

EMPLOYERS AND WAGE REQUIREMENTS FOR H-1B VISA HOLDERS

EXECUTIVE SUMMARY

Requiring employers to pay far higher than the market wage for H-1B professionals, including by mandating a standard called the “median local wage,” will threaten the ability of employers to hire high-skilled foreign nationals and prevent many international students from working in the United States. The issue could be crucial if Congress tackles legal immigration reforms this year, as indicated by House Judiciary Committee Chair Jim Jordan (R-OH). An amendment offered in January 2025 by Sen. Bernie Sanders (I-VT) to the Laken Riley Act exemplifies the effort to price recent foreign-born graduates with limited work experience out of the U.S. labor market.¹ If passed, the amendment would have required employers to pay over \$80,000 a year more (a 72% increase) than under current law for a recently graduated software developer in San Jose, according to an NFAP analysis. The Senate did not vote on the amendment. The most likely outcome of mandating vastly higher salaries for foreign-born professionals is not more jobs for U.S. workers but companies sending more work out of the United States.

Mandating inflated salaries for H-1B visa holders through legislation or regulation would price out of the labor market many recent graduates of U.S. universities but could also lead to many tenured employees in H-1B status being forced from the United States if their employers cannot afford the higher government-mandated salaries. Employers could run into fairness or civil rights issues if they follow the government’s dictates and pay a new foreign-born graduate far higher than a U.S. worker with much more experience.

The “median local wage” bears no resemblance to the market wage for many professionals, particularly those with less experience. The median number of years since obtaining a degree is 13 years for a software developer and 14 years for electrical and electronics engineers, according to the National Survey of College Graduates. The median local wage does a poor job approximating a market wage because it reflects the salaries of people with more than a decade of work experience. Requiring employers to pay the “median local wage” to H-1B visa holders could price many younger workers, particularly recent graduates, out of the U.S. labor market. Employers should be aware that changing the law to impose a higher wage requirement would have a significant negative impact similar to the Trump administration’s first-term Department of Labor rule that changed the prevailing wage formula. A court blocked the rule for violating the Administrative Procedure Act.

An H-1B visa is typically the only practical way a high-skilled foreign national, including an international student at a U.S. university, can work long term in the United States. International students account for approximately 70% of the full-time graduate students at U.S. universities in key technical fields, including electrical engineering and computer and information sciences. Fifty-five percent of the [billion-dollar startups](#) in the United States have at least one immigrant founder. [Almost two-thirds](#) of the top AI companies in America have immigrant founders.

¹ <https://www.congress.gov/amendment/119th-congress/senate-amendment/63/text>.

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NFAP [research](#) has found an H-1B is already the most restrictive visa category in the U.S. immigration system. Only 20% of applications resulted in approved workers in FY 2025. “A European teenager is four times more likely to get a visa to work at a summer amusement park than a graduate student is to receive H-1B status to work for a U.S. company on artificial intelligence,” according to the analysis.

Under the law, to gain approval of an H-1B petition, an employer must pay “at least- (I) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question, or (II) the prevailing wage level for the occupational classification in the area of employment, *whichever is greater.*”

The Sanders amendment would have eliminated the prevailing wage as the minimum wage level for H-1B visa holders and replaced it with “the higher of the *median local wage level* or the actual wage of similarly employed workers.”

Attempting to change the required minimum salary for H-1B professionals is not aimed at correcting an identified problem. Economists have concluded in many published studies that H-1B visa holders earn the same or more than comparable U.S. professionals. In a May 2020 NFAP [study](#), University of North Florida economics professor Madeline Zavodny wrote, “[T]he evidence points to the presence of H-1B visa holders being associated with lower unemployment rates and faster earnings growth among college graduates, including recent college graduates.”

NFAP [research](#) has found up to 90% of international students are paid at level 1 and level 2. DOL determines the prevailing wage by gathering data from the government’s Occupational Employment Statistics (OES) wage survey and using a mathematical formula to create four levels of wages for each occupation. Under the DOL definitions, the four levels are: Level I “entry level,” Level II “qualified,” Level III “experienced,” and Level IV “fully competent.”

