

# United States Senate

August 4, 2026

The Honorable Keith Sonderling  
Acting Secretary  
Department of Labor  
200 Constitution Avenue, NW  
Washington, D.C. 20210

Dear Acting Secretary Sonderling,

Thank you for your excellent work at the Department implementing President Trump's agenda to ensure that our labor policies put American workers first. I write regarding how abuse of the pre-filing recruitment requirements in the permanent labor certification process promotes hiring foreign labor and strips qualified American workers of job opportunities.

A DOL-issued permanent labor certification allows an employer to hire a foreign worker to work permanently in the United States. To protect American workers, before issuing a certification, DOL must determine that "there are not sufficient U.S. workers able, willing, qualified, and available to accept the job opportunity in the area of intended employment and that employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers."<sup>1</sup>

But under current DOL regulations,<sup>2</sup> which have not been updated in over twenty years, Program Electronic Review Management (PERM) job postings for nonprofessional occupations are only required to be advertised in two print newspapers and placed with a state workforce agency. The requirements for professional occupations are only slightly more rigorous and do not require the employer to advertise the job online.<sup>3</sup> Given dramatically reduced newspaper circulation and the prevalence of online job applications, these outdated rules let employers conceal jobs from American workers while claiming they tried to recruit domestically.

The PERM process is also susceptible to fraud. As the Department's Inspector General Anthony D'Esposito announced, the Department and White House Task Force to Eliminate Fraud have uncovered widespread immigration fraud schemes in the H-1B and PERM programs.<sup>4</sup> These findings provide further reasons to reform the PERM process.

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<sup>1</sup> U.S. Dep't of Labor, "Permanent Labor Certification (PERM)," <https://flag.dol.gov/programs/perm> (last accessed (Aug. 3, 2026).

<sup>2</sup> Basic Labor Certification Process, 20 C.F.R. § 656.17(e)(2).

<sup>3</sup> *See id.* § 656.17(e)(1).

<sup>4</sup> Press Release, U.S. Dep't of Lab., Off. of Inspector Gen., "Office of Inspector General Launches Investigation into H-1B Visa Fraud and Human Trafficking to Protect American Workers" (July 8, 2026), <https://oig.dol.gov/public/Press%20Releases/OIG-Press-Release-070826.htm>.

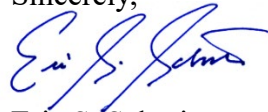
I understand the Department has listed updating the PERM process on its regulatory agenda.<sup>5</sup> Any proposed rule by the Department should make several concrete changes to better American workers. *First*, employers should be required to post every PERM job opportunity on their ordinary job-openings page and on at least one widely used online job platform. Employers should also use the same application process they use for comparable non-PERM positions. The Department should require employers to document every American applicant, identify the reason each applicant was rejected, and certify that the position was not reserved, formally or informally, for a foreign worker. *Second*, companies should be required to accept applications electronically or in the same manner as they accept job applications for non-PERM job opportunities. *Third*, employers should be required to provide affirmative notice to recently laid-off American workers who may be qualified for the position, interview those who meet the stated qualifications, and provide a written explanation for any rejection. The current requirement permits cursory, *pro forma* consideration of American applicants. The Department should replace it with a process that gives displaced American workers a genuine opportunity to compete for the job.

To better understand the scope of this issue, I respectfully request any data the Department has regarding the following questions:

1. How often are PERM applications audited to investigate compliance with pre-filing recruitment requirements?
2. What are the Department's criteria for initiating an audit?
3. What percentage of PERM applicants previously used the Optional Practical Training Program?
4. What percentage of PERM applicants previously used an H-1B visa; what percentage of those H-1B visa users also used the Optional Practical Training Program?
5. What percentage of PERM applications does the Department estimate contain fraudulent information?

Abuse of the PERM and H-1B programs allow corporations to replace American workers with cheaper foreign labor. The Department should end that abuse and restore the regulations' supposed purpose: Protecting American workers and putting their interests first. I appreciate your leadership of the Department and look forward to your response.

Sincerely,



Eric S. Schmitt  
United States Senator

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<sup>5</sup> *Agency Rule List – 2026*, OFF. OF MGMT. & BUDGET, EXEC. OFF. OF THE PRESIDENT, [https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION\\_GET\\_AGENCY\\_RULE\\_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=1200&Image58.x=32&Image58.y=14](https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=1200&Image58.x=32&Image58.y=14) (last visited August 3, 2026).