

1 NATIONAL CAPITOL CONTRACTING
2 RPTS AVERETT
3 HJU297000

4 MARKUP OF H.R. 4092; AND H.R. 3711
5 Tuesday, October 24, 2017
6 House of Representatives,
7 Committee on the Judiciary,
8 Washington, D.C.

9 The committee met, pursuant to call, at 10:00 a.m., in
10 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte
11 [chairman of the committee] presiding.

12 Present: Representatives Goodlatte, Sensenbrenner,
13 Smith, Chabot, Issa, King, Franks, Gohmert, Jordan, Poe,
14 Marino, Labrador, Farenthold, Collins, Buck, Ratcliffe,
15 Roby, Gaetz, Johnson of Louisiana, Biggs, Handel, Conyers,
16 Nadler, Lofgren, Jackson Lee, Cohen, Johnson of Georgia,
17 Deutch, Gutierrez, Richmond, Jeffries, Cicilline, Lieu,
18 Raskin, Jayapal, and Schneider.

19 Staff Present: Shelley Husband, Staff Director; Branden
20 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian

21 and General Counsel; Stephanie Gadbois, Senior Counsel;
22 George Fishman, Chief Counsel, Subcommittee on Immigration
23 and Border Security; Andrea Loving, Deputy Chief Counsel,
24 Subcommittee on Immigration and Border Security; Alley
25 Adcock, Clerk; Rachel Calanni, Minority Professional Staff
26 Member; David Shahoulian, Minority Chief Counsel; David
27 Greengrass, Minority Counsel; Wilsar Johnson, Minority
28 Digital Director; Danielle Brown, Minority Legislative
29 Counsel; Rosalind Jackson, Minority Professional Staff;
30 Monalisa Dugue, Minority Deputy Chief Counsel; Perry
31 Apelbaum, Minority Chief Counsel and Staff Director; and
32 Matthew Morgan, Minority Counsel.

33 Chairman Goodlatte. The Judiciary Committee will come
34 to order, and without objection, the chair is authorized to
35 declare a recess at any time. Pursuant to notice, I now
36 call up H.R. 4092 for purposes of markup and move that the
37 committee report the bill favorably to the House. The clerk
38 will report the bill.

39 Ms. Adcock. H.R. 4092, to create a nonimmigrant H-2C
40 work visa program for agricultural workers and for other
41 purposes.

42 [The bill follows:]

43 ***** INSERT 1 *****

44 Chairman Goodlatte. Without objection, the bill is
45 considered as read and open for amendment at any time. I
46 will begin by recognizing myself for an opening statement.

47 If we want to ensure that America can continue to feed
48 itself and much of the rest of the world, we must ensure a
49 stable labor supply for agriculture. For many years,
50 agricultural employers have lacked access to a robust and
51 reliable legal workforce.

52 The Federal Government has striven to direct American
53 workers away from seasonal agricultural work, and this
54 occupation is the only one universally acknowledged to have
55 unlawful aliens compose a majority of its workforce. Yet,
56 for three decades agricultural employers have had to endure
57 a dysfunctional agricultural guestworker program.

58 Over the years in the Agriculture Committee and the
59 Judiciary Committee, I have had the opportunity to learn
60 firsthand what farmers face in dealing with the H-2A
61 program. It is a costly, time-consuming, and flawed
62 program. They must expend a great deal of time and money
63 each season in order to prove to the Federal Government what
64 nearly everybody already knows to be the case: legal,
65 dependable, domestic farm labor is hard to find.

66 In addition, the program forces growers to pay an
67 artificially inflated wage rate. Growers must pay an
68 average of over \$13 an hour in some states, and still cannot

69 find enough Americans willing to take the jobs.

70 Further, growers must provide free housing and daily
71 transportation. H-2A farms almost always find themselves at
72 a competitive disadvantage in the marketplace in an industry
73 where international market forces set prices. The
74 guestworker program should help farmers who are willing to
75 pay fair wage for law abiding, dependable workers, not
76 punish them. For this reason, I have long supported
77 replacing the H-2A program with a workable guestworker
78 program.

79 Instead of encouraging more illegal immigration,
80 successful guestworker reform can deter illegal immigration
81 and help secure our borders. Congress should provide a
82 stable, legal agricultural workforce that employers can call
83 upon when sufficient American labor cannot be found. The Ag
84 Act will replace the H-2A program with a new program that
85 provides growers with streamlined access to guestworkers and
86 enables dairies and food processors with year-round labor
87 needs to participate.

88 The Ag Act will ensure a reliable workforce by creating
89 a program that is market-driven and adaptable. It will,
90 subject to certain conditions, allow guestworkers to be
91 employed at will, making it easier for workers to move
92 freely throughout the agricultural marketplace to meet
93 demand. It will protect program users from abusive

94 lawsuits.

95 The bill will not recreate the pitfalls of the H-2A
96 program. It will not require growers to hire and train
97 unneeded workers after they have engaged in domestic
98 recruitment and their guestworkers have arrived, provide
99 free housing and transportation, or pay an unrealistic and
100 uncompetitive wage rate dreamt up by Labor Department
101 bureaucrats.

102 The new program will be, at its core, a true
103 guestworker program. It will not open up any pathway to
104 citizenship. As growers learned the hard way after the 1986
105 amnesty, illegal farm workers will learn en masse and flock
106 to more attractive jobs in the cities when they become
107 permanent residents.

108 The bill simply allows agricultural employers to hire
109 aliens who have been unlawfully present, just as they can
110 hire any other foreign nationals. Such workers must abide
111 by the same conditions as other guestworkers, including
112 leaving the U.S. periodically to ensure that they retain
113 ties with their home countries. If they do not, they will
114 be deportable.

115 Finally, in response to concerns raised by some
116 members, I have made the following revisions to the Ag Act.
117 H-2C will become available 6 months after enactment. In the
118 interim, illegal workers are afforded no protection from

119 enforcement. No green cards are set aside for experienced
120 agricultural workers. A total cap is reduced to 450,000;
121 40,000 visas are for meat processing; 410,000 visas are for
122 the remainder of agriculture jobs.

123 Each H-2C worker must have health insurance coverage.
124 Employers must pay H-2C workers in the meat processing
125 sector not less than the state or local minimum wage, 150
126 percent of the Federal minimum wage, or the actual wage
127 earned by other workers in the same job, whichever is
128 greatest, and any duties and enforcement responsibilities
129 that DHS currently has under the H-2A program will remain at
130 DHS under the H-2C program.

131 We have a real opportunity this Congress to enact true
132 agricultural guestworker reform, and I urge my colleagues to
133 support the Ag Act.

134 It is now my pleasure to recognize the ranking member
135 of the Judiciary Committee, the gentleman from Michigan, Mr.
136 Conyers, for his opening statement.

137 [The prepared statement of Chairman Goodlatte follows:]

138 ***** COMMITTEE INSERT *****

139 Mr. Conyers. Thank you, Chairman Goodlatte. My
140 colleagues, this is the third time this committee has
141 considered this agricultural guestworker bill. Let me start
142 by recognizing that there are improvements in this latest
143 version of the bill. The new bill, for example, actually
144 makes it easier for employers to sponsor farm workers for
145 permanent residency, including those who -- excuse me.

146 Our committee has considered previous iterations of
147 this legislation. Unfortunately, this current version is
148 not an improvement over its predecessors. Indeed, I am
149 sorry to say, it is worse than them, despite repeated
150 promises by the majority that the bill would improve
151 compared to prior versions, including by enabling at least
152 some of the undocumented farm workers to obtain permanent
153 residence. But the current measure fails to include any
154 such provision, and the rest of it, I am sorry to say, has
155 only gotten worse.

156 To begin with, the bill replaces the current wage
157 system for farm workers, the adverse effect wage rate, with
158 a wage floor of 115 percent of the Federal minimum wage, or
159 \$8.34 an hour. This will result in wage decreases of up to
160 \$5.00 per hour for farm workers in certain parts of the
161 country.

162 In addition, the bill eliminates housing and
163 transportation requirements, as well as other worker

164 protections which will even further decrease those wages.

165 The majority itself candidly acknowledges that workers
166 under this bill will effectively be paid far below the
167 Federal minimum wage. This is why the bill actually exempts
168 such workers from the protections of the Fair Labor
169 Standards Act. Farm workers are already among the lowest
170 paid workers in this country. At the same time, they do
171 some of the hardest and most back-breaking work in the
172 country. There is no merit or justice in slashing their
173 already-meager wages.

174 To make matters worse, the bill employs a significantly
175 broader definition of the term "agriculture," which would
176 bring drastic wage reductions to other industries unrelated
177 to traditional farming. For example, the bill defines
178 agriculture to include forestry-related activities, as well
179 as meat and poultry processing.

180 Wages in some of these industries, which include many
181 American workers, can average higher than \$20 per hour, as
182 is the case for logging workers and fallers. The wage cuts
183 in this bill would threaten their livelihoods. There is no
184 doubt in my mind that if this bill were to become law,
185 employers across the country would immediately begin
186 replacing these workers with foreign guestworkers at less
187 than half of the cost.

188 My colleagues and some friends on the other side of the

189 aisle often speak of the need to protect American workers
190 from immigrants, so I am surprised to see them now offer a
191 bill that appears to make their nightmare scenario come
192 true, creating an incentive to replace well-paid American
193 workers with temporary foreign workers at a drastically
194 lower cost.

195 Make no mistake, this is a bill that allows employers
196 to bring in millions of new guestworkers without real wage
197 and labor protections, or even the minimal protections found
198 in other temporary worker programs. American workers would
199 almost certainly be disadvantaged and displaced.

200 Finally, we need a comprehensive solution that fixes
201 our broken immigration system. Instead, this legislation
202 represents a piecemeal approach that threatens to replace
203 Americans working in the agriculture, forestry, seafood, and
204 food processing and manufacturing industries with an army of
205 lower-paid temporary guestworkers who have far fewer rights
206 than our American workers. These are not the solutions our
207 country needs.

208 And so, I thank the chairman and yield back the balance
209 of my time.

210 [The prepared statement of Mr. Conyers follows:]

211 ***** COMMITTEE INSERT *****

212 Mr. Labrador. [Presiding.] Thank you, Mr. Conyers. I
213 would now like to recognize the ranking member of the
214 Subcommittee on Immigration and Border Security, Ms. Lofgren
215 of California, for her opening statement.

216 Ms. Lofgren. Thank you, Mr. Chairman. Like Ranking
217 Member Conyers, I begin by expressing disappointment at the
218 evolution that this bill has taken. This version of the
219 bill, which was set for markup 3 weeks ago, took at least
220 one step, originally, in the right direction by providing a
221 way for employers to sponsor a few undocumented farm workers
222 for legal residence. The existing workforce has been here a
223 long time. They are highly skilled and need to be
224 stabilized. Now, even this provision is gone.

225 Surveys indicate that at least half of U.S. farm
226 workers, about 1.2 million, are undocumented, and a 2016
227 survey by the Department of Agriculture reveals that a
228 massive 93 percent of foreign-born farm workers have been
229 here for at least 5 years and 55 percent have been here for
230 at least 15 years. Many have spouses and children here.
231 Some have grandchildren here. In short, for many farm
232 workers the United States is their home.

233 Prior bipartisan compromises recognized this fact.
234 Under such compromises, farm workers and their families were
235 afforded a reliable and meaningful path to permanent
236 residence, while at the same time incentivizing them to

237 remain in the agricultural sector. The country would
238 benefit from a more structured and stable workforce with
239 increasingly productive workers. That is the best way to
240 control illegal immigration. To the extent that job
241 opportunities are secured by legal workers in a more stable
242 labor market with increased earnings for farm workers
243 through longer periods of employment, the pull factor for
244 unlawful immigration is reduced.

245 It is also worth noting that those compromises did not
246 just have bipartisan support in both houses. They were
247 widely supported by stakeholders across the ag sector,
248 including farmers large and small, food and vegetable
249 producers, dairy farmers, sheep herders, beekeepers,
250 landscaping, and farm bureaus throughout the country.
251 Instead of stabilizing this workforce, the Ag Act would
252 further destabilize and impoverish it.

253 Yes, the bill provides undocumented workers with the
254 opportunity to obtain temporary guestworker status, but that
255 status does not extend to family members. It requires that
256 workers frequently leave and remain outside the country, and
257 it makes the worker completely dependent on their employers
258 for the mere chance to return to their families and homes.

259 This is not a realistic avenue for people who have
260 developed deep roots in the country after living here for
261 decades. While I understand the motivation behind the

262 effort, it just will not work.

263 What I really do not understand is the motivation for
264 other parts of the bill. The main component of the bill is
265 the creation of a new program that initially allows
266 employers to bring in 450,000 new workers per year. The cap
267 can increase every year depending on program usage, and
268 because the visas are good for up to 3 years, the numbers of
269 guestworkers in the U.S. would likely far exceed that cap.
270 Under the program, millions of guestworkers would be in the
271 United States at the same time.

272 Now, you do not normally hear members on my side of the
273 aisle complain about immigrants taking American jobs, and
274 that is because in a free market, immigrants tend to
275 complement U.S. workers rather than compete directly against
276 them.

277 Although there are sometimes short-term negative
278 effects, economists across the board conclude that
279 immigrants help to grow the economy while increasing wages
280 and opportunities for all U.S. workers over the long term.
281 That is in a free market, but this bill appears designed to
282 ensure that employers can easily displace their current
283 workers with significantly cheaper foreign labor.

