

# Congress of the United States

Washington, DC 20510

March 1, 2012

Mr. Jeffrey Zients  
Acting Director  
Office of Management and Budget  
725 17th Street NW  
Washington, DC 20503

Dear Mr. Zients:

The Department of State has notified us they have officially transmitted an interim final rule for your review to exclude the manufacturing sector – including seafood processing – from the J-1 Visa Summer Work Travel (J-1) program. We request you reject the proposal for interim final rulemaking to exclude seafood processing facilities from the J-1 program and direct the Department to proceed with a formal process of proposed rulemaking which includes notice and comments from the affected seafood sector and coastal communities hosting students under the program.

The use of interim final rule making to exclude seafood processing facilities from the J-1 program is not appropriate. The Department admittedly is not aware of any incidents in the seafood industry where students have been subject to abuse or their safety has been jeopardized. The use of interim final rule making to exclude seafood facilities from the J-1 program is instead predicated on Department policy goals for the cultural component of the program and public pressure to make immediate changes to the program due to abuses in the manufacturing sector. Regardless of whether the Department finds a full exclusion of seafood facilities is necessary to achieve stated goals, the public and affected seafood sector should be provided an opportunity to inform this policy decision.

Advance notice and solicitation of public comment would be more appropriate to ensure a fully informed decision and to provide reasonable notice to all affected employers. We are aware of employers using the J-1 program who strive to be consistent with the full intent of the J-1 program, but have no confidence the Department has reached out to the seafood sector for these examples. Our concern throughout this process, that affected stakeholders (processors, harvesters, and coastal communities) have not been adequately noticed or consulted, was reinforced this week by a letter dated February 27 from the Department of State's Legislative Affairs Office noting consultation is underway. They specifically noted consultation was ongoing with employer associations and local government officials. We are not aware of any such contact related to the interim rule applying to the seafood sector. The interim final rule was transmitted to you the same day the Department advised us in writing that stakeholder consultation is ongoing.

Recruitment for 2012 employment is well underway. Adopting new regulations for immediate implementation will have serious adverse impacts on those seafood companies which have

hosted students in the past and have complied with all of the program's requirements. An immediate change to the program will cause unnecessary disruption to both host companies and the students who have already attempted to secure jobs for the 2012 summer season. This disruption will not only affect the students, but will also have an adverse impact on small businesses in the seafood industry and those small business fishermen who deliver seafood to the affected companies. These impacts on small businesses would be fully vetted if this proposal were to follow the regular process which allows for public comment and additional review under the Regulatory Flexibility Act and the Administrative Procedures Act.

We request you reject the proposal for interim final rulemaking which excludes seafood processing facilities from the J-1 program and direct the Department to proceed with a formal process of proposed rulemaking which includes notice and comments from the affected seafood sector and coastal communities hosting students under the program.

Thank you for your attention to this matter.

Sincerely,



Lisa Murkowski  
United States Senator



Mark Begich  
United States Senator



Don Young  
Congressman for All Alaska