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(Original Signature of Member)

118TH 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 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

1 Act (8 U.S.C. 1101(a)(15)(F)), a student seeking to pur-  
2 sue an advanced degree in a STEM field (as defined in  
3 section 201(b)(1)(F)(ii) of the Immigration and Nation-  
4 ality Act (8 U.S.C. 1151(b)(1)(F)(ii))) (as amended by  
5 section 3(a)) for a degree at the master's level or higher  
6 at a United States institution of higher education (as de-  
7 fined in section 101(a) of the Higher Education Act of  
8 1965 (20 U.S.C. 1001(a)) must apply for admission prior  
9 to beginning such advanced degree program.

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

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

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

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

18                           “(F)(i) Aliens who—

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

1           iting entity recognized by the Department  
2           of Education;

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

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

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

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

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

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

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

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

14 (2) by inserting “203(b)(2), 203(b)(3), or  
15 201(b)(1)(F) may file a petition with the Secretary  
16 of Homeland Security”.

17 (c) LABOR CERTIFICATION.—Section 212(a)(5)(D)  
18 of the Immigration and Nationality Act (8 U.S.C.  
19 1182(a)(5)(D)) is amended by inserting “section  
20 201(b)(1)(F) or under” after “adjustment of status  
21 under”.

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