

117TH CONGRESS
1ST SESSION

S. 2078

To prohibit the issuance of F or J visas to researchers affiliated with the Chinese People's Liberation Army.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2021

Mr. COTTON (for himself, Mr. CRUZ, Mr. RUBIO, Mr. TUBERVILLE, Mr. HAWLEY, Mr. GRASSLEY, and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit the issuance of F or J visas to researchers affiliated with the Chinese People's Liberation Army.

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 “People’s Liberation
5 Army Visa Security Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) the Secretary of State should revoke the ex-
9 isting F or J visas of any individuals who are em-

1 employed, funded, or otherwise sponsored by the Chi-
2 nese People’s Liberation Army; and

3 (2) Australia, Canada, New Zealand, and the
4 United Kingdom should take measures similar to the
5 measures outlined in section 3 to address security
6 concerns posed by researchers and scientists affili-
7 ated with, or funded by, the Chinese People’s Lib-
8 eration Army.

9 **SEC. 3. VISA BAN ON RESEARCHERS AFFILIATED WITH THE**
10 **PEOPLE’S LIBERATION ARMY.**

11 (a) IDENTIFICATION OF PLA-SUPPORTED INSTITU-
12 TIONS.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act, and an-
15 nually thereafter, the President shall publish a list
16 identifying the research, engineering, and scientific
17 institutions that the President determines are affili-
18 ated with, or funded by, the Chinese People’s Lib-
19 eration Army.

20 (2) FORM.—The list published under paragraph
21 (1) shall be unclassified and publicly accessible, but
22 may include a classified annex.

23 (b) EXCLUSION FROM UNITED STATES.—Except as
24 provided in subsections (d) and (e), the Secretary of State
25 may not issue a visa under subparagraph (F) or (J) of

1 section 101(a)(15) of the Immigration and Nationality Act
2 (8 U.S.C. 1101(a)(15)), and the Secretary of Homeland
3 Security may not admit, parole into the United States,
4 or otherwise provide nonimmigrant status under such sub-
5 paragraphs, to any alien who is, or has previously been,
6 employed, sponsored, or funded by any entity identified
7 on the most recently published list under subsection (a).

8 (c) INQUIRY.—Before issuing a visa referred to in
9 subsection (b) to a national of the People’s Republic of
10 China, the Secretary of State, the Secretary of Homeland
11 Security, a consular officer, or a U.S. Customs and Border
12 Protection officer shall ask the alien seeking such visa if
13 the alien is, or has previously been, employed, funded, or
14 otherwise sponsored by the Chinese People’s Liberation
15 Army or any of the affiliated institutions identified on the
16 most recently published list under subsection (a).

17 (d) EXCEPTION TO COMPLY WITH UNITED NATIONS
18 HEADQUARTERS AGREEMENT.—Subsection (b) shall not
19 apply to an individual if admitting the individual to the
20 United States is necessary to permit the United States
21 to comply with the Agreement between the United Nations
22 and the United States of America regarding the Head-
23 quarters of the United Nations, signed June 26, 1947,
24 and entered into force November 21, 1947, and other ap-
25 plicable international obligations.

1 (e) NATIONAL SECURITY WAIVER.—The President,
2 or a designee of the President, may waive the application
3 of subsection (b) if the President or such designee certifies
4 in writing to the appropriate congressional committees
5 that such waiver is in the national security interest of the
6 United States.

7 **SEC. 4. SECURITY ADVISORY OPINION REQUIREMENT.**

8 A consular officer shall request a Security Advisory
9 Opinion (commonly known as a “Visa Mantis”) with re-
10 spect to any national of the People’s Republic of China
11 who applies for a nonimmigrant visa—

12 (1) under section 101(a)(15)(F) of the Immi-
13 gration and Nationality Act (8 U.S.C.
14 1101(a)(15)(F)) for graduate study in a field related
15 to an item on the Commerce Control List (main-
16 tained pursuant to part 744 of the Export Adminis-
17 tration Regulations); or

18 (2) under section 101(a)(15)(J) of the Immi-
19 gration and Nationality Act (8 U.S.C.
20 1101(a)(15)(J)) to conduct research on, or to par-
21 ticipate in a program in a field related to, an item
22 on the list referred to in paragraph (1).

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