From: Marcel Miclea
To: ETA, OFLC Forms - ETA
Subject: re: Opposition to Proposed Prevailing Wage Rule (OMB control number 1205-0508)
Date: Tuesday, May 26, 2026 4:12:23 PM

Dear Mr. Pasternak:

I respectfully oppose the proposed rule revising the prevailing wage methodology for the H-1B, H-1B1, E-3, and PERM programs.

The current system already protects U.S. workers by requiring employers to pay the higher of the prevailing wage or the actual wage paid to similarly qualified employees. If there are compliance concerns, the proper response is targeted enforcement, not an across-the-board wage increase that would harm compliant employers and workers.

In real life, this rule will have serious consequences. A small engineering company may need one highly skilled employee to complete contracts and grow, but a sudden artificial wage increase could make the hire impossible. A university may have a postdoctoral researcher funded by a fixed grant but if the required wage suddenly increases, the project may be delayed or cancelled. A rural hospital may lose access to professionals who are difficult to recruit locally. In PERM cases, employers and employees often plan for years based on the existing wage framework. Changing the rules midstream could make already-filed or planned cases financially impossible.

The proposed rule also fails to account for employers and foreign workers who have relied on the current system for more than two decades. Many employees have built careers, purchased homes, moved families, and become essential members of their workplaces and communities. Employers have also budgeted and planned around the existing methodology in good faith.

The Department has not shown that H-1B workers are generally underpaid or that the current wage system has caused widespread wage suppression. The proposed change would instead punish many compliant employers, including small businesses, universities, healthcare providers, and nonprofits, while reducing opportunities for both foreign and U.S. workers.

For these reasons, I urge the Department to withdraw the proposed rule in its entirety.

Sincerely,

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