

Congress of the United States

Washington, DC 20510

March 26, 2020

The Honorable Mike Pompeo
Secretary of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Pompeo:

We write to you today regarding the critical importance of H-2A foreign workers to the agricultural labor force, the nation's food supply, and to the economic viability and survival of many farms. Without additional measures, the Department of State's decision on March 18 to suspend routine nonimmigrant visa processing could be devastating to farmers in our states, and we urge you to immediately identify and implement alternatives to all procedures requiring in-person action at consular offices.

As we enter the 2020 growing season amidst this crisis, the status of our embassies and consular staff, as well as those in H-2A-eligible countries, has been changing daily. Of particular concern to farmers in our states, the U.S. Embassy in Kingston, Jamaica, suspended consular services on March 11 after one of its employees tested positive for COVID-19. While the health and safety of U.S. personnel abroad must be our primary concern, the ability to process visas is critical to our food system here at home.

We urge you to continue to use every tool available to ensure continued processing of H-2A visas while protecting consular staff and the workers that they serve, including use of remote interviews for applicants and expanding waiver eligibility for returning H-2A workers. We recognize that as a precursor to the issuance of an H-2A visa, employers seeking to hire H-2A workers must show to the U.S. Department of Labor (DOL), Office of Foreign Labor Certification (OFLC) that no U.S. workers are available. The survival of many farms in our states depend on domestic and H-2A agricultural workers, and will require immediate and decisive action to ensure the on-time arrival of temporary agricultural workers through the H-2A visa program.

Please inform us as soon as possible of actions you are taking during this international emergency, and of any additional resources or statutory authority required to fulfill this need.

Sincerely,



PATRICK LEAHY
United States Senator



PETER WELCH
United States Representative

CHARLES E. SCHUMER
United States Senator

ANTONIO DELGADO
United States Representative

ANGUS S. KING, JR
United States Senator

ANTHONY BRANDISI
United States Representative

SUSAN M. COLLINS
United States Senator

JOE COURTNEY
United States Representative

KIRSTEN GILLIBRAND
United States Senator

JOHN KATKO
United States Representative

JEANNE SHAHEEN
United States Senator

ELISE STEFANIK
United States Representative

CHRIS MURPHY
United States Senator

ANN McLANE KUSTER
United States Representative

ROBERT P. CASEY, JR
United States Senator

CHELLIE PINGREE
United States Representative

JAMES P. McGOVERN
United States Representative

CC:

Honorable Eugene Scalia, Secretary, Department of Labor

Honorable Sonny Perdue, Secretary, Department of Agriculture

Honorable Chad Wolf, Acting Secretary, Department of Homeland Security