

Congress of the United States
House of Representatives
Washington, DC 20515-0604

March 26, 2015

The Honorable Thomas Perez
Secretary
Department of Labor
Washington, D.C. 20210

Dear Secretary Perez:

I am writing in regards the Department of Labor's (DOL) proposed changes to H-2A "Special Procedures" rules for agriculture businesses. These actions could render agriculture businesses uneconomical, or even impossible, to operate in Colorado and across the nation.

Many constituents, and state legislators alike, have contacted me about the proposed changes to the H-2A visa program, which include ending a mobile housing exemption, and amending wage and hour requirements for immigrant workers. These actions would negatively impact Colorado's open-range sheepherding and harvesting industries, which have a long cultural history in Colorado, and are some of the most productive in the nation.

Since the 1950s, the DOL has regulated H-2A visas for agriculture-related occupations under Special Procedures to account for their unique characteristics and occupational requirements. Even as late as 2011, DOL-issued employer guidance recognized the "long-established standards for mobile housing," and the nature of livestock herding jobs that are "characterized by other than a reasonably regular workday or workweek." Due to the nature of sheepherding and harvesting, long hours and mobility are necessities to ensure that animals are not mauled by predators and crops are harvested in a timely fashion, among a litany of other reasons.

Please consider the untenable effects the DOL's proposed changes to H-2A "Special Procedures" will have on Colorado's agriculture industry. I ask that you keep my office informed of your agency's decision, especially if it will result in the shuttering of Colorado agricultural operations.

Sincerely,



Ken Buck
Member of Congress