



February 20, 2024

Brent Parton
Principal Deputy Assistant Secretary
Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

RE: ETA-2023-0006-0001

Dear Principal Deputy Assistant Secretary Parton:

On behalf of the American Council of Engineering Companies (ACEC) – the national voice of America’s engineering industry – I am responding to the Department of Labor’s (DOL) request for information (RFI) relating to possible revisions of Schedule A of the permanent labor certification process for employment-based green cards. Due to persistent labor shortages in the engineering industry, ACEC urges DOL to add to Schedule A the core STEM fields that are eligible for optional practical training (OPT), as identified by the Department of Homeland Security.

Founded in 1906, ACEC is a national federation of 51 state and regional organizations representing more than 5,500 engineering firms and nearly 600,000 engineers, surveyors, architects, and other specialists nationwide. ACEC member firms drive the design of America’s infrastructure and built environment.

As the RFI explains, Schedule A is a mechanism for pre-certifying job vacancies of occupations with workforce shortages. The current occupations on Schedule A are physical therapists, professional nurses, and occupations that require workers to have exceptional ability in the arts, sciences, or performing arts. This list has not been comprehensively reviewed and modified in approximately 30 years.

ACEC highlighted the need to review Schedule A in our April 20, 2023, letter to President Biden on changes the Administration can make to facilitate high-skilled immigration. The letter recommends:

Expand DOL Schedule A Shortage Occupations. DOL could expand the list of Schedule A shortage occupations beyond professional nurses and physical therapists to include engineers. This would permit employers to bypass the lengthy and costly PERM labor certification process for engineers and expedite the issuance of permanent residence.

Successful implementation of the Administration's key domestic initiatives – including the Infrastructure Investment and Jobs Act (IIJA), the Inflation Reduction Act (IRA) and the CHIPS and Science Act – will require additional capacity from the engineering firms that will design the infrastructure these laws fund. In fact, the ACEC Research Institute (ACEC RI) estimated that implementation of IIJA alone will require an additional 82,000 full-time and part-time professionals.

Many of our state and local government clients are struggling to manage the influx of funds and advance critical projects. The ACEC RI highlighted concerns about industry capacity in several recent quarterly engineering business reports. A survey of over 600 engineering firm CEOs reported that half of firms have turned down work specifically due to workforce shortages.

Engineering firms grow and succeed because of the people they employ. Without a sufficient supply of talented and highly skilled professionals, engineering firms cannot successfully partner with their clients to deliver projects funded through the IIJA, IRA, and CHIPS and Science Act.

There has long been a significant gap between the number of engineers who graduate from U.S. universities and the demand for those engineers. Data from the Bureau of Labor Statistics reveals a notable disparity in the unemployment rate between the Architecture/Engineering (A/E) industry and the national average. The national average unemployment rate is 3.7 percent but the unemployment rate for the A/E industry is only 1.5 percent. The National Science Foundation confirms that the unemployment rate for engineers is consistently lower than the average unemployment rate, including during the pandemic.

The ACEC RI reports that 87 percent of engineering firms have at least one opening. Firms with more than 500 full-time equivalent positions (FTEs) have a median of 93 open positions. On the other end of the size spectrum, 15 percent of the positions are open at firms with 25 or fewer FTEs.

Similarly, Zweig Group, a leading research organization for firms in the A/E industry, reports that the average number of open engineering positions accounts for 11.4 percent of FTE roles within the firms they surveyed. Their survey also reveals lengthy hiring processes: 44 percent of firms stated that it takes 30-60 days to hire a candidate, and 38 percent indicated it takes more than 60 days. Hiring for the most challenging positions exceed 5 months for 62 percent of firms.

The Environmental Financial Consulting Group (EFCG), another leading advisor to A/E firms, states that in a recent survey, 90 percent of CEOs reported that finding and retaining great talent was the biggest constraint to growth of their firms. EFCG also reports that salaries for the average professional employee in an A/E firm have increased by over 3 percent every year since 2017, with 5 percent increases in 2022 and 2023.

This data demonstrates that workforce challenges are pervasive across the engineering industry. Firms of all sizes struggle to find the talent they need in order to serve their clients.

ACEC supports expanded STEM education as a long-term solution to the workforce needs of America's engineering industry. In particular, ACEC advocated for the recently enacted CHIPS and Science Act, as well as America COMPETES.

Near term, it is also essential to enable firms to hire global talent when qualified Americans are not available. There are not enough U.S. citizens or permanent residents to meet the workforce needs of engineering firms. At the same time, a significant number of engineering students at U.S. universities come from abroad, a point underscored by a 2019 American Society for Engineering Education study that found that over half of engineering master's and doctoral degrees awarded by U.S. universities were earned by international students.

To this same point, DOL's request for information references a Department of Defense risk analysis that was conducted pursuant to Executive Order 13806. The RFI states that "...data from the National Science Board (NSB) reveals that more than one-half of all graduates of engineering, computer science, and mathematics doctoral programs at U.S. universities are foreign-born, as universities are turning to foreign students to address a shortfall of U.S. candidates for those programs."

Taken together, this data makes a strong case for high-skilled immigration. ACEC urges DOL to issue a notice of proposed rulemaking that adds the OPT STEM fields to Schedule A. Thank you for your consideration and please let us know how we can assist in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Bauer Darr". The signature is fluid and cursive, written in a professional style.

Linda Bauer Darr
President & CEO