

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. WYDEN, Ms. KLOBUCHAR, Ms. HIRONO, Mr. BROWN, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on

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**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 2022”.

6 **SEC. 2. LAWFUL PERMANENT RESIDENT STATUS FOR CER-**  
7 **TAIN ADVANCED STEM DEGREE HOLDERS.**

8 (a) ALIENS NOT SUBJECT TO DIRECT NUMERICAL  
9 LIMITATIONS.—Section 201(b)(1) of the Immigration and

1 Nationality Act (8 U.S.C. 1151(b)(1)) is amended by add-  
2 ing at the end the following:

3 “(F)(i) Aliens who—

4 “(I) have earned a degree in a STEM  
5 field at the master’s level or higher while  
6 physically present in the United States  
7 from a United States institution of higher  
8 education (as defined in section 101(a) of  
9 the Higher Education Act of 1965 (20  
10 U.S.C. 1001(a))) accredited by an accred-  
11 iting entity recognized by the Department  
12 of Education;

13 “(II) have an offer of employment  
14 from, or are employed by, a United States  
15 employer in a field related to such degree  
16 at a rate of pay that is higher than the  
17 median wage level for the occupational  
18 classification in the area of employment, as  
19 determined by the Secretary of Labor; and

20 “(III) are admissible pursuant to an  
21 approved labor certification under section  
22 212(a)(5)(A)(i).

23 “(ii) In this subparagraph, the term  
24 ‘STEM field’ means a field of science, tech-  
25 nology, engineering, or mathematics described

1 in the most recent version of the Classification  
2 of Instructional Programs of the Department of  
3 Education taxonomy under the summary group  
4 of—

5 “(I) computer and information  
6 sciences and support services;

7 “(II) engineering;

8 “(III) mathematics and statistics;

9 “(IV) biological and biomedical  
10 sciences;

11 “(V) physical sciences;

12 “(VI) agriculture sciences; or

13 “(VII) natural resources and con-  
14 servation sciences.”.

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

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

20 (2) by inserting “203(b)(2), 203(b)(3), or  
21 201(b)(1)(F) may file a petition with the Secretary  
22 of Homeland Security”.

23 (c) DUAL INTENT FOR F NONIMMIGRANTS SEEKING  
24 ADVANCED STEM DEGREES AT UNITED STATES INSTI-  
25 TUTIONS OF HIGHER EDUCATION.—Notwithstanding sec-

1 tions 101(a)(15)(F)(i) and 214(b) of the Immigration and  
2 Nationality Act (8 U.S.C. 1101(a)(15)(F)(i), 1184(b)), an  
3 alien who is a bona fide student admitted to a program  
4 in a STEM field (as defined in section 201(b)(1)(F)(ii))  
5 for a degree at the master's level or higher at a United  
6 States institution of higher education (as defined in sec-  
7 tion 101(a) of the Higher Education Act of 1965 (20  
8 U.S.C. 1001(a))) accredited by an accrediting entity rec-  
9 ognized by the Department of Education may obtain a  
10 student visa or extend or change nonimmigrant status to  
11 pursue such degree even if such alien intends to seek law-  
12 ful permanent resident status in the United States.