

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. BANKS OF INDIANA

Page 762, insert after line 25 the following (and conform the table of contents accordingly):

1 **SEC. 17__ . IMPOSING CONDITIONS ON THE ISSUANCE OF**
2 **VISAS TO CERTAIN NATIONALS OF FOREIGN**
3 **STATES ENGAGED IN TRANSNATIONAL RE-**
4 **PRESSION.**

5 (a) CERTAIN CONDITIONS ON THE ISSUANCE OF DIP-
6 LOMATIC AND STUDENT VISAS.—Section 214 of the Im-
7 migration and Nationality Act (8 U.S.C.) is amended by
8 adding at the end the following:

9 “(s) CERTAIN CONDITIONS ON THE ISSUANCE OF
10 DIPLOMATIC AND STUDENT VISAS.—

11 “(1) CERTAIN CONDITIONS ON THE ISSUANCE
12 OF DIPLOMATIC VISAS.—An alien who is a national
13 of a covered nation may not be accorded status as
14 a nonimmigrant under subparagraph (A) or (G) of
15 section 101(a)(15) until the alien submits a certifi-
16 cation that the alien—

17 “(A) will not engage in any efforts to col-
18 lect or transmit information concerning, open

1 any lines of communication with, or encourage
2 other persons to report on, any student that is
3 a national of a covered nation for the purposes
4 of—

5 “(i) monitoring whether such student
6 is exercising their rights protected under
7 the Constitution and laws of the United
8 States in a way that the government or
9 ruling party of a covered nation may op-
10 pose; or

11 “(ii) for suppressing said exercise of
12 rights;

13 “(B) will not engage in any efforts to col-
14 lect or transmit information concerning, open
15 any lines of communication with, or encourage
16 other persons to report on, any student with a
17 family member that resides in a covered nation
18 for the purposes of—

19 “(i) monitoring whether such student
20 is exercising their rights protected under
21 the Constitution and laws of the United
22 States in a way that the government or
23 ruling party of a covered nation opposes;
24 or

1 “(ii) for suppressing said exercise of
2 rights; and

3 “(C) will not engage in any other form of
4 transnational repression on behalf of any gov-
5 ernment or ruling party of a covered nation or
6 any agent of a covered nation.

7 “(2) CERTAIN CONDITIONS ON THE ISSUANCE
8 OF STUDENT VISA.—An alien who is a national of a
9 covered nation may not be accorded status as a non-
10 immigrant under subparagraph (F), (J), or (M) of
11 section 101(a)(15) until the alien submits a certifi-
12 cation that the alien—

13 “(A) will not report on students who are
14 nationals of a covered nation to the govern-
15 ment, the ruling party, or an agent of a covered
16 nation, or to any agent or government for the
17 purpose of sharing such information with a gov-
18 ernment, ruling party, or agent of a covered na-
19 tion, for that student’s exercise of rights pro-
20 tected under the Constitution and laws of the
21 United States;

22 “(B) will not report on any student with a
23 family member that resides in a covered nation
24 to the government, the ruling party, or an
25 agent of that covered nation for that student’s

1 exercise of rights protected under the Constitu-
2 tion and laws of the United States; and

3 “(C) will not engage in any other form of
4 transnational repression on behalf of a covered
5 nation or any agent of a covered nation.

6 “(3) DEFINITIONS.—In this subsection:

7 “(A) COVERED NATION.—The term ‘cov-
8 ered nation’ means the People’s Republic of
9 China, the Russian Federation, the Islamic Re-
10 public of Iran, or the Democratic People’s Re-
11 public of Korea.

12 “(B) INSTITUTION OF HIGHER EDU-
13 CATION.—The term ‘institution of higher edu-
14 cation’ has the meaning given to it in section
15 101 of the Higher Education Act of 1965 (20
16 U.S.C. 1001).

17 “(C) TRANSNATIONAL REPRESSION.—The
18 term ‘transnational repression’ means any ac-
19 tion by a foreign government, a ruling party of
20 a foreign country, or any person operating on
21 behalf of a government or ruling party of a for-
22 eign country that meets each of the following
23 criteria:

24 “(i) The action involves—

1 “(I) any effort intended to in-
2 timidate or coerce a person to take an
3 action in the interest of a government
4 or ruling party of a foreign country;

5 “(II) any effort intended to in-
6 timidate or coerce a person to take an
7 action to prevent that person from ex-
8 ercising a right protected under the
9 Constitution or laws of the United
10 States;

11 “(III) any effort to engage in an
12 extrajudicial killing or abduction to
13 prevent that person from exercising a
14 right protected under the Constitution
15 or laws of the United States; or

16 “(IV) providing support to an ef-
17 fort described in clauses (i), (ii), and
18 (iii).

19 “(ii) The activity is engaged in for the
20 purpose of suppressing dissent against or
21 otherwise advancing the interests of a gov-
22 ernment or ruling party of a foreign coun-
23 try.

24 “(iii) The activity occurs, in whole or
25 in part, in the United States and is com-

1 mitted against a United States person or a
2 person in the United States.

3 “(4) VIOLATIONS.—

4 “(A) If the Secretary of State determines,
5 in consultation with the Secretary of Homeland
6 Security, that an alien has committed If an
7 alien commits any act in violation of a certifi-
8 cation made under paragraph (1) or (2), any
9 status as a nonimmigrant accorded to that alien
10 shall be terminated immediately.

11 “(B) If the Secretary of State determines,
12 in consultation with the Secretary of Homeland
13 Security, that any other nonimmigrant who is a
14 national of a covered nation has acted as an
15 agent of that country and has engaged in any
16 conduct described in clauses (i) through (iii) of
17 paragraph (2)(A), any status as a non-
18 immigrant accorded to that alien shall be termi-
19 nated immediately.”.

20 (b) PRIOR NOTIFICATION OF CERTAIN TRAVEL.—

21 (1) IN GENERAL.—The Secretary of State shall
22 require any member of a foreign mission (as such
23 term is defined in section 202 of the State Depart-
24 ment Basic Authorities Act of 1956) of a covered
25 nation (as such term is defined in section 214(s)(3)

1 of the Immigration and Nationality Act) seeking to
2 visit any institution of higher education or any other
3 research institution in the United States to submit
4 to the Secretary—

5 (A) a prior notification of their intent to
6 visit said institution; and

7 (B) a request for approval to visit said in-
8 stitution.

9 (2) LIMITATION ON APPROVAL.—The Secretary
10 may not grant such request for approval before the
11 date that is 30 days after an unclassified notification
12 of the request to visit is submitted to the Committee
13 on Foreign Relations of the Senate, the Committee
14 on Foreign Affairs of the House of Representatives,
15 the Select Committee on Intelligence of the Senate,
16 and the Permanent Select Committee on Intelligence
17 of the House of Representatives and a notification of
18 the request is provided to the Secretary of Edu-
19 cation.

20 (3) VISIT DEFINED.—For the purposes of this
21 section, the term “visit” means an individual being
22 present on the premises of an institution of higher
23 education, or any other research institution in the
24 United States, as well as being present on the prem-

1 ises of any facility owned or leased by said institu-
2 tions.

