

AMENDMENT TO RULES COMMITTEE PRINT

117-54

OFFERED BY MS. LOFGREN OF CALIFORNIA

Page 1348, after line 23, insert the following:

1 **SEC. 5806. MODIFICATIONS TO IMMIGRATION LAW FOR AD-**
2 **VANCED DEGREE STEM GRADUATES BY SEC-**
3 **RETARY OF HOMELAND SECURITY.**

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

7 “(F)(i) Aliens who—

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

10 “(II) have earned a doctoral degree in a
11 program of study involving science, technology,
12 engineering, or mathematics and in a field of
13 study relevant to a critical industry or a critical
14 and emerging technology field—

15 “(aa) from a qualified United States
16 research institution; or

17 “(bb) from a foreign institution if
18 such degree is the equivalent to a degree

1 issued by a qualified United States re-
2 search institution; and

3 “(III) are seeking admission to engage in
4 work in the United States in a critical industry
5 or a critical and emerging technology field.

6 “(ii) Aliens who are a spouse or child of a prin-
7 cipal alien described in clause (i), if accompanying or
8 following to join the principal alien.”.

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

12 “(M)(i) Any alien desiring to be classified under sec-
13 tion 201(b)(1)(F)(i) may file a petition with the Secretary
14 of Homeland Security for such classification.

15 “(ii)(I) In addition to any required processing fee, the
16 Secretary shall collect a \$7,500 supplemental fee in con-
17 nection with each petition filed under clause (i) for classi-
18 fication of an alien under section 201(b)(1)(F)(i).

19 “(II) Supplemental fees collected under subclause
20 (I)—

21 “(aa) shall be deposited in the general fund of
22 the Treasury of the United States; and

23 “(bb) may not be waived, in whole or in part,
24 by the Secretary of Homeland Security.

25 “(iii) For purposes of section 201(b)(1)(F)(i):

1 “(I) The term ‘critical industry’ means an indus-
2 try that is critical for the national security or eco-
3 nomic security of the United States, considering key
4 technology focus areas and critical infrastructure.

5 “(II) The term ‘historically Black college or
6 university’ has the meaning given the term ‘part B
7 institution’ in section of the Higher Education Act
8 of 1965 (20 U.S.C. 1061).

9 “(III) The term ‘minority-serving institution’
10 means any of the following (as described in section
11 371 of the Higher Education Act of 1965 (20
12 U.S.C. 1067q(a))):

13 “(aa) A Hispanic-serving institution.

14 “(bb) An Alaska Native-serving institution
15 or a Native Hawaiian-serving institution.

16 “(cc) A Predominantly Black Institution.

17 “(dd) An Asian American and Native
18 American Pacific Islander-serving institution.

19 “(ee) A Native American-serving nontribal
20 institution.

21 “(IV) The term ‘program of study involving
22 science, technology, engineering, or mathematics’
23 means a program of study leading to a degree rel-
24 evant to any of the following fields: Advanced Com-
25 puting, Advanced Engineering Materials, Advanced

1 Gas Turbine Engine Technologies, Advanced Manu-
2 facturing, Advanced and Networked Sensing and
3 Signature Management, Advanced Nuclear Energy
4 Technologies, Advanced Particle Detector Instru-
5 mentation Technologies, Artificial Intelligence, Au-
6 tonomous Systems and Robotics, Biotechnologies,
7 Communication and Networking Technologies, Cy-
8 bersecurity, Directed Energy, Financial Tech-
9 nologies, Human-Machine Interfaces, Hypersonics,
10 Advanced Missile Propulsion Technologies,
11 Networked Sensors and Sensing, Quantum Informa-
12 tion Technologies, Renewable Energy Generation
13 and Storage, Semiconductors and Microelectronics,
14 Space Technologies and Systems.

15 “(V) The term ‘qualified United States research
16 institution’, when used with respect to an alien seek-
17 ing status under section 201(b)(1)(F)(i), means an
18 institution that—

19 “(aa) is described in section 101(a) of the
20 Higher Education Act of 1965 (20 U.S.C.
21 1001(a)); and

22 “(bb) for not less than 3 years during the
23 period in which such alien was pursuing the
24 doctoral degree, either—

1 “(AA) spent not less than
2 \$25,000,000 for research and development,
3 as determined by the National Center for
4 Science and Engineering Statistics of the
5 National Science Foundation; or

6 “(BB) was classified by the Carnegie
7 Foundation for the Advancement of Teach-
8 ing as a doctorate-granting university with
9 a very high level (R1) or high level (R2) of
10 research activity and is a historically Black
11 college or university or minority-serving in-
12 stitution.”.

13 (c) CONFORMING AMENDMENT.—Section 204(e) of
14 the Immigration and Nationality Act (8 U.S.C. 1154(e))
15 is amended by inserting “section 201(b)(1)(F) or” before
16 “subsection (a),”.

17 (d) RULEMAKING.—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary, in con-
19 sultation with the Secretary of State and the Secretary
20 of Commerce, shall publish in the Federal Register, an
21 interim final rule implementing the amendments made by
22 this section. Notwithstanding section 553 of title 5, United
23 States Code, the rule shall be effective, on an interim
24 basis, immediately upon publication, but may be subject
25 to change and revision after public notice and opportunity

1 for comment. The Secretary shall finalize such rule not
2 later than 1 year after the date of the enactment of this
3 Act.

