

82D CONGRESS
1ST SESSION

S. 984

IN THE SENATE OF THE UNITED STATES

MAY 7 (legislative day, MAY 2), 1951

Ordered to be printed as passed by the Senate

AN ACT

To amend the Agricultural Act of 1949.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Agricultural Act of 1949 is amended by adding
4 at the end thereof a new title to read as follows:

5 "TITLE V —AGRICULTURAL WORKERS

6 "SEC. 501. For the purpose of assisting in such pro-
7 duction of agricultural commodities and products as the
8 Secretary of Agriculture deems necessary, by supplying
9 agricultural workers from the Republic of Mexico (pursuant
10 to arrangements between the United States and the Republic
11 of Mexico), the Secretary of Labor is authorized—

1 “(1) to recruit such workers (including any such
2 workers temporarily in the United States under legal
3 entry) ;

4 “(2) to establish and operate reception centers at
5 or near the places of actual entry of such workers into
6 the continental United States for the purpose of receiv-
7 ing and housing such workers while arrangements are
8 being made for their employment in, or departure from,
9 the continental United States;

10 “(3) to provide transportation for such workers
11 from recruitment centers outside the continental United
12 States to such reception centers and transportation from
13 such reception centers to such recruitment centers after
14 termination of employment;

15 “(4) to provide such workers with such subsist-
16 ence, emergency medical care, and burial expenses (not
17 exceeding \$150 burial expenses in any one case) as may
18 be or become necessary during transportation authorized
19 by paragraph (3) and while such workers are at recep-
20 tion centers;

21 “(5) to assist such workers and employers in ne-
22 gotiating contracts for agricultural employment (such
23 workers being free to accept or decline agricultural
24 employment with any eligible employer and to choose
25 the type of agricultural employment they desire, and

1 eligible employers being free to offer agricultural em-
2 ployment to any workers of their choice not under con-
3 tract to other employers) ;

4 “(6) to guarantee the performance by employers
5 of provisions of such contracts relating to the payment
6 of wages or the furnishing of transportation.

7 “SEC. 502. No workers shall be made available under
8 this title to any employer unless such employer enters into
9 an agreement with the United States—

10 “(1) to indemnify the United States against loss
11 by reason of its guaranty of such employer's contracts;

12 “(2) to reimburse the United States for essential
13 expenses, not including salaries or expenses of regular
14 department or agency personnel, incurred by it for the
15 transportation and subsistence of workers under this title
16 in amounts not to exceed \$20 per worker; and

17 “(3) to pay to the United States, in any case in
18 which a worker is not returned to the reception center
19 in accordance with the contract entered into under sec-
20 tion 501 (5) and is apprehended within the United
21 States, an amount determined by the Secretary of Labor
22 to be equivalent to the normal cost to the employer of
23 returning other workers from the place of employment
24 to such reception center, less any portion thereof
25 required to be paid by other employers.

1 “SEC. 503. No workers recruited under this title shall be
2 available for employment in any area unless the Secretary
3 of Labor for such area has determined and certified that
4 (1) sufficient domestic workers who are able, willing, and
5 qualified are not available at the time and place needed to
6 perform the work for which such workers are to be employed,
7 and (2) the employment of such workers will not adversely
8 affect the wages and working conditions of domestic agri-
9 cultural workers similarly employed, and (3) reasonable
10 efforts have been made to attract domestic workers for such
11 employment at wages and standard hours of work compara-
12 ble to those offered to foreign workers.

13 “SEC. 504. Workers recruited under this title who are
14 not citizens of the United States shall be admitted to the
15 United States subject to the immigration laws (or if already
16 in, by virtue of legal entry and otherwise eligible for admis-
17 sion to, the United States may, pursuant to arrangements
18 between the United States and the Republic of Mexico, be
19 permitted to remain therein) for such time and under such
20 conditions as may be specified by the Attorney General but,
21 notwithstanding any other provision of law or regulation,
22 no penalty bond shall be required which imposes liability
23 upon any person for the failure of any such worker to depart
24 from the United States upon termination of employment:
25 *Provided*, That no workers shall be made available under

1 this title to, nor shall any workers made available under this
 2 title be permitted to remain in the employ of, any employer
 3 who has in his employ any Mexican alien when such em-
 4 ployer knows or has reasonable grounds to believe or suspect
 5 or by reasonable inquiry could have ascertained that such
 6 Mexican alien is not lawfully within the United States.

