

March 31, 2021

The Honorable Al Stewart
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Re: Immigration Regulatory Review

Dear Secretary Stewart:

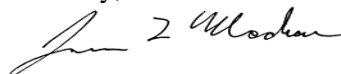
On behalf of the physician and medical student members of the American Medical Association (AMA), we want to thank the Biden Administration for its commitment to review the policies that were hastily put in place by the previous Administration. In this vein, the AMA has identified a regulation relating to immigration that we would like for the current Administration to review and revoke, modify, or supersede. Should the U.S. Department of Labor (DOL) need any additional information regarding the regulation identified below, the AMA is happy to discuss further.

DOL Docket No. ETA-2020-0006--Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States

The AMA opposed this interim final rule, which changed the Prevailing Wage Determination for H-1B employees. In our comments the AMA strongly urged the DOL to rescind the IFR, effective October 8, 2020. If rescission was not possible, we urged the DOL to exempt physicians from the IFR. Additionally, the AMA strongly urged the DOL to continue to approve, and the DHS to annually accept, without reservation, the wage data from the Association of American Medical Colleges (AAMC) Survey of Resident/Fellow Stipends and Benefits Report for our foreign medical residents. On January 14, 2021, the rule was finalized. In the final rule DOL acknowledged that physicians, that account for a smaller share of H-1B workers, were given less weight in how the DOL identified the entry-level wage range. The new finalized rule raised the entry-level salary tier from the current 17th percentile to the 35th percentile. From there, the wage levels are set at the 53rd, 72nd, and 90th percentiles, these are increased from the past corresponding 34th, 50th, and 67th percentiles. The Administration recently proposed to delay the rule until November 14, 2022, and has stated that it plans to issue a Request for Information to provide the public with an opportunity to offer adequate information concerning the sources and methods for determining prevailing wage levels. Despite changes made from the interim final rule, the final rule still significantly disadvantages physicians, especially residents, and the AMA encourages the Administration to modify or supersede this rule and return to the previously utilized wage levels.

Thank you for considering the AMA's comments. If you have any questions, please feel free to contact Margaret Garikes, Vice President, Federal Affairs, at margaret.garikes@ama-assn.org or 202-789-7409.

Sincerely,



James L. Madara, MD