284 Importantly, guestworker programs like the one in the
285 bill do not follow free-market principles. The workers have
286 no meaningful opportunity to negotiate their wages, nor can

287 they freely switch employers. That is why current
288 guestworker programs use wage systems that are paid to going
289 wages in the relevant occupation and geographic area.

290 And contrary to Chairman Goodlatte's comment, this is
291 not some bureaucratic imposition; this is a result of the
292 U.S. Department of Agriculture doing a wage rate survey
293 among wages that are actually paid by farmers.

294 Given that foreign workers do not have the negotiating
295 power of U.S. workers, these wage systems are the only way
296 to ensure that foreign workers cannot be used to displace
297 American workers. This bill has no system. I would ask for
298 unanimous consent for an additional minute.

299 Mr. Labrador. Without objection.

300 Ms. Lofgren. As Mr. Conyers had pointed out, it
301 eliminates the protections of the Fair Labor Standards Act
302 and allows for deductions for transit fees and the like. It
303 could end up actually paying wages that are less than
304 minimum wage. Including in forestry, because it includes
305 not temporary traditional ag workers, but forestry, a
306 fulltime job that pays \$20 to \$22 an hour.

307 As currently written, this bill would authorize
308 employers to bring in an army of guestworkers to do battle
309 with U.S. workers across various sectors of our economy.
310 This bill is a travesty, and I hope that we will defeat it.
311 And I yield back and thank the chairman for the additional

312 minute.

313 [The prepared statement of Ms. Lofgren follows:]

314 ***** COMMITTEE INSERT *****

315 Mr. Labrador. Thank you, Ms. Lofgren. I now recognize
316 myself for purposes of offering an amendment in the nature
317 of a substitute. The clerk will report the amendment.

318 Ms. Adcock. Amendment in the nature of a substitute to
319 H.R. 4092, offered by Mr. Labrador of Idaho. Strike all
320 after the enacting clause and insert the following.

321 [The amendment of Mr. Labrador follows:]

322 ***** INSERT 2 *****

323 Mr. Labrador. Without objection, the amendment will be
324 considered as read, and I will recognize myself to explain
325 the amendment.

326 I offer this amendment in the nature of a substitute in
327 order to make a few clarifications in the bill text, and
328 more importantly, to require a study based on an idea of Ted
329 Yoho. The Ag Act provides that farm workers would be
330 legally eligible to work at H-2C agricultural guestworkers.
331 Having an agricultural guestworker pool that can be accessed
332 by U.S. agricultural employers who need to hire additional
333 workers is a commonsense idea recommended by Representative
334 Yoho and echoed by many in the agriculture industry.

335 A system such as this could also potentially be used to
336 enhance security and enforcement and to further streamline
337 the program. This substitute gives USDA the opportunity to
338 explore the feasibility and uses of this system and report
339 back to Congress for further authority if needed. The
340 amendment also clarifies that the Department of Homeland
341 Security has three options when adjudicating an H-2C worker
342 petition.

343 Number one, approve the petition; two, reject the
344 petition; or, three, determine that it is incomplete or
345 obviously inaccurate, and request that the petitioner
346 correct the deficiencies so that the petition can be further
347 considered. I urge my colleagues to support this

348 substitute. Are there any other amendments?

349 Ms. Lofgren. Mr. Chairman, on the amendment?

350 Mr. Labrador. I now recognize Ms. Lofgren for her
351 amendment.

352 Ms. Lofgren. I would like to strike the last word on
353 the manager's amendment.

354 Mr. Labrador. Okay, the gentlelady will be recognized.

355 Ms. Lofgren. This bill would allow employers to pay
356 workers far below the minimum wage. The minimum wage in the
357 bill is illusory. It is \$8.34 per hour. That is 115
358 percent of Federal minimum wage for most workers, and \$10.88
359 per hour, 150 percent, for meat and poultry workers, but
360 these are not the real floors, because the bill changes
361 current law to specifically allow employers to deduct
362 numerous charges from their H-2C workers' pay.

363 Now, pursuant to statute, regulation, and case law,
364 specifically *Arriaga v. Florida Pacific Farms*, H-2A and H-2B
365 employers are prohibited from deducting various costs from
366 workers' wages, including costs that would reduce wages
367 below the Federal minimum wage. This bill changes that.
368 Employers could now deduct recruiting fees, H-2C petition
369 fees, transportation, transportation to and from work sites,
370 tools and safety equipment, required uniforms. These could
371 all be passed on.

372 Now, the other thing this bill does is eliminates

373 protection of the Fair Labor Standards Act, which says you
374 need at least a minimum wage. If you take a look at page 17
375 of the bill, it specifically overturns the Arriaga case,
376 which held that the services of workers to their employers
377 and the employment opportunities must mutually benefit in
378 order to be deducted.

379 On top of all of this, there is a 10 percent wage
380 deduction provided for in the bill, and additionally, on
381 page 43, the bill expressly exempts application of the Fair
382 Labor Standards Act to the requirement that H-2C workers
383 obtain health insurance coverage accepted in their state or
384 states of employment for the duration of the H-2A status.

385 Now, I think this is a candid recognition that the
386 healthcare premiums and the costs will reduce H-2C workers'
387 wages far below the Federal minimum wage, because the bill
388 actually makes H-2C workers ineligible for any healthcare
389 subsidies or tax credits.

390 Taken together, the deductions, along with the 10
391 percent withholding, not only could provide for below-
392 minimum wage, it could provide for no wage, where you have
393 people actually in an indentured servitude situation. Now,
394 why would someone come into the United States for no pay?
395 For one reason only: to disappear into the woodwork.

396 This bill is a promotion of unlawful immigration. I am
397 shocked that the majority would advance this, not only

398 because it unfairly sets up a system where millions of low-
399 paid immigrant workers will compete against American
400 workers. But also because in the application of this bill
401 it will promote unauthorized immigration to the United
402 States, something which all of us are opposed to.

403 I think that this is a shocking bill, and the manager's
404 amendment is an amazing proposal that would do great damage
405 to the economy of the United States and to the rule of law,
406 and I urge opposition to the amendment. I yield back.

407 Mr. Conyers. Mr. Chairman?

408 Mr. Labrador. Yes?

409 Mr. Conyers. I have an amendment at the desk.

410 Ms. Jackson Lee. Mr. Chairman?

411 Mr. Labrador. The clerk will report the amendment.

412 Ms. Adcock. Amendment to the amendment in the nature
413 of a substitute, offered by Mr. Conyers of Michigan. Page
414 3, insert after line three the following --

415 [The amendment of Mr. Conyers follows:]

416 ***** COMMITTEE INSERT *****

417 Mr. Labrador. Without objection, the amendment is
418 considered as read and the gentleman is recognized.

419 Mr. Conyers. Thank you, Mr. Chairman, and members of
420 the committee. My amendment is intended to protect American
421 workers from employers using the bill's new guestworker
422 program as a means to replace current workers with cheaper
423 labor. It is as simple as that. Guestworker programs are
424 meant to fill labor shortages, not to drive down wages. And
425 this is why current programs, such as the H-2A agricultural
426 worker program, require employers to offer wages at current
427 market levels and to recruit at these wage levels to
428 determine whether labor shortages actually exist in those
429 occupations.

430 These protections are needed because guestworkers are
431 not permitted to negotiate wages in the free market, nor are
432 they able to move to other employers who offer higher wages.
433 Under the current H-2A program, the average farm wage in
434 each state is set based on data collected by the Department
435 of Agriculture. That wage is known as the adverse effect
436 wage rate, and it is intended to prevent new foreign workers
437 from artificially depressing market wages. These current
438 wage rates range from \$10.38 per hour in the Louisiana to
439 \$13.79 in Kansas. The nationwide average is \$12.12 per
440 hour.

441 The bill before us today would replace this system with

442 a wage floor for most workers of 115 percent of the Federal
443 minimum wage, or \$8.34 per hour. This is almost \$4 lower
444 than the nationwide average farm wage, and it is less than
445 half of the average \$20-per-hour earned by loggers and other
446 workers in the logging industry.

447 For meat and poultry workers, the wage floor would be
448 150 percent of the Federal minimum wage, or \$10.88 per hour,
449 but even this wage is far lower than the \$12.27 through
450 \$12.40 per hour earned by meat, poultry, and other food
451 processing workers.

452 Displacement in these industries is all but guaranteed
453 under this bill. For example, employers could satisfy
454 recruiting requirements by offering \$8.34 per hour for farm
455 worker jobs. Because American workers would be unlikely to
456 apply at such reduced wages, the employer would essentially
457 be able to create an artificial "labor shortage," allowing
458 it to bring in foreign workers at those deflated wages.

459 This wage rate would devastate farm workers who are
460 already among the lowest-paid workers in the country. And
461 because of the bill's broad definition of agricultural labor
462 or services, workers would also be affected in other areas,
463 such as food processing and manufacturing, as well as
464 logging and other forestry-related activities.

465 In response to these serious shortcomings of the bill,
466 my amendment would simply revert back to the adverse effect

467 wage rate currently used in the H-2A program. Contrary to
468 the statements that H-2A wage rates are unrealistic and
469 uncompetitive, they are, in fact, the average wages actually
470 paid by employers to their nonsupervisory field and
471 livestock workers, based on surveys by the Department of
472 Agriculture. I would note that even the adverse effect wage
473 rate is not high enough. It does not reflect inflation, and
474 it is likely already affected by depressed wage rates.

475 However, my amendment still represents a notable
476 improvement in the bill and would go a long way to
477 protecting American workers. Accepting this amendment,
478 which at least retains current wage protections, represents
479 the very least that our Judiciary Committee can do to
480 protect American workers. And so, accordingly, I urge my
481 colleagues to support my amendment. I thank the chairman
482 and yield back any time that might be remaining.

483 Mr. Labrador. I oppose this amendment. The Ag Act
484 restores the forces of the free market to the agricultural
485 guestworker system in the U.S. Having a legal and mobile
486 workforce in the agriculture industry means employers will
487 have to compete to attract the most reliable and skilled
488 labor. The bill intentionally gives farmers and ranchers
489 freedom to set the terms of employment under operations,
490 while requiring that they actually do fulfill the promises
491 they offer to guestworkers.

492 Workers, especially ones no longer living in the
493 shadows, will be drawn to the employers offering the most
494 favorable wages, benefits, and working conditions. Such
495 benefits could include employer-provided housing,
496 transportation, or meals. In other cases, it will be higher
497 wages, bonuses, or a contract that guarantees a period of
498 employment that attracts workers.

499 Furthermore, the bill includes provisions allowing H-2C
500 workers to work at will rather than under a contract. This
501 will further drive competition for labor, as a worker will
502 be able to leave an at-will farm labor relationship at any
503 point at which he is not satisfied with the compensation or
504 working conditions.

505 The bottom line is that if a farmer or rancher wants to
506 attract and retain good help, he or she is going to have to
507 compete and pay for it. This can only stand to benefit the
508 domestic workforce as well.

509 And I just want to point out that I find it ironic that
510 every statement on the other side has been that the current
511 H-2 program works, when we know that the current H-2 program
512 is actually leading to increased illegal immigrations.

513 So, apparently, there is some desire to keep the status
514 quo, which leads to illegal immigration, and not to fix the
515 current problems that we have with our guestworker programs.
516 And for these reasons, I urge defeat of this amendment.

517 Mr. Nadler. Mr. Chairman, I move to strike the last
518 word. Thank you, Mr. Chairman. I represent a rather urban
519 area in Manhattan and Brooklyn, but I grew up on a farm, the
520 farm that my father bought with his GI benefits as a World
521 War II veteran, a farm that was foreclosed upon by the
522 Farmers Home Administration when all the chicken farms in
523 New Jersey failed because of bad economics in the late
524 1950s.

525 But when we had the farm, I was a young kid, but I
526 observed the guestworkers, and I observed how poorly they
527 lived at the time. There were very few of them, one or two
528 per farm, but I observed that. And now I see this bill, and
529 this bill says, essentially, we are going to remove the
530 floor on guestworkers; we are going to allow people to pay
531 below minimum wage; we are going to allow people to deduct
532 all kinds of expenses; and we are not going to compete,
533 somehow, with American workers.

534 In every other area, we want to restrict immigration
535 because we are competing with American workers, except here.
536 Because somehow it is universally admitted -- I do not know
537 why or by whom -- that subminimum-wage foreign workers will
538 not depress American wages. And we are told that we are
539 going to have at-will work. Really?

540 At-will work has been shown for hundreds of years often
541 not to be satisfactory work in terms of wages or working

542 conditions. That is why we allow unions, although it has
543 been very difficult in farm areas.

544 And this bill is simply a bill to allow a slave labor
545 system to undercut American workers, to import foreign
546 workers and exploit them, and it is immoral. And the
547 amendment we are considering makes a little more immoral,
548 but if we want a foreign workers program, first of all, you
549 start off with the proposition that everybody admits that
550 American workers will not do this work. Well, maybe for \$13
551 an hour they will not. Maybe they should be paid \$25 an
552 hour. Let the free market work. Let the free market work,
553 and see.

554 I do not believe that American workers, by the way,
555 will not work for decent wages and working conditions. Now,
556 if we have a worker shortage in this country, fine. But
557 let's see, instead of producing a program designed to afford
558 lots of laborers at subminimum wages, with lousy conditions,
559 no ability to bargain collectively, no leverage. And we
560 know the result of that. We have seen that result. We have
561 seen the slave labor over the decades in this country. We
562 do not need more of it.

