



129<sup>th</sup> Maine Legislature  
Troy D. Jackson  
President of the Senate

**RECEIVED**

*By ESEC at 9:53 am, Apr 22, 2020*

April 21, 2020

The Honorable Sonny Perdue  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, DC 20250

The Honorable Chad Wolf  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
3801 Nebraska Ave, NW  
Washington, DC 20250

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C St., NW  
Washington, DC 20250

The Honorable Eugene Scalia  
Secretary of Labor  
U.S. Department of Labor  
200 Constitution Ave., NW  
Washington, DC 20210

Dear Secretaries Perdue, Pompeo, Wolf, and Scalia,

It has come to our attention that the Department of State and the Department of Homeland Security have authorized temporary waivers for in-person interviews for eligible H-2A visa applicants. We understand the intent of this waiver is to streamline the process and provide labor in the agricultural sector during this time of crisis. The order will secure a steady flow of foreign guest workers to impede any disruptions in the agricultural supply chain caused by Covid-19. This action was deemed necessary because agricultural laborers have been declared "essential workers" and H-2A seasonal guest workers make up approximately 10% of all farmworkers.

It is clear, however, that this waiver should **not** apply to those working in the forest products industry as loggers or truckers. Rather, in this time of crisis, we must do all we can to protect the jobs of these industrious workers. Those who work in the forests of Maine take substantial risks to keep this historic and productive engine of the economy running. And, it is with this in mind, that I ask you to ensure that they can continue to carry-on during this pandemic. It is imperative that the waiver specifically exclude Canadian workers coming over the border into Maine to work in the forest products industry. These H-2A guest workers are not needed to help with the food chain let alone the forest products chain.

As you likely know, Canadian H-2A workers cross Maine's northern and western borders to work and return back to Canada daily. These same Canadians come into the state to cut Maine wood and as truckers hauling wood to and from mills in Maine and Canada. This is true even though there are many Maine loggers who are ready and available for work in these very areas. They consistently break cabotage laws and then stay on taking jobs that should be going to Maine citizens. The logging industry, and the foreign workers who travel to and fro, have little to no oversight. They are a constant threat to the security of the Maine logging industry and the Maine workers who depend upon it.

These circumstances are significantly different than those of the true agricultural fields for which the H2-A program was designed. These jobs are very sought after with millions of dollars invested in equipment and we have had numerous violations of owner-operators trying to bring their equipment into Maine under the H2-A program.

The H-2A program is only necessary when there are no U.S. workers available. The H-2A program was established for farm products that would otherwise rot in the field if not harvested when ripe. This program does

not fit with the logging industry, but nonetheless greedy industrial landowners utilize it because it can keep their costs down. They can pay Canadians less money than Mainers because the Canadian government subsidizes healthcare. During this time of crisis, these same landowners have told Maine independent loggers that it is likely they will not be hiring until August or September, giving these unemployed Maine workers even less opportunity than usual. Unfortunately, I am of the opinion, based on past experience, that if the landowners see an opportunity to extend the H-2A program here in the Maine woods, they will. There is a constant adverse effect on US workers because of the federal government's failure to act. We cannot let this happen to the hard and devoted workers of this state.

In closing, there is no question that there are plenty of Maine loggers ready and willing to work. There is also no question that enforcing the rules of the H-2A program in remote areas of Maine has been non-existent. Our calls to establish prevailing rates for today's logging equipment and violations of cabotage rules have consistently fallen on deaf ears. Nonetheless, Maine loggers should be guaranteed the right to work in the state and industry that they love. They support this state and this country through their continued service and their tax dollars. With that in mind, please be sure to clarify that the waiver applies only to foreign laborers who work in food industries, not in the forests of Maine.

Sincerely,

Sen. Troy Jackson  
Maine Senate President

Sen. Nate Libby  
Senate Majority Leader

Sen. Eloise Vitelli  
Senate Asst Majority Leader

Rep. Matt Moonen  
House Majority Leader

Rep. Ryan Fecteau  
House Asst Majority Leader

Sen. Shenna Bellows  
Sen. Cathy Breen  
Sen. Mike Carpenter  
Sen. Brownie Carson  
Sen. Ben Chipman  
Sen. Justin Chenette  
Sen. Ned Claxton  
Sen. Bill Diamond  
Sen. Jim Dill  
Sen. Geoff Gratwick  
Sen. Erin Herbig  
Sen. Rebecca Millett  
Sen. Linda Sanborn  
Sen. David Miramant  
Rep. Betty Austin  
Rep. Shawn Babine  
Rep. Donna Bailey  
Rep. Seth Berry  
Rep. Heidi Brooks

Rep. Mark Bryant  
Rep. Anne Carney  
Rep. Pinny Beebe-Center  
Rep. Margaret Craven  
Rep. Scott Cuddy  
Rep. Diane Denk  
Rep. Jan Dodge  
Rep. Donna Doore  
Rep. Victoria Doudera  
Rep. Jeffrey Evangelos  
Rep. Lois Galgay Reckitt  
Rep. Lori Gramlich  
Rep. Nicole Grohoski  
Rep. James Handy  
Rep. Allison Hepler  
Rep. Craig Hickman  
Rep. Henry Ingwersen  
Rep. Scott Landry  
Rep. Cathy Nadeau

Rep. Danny Martin  
Rep. John Martin  
Rep. Anne-Marie Mastraccio  
Rep. Ann Matlack  
Rep. David McCrea  
Rep. Joyce McCreight  
Rep. Michele Meyer  
Rep. Steve Moriarity  
Rep. Sean Paulhus  
Rep. Bill Pluecker  
Rep. Tiffany Roberts  
Rep. Deane Rykerson  
Rep. Steve Stanley  
Rep. Holly Stover  
Rep. Maureen Terry  
Rep. Charlotte Warren  
Rep. Bruce White  
Rep. Stanley Paige Ziegler

cc: U.S. President Donald Trump  
U.S. Senator Angus King  
U.S. Senator Susan Collins  
U.S. Representative Jared Golden  
U.S. Representative Chellie Pingree



U.S. Citizenship  
and Immigration  
Services

May 21, 2020

The Honorable Troy D. Jackson  
Maine Senate President  
3 State House Station  
Augusta, ME 04333

Dear Mr. Jackson:

Thank you for your April 21, 2020 letter regarding H-2A workers in the agricultural and forest products industry. Acting Secretary Wolf asked that I respond on his behalf.

The Department of Homeland Security (DHS) has no greater responsibility than ensuring the safety and security of our country. Mitigating efforts related to the pandemic require everyone to work within rapidly changing, complex circumstances that create a variety of situations and conditions unique to individuals and communities. We recognize there are challenges that individuals, employers, and others face as a direct result of the national emergency. We continue to carefully analyze these issues and to leverage our resources to effectively address these challenges within our existing authorities. As stated by President Trump, our country must be mindful of the impact of foreign workers on the United States labor market, particularly in an environment of high domestic unemployment and depressed demand for labor. We, along with our government partners, are considering a number of policies and procedures to improve the employment opportunities of U.S. workers during this pandemic.

We appreciate the concerns you raised regarding the lack of enforcement in the H-2A program. We invite members of the public with information that a participating employer may be abusing the H-2A program to submit the information to DHS through the online USCIS Tip Form, which can be accessed via <https://www.uscis.gov/report-fraud/uscis-tip-form>. Protecting the integrity of the immigration process is a priority for DHS and USCIS.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Edlow".

Joseph Edlow  
Deputy Director for Policy