

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. KRISHNAMOORTHY OF ILLINOIS

Page 762, insert after line 25 the following (and conform the table of contents accordingly):

1 **Subtitle D—Defense Partners**
2 **Weapons Integration**

3 **SEC. 1761. ENHANCING WEAPONS RESEARCH WITH THE**
4 **UNITED KINGDOM, CANADA, AUSTRALIA, NEW**
5 **ZEALAND, INDIA, AND JAPAN.**

6 (a) IN GENERAL.—Section 201(b)(1) of the Immi-
7 gration and Nationality Act (8 U.S.C. 1151 (b)(1)) is
8 amended by adding at the end the following:

9 “(F)(i) During the period beginning on the
10 date of enactment of this section, and ending
11 on December 31, 2034, not more than 10,000
12 aliens per year who—

13 “(I) are nationals of nations with re-
14 spect to which the United States has mul-
15 tilateral security arrangements, includ-
16 ing—

17 “(aa) Five Eye Intelligence Alli-
18 ance;

1 “(bb) the Quadrilateral Security
2 Dialogue; and

3 “(cc) the North Atlantic Treaty
4 Organization;

5 “(II) have earned a doctoral degree in
6 a program of study critical to national se-
7 curity or have over 6 years of work experi-
8 ence in a sector critical to national secu-
9 rity; and

10 “(III) are seeking admission to en-
11 gage in work in the United States—

12 “(aa) in active research and de-
13 velopment programs funded or over-
14 seen by the Secretary of Defense, Di-
15 rector of National Intelligence, Sec-
16 retary of Energy; the Administrator
17 for the National Aeronautics and
18 Space Administration; the Secretary
19 of Commerce; or

20 “(bb) in a research project crit-
21 ical to national security and for a
22 company or university certified by the
23 Department of Defense as sufficiently
24 supporting Department of Defense re-
25 search efforts.

1 “(ii) Aliens who are a spouse or child
2 of a principal alien described in clause (i),
3 if accompanying or following to join the
4 principal alien.

5 “(iii) In this subparagraph:

6 “(I) The term ‘critical to national
7 security’ means of or relating to the
8 following fields: Additive Manufac-
9 turing, Advanced Computing, Ad-
10 vanced Engineering Materials, Ad-
11 vanced Gas Turbine Engine Tech-
12 nologies, Advanced Manufacturing,
13 Advanced and Networked Sensing and
14 Signature Management, Advanced
15 Nuclear Energy Technologies, Ad-
16 vanced Particle Detector Instrumenta-
17 tion Technologies, Artificial Intel-
18 ligence, Autonomous Systems and Ro-
19 botics, Augmented Reality, Biotech-
20 nologies, Brain-Computer Interfaces,
21 Communication and Networking
22 Technologies, Cybersecurity, Directed
23 Energy, Financial Technologies,
24 Human-Machine Interfaces,
25 Hypersonics, Synthetic Biology, Ad-

1 vanced Missile Propulsion Tech-
2 nologies, Nanotechnology, Networked
3 Sensors and Sensing, Quantum Infor-
4 mation Technologies, Geoengineering,
5 Renewable Energy Generation and
6 Storage, Semiconductors and Micro-
7 electronics, Counter-Unmanned Aerial
8 Systems, Neuromorphic Computing,
9 Advanced Waste Management, Gene
10 Editing, Advanced Navigation and Po-
11 sitioning Systems, Space Technologies
12 and Systems, or any other field as
13 identified by the Secretary of Defense.

14 “(II) The term ‘sufficiently sup-
15 porting Department of Defense re-
16 search efforts’ means, with respect to
17 a company, that such company—

18 “(aa) has no research and
19 development activities located in
20 foreign adversary countries in
21 fields critical to national security;

22 “(bb) has no internal poli-
23 cies limiting collaborations with
24 the Department of Defense or

1 the United States intelligence
2 community;

3 “(cc) prioritizes United
4 States-based supply chains and
5 resources to minimize reliance on
6 foreign adversary countries in the
7 development and production of
8 technology in fields critical to na-
9 tional security; and

10 “(dd) such other criteria as
11 the Secretary of Defense deter-
12 mines appropriate.

13 “(III) The term ‘foreign adver-
14 sary’ has the meaning given such
15 term in section 7.2 of title 15, Code
16 of Federal Regulations.”.

