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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Chief Counsel and Staff Director

October 25, 2018

VIA ELECTRONIC SUBMISSION

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Mike Pompeo
Secretary
U.S. Department of State
Washington, D.C. 20520

Dear Secretary Nielsen and Secretary Pompeo:

The Department of Justice recently announced that a Chinese national residing in Pomona, California, pled guilty to conspiracy to violate the International Emergency Economic Powers Act (IEEPA) by participating in a scheme to export sensitive space and military communications technology illegally to China.¹ Si Chen, also known as Cathy Chen and Chumping Ji, purchased the sensitive technology, including equipment used to jam military satellite communications, and smuggled it to China through Hong Kong. Chen also pled guilty to money laundering and using a forged Chinese passport to further her smuggling activities in the United States. She was sentenced to 46 months in federal prison.²

According to reports, Si Chen arrived in the United States in 2007 on an F-1 student visa to pursue a master's degree in accounting.³ While in school, she allegedly interned at an organization that provided engineering services to aerospace companies, including defense contractors. The use of student and other U.S. visas by foreign nationals to conduct foreign influence campaigns, espionage or intellectual property theft is a significant and growing concern.

¹ Department of Justice, *Pomona Woman Sentenced to Federal Prison in Scheme to Smuggle Restricted Space Communications Technology to China* (Oct. 1, 2018), available at <https://www.justice.gov/usao-cdca/pr/pomona-woman-sentenced-federal-prison-scheme-smuggle-restricted-space-communications> (hereinafter Press Release).

² Press Release

³ CBS Los Angeles, *Feds: LA Woman Conspired to Smuggle US Space Tech To China* (Oct. 20, 2017), available at <https://losangeles.cbslocal.com/2017/10/20/pomona-woman-space-tech-china/>

Individuals like Si Chen from high-risk countries, such as China, often arrive in the United States on a variety of visas, while concealing information about the true nature of their intent or identity. Currently, information collected on visa applications is not sufficient to determine whether an individual will enter the United States for one purpose but subsequently change to an area of work or study with the intent to gain access to, and acquire, sensitive information and technology for the benefit of the Chinese government. Further, the information students and other nonimmigrant visa applicants are required to provide when they request a change of status or extension of stay, or provide updates to the Student and Exchange Visitor Information System (SEVIS), is not sufficient to alert your agencies that the individual has changed to an area or field of study that should require further scrutiny.

FBI Director Wray also highlighted similar concerns recently when he cautioned universities about a potential new Chinese intelligence threat on college campuses.⁴ Specifically, he warned that universities that host Confucius Institutes, or Chinese government-sponsored “learning centers,” must be vigilant due to the potential for espionage and influence operations by the Chinese government through foreign students and other administrators.⁵

Such pervasive actions threaten the integrity of our visa system, and pose undeniable risk to national security. More precautionary measures must be taken to proactively detect and neutralize threats before individuals with criminal intent are granted permission to travel, work, and study in the United States. For example, in 2012, Congress restricted foreign nationals from Iran from studying for careers in the energy sector, nuclear science, nuclear engineering, or related fields. See *Iran Threat Reduction and Syria Human Rights Act of 2012*, Pub. L. 112-158 (22 U.S.C. 8771). However, these current field of study restrictions are limited to Iranian students only, and even those restrictions contain loopholes that can be exploited, allowing Iranian students to avoid the prohibitions currently imposed by law. For example, nothing in the law prohibits an Iranian national from entering the United States on a student visa issued based on a declaration that he or she will be pursuing a liberal arts degree, *but once admitted*, changing to a course of study in one of the prohibited fields. Even if the Secretary of Homeland Security discovers that such a course change has occurred, nothing in current law prevents an Iranian from requesting such a change or authorizes the Secretary to remove an Iranian national based on his or her change to a prohibited field of study.

