

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

Purdue University, *et al.*,

*Plaintiffs,*

v.

Eugene Scalia, *et al.*,

*Defendants.*

Civil Action No. 1:20-cv-3006 (EGS)

Hon. Emmet G. Sullivan

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF OF  
THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,  
THE NATIONAL ASSOCIATION OF MANUFACTURERS, AND TECHNET**

Pursuant to LCvR 7(o)(2), the Chamber of Commerce of the United States of America, the National Association of Manufacturers, and Technet respectfully request leave to file the attached *amicus* brief in support of plaintiffs' motion for preliminary injunction.

1. The Department of Labor (DOL) interim final rule challenged in this case aims to make it prohibitively expensive for companies to hire the high-skilled, specialized foreign workers they need to run and grow their businesses. Despite the fact that it is hugely consequential—DOL itself estimates that it will cost American businesses nearly *\$200 billion* over the next decade—that rule, *Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States*, 85 Fed. Reg. 63,872 (Oct. 8, 2020) (DOL Rule), was issued without even the minimal procedural safeguards provided by public notice and comment.

2. *Amici* are business associations that collectively represent key sectors of the American economy, including thousands of firms that hire H-1B, EB-2, and EB-3 employees for their unique skills, productivity, and innovation.

*Amicus* Chamber of Commerce of the United States of America (U.S. Chamber) is the world's largest business federation. It represents approximately 300,000 direct members and indirectly represents the interests of more than 3 million companies and professional organizations of every size, in every industry sector, and from every region of the country. Part of the U.S. Chamber's mission is advocating for its members' abilities to bring the world's best and brightest to America to foster innovation and economic growth. Because many of the U.S. Chambers' members face acute labor shortages as to certain specialty occupation workers, they employ individuals via the H-1B, EB-2, and EB-3 visa categories. The DOL Rule thus directly injures the interests of the members of the U.S. Chamber.

*Amicus* National Association of Manufacturers (NAM) is the largest manufacturing association in the United States, representing small and large manufacturers in every industrial sector and in all 50 states. Manufacturing employs more than 12 million men and women, contributes roughly \$2.17 trillion to the U.S. economy annually, has the largest economic impact of any major sector, and accounts for nearly three-quarters of private-sector research and development in the Nation. The NAM is the voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States. Part of the NAM's mission is advocating for its members' abilities to access global talent and retain workers who drive innovation in manufacturing. The NAM recognizes that immigrants help build America's manufacturing industry and that temporary workers from abroad are essential to the Nation's manufacturing competitiveness. Because many of the NAM's members have hired—and intend to hire—employees via the H-1B, EB-2, and EB-3 visa categories, the DOL Rule will directly injure its members' interests.

*Amicus* Technology Network (TechNet) is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American companies ranging from startups to the most iconic companies on the planet, and represents over three million employees and countless customers in the fields of information

technology, e-commerce, the sharing and gig economies, advanced energy, cybersecurity, venture capital, and finance. Because many of TechNet's members have hired—and intend to hire—employees via the H-1B, EB-2, and EB-3 visa categories, the DOL Rule will directly injure its members' interests.

3. Because of their members' use of the affected visa programs, *amici* have deep institutional interests in ensuring that the government is not permitted to rush this massively harmful, permanent regulation into effect without subjecting it to the public scrutiny mandated by the APA. *Amici*'s interests are so deep, in fact, that two of them are leading a separate lawsuit to set aside the DOL Rule (and a companion rule promulgated by the Department of Homeland Security). *See Chamber of Commerce of U.S. v. DHS*, No. 20-cv-7331 (N.D. Cal.).

4. *Amici* agree entirely with plaintiffs' position that DOL lacks good cause to issue the DOL Rule without notice and comment; they seek to file this brief to provide additional, complementary reasoning in support of that position. *Amici* therefore respectfully submit that the attached brief will be of assistance to the Court in resolving these issues.

5. *Amici* have conferred with counsel for both plaintiffs and defendants; both parties consent to the filing of this brief.

### **CONCLUSION**

For the foregoing reasons, the Court should grant leave to file the attached *amicus* brief.

Dated: October 30, 2020

Respectfully submitted,

/s/ Paul W. Hughes

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