Among the findings:

- NFAP compared the median local wage to the top three prevailing wage levels for common occupations in four different technology hubs: San Jose-Sunnyvale-Santa Clara, Seattle-Tacoma-Bellevue, Washington-Arlington-Alexandria and Dallas-Fort Worth-Arlington. The NFAP analysis shows that compelling employers to pay all H-1B visa holders the median local wage significantly distorts pay scales and would be unfair to less experienced professionals.

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- The median local wage is higher than the first three prevailing wages for positions examined in the four areas. That means requiring the median local wage would be like mandating all H-1B visa holders, regardless of experience, be paid like the most experienced technology professionals.
- The annual salary for a software developer in the San Jose area would be significantly higher at the median local wage than at the current prevailing wage levels. For a software developer in the San Jose area, the annual salary would be \$83,512 (or 72%) more at the median local wage than at the current prevailing wage level 1 (\$199,097 vs. \$115,585). The annual salary would be \$57,720 (or 41%) more at the median local wage than at the current prevailing wage level 2 (\$199,097 vs. \$141,377). And for a software developer in the San Jose area, the annual salary would be \$31,944 or 19% more at the median local wage than at the current prevailing wage level 3 (\$199,097 vs. \$167,148).
- Electronics engineers, except computers, are often semiconductor engineers. For electronics engineers in the San Jose area, the annual salary would be \$75,088 (or 74%) more at the median local wage than at the current prevailing wage level 1 (\$176,113 vs. \$101,025). The annual salary would be \$49,649 (or 39%) more at the median local wage than at the current prevailing wage level 2 (\$176,113 vs. \$126,464). And for an electronics engineer in the San Jose area, the annual salary would be \$24,211 or 16% more at the median local wage than at the current prevailing wage level 3 (\$176,113 vs. \$151,902).
- For a software developer in the Seattle-Tacoma-Bellevue area, the annual salary would be \$60,383 (or 57%) more at the median local wage than at the current prevailing wage level 1 (\$167,024 vs. \$106,641). The annual salary would be \$39,687 (or 31%) more at the median local wage than at the current prevailing wage level 2 (\$167,024 vs. \$127,337).
- For an electrical engineer in the Seattle-Tacoma-Bellevue area, the annual salary would be \$44,221 (or 51%) more at the median local wage than at the current prevailing wage level 1 (\$130,208 vs. \$85,987). The annual salary would be \$24,898 (or 24%) more at the median local wage than at the current prevailing wage level 2 (\$130,208 vs. \$105,310).
- For a software developer in the Washington-Arlington-Alexandria area, the annual salary would be \$54,683 (or 63%) more at the median local wage than at the current prevailing wage level 1 (\$141,502 vs. \$86,819) and 28% and 6% higher at level 2 and level 3.

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- For an electrical engineer in the Washington-Arlington-Alexandria area, the annual salary would be \$49,837 (or 62%) more at the median local wage than at the current prevailing wage level 1 (\$130,208 vs. \$80,828), and 28% and 6% higher at levels 2 and 3.
- For a software developer in the Dallas-Fort Worth-Arlington area, the annual salary would be \$48,651 (or 60%) more at the median local wage than at the current prevailing wage level 1 (\$129,500 vs. \$80,849) and 31% and 11% higher at level 2 and level 3.
- For an electronics engineer in the Dallas-Fort Worth-Arlington area, the annual salary would be \$41,288 (or 49%) more at the median local wage than at the current prevailing wage level 1 (\$125,278 vs. \$83,990), and 20% higher at level 2.
- Examining 180,000 combinations across the country, NFAP found the median local wage is higher than the level 1 prevailing wage for 99.2% of occupations and location combinations, higher than 93.7% of level 2 prevailing wage occupations and locations, 65.1% of level 3 prevailing occupations and locations and 23.6% of level 4 prevailing wage occupations and locations. It's an indication that mandating the median local wage would significantly inflate the wage requirements for high-skilled foreign nationals and would not represent market wages for such professionals.²

The first-term Trump administration [rule](#) published by the Department of Labor in 2020 significantly raised the minimum wage required for employers to pay H-1B visa holders and employment-based immigrants. That rule, which was blocked in court, increased the required minimum by changing the formula for calculating the prevailing wage. An NFAP analysis found that the rule increased the average minimum salary required by 39% to 45% depending on the prevailing wage level (1 through 4), although some positions rose more than 100%.

