

February 20, 2024

Brian Pasternak, Administrator  
Office of Foreign Labor Certification  
Employment and Training Administration  
Department of Labor  
200 Constitution Avenue, NW, N-5311  
Washington, DC 20210

Re: Docket number ETA-2023-006, Modernizing Schedule A to Include Consideration of Additional Occupations in Science Technology, Engineering, and Mathematics (STEM) and Non-STEM Occupations

Dear Administrator Pasternak,

The American Council on Education (ACE) and the undersigned higher education associations submit these comments in response to the Department of Labor's (DOL) Request for Information (RFI) (Docket number ETA-2023-0006) to include Science, Technology, Engineering and Mathematics (STEM) occupations in Schedule A of the permanent labor certification process. We appreciate that the administration is seeking to modernize and improve Schedule A to include STEM occupations as it would play a crucial role in fostering academic excellence and advancing innovations within colleges and universities.

An expedited sponsorship program—such as an expanded Schedule A that would allow for employers seeking STEM specialists to forego the need to test the labor market and bypass filing an application for permanent employment certification—would support innovation and research competitiveness for the United States. Expanding Schedule A to include STEM specialists would also be attractive to many international students studying in STEM fields at our institutions, and would provide another pathway for those students to remain in the United States (if they wish) after completing their studies while benefiting our country.

In addition, expanding Schedule A would allow colleges and universities to be more competitive in attracting influential STEM faculty, researchers, and professionals across the globe. Their expertise would be invaluable to teaching, training, and inspiring the next-generation U.S. STEM workforce, as well as contributing to cutting-edge research and technological innovations. Research has also shown that supporting highly skilled immigration has advantages for bolstering U.S. competitiveness as well as leading to job creation within the United States.<sup>1</sup>

As part of the RFI, DOL asks whether there should be any STEM occupations added under Schedule A and which occupations should be considered as falling under the umbrella of

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<sup>1</sup> Bipartisan Policy Center, *National Security and Competitiveness: Can Skilled Immigration Help?*, <https://bipartisanpolicy.org/blog/national-security-and-competitiveness-can-skilled-immigration-help-event-recap/>

STEM. Our comments are focused primarily on the first question. Listed below are several reasons why modernizing Schedule A to include STEM occupations is beneficial for colleges and universities.

**Global Competitiveness and Talent Pool:** Colleges and universities are the epicenter of research and development in this country and are challenged with the increasing demands for STEM advancement. Expanding Schedule A to include additional STEM occupations helps institutions attract top STEM talent from different countries to augment their domestic talent. According to the Industrial Capability Report, the United States is no longer producing the most STEM graduates worldwide and is being rapidly outpaced by China.<sup>2</sup> Therefore, expanding Schedule A to include additional STEM fields will serve to support U.S. institutions' efforts to recruit and sponsor needed specialized talent. International scientists and professors enhance research and knowledge capabilities and contribute to private and academic sectors. Through this expansion of Schedule A, private and academic sectors will see an increase in domestic competitiveness as specialized talent will help train other individuals in the field and overall improve the U.S. workforce.

**Attract and retain top talent in STEM fields:** Recent data show that immigrant STEM workers have made substantial contributions to the economy and productivity in the United States. In addition, market trends suggest the need for STEM workers will increase by 10.8 percent through 2032.<sup>3</sup> Expanding Schedule A to include additional STEM fields demonstrates the administration's commitment for the United States to be a welcome and attractive destination for international talents in knowledge exchange that benefits both the nation and the global scientific community. Additionally, as Schedule A provides a more streamlined path to permanent residency, expanding Schedule A to STEM occupations would encourage international graduates with specialized skills to stay in the United States and contribute their expertise to U.S. industries.

