



# FASEB

Federation of American Societies  
for Experimental Biology

## Representing Over 110,000 Researchers

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### **Re: Notice of Proposed Rulemaking on Modernizing H-1B Requirements, Providing Flexibility in the F-1 Program, and Program Improvements Affecting Other Nonimmigrant Workers (DHS Docket No. USCIS–2023–000)**

The Federation of American Societies for Experimental Biology (FASEB) appreciates the opportunity to provide comments on the Department of Homeland Security's (DHS) concerning revisions to the H-1B program. FASEB, a coalition comprising 26 biological and biomedical scientific societies representing more than 110,000 individual scientists, recognizes the pivotal role of international scholars, encompassing both graduate students and postdoctoral scholars, in the U.S. research enterprise. As evidenced by the 2022 National Science Foundation [survey of earned doctorates](#), 34.1 percent of doctoral students hold temporary visas. Additionally, the 2021 Federally Funded Research and Development Centers [Survey of Postdocs](#) revealed that 51.1 percent of all postdocs held temporary visas. In this context, the proposed rule will streamline the H-1B program's requirements, enhancing its efficiency and bolstering measures to ensure its integrity. Furthermore, it will alleviate an unnecessary burden on international scholars and facilitate the retention of valuable international talent within the U.S.

The science, technology, engineering, and mathematics (STEM) workforce relies on a diverse graduate student and postdoctoral scholar population, with international researchers being essential to U.S. research excellence, innovation-based economic growth, and national security. Over [three-fourths](#) of noncitizen recipients of STEM doctorates choose to stay in the U.S. for subsequent employment. International students receive F-1 (student) and J-1 (exchange visitor) visas, while many non-citizen professionals are selected by firms for work-based purposes, primarily through H-1B temporary visas. Therefore, U.S. immigration and citizenship policies significantly impact employers' access to this crucial source of STEM talent.

FASEB commends the proposed change to select H-1B registrations via unique beneficiaries by using valid passport information. This revision addresses the issue of multiple H-1B cap lottery registrations and provides a fair advantage to all applicants. We appreciate DHS's clarification of policies for procedures related to petition amendments, deference, and maintenance of valid H-1B status, as it will enhance processing efficiency, reduce application backlog stress, and improve the well-being of the scientific workforce. Additionally, the expansion of H-1B cap-exempt areas will allow more nonprofit research institutions and governmental research organizations to qualify, and the new H-1B eligibility requirements hold promise for emerging entrepreneurs.

The extension of "cap-gap" protections for F-1 students transitioning to H-1B status is particularly welcomed, with a six-month extension and start date flexibility for certain H-1B cap-subject petitions. This change benefits F-1 students and universities, offering greater protections and avoiding disruptions in employment authorization, a challenge for many F-1 nonimmigrants seeking cap-gap extensions. The enhanced flexibility in H-1B eligibility requirements aligns with the [consensus study of the National Academy of Sciences](#) and [President Biden's Executive Order](#) to improve the effectiveness of U.S. mechanisms for attracting and retaining international talent compared to the programs and incentives used by the U.S.'s strategic competitors.

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**Full members:** American Physiological Society • American Society for Biochemistry and Molecular Biology • American Society for Pharmacology and Experimental Therapeutics • American Society for Investigative Pathology • The American Association of Immunologists • American Association for Anatomy • Society for Developmental Biology • Association of Biomolecular Resource Facilities • The American Society for Bone and Mineral Research • The American Society for Clinical Investigation • Society for the Study of Reproduction • Endocrine Society • American College of Sports Medicine • Genetics Society of America • The Histochemical Society • Society for Glycobiology • Association for Molecular Pathology • Society for Redox Biology and Medicine • Society For Experimental Biology and Medicine • American Aging Association • Society for Leukocyte Biology • American Federation for Medical Research • Shock Society • **Associate members:** American Society of Human Genetics • Society for Birth Defects Research & Prevention • American Society for Nutrition

*FASEB's recommendations on the Proposed Rulemaking are provided below.*

DHS's proposal to streamline eligibility requirements by modernizing the definition and criteria for a "specialty occupation" is noteworthy but could be further expanded. The new definition maintains the requirement of a direct relationship between the required degree field(s) and the duties of the position but allows for more than one acceptable degree field for a specialty occupation. However, the proposal's exclusion of general degrees (i.e., business administration without further specialization or engineering degree in any field of engineering) from H-1B approval could be refined to accommodate situations where a person's general education, qualifies them for a specialty occupation. Given that [49 percent of individuals with the highest degrees in STEM fields work in non-science and engineering occupations](#), STEM expertise is prevalent across various job types.

FASEB recommends:

- DHS considers the degree field alongside relevant coursework, skills, and experience in its decision-making, as this will enhance the STEM workforce pipeline and foster innovation.
- DHS provide clarity on what constitutes a refusal to comply to prevent potential petition denial or revocation regarding the rule on conducting site visits.

FASEB looks forward to implementation of the final rule and encourages DHS to consider its recommendations for redefining criteria for general degrees. Together, the proposed changes will ultimately lead to a more robust and diverse STEM enterprise while bolstering the ability of international scholars to stay and work in the U.S.