

116TH CONGRESS
2D SESSION

S. 3837

To require a thorough national security evaluation and clearance by the Department of Homeland Security, the Department of State, and the Federal Bureau of Investigation of all Chinese student visa holders currently in the United States before issuing any new student visas to nationals of the People’s Republic of China.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2020

Mr. SCOTT of Florida (for himself, Mr. BRAUN, Mrs. BLACKBURN, Ms. ERNST, Ms. MCSALLY, Mr. COTTON, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require a thorough national security evaluation and clearance by the Department of Homeland Security, the Department of State, and the Federal Bureau of Investigation of all Chinese student visa holders currently in the United States before issuing any new student visas to nationals of the People’s Republic of China.

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 “COVID–19 Vaccine
5 Protection Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) On May 13, 2020, the Federal Bureau of
4 Investigation (FBI) and the Cybersecurity and In-
5 frastructure Security Agency (CISA) announced that
6 cyber actors and non-traditional collectors affiliated
7 with the People’s Republic of China have been ob-
8 served attempting to identify and illicitly obtain val-
9 uable intellectual property and public health data re-
10 lated to vaccines, treatments, and testing from net-
11 works and personnel affiliated with COVID–19-re-
12 lated research.

13 (2) The potential theft of the data referred to
14 in paragraph (1) jeopardizes the delivery of secure,
15 effective, and efficient treatment options.

16 (3) The announcement referred to in paragraph
17 (1) urged all organizations conducting COVID–19-
18 related research to maintain dedicated cybersecurity
19 and insider threat practices to prevent surreptitious
20 review or theft of COVID–19-related material.

21 (4) According to the Institute of International
22 Education, 369,548 Chinese nationals attended col-
23 leges, universities, and professional schools during
24 the 2018–19 academic year.

25 **SEC. 3. DEFINITIONS.**

26 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Homeland Security
5 and Governmental Affairs of the Senate;

6 (B) the Committee on the Judiciary of the
7 Senate;

8 (C) the Committee on Homeland Security
9 of the House of Representatives; and

10 (D) the Committee on the Judiciary of the
11 House of Representatives.

12 (2) CONTINUOUS VETTING.—The term “contin-
13 uous vetting” means—

14 (A) regular checks with the institutions or
15 organizations with which a nonimmigrant is af-
16 filiated;

17 (B) periodic interviews with colleagues or
18 superiors at such institutions or organizations;
19 and

20 (C) any other examination that the Sec-
21 retary of Homeland Security considers nec-
22 essary to make a determination under section
23 4(d)(2).

24 (3) ENHANCED VETTING.—The term “enhanced
25 vetting” means a comprehensive background check

1 process developed by the Secretary of Homeland Se-
2 curity, the Secretary of State, the Attorney General,
3 the FBI Director, the Director of National Intel-
4 ligence, and the Secretary of Health and Human
5 Services.

6 **SEC. 4. COVID-19-RELATED RESEARCH CYBERSECURITY**
7 **REVIEW.**

8 (a) IN GENERAL.—Not later than 120 days after the
9 date of the enactment of this Act, the Secretary of Home-
10 land Security, in consultation with the Secretary of State,
11 the Attorney General, the Director of the Federal Bureau
12 of Investigation, the Director of the Cybersecurity and In-
13 frastructure Security Agency, the Director of U.S. Citizen-
14 ship and Immigration Services (USCIS), the Office of the
15 Director of National Intelligence (ODNI), and the Sec-
16 retary of Health and Human Services, shall complete a
17 review, which shall consist of enhanced vetting of nationals
18 of the People’s Republic of China residing in the United
19 States as nonimmigrants described in subparagraph (F),
20 (J), or (M) of section 101(a)(15) of the Immigration and
21 Nationality Act (8 U.S.C. 1101(a)(15)) (except for non-
22 immigrants who are enrolled at an elementary or sec-
23 ondary school) to determine if any such nonimmigrants
24 are engaging in any attempt to illegally obtain information

1 related to COVID–19 vaccine research or are otherwise
2 a national security threat.

3 (b) EXTENSION.—If the Secretary of Homeland Se-
4 curity is unable to complete the review described in sub-
5 section (a) by the deadline set forth in such subsection,
6 the Secretary shall—

7 (1) complete such review not later than 60 days
8 after the deadlines set forth in subsection (a); and

9 (2) before the deadline set forth in subsection
10 (a), notify the appropriate congressional committees
11 of the reasons such review could not be completed by
12 the original deadline.

13 (c) CONTINUOUS VETTING.—The Secretary of Home-
14 land Security, in consultation with the agencies listed
15 under subsection (a), shall conduct continuous vetting of
16 all nonimmigrants residing in the United States who are—

17 (1) described in subparagraph (F), (J), or (M)
18 of section 101(a)(15) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1101(a)(15));

20 (2) not enrolled at an elementary or secondary
21 school;

22 (3) nationals of the People’s Republic of China;
23 and

1 (4) engaged in, or have access to, research of
 2 any potential COVID–19 vaccine or COVID–19 re-
 3 lated material.

4 (d) REPORT.—Upon the completion of the review re-
 5 quired under this section, the Secretary of Homeland Se-
 6 curity shall submit a report to the appropriate congres-
 7 sional committees that—

8 (1) contains the results of such review; and

9 (2) indicates whether any of the Chinese na-
 10 tionals vetted under subsection (a) pose a threat to
 11 the national security or public health of the United
 12 States.

13 **SEC. 5. TEMPORARY DELAY IN THE ISSUANCE OF STUDENT**
 14 **VISAS TO CHINESE NATIONALS.**

15 During the period beginning on the date of the enact-
 16 ment of this Act and ending on the date on which the
 17 Secretary of Homeland Security submits the report re-
 18 quired under section 4(c), the Department of State may
 19 not issue, to a national of the People’s Republic of China,
 20 any student visa to a nonimmigrant described in subpara-
 21 graph (F), (J), or (M) of section 101(a)(15) of the Immi-
 22 gration and Nationality Act (8 U.S.C. 1101(a)(15)).

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