



# Innovation and Immigration Provisions in the COMPETES Act

Center Forward Basics

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## Overview

National security experts and elected officials have warned that the United States needs to increase its recruitment and retention of science, technology, engineering, and mathematics (STEM) talent, including foreign-born STEM professionals, to meet growing security threats from countries including China and Russia. Specifically, there is a clear gap between the demonstrated hiring needs of U.S. employers, specifically in manufacturing, national security, and emerging technology sectors, and the number of visas available. While immigration has always been an important component of America's STEM workforce, it's becoming increasingly difficult for STEM professionals to both come to or remain in the U.S., because laws have not been changed in 30 years. Recently, both the House of Representatives and the Senate have passed legislation to revitalize America's research infrastructure and expand economic opportunities in science and technology. However, a number of differences between the two bills regarding immigration remain that must be settled before the legislation can pass.

## The COMPETES Act and USICA

On February 4, 2022, the House of Representatives passed the America Creating Opportunities for Manufacturing, Pre-Eminence in Technology, and Economic Strength Act (COMPETES Act). The legislation funds domestic semiconductor chip manufacturing, increases scientific research and development funding, accelerates efforts to increase diversity and inclusion in STEM, revives lapsed trade programs, and re-orientes the United States international posture towards competition with China. An important component of the COMPETES Act is that it aims to both attract and retain STEM experts and provide a direct path to permanent residency for certain foreign-born professionals with advanced degrees (Masters or a Ph.D.) in STEM and medical fields. The system would allow workers to work in the U.S. and bypass certain backlogs in the immigration system.

On June 8, 2021, the Senate passed a similar bill titled the United States Innovation and Competition Act (USICA). Similar to the COMPETES Act, USICA include expansions in funding for federal science agencies and supporting industries that are critical to U.S. national security such as artificial intelligence, semiconductor production, biotechnology, and cyber security, but it does not include the same immigration provision.

While both bills invest heavily in onshoring semiconductor manufacturing and scientific research, the success of these investments will rely on companies having the talent needed to actually produce these chips and conduct this research. Failing to address the STEM talent pipeline issues limits the potential of these investments.

## Immigration Reforms in the COMPETES Act

Data from the Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS) indicates that the agency's total pending caseload - the number of cases awaiting a benefit decision - grew an estimated 85% from fiscal years 2015 through 2020.

## Center Forward Basics

Center Forward brings together members of Congress, not-for profits, academic experts, trade associations, corporations and unions to find common ground. Our mission: to give centrist allies the information they need to craft common sense solutions, and provide those allies the support they need to turn those ideas into results.

In order to meet our challenges we need to put aside the partisan bickering that has gridlocked Washington and come together to find common sense solutions.

For more information, please visit [www.center-forward.org](http://www.center-forward.org)

Tens of thousands of foreign-born graduates of U.S. colleges and universities, many in STEM, are denied the opportunity to even apply for a high-skilled visa each year because the caps are so low. Many of the eligible populations are currently on temporary nonimmigrant visas and are already waiting for a green card in the employment-based backlog. The employment-based backlog currently exceeds more than 1 million people, including principal applicants and their dependents. Unless laws are changed or people are exempt, it will be impossible for them to get green cards.

## Broader Implications

The U.S. has historically attracted and retained international talent that contributes to the STEM workforce. International student enrollment in U.S. colleges and universities has decreased over the last few years, and other countries are focusing on recruiting international students. By 2025, China is expected to graduate twice as many STEM Ph.Ds as the U.S. Many government advisors, elected officials, issue experts, and private sector leaders have emphasized the importance of new policies that will attract and retain foreign-born skilled professionals in order to prioritize U.S. national security and maintain America's global competitiveness.

## Links to Other Resources

- Akin Gump — [America COMPETES Act v. US Innovation and Competition Act—Summary of Key Differences and Takeaways](#)
- CATO — [1.4 Million Skilled Immigrants in Employment-Based Green Card Backlogs in 2021](#)
- CSIS — [Winning the Tech Talent Competition](#)
- FWD.us — [America's industries of the future need more workers](#)
- FWD.us — [Per-Country Cap Reform](#)
- House Armed Services Committee — [Future of Defense Task Force Releases Final Report](#)
- Majority Leader — [The America COMPETES Act of 2022 Will Help Ensure Workers and Businesses Can Make It In America](#)
- TechNet — [Immigration](#)
- U.S. Chamber of Commerce — ["The Competition for the Future" State of American Business 2022](#)
- U.S. Government Accountability Office — [U.S. Citizenship and Immigration Services: Actions Needed to Address Pending Caseload](#)