

118TH CONGRESS  
1ST SESSION

# S. 370

To amend section 212 of the Immigration and Nationality Act to ensure that efforts to engage in espionage or technology transfer are considered in visa issuance, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Mr. CRUZ (for himself, Mr. CRAMER, Mr. RUBIO, Mr. SCHMITT, Mr. BRAUN, Mrs. BLACKBURN, and Mr. TUBERVILLE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend section 212 of the Immigration and Nationality Act to ensure that efforts to engage in espionage or technology transfer are considered in visa issuance, 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 America  
5 From Spies Act”.

1 **SEC. 2. EXPANDING INADMISSIBILITY ON SECURITY AND**  
2 **RELATED GROUNDS.**

3 (a) IN GENERAL.—Section 212(a)(3)(A) of the Im-  
4 migration and Nationality Act (8 U.S.C. 1182(a)(3)(A))  
5 is amended to read as follows:

6 “(A) IN GENERAL.—Any alien is inadmis-  
7 sible if a consular officer or the Secretary of  
8 Homeland Security knows, or has reasonable  
9 ground to believe, that the alien—

10 “(i) engages, has engaged, or will en-  
11 gage in any activity—

12 “(I) in violation of any law of the  
13 United States relating to espionage or  
14 sabotage; or

15 “(II) that would violate any law  
16 of the United States relating to espio-  
17 nage or sabotage if the activity oc-  
18 curred in the United States;

19 “(ii) engages, has engaged, or will en-  
20 gage in any activity in violation or evasion  
21 of any law prohibiting the export from the  
22 United States of goods, technology, or sen-  
23 sitive information;

24 “(iii) seeks to enter the United States  
25 to engage solely, principally, or incidentally  
26 in any other unlawful activity;

1           “(iv) seeks to enter the United States  
2           to engage solely, principally, or incidentally  
3           in any activity a purpose of which is the  
4           opposition to, or the control or overthrow  
5           of, the Government of the United States by  
6           force, violence, or other unlawful means; or  
7           “(v) is the spouse or child of an alien  
8           who is inadmissible under this subpara-  
9           graph, if the activity causing the alien to  
10          be found inadmissible occurred within the  
11          last 5 years.”.

12          (b) WAIVER AUTHORITY.—Section 212(d)(3)(A) of  
13 the Immigration and Nationality Act (8 U.S.C.  
14 1182(d)(3)(A)) is amended by striking “(other than para-  
15 graphs (3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), and  
16 clauses (i) and (ii) of paragraph (3)(E) of such sub-  
17 section)” each place such phrase appears and inserting  
18 “(other than subparagraphs (A)(i)(I), (A)(ii), (A)(iii),  
19 (A)(iv), (C), (E)(i), and (E)(ii) of paragraph (3) of such  
20 subsection)”.

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