

Congress of the United States
Washington, DC 20515

June 10, 2016

The Honorable Thomas Perez
Secretary
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

The Honorable León Rodríguez
Director
U.S. Citizenship and Immigration Services
111 Massachusetts Ave., NW
Washington, DC 20529

Dear Secretary Perez and Director Rodríguez,

We are writing with regard to the serious issues now occurring with the administration of the H-2A agricultural worker program, which are creating a growing number of delays in the timely processing of applications and visa petitions. This breakdown is impacting growers and ranchers who are trying to hire workers in time for the harvest and threatening millions of dollars in perishable agricultural products.

America's farmers and ranchers face continuing and growing labor shortages needed to produce the crops that our nation relies upon. While some segments of the agricultural industry have been able to continue to increase productivity through mechanization, there remain major segments of our agricultural economy that require human labor.

As the instability in the labor force grows, so does the use of the H-2A seasonal temporary worker program. While we acknowledge the need for broader improvements to our legal immigration system and temporary visa program, the H-2A program is the sole legal visa program available to production agriculture although it is limited to labor of a "temporary or seasonal nature." Although still accounting for less than 10 percent of all seasonal farm workers, employment of H-2A workers has nearly tripled in the past five years. Growth in the H-2A program has occurred despite extreme regulatory hurdles, government inefficiencies, and high costs.

The need for a legal and reliable work force is so great that farmers use this program despite these concerns. Unfortunately, regulatory roadblocks create even more complexity. For the past two years, H-2A employers have experienced unacceptable delays in the processing of labor certifications, visa petitions, and interviews for final border crossing and arrival on farms and ranches. Already this spring, farmers from all across the country are seeing significant delays at the U.S. Department of Labor (DOL) and the U.S. Citizenship and Immigration Service (USCIS). Unfortunately, it is also clear that DOL is at times not following the statutory requirement prescribed in law to respond to applications 30 days prior to the farmer's date of need. These delays are devastating to growers and ranchers that cannot wait to plant, tend, and harvest. DOL must comply with the law, and the failure to comply is unacceptable. This trend leaves growers fearful of a major break-down in the system when peak demand for H-2A workers hits beginning in June.

We fully support efforts to ensure that both employers and employees comply with the statutory requirements of the H-2A program. We believe there are significant measures that the agencies involved could, and should, put into place that do not require legislation or even a major regulatory

change. Implementing these measures could significantly improve the situation for growers and ranchers while the agencies continue to fulfill their duties to protect the rights of domestic workers and provide for our homeland security.

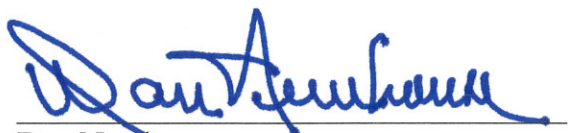
For example, DOL's Office of Foreign Labor Certification (OFLC) has a policy that is not supported by current regulations which requires all workers requested in any single petition be brought onto the job on the start date of the petition. Under the current delays experienced by growers at both the OFLC and USCIS, there is no opportunity to receive these workers by the date they are actually needed. Growers must be given the opportunity to provide a start date that is earlier than the actual anticipated start date as a "grace period" in an effort to better manage the administrative delays.

In addition, the Validation Instrument for Business Enterprises (VIBE) program, as it is currently administered, is inappropriate for the H-2A program. VIBE mandates an annual subscription to Dun & Bradstreet which is an additional expense for growers. It is highly unusual for family farms to subscribe to Dun & Bradstreet except to comply with VIBE.

A number of employers have been receiving Notices of Deficiencies (DOL) or Requests for Further Evidence (USCIS) related to proving that agriculture is in fact seasonal in nature. These notices create an unnecessary and untimely delay in the process. Your agencies must recognize that agriculture is inherently seasonal, and analysts in your agencies should be instructed to take all steps possible not to delay the process, especially considering current conditions.

