



Proposed H-2A Wage Legislation Would Unfairly Cut Farmworker Pay

Farmworker Justice strongly opposes the misleadingly-named “Keep Food Local and Affordable Act of 2021” (S.3134 and H.R.5887), which was introduced in the Senate by Sens. Tillis (R-NC), Boozman (R-AR), Cruz (R-TX) and Cornyn (R-TX) and in the House by Rep. Steube (R-FL). The bill would require the Department of Labor to freeze the required wage rates for the H-2A temporary agricultural worker visa program at 2021 levels in the majority of states. As farmworker wages have been rising, this would essentially *lower* the wage that H-2A and corresponding U.S. workers can expect to earn in 2022. Farmworkers - whose jobs are already [among the lowest paid in the country](#) - do not deserve a pay cut.

This bill rejects free market values and requires the government to approve *below-market* wage rates. The AEW is a market-rate wage based on USDA surveys of employers. It is an average regional hourly wage. The most recent Farm Labor Survey, [released in November](#), found that farmworker wages around the country rose by 6.5% this year. A freeze of the AEW would unfairly distort the labor market and deny workers the increased wages that they deserve.

Freezing the rate and ignoring market wages would also override the H-2A law’s prohibition against wage rates that “adversely affect” or undermine U.S. farm wage levels. As the Department of Labor has [recognized in its rulemaking](#) on the AEW, U.S. farmworkers’ “ability to negotiate wages and working conditions with farm operators or agriculture service employers is quite limited.” Foreign workers are especially limited in their bargaining power. The AEW provides “a floor below which wages cannot be negotiated, thereby strengthening the ability of this particularly vulnerable labor force to negotiate over wages with growers who are in a stronger economic and financial position in contractual negotiations for employment.” By lowering this floor, this bill would cut pay levels for workers on H-2A visas as well as U.S. farmworkers.

The bill’s title also absurdly suggests that lowering H-2A program wages will keep food prices low. But wages paid to farmworkers are a [tiny percentage of grocery store prices](#). And despite the H-2A program’s recent growth, H-2A employers are only a small part of the food system. This bill is about delivering unjustifiable benefits to employers at the expense of some of the lowest paid workers in the nation. Farmworker Justice urges members of Congress to oppose it.