

AMENDMENT TO RULES COMMITTEE PRINT 117-

31

OFFERED BY MR. LANGEVIN OF RHODE ISLAND

Page 1714, insert after line 6 the following (and conform the table of contents accordingly):

1 **TITLE IV—ADMISSION OF ESSEN-**
2 **TIAL SCIENTISTS AND TECH-**
3 **NICAL EXPERTS**

4 **SEC. 80401. ADMISSION OF ESSENTIAL SCIENTISTS AND**
5 **TECHNICAL EXPERTS TO PROMOTE AND PRO-**
6 **TECT NATIONAL SECURITY INNOVATION**
7 **BASE.**

8 (a) SPECIAL IMMIGRANT STATUS.—In accordance
9 with the procedures established under subsection (f)(1),
10 and subject to subsection (c)(1), the Secretary of Home-
11 land Security may provide an alien described in subsection
12 (b) (and the spouse and children of the alien if accom-
13 panying or following to join the alien) with the status of
14 a special immigrant under section 101(a)(27) of the Immi-
15 gration and Nationality Act (8 U.S.C. 1101(a)(27)), if the
16 alien—

1 (1) submits a classification petition under sec-
2 tion 204(a)(1)(G)(i) of such Act (8 U.S.C.
3 1154(a)(1)(G)(i)); and

4 (2) is otherwise eligible to receive an immigrant
5 visa and is otherwise admissible to the United States
6 for permanent residence.

7 (b) ALIENS DESCRIBED.—An alien is described in
8 this subsection if—

9 (1) the alien—

10 (A) is employed by a United States em-
11 ployer and engaged in work to promote and
12 protect the National Security Innovation Base;

13 (B) is engaged in basic or applied re-
14 search, funded by the Department of Defense,
15 through a United States institution of higher
16 education (as defined in section 101 of the
17 Higher Education Act of 1965 (20 U.S.C.
18 1001)); or

19 (C) possesses scientific or technical exper-
20 tise that will advance the development of crit-
21 ical technologies identified in the National De-
22 fense Strategy or the National Defense Science
23 and Technology Strategy, required by section
24 218 of the John S. McCain National Defense

1 Authorization Act for Fiscal Year 2019 (Public
2 Law 115–232; 132 Stat. 1679); and

3 (2) the Secretary of Defense issues a written
4 statement to the Secretary of Homeland Security
5 confirming that the admission of the alien is essen-
6 tial to advancing the research, development, testing,
7 or evaluation of critical technologies described in
8 paragraph (1)(C) or otherwise serves national secu-
9 rity interests.

10 (c) NUMERICAL LIMITATIONS.—

11 (1) IN GENERAL.—The total number of prin-
12 cipal aliens who may be provided special immigrant
13 status under this section may not exceed—

14 (A) 10 in each of fiscal years 2022
15 through 2030; and

16 (B) 100 in fiscal year 2031 and each fiscal
17 year thereafter.

18 (2) EXCLUSION FROM NUMERICAL LIMITA-
19 TION.—Aliens provided special immigrant status
20 under this section shall not be counted against the
21 numerical limitations under sections 201(d), 202(a),
22 and 203(b)(4) of the Immigration and Nationality
23 Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

24 (d) DEFENSE COMPETITION FOR SCIENTISTS AND
25 TECHNICAL EXPERTS.—Not later than 180 days after the

1 date of the enactment of this Act, the Secretary of Defense
2 shall develop and implement a process to select, on a com-
3 petitive basis from among individuals described in sub-
4 section (b), individuals for recommendation to the Sec-
5 retary of Homeland Security for special immigrant status
6 described in subsection (a).

7 (e) AUTHORITIES.—In carrying out this section, the
8 Secretary of Defense shall authorize appropriate personnel
9 of the Department of Defense to use all personnel and
10 management authorities available to the Department, in-
11 cluding the personnel and management authorities pro-
12 vided to the science and technology reinvention labora-
13 tories, the Major Range and Test Facility Base (as de-
14 fined in 196(i) of title 10, United States Code), and the
15 Defense Advanced Research Projects Agency.

16 (f) PROCEDURES.—Not later than 360 days after the
17 date of the enactment of this Act, the Secretary of Home-
18 land Security and Secretary of Defense shall jointly estab-
19 lish policies and procedures implementing the provisions
20 in this section, which shall include procedures for—

21 (1) processing of petitions for classification sub-
22 mitted under subsection (a)(1) and applications for
23 an immigrant visa or adjustment of status, as appli-
24 cable; and

1 (2) thorough processing of any required secu-
2 rity clearances.

3 (g) FEES.—The Secretary of Homeland Security
4 shall establish a fee—

5 (1) to be charged and collected to process an
6 application filed under this section; and

7 (2) that is set at a level that will ensure recov-
8 ery of the full costs of such processing and any addi-
9 tional costs associated with the administration of the
10 fees collected.

11 (h) IMPLEMENTATION REPORT REQUIRED.—Not
12 later than 180 days after the date of the enactment of
13 this Act, the Secretary of Homeland Security and Sec-
14 retary of Defense shall jointly submit to the appropriate
15 congressional committees a report that includes—

16 (1) a plan for implementing the authorities pro-
17 vided under this section; and

18 (2) identification of any additional authorities
19 that may be required to assist the Secretaries in
20 fully implementing section.

21 (i) PROGRAM EVALUATION AND REPORT.—

22 (1) EVALUATION.—The Comptroller General of
23 the United States shall conduct an evaluation of the
24 competitive program and special immigrant program
25 described in subsections (a) through (g).

1 (2) REPORT.—Not later than October 1, 2026,
2 the Comptroller General shall submit to the appro-
3 priate congressional committees a report on the re-
4 sults of the evaluation conducted under paragraph
5 (1).

6 (j) DEFINITIONS.—In this section:

7 (1) The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Armed Services and
10 the Committee on the Judiciary of the House of
11 Representatives; and

12 (B) the Committee on Armed Services and
13 the Committee on the Judiciary of the Senate.

14 (2) The term “National Security Innovation
15 Base” means the network of persons and organiza-
16 tions, including Federal agencies, institutions of
17 higher education, Federally funded research and de-
18 velopment centers, defense industrial base entities,
19 nonprofit organizations, commercial entities, and
20 venture capital firms that are engaged in the mili-
21 tary and non-military research, development, fund-
22 ing, and production of innovative technologies that
23 support the national security of the United States.

