

United States Senate

WASHINGTON, DC 20510

November 1, 2023

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, D.C. 20528

Charles L. Nimick
Chief
Business and Foreign Workers Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Dear Secretary Mayorkas and Mr. Nimick:

We are writing on behalf of farmers, ranchers, and other agricultural stakeholders in our states to request an extension of the comment period of your recently published proposed rulemaking Modernizing H-2 Program Requirements, Oversight, and Worker Protections, 88 FR 65040 (September 20, 2023). The comment period is currently scheduled to close on November 20, 2023. Sixty days is an insufficient amount of time for all producers, who would be most affected, to develop thorough and meaningful feedback on this proposed rule. Additionally, four other regulatory actions of interest to these stakeholders have comment periods ending during the comment period of this regulation.¹

The United States takes pride in producing the world's safest, most abundant, and most affordable food supply. Our nation's ability to do so is entirely contingent on the strength of our agricultural workforce. The H-2A program provides a critical labor pool without which many producers in our states would struggle or be entirely unable to operate.

Any proposed regulatory changes to the H-2A program have potential ramifications for the entire American agricultural supply chain and food security. Therefore, it is of the utmost importance that our constituents be provided adequate time to thoroughly analyze this proposed rule and its effects on their operations. Moreover, this comment period is occurring while many producers in our states will be occupied with fall harvest and unable to dedicate time to developing meaningful comments.

¹ Worker Walkaround Representative Designation Process, 88 FR 59825 (August 30, 2023) (Comment period closes on October 30, 2023); comment period on heat injury and illness prevention in outdoor and indoor work settings on OSHA's Small Business Advocacy Review ("SBAR") Panel materials (Comment period closes on December 23, 2023); Improving Protections for Workers in Temporary Agricultural Employment in the United States, 88 FR 63750 (September 15, 2023) (Comment period closes on November 14, 2023); Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees, 88 FR 62152 (September 8, 2023) (Comment period closes on November 7, 2023).

We respectfully request an additional 60 days for our constituents to develop and submit comments on this proposed regulation, given the timing of this comment period and those of the other four regulations. Thank you for your consideration.

Sincerely,



CINDY HYDE-SMITH
United States Senator



SUSAN M. COLLINS
United States Senator



MIKE CRAPO
United States Senator



JOHN THUNE
United States Senator



ROGER F. WICKER
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JOHN BOOZMAN
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JAMES LANKFORD
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PETE RICKETTS
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