

116TH CONGRESS
1ST SESSION

H. R. 2713

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

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2019

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, and for other purposes.

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 (PLA) Visa Security Act”.

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

7 It is the sense of Congress that Australia, Canada,
8 New Zealand, and the United Kingdom should take meas-

1 ures similar to the measures outlined in section 3 to ad-
2 dress security concerns posed by researchers and scientists
3 affiliated with, or funded by, the Chinese People’s Libera-
4 tion Army.

5 **SEC. 3. VISA BAN ON RESEARCHERS AFFILIATED WITH THE**
6 **PLA.**

7 (a) IDENTIFICATION OF PLA-SUPPORTED INSTITU-
8 TIONS.—

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

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

19 (b) EXCLUSION FROM UNITED STATES.—Except as
20 provided in subsections (d) and (e), the Secretary of State
21 may not issue a visa under subparagraph (F) or (J) of
22 section 101(a)(15) of the Immigration and Nationality Act
23 (8 U.S.C. 1101(a)(15)), and the Secretary of Homeland
24 Security may not admit, parole into the United States,
25 or otherwise provide nonimmigrant status under such sub-

1 paragraphs, to any alien who is, or has previously been,
2 employed, sponsored, or funded by any entity identified
3 on the most recently published list under subsection (a).

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

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

22 (e) NATIONAL SECURITY WAIVER.—The President,
23 or a designee of the President, may waive the application
24 of subsection (b) if the President or such designee certifies
25 in writing to the appropriate congressional committees

1 that such waiver is in the national security interest of the
2 United States.

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

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

8 (1) under section 101(a)(15)(F) of the Immi-
9 gration and Nationality Act (8 U.S.C.
10 1101(a)(15)(F)) for graduate study in a field related
11 to an item on the Commerce Control List (main-
12 tained pursuant to part 744 of the Export Adminis-
13 tration Regulations); or

14 (2) under section 101(a)(15)(J) of the Immi-
15 gration and Nationality Act (8 U.S.C.
16 1101(a)(15)(J)) to conduct research on, or to par-
17 ticipate in a program in a field related to, an item
18 on the list referred to in paragraph (1).

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