17 (b) PROCEDURES.—Section 204(a)(1) of the Immi-
18 gration and Nationality Act (8 U.S.C. 1154(a)(1)) is
19 amended by adding at the end the following:

20 “(M) Any alien desiring to be classified
21 under section 201(b)(1)(F)(i) may file a peti-
22 tion with the Secretary of Homeland Security
23 for such classification.”.

1 (c) CONFORMING AMENDMENT.—Section 204(e) of
2 the Immigration and Nationality Act (8 U.S.C. 1154(e))
3 is amended—

4 (1) by inserting “to” after “admitted”;

5 (2) by inserting “section 201(b)(1)(F) or” be-
6 fore “subsection (a),”; and

7 (3) by inserting “, or, for an immigrant de-
8 scribed in section 201(b)(1)(F), nothing in this sec-
9 tion shall be construed to entitle an immigrant to
10 maintain conditional status or have conditions re-
11 moved under section 216B if they are discovered not
12 to be entitled to such classification prior to the re-
13 moval of conditions under section 216B” after “clas-
14 sification”.

15 (d) ARMS EXPORT EXEMPTIONS.—Any alien bene-
16 ficiary of an approved petition for classification by the
17 Secretary of Homeland Security under section
18 201(b)(1)(F)(i) of the Immigration and Nationality Act
19 (8 U.S.C. 1151(b)(1)(F)(i)) and is a citizen of Australia,
20 the United Kingdom, New Zealand, or Canada shall be
21 subject to the same requirements as United States persons
22 imposed by the Arms Export Control Act, the Export Con-
23 trol Reform Act of 2018, and section 730 of title 15, Code
24 of Federal Regulations, in the case that the alien is work-
25 ing in the United States and the defense articles or serv-

1 ices are intended for use by the United States, Canada,
2 the United Kingdom, Australia, or New Zealand.

3 (e) RULEMAKING.—Not later than 180 days after the
4 date of the enactment of this section, the Secretary of
5 Homeland Security, in consultation with the Secretary of
6 State, shall publish in the Federal Register, an interim
7 final rule implementing the amendments made by this sec-
8 tion. Notwithstanding section 553 of title 5, United States
9 Code, the rule shall be effective, on an interim basis, upon
10 publication, but may be subject to change and revision
11 after public notice and opportunity for comment. The Sec-
12 retary shall finalize such rule not later than 230 days after
13 the date of the enactment of this section.

14 (f) REPORTING REQUIREMENT.—On or after the
15 date that is 180 days after the date of enactment of this
16 section, the Secretary of Defense, in consultation with the
17 Secretary of State, Secretary of Energy, Secretary of
18 Homeland Security, the Director of National Intelligence,
19 and the Administrator of the National Aeronautics and
20 Space Administration, shall prepare a report to Congress
21 outlining the benefits, risks, and costs of expanding the
22 countries listed in section 201(b)(1)(F)(i)(I) of the Immi-
23 gration and Nationality Act (8 U.S.C. 1151) to include
24 nationals from members of the North Atlantic Treaty Or-
25 ganization (NATO) and partners.

1 **SEC. 1762. RESTRICTING THE ACQUISITION OF EMERGING**
2 **TECHNOLOGIES BY CERTAIN ALIENS.**

3 Title II of the Immigration and Nationality Act (8
4 U.S.C. 1151 et seq.) is amended by inserting after section
5 204 the following:

6 **“SEC. 204A. ADDITIONAL SAFEGUARDS FOR THE ADMIS-**
7 **SION OF CERTAIN ALIENS.**

8 “(a) IN GENERAL.—

9 “(1) SCREENING.—The Secretary of State, in
10 consultation with the Secretary of Defense, the Di-
11 rector of National Intelligence, the Director of the
12 Federal Bureau of Investigation, the Secretary of
13 Energy, and the Secretary of Homeland Security,
14 shall screen each alien prior to confirming status
15 under section 201(b)(1)(F)(i) for risk of foreign in-
16 fluence, espionage, or unauthorized transfer of sen-
17 sitive technology to foreign adversaries and engaged
18 in foreign influence, espionage, or unauthorized
19 transfer of sensitive technology to foreign adver-
20 saries.

21 “(2) SANCTIONS.—An alien determined to be
22 engaged in foreign influence, espionage, or unau-
23 thorized transfer of sensitive technology to foreign
24 adversaries pursuant to the screening process under
25 paragraph (1) shall be subject to sanctions described
26 in subsection (c).

