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2D SESSION

S. 5544

To reduce the number of student visas available to nationals of the People's Republic of China until China removes certain restrictions on United States students pursuing postsecondary educational opportunities in China and to restrict the types of postsecondary study available to Chinese nationals in the United States to include sensitive topics with potential dual-use military application.

IN THE SENATE OF THE UNITED STATES

DECEMBER 17 (legislative day, DECEMBER 16), 2024

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

A BILL

To reduce the number of student visas available to nationals of the People's Republic of China until China removes certain restrictions on United States students pursuing postsecondary educational opportunities in China and to restrict the types of postsecondary study available to Chinese nationals in the United States to include sensitive topics with potential dual-use military application.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLES.**

2 This Act may be cited as the “Promoting Reciprocity
3 on Chinese Students Act” or the “PRC Students Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) American students in the People’s Republic
7 of China (referred in this section as the “PRC”)
8 face internal travel restrictions, censorship, and a
9 growing threat of arrest or detention via exit bans
10 and an expanded espionage law.

11 (2) These restrictions and other threats have
12 caused a cooling effect on the matriculation of
13 United States students in Chinese universities,
14 which has been compounded by anti-western senti-
15 ment.

16 (3) There are currently fewer than 1,000
17 United States students studying in China, while
18 there are an estimated 290,000 Chinese students
19 studying in the United States.

20 (4) The PRC has—

21 (A) heightened surveillance and political
22 controls on university campuses;

23 (B) intensified internet censorship;

24 (C) fortified its firewall, which blocks
25 Google, Facebook, and other United States so-
26 cial media platforms; and

1 (D) subjected students to biometric scan-
2 ning to enter universities.

3 (5) Additional restrictions imposed by the PRC
4 include—

5 (A) state censorship on topics deemed sen-
6 sitive;

7 (B) an ongoing campaign against “western
8 values”;

9 (C) democratic backsliding;

10 (D) strict data protection laws; and

11 (E) restrictive access to state archives.

12 (6) Foreign students inside the PRC are re-
13 quired to register with local authorities when under-
14 taking internal travel and certain areas in China,
15 such as Xinjiang and Tibet, cannot be accessed by
16 foreign students without required travel permits that
17 must be obtained through an internal government-
18 registered operator.

19 (7) American students are explicitly restricted
20 from attending—

21 (A) the 2 universities that are directly ad-
22 ministered by the PRC’s Central Military Com-
23 mission, the National Defense University and
24 the National University of Defense Technology;

1 (B) any of the PRC's military academies;
2 and

3 (C) any other institution of higher edu-
4 cation that does not appear on the China Schol-
5 arship Council's list of approved universities.

6 (8) The PRC has used "exit bans" to stop some
7 foreigners from leaving the country and has engaged
8 in arbitrary detentions.

9 (9) The Counterespionage Law of the PRC,
10 which was passed by the National People's Congress
11 on April 26, 2023, expands the definition of espio-
12 nage from covering state secrets and intelligence to
13 any "documents, data, materials or items related to
14 national security", without specifying the parameters
15 for how such terms are defined. The offenses pre-
16 viously covered by privacy provisions under the
17 Criminal Law of the PRC had carried a maximum
18 penalty of 3 years imprisonment, but were not often
19 enforced. Under the new law, such offenses can re-
20 sult in imprisonment for life or the death penalty.

21 (10) Chinese students in the United States and
22 in other western countries have been accused of espio-
23 nage and intelligence collection to bolster the
24 PRC's military base as part of the Chinese Com-
25 munist Party's Military-Civil Fusion Policy.

1 (11) In January 2024, a Chinese student study-
2 ing at the University of Minnesota crashed a drone
3 in a tree near Langley Air Force base in Hampton,
4 Virginia. After flying to California the following day,
5 the student was arrested and charged with espio-
6 nage.

7 (12) In September 2024, United States pros-
8 ecutors alleged that 5 Chinese University of Michi-
9 gan graduates, who claimed to be stargazing, were
10 taking photos in the middle of the night of military
11 vehicles at Camp Grayling during a United States
12 National Guard training exercise that included Tai-
13 wanese military personnel.

