

October 28, 2026

Submitted electronically via www.regulations.gov

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

Re: Docket No. ICEB-2026-0100, RIN 1653-AB01

Comments of the Federation of American Societies for Experimental Biology (FASEB) on *Optional Practical Training Fees, Notice of Proposed Rulemaking, 91 FR 64566 (October 8, 2026)*.

Dear Secretary Mullin:

I. Introduction and statement of interest

The Federation of American Societies for Experimental Biology (FASEB) respectfully urges the Department of Homeland Security (DHS) to withdraw its proposed rule on Optional Practical Training (OPT) fees (91 FR 64566, October 8, 2026).

FASEB represents 21 scientific societies and more than 100,000 researchers in the biological and biomedical sciences. For more than a century, we have advanced biomedical research and education in the United States. American labs compete for the best scientists in the world. Many scientists who now lead those labs, train American students, and serve in our societies first came here as international students. OPT was often their bridge from a U.S. degree to a U.S. research career. It let the nation keep the return on its investment in their training. Today, our members train, mentor, and work alongside the next generation of international scientists. This rule would decide whether those scientists stay to advance American research.

FASEB supports DHS's goal of preventing fraud in OPT. The proposed rule does not show that a fee would advance that goal. It would require schools to pay \$70,000 to \$100,000 or more for each international student who uses OPT, whether or not any fraud is involved. DHS estimates that schools would pay \$12.4 billion a year. Under the proposed rule, that money would go to the general Treasury, not to fraud prevention or oversight. The rule reports no fraud rate, and it cites no OPT fraud case involving a research institution.

DHS states that it cannot confidently predict how much OPT participation would decline. However, the available evidence indicates it would fall sharply. If schools pay the fee, independent estimates project that OPT participation among bachelor's and master's graduates would fall by nearly two-thirds at \$70,000 and by about four-fifths at \$100,000. Doctoral graduates have even more at stake. Two-thirds of international doctoral graduates on F-1 visas are approved for OPT. Temporary visa holders make up 58% of postdoctoral researchers in U.S. science, engineering, and health. This rule would narrow the path that brings these highly skilled, U.S.-trained scientists into our research workforce. More broadly, researchers estimate that a sustained one-third decline in international STEM graduates entering the

U.S. workforce could reduce annual U.S. economic output by \$240 billion to \$481 billion after a decade (Clemens, Neufeld, and Nice, 2026).

II. Summary of recommendations

1. **Withdraw the proposed fees.** DHS has not shown that fraud is common or that a fee would reduce it. The fees would go to the Treasury, not to oversight. DHS should pursue targeted oversight of the employers and schools it has already identified.
2. **Exempt universities and nonprofit research organizations.** Congress exempts these employers from the H-1B training fee and the H-1B cap. DHS's concern about avoiding the cap does not apply to them, and none of the OPT fraud cases DHS cites involves a research university or nonprofit research organization. To implement this exemption, schools should not be charged the OPT fee for students employed by universities or nonprofit research organizations.
3. **Exempt the STEM OPT extension.** It already requires E-Verify, a signed training plan (Form I-983), and DHS site visits. DHS's own STEM OPT site visits uncovered some of the fraud it cites.
4. **Do not extend the \$70,000 fee to each new degree level.** The rule sets no maximum fee per student. This option would multiply fees for students who pursue advanced degrees.

III. Impact on U.S. science (Sections IV.B, VI, VII.A)

American medical breakthroughs depend on scientists trained in American laboratories, and many of those scientists come from abroad. More than half of the postdoctoral researchers in U.S. science, engineering, and health are here on temporary visas, as are about 4 in 10 doctoral students (NSF NCSES, 2025, 2026). The United States invests years of training in these scientists. When they stay, the country keeps the return. Foreign-born scientists make up nearly half of employed STEM PhDs in the United States and account for more than 60% of that workforce's growth since 2000 (Clemens, Neufeld, and Nice, 2025).

OPT is how that talent stays. Most international doctoral graduates who begin work in the United States do so through OPT. More than half of STEM graduates on OPT go on to H-1B visas. Without OPT, the number of international STEM graduates who stay in the United States long term would fall by an estimated one-third (Clemens, Neufeld, and Nice, 2025).