Immigration measures that prevent recent graduates of U.S. universities from working in the United States would deal a blow to America's early-career talent pipeline. Another first-term Trump administration rule would have replaced the H-1B lottery with a system that awarded H-1B petitions by salary level. "Selecting H-1B petitions by salary level would favor those with the most experience in the labor market over those with the least experience," concluded NFAP. The rule would have disfavored recent international students.

² NFAP analysis of 179,751 areas and occupations matching BLS OES (Occupational Employment and Wage Statistics) data and DOL prevailing wage data.

EMPLOYERS FACE RISK OF INFLATED MANDATED H-1B SALARIES

An amendment offered in January 2025 by Sen. Bernie Sanders (I-VT) and Sen. Richard Durbin (D-IL) to the Laken Riley Act exemplifies the effort to price recent foreign-born graduates with limited work experience out of the U.S. labor market.³ Senate Republicans closed debate, and the amendment was not voted on, but it could reemerge when an immigration measure next comes to the Senate floor. The most likely outcome of mandating vastly higher salaries for foreign-born professionals is not more jobs for U.S. workers but companies sending more jobs out of the United States, which is what economist Britta Glennon found takes place when legislators impose restrictions on companies and H-1B visa holders.⁴

NFAP examined the impact of requiring employers to pay higher salaries and found a significant problem: The “median local wage” bears no resemblance to the market wage for many professionals, particularly those with less experience. The median number of years since obtaining a degree is 13 years for a software developer and 14 years for electrical and electronics engineers, according to the National Survey of College Graduates.⁵ That explains why the median local wage does such a poor job approximating a market wage. The median local wage reflects the salaries of people with more than a decade of work experience and who are paid more because of that experience, certainly more than the typical recent graduate. Requiring inflated salaries is understandable only if the purpose is to make the foreign national too expensive to hire.

Mandating employers to pay the median local wage would be similar to the first-term Trump administration [rule](#) published by the Department of Labor in 2020, which significantly raised the minimum wage required for employers to pay H-1B visa holders and employment-based immigrants. That rule, which was blocked in court, increased the required minimum by changing the formula for calculating the prevailing wage. An NFAP analysis found that the rule increased the average minimum salary required by 39% to 45% depending on the prevailing wage level (1 through 4). NFAP found positions and locations with far higher increases, such as an employer would need to pay a financial analyst in New York *more than three times the market wage* (\$208,000 vs. the market wage of \$66,428 when measured by a private wage survey).⁶

Another first-term Trump administration rule would have ended the H-1B lottery and replaced it with a system that awarded H-1B petitions by salary level. “Selecting H-1B petitions by salary level would favor those with the most experience in the labor market over those with the least experience, something not present under the current lottery

³ <https://www.congress.gov/amendment/119th-congress/senate-amendment/63/text>.

⁴ <https://www.nber.org/papers/w27538>.

⁵ NFAP analysis of the 2021 National Survey of College Graduates.

⁶ *An Analysis of the DOL H-1B Wage Rule*, NFAP Policy Brief, National Foundation for American Policy, October 2020.

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system, which awards H-1B petitions by random selection when more applications (or “registrations”) are received than the annual limit allows,” concluded NFAP. The National Foundation for American Policy found that an international student may be 54% more likely to get an H-1B petition under the current H-1B lottery system than under the rule that would have ended the H-1B lottery, based on an NFAP reviewing cases of recent international students and filings for H-1B petitions obtained from an immigration law firm.⁷

REQUIRING MEDIAN LOCAL WAGES AFFECTS THE EARLY-CAREER PIPELINE

Under the law, to gain approval of an H-1B petition, an employer must pay “at least- (I) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question, or (II) the prevailing wage level for the occupational classification in the area of employment, *whichever is greater.*”⁸

