S. 1744

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

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2019

Mr. DURBIN (for himself, Mr. BLUMENTHAL, Ms. HARRIS, and Ms. KLOBUCAR) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Keep STEM Talent Act of 2019”.

SEC. 2. LAWFUL PERMANENT RESIDENT STATUS FOR CERTAIN ADVANCED STEM DEGREE HOLDERS.

(a) Aliens Not Subject to Direct Numerical Limitations.—Section 201(b)(1) of the Immigration and
Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

“(F)(i) Aliens who—

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

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

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

“(ii) In this subparagraph, the term ‘STEM field’ means a field of science, technology, 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”.

(e) Dual Intent for F Nonimmigrants Seeking Advanced STEM Degrees at United States Institutions of Higher Education.—Notwithstanding sec-
sections 101(a)(15)(F)(i) and 214(b) of the Immigration and
Nationality Act (8 U.S.C. 1101(a)(15)(F)(i), 1184(b)), an
alien who is a bona fide student admitted to a program
in a STEM field (as defined in section 201(b)(1)(F)(ii))
for a degree at the master’s level or higher at a United
States institution of higher education (as defined in sec-
tion 101(a) of the Higher Education Act of 1965 (20
U.S.C. 1001(a))) accredited by an accrediting entity rec-
ognized by the Department of Education may obtain a
student visa or extend or change nonimmigrant status to
pursue such degree even if such alien intends to seek law-
ful permanent resident status in the United States.