



Leadership Conference on Civil Rights

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Dear Senator/Dear Representative:

On behalf of the Leadership Conference on Civil Rights (LCCR), we are writing to express our opposition to S. 1442 and H.R. 2457, the "Wage Equity Act of 2001." The LCCR asks that you strongly oppose these bills, which have been introduced by Senator Miller (D-GA) and Representative Cannon (R-UT), respectively, and prevent them from being added as amendments to other legislation.

The LCCR is the nation's oldest, largest and most diverse civil rights coalition of more than 180 national organizations representing persons of color, women, persons with disabilities, labor groups, gays and lesbians, older Americans, and religious groups. As an institution committed to civil rights, LCCR has spoken out on legislation affecting farmworkers in the past because the debate has too often focused on laws that would undercut the already unacceptable conditions faced by this vulnerable group of workers.

It is no accident that farm laborers, who are overwhelmingly racial and ethnic minorities, endure the worst conditions of the U.S. labor force. The LCCR must oppose the Wage Equity Act of 2001 because of its potentially severe negative effects on this already vulnerable and exploited group of workers. As a general matter, we would expect that any legislation on the subject of farmworkers would attempt to improve their lives and working conditions. Instead, this legislation is a drastic step in the wrong direction.

The Wage Equity Act of 2001 would 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. It would do so by removing one of the most important provisions of the H-2A agricultural "guestworker" program: the requirement that an employer not offer wages and working conditions for temporary foreign workers that have an "adverse effect" on the wages of similarly employed U.S. farmworkers.

The bill would end the longstanding "adverse effect wage rate" (AEWR), which is a minimum wage rate that H-2A employers pay and is based on the average wage rate in the region for field and livestock workers combined. The AEWR was first established during the bracero foreign worker program and applied to the H-2 program in response to the depression of wage rates caused by employers' access to large numbers of braceros and undocumented workers, workers who lacked the legal and economic bargaining power to demand decent, fair wages. The impact of ending the AEWR would be to lower the wage rates of foreign farmworkers employed under the H-2A program, and undercut the wages of American workers in the process.

The wages of farmworkers under the AEWR are already too low; so low, in fact, they currently relegate H-2A workers to poverty. Yet the Wage Equity Act would reduce H-2A wage rates even more, well below the average wage in most places, by adopting a so-called "prevailing wage" – an approach which treats farmworkers less favorably than the "prevailing wage" definition in the Davis-Bacon Act and other laws.

"Equality In a Free, Plural, Democratic Society"

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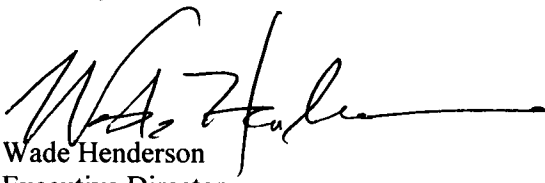
(*Deceased)

More importantly, this legislation would allow employers to pay wage rates that are not appropriate measures of the labor market because they have been depressed by the hiring of undocumented workers and H-2A workers. In addition, technical provisions in the legislation – loopholes – would permit H-2A employers to use piece-rates in ways that would deprive many farmworkers of even these lower hourly wage rates.


The details of any proposed legislation dealing with guestworkers are of great importance to the civil rights community. Whether it was Chinese immigrants in the 19th century, the 4.5 million braceros brought into the United States during the World War II era, or H-2A workers under the current program, guestworkers have long been the most vulnerable and poorly treated workers among us. Even today, they are subject to below-level poverty wages and a lack of coverage by basic labor standards that other American workers take for granted. Guestworkers lack the political and economic power to improve their conditions and to fight proposals such as the Wage Equity Act that would make them even more vulnerable to exploitation. It is because of this that we speak up today for their rights.

At a time in which all Americans are coming together to respond to the recent terrorist attacks, the Leadership Conference is especially concerned that there may be actors in the policy debate on immigration and immigrants' rights that may seek to capitalize on the fear and grief of Americans, and the resulting anti-immigrant climate, to further their agendas. We ask Congress to be particularly watchful in this regard; we would hope that there would not be an attempt during the current challenges to our economy and in international relations to adopt such a one-sided, unfair policy aimed at farmworkers. Thank you for your consideration of our views.

Sincerely,



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