



OPENING STATEMENT

House Committee on Education and Labor

Chairman Robert C. "Bobby" Scott

Opening Statement of Chair Adams (NC-12)

Subcommittee on Workforce Protections

Second Class Workers: Assessing H2 Visa Programs Impact on Workers

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Good morning. Today, we are meeting to discuss the important role temporary migrant workers – sometimes called “guestworkers” – play in our economy, and the critical need for increased accountability and worker protections.

The H-2A and H-2B visa programs allow U.S. employers to bring foreign workers to the U.S. to fill temporary agricultural and nonagricultural jobs for which U.S. workers are not available. Tens of thousands of foreign citizens apply for admission to the United States each year under these H-2 programs—and applications are growing. And so are visa issuances. In fact, in 2019, agricultural visa issuances exceeded 200,000 for the first time since the beginning of the program. And, according to the latest data, the combined number of H-2A and H-2B visa issued was just under 353,000.

Workers apply for H-2 visas to achieve economic opportunity, to escape poor working conditions, and, ultimately, with a hope that their employment can lead to a better life in America.

Regrettably, the programs too often fail to deliver on these goals. Instead, as our witness, Mr. Daniel Costa, put it: “when it comes to the H-2A and H-2B programs, the U.S. government is failing to meet these basic standards and provide these basic rights” to workers. For example, temporary migrant workers can be charged exorbitant fees by recruiters for the opportunity to work temporarily in the U.S. Meanwhile, these recruiters are rarely held liable for the recruitment fees and abusive tactics.

In a recent case—Operation Blooming Onion—prosecutors charged H-2A owners, contractors, and recruiters with selling or trading workers, requiring them to dig onions with their bare hands, paying 20 cents for each bucket harvested, and threatening the victims with guns and violence to keep them in line. Allegations also included kidnapping, rape, and threats of violence and death to family members. The victims were allegedly held in cramped, unsanitary fenced work-camps to prevent them from escaping, with little or no food, limited plumbing, and without safe water. At least two of the workers died because of these workplace conditions.

This is not economic opportunity.

This is not a chance for a better life.

This, as federal prosecutors have described, is **modern day slavery**.

Problems with this program affect workers in communities across the country. My home state of North Carolina is one of the top five employers of H-2A workers. The Midwest Center for Investigative Reporting spoke to many immigrant laborers who have become physically and mentally ill working North Carolina’s tobacco fields. One

H2-A worker said, “I have seen my coworkers suffer from tobacco sickness. A lot of them get allergies, others get insomnia, vomiting, many get dehydrated,” and “There were times when the workers would need to go for IV drips at local clinics.” Baldemar Velasquez, co-founder and president of the Farm Labor Organizing Committee, told the reporters, “... no worker in his right mind is going to complain. There’s no way to protect the workers from complaints and to protect them from retaliation.”

Cases like Operation Blooming Onion are the direct result of the extraordinary power imbalance between workers and employers in this type of visa program. Unlike workers who are U.S. citizens or permanent residents, H-2 workers cannot easily switch jobs or employers – which is one of the most fundamental protections of a competitive labor market. Instead, when confronted with an unscrupulous employer, they are too often forced to remain silent rather than speak up and risk retaliation or deportation.

Exploiting foreign workers also hurts American workers.

We all know that when workers have more power in the workplace, they have higher wages, better benefits, and safer workplaces. By contrast, exploiting workers leads to degrading wages and working conditions for *all* workers in the same occupation.

Moreover, we have a real example of H-2A workers displacing an existing local workforce. As Mr. Ty Pinkins will testify, local Black workers have been the backbone of the Mississippi Delta farm economy for generations; and they would like to continue these jobs. However, the same local farmers who employed these workers for decades are now filling the jobs with H-2A workers. These employers also paid the H-2A workers significantly more money for the same or similar work previously done by local Black workers.

We should agree that all workers—both foreign and American—deserve to be treated with dignity and respect. As such, we have a responsibility to reform the H-2 visa program.

So, today, I look forward to discussing several proposed solutions focused on:

- Prohibiting discrimination,
- Holding recruiters and employers liable for abuses,
- Mandating the use of prevailing wages and strong labor standards,
- Providing a path to citizenship, and
- Protecting workers from retaliation.

These important steps—coupled with other critical provisions to increase worker protections and accountability—will ensure workers can succeed in fair working conditions.

So, thank you to our witnesses for joining us today, I look forward to our discussion.