14 (13) According to the Select Committee on the
15 Chinese Communist Party of the House of Rep-
16 resentatives, the PRC operates nearly 500 foreign
17 talent programs whose members are contractually
18 obligated to return to the PRC with secrets and ex-
19 pertise gained in foreign universities and labs in
20 order to drive military modernization and other tech-
21 nological development in the PRC.

22 (14) On October 14, 2024, the Wall Street
23 Journal reported that, according to European secu-
24 rity officials—

1 (A) Chinese students and guest scientists
 2 have become a prime conduit for Chinese espio-
 3 nage in the West;

4 (B) Chinese spies masquerading as re-
 5 searchers have recently grown better at hiding
 6 their tracks;

7 (C) some Chinese students enroll in lan-
 8 guage or literature courses and later switch to
 9 quantum computing or other sensitive areas;
 10 and

11 (D) the PRC's intelligence-gathering and
 12 security operations might comprise up to
 13 600,000 people.

14 (15) According to the Australian Strategic Pol-
 15 icy Institute, the People's Liberation Army has
 16 sponsored more than 2,500 military scientists and
 17 engineers to study abroad during the most recent 15
 18 years in order to acquire technology needed to mod-
 19 ernize the PRC's military.

20 **SEC. 3. PURPOSE.**

21 The purpose of this Act is to introduce reciprocity
 22 into the Sino-American relationship by—

23 (1) reducing the number of Chinese students in
 24 the United States to match the number of American
 25 students in the People's Republic of China as long

1 as PRC restrictions against United States students
2 persist; and

3 (2) restricting the types of postsecondary study
4 available to Chinese nationals in the United States
5 to include sensitive topics with potential dual-use
6 military application.

7 **SEC. 4. GRADUAL REDUCTION OF CHINESE STUDENTS IN**
8 **THE UNITED STATES.**

9 Section 214(m) of the Immigration and Nationality
10 Act (8 U.S.C. 1184(m)) is amended by adding at the end
11 the following:

12 “(3)(A) Except as provided in subparagraph
13 (C), the Secretary of State, beginning in fiscal year
14 2025, in collaboration with the Secretary of Home-
15 land Security, shall annually reduce by 50,000 the
16 number of nationals of the People’s Republic of
17 China who are authorized to reside in the United
18 States as nonimmigrants under subparagraph (F)(i),
19 (J)(i), or (M)(i) of section 101(a)(15) compared to
20 the number of such aliens so authorized during the
21 previous fiscal year, until the number of such aliens
22 is equal to the number of United States citizens who
23 are enrolled in a postsecondary course of study in
24 the People’s Republic of China.

1 “(B) Nationals of the People’s Republic of
2 China who are admitted to the United States as
3 nonimmigrants under section 101(a)(15)(F)(i) may
4 not be enrolled at a United States institution of
5 higher education in any postsecondary program in-
6 volving a sensitive topic with potential dual-use mili-
7 tary application, including—

8 “(i) naval architecture;

9 “(ii) marine engineering;

10 “(iii) aircraft engineering;

11 “(iv) artificial intelligence;

12 “(v) quantum computing; and

13 “(vi) any other area of study determined
14 by the Secretary of Defense to involve a sen-
15 sitive topic with potential dual-use military ap-
16 plication.

17 “(C)(i) The Secretary of State shall submit a
18 report to Congress as soon as the Secretary deter-
19 mines that the Government of the People’s Republic
20 of China—

21 “(I) has lifted internal travel restrictions
22 relating to—

23 “(aa) the requirement that United
24 States students register with local authori-
25 ties when traveling within China; and

1 “(bb) the requirement that United
2 States students obtain internal travel per-
3 mits and guided tours to visit certain prov-
4 inces within China, such as Xinjiang and
5 Tibet;

6 “(II) is granting United States students
7 within China access to the internet and Chinese
8 research databases that is commensurate with
9 the access available to the internet and United
10 States research databases by Chinese students
11 in the United States;

12 “(III) has discontinued threats of exit bans
13 and the arbitrary detention of United States
14 students; and

15 “(IV) is granting United States students
16 access to all Chinese universities and institu-
17 tions of higher education.

18 “(ii) Beginning on the first day of the first fis-
19 cal year beginning after the date on which the report
20 required under clause (i) is submitted to Congress,
21 the restriction on the admittance of Chinese stu-
22 dents described in subparagraph (A) shall cease to
23 have any force or effect.”.

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