563 I oppose the amendment. I oppose the bill. I yield
564 back.

565 Ms. Jackson Lee. Mr. Chairman?

566 Mr. Labrador. For what purpose does the gentlelady

567 from Texas wish to be recognized?

568 Ms. Jackson Lee. Mr. Chairman, I rise to strike the
569 last word.

570 Mr. Labrador. The gentlelady is recognized.

571 Ms. Jackson Lee. For fearing being redundant, I will
572 repeat some of the arguments that have been made over the
573 decades that many of us have been addressing this question
574 of not only farm workers in this particular program, but as
575 well, the question of immigration reform.

576 This is redundant because this bill was brought up in
577 the 113th Congress, and our friends continue to retread old
578 tires, and soon there is going to be a blowout. Maybe I
579 should say that we already have one.

580 Rather than addressing the question of comprehensive
581 immigration reform, we are, in essence, retreading these
582 torn and shredded tires, and at the same time, diminishing
583 human beings and people who simply come to this country to
584 do a job and to as well provide for their family.

585 So, I support the Conyers amendment enthusiastically.
586 But as I do so, let me offer a few thoughts about this
587 underlying bill that deals with individuals who, of course,
588 presently are undocumented. But this bill's framework is to
589 create a second-class/third-class status for the workers who
590 would have, one, second-class status, maybe moving on to a
591 third-class status.

592 The bill would also tear families apart, as it
593 prohibits spouses and children from obtaining an H-2C
594 status. Consequently, many farm workers would not come
595 forward to apply for H-2C status. The bill would also lead
596 to job losses for multitudes of U.S. workers, as employers
597 will have easy access to at least 450,000 vulnerable
598 guestworkers each year. The cap excludes at least 1.4
599 million current workers, both qualifying undocumented
600 workers and certain H-2A and H-2B workers who were employed
601 in such status prior to October 23, 2017.

602 In essence, this bill is a punitive bill. It is to
603 push against the wall basic humanity and human beings. It
604 is to ignore the general needs and concerns of farmers
605 across America.

606 We are about to enter into the year that the farm bill
607 expires, and therefore we will be dealing with the farm
608 bill. I admire, coming from Texas, the agricultural
609 industry and all that it represents, what it represents to
610 the Nation, and what it represents around the world. I am
611 proud of the technology and the quality of the product that
612 is produced, one that we are able to provide for the
613 American people, but as well, that we are able to provide
614 for around the world.

615 But this dastardly legislative initiative ignores
616 several things. One, this committee has refused to do what

617 is right, and that is to pass comprehensive immigration
618 reform. In the midst of dealing with this legislation, we
619 have thousands upon thousands of DACA students and young
620 people who warrant and deserve some kind of credible
621 congressional response, yet we have the cruelty of the White
622 House -- and it is cruel -- the teasing and the abuse of
623 cutting off the DACA, frightening young people who are in
624 their 20s and 30s and teens, scaring them from their Ph.D.
625 programs, their medical schools, their undergraduate, or
626 just work, trying to support their families.

627 Therefore, we are derelict in doing any reality check
628 on any of us in doing the job of the United States Congress.
629 Let me provide a brief civics lesson. We are an equal
630 branch of government. There is the executive, but we are an
631 equal branch. That means that maybe we should have a
632 discussion and debate about war and peace, but we should
633 have a discussion about what this country looks like with
634 respect to immigration.

635 This is a "shame on you" legislation. And so, Mr.
636 Conyers' amendment is an amendment that responds to what the
637 guestworker program is meant to do: to fill labor shortages.
638 It is an amendment that addresses the horrible aspects of
639 this bill, where it allows employers to subtract from the
640 workers' wages recruiting fees, H-2C petition application
641 filing fees, transportation to the United States, required

642 transportation to and from the worksite, required tools and
643 safety equipment, required uniform.

644 The attitude of this legislation, and it is countered
645 by Mr. Conyers' amendment, is that these workers have their
646 back against the wall; that they are, in essence, slave
647 labor; that they have no other choice, their children have
648 no other choice; they will take what we give them; and they
649 will come whether or not they are treated with such
650 disrespect.

651 Mr. Labrador. The gentlelady's time has expired.

652 Ms. Jackson Lee. So, I support the amendment of the
653 gentleman from Michigan, who I know has farms in Michigan.
654 I have heard of his great apples, and he knows the story of
655 the workers in Michigan. And I believe, Mr. Chairman, we
656 need to either go back to the drawing board, throw this bill
657 up against the bill, and start back again if all of us are
658 lucky enough to come back in the 116th Congress, because
659 this is redundant. And frankly, I believe it is not going
660 anywhere.

661 I rise to support Mr. Conyers' amendment because it
662 makes what is worse and horrible and bad -- he attempts to
663 treat these workers as human beings so that we can have a
664 viable, productive, and prosperous industry.

665 Mr. Labrador. Your time has expired. Thank you.

666 Ms. Jackson Lee. I yield back -- agricultural

667 industry. I yield back. Thank you.

668 Mr. Johnson of Georgia. Mr. Chairman?

669 Mr. Labrador. For what purpose does the gentleman wish
670 to rise?

671 Mr. Johnson of Georgia. I move to strike the last
672 word.

673 Mr. Labrador. The gentleman is recognized.

674 Mr. Johnson of Georgia. Mr. Chairman, it was said that
675 when Donald Trump was elected and sworn in as President that
676 we were going backwards, and this piece of legislation is
677 certainly a big green sign that says, "Go," as far as taking
678 us backwards. I never thought, sitting on the Judiciary
679 Committee in 2017, that I would have the opportunity to hear
680 and preside while a sharecropping system was being installed
681 in America. This is taking us back.

682 I heard the ranking member of the Immigration
683 Subcommittee liken this bill to indentured servitude, but,
684 no, it is more like a hybrid slavery/sharecropping system
685 more than indentured servitude, because in indentured
686 servitude you had the opportunity to work your way to
687 freedom.

688 This is simply a straight-out sharecropping system,
689 where the man that hires you feeds you, transports you,
690 overcharges you for the food, overcharges you for the
691 transportation, overcharges you for the housing, overcharges

692 you for the health insurance that you are going to be
693 required to purchase from the man, and with a rate of pay
694 averaging \$8.34, you can see what is going to happen.

695 At the end of the year, or at the end of the time that
696 the man allows you to be working, you are going to owe the
697 man money. And so, it is an inhumane system; no labor
698 protections.

699 This is just like sharecropping, but only it has got a
700 string attached to it, and the employer can tell you to go
701 back to your homeland whenever he or she decides they, you
702 know, "we do not need you right now. We will just bring you
703 back when we need you." This is setting up a permanent
704 second class of persons in the United States. The whip of
705 oppression is in the hand of the man.

706 The man is not really the farmer; the man is the
707 staffing agency that recruits the workers. I mean, you will
708 have to apply that cost to the workers also. The worker is
709 paying for everything, paying for the privilege to come here
710 and be exploited for their labor.

711 You know, indentured servitude yielded to slavery, and
712 it was straight-out slavery, and slavery in this country was
713 different than in other countries because here white people
714 and black people were taught that white people are superior
715 to black people, so you had this racist element of slavery
716 that took hold in America. And the legacy of which still

717 exists today.

718 And so, here we are, getting ready to institute a legal
719 system just like we had prior to the 13th Amendment and
720 prior to the Civil Rights Act of 1964, and all the way
721 through the present, where African-Americans are still
722 trying to fight for equality in America. And so, this is a
723 horrible bill.

724 I ask my colleagues to stand strong. Do not go with
725 those who want to turn the clock backwards a couple of
726 centuries. We have come too far in America to go back now.
727 And with that, I yield back.

728 Mr. Deutch. Mr. Chairman?

729 Mr. Labrador. For what purpose does the gentleman wish
730 to be recognized?

731 Mr. Deutch. I move to strike the last word.

732 Mr. Labrador. The gentleman is recognized.

733 Mr. Deutch. Thank you, Mr. Chairman. Mr. Chairman, I
734 offer my support to the Conyers amendment, which attempts to
735 make a terrible bill somewhat better, but I strongly oppose
736 the Agricultural Guestworker Act. And the reason I oppose
737 it is because we need to be clear that this is a bill that
738 will destroy American jobs.

739 It needs to be scrapped and the committee should begin
740 to work from scratch on a bill that would create an
741 effective and a workable agricultural guestworker program

742 that protects U.S. jobs, protects the viability of our
743 Nation's agricultural industry, and protects guestworkers
744 from abuse.

745 Make no mistake, this bill will cause hardworking
746 Americans to lose their jobs. It will force U.S. workers to
747 compete with low-paying agricultural guestworker visa
748 holders and to take massive pay cuts. The definition of an
749 agricultural worker in the bill is expansive. It includes
750 more industries than our Nation's growers.

751 The bill would impact our Nation's logging and forestry
752 industry, the poultry industry, the shellfish industry, food
753 processing industries. Under the bill, more than 450,000
754 visa holders will be permitted into the country to be paid
755 well below the prevailing wage in the industry.

756 For example, meat processing jobs that normally pay \$23
757 per hour could pay a visa holder \$10.87 per hour. These
758 dramatically low wages will displace U.S. workers in favor
759 of the lower-wage guestworkers under this bill, and if the
760 worker is not displaced, then this bill would create an
761 environment that will force U.S. workers to endure pay cuts
762 of up to 50 percent to keep their jobs.

763 If the bill is passed, the question is whether the
764 majority of this committee is prepared to inform the
765 forestry worker in the Northwest making \$23 per hour in an
766 often-dangerous job that they will be receiving a 50 percent

767 pay cut as they compete with guestworkers under this bill.

768 And I have to wonder whether they are prepared to tell
769 the U.S. worker in the catfish industry along the
770 Mississippi and in Louisiana that they too need to prepare
771 for a wage cut or to lose their job to the guestworker under
772 this bill. And is the majority going to inform those U.S.
773 workers in the shellfish industry in the Chesapeake Bay
774 region that they too will receive a massive pay cut or lose
775 their jobs to low-paying guestworkers under this bill?

776 Mr. Chairman, let's be clear. This bill will be
777 devastating to American workers. I strongly urge this
778 committee to protect American workers and to reject this
779 bill. Let's begin from scratch to work on the very real
780 problems in our Nation's agricultural guestworker visa
781 program, but let's do it together in a reasonable way. And
782 I yield back the balance of my time.

783 Mr. Cohen. Would the gentleman yield?

784 Mr. Deutch. I would be glad to yield to my friend from
785 Tennessee.

786 Mr. Cohen. I apologize to the committee. I came in
787 late and I am confused about this bill. This is a
788 Republican bill, and is not President Trump supposed to be
789 trying to keep jobs in America? That is why he is getting
790 out of the TPP and NAFTA in Mexico and Canada, and "Make
791 America Great Again," and protecting the American worker. I

792 do not understand your argument with that.

793 Mr. Deutch. As my friend from Tennessee knows, the
794 very essence of what we have been told is that, indeed, the
795 focus is on the American worker. This is a bill that will
796 destroy American jobs, which is why I find it so difficult
797 to understand how it is the majority has brought this bill
798 before us.

799 Mr. Cohen. So, is this something like the middle-class
800 tax break that is really about the very, very wealthy, where
801 the inheritance tax is going to be eliminated and the
802 multibillionaires are going to get multibillionaire
803 opportunities to give money down generationally to their
804 family and keep the oligarchy alive in controlling this
805 country?

806 And to where the middle class will not get a tax cut,
807 but that the upper folks will get hundreds of thousands of
808 dollars of tax cuts? And the people earning over \$700,000 a
809 year will get 75 percent? Is this similar to that, to where
810 they are saying one thing and doing another?

811 Mr. Deutch. I thank my friend for the rhetorical
812 question.

813 Mr. Cohen. And is it kind of like this committee not
814 looking at President Trump and Russia and the problems we
815 have with the interference of our election, basically an
816 invasion of our country and our democracy, and instead

817 looking at Hillary Clinton, who lost and is walking around
818 in the forests in New York?

819 Mr. Deutch. Again, my friend answers his own
820 questions. But I continue to yield to him time to do so.

821 Mr. Cohen. Well, I am worried about Hillary Clinton.
822 She is no longer a candidate. She is not really part of our
823 government, and she is walking around in the forests, and if
824 we do not have good forest workers, could she be hurt by a
825 tree falling out of the forest?

826 Mr. Deutch. And with that, I will reclaim my time and
827 yield back.

828 Mr. Labrador. I wish you would keep yielding, because
829 those questions are not working for you politically, so I
830 hope you keep asking them. But the question is on the
831 amendment.

832 Mr. Raskin. Mr. Chairman?

833 Mr. Labrador. All those in favor --

834 Mr. Raskin. Mr. Chairman?

835 Mr. Labrador. Mr. Raskin?

836 Mr. Raskin. I move to strike the last word.

837 Mr. Labrador. Yes?

838 Mr. Raskin. I move to strike the last word. Thank you
839 very much. I want to rise in favor of the Conyers
840 amendment, and also to associate myself with the remarks of
841 all of my thoughtful colleagues who are opposing this

842 dreadful legislation.

843 First, I want to echo the gentleman from Florida in
844 saying the principal economic effect of this bill will be to
845 destroy American jobs and undermine the wages and the
846 benefits of American workers. We have a minimum wage for
847 American workers, and now they want to create a subminimum
848 wage for guestworkers from abroad to come in, with
849 essentially no rights and no benefits, to take their jobs
850 away, and then to lower the minimum wage to \$8.34 per hour,
851 which in many cases will be 3, 4, 5, 6, 7, 8, 9, 10 dollars
852 less than what American workers are making under the free
853 market system, which the chairman invoked.

