

118TH CONGRESS
1ST SESSION

H. R. 5477

To provide lawful permanent resident status for certain advanced STEM degree holders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2023

Mr. FOSTER (for himself, Mr. LAWLER, Mr. NICKEL, and Ms. GARCIA of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide lawful permanent resident status for certain advanced STEM degree holders, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Keep STEM Talent
5 Act of 2023”.

6 **SEC. 2. VISA REQUIREMENTS.**

7 (a) GRADUATE DEGREE VISA REQUIREMENTS.—To
8 be approved for or maintain nonimmigrant status under
9 section 101(a)(15)(F) of the Immigration and Nationality
10 Act (8 U.S.C. 1101(a)(15)(F)), a student seeking to pur-

1 sue an advanced degree in a STEM field (as defined in
2 section 201(b)(1)(F)(ii) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1151(b)(1)(F)(ii))) (as amended by
4 section 3(a)) for a degree at the master's level or higher
5 at a United States institution of higher education (as de-
6 fined in section 101(a) of the Higher Education Act of
7 1965 (20 U.S.C. 1001(a))) must apply for admission prior
8 to beginning such advanced degree program.

9 (b) STRENGTHENED VETTING PROCESS.—The Sec-
10 retary of Homeland Security and the Secretary of State
11 shall establish procedures to ensure that aliens described
12 in subsection (a) are admissible pursuant to section
13 212(a)(3)(A) of the Immigration and Nationality Act (8
14 U.S.C. 1182(a)(3)(A)). Such procedures shall ensure that
15 such aliens seeking admission from within the United
16 States undergo verification of academic credentials, com-
17 prehensive background checks, and interviews in a manner
18 equivalent to that of an alien seeking admission from out-
19 side of the United States. To the greatest extent prac-
20 ticable, the Secretary of Homeland Security and the Sec-
21 retary of State shall also take steps to ensure that such
22 applications for admission are processed in a timely man-
23 ner to allow the pursuit of graduate education.

24 (c) REPORTING REQUIREMENT.—The Secretary of
25 Homeland Security and the Secretary of State shall sub-

1 mit an annual report to the Committee on the Judiciary
2 of the Senate and the Committee on the Judiciary of the
3 House of Representatives detailing the implementation
4 and effectiveness of the requirement for foreign graduate
5 students pursuing advanced degrees in STEM fields to
6 seek admission prior to pursuing a graduate degree pro-
7 gram. The report shall include data on visa application
8 volumes, processing times, security outcomes, and eco-
9 nomic impacts.

10 **SEC. 3. LAWFUL PERMANENT RESIDENT STATUS FOR CER-**
11 **TAIN ADVANCED STEM DEGREE HOLDERS.**

12 (a) ALIENS NOT SUBJECT TO DIRECT NUMERICAL
13 LIMITATIONS.—Section 201(b)(1) of the Immigration and
14 Nationality Act (8 U.S.C. 1151(b)(1)) is amended by add-
15 ing at the end the following:

16 “(F)(i) Aliens who—

17 “(I) have earned a degree in a STEM
18 field at the master’s level or higher while
19 physically present in the United States
20 from a United States institution of higher
21 education (as defined in section 101(a) of
22 the Higher Education Act of 1965 (20
23 U.S.C. 1001(a))) accredited by an accred-
24 iting entity recognized by the Department
25 of Education;

1 “(II) have an offer of employment
2 from, or are employed by, a United States
3 employer to perform work that is directly
4 related to such degree at a rate of pay that
5 is higher than the median wage level for
6 the occupational classification in the area
7 of employment, as determined by the Sec-
8 retary of Labor; and

9 “(III) have an approved labor certifi-
10 cation under section 212(a)(5)(A)(i); or

11 “(IV) are the spouses and children of
12 aliens described in subclauses (I) through
13 (III) who are accompanying or following to
14 join such aliens.

15 “(ii) In this subparagraph, the term
16 ‘STEM field’ means a field of science,
17 technology, engineering, or mathematics
18 described in the most recent version of the
19 Classification of Instructional Programs of
20 the Department of Education taxonomy
21 under the summary group of—

22 “(I) computer and information
23 sciences and support services;

24 “(II) engineering;

25 “(III) mathematics and statistics;

1 “(IV) biological and biomedical
2 sciences;
3 “(V) physical sciences;
4 “(VI) agriculture sciences; or
5 “(VII) natural resources and con-
6 servation sciences.”.

7 (b) PROCEDURE FOR GRANTING IMMIGRATION STA-
8 TUS.—Section 204(a)(1)(F) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1154(a)(1)(F)) is amended—

10 (1) by striking “203(b)(2)” and all that follows
11 through “Attorney General”; and

12 (2) by inserting “203(b)(2), 203(b)(3), or
13 201(b)(1)(F) may file a petition with the Secretary
14 of Homeland Security”.

15 (c) LABOR CERTIFICATION.—Section 212(a)(5)(D)
16 of the Immigration and Nationality Act (8 U.S.C.
17 1182(a)(5)(D)) is amended by inserting “section
18 201(b)(1)(F) or under” after “adjustment of status
19 under”.

20 (d) DUAL INTENT FOR F NONIMMIGRANTS SEEKING
21 ADVANCED STEM DEGREES AT UNITED STATES INSTI-
22 TUTIONS OF HIGHER EDUCATION.—Notwithstanding sec-
23 tions 101(a)(15)(F)(i) and 214(b) of the Immigration and
24 Nationality Act (8 U.S.C. 1101(a)(15)(F)(i) and 1184(b)),
25 an alien who is a bona fide student admitted to a program

1 in a STEM field (as defined in subparagraph (F)(ii) of
2 section 201(b)(1) of the Immigration and Nationality Act
3 (8 U.S.C. 1151(b)(1))) for a degree at the master's level
4 or higher at a United States institution of higher edu-
5 cation (as defined in section 101(a) of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1001(a))) accredited by an
7 accrediting entity recognized by the Department of Edu-
8 cation may obtain a student visa, be admitted to the
9 United States as a nonimmigrant student, or extend or
10 change nonimmigrant status to pursue such degree even
11 if such alien seeks lawful permanent resident status in the
12 United States. Nothing in this subsection may be con-
13 strued to modify or amend section 101(a)(15)(F)(i) or
14 214(b) of the Immigration and Nationality Act (8 U.S.C.
15 1101(a)(15)(F)(i) or 1184(b)), or any regulation inter-
16 preting these authorities for an alien who is not described
17 in this subsection.

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