

117TH CONGRESS
1ST SESSION

H. R. 4361

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

IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2021

Mr. GALLAGHER (for himself and Mrs. HARTZLER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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. VISA BAN ON RESEARCHERS AFFILIATED WITH**
4 **THE PLA.**

5 (a) IDENTIFICATION OF PLA-SUPPORTED INSTITU-
6 TIONS.—Not later than 180 days after the date of the en-
7 actment of this Act, and annually thereafter, the President
8 shall publish a list identifying the research, engineering,
9 and scientific institutions that the President determines

1 are affiliated with, or funded by, the Chinese People's Lib-
2 eration Army.

3 (b) FORM OF SUBMISSION.—The list submitted
4 under subsection (a) shall be unclassified and publicly ac-
5 cessible, but may include a classified annex.

6 (c) EXCLUSION FROM UNITED STATES.—Except as
7 provided in subsections (e) and (f), the Secretary of State
8 may not issue a visa under subparagraph (F) or (J) of
9 section 101(a)(15) of the Immigration and Nationality Act
10 (8 U.S.C. 1101(a)(15)), and the Secretary of Homeland
11 Security may not admit, parole into the United States,
12 or otherwise provide nonimmigrant status under such sub-
13 paragraphs, to any alien who is employed, sponsored, or
14 funded by any entity identified on the most recently pub-
15 lished list under subsection (a).

16 (d) INQUIRY.—Before issuing a visa referred to in
17 subsection (c) to a national of China, the Secretary of
18 State, the Secretary of Homeland Security, a consular of-
19 ficer, or a U.S. Customs and Border Protection officer
20 shall ask the alien seeking such visa if the alien is em-
21 ployed, funded, or otherwise sponsored by the Chinese
22 People's Liberation Army or any of the affiliated institu-
23 tions identified on the most recently published list under
24 subsection (a).

1 (e) EXCEPTION TO COMPLY WITH UNITED NATIONS
2 HEADQUARTERS AGREEMENT.—Subsection (c) shall not
3 apply to an individual if admitting the individual to the
4 United States is necessary to permit the United States
5 to comply with the Agreement between the United Nations
6 and the United States of America regarding the Head-
7 quarters of the United Nations, signed June 26, 1947,
8 and entered into force November 21, 1947, and other ap-
9 plicable international obligations.

10 (f) NATIONAL SECURITY WAIVER.—The President,
11 or a designee of the President, may waive the application
12 of subsection (c) if the President or such designee certifies
13 in writing to the appropriate congressional committees
14 that such waiver is in the national security interest of the
15 United States.

16 **SEC. 2. SECURITY ADVISORY OPINION REQUIREMENT.**

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

21 (1) under section 101(a)(15)(F) of the Immi-
22 gration and Nationality Act (8 U.S.C.
23 1101(a)(15)(F)) for graduate study in a field related
24 to an item on the Commerce Control List (main-

1 tained pursuant to part 744 of the Export Adminis-
2 tration Regulations); or

3 (2) under section 101(a)(15)(J) of the Immi-
4 gration and Nationality Act (8 U.S.C.
5 1101(a)(15)(J)) to conduct research on, or to par-
6 ticipate in a program in a field related to, an item
7 on the list referred to in paragraph (1).

8 **SEC. 3. SENSE OF CONGRESS.**

9 It is the sense of Congress that Australia, Canada,
10 New Zealand, and the United Kingdom should take meas-
11 ures similar to the measures outlined in section 1 to ad-
12 dress security concerns posed by researchers and scientists
13 affiliated with, or funded by, the Chinese People's Libera-
14 tion Army.

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