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Rep. Lynn Woolsey (D-CA) Opening Statement

WASHINGTON, D.C. – Below are the prepared remarks of U.S. Lynn Woolsey (D-CA), the senior Democrat on the Workforce Protections Subcommittee for the hearing on the Workforce Challenges Facing the Agriculture Industry.

Mr. Chairman, today we are meeting to discuss the workforce challenges facing the agricultural industry. Of course, in these economic times, our focus should be to do everything we can to get Americans back to work, so my goal for today’s discussion will focus on ensuring that U.S. workers have a real shot at jobs in the agricultural industry – and that these jobs provide a decent wage and basic protections for workers—both during the hiring process and as employees.

The H-2A visa program allows farmers to hire foreign workers for seasonal, agricultural work under regulations issued by the Department of Labor. The reality is this: these workers perform grueling work, routinely putting in 15-hour days and enjoy very few workplace protections such as wage and hour and safety protections.

H-2A workers are not covered by the National Labor Relations Act and have little recourse to protest working conditions. They are tied to their employer – if they are treated unfairly or required to perform dangerous work – they risk being fired and sent home if they speak up. In short, they are not afforded the same quality of life or protections in the workplace that most of us take for granted.

Despite this, there are some who complain that the rules and regulations governing the H-2A program are too burdensome and expensive. In reality, the current H-2A rules are modest, and are similar to those issued during the Reagan Administration. During the George W. Bush Administration, the Department of Labor loosened the rules governing the H-2A program. Agricultural employers merely had to state or “attest” that they had attempted to recruit U.S workers for open positions; they no longer had to demonstrate their recruitment efforts or coordinate with state workforce agencies.

The Bush Administration also adjusted wage requirements to allow farmers to pay H-2A workers lower wages, which resulted in an average reduction of farmworker wages of \$1 to \$2 per hour, which depressed wages for all agricultural workers.

Under common sense rules issued by the Obama Administration in 2010, many of the damaging changes the Bush Administration made to the H-2A program have been addressed. Agricultural employers must again demonstrate that they actually attempted to recruit U.S. workers first before petitioning for H-2A workers.

There is no question that foreign workers are eager to find jobs in the United States, however, it seems unreasonable to argue that there are no U.S. workers to fill these positions.

Nearly 25 million Americans are either unemployed or underemployed. It seems perfectly reasonable to me that farmers should first make a good faith effort to hire U.S. workers before being granted the authority to bring in foreign workers to do the same work. And, it is shortsighted to assume that there is no U.S. workforce for these jobs.

It's a closed circle Mr. Chairman. If workers come in on H-2A visas with poor working conditions, are underpaid and underappreciated---those jobs will be less attractive to U.S. workers. In addition, when programs like the H-2A visa program fail to provide adequate wages and protections and are not properly enforced, all workers lose.

Mr. Chairman, we don't need a race to the bottom. We need to administer the H-2A program to ensure that U.S. workers have the first chance at employment and foreign workers aren't exploited. The H-2A regulations issued in 2010 are an important step at accomplishing this. However, there is no question that reforms are still necessary.

What is not necessary is the creation of a new temporary worker program that loosens critical protections for farmworkers—U.S. and guestworkers alike.

Thank you Mr. Chairman, I look forward to exploring these issues and questioning the witnesses.

<http://democrats.edworkforce.house.gov>