

The America COMPETES Act (H.R. 4521)

[The America COMPETES Act \(H.R. 4521\)](#), as passed by the U.S. House of Representatives on February 4, 2022, includes several provisions that advance international education and exchange:

Immigration and International Students/Scholars:

- **Dual intent.** The bill expands dual intent to STEM PhD international student (F) visa applicants by allowing them at the time they apply for a student visa to intend to seek a green card after graduation.
- **Path to green card for STEM graduates.** The bill creates a path to green card by exempting international PhD graduates in specified STEM degrees from certain U.S. institutions from the green card caps (both worldwide and per country). International STEM master’s degree graduates are also exempt from the green card caps **IF** they work in a “critical industry.” The bill defines ‘critical industry’ as an industry that is determined to be critical for the national security or economic security of the United States, considering key technology focus areas and critical infrastructure. If this provision ultimately becomes law, the degrees covered by this provision would likely be determined through regulatory action. Also adds a new \$1,000 fee for the STEM green card cap exemption.
 - **Eligibility.** PhD STEM graduates are exempt from the annual green card caps if they meet the following requirements:
 1. The degree is in a STEM field included in the Department of Education’s Classification of Instructional Programs (CIP codes) under the areas of agricultural sciences, natural resources and conservation, computer and information sciences and support services, engineering, biological and biomedical sciences, mathematics and statistics, military technologies, physical sciences, health professions and related programs, or medical residency and fellowship programs, or the summary group subsets of accounting and related services and taxation. **Note:** The STEM CIP codes do not match DHS’ STEM Designated Degree Program List that permits for up to three years of optional practical training (OPT). For a list of STEM OPT degrees that are excluded from the green card cap exemption, view [an analysis](#) by the Association of Public and Land-Grant Universities (APLU).
 2. The study occurred for no less than 3 years at a *qualifying institution* or from a foreign institution **IF** the foreign degree is equivalent to a degree issued by a qualified U.S. research institution.
 - A. “*Qualifying institution*” is defined as:
 - i. Meets the definition in the Higher Education Act of 1965 (in section 101(a) of 20 U.S.C.(a)); **and**
 - ii. Spends not less than \$25,000,000 for research and development, as determined by the National Center for

Science and Engineering Statistics of the National Science Foundation; **or**

- iii. Is classified by the Carnegie Foundation for the Advancement of Teaching as a doctorate-granting university with:
 - a. a very high level (R1) **or**
 - b. high level (R2) of research activity and is a historically Black college or university or minority-serving institution.”
 - c. Note: A non-exhaustive list of excluded institutions compiled by APLU is [available here](#). Please confer with your government relations’ office or other pertinent office to determine your campus’ eligibility.
3. The graduate seeks to engage in work related to the field of study.

- **New Special Immigrant Visas for essential scientists and technical experts.** The bill establishes a new green card category for “essential scientists and technical experts to promote and protect the national security innovation base.” Starting in fiscal year 2022 through fiscal year 2030, 10 green cards would be available annually outside the annual numerical limits, increasing to 100 green cards annually in the years after 2030, for applicants who are:
 - “Engaged in work to promote and protect the National Security Innovation Base” in basic or applied research funded by the Department of Defense through a United States institution of higher education, or
 - Possesses scientific or technical expertise that will advance the development of critical technologies identified in the National Defense Strategy or the National Defense Science and Technology Strategy and the Defense Secretary issues a written statement to the Homeland Security Secretary confirming that the individual is essential to advancing the research, development, testing, or evaluation of critical technologies or otherwise serves national security interests.
- **Special Immigrant Visas for Afghan nationals who participate in State Department-sponsored exchange programs.** The bill includes [H.R. 5482, the Special Immigrant Visas for Afghan Fulbright Scholars Act of 2021](#). This legislation provides Special Immigrant Visas (SIV) for Afghan Fulbright students and scholars currently studying at American universities and for alumni who returned to Afghanistan. It also provides SIVs for their legal spouses/dependents as well as for Afghans who participated in other State Department-sponsored exchange programs.
- **A new nonimmigrant and immigrant entrepreneur visa category.** The bill creates a new nonimmigrant (W) visa category for entrepreneurs and startup founders, their essential employees and their spouses and children. The bill includes growth benchmarks and potential for extensions of status. Some entrepreneurs may be eligible for green cards based on qualifying investments, government grants or awards, level of annual revenue, and the creation of at least 10 qualifying jobs.

International Education and Foreign Language Programs:

- **Reauthorizes Title VI of Higher Education Act (HEA) of 1965**
Reauthorizes HEA Title VI international education programs at the U.S. Education Department to increase and expand existing foreign language and area studies programs across the country; build international education capacity at minority-serving institutions; and promote opportunities for students and professionals to increase their knowledge of world regions, international business, and over 200 foreign languages at all levels of higher education.
- **Establishes the Liu Xiaobo Fund for Study of the Chinese Language at the State Department.** Establishes new fund to serve as alternative to Confucius Institutes at U.S. universities. Would support study of all languages of China. Authorizes up to \$10 million in funding.
- **Restores Fulbright program in China and Hong Kong.** Both programs were terminated on July 14, 2020, by the prior administration.

NEXT STEP: The bill must next be conferenced with the Senate's [U.S. Innovation and Competition Act \(S. 1260\)](#), which passed last summer. Look for updates on the bill's progress and opportunities to engage with your lawmakers in NAFSA's [Connecting Our World](#) action alerts. Timing for final bill passage is in flux as congressional leadership balances competing priorities though the goal is to have a final bill passed by late spring or early summer.