ASSOCIATION OF PUBLIC & LAND-GRANT UNIVERSITIES

May 26, 2026

Submitted via Regulations.gov

Brian D. Pasternak, Administrator
Office of Foreign Labor Certification
Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Re: Notice of Proposed Rulemaking: Docket ETA-2026-0001, Improving Wage Protections for the Temporary and Permanent Employment of Certain Foreign Nationals in the United States

Dear Administrator Pasternak,

On behalf of the Association of Public and Land-grant Universities (APLU), we submit these comments in response to the Department of Labor's (Department) Notice of Proposed Rulemaking (NPRM), published March 27, 2026, entitled *Improving Wage Protections for the Temporary and Permanent Employment of Certain Foreign Nationals in the United States*.[1]

I. Introduction and Statement of Interest

APLU is a membership organization that fosters a community of university leaders collectively working to advance the mission of public research universities. The association's U.S. membership consists of more than 240 public research universities, land-grant institutions, state university systems, and affiliated organizations spanning across all 50 states, the District of Columbia, and six U.S. territories. The association and its members collectively focus on increasing student success and workforce readiness; promoting pathbreaking scientific research; and bolstering economic and community engagement. Annually, its U.S. member campuses enroll 4.5 million undergraduates and 1.4 million graduate students, award 1.3 million degrees, employ 1.3 million faculty and staff, and conduct $70 billion in university-based research.

Public and land-grant universities utilize the H-1B, E-3, H-1B1, and PERM programs to recruit highly specialized talent—including faculty, physicians, engineers, and researchers—when the domestic labor market is demonstrably constrained. These hires support teaching, research, health care delivery, and workforce development in critical fields.

APLU conducted extensive outreach across its membership to assess the proposed rule's likely effects. These comments incorporate institutional feedback throughout the analysis, including

[1] 91 Federal Register 15454 (Mar. 27, 2026), pp. 15454-15501.

anonymized data when requested by members, to document the practical consequences for public and land-grant universities. That feedback shows that the rule's effects vary by bargaining coverage, job category, funding source, geography, and campus mission, but consistently impose undue and substantial burdens on institutions operating under fixed or constrained salary structures.

Based on that feedback, the NPRM would materially disrupt members' ability to recruit and retain critical faculty, physicians, engineers, and researchers in situations where the domestic labor market contains severe shortages of qualified talent.

Member institutions report that, in practice, the labor markets for many of these roles are structurally constrained. Universities report that, for numerous STEM, medical, and research positions, the majority of applicants are international scholars, and positions frequently remain open for multiple months or longer despite extensive recruitment efforts. Members also report that prevailing-wage processing times can already take three to five months, creating additional recruitment and retention difficulties before any wage increase is imposed. These dynamics reflect persistent shortages in specialized fields rather than any effort to substitute foreign labor for available U.S. workers.

In addition, public universities are strongly incentivized to recruit and retain domestic talent wherever it is available. As publicly funded institutions, they are accountable to state governments, taxpayers, and local communities, all of whom expect universities to prioritize the training and employment of U.S. workers. Universities also maintain extensive domestic pipelines—including undergraduate, graduate, and postdoctoral programs—designed specifically to cultivate and retain domestic talent in critical fields. From a purely operational and financial perspective, hiring U.S. workers is also significantly more efficient. By contrast, hiring foreign national employees imposes substantial additional burdens, including government filing fees, costs associated with retaining immigration counsel, internal administrative compliance obligations, and the uncertainty and delays inherent in the visa petition process. These factors increase both the cost and risk of hiring foreign nationals relative to similarly qualified domestic candidates. Accordingly, when qualified U.S. workers are available, institutions have every incentive to hire them. The fact that universities nevertheless rely on foreign national talent in certain disciplines reflects not a preference for foreign labor, but rather well-documented shortages of qualified domestic workers in specialized fields such as STEM research, advanced medicine, and highly technical discipline.

