

# Congress of the United States

Washington, DC 20510

December 1, 2025

The Honorable Lori Chavez-DeRemer  
Secretary  
U.S. Department of Labor  
200 Constitution Ave NW  
Washington, DC 20210

Dear Secretary Chavez-DeRemer:

We are writing in strong opposition to the Department of Labor’s (DOL) Interim Final Rule (IFR) regarding *Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-Range Occupations in the United States*<sup>1</sup>. We urge the Department to abandon this IFR that will lower wages for both H-2A workers and American workers.

On October 2, DOL published an IFR to update the methodology used to calculate the adverse effect wage rate (AEWR) for H-2A farm workers in the United States. Specifically, this rule uses Occupational Employment and Wage Statistics survey data – rather than the Farm Labor Survey, which had been used by DOL for nearly 40 years and is the only federal survey that directly surveys farm operators– to establish one AEWR for the five most common farmworker occupations.

These AEWRs will be determined at either a lower Skill Level I “entry-level” wage or a higher Skill Level II “experienced” wage<sup>2</sup>. Additionally, the rule allows employers to pay lower wage rates for positions such as tractor drivers, construction, mechanics, and service and technician work, provided that those duties don’t exceed more than 50<sup>3</sup> percent of a workers’ duties, which has the potential to expand the H-2A program to non-agricultural jobs – particularly given that H-2A workers are already pressured to do these jobs without being appropriately compensated. Finally, the rule transfers housing costs from employers to workers by empowering employers to deduct this “rent” from workers’ paychecks, despite H-2A employer’s obligation to provide housing at no cost to H-2A workers.<sup>4</sup>

While these changes may seem technical in nature, the impact is clear: this rule lowers wages for farmworkers on H-2A visas, making it cheaper for employers to import workers from abroad and undercut wages for American workers. For example, in California, the AEWR for workers would decrease from \$19.97/hour to \$13.45/hour<sup>5</sup>, bringing the rate below the California state minimum wage. This reduction in the minimum wage for H-2A workers is estimated to reduce the wages of American farmworkers by 9% or \$3 billion in lost annual wages.<sup>6</sup> Furthermore, allowing

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<sup>1</sup> Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-Range Occupations in the United States, 90 Fed. Reg. 47914 (published October 2, 2025).

<sup>2</sup> Id. at 47926.

<sup>3</sup> Id. at 47937.

<sup>4</sup> Id. at 47947.

<sup>5</sup> Id. at 47927.

<sup>6</sup> Daniel Costa and Ben Zipper, Trump’s New H-2A Wage Rule Will Radically Cut the Wages of All Farmworkers, ECON. POLICY INST. (Nov. 26, 2025), <https://www.epi.org/blog/trumps-new-h-2a-wage-rule-will-radically-cut-the-wages-of-all-farmworkers-new-estimates-show-farmworkers-stand-to-lose-4-4-to-5-4-billion-annually-under-dols-updated-adverse-effec/>

employers to pay H-2A wages for non-agricultural jobs enables employers to underpay workers for job duties that would have previously paid more, in addition to generally expanding the scope of the H-2A program.

As pro-worker lawmakers, we staunchly oppose any effort to cut workers' wages. Farmworkers perform a physically demanding job in difficult conditions and keep our country fed. Despite this, they are already one of the lowest paid workers in the U.S., making 40% less than comparable nonagricultural workers.<sup>7</sup> Farmworkers should be paid more, not less.

Furthermore, we should not be subsidizing the cost of bringing in foreign workers with limited labor protections while also driving down wages for American workers. While it is important to ensure that America has a robust farm workforce, that should be achieved by incentivizing workers through higher wages, rather than lowering wages and making it easier for employers to exploit workers.

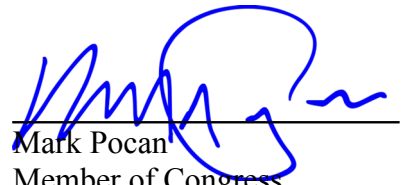
Accordingly, we urge you to swiftly rescind DOL's IFR on *Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-Range Occupations in the United States*, which will drive down wages for both H-2A and American workers.

