



AMERICAN COUNCIL OF ENGINEERING COMPANIES

May 29, 2008

Office of Policy
U.S. Immigration and Customs Enforcement
Department of Homeland Security
Room 7257
425 I Street, NW
Washington, D.C. 20536

Docket number: ICEB-2008-0002

To Whom It May Concern:

On behalf of the American Council of Engineering Companies (ACEC) – the national voice of America’s engineering industry – I am writing to express our support for the interim final rule that would extend the period of optional practical training (OPT) for nonimmigrant students with science, technology, engineering or mathematics (STEM) degrees.

ACEC members – numbering more than 5,700 firms representing hundreds of thousands of engineers and other specialists throughout the country – are engaged in a wide range of engineering works that propel the nation’s economy, and enhance and safeguard America’s quality of life. A growing economy depends on engineering talent, and maintaining a sufficient pool of well-educated engineers is critical to the nation’s future economic security.

Engineers are in demand now more than ever, but our nation’s universities are not keeping up with the need for new engineering graduates. Bachelor’s degrees in engineering have declined by nearly 20% since 1985. The engineering workforce is also getting older -- nearly 30% of all engineering and science degree holders in the labor force are 50 or over and are expected to retire in the next 15 years.

Moreover, a large percentage of the engineering degrees awarded in the U.S. are earned by temporary residents. In its *Science and Engineering Indicators 2008*, the National Science Foundation noted that “During the past two decades, the share of S&E master’s degrees earned by temporary residents rose from 19% to 28%.” The report also states that, “Temporary residents earned half or more of all U.S. doctorates in engineering, mathematics, computer sciences, physics, and economics in 2005.”

With such a large number of temporary residents earning engineering degrees in the U.S., it is critical that we expand opportunities for those individuals to stay in the U.S. and work for the engineering companies that need their skills and knowledge. Previously, foreign students studying full-time at certified U.S. universities were eligible for 12 months of OPT to work for a U.S. employer in a job directly related to the student's area of study. The interim final rule extends the period of OPT available to students who have completed a STEM degree from 12 months to 29 months. The rule also ameliorates the problem of students who have applied for an H-1B visa but whose OPT runs out before the effective date of the visa.

These changes will benefit U.S. engineering firms and the foreign students educated at U.S. universities who increasingly make up the pool of new engineers. The rule also recognizes that the majority of temporary residents will be unable to get a work visa within 12 months due to the extremely high demand for a limited number of H-1B visas.

ACEC is concerned, however, that students with STEM degrees can only take advantage of the extended OPT if their employer is enrolled in the E-Verify program. The E-Verify program relies on databases that contain numerous errors. Moreover, the E-Verify system cannot detect identity theft or false documents. This puts employers in a difficult position, because they are subject to fines if they cannot detect false documents and unknowingly hire unauthorized persons, but they are also subject to potential lawsuits if they deny employment to legal workers.

The administrative requirements of E-Verify will be particularly challenging for smaller businesses. As small businesses are the job creation engine in our economy, ACEC does not think it is wise to raise this barrier to creating good engineering jobs.

ACEC applauds the commonsense extension of OPT, and urges DHS to reconsider the requirement that employers enroll in E-Verify in order to benefit from this new rule.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hall", with a stylized, cursive script.

Steve Hall
Vice President, Government Affairs