

Congress of the United States

Washington, DC 20515

August 1, 2025

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

Dear Secretary Chavez-DeRemer,

As we continue our work during the 119th Congress here in our nation's capital, it has been made abundantly clear that farmers continue to face serious challenges back home. Our rural communities have long shown resilience in the face of daunting circumstances and have a proven track record of overcoming various difficulties to get food on the table. Today, they face a number of issues, including high input costs, a widening trade deficit, and a long road to recovery after recent natural disasters. On top of these hardships, the ongoing shortage of a reliable agricultural workforce remains a paramount concern that threatens the future of American agriculture.

While consistent access to agricultural labor has always been difficult, the Biden Administration further complicated this issue by applying a series of rules that fundamentally altered the implementation of the H-2A visa program and the methodology used to determine the Adverse Effective Wage Rate (AEWR). These changes placed a significant burden on American farmers by further increasing farm labor wages. Your team at the U.S. Department of Labor (DOL) has recognized the impact of these policies and taken important steps to address them. We commend your efforts, particularly with the recent progress in halting enforcement of the Biden Administration's farm labor unionization rule and advancing a proposal to rescind provisions within it.¹²

We hope this marks the beginning of a broader effort to roll back the Biden Administration's restrictions on farm labor access since there are other harmful provisions still being enforced. Specifically, on March 30, 2023, the Biden Administration finalized a rule that altered the AEWR methodology, inflating the cost of farm labor. The rule sets hourly wages beyond the six traditional farm work occupations listed in the U.S. Department of Agriculture's (USDA) Farm Labor Survey (FLS) by using data from the DOL's Occupational Employment and Wage Statistics (OEWS) program. Further, it requires farm operators to pay the highest applicable AEWR Standard Occupational Classification (SOC) code for farm workers.³

There are various issues with the provisions this rule enforces. Under this policy, farm operators are forced to compensate workers under these reclassified job titles, with wage rates determined by DOL's OEWS program instead of USDA's FLS. The OEWS program relies heavily on data from outside of the agricultural industry, resulting in wage determinations that do not accurately reflect the true cost of farm labor. This misalignment places an unfair burden on producers and threatens the financial viability of farm operations. Additionally, the rule requires farm operators to pay the highest applicable wage for any task a worker may perform, even if that task represents only a small fraction of their responsibilities. Given the versatile nature of farm work, where employees routinely take on a wide range of duties in a single day, this requirement places an unfair financial burden on farm operations by inflating wage costs for roles that are not the worker's primary function. The Biden Administration even acknowledged that this provision is potentially flawed, saying they

¹ <https://www.dol.gov/newsroom/releases/whd/whd20250620>

² <https://public-inspection.federalregister.gov/2025-12315.pdf?source=email>

³ <https://www.federalregister.gov/documents/2023/02/28/2023-03756/adverse-effect-wage-rate-methodology-for-the-temporary-employment-of-h-2a-nonimmigrants-in-non-range>

“may have underestimated the impact of the revised AEW structure due to the final rule's new requirement to pay the highest of applicable SOC code AEWs.”⁴

Enforcement of this rule directly contributes to higher food costs for all Americans. Last Congress, various congressional colleagues helped in leading a bicameral resolution of disapproval under the Congressional Review Act to protect producers from this rule.⁵⁶ Unfortunately, the rule was still finalized, which has caused unnecessary and burdensome cost increases for our nation's farmers. We encourage you to fully rescind this out-of-touch rule to create more pragmatic labor wages for America's farmers.

The Trump Administration has a unique opportunity to bring long-overdue clarity and stability to agricultural labor policy. As you continue your service as Secretary of Labor, we respectfully urge you to not only push back against the Biden Administration's harmful rules, but also to work collaboratively with your colleagues in President Trump's Cabinet and in Congress to make the H-2A visa program more accessible and flexible for all producers, and to reform the AEW methodology to prevent unsustainable wage increases. We stand ready to partner with you and your team at the DOL to find practical, long-term solutions to these pressing challenges.

Sincerely,



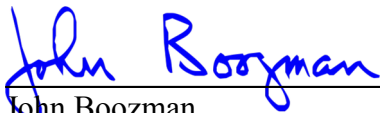
Ted Budd
United States Senator



Tim Scott
United States Senator



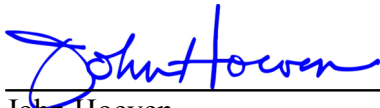
Ralph Norman
Member of Congress



John Boozman
United States Senator



Glenn "GT" Thompson
Member of Congress



John Hoeven
United States Senator



Andy Harris, M.D.
Member of Congress



Susan M. Collins
United States Senator

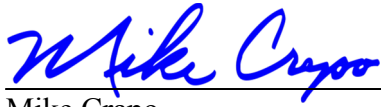


Robert B. Aderholt
Member of Congress

⁴ <https://www.federalregister.gov/d/2023-03756/p-289>

⁵ <https://www.congress.gov/bill/118th-congress/senate-joint-resolution/25>

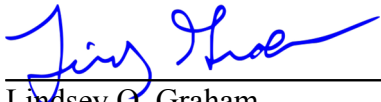
⁶ <https://www.congress.gov/bill/118th-congress/house-joint-resolution/59>