The Sanders amendment would have eliminated the prevailing wage as the minimum wage level for H-1B visa holders and replaced it with the “higher of the *median local wage level* or the actual wage of similarly employed workers.”⁹

Attempting to change the required minimum salary for H-1B professionals is not aimed at correcting an identified problem. Economists have concluded in many published studies that H-1B visa holders earn the same or more than comparable U.S. professionals.¹⁰ In a May 2020 NFAP [study](#), University of North Florida economics professor Madeline Zavodny found, “[T]he evidence points to the presence of H-1B visa holders being associated with lower unemployment rates and faster earnings growth among college graduates, including recent college graduates.”¹¹

Employers could run into issues of fairness if they follow the government’s dictates and pay a new graduate \$40,000 or more than the market wage. If the salary is higher than comparable U.S. workers or workers with much more

⁷ *The Impact on International Students of Ending the H-1B Lottery*, NFAP Policy Brief, National Foundation for American Policy, May 2021.

⁸ <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title8-section1182&num=0&edition=prelim>.

⁹ <https://www.congress.gov/amendment/119th-congress/senate-amendment/63/text>.

¹⁰ An analysis by [Glassdoor](#) found, “Across the 10 cities and roughly 100 jobs we examined, salaries for foreign H-1B workers are about 2.8% higher than comparable U.S. salaries on Glassdoor.” After examining the skills and compensation of over 50,000 IT professionals in the United States, University of Maryland researchers Sunil Mithas and Henry C. Lucas, Jr. [wrote](#), “[C]ontrary to popular belief, non-U.S. citizen IT professionals are not paid less compared to American IT professionals.” A [paper for IZA](#) by economists Magnus Lofstrom and Joseph Hayes with the Public Policy Institute of California concluded, “The data indicate that H-1Bs are younger and more skilled, as measured by education, than U.S.-born workers in the same occupations. We fail to find support for the notion that H-1Bs are paid less than observationally similar U.S.-born workers; in fact, they appear to have higher earnings in some key STEM occupations, including information technology.” The Government Accountability Office (GAO) found in electrical/electronics engineering occupations (age group 20-39) the median salary for an engineer in H-1B status was \$5,000 higher than for a U.S. engineer.

¹¹ Madeline Zavodny, *The Impact of H-1B Visa Holders on the U.S. Workforce*, NFAP Policy Brief, National Foundation for American Policy, May 2020.

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experience, companies would need to address workplace equity or civil rights concerns due to the government distorting the salary scale. In recent years, the Department of Justice forced a legal settlement against companies for discriminating against U.S. workers even though the employers followed DOL's rules on advertising when sponsoring employment-based immigrants. Companies might choose to pay all employees a higher wage level. However, given limited resources that would not be a cost-free solution since it likely would result in the company employing fewer people in the United States due to the additional expenditures.

EXAMINING THE IMPACT OF REQUIRING MEDIAN LOCAL WAGES

NFAP compared the median local wage to the top three prevailing wage levels for common occupations in four different technology hubs: San Jose-Sunnyvale-Santa Clara, Seattle-Tacoma-Bellevue, Washington-Arlington-Alexandria and Dallas-Fort Worth-Arlington. The NFAP analysis shows that compelling employers to pay all H-1B visa holders the median local wage would significantly distort pay scales and be unfair to younger H-1B visa holders. (Median local wages from the Department of Labor are for May 2023, and DOL's prevailing wage data covered July 2022 to June 2023.) The median local wage is higher than the first three prevailing wages for all the areas and positions examined. That means requiring the median local wage would be like mandating all H-1B visa holders, regardless of experience, be paid like the most experienced technology professionals.

DOL determines the prevailing wage by gathering data from the government's Occupational Employment Statistics (OES) wage survey and using a mathematical formula to create four levels of wages for each occupation. Under the DOL definitions, the four levels are: Level I "entry level," Level II "qualified," Level III "experienced," and Level IV "fully competent." The underlying data are based on broad pay band information. Employers have complained that the prevailing wage formula has already inflated salaries because of its design. Still, the prevailing wage categories recognize employees having different levels of experience, unlike mandating that all employees, regardless of experience, be paid at least the median local wage.

