

117TH CONGRESS
1ST SESSION

S. 1311

To secure the research enterprise of the United States from the Chinese Communist Party, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2021

Mr. COTTON (for himself, Mrs. BLACKBURN, and Mr. TUBERVILLE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To secure the research enterprise of the United States from the Chinese Communist Party, 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 “Safeguarding Edu-
5 cational Institutions, Colleges, Universities, and Research
6 Entities from China’s Attempts to Misappropriate Prop-
7 erty of the United States Act of 2021” or the “SECURE
8 CAMPUS Act of 2021”.

1 **SEC. 2. EXCLUSION OF CERTAIN CITIZENS OF THE PEO-**
2 **PLE'S REPUBLIC OF CHINA.**

3 (a) IN GENERAL.—The Secretary of State shall deny
4 a nonimmigrant visa described in subparagraph (F) or (J)
5 of section 101(a)(15) of the Immigration and Nationality
6 Act (8 U.S.C. 1101(a)(15)) to, and the Secretary of
7 Homeland Security may not admit to the United States
8 pursuant to such a nonimmigrant visa, an alien who is
9 a citizen of the People's Republic of China if the Secretary
10 of State determines that the alien seeks to enter the
11 United States to participate in graduate-level or post-
12 graduate-level coursework or academic research in a field
13 of science, technology, engineering, or mathematics at an
14 institution of higher education.

15 (b) APPLICABILITY.—Subsection (a) shall apply with
16 respect to any application for a visa described in that sub-
17 section filed on or after the date of the enactment of this
18 Act.

19 (c) WAIVERS.—

20 (1) HUMANITARIAN PURPOSES.—The Secretary
21 of State may waive the application of subsection (a)
22 with respect to a visa applicant who demonstrates
23 that he or she is a member of a religious or ethnic
24 group that is systematically oppressed by the Chi-
25 nese Communist Party.

26 (2) NATIONAL SECURITY INTERESTS.—

1 (A) IN GENERAL.—The President may
 2 waive the application of subsection (a) on a
 3 case-by-case basis if such application would
 4 harm the national security of the United States.

5 (B) REPORT.—Not later than 30 days
 6 after the date on which a waiver under this
 7 paragraph is issued, the President shall submit
 8 to Congress a report that describes the specific
 9 national security interest served by the issuance
 10 of the waiver.

11 (d) STUDENT AND EXCHANGE VISITOR PROGRAM
 12 CERTIFICATION REQUIREMENT.—

13 Section 641(d) of the Illegal Immigration Re-
 14 form and Immigrant Responsibility Act of 1996 (8
 15 U.S.C. 1372(d)) is amended by adding at the end
 16 the following:

17 “(3) CERTIFICATION RELATING TO STEM
 18 FIELDS.—

19 “(A) IN GENERAL.—As part of the Stu-
 20 dent and Exchange Visitor program approval
 21 process conducted under this section, not less
 22 frequently than annually, each participating in-
 23 stitution of higher education shall certify that
 24 no alien who is a citizen of the People’s Repub-
 25 lic of China enrolled in the participating institu-

tion of higher education is permitted to participate in graduate-level or post-graduate-level coursework or academic research in a field of science, technology, engineering, or mathematics at the participating institution of higher education.

“(B) PARTICIPATING INSTITUTION OF HIGHER EDUCATION DEFINED.—In this paragraph, the term ‘participating institution of higher education’ means an institution of higher education that has been certified to participate in the Student and Exchange Visitor Program.”.

(e) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security and the Secretary of Education, shall issue regulations specifying areas of study that constitute science, technology, engineering, and mathematics.

(f) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed to require the denial of a visa application of—

(A) a citizen or permanent resident of Taiwan; or

1 (B) a bona fide Hong Kong applicant.

2 (2) DEFINITION OF BONA FIDE HONG KONG AP-
3 PLICANT.—In this subsection, “bona fide Hong
4 Kong applicant” means an individual who—

5 (A)(i) was a resident of the Hong Kong
6 Special Administrative Region on December 31,
7 2018; or

8 (ii)(I) has been a resident of the Hong
9 Kong Special Administrative Region during the
10 entire 60-day period ending on the date on
11 which the individual applies for a visa described
12 in subparagraph (F) or (J) of section
13 101(a)(15) of the Immigration and Nationality
14 Act (8 U.S.C. 1101(a)(15)); and

15 (II) the Secretary of State certifies to Con-
16 gress that the United States has no reason to
17 believe that the individual is acting on behalf of
18 the government of the People’s Republic of
19 China, or any entity controlled by the govern-
20 ment of the People’s Republic of China;

21 (B) is a citizen of the People’s Republic of
22 China; and

23 (C) is not a citizen of any other country.

