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Congress of the United States House of Representatives

June 15, 2015

HOUSE NATURAL
RESOURCES COMMITTEE
SUBCOMMITTEE ON FEDERAL LANDS

SUBCOMMITTEE ON
WATER, POWER, AND OCEANS

HOUSE SCIENCE, SPACE, AND
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SUBCOMMITTEE ON ENVIRONMENT

HOUSE AGRICULTURE COMMITTEE

SUBCOMMITTEE ON BIOTECHNOLOGY,
HORTICULTURE, AND RESEARCH

SUBCOMMITTEE ON
LIVESTOCK AND FOREIGN AGRICULTURE

The Honorable John Kerry
Secretary of State
2201 C Street, N.W.
Washington, D.C. 20510

The Honorable Jeh Johnson
Secretary of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, D.C. 20528

Dear Secretary Kerry and Secretary Johnson:

The current visa outage affecting consulates is deeply troubling, and threatens to cause harm to our nation's agricultural industry. Farmers who are using the H2A program to obtain their workforce again find that workforce in jeopardy.

Farmers have no choice but to use the H2A process because there is a critical shortage of farm workers. The state of Washington alone has documented a 15 percent labor shortage and grows a range of labor intensive specialty crops that need to be picked to contribute the state's economy. Each day that workers sit at the border, waiting on their final documents, Washington farmers are losing a valuable cherry crop that is wasting away in their fields because there are insufficient workers.

I am aware that the technical issues the Consular Consolidated Database (CCD) is experiencing began last Friday, June 12. However, there are indications that consulates were failing to issue visas and rescheduling appointments with H2A applicants as early as June 8. Farmworkers, all that have been approved for temporary H2A visas into the U.S, have been sitting at the border, some for well over a week.

A major part of agriculture is a labor intensive industry, and farmers are in desperate need of H2A workers to help with the harvest. These farmers, to be lawful, have gone through the very long and arduous process of certifying the need for H2A workers with the Department of Labor, applying for visas with the Department of State, and working with Custom and Border Protection to obtain entry, all well in advance of harvest. Farmers have spent the time and money to navigate this process, recruited workers, and had the workers show up at the time and place designated by your agencies to receive visas. This process requires careful planning and execution in order to have workers in time for harvest.

Despite their careful planning around this difficult process, farmworkers with scheduled appointments are now being turned away due technical issues with the CCD and the inability to print the final H2A documents. This is unacceptable. Further, the lack of information being

communicated to these farmers is intolerable, especially when they need to make planning decisions about a perishable product.

What is most disturbing is this is not the first time a printing issue has halted the ability of consulates to be able to issue H2A visas. When a similar situation happened last year, approved farmworkers heading to Washington's 4th Congressional District received emergency entrance. The fact that this infrastructure has not been fixed and is again causing delays is deplorable. Given the perishable nature of agriculture commodities I request such relief should be provided again.

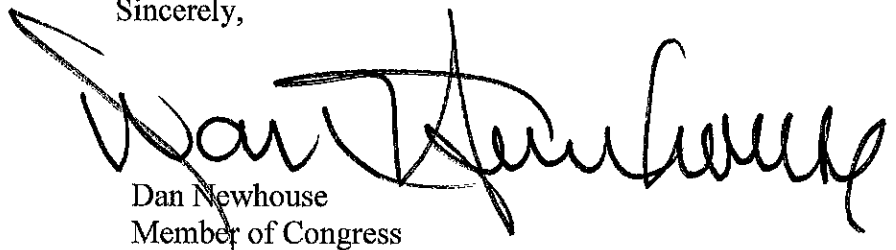
Additionally, I respectfully request the answers to:

- What immediate plans are there to provide emergency relief for farmers, particularly in my district, who have approved H2A workers currently sitting in consulates? How will that solution and ongoing status information be relayed to farmers and workers?
- Once the system is back up and running, will H2A workers who are responsible for harvesting perishable product receive priority in clearing the backlog that has been created while the CCD system has been down?
- What permanent steps are you taking to fix the technical issues that are plaguing the CCD system to ensure a more reliable H2A program?

Our nation's farmers and ranchers are the backbone of our economy and are responsible for feeding billions of people, both in our country and around the world. However failure to have access to a legal workforce threatens our agriculture and the rural economy. It is imperative that we provide a real-time solution so H2A workers can lawfully fill documented labor shortages.

I look forward to your immediate response and thank you in advance for your cooperation. I appreciate your attention to this request and stand ready to work with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Newhouse". The signature is fluid and cursive, with a large initial "D" and "N".

Dan Newhouse
Member of Congress