In view of the current situation, we urge that the agencies expeditiously process agricultural employers' H-2A applications where possible. Our farms, our economies, and the livelihoods of our constituents depend upon timely application processing and visa issuance in advance of farmers' dates of need. In accordance with all rules and regulations, we look forward to your response and your plans to increase the efficiency of the H-2A program to supply the agriculture sector with much-needed labor. We look forward to your timely response.

Sincerely,



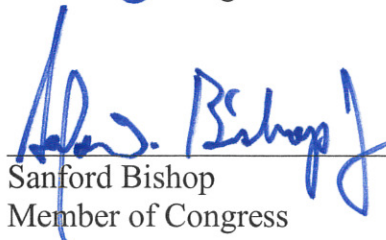
Dan Newhouse
Member of Congress



Suzan DelBene
Member of Congress



Elise Stefanik
Member of Congress



Sanford Bishop
Member of Congress



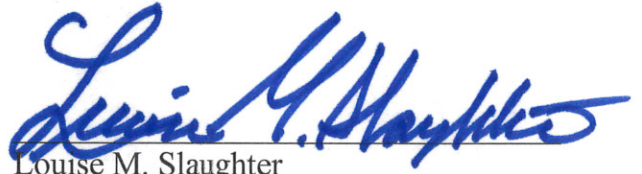
Mike Coffman
Member of Congress



Kurt Schrader
Member of Congress



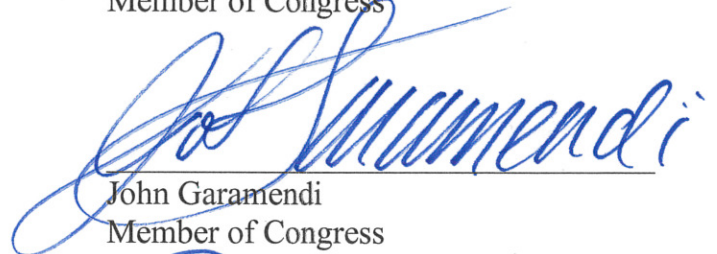
Tom Reed
Member of Congress



Louise M. Slaughter
Member of Congress



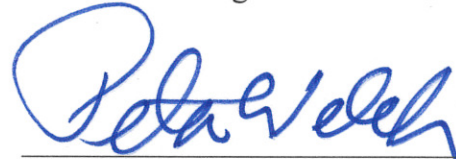
Brett Guthrie
Member of Congress



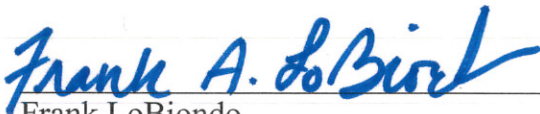
John Garamendi
Member of Congress



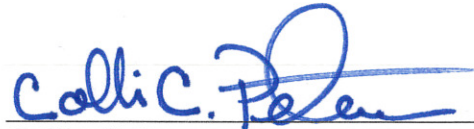
Cynthia Lummis
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Peter Welch
Member of Congress



Frank LoBiondo
Member of Congress



Collin C. Peterson
Member of Congress



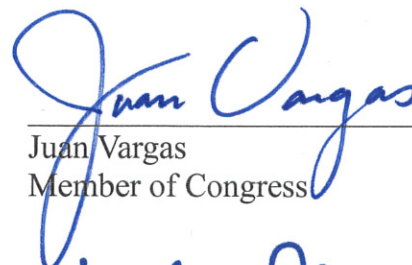
Mick Mulvaney
Member of Congress



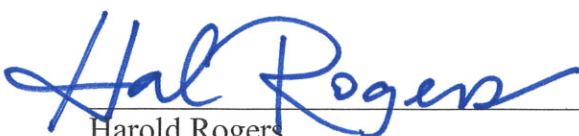
Rick Larsen
Member of Congress



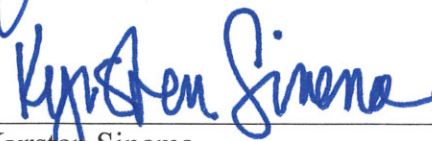
Austin Scott
Member of Congress



Juan Vargas
Member of Congress



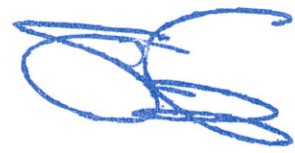
Harold Rogers
Member of Congress



Kyrsten Sinema
Member of Congress



Matt Salmon
Member of Congress



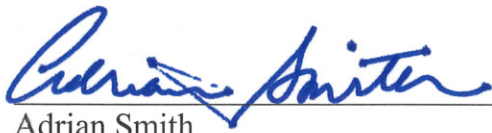
Sean Patrick Maloney
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Mike Simpson
Member of Congress



