

VETOING H.R. 13342, AMEND FARM LABOR
CONTRACTOR REGISTRATION ACT

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

VETOING

H.R. 13342, AN ACT TO AMEND THE FARM LABOR CON-
TRACTOR REGISTRATION ACT OF 1963 BY EXTENDING ITS
COVERAGE AND EFFECTUATING ITS ENFORCEMENT



NOVEMBER 18, 1974.—Message and accompanying act ordered to be printed
as a House document

U.S. GOVERNMENT PRINTING OFFICE

To the House of Representatives:

I am returning today, without my approval, H.R. 13342, The Farm Labor Contractor Registration Act Amendments of 1974. I am advised by the Attorney General and I have determined that the absence of my signature from this bill prevents it from becoming law. Without in any way qualifying this determination, I am also returning it without my approval to those designated by Congress to receive messages at this time.

This bill contains provisions designed to strengthen the protections of migrant farm workers under that Act, which I support. I cannot approve the bill, however, because it contains an unrelated rider which creates serious inequities and distortions in the Federal personnel system.

In the decade since the enactment of the Farm Labor Contractor Registration Act of 1963, it has become apparent that the provisions of that law have not been adequate to accomplish its purpose of protecting migrant farm workers from abuses by farm labor contractors. For nearly a year, the Administration has been working with the Congress to develop legislation which would improve the Act, and there has been give and take on all sides. I am pleased with this spirit of cooperation, and endorse those provisions of H.R. 13342 which apply to migrant farm workers.

Unfortunately, the Congress has seen fit to add a rider to this bill which is totally unrelated to the needs of migrant farm workers.

Section 17 of the bill would arbitrarily reclassify hearing officer positions in the Department of Labor, and make existing hearing officers Administrative Law Judges regardless of their qualifications.

I am gravely disturbed by that part of Section 17 relating to the hearing officers now employed by the Labor Department to hear and decide "black lung" claims. These employees would by fiat be declared to be Administrative Law Judges without regard to their capacity to fill such positions. Since Administrative Law Judges hired in the usual manner must demonstrate such capacity, this feature would be contrary to all principles of a civil service system based upon merit and competition among candidates.

I also cannot accept the feature of Section 17 which would legislatively classify and pay at the GS-16 level these newly designated Administrative Law Judges for the "black lung" program, as well as those who currently hear claims under the Longshoremen's and Harbor Workers' Compensation Act and the members of the Benefits Review Board established by the Longshore Amendments of 1972. Such a provision would arbitrarily impose a grade level without due regard for the relative complexity and difficulty of the work involved. By over-classifying certain positions, it would be disruptive of the principle of equal pay for equal work. This would create inequities within the Labor Department, and between positions of that agency

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and those in a number of other agencies, including approximately 400 GS-15 Administrative Law Judges in the Social Security Administration.

My concern about legislating classifications and pay of special groups of employees was the basis for my disapproving H.R. 5094, which provided for an arbitrary and inequitable reclassification of deputy U.S. marshals. In my first veto upon assuming the Presidency, I expressed my strong concern about granting preferential pay treatment by statute, and indicated that our policy must be to provide equal salaries for equal work. The rider to H.R. 13342 contains deficiencies similar to those in H.R. 5094.

In summary, I cannot accept a legislative provision which would disrupt sound principles of personnel administration, would create serious pay inequities by providing overly liberal salaries to employees in one agency leading to demands for similar treatment by large numbers of employees in other agencies, and would not effectively serve the public interest.

I urge the Congress, upon its return next month, to send me a bill—which I will promptly approve—without the unacceptable personnel provision I have described, a bill which is directed only toward strengthening the Farm Labor Contractor Registration Act.

GERALD R. FORD.

THE WHITE HOUSE, *October 29, 1974.*