

## Coalition of 118 Organizations Opposes H-2A Legislation to Cut Farmworker Wages

October 26, 2001

Please don't cut farmworkers' wages!

Dear Senator/Dear Representative:

Representative Cannon and Senator Miller have introduced identical bills to lower the wage rates paid to migrant farmworkers under the H-2A visa program, which allows agricultural employers to fill labor shortages with temporary foreign workers. The undersigned organizations ask that you strongly oppose these bills, S. 1442 and H.R. 2457, and prevent them from being added as amendments to other legislation.

The proposed legislation would remove one of the most fundamental concepts in the H-2A "guestworker" program: preventing the recruitment of impoverished workers in poor nations from undercutting the wage rates of U.S. workers. The most basic requirement of the H-2A program is that an employer who applies for permission to hire temporary foreign workers may not offer employment terms that "adversely affect" the wages and working conditions of similarly employed U.S. farmworkers.

The Cannon-Miller legislation would end the longstanding "adverse effect wage rate" (AEWR). The AEWR was established in response to the depression in wage rates during the *bracero* foreign-worker program. The Reagan Administration issued the current formula for the H-2A program's AEWR in 1987, effectively cutting wages for U.S. and foreign workers at H-2A employers by an average of 20%. No further cuts are justified.

DOL defines the AEWR as the prior year's average hourly wage rate for field and livestock workers in a state based on regional wage surveys performed by the Department of Agriculture. The H-2A program is primarily used in North Carolina, Virginia, Kentucky, Tennessee, New York and New England. Some of the H-2A AEWR's for the year 2001 are:

Arizona.: \$6.71 per hour    California.: \$7.56    Georgia & S. Carolina: \$6.83    Idaho: \$7.26  
Indiana & Illinois: \$8.09    Kentucky & Tennessee: \$6.60    New York, Conn., Mass., Vermont.: \$8.17  
North Carolina and Virginia.: \$7.06    Oregon: \$8.14    Utah: \$7.43

The practical impact of eliminating the AEWR would be to substantially lower the wage rates of both U.S. and foreign farmworkers employed at H-2A program employers. But farmworkers' wages generally and the H-2A wage rates specifically are too low. Farmworkers average about \$7,500 per year, not enough to support their families. It would be especially inappropriate, during the present economic difficulties and international conflict, to legislatively reduce their wages still further.

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The Cannon-Miller legislation would reduce H-2A wage rates well below the average

wage in most places by adopting a so-called “prevailing wage.” The proposed approach, however, treats farmworkers differently and less favorably than the “prevailing wage” definition in the Davis-Bacon Act and other laws. This legislation would allow employers to impose wage rates that are not appropriate measures of the labor market because they have been depressed by the hiring of vulnerable undocumented workers and H-2A workers. Indeed, both the Reagan and Bush Administrations rejected employers’ demands to set the minimum H-2A wage at the local “prevailing wages.” See 54 Federal Register 28037, 28045 (July 5, 1989).

In addition, technical provisions in this legislation -- loopholes -- would permit H-2A employers to use piece-rates and so-called “task rates” to deprive many farmworkers of even the lower “prevailing” hourly wage rates.

Shouldn’t an employer that claims it faces a labor shortage be expected to raise its wages and offer better conditions to attract job applicants from inside the United States and keep employees coming back season after season?

We believe that agribusiness’ demands to reduce the H-2A program wage rates, as reflected in S. 1442 and H.R. 2457, should be rejected. The H-2A wage rates determine the wages and living standards of tens of thousands of foreign and domestic farmworkers and their families. We would hope that there would not be an attempt during the current economic challenges and international situation to adopt such an unfair, one-sided solution.

Thank you for your consideration of these views.

#### **NATIONAL ORGANIZATIONS**

A Minor Consideration

American Friends Service Committee

Association of Farmworker Opportunity

Programs

Catholic Charities USA

Catholic Migrant Farmworker Network

Corporate Agribusiness Research Project

Farm Labor Organizing Committee, AFL-CIO

Farmworker Justice Fund, Inc.: Contact Bruce Goldstein (202) 776-1757

Food and Allied Service Trades, AFL-CIO

Harvest America Corporation

International Union, United Automobile, Aerospace and Agricultural Implement Workers of America