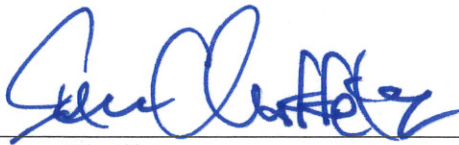
Derek Kilmer
Member of Congress



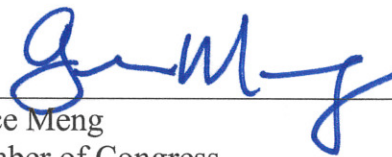
Adrian Smith
Member of Congress



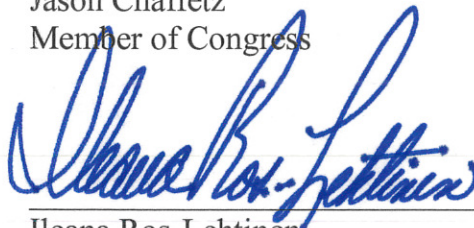
Ron Kind
Member of Congress



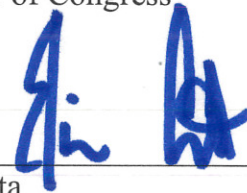
Jason Chaffetz
Member of Congress



Grace Meng
Member of Congress



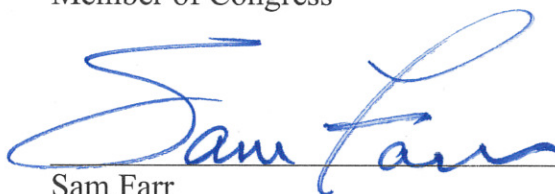
Ileana Ros-Lehtinen
Member of Congress



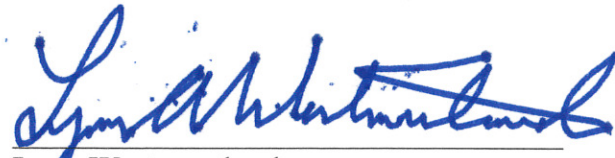
Jim Costa
Member of Congress



Ken Calvert
Member of Congress



Sam Farr
Member of Congress



Lynn Westmoreland
Member of Congress



Julia Brownley
Member of Congress



Ed Whitfield
Member of Congress



Denny Heck
Member of Congress



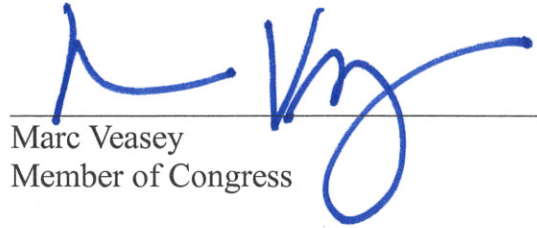
Fred Upton
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Suzanne Bonamici
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Thomas J. Rooney
Member of Congress



Marc Veasey
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Earl L. 'Buddy' Carter
Member of Congress



