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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. FOSTER introduced the following bill; which was referred to the Committee on _____

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 2021”.

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 by
18 striking “203(b)(2)” and all that follows through “Attor-
19 ney General” and inserting “203(b)(2), 203(b)(3), or
20 201(b)(1)(F) may file a petition with the Secretary of
21 Homeland Security”.

22 (c) DUAL INTENT FOR F NONIMMIGRANTS SEEKING
23 ADVANCED STEM DEGREES AT UNITED STATES INSTI-
24 TUTIONS OF HIGHER EDUCATION.—Notwithstanding sec-
25 tions 101(a)(15)(F)(i) and 214(b) of the Immigration and

1 Nationality Act (8 U.S.C. 1101(a)(15)(F)(i), 1184(b)), an
2 alien who is a bona fide student admitted to a program
3 in a STEM field (as defined in section 201(b)(1)(F)(ii)
4 of such Act (8 U.S.C. 1151(b)(1)(F)(ii))) for a degree at
5 the master's level or higher at a United States institution
6 of higher education (as defined in section 101(a) of the
7 Higher Education Act of 1965 (20 U.S.C. 1001(a)) ac-
8 credited by an accrediting entity recognized by the Depart-
9 ment of Education may obtain a student visa or extend
10 or change nonimmigrant status to pursue such degree
11 even if such alien intends to seek lawful permanent resi-
12 dent status in the United States.