As discussed below, the proposed rule appears to raise concerns under the Immigration and Nationality Act (INA) and the Administrative Procedure Act (APA), including questions regarding the Department's statutory authority and whether the rule sufficiently addresses key considerations, longstanding policy approaches, and existing reliance interests.

If the Department finalizes the rule notwithstanding these defects, it should at minimum exempt institutions of higher education or provide delayed, phased-in implementation with tailored wage methodologies reflecting the realities of higher education labor markets.

II. The Proposed Rule Raises Significant Questions Regarding the Department's Statutory Authority

A. The Proposed Rule Raises Questions Under the INA's Text and Structure

The INA recognizes fundamental distinctions among for-profit employers, nonprofit research organizations, and institutions of higher education. These distinctions are embedded throughout the statutory framework, including H-1B cap exemptions for institutions of higher education and affiliated nonprofit entities, reduced or exempt fee structures, and tailored regulatory treatment reflecting their public missions.[2]

Ordinarily, when an employer sponsors an H-1B worker or applies for permanent labor certification (PERM), the Department requires the employer to pay a prevailing wage based on the relevant occupational classification and geographic area. In many occupations, general market data may be driven by high-paying private-sector employers that do not operate under public university constraints.

Congress understood that public universities would often find it financially difficult to compete for critical faculty, physicians, engineers, and researchers if they were treated the same as private employers. Accordingly, INA Section 212(p)(1) identifies institutions of higher education, affiliated nonprofit entities, nonprofit research organizations, and governmental research organizations as distinct categories of employers within the immigration framework. Although this provision does not itself prescribe a prevailing-wage methodology, it confirms Congress's recognition that these institutions occupy a distinct position in the U.S. labor market.

Data from member institutions demonstrates that these differences are not theoretical. For example, one large public research university identified a position with an institutional salary range of $67,142 to $110,802, while the prevailing wage under the proposed rule would be $143,180—$32,378 above the top of the permitted range. Institutional compensation policies—often tied to state law, internal classification systems, or collective bargaining agreements—do not permit salaries outside these ranges, meaning the proposed rule would make compliance impossible for certain roles.

The NPRM disregards these distinctions by applying a rigid, uniform percentile framework that treats the economic realities of universities as equivalent to those of private, profit-driven employers. Even if separate data pools are maintained under INA Section 212(p)(1), artificially forcing academic wage baselines upward across compressed nonprofit payrolls ignores the unique salary structures of higher education. This approach conflicts with the INA's structure and Congress's deliberate policy choice to treat higher education differently because of its public mission and labor market dynamics.

Member data also refutes the premise that the lower wage levels commonly used in higher education correspond to occupations that lack meaningful educational requirements. In one 2025 institutional sample of 186 H-1B cases prepared by an in-house international scholar office representing approximately 80 percent of the institution's H-1B filings, 100 percent of petitions used SOCs for which DOL's Appendix A to the Preamble and O*NET identify a bachelor's degree or higher as the standard educational level: 39 percent were bachelor's-level occupations, 10 percent were master's-level occupations, and 51 percent were doctoral or professional-degree

[2] *See* e.g. INA § 214(g)(5); INA § 214(c)(9)(A); INA § 212(p)(1); INA § 212(q)

occupations. The doctoral and professional-degree share was likely understated because medical school faculty petitions handled by outside counsel were excluded from the sample.

B. Improper Collapse of Statutory Skill Levels

The statutory and regulatory prevailing-wage framework requires wage determinations to reflect meaningful gradations in skill, experience, and responsibility. The NPRM's simultaneous upward revision of all four prevailing-wage levels compresses these distinctions by narrowing the differences between entry-level and experienced positions and effectively pricing out early-career academic and research roles.

For public universities, this compression is particularly harmful because entry-level faculty, postdoctoral researchers, and early-career scientists are integral to research pipelines, and academic career ladders are structured around progressive advancement rather than flat compensation.

