

**AMENDMENT TO RULES COMMITTEE PRINT 116-**

**57**

**OFFERED BY MS. STEFANIK OF NEW YORK**

After section 265, insert the following new section:

1 **SEC. 2\_\_ . ADMISSION OF ESSENTIAL SCIENTISTS AND**  
2 **TECHNICAL EXPERTS TO PROMOTE AND PRO-**  
3 **TECT THE NATIONAL SECURITY INNOVATION**  
4 **BASE.**

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

14 (1) submits a classification petition under sec-  
15 tion 204(a)(1)(G)(i) of such Act (8 U.S.C.  
16 1154(a)(1)(G)(i)); and

17 (2) is otherwise eligible to receive an immigrant  
18 visa and is otherwise admissible to the United States  
19 for permanent residence.

1 (b) ALIENS DESCRIBED.—An alien is described in  
2 this subsection if—

3 (1) the alien—

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

7 (B) is engaged in basic or applied re-  
8 search, funded by the Department of Defense,  
9 through a United States institution of higher  
10 education (as defined in section 101 of the  
11 Higher Education Act of 1965 (20 U.S.C.  
12 1001)); or

13 (C) possesses scientific or technical exper-  
14 tise that will advance the development of crit-  
15 ical technologies identified in the National De-  
16 fense Strategy or the National Defense Science  
17 and Technology Strategy, required by section  
18 218 of the John S. McCain National Defense  
19 Authorization Act for Fiscal Year 2019 (Public  
20 Law 115–232; 132 Stat. 1679 ); and

21 (2) the Secretary of Defense issues a written  
22 statement to the Secretary of Homeland Security  
23 confirming that the admission of the alien is essen-  
24 tial to advancing the research, development, testing,  
25 or evaluation of critical technologies described in

1 paragraph (1)(C) or otherwise serves national secu-  
2 rity interests.

3 (c) NUMERICAL LIMITATIONS.—

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

7 (A) 10 in each of fiscal years 2021  
8 through 2030; and

9 (B) 100 in fiscal year 2031 and each fiscal  
10 year thereafter

11 (2) EXCLUSION FROM NUMERICAL LIMITA-  
12 TIONS.—Aliens provided special immigrant status  
13 under this section shall not be counted against the  
14 numerical limitations under sections 201(d), 202(a),  
15 and 203(b)(4) of the Immigration and Nationality  
16 Act (8 U.S.C. 1151(d), 1152(a), and 1153(b(4))).

17 (d) DEFENSE COMPETITION FOR SCIENTISTS AND  
18 TECHNICAL EXPERTS.—Not later than 180 days after the  
19 date of the enactment of this Act, the Secretary of Defense  
20 shall develop and implement a process to select, on a com-  
21 petitive basis from among individuals described in section  
22 (b), individuals for recommendation to the Secretary of  
23 Homeland Security for special immigrant status described  
24 in subsection (a).

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

10 (f) PROCEDURES.—Not later than 180 days after the  
11 date of the enactment of this Act, the Secretary of Home-  
12 land Security and Secretary of Defense shall jointly estab-  
13 lish policies and procedures implementing the provisions  
14 in this section, which shall include procedures for—

15 (1) processing of petitions for classification sub-  
16 mitted under subsection (a)(1) and applications for  
17 an immigrant visa or adjustment of status, as appli-  
18 cable; and

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

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

23 (1) be charged and collected to process an ap-  
24 plication filed under this section; and

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

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

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

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

15           (i) PROGRAM EVALUATION AND REPORT.—

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

20           (2) REPORT.—Not later than October 1, 2025,  
21           the Comptroller General shall submit to the appro-  
22           priate congressional committees a report on the re-  
23           sults of the evaluation conducted under paragraph  
24           (1).

25           (j) DEFINITIONS.—In this section:

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

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

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

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

