

RELEASE IN PART B5

From: Hanley, Monica R <HanleyMR@state.gov>
Sent: Tuesday, May 29, 2012 8:25 PM
To: H
Cc: Huma Abedin
Subject: Sen Corker Call sheet

As Claire mentioned, the Senator requested to speak with you tonight.

The Secretary's Call Sheet for U.S. Senator Bob Corker

(SBU) Purpose of Call: Sen. Corker requested a call to ask that you direct CA and ECA to issue an instruction cable to posts clarifying that Summer Work Travel (SWT) employment in door-to-door sales with Tennessee company Southwestern Advantage is permissible under the 2012 Interim Final Rule.

(SBU) Background: ECA's May 11 Interim Final Rule for the Summer Work Travel (SWT) Program prohibits jobs that are substantially commission-based and thus do not guarantee that participants will be paid minimum wage in accordance with federal and state standards. Sen. Corker (as well as Sen. Alexander, Rep. Blackburn, and Tennessee Governor Haslam) have contacted the Department on several occasions with concerns that the Interim Final Rule would prohibit SWT participants from working in door-to-door sales for Southwestern Advantage, a Tennessee-based seller of family-oriented educational reference books and software. Sen. Corker is concerned that consular officers are denying visas to prospective SWT participants based on a misinterpretation of this new regulation. He conveyed these concerns directly to A/S Jacobs on May 29, primarily asking that the guidance be sent to Posts without further delay.

ECA and Consular Affairs have determined that Southwestern's model satisfies the new regulations and will send to U/S Kennedy on May 30 an Action Memo to approve the issuance of visas, consistent with the SWT regulations, for SWT participants who will work for Southwestern this summer. All sides agreed, however, that this decision is for this summer only. In the coming months, we will issue a rulemaking with a public comment period that will seek to remove this type of work from SWT. The Southwestern model does not fit well in the reforming SWT, and ECA intends to include a prohibition on independent contractors and potentially door-to-door sales in the next Notice of Proposed Rulemaking. However, we have not/not discussed these specific planned changes outside of the Department.

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