

March 1960

Report of Ad Hoc Committee of
the President's Committee on Migratory Labor on
Disaster Programs for Migratory Farm Workers

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FOREWARD

A succession of freezes in Florida during December 1957 and January 1958, resulting in serious unemployment and distress of migratory farm workers who had come to southern Florida for winter harvest activities, focused attention on the need for programs dealing with disasters of this type. The President's Committee on Migratory Labor appointed an ad hoc committee to formulate a coordinated program to utilize the resources of various local, State, and Federal agencies to meet emergencies of this type.

The Committee met twice in the spring of 1958, reviewing the legal authorization for participation in emergency programs by Federal agencies; State resources for handling natural disasters; and possible new legislation and programs needed to make assistance more effective. Representatives of the Federal Civil Defense Administration and the Director of American Red Cross Disaster Service were invited to the second meeting for consultation.

There follows a report of the Committee based on these discussions and on written material prepared by several of the participating agencies. The Committee now proposes that it continue to work on specific plans and programs for implementing the recommendations in this report, including the preparation of a leaflet describing Federal, State and local public and private resources that can be brought to bear in emergencies of this kind.

Respectfully submitted,

William Mirengoff
Chairman

STATEMENT OF THE PROBLEM

Nationwide concern for migratory farm workers was aroused during the winter of 1957-58 when some 30,000 workers and members of their families were stranded in southern Florida due to cold and rainy weather which destroyed thousands of acres of tomatoes, beans, and other vegetable crops. Newspaper reports highlighted pictures of jobless field workers and their families standing in long lines to receive emergency food supplies.

A more recent example, of lesser magnitude, occurred in the Moapa Valley, Nevada, in February 1959. Several hundred migrants, ending their employment in Arizona, arrived in Nevada before the crops were ready. They were not able to find employment or suitable living accommodations. Reports of widespread poverty and disease among them appeared in the press, and the Governor declared a state of emergency in the area because of the health menace. As a result, tents were provided by the National Guard, an emergency tent hospital was established, typhoid inoculations were provided, safe water was brought in by tanker from Las Vegas, and truckloads of food were shipped into the area by religious groups. Situations of this kind point up the need for planning measures to prevent their recurrence.

Migrant farm workers are generally excluded from social legislation designed to meet some of the uncertainties of employment. Except for Hawaii and the District of Columbia, none of the States or territorial governments cover agricultural workers under unemployment insurance systems even though the hazards of employment in agriculture are greater than in any other industry due to unpredictable shifts in weather and crop conditions.

When crops are lost due to adverse weather, migrant workers may be stranded thousands of miles from home without the necessary funds to return.

As nonresidents, however, they are usually excluded from receiving help from State and local public welfare programs.

The problem is complicated further by the fact that housing for the farm worker and his family is often tied in with his employment. Without a job, the worker may lack shelter for his family. If he is able to find living accommodations, they usually are not equipped with heat so that unseasonable freezing weather may cause serious discomfort and increase the risk of illness. Lack of adequate housing and funds for food result in health problems which may reach epidemic proportions.

There are no federal or State governmental programs that provide relief to farm workers in disasters of this kind. Federal government programs aid farmers who lose crops due to droughts, floods, freezes, or other weather conditions, but none of these measures extend protection to stranded farm workers who may be victims of the same disaster.

Agencies which are dedicated to the purpose of providing emergency assistance in disaster situations have taken the stand that the problem of migratory workers stranded due to adverse weather is essentially a problem of seasonal unemployment and does not come under the category of a "major" disaster. The Office of Civil and Defense Mobilization and the American Red cross come into the picture when major disasters, such as floods, fires, drought, hurricanes, storms or other serious catastrophes cause extensive suffering and damage and disruption of public facilities. They are not involved in situations of the kind that occurred in Florida in the winter of 1958 or in Nevada in 1959 except that local American Red Cross chapters may assist in mobilizing local community resources.

The problem, therefore, is to increase awareness on the part of Federal and State agencies of the seriousness of this kind of disaster for migratory farm workers and the need for an organized way of meeting some of their needs when they arise. This may be through extension of existing programs and authority or through new legislation and programs involving Federal and State agencies.