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SOFTWARE DEVELOPERS IN SAN JOSE-SUNNYVALE-SANTA CLARA

The annual salary for a software developer in the San Jose area would be significantly higher at the median local wage than at the current prevailing wage levels. Specifically, for a software developer in the San Jose area, the annual salary would be \$83,512 (or 72%) more at the median local wage than at the current prevailing wage level 1 (\$199,097 vs. \$115,585). The annual salary would be \$57,720 (or 41%) more at the median local wage than at the current prevailing wage level 2 (\$199,097 vs. \$141,377). And for a software developer in the San Jose area, the annual salary would be \$31,944 or 19% more at the median local wage than at the current prevailing wage level 3 (\$199,097 vs. \$167,148).

Table 1
Annual Salary of Software Developers in San Jose-Sunnyvale-Santa Clara:
Median Local Wage vs. Prevailing Wage Level 1

Software Developers	Prevailing Wage Level 1	Median Local Wage
San Jose-Sunnyvale-Santa Clara, CA	\$115,585	\$199,097 (+\$83,512 or 72% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

Table 2
Annual Salary of Software Developers in San Jose-Sunnyvale-Santa Clara:
Median Local Wage vs. Prevailing Wage Level 2

Software Developers	Prevailing Wage Level 2	Median Local Wage
San Jose-Sunnyvale-Santa Clara, CA	\$141,377	\$199,097 (+\$57,720 or 41% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

Table 3
Annual Salary of Software Developers in San Jose-Sunnyvale-Santa Clara:
Median Local Wage vs. Prevailing Wage Level 3

Software Developers	Prevailing Wage Level 3	Median Local Wage
San Jose-Sunnyvale-Santa Clara, CA	\$167,148	\$199,097 (+\$31,944 or 19% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

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ELECTRONICS ENGINEERS IN SAN JOSE-SUNNYVALE-SANTA CLARA

Electronics Engineers, except computers, are often semiconductor engineers. For electronics engineers in the San Jose area, the annual salary would be \$75,088 (or 74%) more at the median local wage than at the current prevailing wage level 1 (\$176,113 vs. \$101,025).

The annual salary would be \$49,649 (or 39%) more at the median local wage than at the current prevailing wage level 2 (\$176,113 vs. \$126,464). And for an electronics engineer in the San Jose area, the annual salary would be \$24,211 or 16% more at the median local wage than at the current prevailing wage level 3 (\$176,113 vs. \$151,902).

**Table 4
Annual Salary of Electronics Engineers in San Jose-Sunnyvale-Santa Clara:
Median Local Wage vs. Prevailing Wage Level 1**

Electronics Engineers, except computers	Prevailing Wage Level 1	Median Local Wage
San Jose-Sunnyvale-Santa Clara, CA	\$101,025	\$176,113 (+\$75,088 or 74% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

**Table 5
Annual Salary of Electronics Engineers in San Jose-Sunnyvale-Santa Clara:
Median Local Wage vs. Prevailing Wage Level 2**

Electronics Engineers, except computers	Prevailing Wage Level 2	Median Local Wage
San Jose-Sunnyvale-Santa Clara, CA	\$126,464	\$176,113 (+\$49,649 or 39% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

**Table 6
Annual Salary of Electronics Engineers in San Jose-Sunnyvale-Santa Clara:
Median Local Wage vs. Prevailing Wage Level 3**

Electronics Engineers, except computers	Prevailing Wage Level 3	Median Local Wage
San Jose-Sunnyvale-Santa Clara, CA	\$151,902	\$176,113 (+\$24,211 or 16% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

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SOFTWARE DEVELOPERS IN SEATTLE-TACOMA-BELLEVUE

For a software developer in the Seattle-Tacoma-Bellevue area, the annual salary would be \$60,383 (or 57%) more at the median local wage than at the current prevailing wage level 1 (\$167,024 vs. \$106,641). The annual salary would be \$39,687 (or 31%) more at the median local wage than at the current prevailing wage level 2 (\$167,024 vs. \$127,337). And for a software developer in the Seattle area, the annual salary would be \$19,012 or 13% more at the median local wage than at the current prevailing wage level 3 (\$167,148 vs. \$148,012).