Institutional data confirms that the proposed compression would have particularly acute effects at the entry and early-career levels. At one university, the proposed thresholds would leave 21 of 34 postdoctoral researchers, 25 of 54 research-affiliated personnel, all five lecturers or teaching specialists, and 10 of 72 faculty members below the required wage levels. Another system reported affected counts of 21 postdoctoral researchers, 31 research scientists or engineers, three lecturers or instructors, 44 tenure-track assistant or associate professors, and 102 clinical non-tenure-track faculty. These positions form the foundation of academic career pipelines and research continuity, and pricing them out would disrupt institutional hiring and long-term workforce development.

By collapsing wage differentials, the rule would undermine the wage framework's requirement that levels reflect real differences in skill, experience, and responsibility.

III. The Proposed Rule Raises Important Considerations Under the Administrative Procedure Act

A. Failure to Analyze Higher Education Labor Markets

The Department's analysis relies almost entirely on private-sector wage assumptions and fails to meaningfully analyze academic labor markets, nonprofit research funding constraints, or salary-setting mechanisms driven by state appropriations, collective bargaining agreements, and federal grant caps.

Public universities operate in fundamentally different labor markets from private employers. Salaries are often fixed or constrained by legislative appropriations, state or institutional pay scales, and sponsored research funding levels.

Treating these institutions as interchangeable with for-profit employers is arbitrary because it ignores critical differences that directly affect wage-setting behavior.

The Department's assumption that universities rely on foreign labor for cost savings is contradicted by the record APLU submits here. Universities report that compensation frameworks are applied without regard to citizenship. For example, many institutions use National Institutes of Health stipend levels for health sciences postdoctoral salaries as benchmarks for determining compensation for postdoctoral scholars, and those benchmarks

apply equally to U.S. and foreign workers.[3] One member reported that approximately 50 percent of its postdoctoral associates are foreign nationals concentrated in STEM fields, yet those workers are compensated under the same standard postdoctoral scale and often cost more to hire because of visa-related costs. Institutions therefore use H-1B sponsorship to fill gaps in fields with shortages of U.S.-trained workers, not to obtain lower-cost labor.

The proposed rule would also produce significant unintended downstream effects on institutional wage structures. Many member universities report that uniform pay practices, state-law requirements to publish salary ranges, actual-wage analyses tied to education, experience, skills, credentials, responsibilities, and collective bargaining agreements constrain their ability to pay foreign national employees materially more than similarly situated U.S. employees performing the same duties.

Accordingly, artificially increasing the required wage for an H-1B or other foreign national employee in a given classification would often require broader salary adjustments for the entire classification, not merely for visa holders. Institutions cannot, as a practical or legal matter, maintain parallel compensation systems that undermine state law, uniform pay practices, institutional policy, or collective bargaining obligations.

For public universities, these costs cannot be absorbed in ways available to many other employers through pricing flexibility or profit margins. They must be funded through fixed state appropriations, grant funding, tuition, or reductions in positions. The NPRM fails to meaningfully account for these cascading fiscal effects, which extend far beyond the targeted population of foreign national workers and impose substantial system-wide burdens on public institutions and the constituencies they serve.

The Department also fails to account for the administrative burden of identifying the affected population with precision. Members report that immigration status and salary data may sit in separate systems, that salaries are not always included in immigration databases, and that institutions may need to identify affected employees one by one rather than through a single automated report. The absence of readily available data does not mean the impact is modest; it means the Department has underestimated the complexity and cost of implementation for public university systems.

B. Outcome-Driven Use of Occupational Employment and Wage Statistics (OEWS) Percentiles

The NPRM adopts higher wage percentiles (e.g., 34th, 52nd, 70th, and 88th) based on the unsupported premise that existing levels are too low. The Department fails to explain why the current benchmarks are inadequate for universities or why these specific percentile thresholds are appropriate in the university context.

