

**Congress of the United States**  
**Washington, DC 20515**

November 9, 2023

Mr. Brian Pasternak  
Administrator, Office of Foreign Labor  
Certification  
Employment and Training Administration  
U.S. Department of Labor  
200 Constitution Avenue NW, Room N-5641  
Washington, DC 20210

Mr. 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  
MD, Camp Springs, 20746

Dear Administrator Pasternak and Chief Nimick,

We are pleased your departments are seeking to improve federal programs related to temporary agricultural workers and the critical role they play in our districts' agricultural productivity and heritage.

We are asking the Departments of Labor and Homeland Security to provide an additional 60 days of public comment for the NPRMs Improving Protections for Workers in Temporary Agricultural Employment in the United States, RIN 1205-AC12 ETA-2023-0003; and Modernizing H-2 Program Requirements, Oversight, and Worker Protections, RIN 1615-C76 DHS Docket No. USCIS-2023-0012; CIS No. 2740-23, respectively.

We have been hearing from many of our constituents, and they are worried about their ability to provide meaningful feedback during the current public comment period. These rules directly impact their businesses and important economic activity in our districts, and they deserve to have their opinions heard. Many of our constituents recently finished harvest, which severely limits their ability to provide essential input to your agencies. It is our belief that it is crucial for growers to have ample opportunity to review and provide vital comments. These same constituents are also affected by multiple recent administrative proposals that impact their ability to provide meaningful input within the current comment period. The comments for the proposed rule, ETA-2023-0003, are due November 14, 2023. Comments are due just a few days later, on November 20, to the DHS Docket No. USCIS-2023-0012. Also, USDA published its Notice of Funding Opportunity for the Farm Labor Stabilization and Protection Pilot Program (FLSP) with a deadline of November 28, 2023. Each of these proposals require significant stakeholder attention and we do not believe these fast-approaching deadlines will provide ample opportunity for substantive review and comment.

Thank you in advance for your attention to this matter and the important role your departments play in supporting the agriculture community, including farm workers.

Sincerely,



Kim Schrier, M.D.  
Member of Congress



Dan Newhouse  
Member of Congress



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

December 21, 2023

The Honorable Kim Schrier, M.D.  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Schrier:

Thank you for your November 9, 2023 letter to U.S. Citizenship and Immigration Services (USCIS).

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. The cosigner of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink that reads "Ur M. Jaddou" followed by a long horizontal flourish.

Ur M. Jaddou  
Director

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