SUMMARY OF RECOMMENDATIONS

Recommendations considered by the Ad Hoc Committee are of two types, those which apply immediately and directly to the problem of disaster assistance for migrant workers, and those which, by improving conditions of migratory workers generally, would tend to alleviate the problems arising from natural disasters.

I. Direct Action

A. Information about Resources

A leaflet should be prepared describing generally available Federal, State, and local public and private resources to aid stranded migratory workers. This leaflet should be distributed by State migratory labor committees and other appropriate agencies in areas where migratory workers are employed.

B. Assignment of Responsibility and Operating Plans

- (1) There is need for assignment of responsibility for meeting essential needs of migratory workers involved in disasters at the local, State, and federal level with an established mechanism for identifying emergency situations, declaring that an emergency exists, and providing necessary services.

- (2) State migratory labor committees and other appropriate groups should familiarize themselves with available resources for disaster aid and develop a plan for mobilization of these resources in the event of minor emergencies. The plan should provide a means of determining that an emergency exists, assignment of responsibility within the State for coordinating resources, a procedure for mobilizing local aid, and for obtaining assistance within the State.
- (3) If a disaster is of such proportions that it may be considered a major problem, the Governor, or other appropriate State official, would apply to the President for disaster aid. The President would request certification from the Department of Labor as to the scope of the disaster and types of aid required. If circumstances warrant, the President may then declare that a major disaster involving migratory workers exists, and he may authorize appropriate agencies to provide Federal assistance from available resources.
- (4) The Department of Labor would be responsible for developing criteria for evaluating the migratory worker disaster to distinguish between ordinary emergencies, to be handled by State and local resources, and major emergencies. Such criteria might be based on the number of workers involved; the geographic extent of the disaster; the complexity of problems involved; and the need for resources of more than one agency.

C. Employment

The Federal-State farm labor service should arrange referral service to move stranded migratory workers from disaster to shortage areas as promptly as possible.

D. Transportation

Consideration should be given to means of financing transportation of migrant workers through employer advances, advances by private welfare organizations, or through other appropriate arrangements.

II. Indirect Action

A. Unemployment Insurance

It is recommended that there be increased Federal Activity in research on the problems involved in extending unemployment insurance to agricultural labor and their possible solutions.

B. Public Assistance

- (1) Since migratory workers and their families are generally ineligible for public assistance while away from their home base areas, consideration should be given to amendments to the present assistance titles in the Social Security Act that would prohibit Federal grants-in-aid for a State having residence requirements. This would apply to migratory workers who, except for residence restrictions, might qualify for Old Age Assistance, Aid to Dependent Children, Aid to the Blind, or Aid to the Permanently and Totally Disabled.
- (2) Consideration might also be given to expanding Aid to Dependent Children to cover all needy dependent children, including children

of the unemployed. If this were done, children of unemployed migratory farm worker families might become eligible.

- (3) The possibility of a new assistance title in the Social Security Act that would provide Federal grants for State programs to aid the needy unemployed should be considered. A prohibition against State residence requirements would have to be included in such legislation to insure that the migratory worker would not be excluded.
- (4) States should continue to be urged to remove residence restrictions for general assistance and to broaden their other assistance programs to cover needy migratory workers.

C. Health

States should consider the removal of residence as a barrier to the receipt of health services, including medical and hospital care, for persons who would otherwise qualify.

D. Housing

Appropriate agencies should consider ways of encouraging provision and maintenance of adequate housing and environmental sanitation for migrant workers with particular attention to off-farm housing.

UNEMPLOYMENT INSURANCE

While there are many aggravating circumstances, the problem is basically that of unemployment resulting from unexpected weather conditions and crop failure. The Federal-State unemployment insurance system affords a measure of protection against loss of income when no work is available for about 80 percent of the nation's wage and salary workers. Agricultural workers, both nonmigratory and migratory, are among the 20 percent not covered. Their exclusion is due primarily to difficulties anticipated in collecting taxes and payment of benefits; not to the belief that they do not need protection.