The NPRM also misreads the meaning of the current wage levels. Under both the existing methodology and the Department's proposal, wage levels are assigned based on a position's education and experience requirements rather than the credentials of the worker filling the role. Early-career workers, including recent graduates of U.S. universities, are therefore concentrated

[3] See National Institutes of Health, *NRSA Stipend Levels* (National Research Service Awards), available at https://grants.nih.gov/grants/guide/notice-files/NOT-OD-24-104.html (last updated Apr. 2024).

at Wage Levels I and II because they are early in their careers, not because they are underpaid. Available evidence affirmatively indicates this cohort is not underpaid: DHS administrative data show that workers transitioning from F-1 to H-1B status earn higher average salaries than other H-1B workers despite being disproportionately certified at lower wage levels. Raising Levels I and II therefore treats ordinary early-career job requirements as evidence of wage suppression where the evidence suggests the opposite.

Member institutions have provided feedback quantifying the magnitude of the proposed change. One university system identified 114 employees whose current salaries would fall below the proposed thresholds, with individual shortfalls ranging from $127 to $23,763 and an estimated cost just under $1 million over three years for two campuses. Another institution estimates average wage increases of approximately $14,000 per worker annually as a result of the rule. A smaller public university system projects that 26 visa holders would require more than $260,000 in immediate additional salary obligations, with the actual financial impact likely higher once collective bargaining, internal equity, tuition, fees, and state budget constraints are considered. Another member reported that 75 affected employees are primarily grant-funded and 300 are institutionally funded, underscoring that the costs would fall on both sponsored research and core operating budgets.

Representative SOC-level data further illustrates the rule's uneven and discipline-specific effects. In one member sample, the average gap between existing and proposed prevailing wages was $8,979 for soil and plant scientists, $4,808 for biological scientists, $12,044 for medical scientists, $15,852 for chemists, and $22,752 for engineering teachers. The share of employees who would fall below the proposed prevailing wage varied widely across those occupations, ranging from zero of 16 engineering teachers to seven of eight chemists, demonstrating that the proposed percentile shift would not operate as a neutral or calibrated adjustment across academic disciplines.

While these figures might superficially suggest a beneficial increase in worker compensation, the underlying economic and institutional realities demonstrate otherwise. These wage increases are not tied to productivity gains, market demand, or improved working conditions, but instead result from an externally imposed recalibration that does not account for the structural constraints under which public universities operate. Member institutions report that they are not positioned to absorb these increases without offsetting reductions elsewhere. Such unfunded mandates would necessitate difficult trade-offs, including hiring freezes, position eliminations, reduced research activity, or diminished student services. In many cases, institutions would be compelled to reduce the total number of employees in a given classification in order to comply with the mandated wage levels, thereby decreasing overall employment opportunities rather than enhancing them.

Because universities operate under fixed or highly constrained budgets—often tied to state appropriations or grant funding—these wage increases do not reflect a net gain to the workforce, but rather a redistribution of limited resources that ultimately contracts institutional capacity. The result is fewer positions, diminished training opportunities for early-career researchers, and reduced research output, all of which undermine the long-term strength of the domestic workforce. In this respect, the proposed rule's wage increases are illusory: they raise salaries for a smaller number of positions while eliminating or foreclosing opportunities for many others, producing net harm to institutions and workers alike.

The Department has relied on the existing percentile methodologies for decades. The NPRM's failure to provide a reasoned explanation for altering the regulatory framework under which universities have long operated—particularly without meaningfully accounting for the significant unintended consequences described above—falls short of the APA's requirement that agency action be grounded in reasoned decision-making.

When an agency changes position, it must display awareness that it is changing course, provide a reasoned explanation for the change, and account for serious reliance interests. *See FCC v. Fox Television Stations, Inc., 556 U.S. 502, 515 (2009); Department of Homeland Security v. Regents of the University of California, 591 U.S. 1, 30–31 (2020)*. The NPRM does not satisfy those requirements for institutions of higher education.

C. Failure to Consider Reliance Interests

Public universities have structured core operations around longstanding prevailing-wage methodologies, including faculty recruitment and promotion systems, grant proposals and budget planning, and tenure pipelines and multiyear hiring strategies.