1 “(b) INFORMATION GATHERING.—For the purpose of
2 the screening process described in subsection (a), the head
3 of each agency described in such subsection shall—

4 “(1) take account of information and analyses
5 relevant to implementing subsection (a) from the Di-
6 rector of National Intelligence, the Secretary of De-
7 fense, the Secretary of Homeland Security, the Sec-
8 retary of Energy, and other appropriate Federal
9 agencies;

10 “(2) take account of the continual expert as-
11 sessments of evolving sensitive or emerging tech-
12 nologies that foreign adversaries are targeting;

13 “(3) take account of relevant information con-
14 cerning the foreign person’s employment or collabo-
15 ration, to the extent known, with—

16 “(A) foreign military and security related
17 organizations that are adversarial to the United
18 States;

19 “(B) foreign institutions involved in the
20 theft of United States research;

21 “(C) entities involved in export control vio-
22 lations or the theft of intellectual property;

23 “(D) a government that seeks to under-
24 mine the integrity and security of the United
25 States research community; or

1 “(E) other associations or collaborations
2 that pose a national security threat based on in-
3 telligence assessments; and

4 “(4) weigh the proportionality of risks and the
5 factors described in paragraphs (1) through (3).

6 “(c) SANCTIONS DESCRIBED.—The sanctions de-
7 scribed in this subsection are the following:

8 “(1) INELIGIBILITY FOR VISAS AND ADMISSION
9 TO THE UNITED STATES.—An alien described in
10 subsection (a)(2) may be—

11 “(A) inadmissible to the United States;

12 “(B) ineligible to receive a visa or other
13 documentation to enter the United States; and

14 “(C) otherwise ineligible to be admitted or
15 paroled into the United States or to receive any
16 other benefit under the Immigration and Na-
17 tionality Act (8 U.S.C. 1101 et seq.).

18 “(2) VISAS REVOKED.—

19 “(A) IN GENERAL.—An alien described in
20 subsection (a)(2) is subject to revocation of any
21 visa or other entry documentation regardless of
22 when the visa or other entry documentation is
23 issued.

24 “(B) IMMEDIATE EFFECT.—A revocation
25 under subparagraph (A) shall take effect imme-

1 diately, and automatically invalidate any visa or
2 entry documentation that is in the alien's pos-
3 session, in accordance with section 221(i)

4 “(3) EXCEPTION TO COMPLY WITH INTER-
5 NATIONAL OBLIGATIONS.—The sanctions described
6 in this subsection shall not apply with respect to an
7 alien if admitting or paroling the alien into the
8 United States is necessary to permit the United
9 States to comply with the Agreement regarding the
10 Headquarters of the United Nations, signed at Lake
11 Success, June 26, 1947, and entered into force No-
12 vember 21, 1947, between the United Nations and
13 the United States, or other applicable international
14 obligations.

15 “(d) REPORTING REQUIREMENT.—Not later than
16 180 days after the date of enactment of this section, and
17 every 6 months thereafter until the sunset date set forth
18 in subsection (f), the Secretary of State, in coordination
19 with the Director of National Intelligence, the Director of
20 the Office of Science and Technology Policy, the Secretary
21 of Homeland Security, the Secretary of Defense, the Sec-
22 retary of Energy, and the heads of other appropriate Fed-
23 eral agencies, shall submit a report to the Committee on
24 the Judiciary of the Senate, the Committee on Foreign
25 Relations of the Senate, the Committee on Homeland Se-

1 curity and Governmental Affairs of the Senate, the Com-
2 mittee on the Judiciary of the House of Representatives,
3 the Committee on Foreign Affairs of the House of Rep-
4 resentatives, the Committee on Oversight and Reform of
5 the House of Representatives, the Select Committee on
6 Strategic Competition between the United States and the
7 Chinese Communist Party that identifies—

8 “(1) any criteria, if relevant, used to determine
9 whether an alien is subject to sanctions under sub-
10 section (a);

11 “(2) the number of individuals determined to be
12 subject to sanctions under subsection (a), including
13 the nationality of each such individual and the rea-
14 sons for each sanctions determination;

15 “(3) the number of days from the date of the
16 consular interview until a final decision is issued for
17 each application for status under section
18 201(b)(1)(F)(i), listed by applicants’ country of citi-
19 zenship and relevant consulate; and

20 “(4) whether the screening process described in
21 subsection (a)(1) should be expanded to all aliens
22 that pose a risk of illicit technology transfer.

