

118TH CONGRESS
2D SESSION

S. 5147

To make members of the Chinese Communist Party and their family members ineligible for F or J visas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2024

Mr. SCHMITT introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To make members of the Chinese Communist Party and their family members ineligible for F or J visas, 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 Higher
5 Education from the Chinese Communist Party Act of
6 2024”.

7 **SEC. 2. INELIGIBILITY FOR CERTAIN VISAS OF MEMBERS**
8 **OF THE CHINESE COMMUNIST PARTY.**

9 (a) **GROUND FOR EXCLUSION.**—An alien may not
10 be accorded status or receive a visa under subparagraph

1 (F) or (J) of section 101(a)(15) of the Immigration and
2 Nationality Act (8 U.S.C. 1101(a)(15)) if the alien is a
3 person who is, as of the date of enactment of this Act
4 or at any time thereafter—

5 (1) any member of the Chinese Communist
6 Party, including such a member who has served on
7 the National Congress of the Chinese Communist
8 Party; or

9 (2) a family member of a person described in
10 paragraph (1).

11 (b) FAMILY MEMBER.—For purposes of this section,
12 the term “family member” means, with respect to a per-
13 son, that person’s spouse, child, parent, sibling, grand-
14 child, niece, or nephew.

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

24 (d) NATIONAL SECURITY WAIVER.—The President,
25 or a designee of the President, may waive the application

1 of subsection (a) if the President or such designee certifies
2 in writing to the appropriate congressional committees
3 that such waiver is in the national security interest of the
4 United States.

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