The fee would likely shrink that pipeline sharply. An independent economic analysis of an OPT fee of this size projects that if schools pay, OPT participation among bachelor's and master's graduates would fall by nearly two-thirds at \$70,000 and by about four-fifths at \$100,000. If schools pass the cost on, the projected declines remain massive. At \$100,000, participation would fall by more than a third if students pay. If employers pay, the central estimate is a drop of more than four-fifths (Clemens, 2026). No study has yet measured the effect on doctoral graduates. However, in a recent survey, the share of PhD students likely to try to stay in the United States fell from 80% to 13% if the fee were in place (Institute for Progress, 2026).

Large fees change behavior quickly. After the \$100,000 H-1B fee took effect, initial petitions for workers abroad fell 91.2% in the first eight months, compared with the same period a year earlier. The figure comes from DHS's own data (as reported in Clemens, 2026).

The loss would cost Americans. The loss would cost Americans. Researchers estimate that immigrant inventors account for about one-third of U.S. innovation, including their contributions to the productivity of U.S.-born collaborators (Bernstein et al., 2025). A separate study estimates that a sustained one-third reduction in international STEM graduates from U.S. institutions entering the U.S. workforce could reduce annual U.S. economic output by \$240 billion to \$481 billion after a decade. Although this estimate is not specific to the proposed OPT fees, it illustrates the potential costs of losing international STEM talent (Clemens, Neufeld, and Nice, 2026).

Research also indicates that retaining international talent can benefit American students and workers. Studies have not found that international students crowd out U.S. students at the national level (Clemens, Neufeld, and Nice, 2025). The 2008 expansion of OPT for STEM graduates was associated with higher average wages for U.S.-born STEM workers (Demirci, 2020). STEM OPT also increased employer demand for U.S. workers with similar skills (Kwon, Lee, and Monras, 2026).

DHS has not measured these costs. DHS states that it “cannot confidently predict” how much OPT participation would fall (Section VII.A.3). Even its lowest participation scenario assumes that schools would keep paying for every student eligible for the STEM OPT extension. Independent estimates project steep declines (Clemens, 2026). DHS does not estimate the effect on research, training, or innovation. Nor does it quantify any benefits (Section VII.A).

DHS’s evidence of harm to workers comes from computing, not biomedical science. DHS argues that OPT harms American workers (Section IV.B). Its evidence is unemployment among recent computer science and computer engineering graduates, at 6.1% and 7.5%. The proclamation it quotes says these rates are “more than double” those of recent biology graduates. DHS offers no evidence that OPT harms U.S. workers in biological or biomedical research.

IV. Impact on FASEB member societies and their members (Sections V.A, VI, VII.A)

The fee falls where biomedical research careers begin. Our members would feel it in their labs, their training programs, and their societies.

Trainees. DHS calls a student's expectation of OPT “speculative.” It argues that most F-1 students “choose to study in the United States for reasons other than to pursue work through OPT,” because only about 20% of the 1.4 million F-1 students in U.S. higher education participated in OPT in 2024 (Section VI). That comparison counts all F-1 students, most of whom have not yet completed their degrees. The relevant measure is the share of graduates who use OPT. From 2018 to 2022, 54% of all F-1 graduates and 67.2% of F-1 doctoral graduates were approved for OPT. Only 10.8% of doctoral graduates moved directly to an H-1B visa without OPT (Clemens, Neufeld, and Nice, 2025). For doctoral graduates, OPT is the most common direct route from a U.S. degree into U.S. work. Students also report that OPT shaped their decision to come. In a 2025 survey of 1,039 international graduate students and postdocs,

distributed through scientific societies, 54% said they would not have enrolled in the United States without OPT (Institute for Progress and NAFSA, 2025).

The fee would fall on current doctoral students at the start of their careers. DHS acknowledges that current students are "in a different position" than prospective students. Yet it would apply the fee to every student who has not received an OPT recommendation before the rule takes effect (Section VI). Students partway through multi-year doctoral programs would face a cost they could not have planned for. Even a student already working on OPT would trigger the fee by requesting a STEM OPT extension after the rule takes effect. Because no fee was paid for the first period, the full \$70,000 would apply (proposed 8 CFR 214.13(i)(3)).

Labs and principal investigators. The rule lets schools pass the fee on to employers. When a doctoral graduate stays on as a postdoc, the school and the employer are often the same university. The cost would likely fall on departments or lab research grants. The rule does not say whether federal research grants could cover the fee. If they could, federal research funds would flow back to the Treasury instead of supporting research. DHS should clarify this, in coordination with NIH and NSF. The fee would also disrupt training. An investigator who has trained a doctoral student for five or more years could lose the chance to keep that scientist as a postdoc, and projects would lose people partway through.

