September 9, 2026

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Hakeem Jeffries
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Jim Jordan
Chairman
House Judiciary Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Jamie Raskin
Ranking Member
House Judiciary Committee
U.S. House of Representatives
Washington, DC 20515

Dear Speaker Johnson, Leader Jeffries, Chairman Jordan, and Ranking Member Raskin:

On August 26, 2026, the Eastern District Court of California ruled against the Department of Labor in litigation challenging the Interim Final Rule (IFR) entitled *Adverse Effect Wage Rate Methodology (AEWR) for the Temporary Employment of H–2A Nonimmigrants in Non-Range Occupations in the United States*. This latest court ruling demonstrates that congressional action is necessary to provide a durable labor solution for farmers, ranchers, growers and H-2A workers nationwide. H.R. 9535, the Securing Agriculture's Workforce Act (SAWA), provides this solution, and we call for its swift adoption.

This year marks 40 years since Congress last reformed the H-2A Temporary Agricultural Workers Program ("H-2A Program"). Since then, farmers have navigated constantly changing regulatory requirements alongside an ever-evolving agriculture industry, adding further uncertainty and red tape to the already convoluted – and only – program available for farmers to fill the persistent domestic agricultural workforce shortage. H-2A workers are critical to ensuring America can sustain its own food supply. In fiscal year 2025, only 182 U.S. workers applied for over 415,000 farm jobs advertised in the H-2A program. These persistent labor shortages threaten the long-term vitality of American farms, especially when guestworker programs do not adequately function to fill the workforce gap. On top of that, the H-2A program is subject to continually changing regulatory requirements and nearly nonstop litigation. This constant turmoil prevents farmers from being able to plan for business operations from year to year.

Prior to DOL issuing the IFR, H-2A wages calculated under the USDA's Farm Labor Survey experienced exponential volatility with annual wage increases well above inflation over the last decade. For labor-intensive agriculture, such as fruit and vegetable production, labor expenses routinely account for nearly half of all crop production costs.[1] Note that this does not account for other costs associated with the H-2A program including housing, transportation, and over $1,300 in administrative application fees per worker.[2] In some cases, the total burden of labor costs alone has overtaken grower revenue in recent years.[3] When combined with rising agricultural input costs across the board and declining farm sales in recent years, these factors all contributed to a loss of over 200,000 farms in the last decade.

DOL's IFR provided clarity and relief for farmers, ranchers, and growers facing devastating economic losses. The IFR realigned H-2A wages with broader economic wages and allowed workers to be compensated for their experience, rather than putting all skilled workers at base level pay. Finally, the IFR helped ensure domestic agricultural workers were not adversely affected by H-2A wages by improving the methodology to reflect the additional benefits H-2A workers receive over domestic workers. These policies implemented in the IFR also put American employers on a level playing field with the guestworker programs of competing countries, which require less investment into additional benefits and fees for migrant workers.[4]

With the judge's order invalidating the IFR, farmers, ranchers, and growers face uncertainty, and it is unclear how H-2A wages will be set going forward. Further, the court said it may even require farmers to pay back wages after a new methodology is established, creating yet more unknown economic consequences for farmers, ranchers, and growers who already face unknown costs, returns, weather uncertainty, and market instability.

SAWA, as introduced by U.S. Representative G.T. Thompson and his colleagues, provides the certainty that American agriculture desperately needs today. The bill addresses a variety of reforms to the H-2A program, including providing guidelines for calculation of adverse effect wage rates, which have always been set through regulation. By codifying elements of DOL's IFR, SAWA ensures that any wage set is based on economic certainty and proven adverse effects on domestic workers, rather than bureaucratic guessing and constant changes in methodology. With farmers and workers facing an unknown future of labor expenses, it is crucial that this legislation is passed to stabilize the workforce and remove the regulatory whiplash.

Our food supply and communities across the country do not have another 40 years to wait on Congress to stabilize the agricultural workforce. For these reasons, the time is now to pass H.R. 9535, the Securing Agriculture's Workforce Act.

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[1] https://www.ers.usda.gov/data-products/charts-of-note/110172
[2] https://www.fb.org/intel/markets/snail-mail-and-government-bills-h-2a-application-costs
[3] Northwest Horticultural Council survey data on labor costs and grower returns for Washington state apple growers, 2023 and 2024 crop
[4] AEWRs and the H-2A Program: Evolution, Impacts, and Alternatives, August 2025

Sincerely,

American Farm Bureau Federation
AmericanHort
Florida Fruit & Vegetable Association
International Fresh Produce Association
National Council of Agricultural Employers
National Council of Farmer Cooperatives
National Milk Producers Federation
National Potato Council
Northwest Horticultural Council
U.S. Apple Association
USA Farmers
Western Growers

CC: The Honorable Keith Sonderling, Acting Secretary of Labor
The Honorable Brooke Rollins, Secretary of Agriculture
The Honorable John Thune, Senate Majority Leader
The Honorable Chuck Schumer, Senate Minority Leader