Table 7
Annual Salary of Software Developers in Seattle-Tacoma-Bellevue, WA:
Median Local Wage vs. Prevailing Wage Level 1

Software Developers	Prevailing Wage Level 1	Median Local Wage
Seattle-Tacoma-Bellevue, WA	\$106,641	\$167,024 (+\$60,383 or 57% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

Table 8
Annual Salary of Software Developers in Seattle-Tacoma-Bellevue, WA:
Median Local Wage vs. Prevailing Wage Level 2

Software Developers	Prevailing Wage Level 2	Median Local Wage
Seattle-Tacoma-Bellevue, WA	\$127,337	\$167,024 (+\$39,687 or 31% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

Table 9
Annual Salary of Software Developers in Seattle-Tacoma-Bellevue, WA:
Median Local Wage vs. Prevailing Wage Level 3

Software Developers	Prevailing Wage Level 3	Median Local Wage
Seattle-Tacoma-Bellevue, WA	\$148,012	\$167,024 (+\$19,012 or 13% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

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ELECTRICAL ENGINEERS IN SEATTLE-TACOMA-BELLEVUE

For an electrical engineer in the Seattle-Tacoma-Bellevue area, the annual salary would be \$44,221 (or 51%) more at the median local wage than at the current prevailing wage level 1 (\$130,208 vs. \$85,987). The annual salary would be \$24,898 (or 24%) more at the median local wage than at the current prevailing wage level 2 (\$130,208 vs. \$105,310). And for a software developer in the Seattle area, the annual salary would be \$5,575 or 4% more at the median local wage than at the current prevailing wage level 3 (\$130,208 vs. \$124,633).

Table 10
Annual Salary of Electrical Engineers in Seattle-Tacoma-Bellevue, WA:
Median Local Wage vs. Prevailing Wage Level 1

Electrical Engineers	Prevailing Wage Level 1	Median Local Wage
Seattle-Tacoma-Bellevue, WA	\$85,987	\$130,208 (+\$44,221 or 51% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

Table 11
Annual Salary of Electrical Engineers in Seattle-Tacoma-Bellevue, WA:
Median Local Wage vs. Prevailing Wage Level 2

Electrical Engineers	Prevailing Wage Level 2	Median Local Wage
Seattle-Tacoma-Bellevue, WA	\$105,310	\$130,208 (+\$24,898 or 24% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

Table 12
Annual Salary of Electrical Engineers in Seattle-Tacoma-Bellevue, WA:
Median Local Wage vs. Prevailing Wage Level 3

Electrical Engineers	Prevailing Wage Level 3	Median Local Wage
Seattle-Tacoma-Bellevue, WA	\$124,633	\$130,208 (+\$5,575 or 4% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

SOFTWARE DEVELOPERS IN WASHINGTON-ARLINGTON-ALEXANDRIA

For a software developer in the Washington-Arlington-Alexandria area, the annual salary would be \$54,683 (or 63%) more at the median local wage than at the current prevailing wage level 1 (\$141,502 vs. \$86,819) and 28% and 6% higher at level 2 and level 3.

Table 13
Annual Salary of Software Developers in Washington-Arlington-Alexandria:
Median Local Wage vs. Prevailing Wage Level 1

Software Developers	Prevailing Wage Level 1	Median Local Wage
Washington-Arlington-Alexandria, DC-VA-MD-WV	\$86,819	\$141,502 (+\$54,683 or 63% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

Table 14
Annual Salary of Software Developers in Washington-Arlington-Alexandria:
Median Local Wage vs. Prevailing Wage Level 2

Software Developers	Prevailing Wage Level 2	Median Local Wage
Washington-Arlington-Alexandria, DC-VA-MD-WV	\$110,240	\$141,502 (+\$31,262 or 28% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

Table 15
Annual Salary of Software Developers in Washington-Arlington-Alexandria:
Median Local Wage vs. Prevailing Wage Level 3

Software Developers	Prevailing Wage Level 3	Median Local Wage
Washington-Arlington-Alexandria, DC-VA-MD-WV	\$133,640	\$141,502 (+\$7,862 or 6% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

ELECTRICAL ENGINEERS IN WASHINGTON-ARLINGTON-ALEXANDRIA

For an electrical engineer in the Washington-Arlington-Alexandria area, the annual salary would be \$49,837 (or 62%) more at the median local wage than at the current prevailing wage level 1 (\$130,208 vs. \$80,828), and 28% and 6% higher at levels 2 and 3.