854 Under the free market, American workers are struggling,
855 but at least they are hanging tough in rural America. And
856 now, they want to introduce hundreds of thousands of foreign
857 guestworkers who are paid at substandard wages with
858 substandard benefits.

859 Look at the new deductions that can be made from the
860 paychecks of these guestworkers who are brought in.
861 Recruiting fees can be deducted from their paychecks. That
862 is illegal today under Federal law for American workers.
863 Petition application filing fees under H-2C can be deducted
864 from their paychecks. Transportation to the United States
865 can be deducted from their paychecks. You know, under the
866 old, discredited, infamous Bracero Program, transportation

867 at least was paid for the employers.

868 Here, they can put that on the foreign guestworker who is
869 being imported to undermine wages and benefits for American
870 workers. Required transportation to and from the work site
871 can be deducted from the wages of the guestworkers.
872 Required tools and safety equipment for the benefit for the
873 benefit of the employer can be deducted from the employee's
874 wages; required uniforms.

875 All of these things are not deductible under Federal
876 law right now for American workers, but they can be
877 deductible from the wages of these foreign guestworkers who
878 are brought in in what can only be called a system of modern
879 indentured servitude. That is what it is. They want
880 indentured servants because they are going to come here, and
881 making the magical sum of \$8.34 per hour, they are going to
882 have many, many things deducted from their wages. They will
883 be working for months and months and months before they can
884 make anything.

885 And they are not given housing under this program
886 either. That is specifically stipulated in law that there
887 is no requirement of housing. Again, that is unlike the
888 bracero program. Like my distinguished colleague from
889 Georgia says, not only does this take us back in time, it
890 takes us way back in time. This is not an early 20th
891 century program; this is like an 18th or 17th century program

892 for indentured servants.

893 You pay for your own uniforms, pay for your own tools
894 and safety. It will be months before you can make anything.
895 But, yeah, I guess you do not have to worry about your
896 family, because your family is not allowed to come. Your
897 spouse cannot be there, your children cannot be there,
898 unless the boss give you a vacation to go back home for a
899 few days to maintain your ties with the home country.

900 Mr. Chairman, this bill is an insult and an affront to
901 American workers and to the workers who would be brought
902 here under it, and the people who are pushing it know that,
903 and it is being attacked from the left to the right. Farm
904 Worker Justice Fund; Farm Workers Organization; Breitbart is
905 attacking it. Everybody knows what is going on here. Let's
906 engage in the real, substantive task of comprehensive
907 immigration reform and stop the business of exploiting
908 foreign guestworkers while undermining the position of
909 American workers. I support the Conyers amendment, and I
910 oppose this bill, and I yield back.

911 Mr. Labrador. The question is on the amendment.

912 Those in favor, say aye.

913 For what purpose does the gentleman wish to be
914 recognized?

915 Mr. Cohen. I move to strike the last word.

916 Mr. Labrador. The gentleman is recognized.

917 Mr. Cohen. Thank you, Mr. Chair. You mentioned, which
918 I think is probably accurate, that my arguments are not
919 working politically. We have a duty as members of the
920 United States Congress not to just do what works
921 politically, but works right for the people of this country
922 and what works for our government and for our people. And
923 part of what we are supposed to be doing is telling the
924 truth, not, as Bob Corker has said, being the greatest
925 untruth that has ever been at 1600 Pennsylvania Avenue.

926 Bob Corker spoke much truth today about what is
927 happening to our country, the debasing of our country. The
928 fact that people no longer have faith in our country. This
929 tax reform bill that the President says we should stay here
930 until Thanksgiving -- or particularly, he first said
931 Christmas -- is a massive, massive, massive giveaway to the
932 most wealthy people in this country, and it is being sold to
933 the middle class, people who voted for Donald Trump, as a
934 tax cut for them.

935 It is not a tax cut for them, it is tip change. It is
936 tip change to them, and it is not even good tip change, like
937 at the fine five-star restaurants in New York. It is tip
938 change at Nathan's. It is nothing. The inheritance tax
939 will take \$19 billion from our government -- \$19 billion.
940 That is after we basically stripped it away over the years
941 from being a tax on people earning over \$1.2 million, to

942 where now it is a tax on only married couples earning \$11
943 million a year and more, 0.2 percent of the economy. They
944 put that in there and they will not take it out.

945 All right, they threw up their bill and gave the upper-
946 income classes a big, big tax cut. They said, "Well, maybe
947 we will put in" -- I think Mr. Ryan said, and maybe the
948 White House, but then Mr. Mulvaney said, "No, it was not the
949 White House that did it, it was all the House" -- that there
950 might be an additional level for the ultrawealthy so they do
951 not have to get quite as much of a tax break. They may do
952 that, and they may come back on State and local government
953 taxes, but they will not come back on the inheritance tax,
954 because that is what this is about.

955 It is a big gift to the multibillionaires to give them
956 and their generational heirs a tremendous billion-dollar,
957 hundreds of millions of dollars gift, Christmas gift. We
958 should stay up here for Christmas to wrap the bow.
959 Hanukkah, 8 days. Let's give them a billion dollars this
960 day; the next day, \$200 million; the next day, \$3 billion.
961 It is a big gift to the wealthy, and that is what this bill
962 is, too. This is a gift to corporate America to rip off
963 American workers.

964 Healthcare; it has taken healthcare from people who
965 need it. And why? Because, originally, to give tax breaks
966 to the rich again, to take off the tax on income from stock

967 investments. There was an additional little tax, 2.2
968 percent, that was put on capital gains to help pay for the
969 Affordable Care Act. Their bill to try to take away
970 healthcare was really to give these tax breaks back to the
971 wealthy, which obviously did not hurt the stock market,
972 because now it is at 23 and change.

973 But nevertheless, this country, this Congress, is
974 supposed to tell the truth and do what is best for the
975 government, not supposed to win the political argument.
976 Yes, Mr. Chair, you are right. Politically, we are not
977 necessarily winning. We will win in 2018 and some of you
978 will not be back, and some of you are my friends, and I will
979 miss you. But you vote wrong; you do not vote for the
980 American people; you do not vote for the middle class; you
981 do not vote for the future of this country. You vote for
982 subterfuges to keep power, and that needs to stop. I yield
983 back the balance of my time.

984 Mr. Johnson of Georgia. Will the gentleman yield?

985 Mr. Cohen. I yield to Mr. Johnson.

986 Mr. Johnson of Georgia. Yes, what I sat here and heard
987 was the gentleman from Tennessee being attacked for
988 expressing himself during debate, and this seems to be a
989 trend also that the Trump administration has ushered into
990 the American body politic. And that is we destroy people;
991 we attack them personally, sometimes with lies, but we

992 attack them personally. It is the politics of personal
993 destruction that has invaded our deliberations in this
994 committee room. It is something that is the same as the
995 Trump administration. It is something that is wrong. We
996 have lost the ability to say, "I am sorry," when we have
997 done something wrong. We have lost, basically, respect for
998 each other. And so, as we debase these foreign workers who
999 would be indebted to the boss under this legislation, we
1000 need to find a way of getting back to America's true values.
1001 And with that, I yield back.

1002 Mr. Cohen. Thank you, Mr. Johnson. I just want to say
1003 one last thing. I understand that our chairman has sent a
1004 letter to the Justice Committee along with Mr. Gowdy, asking
1005 for the Justice Department -- Justice Department, not
1006 Committee -- to look into Hillary Clinton and all of the
1007 stuff that happened with Hillary Clinton and the FBI.
1008 Hillary Clinton lost the election flat. News bulletin;
1009 breaking news. Hillary Clinton lost the election. Donald
1010 Trump won. Investigate the winner.

1011 Mr. Labrador. For what purpose does the gentleman wish
1012 to be recognized?

1013 Mr. Gohmert. I rise in opposition to Mr. Conyers'
1014 amendment.

1015 Mr. Labrador. The gentleman is recognized.

1016 Mr. Gohmert. Thank you. I appreciated being

1017 recognized, and I appreciate my friend from Georgia
1018 acknowledging the wrong that has been done to people that
1019 are blasted by members of Congress unfairly and inaccurately
1020 and untruthfully, because that has certainly been true.
1021 Many of us have been accused of wanting to bring back
1022 slavery, of wanting to force people to work as indentured
1023 servants and slaves, when that is just a complete lie. And
1024 it serves as a debasement of this Congress, just like my
1025 friend has said, any time people on this committee are lied
1026 about, and the positions that they have taken.

1027 There is nobody that supports slavery. I thought we
1028 were pretty well all on record as being against slavery and
1029 being against indentured servitude. But I know my friends
1030 across the aisle do not intend that, but they have pushed
1031 bills that would have had that effect. And I am glad to
1032 know that we have acknowledgement that there have been lies
1033 coming from the White House. Certainly, most of us realize
1034 now that when the President said that if you like your
1035 insurance you can keep it, he knew in advance they would not
1036 keep their insurance. That was a lie.

1037 And so, I agree with my friends across the aisle, that
1038 the American public has become very suspicious of people
1039 elected in Washington because they have been lied to. They
1040 lost their insurance, they lost their doctors. Many of them
1041 lost the medicine that they were able to get before that

1042 made their way of life sustainable and even life itself
1043 sustainable, so they are very cynical about things they hear
1044 from Washington.

1045 But my friend from Tennessee made the statement that
1046 the death tax, in effect, would only help those who make
1047 more than \$11 million a year, and that is not the case.
1048 People that have worked their entire lives, an individual
1049 like my great-aunt that accumulated a more than \$5 million
1050 estate, even though it was virtually all land, the way it
1051 worked out, the IRS took every acre, everything. Lost the
1052 entire estate. Land values dropped because of action of the
1053 RTC and FDIC around her, and the IRS took every acre.
1054 People that had worked for over 100 years to accumulate
1055 land.

1056 And it works for small businesses. People work, build
1057 a family business. And I have seen it over and over again:
1058 They get to the death, which some of us think should not be
1059 a taxable event when they pass taxes on everything they have
1060 gotten over the years, and yet, as my friend from Houston,
1061 Judge Poe, has pointed out before, the death tax is
1062 basically like the guy that was ejected from his car, was
1063 killed, and a pedestrian came along and took his wallet out
1064 of his pocket while he could not defend himself.

1065 That is what the death tax is. You are dead, and here
1066 comes the government to take what you have accumulated over

1067 your life and prior generations' lives, and take it to
1068 satisfy the desires and the greed of people in Congress.
1069 So, the death tax will never affect me, but I can see its
1070 unfairness. But let's try to be fair as best we all can.
1071 The tax proposal will take most people that are paying 10
1072 percent tax, if not all, and take them to paying zero tax,
1073 and people that were paying 20, 25 percent will go to paying
1074 12. I wanted it at 10, but my party said 12.

1075 But it will be a huge tax cut for most people. And it
1076 is really unfortunate that there is being
1077 misrepresentations. There will be a huge benefit to the
1078 middle class. That is who this is going to affect, and it
1079 is not going to affect percentage-wise as much the
1080 ultrawealthy that are constantly held up. But I am told I
1081 have less assets than most people, most anybody in Congress,
1082 so, again, it is not affecting me. But I certainly stand to
1083 encourage people to work harder and to do more instead of
1084 penalizing the great efforts of people in America. I yield
1085 back.

1086 Mr. Labrador. The gentleman's time has expired. The
1087 question is on the amendment. Those in favor, say aye.

1088 Those opposed, say no.

1089 In the opinion of the chair, the noes have it, and the
1090 amendment is not agreed to.

1091 Mr. Conyers. Can we get a recorded --

1092 Mr. Labrador. A recorded vote has been requested and
1093 the clerk will call the roll.

1094 Ms. Adcock. Mr. Goodlatte?

1095 [No response]

1096 Ms. Adcock. Mr. Sensenbrenner?

1097 [No response.]

1098 Mr. Smith?

1099 Mr. Smith. No.

1100 Ms. Adcock. Mr. Smith votes no.

1101 Mr. Chabot?

1102 Mr. Chabot. No.

1103 Ms. Adcock. Mr. Chabot votes no.

1104 Mr. Issa?

1105 Mr. Issa. No.

1106 Ms. Adcock. Mr. Issa votes no.

1107 Mr. King?

1108 Mr. King. No.

1109 Ms. Adcock. Mr. King votes no.

1110 Mr. Franks?

1111 Mr. Franks. No.

1112 Ms. Adcock. Mr. Franks votes no.

1113 Mr. Gohmert?

1114 Mr. Gohmert. No.

1115 Ms. Adcock. Mr. Gohmert votes no.

1116 Mr. Jordan?

1117 [No response.]

1118 Mr. Poe?

1119 Mr. Poe. No.

1120 Ms. Adcock. Mr. Poe votes no.

1121 Mr. Marino?

1122 Mr. Marino. No.

1123 Ms. Adcock. Mr. Marino votes no.

1124 Mr. Gowdy?

1125 [No response.]

1126 Mr. Labrador?

1127 Mr. Labrador. No.

1128 Ms. Adcock. Mr. Labrador votes no.

1129 Mr. Farenthold?

1130 Mr. Farenthold. No.

1131 Ms. Adcock. Mr. Farenthold votes no.

1132 Mr. Collins?

1133 Mr. Collins. No.

1134 Ms. Adcock. Mr. Collins votes no.

1135 Mr. DeSantis?

1136 [No response.]