Member societies. International trainees are a significant part of FASEB society membership, meeting attendance, and early-career programs. A drop in international trainees would reduce participation in scientific meetings and peer networks. It would also shrink the pool from which societies draw their next generation of leaders.

Institutions. Doctoral research universities account for 81.1% of students who begin OPT (Clemens, 2026). These are the same institutions where FASEB members work. If schools pay a \$100,000 fee, Clemens estimates that universities would lose \$2.5 billion to \$4.2 billion a year in net revenue as international enrollment falls. Revenue from international students helps fund programs that also serve U.S. students (Clemens, Neufeld, and Nice, 2025). Those losses would reduce the resources available for graduate training of all students.

V. DHS does not show that fraud is common or that the fee targets it (Sections IV.A, IV.C)

FASEB supports enforcement against fraud. The rule does not show that fraud is common. The fee does not target the fraud DHS describes.

DHS does not establish the scale of fraud. DHS states that it "identified more than 10,000 F-1 nonimmigrant students who were engaged in OPT and were working for highly suspect employers" (Section IV.A). The rule does not say what period the investigation covered. It does not define "highly suspect." It does not say how many cases were confirmed. The only source is an ICE video (footnote 67). Another footnote describes the same finding as "10,000 highly suspected employers" (footnote 56). The rule gives no fraud rate. In 2024 alone, 194,554 students received OPT work authorization.

The fraud DHS describes is concentrated in specific employers. DHS cites a 2020 conviction of one person who supplied false employment documents to at least 2,693 people through shell companies, the

2020 arrest of 15 students, a 2021 news report on potential shell companies that employed nearly 4,000 F-1 students, and 2025 site visits that found staged worksites in Northern Virginia (Section IV.A). Its site visits at STEM OPT worksites found "coordinated employer clusters." The rule identifies no case involving a university, a research institution, or a doctoral graduate. DHS has already identified the employers it is concerned about.

The fee does not address the problem DHS identifies. The rule quotes the CIS Ombudsman's finding that OPT is vulnerable "because agency compliance resources are not scaled to (or keeping pace with) the size of the program" (Section IV.A). It states that DHS "does not generally verify the employer attestations unless and until there is a site visit" (Section IV.B). The fee does not fund oversight. It goes to the Treasury. DHS considered extending STEM OPT safeguards, such as site visits and training plans, to all OPT. It chose a fee instead because a fee "can be implemented quickly and uniformly across all participants" and "does not require DHS to deploy significant additional resources for enforcement or oversight" (Section IV.C). The fee replaces oversight. It does not strengthen it.

In fall 2025, FASEB urged DHS to withdraw its proposed duration of status rule (ICEB-2025-0001). FASEB noted then that the rule cited examples of violations but did not show how often they occur. The same gap appears in this rule.

VI. The fees fund the Treasury, not oversight (Sections IV.C, VII.A)

The fees would not pay for fraud investigations. Their main effect would be fewer OPT participants.

The money would leave DHS. The fees would go to the Treasury as miscellaneous receipts (Section IV.C). ICE "would not maintain or use the funding." The rule does not tie the amount to any cost of running OPT. It states that the statute "does not provide legal authority for ICE to retain the funds collected." No part of the fee is set aside for site visits, investigations, or SEVIS improvements. DHS says only that it is "conceivable" Congress could later appropriate the funds.

The fee works by reducing the number of OPT participants. DHS says the fee "would result in a smaller pool of participants, as schools would be more selective" (Section IV.C). It says a smaller pool would let it conduct "more focused and efficient oversight." The fee would shrink participation for all students, not only those involved in fraud. The rule also states that without the fees, DHS "may shut down the program entirely" (Section IV.A).

If DHS's goal is to reduce OPT, the rule should say so. It should also estimate the effects on research, training, and the U.S. economy. However, if the goal is to reduce fraud, DHS should fund targeted oversight.

VII. The rule leaves basic terms unresolved (Sections V.A, V.C, VII.A)

Schools, labs, and students cannot plan around a fee whose total cost and rules are unclear. FASEB asks DHS to answer the following before any final action.

Total cost per student. The \$70,000 fee applies to the first recommendation, "irrespective of whether it is pre-completion OPT or post-completion OPT." Each later recommendation costs \$30,000, "regardless

of whether it is another pre-completion OPT, post-completion OPT, or STEM OPT extension" (Section V.A). There is no maximum. A student who splits 12 months of OPT before and after graduation would trigger \$100,000 in fees. The same 12 months taken after graduation would trigger \$70,000. DHS itself expects schools to encourage students to use only post-completion OPT to avoid the second fee (Section VII.A.5.d).

