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**Immigration - Agriculture
Guest Workers**



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

Immigration - agricultural
guest workers

STATEMENT OF ADMINISTRATION POLICY

TO: RAHM EMANUEL
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JASON GOLDBERG

CC: DEPUTY DIRECTOR LEW
CHARLES KIEFFER

FROM: Alice Shuffield *AS*
DATE: March 11, 1998
SUBJECT: FOR YOUR CLEARANCE -- Labor letter on H.R. 2377 --
Temporary Agricultural Worker Act of 1997

Attached is a draft Labor letter on H.R. 2377 -- Temporary Agricultural Worker Act of 1997.

Position: Secretary of Labor recommends veto (first time to recommend veto on the bill)

Timing: The House Judiciary Subcommittee on Immigration will mark up the bill at 9:30am on Thursday morning.

Background: The President issued a statement on the bill in June of 1995, opposing efforts in the Congress to institute a new guestworker program, stating that he would direct DOL and USDA to work together to make any necessary changes to the existing program.. USDA agreed to defer to the Labor Department on this issue. White House Legislative Affairs (Peter Jacoby) is working with USDA to try to get them to co-sign the letter.

Attached: 1 Draft SAP
2 POTUS Statement from June, 1995

Please contact Alice Shuffield at 5-9139 with your comments or your clearance.

DRAFT

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

Dear Chairman Smith:

This letter presents the views of the Administration on H.R. 2377, "Temporary Agricultural Worker Act of 1997." 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. 2377. If H.R. 2377 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, 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.

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. For example, we intend to modify the H-2A program [checking to see if this needs to be done through regs] to shorten the lead time on submitting applications from 60 to 45 days. The Department's goal is to issue these changes as soon as possible.

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. In addition to changes in the program that respond to GAO recommendations, other possible H-2A program changes are being considered that address issues contained in H.R. 2377. 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.

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. 2377.

The Office of Management and Budget advises that, from the standpoint of the President's program, there is no objection to the submission of these views for the consideration of the Committee.

Sincerely,

Alexis M. Herman

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 23, 1995

STATEMENT BY THE PRESIDENT

I oppose efforts in the Congress to institute a new guestworker or "bracero" program that seeks to bring thousands of foreign workers into the United States to provide temporary farm labor.

In its most recent report, the bipartisan Commission on Immigration Reform chaired by Barbara Jordan unanimously concluded that a large-scale guestworker program would be a "grievous mistake." We have worked hard to reduce illegal immigration and have made great progress toward controlling this longstanding and serious problem. To allow so-called temporary workers to cross the border now would undermine all the success we have achieved.

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 American workers

When these programs were tried in the past, many temporary guestworkers stayed permanently--and illegally--in this country. Hundreds of thousands of immigrants now residing in the U.S. first came as temporary workers, and their presence became a magnet for other illegal immigrants.

If our crackdown on illegal immigration contributes to labor shortages -- especially for perishable crops that require large numbers of workers for short periods of time -- I will direct the Departments of Labor and Agriculture to 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.

-30-30-30-

▶ Julie A. Fernandes
03/11/98 06:20:43 PM
.....

Record Type: Record

To: Laura Emmett/WHO/EOP, Cecilia E. Rouse/OPD/EOP
cc:
Subject: 6pm - a few edits to the the Labor letter on guestworkers

this is the most recent version.

jf

----- Forwarded by Julie A. Fernandes/OPD/EOP on 03/11/98 06:32 PM -----

INGRID M. SCHROEDER

03/11/98 05:57:31 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: James J. Jukes/OMB/EOP
Subject: 6pm - a few edits to the the Labor letter on guestworkers

The bill number may change to H.R. 3410 - same bill with just a few modifications.

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

Dear Chairman Smith:

This letter presents the views of the ~~Department of Labor~~ **Administration** on H.R. 2377, ~~entitled~~ the "Temporary Agricultural Worker Act of 1997." 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 ~~Department of Labor~~ **Administration strongly** opposes enactment of H.R. 2377. If H.R. 2377 were passed by the Congress and presented to the President, I would recommend that he veto the bill. **[Moved sentence from the end of the letter.]**

As the General Accounting Office (GAO) has recently reported (**December 1997**), the

existing temporary foreign agricultural worker program (H-2A) 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. **[Moved last sentence from paragraph on commission findings]**

~~As with any program, We acknowledge that there are have been difficulties in implementing 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. 2377. 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.**~~[moved bolded language up from the 2nd to last paragraph]~~ We plan to proceed with these and other proposals as soon as possible.

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** ~~have held discussions under the aegis of the Domestic Policy Council~~ 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.

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. 2377.

The Office of Management and Budget advises ...

Sincerely,

Immig - agricultural guest
workers

INGRID M. SCHROEDER

03/11/98 10:17:15 AM

Record Type: Record

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

cc: James J. Jukes/OMB/EOP, Darlene O. Gaymon/OMB/EOP, Julia E. Yuille/OMB/EOP
Subject: LRM #IMS263 - LABOR Report on HR2377 Temporary Agricultural Worker Act of 1997

Total Pages: _____

LRM ID: IMS263

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Wednesday, March 11, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference
OMB CONTACT: Ingrid M. Schroeder
PHONE: (202)395-3883 **FAX:** (202)395-3109

SUBJECT: **LABOR Report on HR2377 Temporary Agricultural Worker Act of 1997**

DEADLINE: **2:30pm Wednesday, March 11, 1998 - TODAY**

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: H.R. 2377 is scheduled for markup in the House Judiciary Subcommittee on Immigration tomorrow - 3.12.98.

Please note that the attached Labor letter contains a veto recommendation (page 2 last paragraph).

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EOP:



031109DJ.WP

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

Dear Chairman Smith:

This letter presents the views of the Department of Labor on H.R. 2377, entitled “Temporary Agricultural Worker Act of 1997.” 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 Department of Labor opposes enactment of H.R. 2377. As the General Accounting Office (GAO) has recently reported, the existing temporary foreign agricultural worker 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. As with any program, there are difficulties in implementing 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.

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. 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.

In response to concerns regarding localized shortages, the Departments of Agriculture and Labor have held discussions under the aegis of the Domestic Policy Council 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. 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. 2377. 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.

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. 2377. Furthermore, if H.R. 2377 were passed by the Congress and presented to the President, I would recommend that he veto the bill.

The Office of Management and Budget advises ...

Sincerely,

Alexis M. Herman

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