



October 16, 2023

**RECEIVED**

**By ESEC at 10:55 am, Oct 16, 2023**

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
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

*In re: Request for extension of comment period*

Dear Secretary Mayorkas and Mr. Nimick:

This letter is 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 November 20, 2023. The reason for this request is due to several other regulatory actions of interest to the Council that have comment periods ending during the comment period of this regulation.

**1550 Wilson Boulevard, Suite 700  
Arlington, VA 22209  
202-629-9320**

The National Council of Agricultural Employers (NCAE) is the national association focusing on agricultural labor issues from the employer's viewpoint. Established in 1964, NCAE members are farmers and ranchers involved in labor intensive agricultural production, associations, agents, farm labor contractors and others whose business interests revolve around agricultural employer issues. NCAE advocates for legislation, regulation, and federal policies to keep agricultural employers ethically and economically sustainable in the global marketplace.

For the Council and its members to participate in this regulatory process fully and meaningfully, a process that makes significant changes to the H-2A program, an extension is necessary. We would request an additional 30 days to be able to develop and submit comments so that we may be able to provide informed comments on the proposed regulation. This extension will not harm the Department and in fact will allow the regulated community 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.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Marsh", written in a cursive style.

Michael Marsh  
President and CEO



U.S. Citizenship  
and Immigration  
Services

December 21, 2023

Michael Marsh  
President and CEO  
National Council of Agricultural Employees  
1550 Wilson Blvd, Suite 700  
Arlington, VA 22209-2490

Dear Mr. Marsh:

Thank you for your October 16, 2023 letter to the Department of Homeland Security (DHS). 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, 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. The Department of Homeland Security (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](https://www.regulations.gov).<sup>1</sup>

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.

Sincerely,

A handwritten signature in black ink that reads "Ur M. Jaddou" with a long horizontal flourish extending to the right.

Ur M. Jaddou  
Director

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