Federal legislation 1/ provides the basic administrative framework for the unemployment insurance system but each State has its own employment security law. The Federal government has no authority as to the amount and duration of benefits, coverage requirements, or other eligibility conditions (although certain provisions for ineligibility are prohibited). State laws prescribe the type of employment and employers to be covered, the amount of benefits to be paid. Benefits are paid weekly, on the basis of claims filed by the unemployed individual, to those who meet statutory requirements of past employment and wages covered by the State law, and as to current eligibility and attachment to the labor force. Presently all State UI laws, except the District of Columbia and Hawaii, specifically exclude agricultural workers. Puerto Rico has in operation a program which covers agricultural workers in the sugar industry. In all States except Alabama, Massachusetts, and New York employers may voluntarily elect coverage of services excluded from the definition of employment under their laws.

1/ Federal Unemployment Tax Act, Chapter 23, Internal Revenue Code of 1954: Titles III, IX, and XII of the Social Security Act.

Although the amount of benefits and the conditions under which they are payable are fixed by State law, the administering agency has discretion on the procedures for and the timing of filing of claims. Other conditions, such as the requirement that the individual must be available for work, are matters of administrative determination, taking the particular circumstances into account. Thus, a State which normally requires filing on the first day of credited unemployment, and evidence that the claimant has contacted several employers during the week in an active search for work, may, under an emergency situation, accept claims filed several days late, and not require employer contacts.

One suggestion made to the Ad Hoc Committee called for creation of a Federal program of unemployment benefits for migratory workers unemployed because of a crop failure or other disaster. The program would be financed by a payroll tax on the wages of migratory workers, and an individual's benefit would be computed on the basis of his past earnings.

Such a program does not seem feasible. The primary reason for the exclusion of agricultural workers from the present Federal-State unemployment insurance program is the anticipated administrative difficulty of collecting the necessary wage information. These difficulties are greatest for the migratory workers. Furthermore, a separate system would be more expensive to administer than extended coverage under the regular system. Even though benefits are restricted to unemployment arising from special circumstances, the cost for the limited group might be higher than the cost of the regular program. A special program would also present special difficulties of relationship between the two programs - and since a substantial number of migratory workers have some covered employment during the year, these problems would arise

frequently.

Recommendation

- (1) It is recommended that there be increased Federal activity in research on the problems involved in extending unemployment insurance coverage to agricultural labor and their possible solutions.

The extension of unemployment insurance programs to farm workers generally would benefit migratory workers provided that special attention were paid to the problem of interstate claims, since migrants customarily move to several work locations during the year.

PUBLIC ASSISTANCE

Migratory farm workers are not covered per se under the Federal grants-in-aid to public assistance programs. However, some may be eligible for the general assistance programs that are operated and financed by State and local government agencies. The problems faced by migrants in obtaining public welfare services are demonstrated by what happened at Immokalee last winter. Collier County, in which Immokalee is located, has no county welfare agency. When stranded migrant families sought aid, there was no one to turn to. The editor of a local newspaper attracted public attention to their problems, and the County Commissioners requested the Health Department to perform emergency services. Later a citizen's committee was formed to assist in registering needy people and in distributing donated surplus commodities and clothing which were sent to the area. 1/ The State Department of Public

1/ The Immokalee Story, Florida Health Notes, Vol. 50, No. 8, October 1958

Welfare supervised the surplus commodity distribution.

The Federal government provides grant-in-aid funds to State agencies for Old Age Assistance, Aid to Dependent Children, Aid to the Blind, and Aid to the Permanently and Totally Disabled 2/, but none of these categories of assistance is designed specifically to cover loss of income due to unemployment. However, some migratory workers may be eligible under one or another of these programs if the residence requirements of the State agencies permit them to qualify.

The Federal Bureau of Public Assistance reviews State plans for conformance with federal requirements set forth in the Social Security Act. One of these requirements has to do with residence provisions, but this requirement is so broad that it could not generally protect migratory workers. The BPA must approve a State plan for OAA, AB, and APTD provided the plan does not bar a person from eligibility if he has 5 out of 9 years residence in a State. No local (as distinguished from State) residence requirement may be included. In Aid to Dependent Children the residence requirement may not exceed one year. Migratory workers would almost automatically be excluded in any case.

Some States have general assistance programs financed exclusively from State, State-local, or local funds. Many of these, however, have local residence requirements which exclude most migratory workers. The Bureau of Public Assistance, of course, has no control over these programs.