These reliance interests are especially acute in the context of grant-funded research. Member universities report that many affected positions are supported by federal or foundation grants with fixed budgets that cannot be reopened or retroactively adjusted; one member identified 75 affected employees primarily funded by external grants. As a result, institutions would be forced to terminate personnel, decline to pursue future grant opportunities, or absorb unfunded mandates that strain already constrained public budgets. The NPRM does not meaningfully grapple with these consequences.

In addition, many of our members report reliance on alternative wage surveys such as those by the American Association of Medical Colleges (AAMC) and the American Association of Veterinary Medical Colleges (AAVMC). These surveys are critical for medical and veterinary residents, fellows, and interns because DOL wage data often does not distinguish those training positions from professional staff roles. One member reported that its Year 1 medical resident stipend is $71,862, slightly above the regional AAMC weighted mean of $68,580 and above the existing DOL wage of $64,958, but below the proposed $80,746 requirement; under the proposal, an H-1B resident or fellow would therefore have to be paid $8,884 more than a U.S. citizen counterpart performing the same job.

While the NPRM does not formally eliminate the use of alternative wage surveys, it significantly undermines their practical utility. By substantially raising the benchmark wage levels (e.g., shifting percentile floors upward), the NPRM narrows or eliminates the range in which alternative surveys can operate effectively. Many alternative surveys—particularly AAMC and AAVMC—are designed to reflect actual national compensation structures for training-based or academic roles, such as medical residents, fellows, and veterinary trainees. When DOL's required wage floor exceeds these nationally standardized compensation levels, institutions are effectively left with two options: disregard well-established specialty surveys, or be unable to use H-1B sponsorship for those roles at all. In this way, the NPRM functionally displaces alternative surveys, even if it does not formally prohibit them.

The NPRM abruptly disrupts these reliance interests without meaningful explanation, mitigation, or transition. The Department's failure to consider these serious reliance interests renders the rule arbitrary and capricious.

IV. The Proposed Rule Undermines, Rather Than Protects, U.S. Workers

Public universities do not utilize foreign national hiring to undercut U.S. workers. To the contrary, the proposed rule risks exacerbating a dynamic in which the increased costs associated with hiring foreign nationals for positions facing genuine shortages may reduce the overall resources available to support additional hiring, including for qualified U.S. workers in other roles for which they have applied.

Member universities report scenarios in which compliance would require paying H-1B employees more than comparably situated U.S. workers performing identical functions due solely to the interaction of the proposed wage thresholds with institutional pay structures. This outcome would exacerbate inequities, create labor-relations concerns, and place pressure on institutions to implement broader salary increases without a corresponding increase in available resources.

Faculty and research positions are filled through rigorous national and international searches. Many roles reflect genuine shortages in fields such as STEM, medicine, and advanced research. Although member feedback indicates that some graduate teaching and research assistant roles may not be directly subject to prevailing-wage changes, the NPRM would almost certainly eliminate positions that cannot meet artificial wage thresholds, reduce university research output, and diminish training environments for U.S. graduate students and postdoctoral researchers.

The NPRM also fails to account for the role of H-1B employment in retaining U.S.-educated international graduates after public universities have invested in their training. Tens of thousands of international graduates—disproportionately in advanced STEM fields—move from F-1 status into H-1B employment in research, technology, and other innovation-intensive sectors. Narrowing that pathway would weaken a core pipeline through which U.S. higher education contributes to domestic innovation, patent production, and new-firm formation. These effects are compounded by other recent policy developments that collectively increase uncertainty and risk for international students and recent graduates, including: proposed changes to duration-of-status rules; visa processing delays at consulates abroad[4]; and changes to the H-1B program that make it harder for recent graduates to receive H-1B visas.[5] Taken together, these policies signal a less predictable and less accessible environment for international talent, making it more difficult for U.S. institutions to attract and retain the very students they educate. This cumulative impact runs counter to longstanding bipartisan recognition—including recent statements by President Trump emphasizing the importance of