1137 Mr. Buck?

1138 Mr. Buck. No.

1139 Ms. Adcock. Mr. Buck votes no.

1140 Mr. Ratcliffe?

1141 [No response.]

1142 Mrs. Roby?
1143 Mrs. Roby. No.
1144 Ms. Adcock. Mrs. Roby votes no.
1145 Mr. Gaetz?
1146 [No response.]
1147 Mr. Johnson of Louisiana?
1148 Mr. Johnson of Louisiana. No.
1149 Ms. Adcock. Mr. Johnson votes no.
1150 Mr. Biggs?
1151 Mr. Biggs. No.
1152 Ms. Adcock. Mr. Biggs votes no.
1153 Mr. Rutherford?
1154 [No response.]
1155 Mrs. Handel?
1156 Mrs. Handel. No.
1157 Ms. Adcock. Mrs. Handel votes no.
1158 Mr. Conyers?
1159 Mr. Conyers. Aye.
1160 Ms. Adcock. Mr. Conyers votes aye.
1161 Mr. Nadler?
1162 Mr. Nadler. Aye.
1163 Ms. Adcock. Mr. Nadler votes aye.
1164 Ms. Lofgren?
1165 Ms. Lofgren. Aye.
1166 Ms. Adcock. Ms. Lofgren votes aye.

1167 Ms. Jackson Lee?
1168 [No response.]
1169 Mr. Cohen?
1170 Mr. Cohen. Aye.
1171 Ms. Adcock. Mr. Cohen votes aye.
1172 Mr. Johnson of Georgia?
1173 Mr. Johnson of Georgia. Aye.
1174 Ms. Adcock. Mr. Johnson votes aye.
1175 Mr. Deutch?
1176 Mr. Deutch. Aye.
1177 Ms. Adcock. Mr. Deutch votes aye.
1178 Mr. Gutierrez?
1179 Mr. Gutierrez. Aye.
1180 Ms. Adcock. Mr. Gutierrez votes aye.
1181 Ms. Bass?
1182 [No response.]
1183 Mr. Richmond?
1184 Mr. Richmond. Aye.
1185 Ms. Adcock. Mr. Richmond votes aye.
1186 Mr. Jeffries?
1187 [No response.]
1188 Mr. Cicilline?
1189 Mr. Cicilline. Aye.
1190 Ms. Adcock. Mr. Cicilline votes aye.
1191 Mr. Swalwell?

1192 [No response.]

1193 Mr. Lieu?

1194 Mr. Lieu. Aye.

1195 Ms. Adcock. Mr. Lieu votes aye.

1196 Mr. Raskin?

1197 Mr. Raskin. Aye.

1198 Ms. Adcock. Mr. Raskin votes aye.

1199 Ms. Jayapal?

1200 Ms. Jayapal. Aye.

1201 Ms. Adcock. Ms. Jayapal votes aye.

1202 Mr. Schneider?

1203 Mr. Schneider. Aye.

1204 Ms. Adcock. Mr. Schneider votes aye.

1205 Chairman Goodlatte. No.

1206 Ms. Adcock. Mr. Goodlatte votes no.

1207 Mr. Labrador. How is the lady from Texas recorded?

1208 Ms. Adcock. Not recorded.

1209 Mr. Labrador. You are not recorded.

1210 Ms. Adcock. Not recorded.

1211 Ms. Jackson Lee. Aye.

1212 Ms. Adcock. Ms. Jackson Lee votes aye.

1213 Mr. Labrador. The clerk will report.

1214 Ms. Adcock. Mr. Chairman, 14 members voted aye; 17

1215 members voted no.

1216 Mr. Labrador. The noes have it and the amendment is

1217 not agreed to. Are there any other amendments? Mr. Johnson
1218 from Louisiana?

1219 Mr. Johnson of Louisiana. Thank you, Mr. Chairman. I
1220 have an amendment at the desk.

1221 Mr. Labrador. The clerk will report the amendment.

1222 Ms. Adcock. Amendment to the amendment in the nature
1223 of a substitute, offered by Mr. Goodlatte of Virginia,
1224 offered by Mr. Johnson of Louisiana. After section 9,
1225 insert the following --

1226 [The amendment of Mr. Johnson of Louisiana follows:]

1227 ***** COMMITTEE INSERT *****

1228 Mr. Labrador. Without objection, the amendment is
1229 considered as read and the gentleman is recognized.

1230 Mr. Johnson of Louisiana. Thank you, Mr. Chairman. My
1231 amendment today seeks to add a simple reporting requirement
1232 in the Agricultural Guestworker Act. Specifically, the new
1233 report would require the Department of Homeland Security, in
1234 consultation with the Department of Agriculture, to provide
1235 a report within 3 years after the H-2C program becomes
1236 active to review H-2C worker compliance and any violations
1237 of the provisions included in this legislation.

1238 Additionally, my amendment includes pertinent
1239 information to both the House and Senate Judiciary
1240 Committees on potential violations of H-2C workers who fail
1241 to abide by the length of stay, per the touchback
1242 requirements, and remain illegally present in the United
1243 States. Currently, there is no official reporting on
1244 temporary guestworkers, and we have to bring this
1245 information into light. Without this info, we have no idea
1246 how long these visa holders stay in the U.S. or whether the
1247 new visa program is broken.

1248 Instead of Congress waiting to act, my amendment gives
1249 a clear understanding of whether the new H-2C program and
1250 the mechanisms within the bill are working as intended to
1251 ensure farmers and ranchers have access to a legal
1252 workforce. I encourage my colleagues to support the

1253 amendment, which also reflects priorities supported by the
1254 White House, and I yield back the balance of my time.

1255 Mr. Labrador. Thank you. I recognize myself. The
1256 gentleman from Louisiana's amendment will require the
1257 Secretaries of Homeland Security and Agriculture to report
1258 to Congress with valuable data on initial compliance with
1259 the terms of the new H-2C program. Such information will be
1260 critical to jumpstarting the Judiciary Committee's oversight
1261 of the implementation and operation of the Ag Act. I urge
1262 support of this very constructive amendment.

1263 Mr. Gutierrez. Mr. Chairman?

1264 Mr. Labrador. The question is on --

1265 Mr. Gutierrez. Mr. Chairman?

1266 Mr. Labrador. The gentleman from Illinois.

1267 Mr. Gutierrez. Thank you, Mr. Chairman. I move to
1268 strike the last word.

1269 Mr. Labrador. The gentleman is recognized.

1270 Mr. Gutierrez. I am sorry I have been a bit late.
1271 There is another crisis going on which Mr. Richmond knows
1272 much of since he experienced it once before on the island of
1273 Puerto Rico. So, I apologize for being late, but much work
1274 has to be done there as there are over 500,000 American
1275 citizens that are homeless, without water, without shelter,
1276 without electricity. And I know, because I just came back
1277 from spending 3 days there. So, I wanted to come back down

1278 here and renew my work here on this important endeavor here
1279 on the Judiciary Committee.

1280 And a couple of things. I guess we are going to do
1281 this all over again since this legislation, like all
1282 legislation has in the past, is not going anywhere. So,
1283 everybody out there that thinks that this is going to become
1284 law and somehow get signed by the President of the United
1285 States is just living another fantasy. The fact is that
1286 there would literally be no food on the shelves at your
1287 grocery store if this legislation would be enacted.

1288 I mean, just think of how ridiculous, silly, unworkable
1289 it would be to tell most of the agricultural workers today
1290 that are out in the fields today, providing everybody in
1291 this room with the food you are going to eat when you go to
1292 the grocery store, the food you will purchase tonight, with
1293 the food, that they are all of a sudden going to wake up and
1294 say, "Oh, yes, let me just go back to Mexico. Let me go
1295 back to Guatemala. Let me go back to El Salvador, because I
1296 am really sure they are going to let me back in and go back
1297 to that farm." Nobody is going to do that.

1298 Most of these agricultural workers have been 15, 20
1299 years. They are not going to sign up for a program when we
1300 have someone in the White House whose main tenet is what?
1301 Mexicans are murderers, rapists, drug dealers, and we have
1302 got to get rid of them. You know what this sounds like?

1303 The "get rid of them" part of that speech when he started
1304 his campaign for President of the United States. And he has
1305 changed on a few things, but he has not changed about this.
1306 This is a cornerstone of his public policy. So, who is
1307 going to sign up for that program? What you would do is
1308 crush, debilitate, and actually eliminate the agricultural
1309 workers. And for all of us that are signing for one moment,
1310 saying, "Oh, these will be jobs for American workers to take
1311 over," sure. Really? Under the hot-baked sun of Texas,
1312 Americans are going to go out and pick onions.

1313 I have been all over the fields of California and
1314 Oregon and Washington, and, yes, out in North Carolina,
1315 Mississippi, and Georgia. I assure you, in most of the
1316 places I went to, there are no Americans that want to do the
1317 jobs. They are gainfully employed in other endeavors. And
1318 yet somebody has to work the land.

1319 And so, what is our response? Sign up for a program;
1320 leave with the promise that, somehow, you are going to be
1321 able to come back. That is their touchback. That is the
1322 fantasy. We do not need a touchback. What we need to do is
1323 get a real program that puts agricultural workers -- and
1324 later on, I am going to put as an amendment a bill that I
1325 and Senator Feinstein have introduced for agricultural work,
1326 a real agricultural worker bill that supports agriculture
1327 worker and agriculture and farmers. Every farmer that has

1328 come here, you know what they say? They say the workers
1329 that come and work are like their family, some of them
1330 coming for decades. They love them. They care for them.
1331 You do not send somebody away; they are probably never going
1332 to come back.

1333 And I just thought, as I was coming down here, "Oh,
1334 maybe we are finally going to deal with DACA since the clock
1335 is ticking." December 8th, December 9th. It is coming, and
1336 we have to deal with it. And you say, well, why did I use
1337 that date when the President gave 6 months? Because that is
1338 the next time we have a budget, and maybe we are going to
1339 wait for the budget. Maybe in the budget it is going to
1340 appear. Green cards and a pathway to citizenship in the
1341 next budget.

1342 Because I have got to tell you, and I think I believe
1343 for a growing number of people on my side of the aisle, if
1344 the Republicans present a Republican budget and not a
1345 bipartisan budget that does not include a solution for our
1346 DREAMers, I hope they have 218 votes to pass that budget,
1347 because I have checked all of the last budgets in recent
1348 memories, and they always pass with members on this side of
1349 the aisle. As a matter of fact, there were Republicans
1350 voting against aid for Hurricane Harvey in Texas. As I
1351 recall, 90 of them, four of them from Texas. So, maybe that
1352 is where we are waiting for it to get done.

1353 And we will not do it in the Judiciary Committee, where
1354 we are supposed to be doing it. We will just wait for the
1355 budget to show up and somehow there is the answer on what we
1356 are going to be doing.

1357 Mr. Labrador. The gentleman's time has expired. The
1358 question is on the amendment.

1359 Those in favor, say aye.

1360 Those oppose, say no.

1361 In the opinion of the chair, the ayes have it and the
1362 amendment is agreed to.

1363 Ms. Lofgren. I have an amendment at the desk.

1364 Mr. Labrador. The clerk will report the amendment.

1365 Ms. Adcock. Amendment to the amendment in the nature
1366 of a substitute, offered by Ms. Lofgren. Page 2, strike
1367 line 17, and redesignate provisions --

1368 [The amendment of Ms. Lofgren follows:]

1369 ***** COMMITTEE INSERT *****

1370 Mr. Labrador. Without objection, the amendment is
1371 considered is read and the gentlewoman is recognized.

1372 Ms. Lofgren. This amendment would prohibit H-2C
1373 workers from being used to displace U.S. workers in the
1374 logging and forestry industry. As has been mentioned, the
1375 bill creates a program that would initially allow employers
1376 to bring in 450,000 new workers per year. The cap increases
1377 because it is cumulative, so we are looking at the potential
1378 of millions of guestworkers coming in, working not just on
1379 farms and the traditional role of agriculture, but on areas
1380 that had previously not been included in the H-2A program,
1381 including food processing, manufacturing, shellfish
1382 processing, and forestry-related activities.

1383 Although certain temporary seasonal jobs in these areas
1384 may currently be filled by H-2A or H-2B workers, the new
1385 definition in this bill would allow year-round work in all
1386 occupations in these areas. Now, the bill creates an
1387 ostensible wage floor of 115 percent of the Federal minimum
1388 wage, or \$8.34 per hour, but this wage floor is actually
1389 much lower, as we have discussed earlier, and there is an
1390 exemption from the Fair Labor Standards Act recognizing that
1391 that floor is illusionary.

1392 Now, let's take a look at what this means in forestry.
1393 According to the Department of Labor, workers in the
1394 forestry occupations earn about \$20 an hour. Wages can go

1395 much higher than that. On average, loggers earn about
1396 \$19.46 per hour, fallers earn \$21.47 per hour, and foresters
1397 average \$32.62 per hour. Now, if you take a look at the
1398 competition created by this bill for those \$32-an-hour jobs,
1399 it is \$8.34 for foreign workers, or below. In short, the
1400 bill allows employers to cumulatively bring in hundreds of
1401 thousands, if not millions, of people to compete with
1402 forestry workers who were being paid far more than that.