Recommendations

- (1) Consideration should be given to amendments to the present assistance titles in the Social Security Act that would prohibit Federal grants-in-aid to having residence requirements.

2/ Social Security Act 42 USC 301 et seq.

This might provide economic aid for a small group of migratory workers who could qualify by virtue of old age, blindness, or permanent disability. In cases where a parent was disabled or absent, children would become eligible for ADC. However, a prohibition of residence requirements in these Federally-aided categories would not solve the basic problem which is that of unemployment as a result of disaster.

- (2) Consideration might be given to expanding the Federal grant-in-aid programs to cover all needy dependent children, including children of the unemployed.

This would have to be accompanied by a prohibition of State residence requirements if it were to benefit children of the migratory workers. This broadening of coverage under the present aid to dependent children program would benefit migratory workers who are accompanied by minor children.

- (3) The possibility of a new assistance title in the Social Security Act that would provide Federal grants for State programs to aid the needy unemployed should be considered. A prohibition against State residence requirements would have to be included in such legislation to insure that the migratory worker would not be discriminated against.

In some States existing legislation is broad enough to receive Federal grants for new groups not now covered.

In other States new legislation would be required.

- (4) States should continue to be urged to remove State and local residence restrictions for general assistance and to broaden their other assistance

programs to cover non-residents including migratory workers.

The help of State migratory labor committees may be enlisted to change the present State residence requirements.

HEALTH SERVICES

The normal operations of the Public Health Service include providing aid and technical assistance to States and localities in minor as well as major natural disasters 1/. Unemployment and loss of income of migratory workers due to crop failure constitute essentially an economic problem, but there may be related health problems particularly when migrants live in camps with inadequate sanitation facilities or in poor and unsanitary housing.

The Public Health Service operates within the framework of Federal-State relations. Traditionally it has engaged in disaster aid only after the need for such aid has been confirmed by appropriate State officials. Usually the State Health Officer, having consulted with local authorities and determined a need for outside aid, will request assistance from the Regional Medical Director of the Public Health Service Regional Office serving the State. Since the Regional Medical Director is in a position to be aware of disaster or an impending disaster in the States of his region, he may take the initiative by consulting with the appropriate officials of the State involved and start action in accordance with determined need.

Generally speaking, Public Health Service activities in connection with a natural disaster do not include over-all direction of field on-site groups. If the event is declared a natural disaster under Public Law 875, the overall

1/ Public Law 410, 78 Congress, as amended.

direction of on-site groups comes from the Regional organization of the Office of Civil and Defense Mobilization. In this instance, however, the Public Health Service Regional Office acts as the health arm of the OCDM. If Public Law 875 is not brought to bear on the disaster, the Public Health Service organization acts as a supplier of resources and a coordinator of its own activities.

How the Federal-State health service may enter the picture is demonstrated by what happened at Immokalee, Florida last winter. ^{2/} The normal population of Immokalee is about 3,000. This number is swelled in the winter harvest season by about 8,000 migrants - Puerto Ricans, Texas-Mexicans, Negroes, and persons of Anglo-Saxon background. When disaster struck, 85 percent of these were housed in very inadequate shacks. The town had no public water supply, sewage system, or garbage collection. The water table in the area is high so that there is usually a great deal of standing water in and about the town. As a result of the freezes and rainy weather, many of the migrants left. Those who were stranded were soon left without food. An epidemic of diarrhea broke out among the children, and a U. S. Public Health Service physician was detailed from Jacksonville to help the single local physician. Donations of medical supplies, baby foods, and vitamins were received from drug companies. A campaign of inoculations was undertaken to head off a threat of typhoid.

At this point the governor ordered an investigation of conditions in Immokalee by the Adjutant General of the State National Guard, the State Health Officer, and the Director of Public Welfare. Following the visit of these officials, \$30,000 in emergency funds was provided to conduct

^{2/} The Immokalee Story, Florida Health Notes, Vol. 50, No. 8, October 1958.

a health project. Several sanitary engineers and consultants of various types were sent to the area to organize the project. Migrants were employed to clean up the area and dig drainage ditches on a staggered basis designed to make work available to as many families as possible. A campaign of health education was launched. Housing in the area was classified by condition, preparatory to condemnation of some housing. An entomologist directed the work of spraying all homes and bringing rodents under control. Stray dogs were rounded up and impounded. Houses were whitewashed and cleaned. Regular garbage and trash pick-ups were instituted.

