

United States Senate

WASHINGTON, DC 20510

March 13, 2015

The Honorable Jeh Johnson
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Johnson:

We are shocked and disappointed at the Department's (DHS) decision to halt the processing of its H-2B applications in light of a March 4, 2015 decision in *Perez v. Perez*, No. 3:14-cv-682. The Department must immediately coordinate with DOL so that H-2B program 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 Johnson, 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.

We urge DHS, in collaboration with DOL, 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
U.S. Senator



Mark Warner
U.S. Senator

Lamar Alexander

Lamar Alexander
United States Senator

Heidi Heitkamp

Heidi Heitkamp
United States Senator

Thad Cochran

Thad Cochran
United States Senator

Ben Cardin

Benjamin L. Cardin
United States Senator

David Vitter

David Vitter
United States Senator

Bill Cassidy

Bill Cassidy
United States Senator

Johnny Isakson

Johnny Isakson
United States Senator

Roger Wicker

Roger Wicker
United States Senator

Richard Burr

Richard Burr
United States Senator

Lisa Murkowski

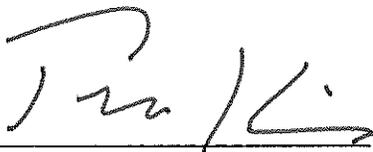
Lisa Murkowski
United States Senator



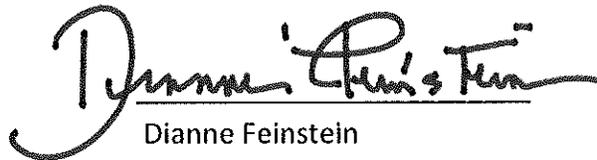
Susan M. Collins
United States Senator



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



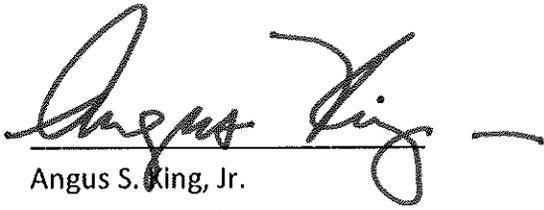
Patrick J. Toomey
United States Senator



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