1403 Now, the H-2C workers now have to be paid at least the
1404 actual wage level paid by all works. Now, why is that not a
1405 protection? The provision is meaningless and unenforceable,
1406 and you can see why if you take a look at the H-1B program,
1407 which has the same provision. The prevailing wage is the
1408 only requirement that is ever enforced because those are the
1409 only things that are able to be determined. The other
1410 provision is never utilized, one of the problems in the H1-B
1411 program that we should work together to resolve.

1412 The actual wage provision in the bill only requires the
1413 employer to consider the wages of his own employees, so that
1414 even if the logger is being paid \$20 or \$30 an hour, the
1415 employer can recruit H-2C workers at a far lower rate if the
1416 employer currently employs no such workers or if it employs
1417 one or more workers at the lower rate. This would allow
1418 employers who are unscrupulous to unfairly compete with
1419 employers who are trying to do the right thing and drive

1420 wages down for everybody.

1421 Second, the provision only requires employers to
1422 consider workers with similar skills and experience. This
1423 effectively allows an employer to avoid the actual wage
1424 requirement when it seeks to bring in entry-level
1425 guestworkers to displace more experienced U.S. workers,
1426 replacing \$20- or \$30-an-hour Americans with inexperienced
1427 loggers at \$8.34 per hour. And third, the provision only
1428 requires employers to consider the wages of his workers in
1429 the same geographic area. So, for example, a North Carolina
1430 logging company that currently employs no loggers in the
1431 State of Washington could avoid the actual wage requirement
1432 when seeking to bring loggers, even experienced ones, into
1433 Washington State to log.

1434 We know that this will undercut American wages for
1435 American workers in the forestry and logging industry.
1436 These guestworker programs, as designed in this bill, do not
1437 follow free-market principles. And I am not a defender of
1438 H-2A program; I think there are improvements that can be
1439 made in the H-2A program. However, this bill essentially
1440 eviscerates protections and would severely undercut
1441 protections for American workers, and this amendment would
1442 at least eliminate that when it comes to forestry workers.
1443 I yield back, Mr. Chairman.

1444 Mr. Labrador. Thank you. I oppose this amendment.

1445 Forestry workers are currently split arbitrarily between H-
1446 2A and the H-2B programs. You know, currently, the logging
1447 is under the H-2A program, and reforestation is under the H-
1448 2B program. What the Ag Act does, it includes forestry
1449 workers currently not under H-2A to be a component of the H-
1450 2C program. It is just trying to make everyone under the
1451 same program. It is a system that currently works and that
1452 currently is in use. And for that reason, I think this is
1453 just trying to simplify a guestworker program, not make it
1454 more difficult. And for that reason, I oppose the
1455 amendment.

1456 Ms. Lofgren. Will the gentleman yield?

1457 Mr. Labrador. Yes.

1458 Ms. Lofgren. I would note that both the H-2A and H-2C
1459 programs, as currently envisioned, relate only to temporary,
1460 seasonal provisions. None of them relate to permanent jobs
1461 at this bill does.

1462 Mr. Labrador. Correct. But I have been hearing for
1463 the last 6 years that I have been in this committee that
1464 there is jobs that Americans will not work, but apparently,
1465 in this committee today, all we are hearing about is that
1466 the other side believes that there are jobs that they will
1467 work, which I also agree with.

1468 And I am just confused because my head is spinning
1469 today, between the argument that Americans will not take

1470 some jobs and that Americans will take some jobs. And what
1471 it appears to me is that the other side just wants to have
1472 an illegal work force and not a legal work force, which is
1473 what this bill is attempting to do, which is to actually
1474 bring us to the modern 21st century and have a program that
1475 legalizes people and that brings legal workers to the United
1476 States. And with that --

1477 Mr. Gutierrez. Mr. Chairman?

1478 Mr. Labrador. Yes?

1479 Mr. Gutierrez. I move to strike the last word.

1480 Mr. Labrador. The gentleman is recognized.

1481 Mr. Gutierrez. No. Quite the opposite. We are happy
1482 to protect sectors of our economy, and rightfully so. I
1483 have always been one that said that those who come to
1484 America should take the jobs that are there, and that
1485 Americans -- those that are born here; what a nativist
1486 notion I have -- should be the first to get those jobs. And
1487 where we ever see any contradiction in that, we should step
1488 up and clarify that.

1489 That is something that has been very clear. This has
1490 been very clear in every proposal that we have made over the
1491 last 10 years. In fact, those that keep Americans out of
1492 those jobs are members of the other side, by never solving
1493 the problem.

1494 So, in other words, you keep 11 million people

1495 undocumented in the United States by never solving the
1496 problem. Because every time there is a solution to the
1497 problem, you object. I remember, in the Senate,
1498 comprehensive immigration reform was passed. I think it was
1499 69 members. And just so that we get clear, although we are
1500 not talking about it, the last measure was to add, like, \$40
1501 billion for border control. Just \$40 billion to get two
1502 more Republicans to join. That is how much Democrats want
1503 to be in touch.

1504 And they said "No" here in the House. We went on, and
1505 on, and on, and on. Let me see. That was 2013. So we did
1506 2013, 2014, 2015, 2016. Nothing that happened. What we do
1507 is we do these bills, and it makes everybody feel good. I
1508 have not seen a single measure leave this committee since I
1509 have been here that has actually been enacted into law when
1510 it is with regard to immigration. Why? Because we never
1511 want to solve the problem. Because if we truly wanted to
1512 solve the problem, we would work together and find
1513 commonality in solving that problem.

1514 So, actually, there are 11 million undocumented workers
1515 because the other side refuses to really come to grasp with
1516 a solution for the issue. We are happy to do it. We want
1517 border security and enforcement. Last time I checked, there
1518 were \$40 billion additional money to do that. And it was
1519 not like everybody was over here, jumping with joy over how

1520 it was going to get spent. But we are ready to sit down and
1521 make some of the issues that are necessary come to fruition.

1522 So, here is what I would say. If there are jobs that
1523 are threatened by programs in which we invite programs from
1524 foreign countries to come, we should protect those workers.
1525 And I think that is what the gentlelady from California is
1526 doing. That is Americanism, right? That is putting
1527 Americans first. We should always do that. That does not
1528 mean that that is somehow in contradiction with welcoming
1529 immigrants to do jobs in America: that we both know.

1530 So, let's not, like, kind of say, "Oh, well" -- your
1531 head is spinning, and you are not quite sure of what we are
1532 saying. Okay. I will take you to fields in California, and
1533 we will put up a sign, and we will say, "American citizens
1534 need apply," and we will send them out there to see how long
1535 they sit. Well, they actually do not sit because you have
1536 to kneel to get the garlic out of the ground all day. And
1537 then, we will take them to Texas, and then we will take them
1538 to pick oranges, and we will see how long people actually
1539 last.

1540 I am going to be the first one to say that -- I did not
1541 send my daughters to college to work in the fields. Having
1542 said that, there is honor in working the land, and working
1543 the land is an important attribute that should be -- how
1544 would I say -- cherished and rewarded in America, because I

1545 do not see a darn difference between the value of that work
1546 and working the land, and making sure that that worker is
1547 respected, and that the work that he does is something that
1548 we highlight. And an engineer or a doctor, they are all
1549 necessary in our society and they should all be respected.

1550 We should not have, "Well, you know, those that are
1551 really, really smart, they are good, because they work in
1552 the high-tech industry, or they are doctors, they are
1553 lawyers, they are engineers." And, you know, if you are
1554 working the dirt, so what? So, I would just say, there is
1555 really no contradiction. I do not understand why the
1556 majority would not adopt this amendment. Yeah, I will yield
1557 to the gentlelady.

1558 Ms. Lofgren. I thank the gentleman for yielding. Your
1559 statements are correct. If you had a shortage of loggers
1560 that are being paid \$30 an hour, the solution is not to
1561 bring in a million people you are going to pay \$6 an hour to
1562 and displace the people who are working for \$30 an hour.
1563 That is just gutting American workers. We could work
1564 together to come up with a program that met the economic
1565 needs of our society, but did not trash American workers.
1566 This bill does trash American workers. I thank the
1567 gentleman for yielding.

1568 Mr. Gutierrez. You are welcome. My time has expired.

1569 Ms. Jayapal. Mr. Chairman?

1570 Mr. Labrador. The question is on the amendment. Those
1571 in --

1572 Ms. Jayapal. Mr. Chairman?

1573 Mr. Labrador. The --

1574 Ms. Jayapal. Thank you, Mr. Chairman. My head is
1575 spinning, too. I think you and I are in the same place on
1576 that, because this bill is such a contradiction of so much
1577 that we have heard from the other side. The one thing I
1578 will say is it does recognize the importance of immigrant
1579 workers to the agricultural industry. I think that is very
1580 clear through this bill, which attempts to bring in more
1581 immigrant workers -- to recognize that we would collapse
1582 without the work of immigrant work force in the agricultural
1583 industry. However, it is horrendous in that it does that
1584 while stripping workers of their rights and threatening the
1585 jobs of American workers.

1586 You know, I am from the State of Washington, so I
1587 appreciate Ms. Lofgren's points, because the logging
1588 industry is a highly-paid industry because it is one of the
1589 most dangerous industries. And we have seen numerous
1590 injuries, deaths.

1591 I mean, the people that work in that industry really
1592 are taking a lot of risks. And the salary is high, in part,
1593 to reward them for that. But this bill would undercut all
1594 of that. And I think that if we are looking at what we need

1595 to do, it is not that we need to go back to the drawing
1596 board to figure out what the solution is.

1597 In fact, in 2013, as Mr. Gutierrez referenced, there
1598 was a very carefully crafted compromise on agricultural
1599 workers that had everybody at the table recognize that we
1600 have a lot of work that needs to be done. And that bill
1601 was, I think, a very good attempt to address the real issues
1602 that we have, to allow these agricultural workers to have
1603 dignity, and to have status, and to have rights on the job,
1604 which this bill would completely undercut.

1605 And you know, when we talk about the workforce and
1606 whether there are Americans capable of doing the same jobs,
1607 and willing to do the same jobs, I would just reference us
1608 back to the points that Mr. Nadler made earlier on in this
1609 hearing, which is that if we were to provide wages that
1610 recognized the tremendous hard work that is required, and
1611 the skills that are required.

1612 The idea that these agricultural jobs are low-skilled
1613 jobs is just not true. My State of Washington has a
1614 tremendous agricultural industry, and we have come together
1615 -- Democrats and Republicans across the aisle -- to
1616 recognize that, in fact, people do not necessarily want just
1617 seasonal workers for every single one of these jobs. What
1618 we need is essential workers, people who understand how to
1619 pick the produce in an effective and efficient way.

1620 And that comes through years of experience. So, if we
1621 really wanted to do something here, we would recognize that,
1622 first of all, it is a fallacy that immigrants take jobs away
1623 from American workers.

1624 All of the studies show that that is simply not true on
1625 a number of levels. And number two, that we should make
1626 sure that we are actually doing what would threaten the jobs
1627 of American workers, which is having a playing field that is
1628 not level. That is what this bill does, is it creates a
1629 playing field that is not level by undercutting the wages of
1630 American workers and making it so cheap to hire these
1631 guestworkers, going back to lessons we should have learned
1632 from the bracero program.

1633 So, my head is spinning too, because everything that we
1634 are told from the other side about how we need to make sure
1635 that we are not flooding the country with cheap labor, the
1636 reality is that is exactly what this bill does. And that is
1637 why -- I had it up on my phone a minute ago, but I lost it
1638 here -- but that is why Breitbart -- not a source I often
1639 quote -- but that is why Breitbart also agrees that this is
1640 a bad idea. It is a bad bill on every level.

1641 And if we really wanted to solve this, and I believe
1642 there are Republicans and Democrats that do want to solve
1643 this, in states like Kansas, and places across the country,
1644 where industries would collapse without the workforce, the

1645 agricultural immigrant workforce, then let's go back to
1646 either Mr. Gutierrez's bill that he introduced this year or
1647 the bill that was agreed to in 2013.

1648 Mr. Gutierrez. Will the gentlelady yield for 1 minute?

1649 Ms. Jayapal. That is a real solution. And I will
1650 yield in just 1 second.

1651 Mr. Gutierrez. Thank you.

1652 Ms. Jayapal. I just want to say that in addition to
1653 everything that we are talking about, I have an amendment
1654 around the 10 percent wage deduction, but this is just
1655 outrageous. So, I will yield to the gentleman from
1656 Illinois.

1657 Mr. Gutierrez. Thank you. All we really have to do
1658 is, if we wanted to get something passed, is in the Senate
1659 bill: from the moment the agricultural component of
1660 comprehensive immigration reform was introduced, to the
1661 moment it exited, there was not one amendment made to it.
1662 That is what kind of bipartisan consensus it had. Growers
1663 and workers all in agreement, Republicans, and Democrats,
1664 not a single amendment. That seems to be a place that we
1665 should start instead of a place where we are fractured. I
1666 thank the gentlelady.

1667 Ms. Jayapal. I yield back.

1668 Mr. Labrador. The question is on the amendment --

1669 Mr. Raskin. Mr. Chairman?

1670 Mr. Labrador. For what purpose does the gentleman wish
1671 to be recognized?

1672 Mr. Raskin. Move to strike the last word.

1673 Mr. Labrador. The gentleman is recognized.

1674 Mr. Raskin. I rise in support of Ms. Lofgren's
1675 amendment, because I want to very strongly resist the
1676 expansion of the exploitable agricultural workforce
1677 contemplated by this legislation to people working in
1678 forestry.

