

EDUCATION & LABOR COMMITTEE

Congressman George Miller, Chairman

Tuesday, May 6, 2008
Press Office, 202-226-0853

Chairman Miller Statement at Committee Hearing on “Do Federal Programs Ensure that U.S. Workers Are Recruited First Before Employers Hire From Abroad?”

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. George Miller (D-CA), the chairman of the House Education and Labor Committee, for a committee hearing on “Do Federal Programs Ensure that U.S. Workers Are Recruited First Before Employers Hire From Abroad?”*

Good morning. Welcome to today’s hearing examining whether federal programs adequately ensure that U.S. workers are recruited first before employers hire from abroad.

Hundreds of thousands of foreign guest workers come to the United States each year under various federal programs. For too many years, these programs have been allowed to operate with little oversight from the Department of Labor. I am proud to say that this Congress has begun the work of examining these programs with a critical eye.

Last June, this Committee heard testimony about the need to strengthen labor protections for guest workers in order to prevent workers from being exploited and abused by their employers. To that end, I introduced the Indentured Servitude Abolition Act, legislation that would discourage employers from using disreputable guest worker recruiters and hold foreign labor recruiters and employers accountable for the promises they make. Those and other labor protections were explored at a recent Immigration Subcommittee hearing conducted by Chairwoman Zoe Lofgren on the H-2B program.

As we look at greater protections for guest workers, we also have to ask whether labor protections in those programs are sufficient to shield U.S. workers from downward pressure on their wages and working conditions, and whether we are doing enough to recruit qualified U.S. workers to fill open jobs.

While many honest employers utilize guest worker programs to fill actual labor needs, this hearing will address a curious situation: at the same time that unemployment is rising, many businesses claim they cannot find U.S. workers.

The issue is particularly important in the face of a weakening economy. Today, approximately 7.6 million Americans are unemployed, and this figure does not include the millions of others who are too discouraged to look for work. And it does not include the 5.2 millions who are forced into part-time work because of cutbacks in hours or because they were unable to find a full-time job.

At the same time that unemployment has risen, many employers say that they cannot find available and willing U.S. workers to fill their labor needs. The Congress has been hearing from industries like hospitality and landscaping who say they cannot find workers for this summer's season, putting their businesses in jeopardy. This hearing asks the question, in light of these dueling crises – of workers who can't find jobs and employers who can't find workers – what labor shortages can or cannot be solved by better matching available U.S. workers with jobs?

We will hear testimony from an economist on that very issue.

We will hear testimony from the U.S. Department of Labor. The Department plays a central role in filling employers' labor needs with nonimmigrant, non-U.S. workers. The Department helps administer guest worker programs such as the H-2A program for temporary agricultural workers and the H-2B program for temporary non-agricultural workers.

These programs have varying requirements for recruiting U.S. workers before utilizing guest workers. We will explore whether the existing requirements are effective and whether they are effectively enforced. We will hear about recently proposed regulations from the Department of Labor that I believe will have a negative impact on the recruitment of U.S. workers for agricultural jobs.

We will also hear testimony about a case in which an employer was certified to hire H-2B guest workers despite the fact that hundreds of U.S. workers had been referred by the Texas state workforce agency for those same jobs. This case raises concerns about enforcement. When employers misuse the guest worker system, not only do U.S. workers miss out on jobs, but other employers with legitimate temporary labor needs miss out on visas.

Finally, we will hear testimony about how and why some unscrupulous employers prefer to hire undocumented workers over U.S. or other legal workers.

As we debate reforms to our nation's immigration laws, I hope that this hearing will highlight the critical need for Congress to enact stronger labor protections that will protect immigrants, guest workers, and U.S. workers – and for the Labor Department to enforce the protections already on the books.

We have an incredibly distinguished panel of witnesses with us today, and I am pleased to welcome them to the Committee.

Thank you.

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