Mike Crapo
United States Senator



Donald G. Davis
Member of Congress



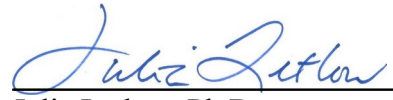
Lindsey O. Graham
United States Senator



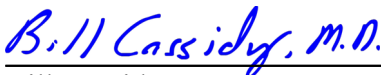
Austin Scott
Member of Congress



Steve Daines
United States Senator



Julia Letlow, Ph.D.
Member of Congress



Bill Cassidy, M.D.
United States Senator



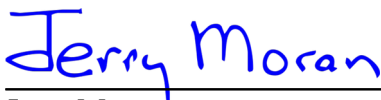
Elise M. Stefanik
Member of Congress



Deb Fischer
United States Senator



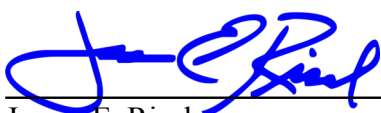
Dan Newhouse
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Richard Hudson
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James E. Risch
United States Senator



Virginia Foxx
Member of Congress



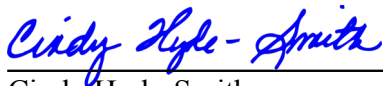
Roger Marshall M.D.
U.S. Senator



Thom Tillis
United States Senator



John Kennedy
United States Senator



Cindy Hyde-Smith
United States Senator



John Curtis
United States Senator



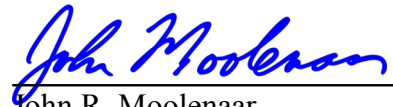
Kevin Cramer
United States Senator



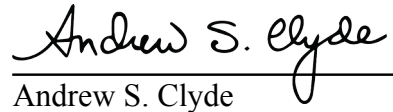
Jim Banks
United States Senator



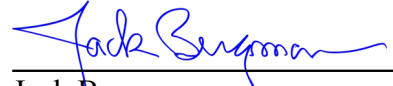
Barry Moore
Member of Congress



John R. Moolenaar
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Andrew S. Clyde
Member of Congress



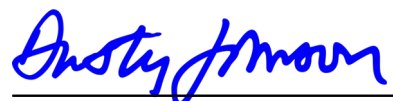
Jack Bergman
Member of Congress



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Charles J. "Chuck" Fleischmann
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Dusty Johnson
Member of Congress



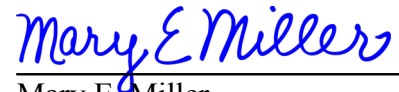
Cynthia M. Lummis
United States Senator



David Rouzer
Member of Congress



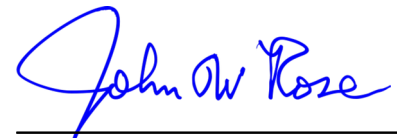
Pete Ricketts
United States Senator



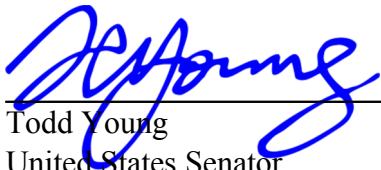
Mary E. Miller
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Marsha Blackburn
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John Rose
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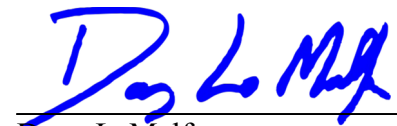
Todd Young
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Doug LaMalfa
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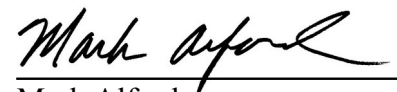
Rick W. Allen
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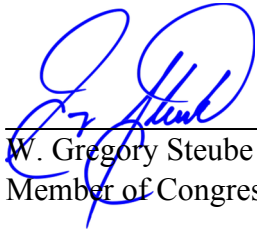
Nancy Mace
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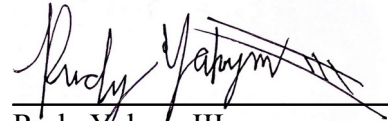
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Gus M. Bilirakis
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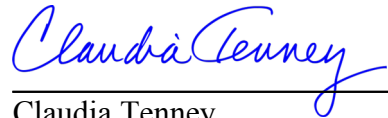
Daniel Webster
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Rudy Yakym III
Member of Congress



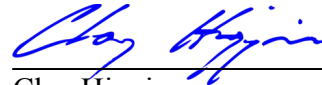
Addison P. McDowell
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Claudia Tenney
Member of Congress



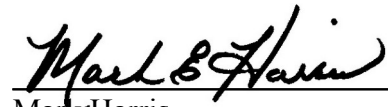
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Clay Higgins
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Diana Harshbarger
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Mark Harris
Member of Congress



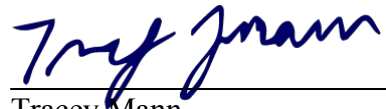
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Pat Harrigan
Member of Congress



Tracey Mann
Member of Congress



Tim Moore
Member of Congress



Sheri Biggs
Member of Congress



Ben Cline
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C. Scott Franklin
Member of Congress



Cliff Bentz
Member of Congress



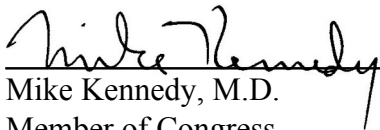
Chuck Edwards
Member of Congress



Mike Collins
Member of Congress



Gabe Evans
Member of Congress



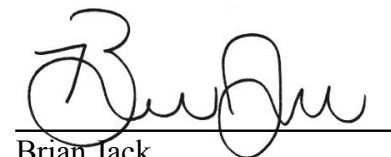
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Member of Congress



Adrian Smith
Member of Congress



William R. Timmons, IV
Member of Congress



Brian Jack
Member of Congress



Marlin A. Stutzman
Member of Congress



Gary J. Palmer
Member of Congress



Mark B. Messmer
Member of Congress



Michael Guest
Member of Congress



Erin Houchin
Member of Congress



Bill Hagerty
United States Senator



Roger F. Wicker
United States Senator



Joe Wilson
Member of Congress

cc: Department of Agriculture Secretary Brooke Rollins