

116TH CONGRESS  
2D SESSION

# S. 3920

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

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IN THE SENATE OF THE UNITED STATES

JUNE 9, 2020

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

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## 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 2020” or the “SECURE  
8 CAMPUS Act of 2020”.

1 **SEC. 2. EXCLUSION OF CERTAIN CITIZENS OF THE PEOP-**  
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) REGULATIONS.—Not later than 90 days after the  
12          date of the enactment of this Act, the Secretary of State,  
13          in consultation with the Secretary of Homeland Security  
14          and the Secretary of Education, shall issue regulations  
15          specifying areas of study that constitute science, tech-  
16          nology, engineering, and mathematics.

17          (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
18          tion shall be construed to require the denial of a visa appli-  
19          cation of a citizen or permanent resident of Taiwan or  
20          Hong Kong.

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

22          As a condition of receiving a Federal research and  
23          development grant in a field of science, technology, engi-  
24          neering, or mathematics, a grant recipient shall certify  
25          that the recipient—

1 (1) is not—

2 (A) a citizen of the People’s Republic of  
3 China; or

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

8 (2) will not knowingly employ to carry out ac-  
9 tivities funded by the Federal research and develop-  
10 ment grant—

11 (A) a citizen of the People’s Republic of  
12 China; or

13 (B) a participant in a foreign talent re-  
14 cruitment program of the People’s Republic of  
15 China listed by the Secretary of State in ac-  
16 cordance with section 7.

17 **SEC. 4. PROTECTING INSTITUTIONS, LABORATORIES, AND**  
18 **RESEARCH INSTITUTES.**

19 (a) IN GENERAL.—Notwithstanding any other provi-  
20 sion of law, the head of each Federal agency shall ensure  
21 that any institution of higher education, laboratory, or re-  
22 search institute receiving Federal assistance agrees, as a  
23 condition of such assistance, to not knowingly employ any  
24 individual who is a participant in a foreign talent recruit-  
25 ment program of the People’s Republic of China.

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

5 “(30) The institution will not knowingly employ  
6 any individual who is a participant in a foreign tal-  
7 ent recruitment program of the People’s Republic of  
8 China listed by the Secretary of State in accordance  
9 with section 7 of the SECURE CAMPUS Act of  
10 2020.”.

11 **SEC. 5. REGISTRATION OF PARTICIPANTS IN FOREIGN TAL-**  
12 **ENT RECRUITMENT PROGRAMS OF THE PEO-**  
13 **PLE’S REPUBLIC OF CHINA AS AGENTS OF**  
14 **THE GOVERNMENT OF THE PEOPLE’S REPUB-**  
15 **LIC OF CHINA.**

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

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

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

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

5                   or

6                   (B) the date on which the individual en-  
7           tered the United States.

8   **SEC. 6. ECONOMIC ESPIONAGE.**

9           Section 1839(1) of title 18, United States Code, is  
10   amended—

11           (1) by inserting “education, research,” after  
12           “commercial,”; and

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

18   **SEC. 7. DEPARTMENT OF STATE LIST OF FOREIGN TALENT**  
19                   **RECRUITMENT PROGRAMS OF THE PEOPLE’S**  
20                   **REPUBLIC OF CHINA.**

21           (a) IN GENERAL.—Not later than 180 days after the  
22           date of the enactment of this Act, the Secretary of State,  
23           in consultation with the Attorney General, the Secretary  
24           of Defense, and the Director of National Intelligence, shall  
25           compile and publish in the Federal Register a list of for-

1 eign talent recruitment programs of the People’s Republic  
2 of China.

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

5 (1) review and revise the list compiled under  
6 subsection (a); and

7 (2) publish the revised list in the Federal Reg-  
8 ister.

9 **SEC. 8. DEFINITIONS.**

10 In this Act:

11 (1) FOREIGN TALENT RECRUITMENT PROGRAM  
12 OF THE PEOPLE’S REPUBLIC OF CHINA.—In this  
13 Act, the term “foreign talent recruitment program  
14 of the People’s Republic of China” means any effort  
15 organized, managed, funded, or otherwise controlled  
16 by the Government of the People’s Republic of  
17 China or the Chinese Communist Party to employ,  
18 contract, or otherwise compensate 1 or more individ-  
19 uals to conduct research, development, testing, or  
20 any other science or technology activity for the di-  
21 rect or indirect benefit of the People’s Republic of  
22 China.

23 (2) INSTITUTION OF HIGHER EDUCATION.—The  
24 term “institution of higher education” has the

1 meaning given the term in section 101(a) of the  
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

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