

117TH CONGRESS
2D SESSION

S. 5122

To provide greater scrutiny of visas for Chinese Communist Party members.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2022

Mr. RUBIO (for himself, Mr. CRAMER, Mr. SCOTT of Florida, and Mr. TUBERVILLE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide greater scrutiny of visas for Chinese Communist
Party members.

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 “CCP Visa Ban Act
5 of 2022”.

6 **SEC. 2. SCRUTINY OF VISAS FOR CHINESE COMMUNIST**
7 **PARTY MEMBERS.**

8 (a) INADMISSIBILITY.—Section 212(a)(3)(D) of the
9 Immigration and Nationality Act (8 U.S.C.
10 1182(a)(3)(D)) is amended—

1 (1) in the subparagraph heading, by striking
 2 “IMMIGRANT MEMBERSHIP” and inserting “MEM-
 3 BERSHIP”; and

4 (2) by adding at the end the following:

5 “(v) PROHIBITION ON ISSUANCE OF
 6 CERTAIN VISAS TO MEMBERS OF THE CHI-
 7 NESE COMMUNIST PARTY.—An alien who
 8 is or has been a member of or affiliated
 9 with the Chinese Communist Party—

10 “(I) is inadmissible; and

11 “(II) shall not be issued a visa as
 12 a nonimmigrant described in section
 13 101(a)(15)(B).”.

14 (b) APPLICATIONS FOR VISA EXTENSIONS.—With re-
 15 spect to applications to extend visas issued to non-
 16 immigrants described in section 101(a)(15)(B) of the Im-
 17 migration and Nationality Act (8 U.S.C. 1101(a)(15)(B))
 18 through enrollment in the Electronic Visa Update System
 19 or any successor system—

20 (1) the Commissioner of U.S. Customs and
 21 Border Protection shall ensure that such system has
 22 a functionality for determining whether an applicant
 23 is a covered alien; and

1 (2) in the case of an applicant determined to be
 2 a covered alien, the applicant's request for enroll-
 3 ment shall be denied.

4 (c) CANCELLATION OF VISAS AUTHORIZED.—

5 (1) IN GENERAL.—On encountering a covered
 6 alien who is in possession of a valid, unexpired visa
 7 issued under section 101(a)(15)(B) of the Immigra-
 8 tion and Nationality Act (8 U.S.C. 1101(a)(15)(B)),
 9 the Commissioner of U.S. Customs and Border Pro-
 10 tection shall cancel such visa.

11 (2) ROLE OF BUREAU OF CONSULAR AF-
 12 FAIRS.—Not later than 90 days after the date of the
 13 enactment of this Act, the Assistant Secretary for
 14 Consular Affairs shall—

15 (A) cancel all nonimmigrant visas issued to
 16 covered aliens under section 101(a)(15)(B) of
 17 the Immigration and Nationality Act (8 U.S.C.
 18 1101(a)(15)(B)); and

19 (B) update the Consular Consolidated
 20 Database and the Consular Lookout and Sup-
 21 port System to reflect such cancellations.

22 (3) REMEDY.—The sole legal remedy available
 23 to an alien whose visa has been cancelled under this
 24 subsection shall be to submit a new application for

1 a visa in accordance with the procedures established
2 by the Bureau of Consular Affairs.

3 (d) DEFINITION OF COVERED ALIEN.—In this sec-
4 tion, the term “covered alien” means an alien who is or
5 has been a member of or affiliated with the Chinese Com-
6 munist Party.

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