

117TH CONGRESS
1ST SESSION

S. 1722

To amend section 212 of the Immigration and Nationality Act to ensure that efforts to engage in espionage or technology transfer are considered in visa issuance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2021

Mr. CRUZ (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 212 of the Immigration and Nationality Act to ensure that efforts to engage in espionage or technology transfer are considered in visa issuance, 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 “Protecting America
5 From Spies Act”.

1 **SEC. 2. EXPANDING INADMISSIBILITY ON SECURITY AND**
2 **RELATED GROUNDS.**

3 (a) IN GENERAL.—Section 212(a)(3)(A) of the Im-
4 migration and Nationality Act (8 U.S.C. 1182(a)(3)(A))
5 is amended to read as follows:

6 “(A) IN GENERAL.—Any alien is inadmis-
7 sible if a consular officer or the Secretary of
8 Homeland Security knows, or has reasonable
9 ground to believe, that the alien—

10 “(i) engages, has engaged, or will en-
11 gage in any activity—

12 “(I) in violation of any law of the
13 United States relating to espionage or
14 sabotage; or

15 “(II) that would violate any law
16 of the United States relating to espio-
17 nage or sabotage if the activity oc-
18 curred in the United States;

19 “(ii) engages, has engaged, or will en-
20 gage in any activity in violation or evasion
21 of any law prohibiting the export from the
22 United States of goods, technology, or sen-
23 sitive information;

24 “(iii) seeks to enter the United States
25 to engage solely, principally, or incidentally
26 in any other unlawful activity;

1 “(iv) seeks to enter the United States
 2 to engage solely, principally, or incidentally
 3 in any activity a purpose of which is the
 4 opposition to, or the control or overthrow
 5 of, the Government of the United States by
 6 force, violence, or other unlawful means; or
 7 “(v) is the spouse or child of an alien
 8 who is inadmissible under this subpara-
 9 graph, if the activity causing the alien to
 10 be found inadmissible occurred within the
 11 last 5 years.”.

12 (b) WAIVER AUTHORITY.—Section 212(d)(3)(A) of
 13 the Immigration and Nationality Act (8 U.S.C.
 14 1182(d)(3)(A)) is amended by striking “(other than para-
 15 graphs (3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), and
 16 clauses (i) and (ii) of paragraph (3)(E) of such sub-
 17 section)” each place such phrase appears and inserting
 18 “(other than subparagraphs (A)(i)(I), (A)(ii), (A)(iii),
 19 (A)(iv), (C), (E)(i), and (E)(ii) of paragraph (3) of such
 20 subsection)”.

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