AMENDMENT TO RULES COMMITTEE PRINT 116–57

OFFERED BY MS. STEFANIK OF NEW YORK

After section 265, insert the following new section:

SEC. 2. ADMISSION OF ESSENTIAL SCIENTISTS AND TECHNICAL EXPERTS TO PROMOTE AND PROTECT THE NATIONAL SECURITY INNOVATION BASE.

(a) SPECIAL IMMIGRANT STATUS.—In accordance with the procedures established under subsection (f)(1), and subject to subsection (c)(1), the Secretary of Homeland Security may provide an alien described in subsection (b) (and the spouse and children of the alien if accompanying or following to join the alien) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) submits a classification petition under section 204(a)(1)(G)(i) of such Act (8 U.S.C. 1154(a)(1)(G)(i)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence.
(b) Aliens Described.—An alien is described in this subsection if—

(1) the alien—

(A) is employed by a United States employer and engaged in work to promote and protect the National Security Innovation Base;

(B) is engaged in basic or applied research, funded by the Department of Defense, through a United States institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

(C) possesses scientific or technical expertise that will advance the development of critical technologies identified in the National Defense Strategy or the National Defense Science and Technology Strategy, required by section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1679 ); and

(2) the Secretary of Defense issues a written statement to the Secretary of Homeland Security confirming that the admission of the alien is essential to advancing the research, development, testing, or evaluation of critical technologies described in
paragraph (1)(C) or otherwise serves national secu-

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of prin-

cipal aliens who may be provided special immigrant

status under this section may not exceed—

(A) 10 in each of fiscal years 2021

through 2030; and

(B) 100 in fiscal year 2031 and each fiscal

year thereafter

(2) EXCLUSION FROM NUMERICAL LIMITA-

tions.—Aliens provided special immigrant status

under this section shall not be counted against the
numerical limitations under sections 201(d), 202(a),
and 203(b)(4) of the Immigration and Nationality
Act (8 U.S.C. 1151(d), 1152(a), and 1153(b(4))).

(d) DEFENSE COMPETITION FOR SCIENTISTS AND

TECHNICAL EXPERTS.—Not later than 180 days after the

date of the enactment of this Act, the Secretary of Defense

shall develop and implement a process to select, on a com-

petitive basis from among individuals described in section

(b), individuals for recommendation to the Secretary of

Homeland Security for special immigrant status described

in subsection (a).
(e) AUTHORITIES.—In carrying out this section, the Secretary of Defense shall authorize appropriate personnel of the Department of Defense to use all personnel and management authorities available to the Department, including the personnel and management authorities provided to the science and technology reinvention laboratories, the Major Range and Test Facility Base (as defined in 196(i) of title 10, United States Code), and the Defense Advanced Research Projects Agency.

(f) PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and Secretary of Defense shall jointly establish policies and procedures implementing the provisions in this section, which shall include procedures for—

(1) processing of petitions for classification submitted under subsection (a)(1) and applications for an immigrant visa or adjustment of status, as applicable; and

(2) thorough processing of any required security clearances.

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

(1) be charged and collected to process an application filed under this section; and
(2) that is set at a level that will ensure recovery of the full costs of such processing and any additional costs associated with the administration of the fees collected.

(h) IMPLEMENTATION REPORT REQUIRED.—Not later than 360 days after the date of the enactment of this Act, the Secretary of Homeland Security and Secretary of Defense shall jointly submit to the appropriate congressional committees a report that includes—

(1) a plan for implementing the authorities provided under this section; and

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

(i) PROGRAM EVALUATION AND REPORT.—

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

(2) REPORT.—Not later than October 1, 2025, the Comptroller General shall submit to the appropriate congressional committees a report on the results of the evaluation conducted under paragraph (1).

(j) DEFINITIONS.—In this section:
(1) The term “appropriate congressional committees” means—

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

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

(2) The term “National Security Innovation Base” means the network of persons and organizations, including Federal agencies, institutions of higher education, federally funded research and development centers, defense industrial base entities, nonprofit organizations, commercial entities, and venture capital firms that are engaged in the military and non-military research, development, funding, and production of innovative technologies that support the national security of the United States.