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Oceana County

Jamie Clover Adams, CEO
(517) 881-3971

RECEIVED

By ESEC at 9:20 am, Oct 24, 2023

October 23, 2023

The Honorable Alejandro Mayorkas, Secretary
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 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

RE: USCIS-2023-0012: Comment Period Extension Request

Dear Secretary Mayorkas and Chief Nimick:

The Michigan Asparagus Association requests a comment period extension for the recently published proposed rulemaking referenced above. The 60-day comment period is currently scheduled to close on November 20, 2023.

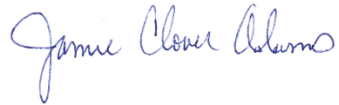
Asparagus is grown on 10,000 acres in Michigan by more than 100 multi-generational growers who operate small and medium sized family farms. Asparagus is a perishable vegetable that is hand-harvested for multiple markets during a 7–8-week growing season in May and June each year. Asparagus is a perennial crop with stands that last twelve to sixteen years. Most Michigan asparagus growers also grow other fruits and vegetables on their farms.

This proposed rulemaking will have significant effects on Michigan vegetable farms. Michigan's asparagus growers are not large growers, so they are directly involved with the harvesting, transporting, and marketing of their crops. Some are currently busy harvesting apples and others butternut squash and carrots. The biological systems they operate in do not allow them to take days away from harvest to read, digest and provide comments on this rule.

For the Association and its members to participate fully and meaningfully in this rulemaking, an extension is necessary. We request an additional 60 days to get our growers past the 2023 harvest and leave time for them to review the rule, think about the practical implications and provide thoughtful comments in response to the questions posed by the Department. Further, as you are aware the Department of Labor has a rulemaking on this topic and the USDA has a new program opportunity that also must be reviewed and acted upon.

This extension will not harm the Department and in fact will allow farmers to meaningfully participate in the Administrative Procedure Act rulemaking process. Thank you for your consideration of this important matter and we look forward to providing comments on this important issue.

Sincerely,

A handwritten signature in blue ink that reads "Jamie Clover Adams". The signature is written in a cursive, flowing style.

Jamie Clover Adams
CEO

Cc: Senator Debbie Stabenow
Senator Gary Peters
Congressman John Moolenaar
Congressman Bill Huizenga



**U.S. Citizenship
and Immigration
Services**

December 21, 2023

Jamie Clover Adams
CEO
Michigan Asparagus Association
Jamie@michiganasparagus.org

Dear Ms. Adams:

Thank you for your October 23, 2023 letter to the Department of Homeland Security (DHS) requesting an additional 60-day public comment period for the Notice of Proposed Rulemaking (NPRM) entitled “Modernizing H-2 Program Requirements, Oversight, and Worker Protections” published in the Federal Register on September 20, 2023. I am responding on behalf of the Department.

We take seriously our requirements under the Administrative Procedure Act to provide an opportunity for members of the public to participate in the rulemaking process. We believe the 60-day comment period for the 2023 H-2 NPRM provided sufficient time and a reasonable opportunity for the public to comment. Additionally, United States Citizenship and Immigration Services (USCIS) has engaged stakeholder groups over the past several years and has incorporated comments and suggestions from these engagements into the 2023 H-2 NPRM.

We respectfully note that a 60-day comment period is generally considered sufficient for the public to provide input in response to proposed rulemaking actions. DHS has provided 60 days for public comment for other comprehensive rulemakings in the past, and that duration has routinely been sufficient as evidenced by the volume of public comments received. Therefore, we did not extend the comment period beyond 60 days, i.e., past November 20, 2023.

DHS will address the specific issues raised in the public comments requesting an extension of the comment period in any final rule that may result from the 2023 NPRM. Please see DHS’s November 3, 2023, letter posted on regulations.gov.¹

¹ See <https://www.regulations.gov/document/USCIS-2023-0012-0035>.

Jamie Clover Adams

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Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou
Director