7 "SEC. 505. (a) Section 210 (a) (1) of the Social
 8 Security Act, as amended, is amended by adding at the end
 9 thereof a new subparagraph as follows:

10 "“(C) Service performed by foreign agricultural
 11 workers under contracts entered into in accordance with
 12 title V of the Agricultural Act of 1949, as amended.”

13 “(b) Section 1426 (b) (1) of the Internal Revenue
 14 Code, as amended, is amended by adding at the end thereof
 15 a new subparagraph as follows:

16 "“(C) Service performed by foreign agricultural
 17 workers under contracts entered into in accordance with
 18 title V of the Agricultural Act of 1949, as amended.”

19 “(c) Workers recruited under the provisions of this title
 20 shall not be subject to the head tax levied under section 2
 21 of the Immigration Act of 1917 (8 U. S. C., sec. 132).

22 "SEC. 506. For the purposes of this title, the Secretary
 23 of Labor is authorized—

24 “(1) to enter into agreements with Federal and

1 State agencies; to utilize (pursuant to such agreements)
2 the facilities and services of such agencies; and to allo-
3 cate or transfer funds or otherwise to pay or reimburse
4 such agencies for expenses in connection therewith;

5 “(2) to accept and utilize voluntary and uncon-
6 pensated services; and

7 “(3) when necessary to supplement the domestic
8 agricultural labor force, to cooperate with the Secretary
9 of State in negotiating and carrying out agreements or
10 arrangements relating to the employment in the United
11 States, subject to the immigration laws, of agricultural
12 workers from the Republic of Mexico.

13 “SEC. 507. For the purposes of this title—

14 “(1) The term ‘agricultural employment’ includes
15 services or activities included within the provisions of
16 section 3 (f) of the Fair Labor Standards Act of 1938,
17 as amended, or section 1426 (h) of the Internal Reve-
18 nue Code, as amended.

19 “(2) The term ‘employer’ shall include an associa-
20 tion, or other group, of employers, but only if (A) those
21 of its members for whom workers are being obtained are
22 bound, in the event of its default, to carry out the obli-
23 gations undertaken by it pursuant to section 502, or
24 (B) the Secretary determines that such individual

1 liability is not necessary to assure performance of such
2 obligations.

3 "SEC. 508. Nothing in this Act shall be construed as
4 limiting the authority of the Attorney General, pursuant to
5 the general immigration laws, to permit the importation of
6 aliens of any nationality for agricultural employment as
7 defined in section 507, or to permit any such alien who
8 entered the United States legally to remain for the purpose
9 of engaging in such agricultural employment under such
10 conditions and for such time as he, the Attorney General,
11 shall specify.

12 "SEC. 509. Any person who shall employ any Mexican
13 alien not duly admitted by an immigration officer or not
14 lawfully entitled to enter or to reside within the United
15 States under the terms of this Act or any other law relating
16 to the immigration or expulsion of aliens, when such person
17 knows or has reasonable grounds to believe or suspect or by
18 reasonable inquiry could have ascertained that such alien
19 is not lawfully within the United States, or any person who,
20 having employed such an alien without knowing or having
21 reasonable grounds to believe or suspect that such alien is
22 unlawfully within the United States and who could not have
23 obtained such information by reasonable inquiry at the time
24 of giving such employment, shall obtain information during

1 the course of such employment indicating that such alien is
 2 not lawfully within the United States and shall fail to report
 3 such information promptly to an immigration officer, shall be
 4 guilty of a felony, and upon conviction thereof shall be pun-
 5 ished by a fine not exceeding \$2,000, or by imprisonment for
 6 a term not exceeding one year, or both, for each alien in
 7 respect to whom any violation of this section occurs.

8 "SEC. 510. No workers will be made available under
 9 this title for employment after December 31, 1952."

Passed the Senate May 7 (legislative day, May 2),
 1951.

Attest: **LESLIE L. BIFFLE,**
Secretary.