23 “(e) CLASSIFICATION OF REPORT.—Each report re-
24 quired under subsection (d) shall be submitted, to the ex-

1 tent practicable, in an unclassified form, but may be ac-
2 companied by a classified annex.

3 “(f) SCREENING PROCESS DEFINED.—The term
4 ‘screening process’ means, with respect to an applicant for
5 status under section 201(b)(1)(F)(i), the review and use
6 of information collected during screening, any additional
7 information obtained through interviews, consultation with
8 other Federal Government officials, derogatory informa-
9 tion, and information drawn from other sources to reach
10 a determination regarding a national security concern re-
11 lated to the applicant.”.

12 **SEC. 1763. TERMINATION MEASURES FOR DEFENSE RE-**
13 **SEARCHERS WHO VIOLATE CONDITIONS OF**
14 **VISA CLASS.**

15 (a) IN GENERAL.—Chapter 2 of title II of the Immi-
16 gration and Nationality Act (8 U.S.C. 1181 et seq.) is
17 amended by inserting after section 216A the following:

18 **“SEC. 216B. CONDITIONAL PERMANENT RESIDENT STATUS**
19 **FOR CERTAIN DEFENSE RESEARCHERS,**
20 **SPOUSES, AND CHILDREN.**

21 “(a) IN GENERAL.—

22 “(1) CONDITIONAL BASIS FOR STATUS.—A con-
23 ditional defense weapons researcher as described in
24 section 201(b)(1)(F)(i) and the alien spouse and
25 each alien child of such researcher, shall each be

1 provided the status of an alien lawfully admitted for
2 permanent residence, and shall be considered to have
3 obtained such status on a conditional basis, subject
4 to the provisions of this section. At the time of ini-
5 tial request for status, annual reviews, and an appli-
6 cation to remove conditions of such status, each
7 alien shall pay administrative filing fees limited to
8 an amount that is sufficient to cover the average pa-
9 perwork processing, review, and adjudication by the
10 Secretary of Homeland Security, and for those aliens
11 seeking immigrant visa issuance at an American
12 Consular post the administrative filing fee to cover
13 such processing, review, and adjudication by the
14 Secretary of State.

15 “(2) DEPARTURE NOT REQUIRED.—The Sec-
16 retary of Homeland Security may not require a non-
17 immigrant who is lawfully residing in the United
18 States to leave the United States in order to obtain
19 a conditional defense weapons researcher visa under
20 this section.

21 “(3) NOTICE OF REQUIREMENTS.—At the time
22 a conditional defense weapons researcher, or the
23 alien spouse or child of such researcher, obtains per-
24 manent resident status on a conditional basis, the

1 Secretary of Homeland Security shall notify such
2 immigrant, spouse, or child of—

3 “(A) the provisions of this section;

4 “(B) the requirements for maintaining
5 such conditional permanent resident status; and

6 “(C) the requirements to have the condi-
7 tional basis of such status removed.

8 “(b) ANNUAL REVIEW.—The Secretary of Homeland
9 Security shall annually review the status of each alien re-
10 ceiving conditional permanent resident status under sub-
11 section (a) by requiring from the alien evidence of ongoing
12 employment—

13 “(1) in a field critical to national security, as
14 defined in section 201(b)(1)(F)(iii); and

15 “(2) in research and development work de-
16 scribed in 201(b)(1)(F)(i).

17 “(c) TERMINATION.—

18 “(1) IN GENERAL.—Any alien who receives con-
19 ditional permanent resident status under subsection
20 (a) and has such status terminated, shall receive no-
21 tice of such termination and be provided a grace pe-
22 riod of not less than 10 days to stop working after
23 receipt of such notice and an additional period of
24 not less than 80 days to voluntarily depart the
25 United States, other than aliens whose status is ter-

1 minated in subparagraph (3)(B). Upon request, the
2 Secretary of Homeland Security may increase the
3 period of voluntary departure if special cir-
4 cumstances so warrant.

5 “(2) AGREEMENT TO DEPART.—By applying
6 for and receiving conditional permanent resident sta-
7 tus under subsection (a), an alien agrees to depart
8 the United States voluntarily should such status be
9 terminated and further agrees to be subject to expe-
10 dited removal proceedings under section 235 should
11 the alien fail to depart and not receive an increase
12 of voluntary departure time.

