

Congress of the United States
House of Representatives
Washington, DC 20515-1803

June 14, 2011

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

Dear Secretary Solis:

I write in opposition to the U.S. Department of Labor's January 19, 2011 proposed change to the H-2B wage methodology. I believe this rule imposes a new, untested wage determination methodology that will increase cost for small business.


Despite its size, Louisiana is the fifth largest benefactor of the H-2B program in the U.S., with well over 7,700 seasonal H-2B Jobs being filled across the state in 2009. These jobs are the drivers of the agriculture and seafood industries. However, if the Department's proposed changes to the program are enacted, many of the employers in these industries will be forced to curtail their use of this program, hurting not only the agriculture and seafood industries but the numerous related industries and the countless domestic workers employed in these industries.

The fishing and agricultural sectors are dependent upon the weather. As such, it is impractical for employers in this industry to guarantee pay for three-fourths of the hours described in the H-2B application, as required in the Department's proposed regulations. Additionally, requiring that employers apply for these visas more than seven months in advance is an onerous requirement that lacks understand of not only the industries which use these visas but of the real-world speed of commerce.

On January 18, 2011, President Barack Obama issued Executive Order 13563 directing all executive agencies to lift or significantly edit Federal regulations that have an overly burdensome effect on businesses. I fail to see how proposing new regulations which make an important job-creating government program harder for small businesses to use complies with the letter or sprit of this Executive Order.

For these reasons, I respectfully request that you not enact your proposed changes. I thank you for your thoughtful consideration of this request.

Respectfully,



Jeff Landry
Member of Congress