Thank you for your time and attention to this important issue.

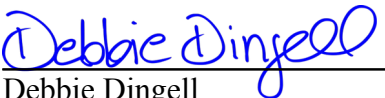
Sincerely,



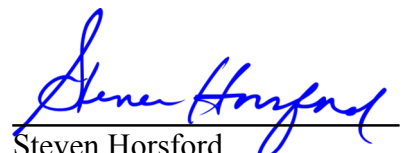
Donald Norcross  
Member of Congress  
Co-Chair, Congressional  
Labor Caucus



Mark Pocan  
Member of Congress  
Co-Chair, Congressional  
Labor Caucus



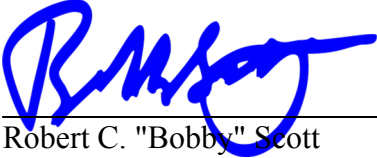
Debbie Dingell  
Member of Congress  
Co-Chair, Congressional  
Labor Caucus



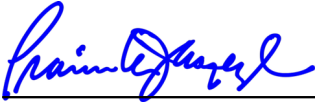
Steven Horsford  
Member of Congress  
Co-Chair, Congressional  
Labor Caucus

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<sup>7</sup> Daniel Costa, The Farmworker Wage Gap, ECON. POLICY INST. (Oct. 5, 2023), <https://www.epi.org/blog/the-farmworker-wage-gap-farmworkers-earned-40-less-than-comparable-nonagricultural-workers-in-2022/>



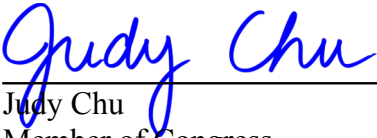
Robert C. "Bobby" Scott  
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Ranking Member, Committee  
on Education and Workforce



Pramila Jayapal  
Member of Congress



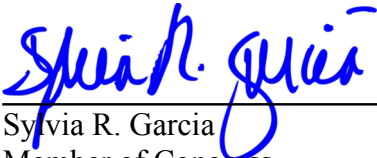
Eleanor Holmes Norton  
Member of Congress



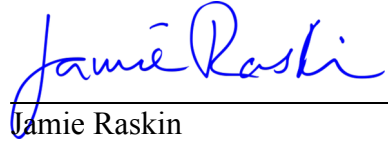
Judy Chu  
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Rashida Tlaib  
Member of Congress



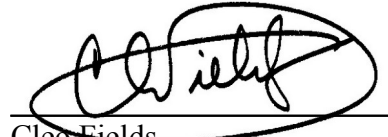
Sylvia R. Garcia  
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Jamie Raskin  
Ranking Member  
House Committee on the  
Judiciary



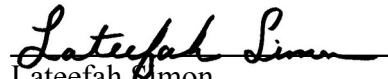
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Bradley Scott Schneider  
Member of Congress



Lateefah Simon  
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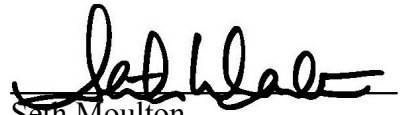
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Adriano Espaillat  
Chair  
Congressional Hispanic  
Caucus



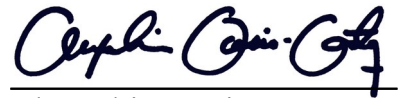
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Seth Moulton  
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Danny K. Davis  
Member of Congress



Alexandria Ocasio-Cortez  
Member of Congress



Mark Takano  
Member of Congress



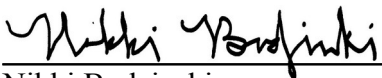
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Summer L. Lee  
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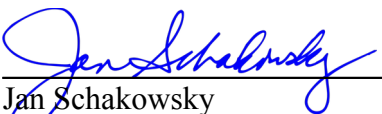
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