Federal help in this emergency consisted of the temporary detailing to Immokalee of two Public Health Service physicians already on assignment in Florida and funds from the Children's Bureau.

This kind of emergency, although serious, is not considered a major natural disaster under Public Law 875, which involves a presidential declaration and intercession by the Office of Civil and Defense Mobilization. In such event, the U. S. Public Health Service would participate more directly and fully.

Recommendations

- (1) State migrant committees should familiarize themselves with available resources for disaster aid, including health services, and encourage the use of these resources for communities and migrants in times of disasters.
- (2) States should consider the removal of residence as a barrier to the receipt of health services, including medical and hospital care, for persons who would otherwise qualify.

- (3) Appropriate agencies should consider ways of encouraging the provision and maintenance of adequate housing and environmental sanitation for migrants with particular attention to off-farm housing.

Presently model farm labor camp codes have been developed and States are exhorted to put these into effect. These codes do not go far enough in regulating urban housing and environmental sanitation of the kind found in Immokalee.

SURPLUS FOOD DISTRIBUTION PROGRAMS

During the Florida emergency, approximately 42,000 persons received federally donated surplus commodities in Broward, Collier, Dade, Okeechobee, Palm Beach, and Wakula Counties. Some 2½ million pounds of food were shipped into Florida for this purpose in addition to locally available supplies.

Surplus foods, acquired under provisions of price support and surplus removal legislation, may be made available for distribution to nonprofit school lunch programs, charitable institutions and needy persons who have been properly certified as being in need of food assistance. 1/

In distributing surplus foods to eligible recipients in this country, the Department of Agriculture arranges for and finances necessary processing or packaging of the commodities, and pays the cost of transporting them in carload lots to designated receiving points in the State or Territory.

In each State (or Territory) an agency of the State government is appointed by the Governor, or otherwise legally designated, to request surplus foods from the Department of Agriculture and distribute them to the above-

1/ Public Law 320, 74th Congress, 7 U.S.C. 6120 (Section 3), (Agricultural Act of 1935, as amended); 7 U.S.C. S 1431 (Section 416, Agricultural Act of 1949, as amended)

mentioned outlets. The responsible State distributing agency operating under agreement with the USDA is usually the State Department of Education or Welfare Department. The State agency is responsible for the proper determination of eligibility of recipients, within the broad standards of eligibility established by USDA. The State agency orders the commodities from those which are available, arranges for their receipt and storage, and for the ultimate distribution to eligible recipients. It makes sure that eligible groups are supplied with foods only as requested, and in amounts that can be utilized effectively without waste.

Participation in the food distribution program for needy families, which may include needy migratory worker families, is initiated by the individual State, and in many of the States this program does not reach a statewide operation. Within a State having a welfare donation program, the individual county or large city decides whether or not to be in this program since it normally pays the cost of administration and distribution at the local level. State and local public welfare authorities may certify persons as eligible to receive donated foods on the basis of budget standards or established income scales and resource limitations which are closely related to the State's own standards for public assistance. Whether or not migratory workers are certified as needy and made eligible to receive surplus foods is the prerogative of the State and local welfare authorities.

The available variety and quantities of surplus foods change from time to time, depending upon the size of Commodity Credit Corporation inventories and the market conditions at home and abroad. The list of surplus foods available for domestic welfare donation purposes consist of such foods as dry milk, dried eggs, rice, flour, and corn meal.

Regarding assistance from the USDA in natural disasters, USDA instructions to the State agencies read: "Any organization providing emergency or disaster relief is eligible to receive surplus foods when a natural disaster occurs and emergency feeding is indicated. State distributing agencies may accordingly act in these instances without prior approval of the Area office but shall keep Area offices constantly advised of developments. Certification procedures may be modified in any way necessary during the temporary emergency but when it becomes apparent that the emergency has developed into a continuing program, standard certification procedures and instructions for welfare distribution shall be followed."