Table 16
Annual Salary of Electrical Engineers in Washington-Arlington-Alexandria:
Median Local Wage vs. Prevailing Wage Level 1

Electrical Engineers	Prevailing Wage Level 1	Median Local Wage
Washington-Arlington-Alexandria, DC-VA-MD-WV	\$80,828	\$130,665 (+\$49,837 or 62% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

Table 17
Annual Salary of Electrical Engineers in Washington-Arlington-Alexandria:
Median Local Wage vs. Prevailing Wage Level 2

Electrical Engineers	Prevailing Wage Level 2	Median Local Wage
Washington-Arlington-Alexandria, DC-VA-MD-WV	\$101,857	\$130,665 (+\$28,808 or 28% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

Table 18
Annual Salary of Electrical Engineers in Washington-Arlington-Alexandria:
Median Local Wage vs. Prevailing Wage Level 3

Electrical Engineers	Prevailing Wage Level 3	Median Local Wage
Washington-Arlington-Alexandria, DC-VA-MD-WV	\$122,866	\$130,665 (+\$7,779 or 6% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

SOFTWARE DEVELOPERS IN DALLAS-FORT WORTH-ARLINGTON

For a software developer in the Dallas-Fort Worth-Arlington area, the annual salary would be \$48,651 (or 60%) more at the median local wage than at the current prevailing wage level 1 (\$129,500 vs. \$80,849) and 31% and 11% higher at level 2 and level 3.

Table 19
Annual Salary of Software Developers in Dallas-Fort Worth-Arlington:
Median Local Wage vs. Prevailing Wage Level 1

Software Developers	Prevailing Wage Level 1	Median Local Wage
Dallas-Fort Worth-Arlington, TX	\$80,849	\$129,500 (+\$48,651 or 60% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

Table 20
Annual Salary of Software Developers in Dallas-Fort Worth-Arlington:
Median Local Wage vs. Prevailing Wage Level 2

Software Developers	Prevailing Wage Level 2	Median Local Wage
Dallas-Fort Worth-Arlington, TX	\$98,904	\$129,500 (+\$30,596 or 31% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

Table 21
Annual Salary of Software Developers in Dallas-Fort Worth-Arlington:
Median Local Wage vs. Prevailing Wage Level 3

Software Developers	Prevailing Wage Level 3	Median Local Wage
Dallas-Fort Worth-Arlington, TX	\$116,937	\$129,500 (+\$12,563 or 11% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

ELECTRONICS ENGINEERS IN DALLAS-FORT WORTH-ARLINGTON

For an electronics engineer in the Dallas-Fort Worth-Arlington area, the annual salary would be \$41,288 (or 49%) more at the median local wage than at the current prevailing wage level 1 (\$125,278 vs. \$83,990), and 20% and 1% higher at levels 2 and 3.

Table 22
Annual Salary of Electronics Engineers in Dallas-Fort Worth-Arlington:
Median Local Wage vs. Prevailing Wage Level 1

Electronics Engineers, except computers	Prevailing Wage Level 1	Median Local Wage
Dallas-Fort Worth-Arlington, TX	\$83,990	\$125,278 (+\$41,288 or 49% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

Table 23
Annual Salary of Electronics Engineers in Dallas-Fort Worth-Arlington:
Median Local Wage vs. Prevailing Wage Level 2

Electronics Engineers, except computers	Prevailing Wage Level 2	Median Local Wage
Dallas-Fort Worth-Arlington, TX	\$104,187	\$125,278 (+\$21,091 or 20% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

Table 24
Annual Salary of Electronics Engineers in Dallas-Fort Worth-Arlington:
Median Local Wage vs. Prevailing Wage Level 3

Electronics Engineers, except computers	Prevailing Wage Level 3	Median Local Wage
Dallas-Fort Worth-Arlington, TX	\$124,404	\$125,278 (+\$874 or 1% higher)

Source: National Foundation for American Policy, U.S. Department of Labor.

