

Clinton to Ban Contracts to Companies That Hire Illegal Aliens

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Body

President Clinton is expected to issue an order barring Federal contracts with companies that illegally hire undocumented foreign workers, Administration officials said today.

The order is part of a stepped-up effort to stop employers from hiring illegal immigrants and to open jobs for American citizens.

Congress outlawed the hiring of illegal aliens in 1986, but enforcement has faded in the last six years. Doris M. Meissner, the Commissioner of Immigration and Naturalization, said in an interview: "This whole area of employer enforcement has been moribund. There has been a steady decline in effort and resources directed at the workplace."

Immigration is becoming a volatile issue in the Presidential campaign, especially in states like California, Florida and Texas, and Mr. Clinton wants to make sure that Republicans cannot use the issue against him, Administration officials said. In Los Angeles eight days ago, Senator Bob Dole, the front-running candidate for the Republican Presidential nomination, criticized Mr. Clinton's record on immigration, saying the President had not helped California cope with the costs of illegal immigrants.

The Administration is already using the armed forces and local law-enforcement agencies to bolster the Border Patrol in Arizona and California. Mexico's economic problems have increased the pressure for illegal immigration. Recognizing that many illegal immigrants are lured to this country by jobs, Congress recently directed the immigration service to double its corps of workplace investigators.

By issuing an executive order, the President can take action by himself, without needing Congress to pass comprehensive legislation to overhaul immigration policy. White House officials say Mr. Clinton will make increased use of such orders to put his imprint on domestic policy and to show that he has not been stymied by Republicans in this election year.

As a condition of doing business with the Government, companies promise to obey Federal immigration and labor laws, but until now, the Government has not had a systematic way to exclude contractors that violate these laws.

The President's order would require all Federal agencies to inform other units when companies are found to have hired illegal aliens and cooperate to bar such companies from doing further work for the Government.

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The order is likely to complement the agency's new emphasis on workplace violations. Mrs. Meissner said the enforcement efforts would focus on industries with a history of employing illegal workers, like construction, food processing, hotels, restaurants and agriculture.

Thomas P. Fischer, district director of the Immigration and Naturalization Service in Atlanta, said the agency had arrested 34 illegal aliens working on construction of a new Federal office building there in June.

"That building is just 300 feet from my office," Mr. Fischer said. "The illegal workers were Guatemalans, Mexicans and some Canadians also. They were working as carpenters and skilled craftsmen in a union shop. The jobs were later filled by U.S. citizens for wages up to \$15 an hour." The case, he said, began with complaints from American citizens at the work site.

Russell A. Bergeron Jr., a spokesman for the immigration service, recalled a similar case in which Mexicans were illegally working on a project to build housing for Army families at Fort Polk, La. The Mexicans were "laying concrete slabs and doing drywall work," Mr. Bergeron said.

The Federal Government buys huge amounts of goods and services, awarding contracts for roughly \$200 billion a year. For example, the General Services Administration, the central housekeeping and supply agency for the Government, owns or leases space in more than 7,000 buildings. About 26 million people, accounting for 20 percent of the civilian labor force, work for Federal contractors and subcontractors.

President Clinton declared last year that "border deterrence cannot succeed if the lure of jobs in the United States remains," and he promised to "toughen work-site enforcement and employer sanctions."

Rahm I. Emanuel, a White House aide who works on immigration policy, said the paperwork for the new order had not gone to the President but was being circulated among agencies with an interest in the issue.

Mr. Fischer, the immigration official in Atlanta, said he had tried to persuade the general services agency to crack down on contractors employing illegal immigrants. But "the G.S.A. washes its hands of this," he said in an interview. "They say: 'We just award the contracts. It's up to the contractor or the subcontractor to fulfill legal obligations as to who can work and who can't work.' "

Mr. Fischer said the State of Georgia and local government agencies had taken swift action to correct problems when illegal aliens were found working on their construction projects. But he said: "No one from the G.S.A. has ever called us expressing concern or asking, 'How can we make sure this doesn't happen again?'"

"Here's someone in the Federal family, someone we work with and know, the Government's real estate agent. You might think they would have the professionalism and follow-through and wherewithal to say: 'We're embarrassed. We don't want this happening again. How can we prevent it?'"

The Government has elaborate rules specifying how contracts shall be awarded. Under these rules, the Government may disqualify any company found to have committed an "offense indicating a lack of business integrity or business honesty."

Ida M. Ustad, Associate Administrator of the General Services Administration, said "there has been some discussion" of denying contracts to companies found to have employed illegal foreign workers.

"We wouldn't have any objection to it," Ms. Ustad said, "but there's not any systematic way to do it. The I.N.S. does not train its people to consider debarment as an option. As a first step, I.N.S. needs to set up a system to make referrals to other agencies."

The Presidential order would require agencies to work together.

Ms. Ustad said that if the immigration service knew that a Federal contractor was violating the immigration law, it could send the information to the agency that does the most business with that company. Agency officials could

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then decide whether to bar the contractor from further dealings with the Government, and in an extreme case a **contract** could be terminated.

The Government publishes a monthly list of thousands of **companies** ineligible for Federal **contracts** for various reasons.

Members of Congress from both parties have demanded tougher enforcement of immigration laws, and under a bill signed by Mr. **Clinton** on Jan. 6, the budget for the immigration service will be increased by 24 percent, to \$2.6 billion this year from \$2.1 billion in 1995.

Mr. **Clinton** has already shown that he intends to use the purchasing power of the Government to advance his policies. Under an executive order issued in March, he declared that Federal agencies must not do business with **companies** that **hire** permanent replacements for striking workers.

The Chamber of Commerce of the United States filed suit to block it, but Judge Gladys Kessler of the Federal District Court here rejected the challenge. Enforcement of Mr. **Clinton**'s order has been held up while the Chamber of Commerce appeals Judge Kessler's ruling.

The number of employers investigated for possible immigration law violations declined sharply, to 5,963 last year from 14,706 in 1989. While the amount collected in fines rose to \$6.2 million in 1992 from \$4 million in 1989, it fell to \$4.1 million last year.

Congress recently provided \$50 million to beef up enforcement of immigration laws in the workplace, allowing Mrs. Meissner to **hire** 384 new investigators to join the 320 already in the field.

In an example of its new efforts, Mrs. Meissner said, the agency last week arrested 112 **illegal aliens** in construction, factory and restaurant jobs in Delaware, the District of Columbia, New Jersey, Pennsylvania, Virginia and West Virginia.

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