During FY 1957 there were 14 major natural disasters in the United States and Puerto Rico where surplus commodities were made available upon request of officials in the stricken areas. These disasters occurred in ten States and Puerto Rico and consisted of nine floods, three tornadoes, one hurricane, and one fire. Over 25 million pounds of foods valued at approximately \$3.7 million were distributed to over 336,000 people. Distribution at the local level to the victims was made largely through the direction of the American Red Cross with State and county welfare departments, Salvation Army, Civil Defense agencies and other local organizations assisting. Central feeding was accomplished through utilization of school lunchroom facilities in nine of the disasters. In addition to central feeding, feeding in the homes occurred in five of the disaster areas.

In Florida, when migratory workers were in need of assistance because of lack of employment which resulted from freezes and floods in December 1957, the State Department of Public Welfare requested USDA surpluses for distribution

to this unemployed group. The initial distribution of surplus foods was made by the State agency from donated foods already on hand in the State for use by schools and charitable institutions. State officials requested an emergency allocation of additional foods which the Department of Agriculture immediately supplied. Although the quantity of food provided was adequate, there was a problem of the suitability of the commodities distributed for families who did not have the proper cooking facilities and the need for some kind of cooking fat.

EMPLOYMENT SERVICE

When migrants are unemployed because of crop failure, a problem arises of finding new jobs for them in the same area or referring them to other areas where there are employment opportunities.

The Federal-State employment service system provides an organization for guidance and referral of migrant workers. This is done largely through pre-season arrangements between crew leaders and employers. However, not all crew leaders and migratory workers rely on the State's employment service. Many make their own arrangements for employment or return year after year to the same employers.

In the case of the Florida freeze, the situation was complicated by the fact that it occurred in mid-winter when there were no other areas to which the stranded workers could be referred. Furthermore, many workers did not have the necessary funds to pay for their transportation to other work areas or back to their home base. In shortage areas where foreign workers are employed, present procedures provide a means of terminating

contracts for those workers. This may relieve the situation somewhat by opening more jobs for domestic workers.

The Committee discussed the need for prompt action to move stranded workers to other areas where demand for labor may exist. If definite work commitments can be obtained, there would still be a problem of financing transportation of workers without funds. Possibilities discussed are (1) that employers may advance transportation costs and make deductions from workers' subsequent earnings; (2) that private welfare organizations may advance the cost of transportation or arrange for transportation; or (3) that an emergency fund be set up and administered by a government agency to extend loans to finance transportation, to grant funds outright for this purpose, or to arrange for transportation facilities. The third possibility would require new legislation.

Recommendations

- (1) The Federal-State farm labor service should arrange referral service to move stranded migratory workers from disaster to shortage areas as promptly as possible.
- (2) Consideration should be given to means of financing transportation of migrant workers through employer advances, advances by private welfare organizations, or through other appropriate arrangements.

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

Although the problem of stranded migratory workers may be characterized as an economic one (unemployment, interruption of income, dislocation of supply and demand of labor), it is distinguished from other economic problems in that it is based on an unexpected natural event (crop failure, unseasonable weather, excessive rain, etc.). For that reason the Ad Hoc Committee investigated the possibility that such disasters may be interpreted to be subject to the Federal Disaster Act of 1950 ^{1/} which provides for the maximum mobilization of Federal assistance to alleviate suffering and damage, to repair essential public facilities, and to foster the development of State organizations and plans to cope with major disasters.

This Act defines a "major disaster" as a flood, drought, fire, hurricane, earthquake, storm or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government. The intention of the law is to limit outside assistance to major disasters. Under this law, minor disasters continue to be the responsibility of local and State governments. Twenty-six States have set up contingency funds for minor disaster emergencies, and 44 States have civil defense machinery.

There is no precise test for a "major disaster." In general, disaster to a limited area or a single establishment, such as destruction of a school or powerhouse, is not rated a "major disaster." There are four to five hundred ordinary disasters in the United States a year. The disasters

declared "major" in a year have ranged from ten to twenty-five. ^{2/}

^{1/} Public Law 875, 81st Congress

^{2/} Val Peterson, Coordinating and Extending Federal Assistance, Federal Assistance in Natural Disasters, MP-2-2.