CONCLUSION

Some legislators believe that requiring employers to pay far higher than the market wage for H-1B professionals will compel companies to hire more U.S. workers. The most likely income is not more jobs for U.S. workers, but companies sending more jobs out of the United States, which is what economist Britta Glennon found takes place when legislators impose restrictions on companies and H-1B visa holders.¹² Another likely result is preventing recent graduates of U.S. universities from working in the United States, dealing a blow to America's early-career talent pipeline.

¹² <https://www.nber.org/papers/w27538>.

APPENDIX

WARN ACT MEASURE COULD PREVENT H-1B FILINGS FOR COMPANIES

The Sanders amendment contained two primary parts: 1) Changing the law on the minimum required salaries for H-1B visa holders and 2) prohibiting companies from filing H-1B petitions if they filed a notice of mass layoff under the Worker Adjust and Retraining Notification (WARN) Act “during the 12-month period immediately preceding the date on which the alien is to be hired” (and will not file such a notice in the future). The amendment also would have required a 120-day grace period of maintaining legal status for H-1B visa holders whose employment ends (voluntarily or involuntarily), increased the scholarship and training fee from \$1,500 to \$3,000 and mandated the State Department to conduct visa renewal in the United States for E, H, L, O and P visas.

If the Sanders amendment had been adopted, several technology companies in the top 25 among employers of H-1B visa holders could have found themselves ineligible to petition for H-1B visas because of layoffs that triggered the WARN Act. Because of layoffs in 2024, it is likely Tesla would have been ineligible to petition for H-1B visa holders during at least part of 2025.

The measure penalizes companies that have grown their workforce in recent years and are likely to need new employees and innovations to grow again in a different direction or new product line. For large companies, closing a facility with 50 employees, one of the WARN Act triggers, could mean a layoff of only 0.05% or less of its workforce. The layoffs could be of employees holding jobs far different than those an employer would petition for an H-1B visa. If a semiconductor company lays off 50 people and closes a facility, the amendment would prohibit an employer from petitioning for a semiconductor engineer with a Ph.D. To illustrate the likely shortsightedness of such an approach: In the late 1980s, a pair of immigrants developed a microprocessor for Sun Microsystems called SPARC that helped employ several thousand employees at the company.¹³

According to the Department of Labor, WARN is triggered when a covered employer:

“• Closes a facility or discontinues an operating unit permanently or temporarily, affecting at least 50 employees, not counting part-time workers, at a single site of employment. A plant closing also occurs when an employer closes an operating unit that has fewer than 50 workers but that closing also involves the layoff of enough other workers to make the total number of layoffs 50 or more;

¹³ Stuart Anderson, *Employment-Based Immigration and High Technology, Empower America*, 1996.

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“• Lays off 500 or more workers (not counting part-time workers) at a single site of employment during a 30-day period; or lays off 50-499 workers (not counting part-time workers), and these layoffs constitute 33% of the employer’s total active workforce (not counting part-time workers) at the single site of employment;

“• Announces a temporary layoff of less than 6 months that meets either of the two criteria above and then decides to extend the layoff for more than 6 months.”¹⁴

¹⁴ https://www.dol.gov/sites/dolgov/files/ETA/layoff/pdfs/_EmployerWARN2003.pdf.

ABOUT THE NATIONAL FOUNDATION FOR AMERICAN POLICY

Established in 2003, the National Foundation for American Policy (NFAP) is a 501(c)(3) non-profit, non-partisan public policy research organization based in Arlington, Virginia, focusing on trade, immigration and related issues. Advisory Board members include Columbia University economist Jagdish Bhagwati, Cornell Law School professor Stephen W. Yale-Loehr, Ohio University economist Richard Vedder and former INS Commissioner James Ziglar. Over the past 24 months, NFAP's research has been written about in the *Wall Street Journal*, the *New York Times*, the *Washington Post*, and other major media outlets. The organization's reports can be found at www.nfap.com.
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