General must certify the legal status of workers

7) Housing:

HR 3410: Housing or a housing allowance must be provided for domestic and alien workers if it is the prevailing practice in the area
Senate bill: Housing or a housing allowance is required for all domestic and alien workers
Compromise: Housing or a house allowance is required for all domestic and alien workers. The employer must help the worker find housing.

8) Transportation:

HR 3410: No transportation assistance is required; any assistance given must be distributed equally to domestic and alien workers
Senate bill: Employer must reimburse all workers for in- and out-bound transportation costs
Compromise: Employer must reimburse all workers for in- and out-bound transportation costs

9) Removal of illegal aliens:

HR 3410: No requirement
Senate bill: No requirement
Compromise: Requires the Attorney General to remove aliens who violate the requirements of the program

10) Program user's fee:

HR 3410: Fee set by the Secretary of Labor
Senate bill: No fee
Compromise: Fee set by the Secretary of Labor in order to cover the government's cost in administering the program.

11) Waiver of inadmissibility of illegal stay:

HR 3410: No provision
Senate bill: An illegal alien is eligible if the alien leaves the country, then applies for the program. The alien may do this once; he is not eligible for the program if he is here illegally and applies for the program a second time.
Compromise: Same provision as the Senate bill, except that the ability of illegal aliens to leave the country and apply for the program is further limited to the first five years of the program.



STUDENT ACTION WITH FARMWORKERS

FAX

TO: President Clinton, c/o Julie Fernandez, DPC
FROM: Melinda Wiggins, Student Action with Farmworkers
RE: Guestworker Legislation

October 1, 1998

Dear President Clinton:

I am writing on behalf of Student Action with Farmworkers (SAF) to oppose including the revised agricultural guestworker amendment in the Imminent Conference Committee report on the Appropriations Bill for Commerce Justice and State and to ask that you veto any Appropriates Bill with an agricultural guestworker amendment.

SAF is a national non-profit organization which links students with farmworkers. The majority of our work is done in North Carolina, the state which currently employs more H2A guestworkers than any other. We know that many domestic workers are being replaced by the guestworker program and than many of these farmworkers are left without other means of income. As you know, many federal studies conducted by the U.S. Commission on Agricultural Workers in 1992, the U.S. Commission on Immigration Reform in 1995 and 1997, and the Congressional General Accounting Office in 1997 have concurred with the notion that we do NOT need another or worse foreign guestworker program.

The pending guestworker legislation will ensure that the poor working conditions faced by agricultural workers will continue. Under the proposed guestworker legislation, many of the benefits received by guestworkers will be lost, specifically regarding lack of grower-provided housing and a decent minimum wage.

For the sake of migrant workers who contribute so much to our communities, yet receive so little in return, we urge you to take a stand in support of farmworkers by vetoing any Appropriates Bill with an agricultural guestworker amendment.

Cordially,

A handwritten signature in cursive script, appearing to read 'Melinda Wiggins'.

Melinda Wiggins
SAF Executive Director