Labor Council for Latin American Advancement, AFL-CIO

Leadership Conference on Civil Rights

League of United Latin American Citizens

Mennonite Central Committee US, Washington Office

Mexican American Legal Defense and Educational Fund

Migrant Legal Action Program

National Association of Latino Elected and Appointed Officials

National Association of Working Women

National Campaign for Jobs and Income Support

National Center for Farmworker Health

National Consumers League

National Council of La Raza: Contact: Michele Waslin (202) 785-1670

National Farm Worker Ministry

National Immigration Law Center

National Network for Immigrant and Refugee Rights

Rural Coalition

Student Action with Farmworkers

Union of Needletrades, Industrial, and Textile Employees, AFL-CIO

Universalist Service Committee Farm Workers Task Force

United Church of Christ, Justice and Witness Ministries

United Farm Workers, AFL-CIO

United Food and Commercial Workers International Union, AFL-CIO

United Methodist Church, General Board of Church and Society

## **ARIZONA**

Arizona Hispanic Community Forum, Guadalupe Charter

Cultural Resources Management Specialist Engineering and Environmental Consultants, Inc.

## **CALIFORNIA**

Cabrillo Economic Development Corp.

California Institute for Rural Studies

California Rural Legal Assistance Foundation

Catholic Charities Diocese of Fresno

Center for Training & Careers, Inc.

Clinicas de Salud del Pueblo, Inc

Daughters of Mary and Joseph

El Colegio Popular

Franciscan Friars of St. Barbara Province, JPIC Office

Immaculate Heart Community Justice and Peace Commission

Immigrant Legal Resource Center

La Raza Roundtable

Los Angeles Coalition to End Hunger & Homelessness

MAAC Project

North County Latino Democrats

Rural California Housing Corporation

San Diego SER-Job for Progress

Ser Carlsbad Hiring Center

Southwest Community Studies Project

Student Empowerment Project (StEP)

Sueño Latino

TEAMS: Transformation through Education and Mutual

Watts/Century Latino Organization

White Dove Area Council

**COLORADO**

Colorado Rural Housing

**DISTRICT OF COLUMBIA**

Carlos Rosario International Career Center and

Public Charter School

**FLORIDA**

Coalition of Florida Farmworker Organizations, Inc.

Coalition of Immokalee Workers

Florida Conference of the United Church of Christ

Guadalupe Social Services

Miami Area Local, American Postal Workers Union, AFL-CIO

Sarasota Farmworkers' Support Group

Voice of Freedom

**GEORGIA**

Women Watch Afrika, Inc.

**HAWAII**

Maui Economic Opportunity, Inc.

**ILLINOIS**

Community Health Partnership of Illinois

Farmworker Advocacy Project

LUCHAR

## **MASSACHUSETTS**

Linden Tree Coffeehouse of UU Church

## **MAINE**

Maine Rural Workers Coalition

## **MARYLAND**

Justice and Peace Office, Baltimore Province of the School Sisters of Notre Dame

Latino Legal Assistance Project, Public Justice Center

## **MICHIGAN**

Global Village Literacy Mission of Detroit

Immigration Assistance Program

Southwest Detroit Community Network

## **MINNESOTA**

Franciscan Sisters of Little Falls

## **NORTH CAROLINA**

Catholic Diocese of Raleigh

Immigrants Legal Assistance Project, NC Justice and Community Development Center

North Carolina Council of Churches Farmworker Ministry Committee

The Catholic Center

Triangle Friends of United Farmworkers

## **NEBRASKA**

NAF-MHDC

## **NEW MEXICO**

Hands Across Cultures

Home Education Livelihood Program, Inc.

Siete del Norte CDC

**NEVADA**

Nevada Hispanic Services

**NEW YORK**

Farmworker Legal Services of New York, Inc.

Justice for Farmworkers Campaign

Rural and Migrant Ministry, Inc.

The Independent Farmworker Center

**OHIO**

Cleveland CCHD

Migrant Farmworker Program

Advocates for Basic Legal Equality, Inc.

Office of Hispanic Ministry

Sacred Heart Chapel

**OKLAHOMA**

Latino Community Development Agency

**OREGON**

CAUSA

Oregon Farm Worker Ministry

Pineros y Campesinos Unidos del Noroeste

Roque Valley Oregon Action

Unete Almovimiento de Conciencia Popular

**TENNESSEE**

Tennessee Justice Center

## **TEXAS**

Advocacy Resource Center for Housing

Border Agricultural Workers Center

Equal Justice Center, Inc.

South Texas Civil Rights Project

## **VIRGINIA**

The Virginia Justice Center for Farm and

Immigrant Workers

## **WASHINGTON**

Center for Changing Workforce

Sea Mar Community Health Center

Washington Alliance for Immigrant & Refugee Justice

## **WISCONSIN**

Write On Editorial

Latinos United for Change and Advancement, Inc.