

# Congress of the United States

Washington, DC 20510

January 28, 2022

The Honorable Alejandro Mayorkas  
Secretary  
United States Department of Homeland Security  
Washington, DC 20528

Secretary Mayorkas,

We write to you today concerning the Department of Homeland Security's final rule titled *Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Mexico - Docket No. DHS-2022-0003*, requiring proof of CDC-approved COVID-19 vaccines for essential travelers entering the United States.

Since the onset of the COVID-19 pandemic, H-2A employers have worked tirelessly to ensure the safety and wellness of their H-2A employees by providing personal protective equipment, on-demand COVID-19 testing, and standing up on-farm COVID-19 vaccination clinics. As a result, a significant percentage of H-2A employees were vaccinated while they were in the U.S. last year, including 95 percent of H-2A employees in Washington state.

Most of those vaccinated workers will return. However, growth in the number of H-2A employees coming to the United States, coupled with the need to replace employees who leave through general attrition, means that the number of employees who are either unvaccinated or have received unapproved vaccines will be substantial. Some of the new H-2A employees are already scheduled to arrive in the U.S. with future arrivals in the coming days and weeks.

We believe the safety of Americans and those coming to this country for work is paramount and support these efforts by H-2A employers.

Unfortunately, the rule by DHS threatens to delay the arrival of some employees in an industry where even a few days delay in performing critical time-sensitive tasks can affect the size and quality of the crop. At worst, this rule will prevent these employees from being able to travel to the U.S. to work at all this season – due to lack of access to an approved vaccine versus lack of will to get vaccinated.

The rule states that “In Mexico, 55.9 percent of the population is fully vaccinated against COVID-19, while as of October 2021, 72 percent of those living in border regions were fully vaccinated against COVID-19.” The data does not show the number in Mexico vaccinated with CDC-approved vaccines, which is required for entry. Additionally, while COVID-19 vaccines are sparsely available in Mexico, many are not CDC-approved. Using the cited data as your basis to require essential travelers to comply with vaccine mandates increases confusion for both employers and visa holders.

We have concerns this rule, without certain modifications, could unintentionally add to our current labor and supply chain issues. Over the last several weeks, the agricultural industry that utilizes the H-2A visa program has requested similar flexibilities from previous years by allowing H-2A visa holders entry on the conditions they would receive a COVID-19 vaccine upon arrival.

We request that you provide H-2A employers with the flexibility to vaccinate employees upon arrival and work with industry to offer vaccination clinics at U.S. embassies and consular offices in the employee's home country. We ask that you continue working with the agricultural industry to work through these

concerns as promptly as possible. Any more delays could potentially have severe implications on food supply systems and rural economies.

Sincerely,



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Dan Newhouse  
Member of Congress



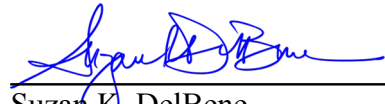
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Peter Meijer M.C.  
Member of Congress



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John Katko  
Member of Congress



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Suzan K. DelBene  
Member of Congress



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Chris Jacobs  
Member of Congress



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Fred Upton  
Member of Congress



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Kurt Schrader  
Member of Congress



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Russ Fulcher  
Member of Congress



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Michael K. Simpson  
Member of Congress



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Bill Huizenga  
Member of Congress

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Cliff Bentz  
Member of Congress

A handwritten signature in blue ink, appearing to read "Tom Rice", written over a horizontal line.

Tom Rice  
Member of Congress