Transfers between schools. The rule does not address them. Doctoral students often transfer when their research mentor and the principal investigator (PI) of the laboratory moves to another institution. The rule does not say whether the new school pays again, or whether a prior payment follows the student.

OPT after a higher degree. Under the proposal, schools would pay \$30,000 when a student seeks OPT after earning a higher degree. DHS asks whether schools should instead pay the \$70,000 fee again (Section V.A). DHS should clarify whether the initial \$70,000 fee applies only once per student or is charged again when a student seeks OPT at each higher degree level.

Who pays. Schools may pass the cost to "F-1 nonimmigrant students, all students, or employers" (Section IV.C). The rule sets no specific limits on how schools raise the funds, beyond compliance with other laws. If schools spread the cost to all students, U.S. students would help pay it. DHS assumes that "affected parties could collectively cost share to preserve OPT" (Section VII.A.5.b). Furthermore, the rule does not say whether federal grant funds may be used.

Refunds. A refund is available only before the work authorization is issued. SEVP decides case by case, and its decision is not subject to appeal (proposed 8 CFR 214.13(i)(1) and (2)). There is no refund if a job offer falls through after authorization, and no deadline for decisions. DHS states that it lacks the information to estimate how many refunds schools would request (Section VII.A.5.d).

VIII. Unequal access and ethical concerns

The fee would make access to training depend on an institution's wealth and a student's ability to pay.

Institutions with fewer resources would be shut out first. Schools' net revenue from international students varies widely. For 55% of international master's students headed for OPT, even a \$30,000 fee would exceed the net revenue their school earns from them over the entire degree (Clemens, 2026). DHS estimates that 56% of affected schools are small entities. It considered exempting them and declined (Section VII.B.6). By DHS's own estimate, 841 of 1,389 small institutions (60.5%) would face first-year costs above 1% of revenue, and 116 (8.4%) would face costs above 20% (Section VII.B.4). Well-endowed universities could absorb some fees. Many smaller and less-resourced institutions could not. Equally qualified students would have different access depending on where they trained.

The rule gives no basis for choosing among students. DHS expects schools to recommend "only the most promising students" (Section VII.A.6). It sets no standard for doing so. The rule states that it "does not need to define which OPT experiences provide genuine educational value" (Section IV.C). Its only guidance is that a school "can elect not to pay the fee" for a student "who is not a strong candidate for OPT" (Section VI). A school that can pay for some students but not all would have to set its own standards, with \$70,000 at stake in each decision. Without clear standards, selection could turn on which

lab or department has funds, a student's ability to pay, or a student's field or nationality. Each raises fairness and conflict-of-interest concerns. Trainees in the same lab could be treated differently based on their PI's funding.

Passing the cost on rewards ability to pay, not merit. DHS says the fee would ensure that "only highly qualified" students participate (Section IV.B). A \$70,000 charge does not assess a student's qualifications. If students pay, OPT would go mainly to those who can afford it. If schools spread the cost to all students, U.S. students would pay for a federal charge on their international classmates. If an employer pays \$70,000 for a trainee, it gains leverage over that trainee. That could make the trainee dependent on a single employer, an arrangement that invites the abuse DHS says it wants to prevent.

FASEB considers these outcomes inconsistent with merit-based training and with the integrity of U.S. research.

IX. Conclusion

U.S. leadership in biomedical research rests on training and keeping exceptional scientists. Many of them first come to the United States as international students. Among the winners of the Nobel Prizes in science, the Lasker Award, the Turing Award, and MIT Technology Review's Innovators Under 35 from 2014 to 2024 who studied or worked in the United States, 46% of those in biology-related fields were foreign-born. Across all four awards, two-thirds of foreign-born winners with a known arrival path first came to the United States as students, most for doctoral study (Georgetown CSET, 2026). OPT is a primary bridge from that training into the U.S. research workforce.

The proposed fee would weaken that bridge without addressing the fraud DHS describes. DHS does not show how common fraud is. It states that it cannot confidently predict how far OPT participation would fall. It would not use the fees for oversight. Other countries are actively recruiting the same scientists. A fee that makes U.S. training less valuable could send these trainees, and the discoveries they would make, elsewhere.

FASEB urges DHS to withdraw the proposed fees. Thank you for considering these comments.

Respectfully submitted,



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