1679 So, here we have a very large pool of good jobs held by
1680 overwhelmingly U.S. citizens, that are well-paid with lots
1681 of benefits. And you propose dragging them into this new
1682 form of quasi-indentured servitude competition, where they
1683 have got to go up against workers who are making less than
1684 \$8.50 an hour.

1685 And I want to just amend my prior remarks by saying I
1686 understated the number of deductions that are going to be
1687 taken out of their paychecks. Remember, I said that the law
1688 now specifically allows these sub-minimum wage workers to
1689 have deducted from their salaries recruiting fees, H-2C
1690 petition application filing fees, their transportation costs
1691 to and from the United States, required transportation to
1692 and from the worksite, required tools, and safety equipment,
1693 and required uniforms.

1694 On that alone it would take them months to begin to

1695 break even. But then, what I omitted to say was there also
1696 a statutory requirement of a 10 percent wage deduction,
1697 which is to be held from their wages, withholden from their
1698 wages, in order to guarantee that they will eventually leave
1699 the country.

1700 And also, they are required to buy their own health
1701 insurance -- which I thought something my colleagues across
1702 the aisle were generally opposed to, the individual mandate
1703 -- but there is an individual mandate that they have got to
1704 buy their own healthcare insurance, and it can be deducted
1705 from their wages by their employers.

1706 So, then you are putting American workers in forestry
1707 and logging up against these people in competition for work.
1708 I mean, that is just a remarkably cynical and sinister thing
1709 to do. I understand that the agricultural workers who
1710 traditionally have been excluded from the protections of
1711 Federal labor law, that was a fatal compromise that was made
1712 back with the National Labor Relations Act in the 1930s,
1713 when the agricultural workers were excluded. But now they
1714 want to expand the notion of who is an agricultural worker.

1715 And not only that, these people who were brought here
1716 with essentially substandard wages, substandard benefits,
1717 and all of these mandatory and discretionary deductions from
1718 their paychecks will not have any access to any legal help
1719 because it is built into the legislation that they cannot

1720 receive any assistance from Federal legal aid. And before
1721 they sue their bosses, they have to go to a mediator first -
1722 - which is almost comical -- and then the employer can also
1723 coerce them through their contracts into mandatory
1724 arbitration, so that they never get even the minimal rights
1725 that are left to them after the Cuisinart of this
1726 legislation.

1727 They are not even going to be able to enforce those
1728 rights because they are going to have to go to an arbitrator
1729 who doubtless will be selected by the boss.

1730 This is the "Grapes of Wrath" on steroids, and we need
1731 to pass this amendment to keep it from creeping and
1732 expanding outwards to dramatically undermine the rights of
1733 all American workers. I favor the Lofgren amendment, and I
1734 yield back.

1735 Mr. Issa. Would the gentleman yield?

1736 Mr. Raskin. Yes, by all means.

1737 Mr. Issa. Can I take it from this that you are not
1738 happy by the bill?

1739 Mr. Raskin. I am shocked by the bill, actually. But I
1740 was pleased to hear Mr. Gutierrez say that it is not being
1741 undertaken seriously by your side, because -- and I have
1742 only been here 10 months, but he tells -- he tells us, in
1743 fact, that this is all for show. So, I feel better now.

1744 Mr. Issa. Well, if the gentleman would further yield.

1745 Mr. Raskin. By all means.

1746 Mr. Issa. I have been here 17 years, nearly. And this
1747 is one of the few times we have ever brought a bill before
1748 this committee to deal with the problems that, at least us
1749 in California -- we in California -- have had the entire
1750 time I have been in Congress. As the gentleman probably
1751 knows, at least in California, virtually all of our on-the-
1752 farm agricultural workers, currently, in California, are
1753 here undocumented.

1754 So, you know, my question in the gentleman's comments,
1755 I --

1756 Mr. Raskin. So, is this for their benefit? Is it --

1757 Mr. Issa. Well, no. Well, that is my question to you.

1758 Mr. Raskin. Well, it is not my legislation. You tell
1759 me, because --

1760 Mr. Issa. No, but my question to you is in --

1761 Mr. Raskin. -- lobbying for it.

1762 Mr. Issa. -- is the gentleman was mentioning an awful
1763 lot of things that are not protected, not protected. But if
1764 we assume for a moment that virtually all of the ag workers
1765 in California are undocumented, do they have any of those
1766 protections today, including the uniform, all these others?
1767 Because my concern is not that the gentleman's wrong, that
1768 we could not make it better. My concern is that if we do
1769 nothing, the status quo certainly meets none of the

1770 requirements the gentleman was talking about.

1771 Ms. Lofgren. Would the gentleman yield?

1772 Mr. Raskin. Well, no, if I could just respond for one
1773 second, I will yield in a moment. But I think we are
1774 getting somewhere in the conversation, because what you
1775 essentially propose to do is to say you have a class of
1776 people who are here undocumented, and they essentially have
1777 no rights, because they are undocumented. Let's freeze that
1778 into law and build it into the law, and exert a permanent
1779 drain and downward effect on the wages of American workers.

1780 Mr. Labrador. The gentleman's time has expired.

1781 Mr. Raskin. And I would say, "Why do we not use it
1782 instead to lift everybody's wages and benefits up and to
1783 help the people who are in the farms?"

1784 Mr. Labrador. The gentleman's time has expired.

1785 Mr. Conyers. Mr. Chairman?

1786 Mr. Labrador. For what purpose does the gentleman wish
1787 to be recognized?

1788 Mr. Conyers. To strike the last word.

1789 Mr. Labrador. The gentleman is recognized.

1790 Mr. Conyers. And I yield to the gentlelady from
1791 California.

1792 Ms. Lofgren. I thank the ranking member for yielding.
1793 You know, like the gentleman from San Diego, I have been on
1794 this committee for a substantial period of time, and have

1795 lived in California all my life. And we do have a farm
1796 labor shortage in California. And I have advocated -- I am
1797 a cosponsor of Mr. Gutierrez's bill, the Ag Act -- I have
1798 never heard the farmers in Salinas, for example, coming into
1799 tell me that the way to resolve the shortage is to pay
1800 people \$4 or \$5 an hour.

1801 Those farm workers have protections in California right
1802 now. California has enacted legislation to protect farm
1803 workers. They are entitled to overtime in California and
1804 minimum wage standards.

1805 So, this would preempt all of that by creating an army
1806 of low-wage competitors for people who are currently
1807 protected by the Fair Labor Standards Act, California law,
1808 and the like. That diverges a little bit from the amendment
1809 itself, which is aimed at forestry.

1810 The forestry provisions right now -- you can use H-2A
1811 or H-2B, depending on the exact provisions -- for seasonal
1812 workers. And you actually have to pay a wage that is what
1813 is being paid in the field, the prevailing wage. I am not
1814 saying that the H-2A program is perfect. I am sure we could
1815 make improvements on it. But to say that we are going to go
1816 below the Federal minimum wage and eliminate all protections
1817 is not improvement to that program.

1818 Voice. Will the gentlelady yield?

1819 Ms. Lofgren. Not yet, I will not. I would like to

1820 complete my sentence. The idea that gutting the wage scale
1821 for Americans who are currently permanently employed in
1822 forestry, earning 20 or \$30 an hour, by allowing an army of
1823 H-2C workers to come in at wages that are \$8.34 an hour or
1824 less, there is no other reason to exempt these workers from
1825 the protections of the Fair Labor Standards Act if there is
1826 not an anticipation that they will, in fact, be paid less
1827 than a minimum wage, because of the deductions that are
1828 provided for in the actual bill.

1829 And that would be recruiting fees, immigration petition
1830 application fees, transportation to the United States,
1831 required transportation to and from the worksite, required
1832 tools and safety equipment, and uniforms, if needed.

1833 And this is why this is so pernicious. In *Arriaga v.*
1834 *Florida*, there was a finding that you could not charge these
1835 fees against the temporary worker in the H-2A program unless
1836 the benefit was to them. On page 17, the bill changes
1837 current law by requiring courts and government agencies to
1838 interpret the bill and other applicable law and regulations
1839 so that H-2C workers' services and the work opportunities
1840 afforded to such workers, quote, "mutually benefit such
1841 workers, as well as their families and employers, and
1842 principally benefit neither employer nor employee."

1843 That provision is specifically to overturn the *Arriaga*
1844 case, which provides protection against H-2A employees from

1845 having their wages have these deductions. So, it is not a
1846 fantasy that we are talking about substantial numbers of
1847 workers who would come a subminimum wage to compete with
1848 American workers earning \$20, or \$30, or more.

1849 In the Salinas Valley, and even in the Santa Clara
1850 Valley, I have met workers who are highly-skilled mushroom
1851 cutters that are paid 25, 30, and more dollars an hour. It
1852 is highly-skilled work. Why should those people be undercut
1853 by people being paid a subminimum wage?

1854 So, I have got other amendments and I know other
1855 members do, but as to forestry, there is really no excuse
1856 for this provision. We could craft a provision that meets
1857 the needs, if there is a shortage in forestry. We could do
1858 that without undercutting American workers who work in the
1859 forestry industry. And I think this bill does not do that.

1860 And I am surprised that a party that has talked about
1861 immigrants in such a negative way for so long would fail to
1862 deal with us to do a program that protected American workers
1863 -- would then come out with this bill that just eviscerates
1864 protections for American workers. My time has expired. I
1865 have over-run, so I yield back, Mr. Chairman.

1866 Mr. Labrador. Okay. The question is on the amendment.

1867 Those in favor, say aye.

1868 Those opposed, say no.

1869 In the opinion of the chair, the noes have it and the

1870 amendment is not agreed to.

1871 Ms. Lofgren. Mr. Chairman, I would request a recorded
1872 vote.

1873 Mr. Labrador. A recorded vote has been requested, and
1874 the clerk will call the roll.

1875 Ms. Adcock. Mr. Goodlatte?

1876 [No response.]

1877 Mr. Sensenbrenner?

1878 [No response.]

1879 Mr. Smith?

1880 Mr. Smith. No.

1881 Ms. Adcock. Mr. Smith votes no.

1882 Mr. Chabot?

1883 Mr. Chabot. No.

1884 Ms. Adcock. Mr. Chabot votes no.

1885 Mr. Issa?

1886 Mr. Issa. No.

1887 Ms. Adcock. Mr. Issa votes no.

1888 Mr. King?

1889 Mr. King. No.

1890 Ms. Adcock. Mr. King votes no.

1891 Mr. Franks?

1892 [No response.]

1893 Mr. Gohmert?

1894 Mr. Gohmert. No.

1895 Ms. Adcock. Mr. Gohmert votes no.
1896 Mr. Jordan?
1897 Mr. Jordan. No.
1898 Ms. Adcock. Mr. Jordan votes no.
1899 Mr. Poe?
1900 [No response.]
1901 Mr. Marino?
1902 Mr. Marino. No.
1903 Ms. Adcock. Mr. Marino votes no.
1904 Mr. Gowdy?
1905 [No response.]
1906 Mr. Labrador?
1907 Mr. Labrador. No.
1908 Ms. Adcock. Mr. Labrador votes no.
1909 Mr. Farenthold?
1910 Mr. Farenthold. No.
1911 Ms. Adcock. Mr. Farenthold votes no.
1912 Mr. Collins?
1913 [No response.]
1914 Mr. DeSantis?
1915 [No response.]
1916 Mr. Buck?
1917 Mr. Buck. No.
1918 Ms. Adcock. Mr. Buck votes no.
1919 Mr. Ratcliffe?

1920 Mr. Ratcliffe. No.

1921 Ms. Adcock. Mr. Ratcliffe votes no.

1922 Mrs. Roby?

1923 Mrs. Roby. No.

1924 Ms. Adcock. Mrs. Roby votes no.

1925 Mr. Gaetz?

1926 Mr. Gaetz. No.

1927 Ms. Adcock. Mr. Gaetz votes no.

1928 Mr. Johnson of Louisiana?

1929 Mr. Johnson of Louisiana. No.

1930 Ms. Adcock. Mr. Johnson votes no.

1931 Mr. Biggs?

1932 Mr. Biggs. No.

1933 Ms. Adcock. Mr. Biggs votes no.

1934 Mr. Rutherford?

1935 [No response.]

1936 Ms. Handel?

1937 Ms. Handel. No.

1938 Ms. Adcock. Ms. Handel votes no.

1939 Mr. Conyers?

1940 Mr. Conyers. Aye.

1941 Ms. Adcock. Mr. Conyers votes aye.

1942 Mr. Nadler?

1943 [No response.]

1944 Ms. Lofgren?

1945 Ms. Lofgren. Aye.

1946 Ms. Adcock. Ms. Lofgren votes aye.

1947 Ms. Jackson Lee?

1948 [No response.]

1949 Mr. Cohen?

1950 [No response.]

1951 Mr. Johnson of Georgia?

1952 Mr. Johnson of Georgia. Aye.

1953 Ms. Adcock. Mr. Johnson votes aye.

1954 Mr. Deutch?

1955 [No response.]

1956 Mr. Gutierrez?

1957 Mr. Gutierrez. Yes.

1958 Ms. Adcock. Mr. Gutierrez votes yes.

1959 Ms. Bass?

1960 [No response.]

1961 Mr. Richmond?

1962 [No response.]

1963 Mr. Jeffries?

1964 [No response.]

1965 Mr. Cicilline?

1966 [No response.]

1967 Mr. Swalwell?

1968 [No response.]

