September 24, 2026

The Honorable Markwayne Mullin
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Re: Fee for Certain H–1B Petitions (USCIS– 2026–0298)

Dear Secretary Mullin:

The undersigned organizations appreciate the opportunity to comment on the U.S. Department of Homeland Security's (DHS) proposed rule to impose a $103,265 fee on cap-subject H-1B petitions. Our organizations represent pathologists, laboratory professionals, medicolegal death investigation professionals, clinical laboratories, educators, and other stakeholders committed to maintaining a qualified pathology and laboratory medicine workforce and ensuring patient access to essential diagnostic services.

The proposed fee would create a substantial barrier for healthcare employers seeking to recruit pathologists, other physicians, medical laboratory professionals, and other qualified healthcare personnel. We urge DHS to withdraw or substantially reduce the fee and establish a categorical exemption for healthcare professionals.

The proposed fee would be imposed in addition to existing filing fees and any separate payment required under current or future presidential proclamations, such as the $100,000 payment initially established by Presidential Proclamation 10973 and extended by Proclamation 11069 on September 18, 2026. Such costs—potentially exceeding $203,265—would prevent most healthcare organizations from using the H-1B program even when qualified U.S. workers are unavailable because many hospital, independent, forensic and/or public health laboratories; physician practices, and rural and other healthcare organizations would not qualify for the statutory cap exemption. Without an exemption for healthcare professionals, these employers would face even greater obstacles to staffing their facilities.

The proposal also comes amid significant workforce shortages. The Association of American Medical Colleges projects a shortage of as many as 86,000 physicians by 2036.[1] Workforce projections from the Health Resources & Service Administration indicate growing shortages of pathologists, increasing to 16 percent by 2038.[2] Similarly, the demand for PhD/doctoral scientists, medical and public health laboratory scientists and

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[1] Association of American Medical Colleges. *The Complexities of Physician Supply and Demand: Projections From 2021 to 2036*. Washington, DC: AAMC; 2024.
[2] Health Resources and Services Administration (HRSA), National Center for Health Workforce Analysis. *Workforce Projections Dashboard*, 2023–2038 projections. U.S. Department of Health and Human Services, December 2025.

technicians, and other laboratory professionals exceeds supply. The U.S. Bureau of Labor Statistics projects annual demand for these professionals at 20,800 positions, while accredited programs only produce about 7,500 graduates.[3,4] An ASCP 2024 survey found current medical laboratory vacancies ranging from approximately 8 percent to more than 28 percent across surveyed departments.[5]

These shortages directly impact patient care. A 2025 Siemens Healthineers survey found that 99% of physicians considered clinical laboratory testing integral to the healthcare system, while 98% said laboratory results had helped justify their clinical course of action.[6] The burden could be especially severe in rural and underserved communities, which often experience greater shortages and recruitment difficulties.[7] Smaller organizations have fewer resources to absorb a six-figure fee and fewer alternatives when positions cannot be filled domestically.

The undersigned organizations urge DHS to withdraw or substantially reduce the proposed fee, establish a categorical healthcare exemption, and provide a timely waiver for national interest, public health, patient access, and critical workforce needs.

We appreciate the opportunity to comment on an issue vital to ensuring patient access to quality pathology and clinical laboratory services.

Sincerely,

Association for the Advancement of Blood and Biotherapies
American Association of Pathologists' Assistants
American Clinical Laboratory Association
American Society for Clinical Laboratory Science
American Society for Clinical Pathology
American Society for Clinical Pathology Board of Certification
American Society of Cytopathology

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[3] U.S. Bureau of Labor Statistics, *Occupational Outlook Handbook: Clinical Laboratory Technologists and Technicians*.
[4] Marisa James, et al., CEO'S Corner: Findings from the 2023 Annual Survey, National Accrediting Agency for Clinical Laboratory Personnel, 2024. Accessed October 23, 2025.
[5] Garcia, E. et al., The American Society for Clinical Pathology 2024 Vacancy Survey of medical laboratories in the United States, *American Journal of Clinical Pathology*, Volume 164, Issue 5, November 2025, Pages 759–777.
[6] Siemens Healthineers. *In the Age of Automation, Human Collaboration Still Counts: Survey Highlights Critical Role of Medical Lab Staff, Influences on Doctors' Orders*. July 29, 2025.
[7] Association of American Medical Colleges. *How Academic Medicine Serves America's Rural Communities*. November 2025.

American Society of Hematology
ASM
Association for Academic Pathology
Association for Diagnostics & Laboratory Medicine
Association for Molecular Pathology
Association of Genetic Technologists
College of American Pathologists
Commission on Accreditation of Allied Health Education Programs
Commission on Laboratory Accreditation
Infectious Diseases Society of America
National Accrediting Agency for Clinical Laboratory Sciences
National Association of Medical Examiners
National Independent Laboratory Association
National Society for Histotechnology
Philippine Association of Medical Technologists-USA, Inc.
Project Santa Fe Foundation