

January 16, 2024

The Honorable Kay Granger
Chairwoman
House Committee on Appropriations
H-307 The Capitol
Washington, DC 20515

The Honorable Patty Murray
Chairwoman
Senate Committee on Appropriations
S-128 The Capitol
Washington, DC 20510

The Honorable Rosa DeLauro
Ranking Member
House Committee on Appropriations
1036 Longworth House Office Building
Washington, DC 20515

The Honorable Susan Collins
Ranking Member
Senate Committee on Appropriations
S-128 The Capitol
Washington, DC 20510

RE: Opposing Proposals that Harm Farm Workers by Freezing Wages and Blocking the Implementation of the Department of Labor’s Proposed H-2A Rule

Dear Chairwomen and Ranking Members,

We are writing on behalf of the United Farm Workers (“UFW”), UFW Foundation, and Farmworker Justice to express our opposition to proposals that upcoming funding legislation include either (1) a freeze to the Adverse Effect Wage Rate (“AEWR”) or (2) prohibitions against funding for the U.S. Department of Labor’s (“DOL”) proposed rule, Improving Protections for Workers in Temporary Agricultural Employment in the United States, DOL Docket No. ETA-2023-0003 (“H-2A rule”).

The AEWR is based on a U.S. Department of Agriculture survey where agricultural employers self-report what they pay farm workers. This furthers the [Congressional intent](#), when Congress originally created the H-2A program, to ensure that: U.S. farm workers are not displaced by employers who underpay H-2A workers; and that what employers pay H-2A workers does not depress the wages of U.S. farm workers. The scheduled increase of the AEWR in 2024 and allowing for increases in 2025 and 2026, should the wages of U.S. farm workers continue to rise, are needed to improve the wages and working conditions of U.S. farm workers and address abuse against farm workers. The proposed H-2A rule would, if implemented, create transparency and accountability in what employers offer H-2A workers—an essential step to protect the wages of U.S. farm workers who are U.S. citizens and legal permanent residents. We urge you to oppose freezes to the AEWR and support the H-2A rule, and not seek to block them in federal funding legislation. We urge you to deny “riders” that would freeze the AEWR or stop the implementation of a final H-2A rule.

Congress should be increasing protections and transparency in the agricultural industry, not eliminating them. [One in five farm workers](#) have family incomes below the poverty line. Wage theft is [pervasive](#) among H-2A employers. And the Polaris Project reports that labor trafficking is [omnipresent](#). As in one example, in late 2021, federal prosecutors [uncovered](#) in “Operation Blooming Onion” employers or their

agents committing rape, kidnapping, money laundering, and having working conditions that led to two farm workers' deaths, and which prosecutors called "modern-day slavery." While prosecutors identified at least 102 farm workers who were victimized, the total number of victims is unknown. The multi-state trafficking ring fraudulently applied for over 71,000 H-2A applications. DOL approves over 95% of H-2A petitions—it is still unclear how many of the 71,000 H-2A applications were approved by DOL and the U.S. Department of State for this trafficking ring. The trafficking ring was conducted through the employer's agents using these H-2A petitions, forcing workers to pay illegal fees, confiscating identification documents, committing wage theft, forcing H-2A workers to live in crowded, unsanitary, and degrading living conditions, and other violations of current H-2A laws and regulations. This abuse is among the reasons why stronger regulations are so drastically needed.

Additionally, it would be short-sided and erroneous to seek economic growth by cutting the wages and rolling back basic labor protections for hard-working farm workers.

For these reasons, we respectfully urge you to reject efforts to either freeze the AEWL or block the implementation of the H-2A rule in the fiscal year ("FY") 2024 budget, FY25 budget, supplemental funding, or other pieces of legislation.

UFW, UFW Foundation, and Farmworker Justice stand ready to work with Congress towards improving the wages and working conditions of farm workers and addressing abuse and exploitation in the agricultural industry, as we have in the past, and invite you to view us as partners in such efforts. If you have any questions or concerns, please reach out to Diego Iñiguez-López, Government Affairs Director for the UFW Foundation (at dilopez@ufwfoundation.org).

Sincerely,



Teresa Romero
President
United Farm Workers



Erica Lomeli Corcoran
Interim Chief Executive Officer
UFW Foundation



Ronald Estrada
Chief Executive Officer
Farmworker Justice