13 “(3) TERMINATION OF STATUS.—The Secretary
14 of Homeland Security shall terminate the conditional
15 permanent resident status of an alien who received
16 such status under subsection (a) if—

17 “(A) the alien—

18 “(i) fails to submit the required proof
19 or evidence at the annual review in accord-
20 ance with subsection (b); or

21 “(ii) submits proof or evidence at such
22 a review that fails to satisfy the require-
23 ments under subsection (b);

24 “(B) the alien is determined to be subject
25 to sanctions under section 204A;

1 “(C) the alien has been unemployed for a
2 cumulative total of 120 days while holding con-
3 ditional permanent resident status under sub-
4 section (a), except if there are special cir-
5 cumstances and other than for dependent
6 spouses and children as they do not have an
7 employment requirement;

8 “(D) the alien obtained status as a bene-
9 ficiary of an approved petition under section
10 204(a)(1)(M) but is employed by an employer
11 that is not in compliance with the requirements
12 under section 204(a)(1)(M);

13 “(E) the alien receives unemployment com-
14 pensation (as defined in section 85(b) of the In-
15 ternal Revenue Code of 1986) or receives any
16 Federal or Federal-funded means-tested public
17 benefit (as that term is used in section 403 of
18 the Personal Responsibility and Work Oppor-
19 tunity Reconciliation Act of 1996 (8 U.S.C.
20 1613));

21 “(F) the alien does not apply to remove
22 the conditions attached to his or her permanent
23 resident status within one year after holding
24 conditional permanent resident status for three
25 years; or

1 “(G) an application submitted by the alien
2 to remove the conditions attached to his or her
3 permanent resident status is denied in a final
4 agency action.

5 “(e) REMOVAL OF CONDITIONS.—

6 “(1) IN GENERAL.—Any alien receiving condi-
7 tional permanent resident status under subsection
8 (a) must file an application to have the conditions
9 removed during the one year period beginning on the
10 three-year anniversary of being granted conditional
11 permanent resident status, when an annual review
12 would otherwise be required, and ending on the four-
13 year anniversary.

14 “(2) APPLICATION.—Such application shall—

15 “(A) include the same proof or evidence
16 that would be required for an annual review
17 under subsection (b) if such review occurred on
18 the date on which the application was filed,
19 along with data or information the Secretary of
20 Homeland Security identifies; and

21 “(B) be subject to a full review under and
22 compliance with section 204A.

23 “(3) DEPARTURE TIME.—Any alien who does
24 not timely file to remove the conditions on his or her
25 status or whose application to remove conditions is

1 denied shall depart the United States within 90 days
2 or be subject to expedited removal under section
3 235.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 for the Immigration and Nationality Act (8 U.S.C. 1101
6 note) is amended by inserting after the item relating to
7 section 216A the following:

“Sec. 216B. Conditional permanent resident status for certain defense re-
searchers and merit-based immigrants and their spouses and
children.”.

8 (c) CERTAIN NONIMMIGRANTS.—

9 (1) VISITORS.—Section 101(a)(15)(B) of the
10 Immigration and Nationality Act (8 U.S.C.
11 1101(a)(15)(B)) is amended by striking the semi-
12 colon at the end and inserting the following:
13 “Notwithstanding any other provision of the Act, an
14 alien present in the United States as a temporary
15 visitor for business or pleasure, including an alien
16 present in the United States under section 217, may
17 not have a petition pending on the alien’s behalf
18 under section 204(a)(1)(M), unless there is a busi-
19 ness, family, or personal necessity requiring the
20 alien’s presence in the United States, and such alien
21 may not file an application to adjust status in the
22 United States to Conditional Permanent Resident
23 under section 216B;”.

1 (2) STUDENTS.—Section 101(a)(15)(F)(i) of
2 the Immigration and Nationality Act (8 U.S.C.
3 1101(a)(F)(i)) is amended by inserting after “course
4 of study” the second time it appears the following:
5 “, except that such a course of study may include
6 practical training and employment authorization
7 under terms and conditions set by the Secretary of
8 Homeland Security as long as such employment is
9 related to the field of study, including after comple-
10 tion of degree requirements, and that such an alien
11 may maintain student status under this section if
12 the alien is the beneficiary of a pending or approved
13 petition filed pursuant to section 204(a)(1), as
14 amended, except that as an enrolled student the
15 alien’s course of study must be consistent with sec-
16 tion 214(m)”.