1969 Mr. Lieu?

1970 Mr. Lieu. Aye.

1971 Ms. Adcock. Mr. Lieu votes aye.

1972 Mr. Raskin?

1973 Mr. Raskin. Aye.

1974 Ms. Adcock. Mr. Raskin votes aye.

1975 Ms. Jayapal?

1976 Ms. Jayapal. Aye.

1977 Ms. Adcock. Ms. Jayapal votes aye.

1978 Mr. Schneider?

1979 Mr. Schneider. Aye.

1980 Ms. Adcock. Mr. Schneider votes aye.

1981 Mr. Franks. No.

1982 Ms. Adcock. Mr. Franks votes no.

1983 Chairman Goodlatte. No.

1984 Ms. Adcock. Mr. Goodlatte votes no.

1985 Mr. Labrador. The gentleman from Florida?

1986 Mr. DeSantis. No.

1987 Ms. Adcock. Mr. DeSantis votes no.

1988 Mr. Labrador. Anybody else wish to vote? The clerk

1989 will report.

1990 Ms. Adcock. Mr. Chairman, 8 members voted aye; 19

1991 members voted no.

1992 Mr. Labrador. The noes have it and the amendment is

1993 not agreed to. Are there any other amendments?

1994 Mr. Issa. Mr. Chairman?

1995 Mr. Labrador. The gentleman from California will be
1996 recognized.

1997 Mr. Issa. Thank you, Mr. Chairman. I have an
1998 amendment at the desk.

1999 Mr. Labrador. The clerk will report the amendment.

2000 Ms. Adcock. Amendment to the amendment in the nature
2001 of a substitute to H.R. 4092, offered by Mr. Issa of
2002 California, page 37, line 25, strike 10 percent and insert
2003 15 percent.

2004 [The amendment of Mr. Issa follows:]

2005 ***** COMMITTEE INSERT *****

2006 Mr. Labrador. And the gentleman is recognized.

2007 Mr. Issa. Thank you, Mr. Chairman. And hopefully,
2008 this will be a small, but meaningful improvement to the
2009 bill. Currently, there are an estimated 2 million
2010 agricultural workers, if you will include processing
2011 workers, there could be significantly more. Over the next
2012 few years, we expect our economy to grow.

2013 And hopefully, with the advent of a reliable
2014 agricultural workforce, we also expect the agricultural
2015 workforce to grow. As a result, looking at the number in
2016 the base bill of 410,000, a 10 percent per year justified
2017 increase -- and it does have to be justified, according to
2018 the bill -- would limit you to a variable of only 40,000 or
2019 so workers.

2020 In negotiation with the chairman, I initially wanted 20
2021 percent, but agreed to 15 percent recognizing that future
2022 Congresses may have to look at this. But this would give
2023 us, at least in year one, of such a situation, a little bit
2024 greater ability or a little greater flexibility for the
2025 agricultural industry to justify that it does need an amount
2026 greater than that increase. I know it is a small amount --

2027 Ms. Lofgren. I have a mandatory inquiry.

2028 Mr. Issa. Yes? Yes? I yield to the gentlelady.

2029 Ms. Lofgren. I am looking at your amendment, and there
2030 is no line 25 on page 37. And on page 38, there is no 10 on

2031 line 10.

2032 Mr. Issa. Okay.

2033 Ms. Lofgren. Am I looking at the right --

2034 Mr. Issa. I hope so. Ledge counsel wrote it for us to
2035 achieve that.

2036 Ms. Lofgren. Okay. I was looking at the original bill
2037 not the substitute. I apologize.

2038 Mr. Issa. No problem. I would hope that that
2039 encourages the gentlelady to support this small amendment.
2040 And with that, I would urge my colleagues to realize that a
2041 future Congress should not be strapped by an unnecessarily
2042 low ability, if justified through the Department of
2043 Agriculture. And with that, I would urge support and yield
2044 back.

2045 Mr. Smith. [Presiding.] Okay. Thank you, Mr. Issa.
2046 Are there any other members who wish to be heard on this
2047 amendment? The gentlewoman from California, Ms. Lofgren, is
2048 recognized.

2049 Ms. Lofgren. I oppose this amendment. All of the
2050 problems in this bill are made worse by the amendment. You
2051 know, the idea that because this is a cumulative amount, and
2052 basically, it builds on itself without any constraint or any
2053 market testing. Just by offering a subminimum wage, instead
2054 of millions of subminimum wage earners, you would have
2055 perhaps multimillion minimum wage earners. The problem with

2056 the way this bill is structured is that the increase is not
2057 really based on need as much as greed. The increase is
2058 based on undercutting those who wish to do the right thing
2059 by paying their workers an adequate wage, a wage that is not
2060 an adverse wage, versus those who want to undercut the
2061 market by paying under minimum wage. To say that we are
2062 going to reward that by increasing the numbers is moving
2063 very much in the wrong direction.

2064 In fact, what we ought to do, if we are not going to
2065 fix the problems in this bill, is that we ought to put some
2066 limitations into the numbers of people that we are bringing
2067 in at the subminimum wage effort. In fact, what we should
2068 do is scrap this whole effort, sit down together, and come
2069 up with a program that deals with the real issues in the H-
2070 2A program; that deals with the real issue of shortage of
2071 farm labor in the farm labor area; that deals with the real
2072 issues of shortages in food processing, seafood processing,
2073 to the extent there are shortages; in forestry and dairy and
2074 others. We ought to deal with that in a way that does not
2075 impair the wages and the working conditions of people who
2076 are already here. This bill does not do that. This
2077 amendment makes it worse, and I would hope that we would
2078 oppose it.

2079 Mr. Johnson of Georgia. Would the gentlelady yield?

2080 Ms. Lofgren. I would be happy to yield.

2081 Mr. Johnson of Georgia. I join the gentlelady in her
2082 opposition to this amendment, and I would note at page 18 of
2083 the bill, where it says, "Special rule," and it reads, "An
2084 employer can utilize a piece rate or other alternative wage
2085 payment system so long as the employer guarantees each
2086 worker a wage rate that equals or exceeds the amount
2087 required under subparagraph A for the total hours worked in
2088 each pay period." So, what that means is that, under this
2089 bill, you can put into place a scenario where you get paid
2090 for every bale of cotton that you pick, or you get paid for
2091 how many thousands of fish that you can harvest, and with an
2092 alternative wage payment system. Any kind of alternative
2093 payment wage system is okay in this bill so long as the
2094 employer guarantees each worker a wage rate.

2095 And so, what we can have is people getting paid in
2096 terms of your transportation costs, your food, your
2097 healthcare. I mean, you do not have to pay people. You do
2098 not have to pay them. This is a system of slavery that is
2099 being set up under this horrendous legislation. And with
2100 that, I will yield back to the gentlelady.

2101 Mr. Issa. Will the gentlelady further yield?

2102 Ms. Lofgren. Well, my time is expired. Oh, no, it has
2103 not. I would be happy to yield.

2104 Mr. Issa. Thank you. Having operated piecework and
2105 production in factories, but also being familiar with how it

2106 works in California, no piecework system succeeds unless the
2107 worker can substantially do better than the piece rate, than
2108 the minimum wage. It is an incentive, and in California the
2109 typical agricultural worker picking today is making over \$20
2110 an hour. So, the system is a recognition of a system that
2111 works, that pays substantially more. Thank you.

2112 Ms. Lofgren. Reclaiming my time, I will say what the
2113 real result would be if this bill were to become law. You
2114 know, these wages that could be offered under this bill are
2115 so low that you have to think, "Why would someone in another
2116 country take this deal?" And there is really only one good
2117 reason: to get into the United States. They do not have to
2118 go through the desert; they do not have to pay a coyote.
2119 They can come courtesy of the Republican Congress, and then
2120 they can disappear into the woodwork.

2121 Mr. Chabot. The gentlelady --

2122 Ms. Lofgren. There is only one reason why someone
2123 would take this deal. This is an invitation to create --

2124 Mr. Chabot. The gentlelady's time is expired.

2125 Ms. Lofgren. -- to create an avalanche --

2126 Mr. Chabot. Does any other member seek recognition?

2127 Ms. Lofgren. -- of undocumented immigration. It is
2128 ridiculous.

2129 Mr. Chabot. Does any other member seek recognition?

2130 Mr. Johnson of Georgia. Mr. Chairman?

2131 Mr. Chabot. Yes, the gentleman --

2132 Mr. Johnson of Georgia. I move to strike the last
2133 word.

2134 Mr. Chabot. -- from Georgia is recognized.

2135 Mr. Johnson of Georgia. I yield a minute to the
2136 gentlelady from California so she can --

2137 Ms. Lofgren. I would just say that, you know, for a
2138 group that has decried perpetually unauthorized immigration
2139 to create a scenario where the only possible reason why you
2140 would want to come in at these low wages would be to get
2141 into the country so you could disappear is absurd. It is
2142 absurd. And I cannot believe that this bill will actually
2143 receive the support of those who have decried unauthorized
2144 immigration, because that will be the result.

2145 We need to do something that makes more sense, which is
2146 to stabilize those who came, because we had no provision for
2147 ag workers to come in, 5,000 visas a year. So, now we have
2148 got people who have been here for 15 years; they have
2149 families; they have grandkids. Let's get them regularized,
2150 and then let's create a program for the future flow of
2151 immigrant workers that pays enough that it does not undercut
2152 the American workforce. This is not that tough to do. This
2153 bill does not do that and would create many additional
2154 problems. I thank the gentleman for yielding and yield back
2155 to Mr. Johnson.

2156 Mr. Johnson of Georgia. Certainly. I thank the
2157 gentlelady. And I would point out, on page 26, where it
2158 says, "Adjustment of status," it states that "aliens who are
2159 unlawfully present in the United States on October 2nd,
2160 2017, are eligible to adjust status to that of H-2C workers
2161 despite their unlawful presence." So, this clause of this
2162 legislation enables our DREAMers who have been in this
2163 country ever since they were babies -- and their status
2164 might go away because if we do not pass the DREAM Act they
2165 will become illegal. But they will be able to apply to
2166 remain in the country under H-2C status, which, as we are
2167 pointing out, is the massive exploitation of workers in this
2168 industry that this legislation would allow.

2169 So, this legislation is so cynical and so detailed in
2170 its cynicism I am just surprised at all of these little
2171 clauses in this legislation that are against our basic
2172 values as a people, you know. I mean, so, yes, there will
2173 be an attraction for H-2C workers to come in under H-2C
2174 status because that is the only way, if we do not pass the
2175 DREAM Act, that our DREAMers will be able to stay in this
2176 country, but they will have to go in and work for \$8.34 an
2177 hour that can be converted to an alternative wage system,
2178 which means that they do not even have to get paid dollars
2179 and cents for the work that they do. Whatever system is in
2180 place, they have to have it accounted for as if it were

2181 actual wages, and then it can be by the piece or some other
2182 way. So, this is just a horrible system that we are trying
2183 to set up here. I oppose.

2184 Mr. Raskin. Would the gentleman yield?

2185 Mr. Johnson of Georgia. I oppose it, and I do. I
2186 yield.

2187 Mr. Raskin. Thank you very much, Mr. Johnson. As I am
2188 reading the fine print, I think it gets even worse. The
2189 distinguished gentleman from California assures us that the
2190 wages today in California, I think, among even the
2191 undocumented are, I think he said, \$15 or \$20. This would
2192 lower the minimum wage from \$10.88, which is the Federal
2193 minimum wage, to \$8.34, and then with all the deductions we
2194 have talked about in terms of healthcare, recruiting fees,
2195 petition application filing fees, transportation, and so on,
2196 it explicitly allows people to get paid less than even that
2197 new phony subminimum wage, \$8.34. You could end up with \$1
2198 in your paycheck, and under the law, for as long as the
2199 employer could reasonably pay you that through all of these
2200 deductions.

2201 So, I mean, this is really an extraordinary system that
2202 has been set up, and I am just baffled why, if the
2203 prevailing wage today is around \$20, why the subminimum wage
2204 needs to even be created. Why not just maintain current
2205 Federal protections? That is what I am baffled by.

2206 Mr. Chabot. Would the gentleman from Georgia further
2207 yield?

2208 Mr. Johnson of Georgia. Reclaiming my time, I would
2209 also note, on page 26, withholding of wages, payment into
2210 the trust system. This legislation would require the
2211 employer to withhold 10 percent of the gross wages of each
2212 worker each pay period, submit that money to the Department
2213 of Treasury, and then the only way that the worker would get
2214 that money back is within 120 days of the expiration of
2215 their stay here in America, they would have to apply to the
2216 Agriculture Secretary, show that they have complied with all
2217 the terms of their visa, and then, once approved by the
2218 Department of Agriculture, they would have to apply at their
2219 embassy or consulate in their home country to get their
2220 money.

2221 Mr. Chabot. The gentleman's time is expired.

2222 Mr. Johnson of Georgia. And this is just ridiculous.
2223 I mean, it is so horrendous --

2224 Mr. Chabot. The gentleman's time is expired.

2225 Mr. Johnson of Georgia. -- it is ridiculous. I yield
2226 back.

2227 Mr. Chabot. The gentleman yields back. The chair
2228 would note that we are going to stand in recess for at least
2229 a half-hour, but in all likelihood probably till after a
2230 vote.

2231 Mr. Issa. But could we call the previous question on
2232 this one since we seem to be done?

2233 Mr. Gutierrez. Yes, I have --

2234 Mr. Chabot. Are there additional --

2235 Mr. Gutierrez. I move to strike the last word.

2236 Mr. Chabot. Okay, the committee stands in recess.

2237 [Whereupon, at 12:44 p.m., the committee recessed.]