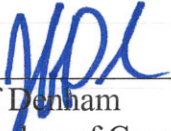
David Scott
Member of Congress



Rodney Davis
Member of Congress



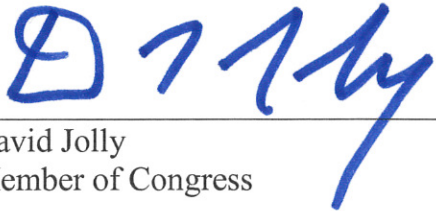
Ann Kirkpatrick
Member of Congress



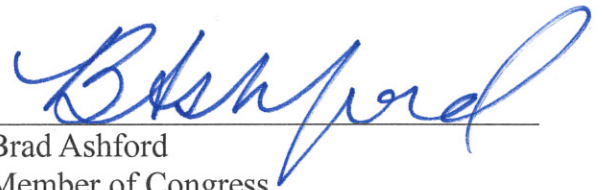
Jeff Denham
Member of Congress



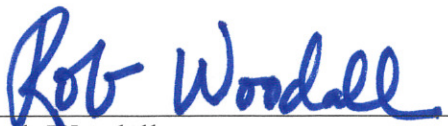
Ann McLane Kuster
Member of Congress



David Jolly
Member of Congress



Brad Ashford
Member of Congress



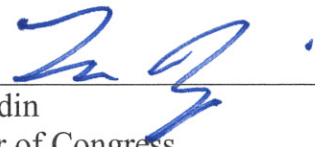
Rob Woodall
Member of Congress



Chris Gibson
Member of Congress



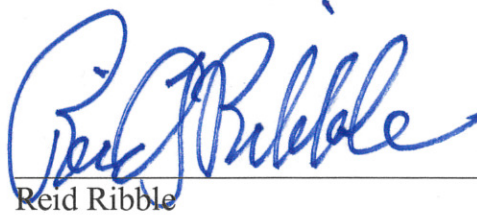
Raúl R. Labrador
Member of Congress



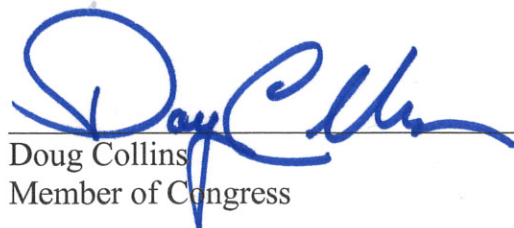
Lee Zeldin
Member of Congress



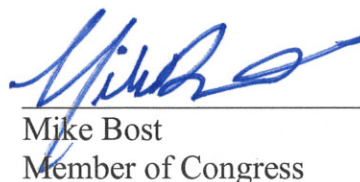
Jody Hice
Member of Congress



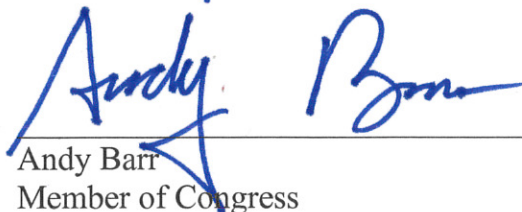
Reid Ribble
Member of Congress



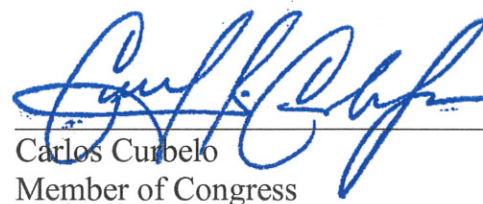
Doug Collins
Member of Congress



Mike Bost
Member of Congress



Andy Barr
Member of Congress



Carlos Curbelo
Member of Congress



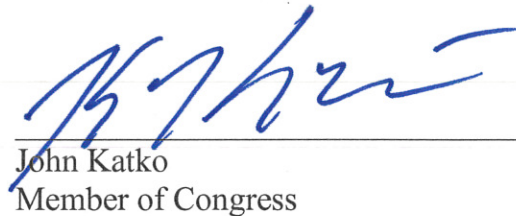
Bill Huizenga
Member of Congress



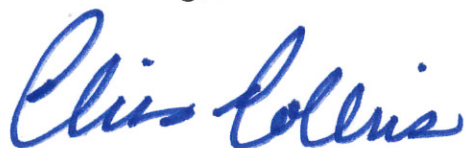
Jaime Herrera Beutler
Member of Congress