1 **SEC. 3. CONDITIONS ON FEDERAL RESEARCH GRANTS.**

2 As a condition of receiving a Federal research and
3 development grant in a field of science, technology, engi-
4 neering, or mathematics, a grant recipient shall certify
5 that the recipient—

6 (1) is not—

7 (A) a citizen of the People’s Republic of
8 China; or

9 (B) a participant in a foreign talent re-
10 cruitment program of the People’s Republic of
11 China listed by the Secretary of State in ac-
12 cordance with section 7; and

13 (2) will not knowingly employ to carry out ac-
14 tivities funded by the Federal research and develop-
15 ment grant—

16 (A) a citizen of the People’s Republic of
17 China; or

18 (B) a participant in a foreign talent re-
19 cruitment program of the People’s Republic of
20 China listed by the Secretary of State in ac-
21 cordance with section 7.

22 **SEC. 4. PROTECTING INSTITUTIONS, LABORATORIES, AND**
23 **RESEARCH INSTITUTES.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, the head of each Federal agency shall ensure
26 that any institution of higher education, laboratory, or re-

1 search institute receiving Federal assistance agrees, as a
 2 condition of such assistance, to not knowingly employ any
 3 individual who is a participant in a foreign talent recruit-
 4 ment program of the People’s Republic of China.

5 (b) PROGRAM PARTICIPATION AGREEMENTS.—Sec-
 6 tion 487(a) of the Higher Education Act of 1965 (20
 7 U.S.C. 1094(a)) is amended by adding at the end the fol-
 8 lowing:

9 “(30) The institution will not knowingly employ
 10 any individual who is a participant in a foreign tal-
 11 ent recruitment program of the People’s Republic of
 12 China listed by the Secretary of State in accordance
 13 with section 7 of the SECURE CAMPUS Act of
 14 2021.”.

15 **SEC. 5. REGISTRATION OF PARTICIPANTS IN FOREIGN TAL-**
 16 **ENT RECRUITMENT PROGRAMS OF THE PEO-**
 17 **PLE’S REPUBLIC OF CHINA AS AGENTS OF**
 18 **THE GOVERNMENT OF THE PEOPLE’S REPUB-**
 19 **LIC OF CHINA.**

20 Notwithstanding section 3 of the Foreign Agents
 21 Registration Act of 1938 (22 U.S.C. 613), any individual
 22 in the United States who is associated with a foreign tal-
 23 ent recruitment program of the People’s Republic of
 24 China, either as a recruiter or as a recruit—

1 (1) shall be deemed to be an agent of a foreign
 2 principal (as defined in section 1(c) of such Act (22
 3 U.S.C. 611(c)); and

4 (2) shall comply with the registration require-
 5 ments set forth in section 2 of such Act (22 U.S.C.
 6 612) not later than 30 days after the later of—

7 (A) the date of the enactment of this Act;

8 or

9 (B) the date on which the individual en-
 10 tered the United States.

11 **SEC. 6. ECONOMIC ESPIONAGE.**

12 Section 1839(1) of title 18, United States Code, is
 13 amended—

14 (1) by inserting “education, research,” after
 15 “commercial,”; and

16 (2) by inserting “or otherwise incorporated or
 17 substantially located in or composed of citizens of
 18 countries subject to compulsory political or govern-
 19 mental representation within corporate leadership”
 20 after “foreign government”.

21 **SEC. 7. DEPARTMENT OF STATE LIST OF FOREIGN TALENT**
 22 **RECRUITMENT PROGRAMS OF THE PEOPLE’S**
 23 **REPUBLIC OF CHINA.**

24 (a) IN GENERAL.—Not later than 180 days after the
 25 date of the enactment of this Act, the Secretary of State,

1 in consultation with the Attorney General, the Secretary
2 of Defense, and the Director of National Intelligence, shall
3 compile and publish in the Federal Register a list of for-
4 eign talent recruitment programs of the People’s Republic
5 of China.

6 (b) ANNUAL REVIEW AND REVISION.—Not less fre-
7 quently than annually, the Secretary of State shall—

8 (1) review and revise the list compiled under
9 subsection (a); and

10 (2) publish the revised list in the Federal Reg-
11 ister.

12 **SEC. 8. DEFINITIONS.**

13 In this Act:

14 (1) FOREIGN TALENT RECRUITMENT PROGRAM
15 OF THE PEOPLE’S REPUBLIC OF CHINA.—The term
16 “foreign talent recruitment program of the People’s
17 Republic of China” means any effort organized,
18 managed, funded, or otherwise controlled by the
19 Government of the People’s Republic of China or the
20 Chinese Communist Party to employ, contract, or
21 otherwise compensate 1 or more individuals to con-
22 duct research, development, testing, or any other
23 science or technology activity for the direct or indi-
24 rect benefit of the People’s Republic of China.

1 (2) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given the term in section 101(a) of the
4 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

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