

117TH CONGRESS
2D SESSION

S. 3638

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2022

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 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 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

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

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

“(II) engineering;

“(III) mathematics and statistics;

“(IV) biological and biomedical sciences;

“(V) physical sciences;

“(VI) agriculture sciences; or

“(VII) natural resources and conservation sciences.”.

(b) PROCEDURE FOR GRANTING IMMIGRATION STATUS.—Section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)) is amended—

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

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

(c) DUAL INTENT FOR F NONIMMIGRANTS SEEKING ADVANCED STEM DEGREES AT UNITED STATES INSTITUTIONS 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.

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