[4] *See* U.S. Sees Sharp Surge in Demand for EB-1A 'Einstein Visa' as H-1B Shortages and Processing Backlogs Intensify Nationwide, Times of India (May 2026), https://timesofindia.indiatimes.com/education/news/us-sees-sharp-surge-in-demand-for-eb-1a-einstein-visa-as-h-1b-shortages-and-processing-backlogs-intensify-nationwide/articleshow/126676907.cms

[5] See *Improving the H-1B Registration Selection Process and Program Integrity*, 89 Fed. Reg. 7,640 (Feb. 5, 2024).

retaining talented international students educated in the United States[6]—that such individuals represent a critical component of the nation's innovation and economic competitiveness.

Rather than protecting U.S. workers, the rule would reduce employment opportunities and weaken the domestic talent pipeline that public universities help build.

V. Disproportionate Impact on Public Universities

A. Structural Constraints

Public universities face unique compensation constraints. Salaries are often determined by state law or regulation, fixed grant funding, collective bargaining obligations, and institutional pay scales. Some campuses report that the rule's impact would fall most directly on non-union employees and unionized employees whose collective bargaining agreements do not identify salary floors, while other campuses warn that forced increases for covered employees could require reopened bargaining and trigger broader demands from similarly situated employees. Unlike private employers, universities cannot rapidly adjust wages to comply with abrupt regulatory changes.

The financial impact of the proposed rule would also be magnified by institutional constraints. Our smallest public universities report that they will face the largest adverse financial impact from the rule. Institutions report that increasing wages for a subset of employees would likely trigger broader equity adjustments, pressure tuition and fees, and, in some cases, require reopening collective bargaining agreements, compounding the cost beyond the initial estimates. Given limited resources, some departments may be forced to lay off visa holders, reducing workforce development, teaching capacity, and scientific research expertise.

B. Harm to Research, Health Care, and Workforce Development

The proposed rule would directly impair universities' ability to conduct research, train students in critical workforce fields, and provide health care services through academic medical centers.

The consequences for core institutional missions are substantial. A large public university employing approximately 400 H-1B workers reports that about two-thirds are in its health care enterprise; its current H-1B workforce includes 189 faculty, 104 professional employees, 78 medical residents, and 25 postdoctoral researchers. A health-focused campus reported that 67 of 95 current H-1B beneficiaries in key health-campus faculty and research roles—approximately 70 percent—would be directly impacted by the proposed wage structure. Those affected positions are concentrated in biological sciences, medical research, and health specialties teaching, and many are entry-level, grant-funded, or supported by salary bands that cannot absorb substantially higher wage requirements.

The impact is not confined to health campuses. One academic campus sample identified 31 H-1B beneficiaries across five primary occupational categories—computer science, engineering, mathematical science, molecular and cellular biology, and business teaching roles—with the majority concentrated in postsecondary teaching positions in STEM fields. The campus concluded that computer science and engineering may remain competitive at higher cost, while

[6] See President Donald Trump, Interview with Sean Hannity, Fox News (May 14, 2026), transcript available at *Roll Call*, https://rollcall.com/factbase/trump/transcript/donald-trump-interview-sean-hannity-fox-news-beijing-may-14-2026/

lower-baseline disciplines such as biological sciences would face greater difficulty meeting new wage thresholds, producing salary compression and increased budget pressure.

Research impacts are equally severe. Institutions report that key roles—particularly research scientists and postdoctoral researchers—would go unfilled due to wage constraints, delaying scientific discovery and impairing the ability to meet grant deadlines. One pediatric department reported that the Level I wage for medical scientists would rise from $61,464 to an anticipated $81,754, affecting postdoctoral researchers, assistant research professors, and other academic positions whose salaries generally follow NIH guidelines. Another department reported that NIH postdoctoral guidance tops out at $77,076 for seven or more years of experience, below the anticipated $81,747 threshold, meaning the H-1B option would be unavailable for postdoctoral researchers who have exhausted J-1 time or otherwise need H-1B status. Because many of these positions already attract predominantly international applicant pools, the loss of H-1B viability would amplify existing workforce shortages.