17 (d) TIMELY ADJUDICATION OF PETITIONS.—The
18 Secretary of Homeland Security shall adjudicate all immi-
19 grant visa petitions filed under section 204(a)(1)(M) on
20 behalf of defense researchers described in section
21 201(b)(1)(F)(i) not later than 60 days after receiving such
22 petitions.

23 (e) PROCEDURES TO OBTAIN INITIAL EMPLOYMENT
24 AUTHORIZATION FOLLOWING PETITION APPROVAL TO

1 CLASSIFY AN ALIEN OUTSIDE THE UNITED STATES AS
2 A CONDITIONAL DEFENSE RESEARCHER.—

3 (1) NONIMMIGRANT STATUS.—Section
4 101(a)(15) of the Immigration and Nationality Act
5 (8 U.S.C. 1101(a)(15)) is amended by adding at the
6 end the following:

7 “(W) an alien, and the spouse and children
8 of the alien if accompanying or following to join
9 the alien, who—

10 “(i) is the named beneficiary of an ap-
11 proved petition under section
12 204(a)(1)(M); or

13 “(ii) will enter the United States with-
14 in a period of no more than six months
15 from the date of visa issuance to take up
16 employment described in section
17 201(b)(1)(F)(i) and requests such visa
18 issuance within a period of no more than
19 six months from the date of underlying pe-
20 tition approval.”.

21 (2) REQUIREMENTS.—Section 214 of the Immi-
22 gration and Nationality Act (8 U.S.C. 1184)), is
23 amended by adding at the end the following:

1 “(s) EMPLOYMENT OF NONIMMIGRANTS DESCRIBED
2 IN SECTION 101(A)(15)(W).—In the case of a non-
3 immigrant described in section 101(a)(15)(W)—

4 “(1) the Secretary of Homeland Security shall
5 authorize the alien that is the named beneficiary of
6 an approved petition under section 204(a)(1)(M) to
7 engage in employment in the United States during
8 the period of authorized admission incident to such
9 status and either the Secretary of Homeland Secu-
10 rity or Secretary of State shall provide the alien with
11 an ‘employment authorized’ endorsement or other
12 appropriate document signifying authorization of
13 employment;

14 “(2) the alien shall be required to file for ad-
15 justment of status pursuant to section 245(n) within
16 120 days of admission to the United States, and if
17 such application is not filed the alien shall be re-
18 quired to depart the United States;

19 “(3) the alien, in light of the requirements of
20 paragraph (2), shall not be required to comply with
21 either section 221(d), 222(a), or 222(b) at the time
22 of such application; or

23 “(4) the alien, if found admissible as a non-
24 immigrant under section 101(a)(15)(W), shall be
25 issued a visa valid for a six-month period from the

1 date of issuance and shall be granted a period of ad-
2 mission of six-months from the date of inspection.”.

3 (f) ADJUSTMENT OF STATUS IN THE UNITED
4 STATES FOR DEFENSE RESEARCHERS.—

5 (1) IN GENERAL.—Section 245 of the Immigra-
6 tion and Nationality Act (8 U.S.C. 1255)) is amend-
7 ed by adding at the end the following:

8 “(n) APPLICATION WITH RESPECT TO CONDITIONAL
9 DEFENSE RESEARCHERS.—In applying this section to
10 conditional defense researchers described in section
11 201(b)(1)(F)(i) and section 216B—

12 “(1) no application under this subsection can be
13 filed without an already approved petition under sec-
14 tion 204(a)(1)(M);

15 “(2) incident to their status as pending adjust-
16 ment applicants, such immigrants shall be author-
17 ized to work consistent with section 201(b)(1)(F)(i)
18 as of the date a properly filed Application to Adjust
19 Status is received by the Secretary of Homeland Se-
20 curity and evidence of such receipt shall be promptly
21 provided. In addition to documentation in compli-
22 ance with the requirements for such an Application
23 under section 245, such properly filed Application
24 for purposes of this subsection must also include evi-

1 dence of an approved petition under section
2 204(a)(1)(M);

3 “(3) adjustment applicants under this sub-
4 section who are the named beneficiary of a petition
5 approved under section 204(a)(1)(M) may choose to
6 request an Employment Authorization Document for
7 evidence of work authorization as an adjustment of
8 status applicant but may only engage in employment
9 that complies with section 201(b)(1)(F)(i), and the
10 dependent spouse or child of such an immigrant may
11 also request an Employment Authorization Docu-
12 ment, in order to seek employment as an adjustment
13 of status applicant; or

14 “(4) aliens who lawfully enter the United States
15 as W nonimmigrants, pursuant to section
16 101(a)(15)(W), are eligible to file an Application
17 under this subsection as long as the Application is
18 received within 120 calendar days of admission in W
19 nonimmigrant status, and as long as such aliens
20 have worked in W nonimmigrant status solely in ca-
21 pacities consistent with section 201(b)(1)(F)(i).”.