In light of this, reforms are needed to aid in protecting sensitive or dual use technology by prohibiting Chinese and Russian students from certain areas of study as well.⁶

⁴ Bill Gertz, *FBI Investigating Confucius Institutes*, The Washington Times, (Feb. 14, 2018), available at <https://www.washingtontimes.com/news/2018/feb/14/inside-the-ring-fbi-investigating-confucius-instit/>

⁵ *Id.*

⁶ CBS Los Angeles, *Feds: LA Woman Conspired to Smuggle US Space Tech To China* (Oct. 20, 2017), available at <https://losangeles.cbslocal.com/2017/10/20/pomona-woman-space-tech-china/>; Sharon LaFraniere, David D. Kirkpatrick and Kenneth P. Vogel, *Lobbyist at Trump Campaign Meeting Has a Web of Russian Connections*, The

Accordingly, to better understand the circumstances surrounding Si Chen's entry into the United States, and correlating threats to national security and the integrity of our visa system, please answer the following questions and provide a briefing to Committee staff on efforts by the Homeland Security Investigations' Counter-Proliferation Investigations program, the Student and Exchange Visitors Program, and Bureau of Consular Affairs to coordinate, investigate, and mitigate these foreign threats.

U.S. Department of Homeland Security

1. Please provide a copy of Si Chen's alien file (A-File) and HSI executive summary.
2. Please list the universities Si Chen attended while she was in the United States. Are any of the schools attended under investigation for improper activity that could result in a decertification by the Student and Exchange Visitor Program? Please explain.
3. Please produce any student records of Si Chen, or any alias, including records in SEVIS, or any records of Si Chen associated with work under Optional Practical Training (OPT) or Curricular Practical Training (CPT).
4. Please provide the number of foreign nationals in the United States on an F, J, or M visa in the 2017-2018 academic year. How many of these visa holders are Chinese nationals? How many are Iranian nationals? How many are Russian nationals?⁷

U.S. Department of State

1. Please provide all visa records and associated documentation for Si Chen.
 - a. Did Si Chen ever apply for any U.S. visa? If yes, at which embassy or consulate did she submit the applications?
 - b. Please provide the visa category and validity period for all previous visas issued to Si Chen, or alias.
 - c. Please provide the dates of submission for all past visa applications submitted by Si Chen, along with all associated documentation, case notes, or related information.
 - d. Was Si Chen ever subjected to additional administrative processing associated with any visa application? Please explain and provide all documentation uncovered, or created, as a result of such additional processing.
 - e. Was Si Chen, or alias, ever denied a visa? If so, what was the basis for denial?

New York Times (Aug. 21, 2017), available at <https://www.nytimes.com/2017/08/21/us/rinat-akhmetshin-russia-trump-meeting.html>; Faith Karimi, *Maria Butina's Many Roles: Grad Student. Gun Rights Activist. Alleged Russian Agent.*, CNN (Jul. 19, 2018), available at <https://www.cnn.com/2018/07/19/politics/maria-butina-alleged-russian-spy-what-we-know/index.html>

⁷ Sharon LaFraniere, David D. Kirkpatrick and Kenneth P. Vogel, *Lobbyist at Trump Campaign Meeting Has a Web of Russian Connections*, The New York Times (Aug. 21, 2017), available at <https://www.nytimes.com/2017/08/21/us/rinat-akhmetshin-russia-trump-meeting.html>; Faith Karimi, *Maria Butina's Many Roles: Grad Student. Gun Rights Activist. Alleged Russian Agent.*, CNN (Jul. 19, 2018), available at <https://www.cnn.com/2018/07/19/politics/maria-butina-alleged-russian-spy-what-we-know/index.html>

2. Please provide all visa records and associated documentation for Si Chen's husband, including all information requested in (a)-(e) above.
3. Please provide any new policies or procedures developed to combat the threat of Chinese nationals using student visas to conduct espionage or research and technology theft.
4. Please provide the number of foreign nationals in the United States on an F, J, or M visa in the 2017-2018 academic year. How many of these visa holders are Chinese nationals? How many are Iranian nationals? How many are Russian nationals?⁸

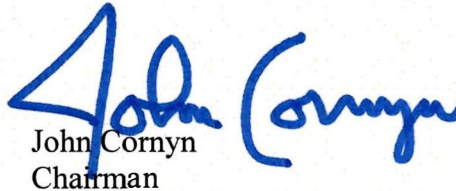
We anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. Consistent with Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified information within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thanks very much for your attention to this matter. If you have any questions, please contact Katherine Nikas or Aakash Singh of Chairman Grassley's staff at (202) 224-5225 and Steven Giaier of Chairman Cornyn's staff at (202) 224-7840.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary



John Cornyn
Chairman
Subcommittee on Border Security and Immigration

cc:

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice

⁸ *Id.*