The rule would also impair employment-based permanent residence sponsorship, particularly for teaching faculty and staff in EB-2 and EB-3 pathways. Member institutions report that schools unable to support the required wage at the time of permanent residence approval may decline to sponsor otherwise valuable faculty, increasing the risk that tenure-track and other high-performing researchers leave after institutions have invested in them. These consequences would weaken long-term academic pipelines even where the immediate H-1B wage impact appears manageable.

These disruptions would have downstream consequences for national innovation, economic growth, global competitiveness, and access to healthcare services—particularly in underserved and rural communities that rely heavily on university-affiliated providers.

VI. Request for Relief from the Proposed Rule

We therefore respectfully request that the Department exempt institutions of higher education from the proposed percentile changes pending completion of sector-specific analysis calibrated to the academic labor market and publication of that analysis in the Federal Register with an opportunity for notice and comment. As stated above, exempting institutions of higher education is consistent with longstanding statutory distinctions in the INA, including H-1B cap exemptions for institutions of higher education and affiliated nonprofit entities, reduced or exempt fee structures, and tailored regulatory treatment reflecting their public missions.[7]

These statutory distinctions demonstrate Congress's recognition that universities operate in fundamentally different labor markets and should be regulated using sector-specific analysis calibrated to the academic labor market.

As explained above, universities do not present the labor-market risks identified by the Department. An exemption pending a more tailored university-centric approach would preserve the statutory purpose of protecting U.S. workers, avoid overinclusive regulation that harms public universities, and maintain critical research and workforce development functions.

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[7] *See* e.g. INA § 214(g)(5); INA § 214(c)(9)(A); INA § 212(p)(1); INA § 212(q)

Alternatively, if no exemption is granted, the Department should adopt tailored implementation for public universities. Member feedback supports a robust implementation timeline of at least one year to allow faculty to teach out courses, institutions to renegotiate renewal contracts, and public systems to seek additional state funding. As explained above, APLU respectfully requests a delay of at least 24 to 36 months to allow state budget cycles to adjust, grant funding structures to incorporate new wage requirements, and ongoing hiring processes to conclude without disruption.

Gradual implementation over multiple years would help prevent layoffs and hiring freezes, protect existing employees and pending applications, and allow institutions to adapt responsibly.

If the Department is unwilling to amend the proposed rule to include either an exemption or delayed implementation for universities, the Department should consider keeping the current wage structure for universities. In this regard, we incorporate by reference the substantive comment submitted by the College and University Professional Association for Human Resources (CUPA-HR), to which APLU was a signatory.

At minimum, the Department should issue a Supplemental Notice of Proposed Rulemaking before finalizing any percentile changes. A supplemental notice is necessary because the current record does not adequately examine how the proposed thresholds interact with the actual structure of the affected labor markets, including the academic and research labor markets in which public universities concentrate H-1B sponsorship at both early-career and advanced levels.

Iterative rulemaking would also be consistent with the Department's own history implementing the labor condition application framework after IMMACT90, when multiple rulemakings from 1991 through 1994 refined notice, short-term placement, the LCA form, and the new section 212(n) framework. A similar process here would allow the Department to address the substantial empirical record submitted during the comment period and develop a more reasoned justification for any final wage-setting methodology.

Conclusion

For the reasons stated above, we respectfully request that the Department withdraw the proposed rule as applied to institutions of higher education or, at minimum, issue a Supplemental Notice of Proposed Rulemaking or adopt the exemptions, transition relief, and alternative-wage-survey protections described in this comment. We welcome the opportunity to discuss any aspect of the record submitted here.

Respectfully submitted,

Waded Cruzado
President
Association of Public and Land-grant Universities