**STEM occupations with significant shortages in U.S. universities:** An expansion of Schedule A would help grow departments across universities and encourage the improvement of their curriculum while expanding the variety of academic topics. As market trends suggest, the need for STEM workers will only increase in future years, and expanding Schedule A could help serve as a recruiting tool in high-needs fields. For example, within the growing artificial intelligence (AI) research field, a labor-shortage already exists.<sup>4</sup> In order to expand U.S. expertise in STEM fields like AI, it would be helpful to utilize this existing expedited green card process.

**Reduce recruitment cost:** Schedule A is more timely and cost-efficient than the existing STEM pathways. Under this proposed rule, colleges and universities hiring international

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<sup>2</sup> Zwetsloot et al. (2021, August). *China is Fast Outpacing U.S. STEM PhD Growth CSET Data Brief*. Center for Security and Emerging Technology, Georgetown University. <https://cset.georgetown.edu/wp-content/uploads/China-is-Fast-Outpacing-U.S.-STEM-PhD-Growth.pdf>

<sup>3</sup> Bureau of Labor Statistics (2023, September 6). *Employment Projections: Employment in STEM Occupations*, Table 1.7, Occupational Projections, 2022–32, and Worker Characteristics, 2022 (Numbers in Thousands). <https://www.bls.gov/emp/tables/occupational-projections-and-characteristics.htm>

<sup>4</sup> Stone, P. et al. (2016, September 6). *Artificial Intelligence and Life in 2030. One Hundred Year Study on Artificial Intelligence: Report of the 2015-2016 Study Panel*, Stanford University. Doc: <http://ai100.stanford.edu/2016-report>.

faculty and researchers with exceptional ability would not be required to conduct a costly recruitment process for positions that are difficult to fill with domestic workers. Currently, without Schedule A, employers must file the PERM application with the DOL, where adjudication currently takes around 8 to 9 months. To hire an outstanding researcher, colleges and universities must also file with the U.S. Citizenship and Immigration Services and pay a \$580 fee to petition, or sponsor, the worker for a green card, plus a \$1070 fee to adjust from nonimmigrant to immigrant.<sup>5</sup> This price does not include the attorney fee. Schedule A green cards are unique in that they qualify under EB-2 green card provisions. For employers seeking specialized talent this is more cost-effective and supports the goals of U.S. higher education to provide the most qualified individuals to teach the next generation of American students.

DOL invites input on the relative expansiveness or narrowness of the occupations that will meet the STEM definition. We recommend that DOL consider STEM occupations in the broadest way possible, to include not only STEM occupations identified among the OEWS occupations used in Bureau of Labor Statistics publications and occupations that cover STW occupations, but also to include any occupation that requires a degree in a field identified in the DHS STEM OPT degree program list. Given the importance of highly skilled immigration to the higher education and research enterprise, we support the DOL's effort to modernize Schedule A and identify other occupations where there are insufficient U.S. workers to meet the educational, economic, and innovation needs of the United States.

In expanding Schedule A to include STEM professionals, we believe this will send a welcoming message to international students and scholars, as well as allowing U.S. colleges and universities to recruit important international scientists and researchers. Once the rule is finalized, DOL should also work to provide ample information and resources for how colleges and universities can use this expansion. We look forward to continuing to work with you on these important issues.

Sincerely,



Ted Mitchell, President

On behalf of:

ACPA-College Student Educators International  
American Association of Community Colleges  
American Association of State Colleges and Universities  
American Council on Education  
Association of American Universities  
Association of Jesuit Colleges and Universities

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<sup>5</sup> Malik, S. (2017, June 2). *Employer Sponsored Green Card: Process and Costs*. VisaNation Law Group. <https://www.immi-usa.com/employer-sponsored-green-card-process/>

Association of Public and Land-grant Universities  
Association of Research Libraries  
Career Education Colleges and Universities  
College and University Professional Association for Human Resources  
Consortium of Universities of the Washington Metropolitan Area  
Council for Christian Colleges & Universities  
Council for Higher Education Accreditation  
Council of Graduate Schools  
ETS  
NAFSA: Association of International Educators  
National Association of College and University Business Officers  
National Association of Colleges and Employers  
National Association of Independent Colleges and Universities