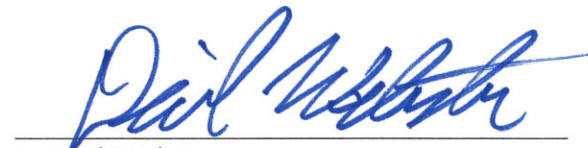
Dave Reichert
Member of Congress



John Katko
Member of Congress



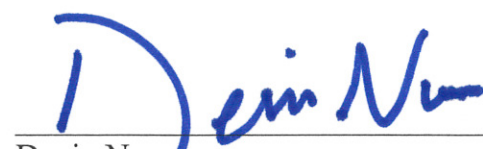
Chris Collins
Member of Congress



Daniel Webster
Member of Congress



Kevin Cramer
Member of Congress



Devin Nunes
Member of Congress



Rick Allen
Member of Congress



Dan Benishek, M.D.
Member of Congress



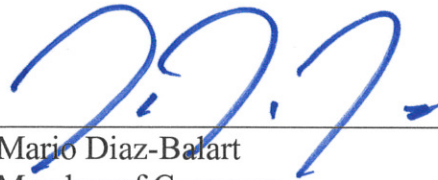
Luke Messer
Member of Congress



Ted S. Yoho, DVM
Member of Congress



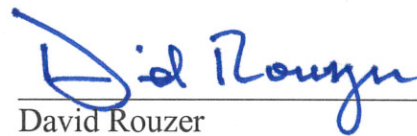
Richard Hudson
Member of Congress



Mario Diaz-Balart
Member of Congress



Mark Amodei
Member of Congress



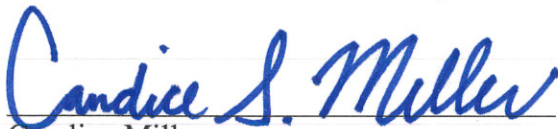
David Rouzer
Member of Congress



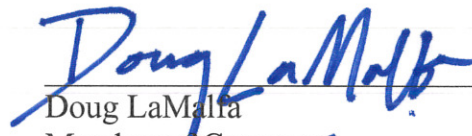
Bob Gibbs
Member of Congress



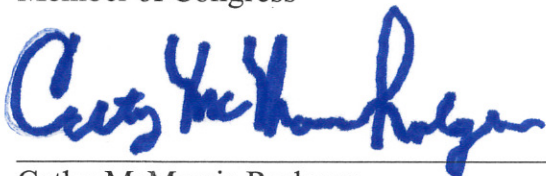
Steven Palazzo
Member of Congress



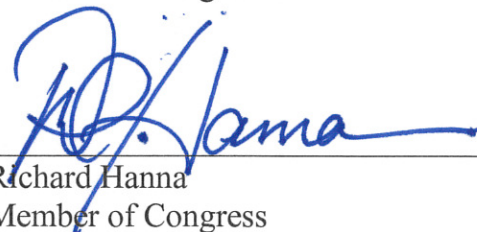
Candice Miller
Member of Congress



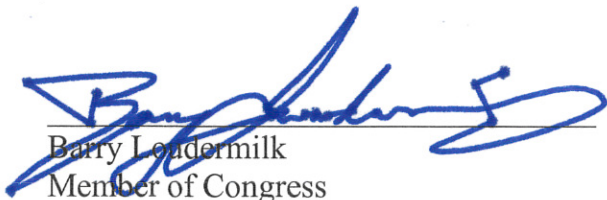
Doug LaMalfa
Member of Congress



Cathy McMorris Rodgers
Member of Congress



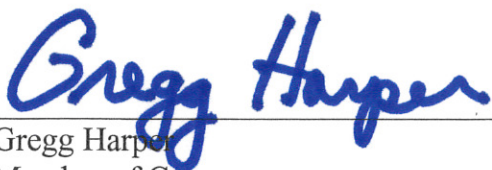
Richard Hanna
Member of Congress



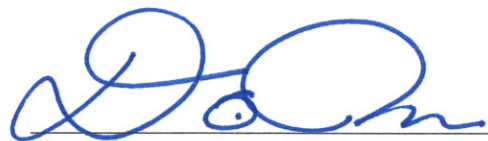
