

United States Senate

WASHINGTON, DC 20510

March 13, 2015

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

Dear Secretary Perez:

We are shocked and disappointed at the Department's (DOL) decision to no longer accept or process requests for H-2B labor certifications in light of a March 4, 2015 decision in *Perez v. Perez*, No. 3:14-cv-682. This hasty decision resulted in the Department of Homeland Security (DHS) halting the processing of its petitions just one day later. The Department must immediately coordinate with DHS so that the processing of H-2B applications can resume as quickly as possible.

The *Perez* decision found that DOL lacks the sole authority to issue formal notice-and-comment rules under the Administrative Procedure Act. It did not require that DOL shut the H-2B program down. This decision along with DHS' decision to stop the processing of its petitions has already caused economic damage and panic among businesses that depend on the H-2B program.

As you know, the H-2B program is a necessity for businesses across the country, such as seafood, hospitality, tourism, forestry and other seasonal industries. These businesses are on the ropes and are fighting every day to survive. In just this year alone, they are facing higher wages because of the prohibition on the use of prevailing wage surveys and many of them won't be able to secure workers because the cap for the 1st half of the year was reached in January.

Secretary Perez, our constituents need a government on their side. Every time there is a bureaucratic rule change or legal interpretation that harms their ability to operate their business, they lose another piece of their livelihood. They need a functioning H-2B program.

In your role as a consultant agency, we urge you to work with DHS to immediately issue an emergency rule that will result in the resumption of H-2B processing. In the meantime, we are exploring legislative options to ensure that this happens.

We look forward to hearing from you.

Sincerely,



Barbara A. Mikulski
United States Senator



Mark Warner
United States Senator



Lamar Alexander
United States Senator



Heidi Heitkamp
United States Senator



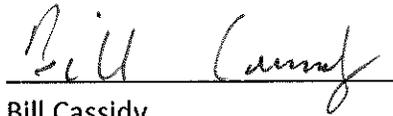
Thad Cochran
United States Senator



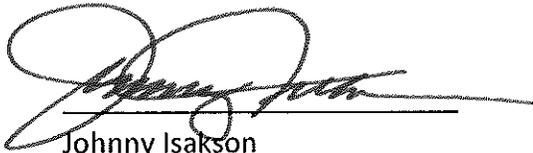
Benjamin L. Cardin
United States Senator



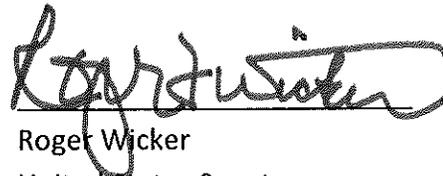
David Vitter
United States Senator



Bill Cassidy
United States Senator



Johnny Isakson
United States Senator



Roger Wicker
United States Senator



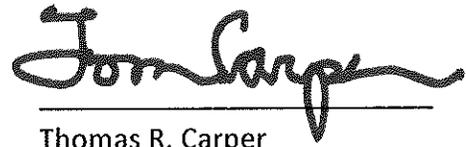
Richard Burr
United States Senator



Lisa Murkowski
United States Senator



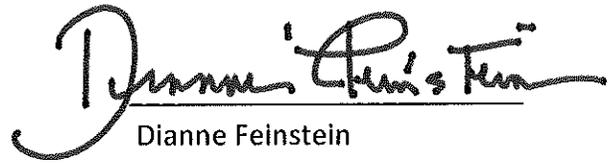
Susan M. Collins
United States Senator



Thomas R. Carper
United States Senator



Timothy M. Kaine
United States Senator



Dianne Feinstein
United States Senator



Orrin G. Hatch
United States Senator



Michael B. Enzi
United States Senator



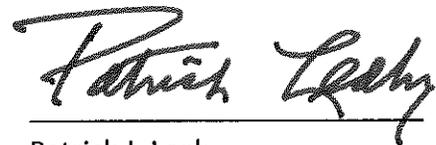
Bill Nelson
United States Senator



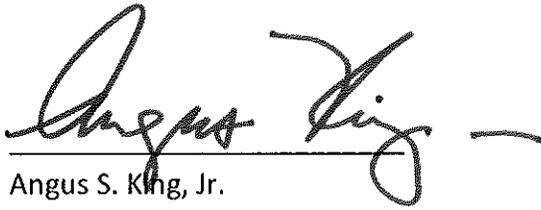
Patrick J. Toomey
United States Senator



Thom Tillis
United States Senator



Patrick J. Leahy
United States Senator

A handwritten signature in black ink, reading "Angus King" in a cursive style. A horizontal line is drawn across the signature, and a short horizontal stroke extends to the right from the end of the signature.

Angus S. King, Jr.
United States Senator