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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To establish a process for admitting essential scientists and technical experts into the United States to promote and protect the National Security Innovation Base.

IN THE HOUSE OF REPRESENTATIVES

Mr. LANGEVIN (for himself and Ms. STEFANIK) introduced the following bill; which was referred to the Committee on _____

A BILL

To establish a process for admitting essential scientists and technical experts into the United States to promote and protect the National Security Innovation Base.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Security In-
5 novation Pathway Act”.

1 **SEC. 2. ADMISSION OF ESSENTIAL SCIENTISTS AND TECH-**
2 **NICAL EXPERTS TO PROMOTE AND PROTECT**
3 **THE NATIONAL SECURITY INNOVATION BASE.**

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

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

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

19 (b) ALIENS DESCRIBED.—An alien is described in
20 this subsection if—

21 (1) the alien—

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

25 (B) is engaged in basic or applied re-
26 search, funded by the Department of Defense,

1 through a United States institution of higher
2 education (as defined in section 101 of the
3 Higher Education Act of 1965 (20 U.S.C.
4 1001)); or

5 (C) possesses scientific or technical exper-
6 tise that will advance the development of crit-
7 ical technologies identified in the National De-
8 fense Strategy or the National Defense Science
9 and Technology Strategy, required by section
10 218 of the John S. McCain National Defense
11 Authorization Act for Fiscal Year 2019 (Public
12 Law 115–232; 132 Stat. 1679); and

13 (2) the Secretary of Defense issues a written
14 statement to the Secretary of Homeland Security
15 confirming that the admission of the alien is essen-
16 tial to advancing the research, development, testing,
17 or evaluation of critical technologies described in
18 paragraph (1)(C) or otherwise serves national secu-
19 rity interests.

20 (c) NUMERICAL LIMITATIONS.—

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

24 (A) 100 in fiscal year 2021;

25 (B) 200 in fiscal year 2022;

1 (C) 300 in fiscal year 2023;
2 (D) 400 in fiscal year 2024; and
3 (E) 500 in fiscal year 2025 and each fiscal
4 year thereafter.

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

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

19 (e) AUTHORITIES.—In carrying out this section, the
20 Secretary of Defense shall authorize appropriate personnel
21 of the Department of Defense to use all personnel and
22 management authorities available to the Department, in-
23 cluding the personnel and management authorities pro-
24 vided to the science and technology reinvention labora-
25 tories, the Major Range and Test Facility Base (as de-

1 fined in 196(i) of title 10, United States Code), and the
2 Defense Advanced Research Projects Agency.

3 (f) PROCEDURES AND FEES.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary of Homeland Security and Secretary of De-
7 fense shall jointly establish policies and procedures
8 implementing the provisions in this section, which
9 shall include procedures for—

10 (A) processing of petitions for classifica-
11 tion submitted under subsection (a)(1) and ap-
12 plications for an immigrant visa or adjustment
13 of status, as applicable; and

14 (B) thorough processing of any required
15 security clearances.

16 (2) FEES.—

17 (A) NATIONAL SECURITY INNOVATION FEE
18 ACCOUNT.—There is established in the general
19 fund of the Treasury, a separate account which
20 shall be known as the “National Security Inno-
21 vation Fee Account”.

22 (B) FEE AMOUNT.—For each petition for
23 classification submitted under subsection (a)(1),
24 the Secretary of Homeland Security shall col-

1 lect, in addition to any required processing fee,
2 a fee of \$2,000.

3 (C) USE OF FEES.—Notwithstanding any
4 other provision of law, of each fee collected
5 under subparagraph (B)___

6 (i) 75 percent shall be deposited into
7 the general fund of the Treasury; and

8 (ii) 25 percent shall be deposited as
9 offsetting receipts into the National Security
10 Innovation Fee Account for scholar-
11 ships under the Science, Mathematics, and
12 Research for Transformation (SMART)
13 Defense Education Program described in
14 section 2192a of title 10, United States
15 Code.

16 (g) IMPLEMENTATION REPORT REQUIRED.—Not
17 later than 360 days after the date of the enactment of
18 this Act, the Secretary of Homeland Security and Sec-
19 retary of Defense shall jointly submit to the appropriate
20 congressional committees a report that includes—

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

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

1 (h) PROGRAM EVALUATION AND REPORT.—

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

6 (2) REPORT.—Not later than October 1, 2025,
7 the Comptroller General shall submit to the appro-
8 priate congressional committees a report on the re-
9 sults of the evaluation conducted under paragraph
10 (1).

11 (i) DEFINITIONS.—In this section:

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

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

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

19 (2) The term “National Security Innovation
20 Base” means the network of persons and organiza-
21 tions, including Federal agencies, institutions of
22 higher education, federally funded research and de-
23 velopment centers, defense industrial base entities,
24 nonprofit organizations, commercial entities, and
25 venture capital firms that are engaged in the mili-

1 tary and non-military research, development, fund-
2 ing, and production of innovative technologies that
3 support the national security of the United States.