Barry Linder
Member of Congress



Thomas Massie
Member of Congress



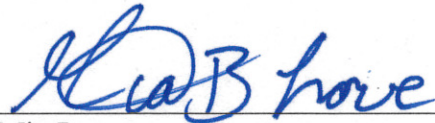
Gregg Harper
Member of Congress



Dennis Ross
Member of Congress



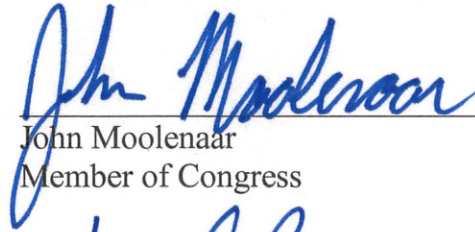
Robert Hurt
Member of Congress



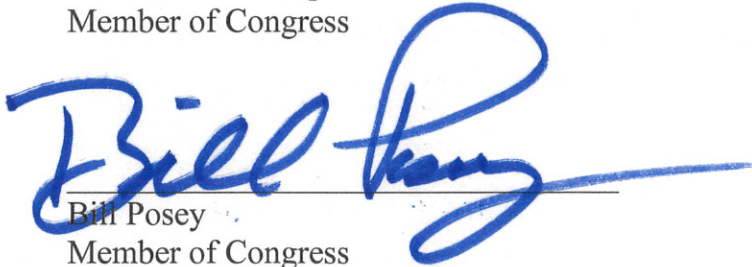
Mia Love
Member of Congress



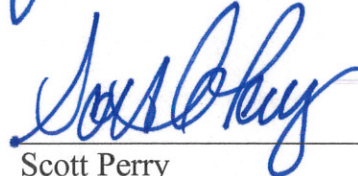
Glenn 'GT' Thompson
Member of Congress



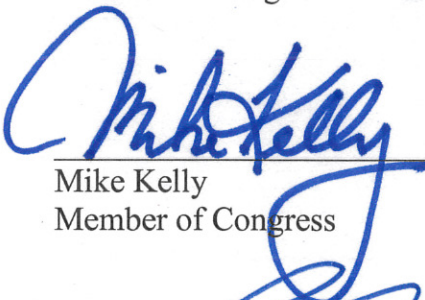
John Moolenaar
Member of Congress



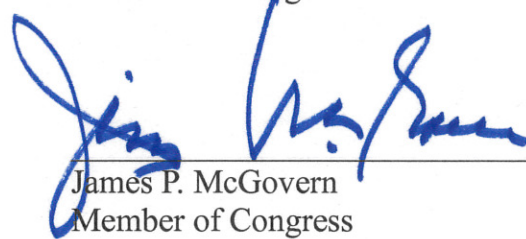
Bill Posey
Member of Congress



Scott Perry
Member of Congress



Mike Kelly
Member of Congress



James P. McGovern
Member of Congress



Ralph Abraham, M.D.
Member of Congress



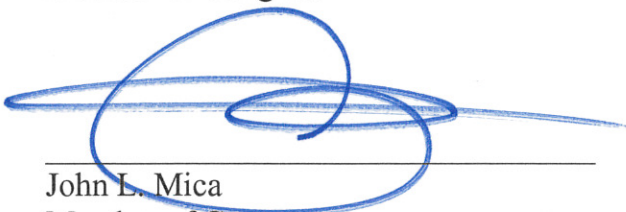
Mark Meadows
Member of Congress



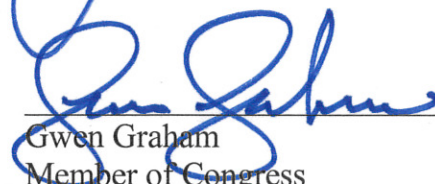
Tom MacArthur
Member of Congress



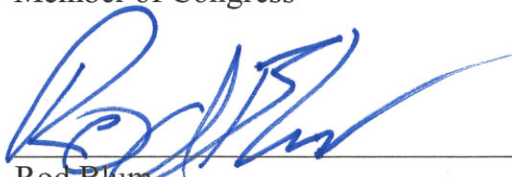
Jim McDermott
Member of Congress



John L. Mica
Member of Congress



Gwen Graham
Member of Congress



Rod Blum
Member of Congress



Susan Brooks
Member of Congress



Marlin Stutzman
Member of Congress



David G. Valadao
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