The Committee feels that the language of Public Law 875 may be broad enough to include natural disasters resulting in unemployment and stranding of migratory workers. The definition includes the words "drought," "storm," or "other catastrophe." The problem is to develop criteria to measure the severity of the disasters involving migratory workers and determine whether a particular occurrence should be considered a local, State, or Federal responsibility.

The proposal to interpret PL 875 to cover migratory worker disasters was submitted to the OCDM for comment. The Natural Disaster Office of that agency did not agree that PL 875 could be interpreted or enlarged to include programs of assistance to migratory workers stranded because of crop failure or other conditions. In case of a declared natural disaster under terms of PL 875, however, migratory workers would be included as in the past. The OCDM explained that the responsibility for coordination of Federal activities to improve the social and economic welfare of domestic migratory workers is vested in the President's Committee on Migratory Labor. OCDM is willing to cooperate, but not to assume primary responsibility.

The Committee felt, however, that the PCML does not have the kind of authority to mobilize resources of other agencies that would be necessary to handle emergency situations.

There is precedent for the use of the OCDM mechanism to trigger other relief statutes particularly in agriculture. Under Public Law 115 of the Eighty-third Congress, the Department of Agriculture has an appropriation to use for emergency loans to farmers, feed for livestock, and seed for planting, if the governor of a State applies to the President for such relief and if

investigation by the Secretary of Agriculture seems to justify it. A certificate of need must go from the Secretary of Agriculture to the Administrator of the Office of Civil and Defense Mobilization, who sends it to the President with a recommendation. If the President declares a major disaster in the specified agricultural areas, the Secretary of Agriculture can proceed to administer the agricultural relief of Public Law 115 in accordance with his own rules. These measures, however, do not apply to the wage-loss of the migrant workers.

The procedure used in the disaster operation of the OCDM is of interest as a model from an administrative standpoint. Emergency action in disaster follows a regular course from the locality to the State to Washington and back again. At the point of disaster, recovery begins with self-help through regular fire and police departments, the transportation and communication services, engineers, bulldozers, reserve trucks, health and sanitation teams. The mayor of a stricken city or other local official handles the coordination and mobilization of community resources. If the disaster is beyond the limits of local resources, a call for assistance goes from the local community to the governor who can provide National Guard, police, and other governmental assistance. If the State resources are inadequate, the governor must apply to the President who is responsible for determining that it is a major disaster. Actually, the Administrator of the OCDM makes the determination for the President. The OCDM is guided by reports from its regional offices as to the kind of relief and outlay of disaster funds needed to supplement State and local efforts. Declaration of a major disaster opens up resources of all Federal

agencies - including professional and skilled personnel to advise or supervise such operations as debris clearance, emergency evacuation, temporary shelter, the feeding of animals, distribution of commodities, restoring water supply, emergency credit, etc. The OCDM coordinates work of the Army Engineers, Public Health Service, Agricultural Marketing Service, etc.

Applying this procedure to migratory worker situations, there is need for a mechanism for recognizing migratory worker disaster situations, and assignment of responsibility at the local and State level for minor disasters. State migratory labor committees could be instrumental in developing State plans for mobilization to meet such emergencies.

If the migratory worker disaster is of such a scope as to warrant assistance of Federal agencies, the governor or other State official would-- if this procedure were adopted--apply to the President for disaster aid. The President might then request the Department of Labor to certify as to the existence of an emergency, its scope, and the types of assistance needed. Upon certification of the Department of Labor, the President may declare that an emergency exists.

The Department of Labor, under this plan, would be responsible for developing criteria to evaluate emergencies. Possible criteria for major disasters include:

- (1) The number of workers affected
- (2) The extent of the geographic area involved
- (3) The existence of a combination of problems, such as employment, health, transportation, housing, lack of food, etc.
- (4) Resources of more than one Federal agency involved.

- (5) The Department of Labor would be responsible for developing criteria for evaluating the migratory worker disasters to distinguish between ordinary emergencies, to be handled by State and local resources, and major emergencies. Such criteria might be based on the number of workers involved; the geographic extent of the disaster; the complexity of problems involved; and the need for resources of more than one agency.

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