22 (2) CONFORMING AMENDMENT.—Section
23 245(c)(7) of the Immigration and Nationality Act (8
24 U.S.C. 1255(c)(7)) is amended by inserting “or sec-
25 tion 201(b)(1)(F)(i)” after “203(b)”.

1 **SEC. 1764. ADVANCED DEGREE STEM GRADUATES.**

2 (a) IN GENERAL.—Section 201(b)(1) of the Immi-
3 gration and Nationality Act (8 U.S.C. 1151(b)(1)) is
4 amended by adding at the end the following:

5 “(F)(i) Aliens who—

6 “(I) are described in paragraph (1) or
7 (2) of section 203(b);

8 “(II) have earned a doctoral or, in the
9 case of an alien who works in a critical in-
10 dustry, a master’s degree in a program of
11 study involving science, technology, engi-
12 neering, or mathematics—

13 “(aa) from a qualified United
14 States research institution; or

15 “(bb) from a foreign institution if
16 such degree is the equivalent to a de-
17 gree issued by a qualified United
18 States research institution; and

19 “(III) are seeking admission to en-
20 gage in work in the United States in a
21 field related to such degree.

22 “(ii) Aliens who are a spouse or child of a
23 principal alien described in clause (i), if accom-
24 panying or following to join the principal
25 alien.”.

1 (b) PROCEDURES.—Section 204(a)(1) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1154(a)(1)) is
3 amended by adding at the end the following:

4 “(M)(i) Any alien desiring to be classified
5 under section 201(b)(1)(F)(i) may file a peti-
6 tion with the Secretary of Homeland Security
7 for such classification.

8 “(ii) (I) In addition to any required proc-
9 essing fee, the Secretary shall collect a \$1,000
10 supplemental fee in connection with each peti-
11 tion filed under clause (i) for classification of
12 an alien under section 201(b)(1)(F)(i).

13 “(II) Supplemental fees collected under
14 subclause (I) shall be credited as discretionary
15 offsetting collections to the currently applicable
16 appropriation, account, or fund of the National
17 Science Foundation for purposes of providing
18 scholarships for low-income individuals de-
19 scribed in section 414(d)(2)(A) of the American
20 Competitiveness and Workforce Improvement
21 Act of 1998 (42 U.S.C. 1869c(2)(A)), and shall
22 be made available for such purposes only to the
23 extent and in the amounts provided in advance
24 in appropriations Acts.”.

1 (c) TREATMENT OF FAMILY MEMBERS.—Section
2 203(d) of the Immigration and Nationality Act (8 U.S.C.
3 1153(d)) is amended by adding at the end the following:
4 “Visas issued to a spouse or child of an immigrant de-
5 scribed in subsection (b) shall not be counted against the
6 worldwide level of such visas set forth in section 201(d)(1)
7 or the per country level set forth in section 202(a)(2).”.

8 **SEC. 1765. ELIMINATION OF DUAL INTENT FOR F-1; ESTAB-**
9 **LISHES PRACTICAL TRAINING AND EMPLOY-**
10 **MENT AUTHORIZATION .**

11 Section 101(a)(15)(F)(i) of the Immigraiton and Na-
12 tionality Act is amended to read as follows:

13 “(i) an alien having a residence in a
14 foreign country which he has no intention
15 of abandoning, who is a bona fide student
16 qualified to pursue a full course of study
17 and who seeks to enter the United States
18 temporarily and solely for the purpose of
19 pursuing such a course of study, except
20 that such a course of study may include
21 practical training and employment author-
22 ization under terms and conditions set by
23 the Secretary of Homeland Security as
24 long as such employment is related to the
25 filed of study, including after completion of

1 degree requirements, and that such an
2 alien may maintain student status under
3 this section if the alien is the beneficiary of
4 a pending or approved petition filed pursu-
5 ant to section 204 (a) (1);”.

