

State Department announces additional notification requirements on official meetings and visits by Chinese officials with U.S. government agencies and educational and research institutions

28 October 2019

Recent actions by the U.S. Department of State underscore the Trump administration's efforts to use a "whole of government" approach to address [perceived national security threats](#) posed by China. While these actions do not directly impose obligations on U.S. educational and research institutions, they could foreshadow increased scrutiny of institutions that have links to entities affiliated with the Chinese government.

Notification requirements for diplomatic personnel

On 21 October the State Department published two notices ([Determination Pursuant to the Foreign Missions Act](#) and [Designation and Determination Pursuant to the Foreign Missions Act](#)) announcing that it will be imposing new notification requirements regarding the official meetings of members of Chinese foreign missions in the United States. The new requirements, which were initially [announced](#) on 16 October, are part of the Trump administration's policy of "reciprocity." According to Assistant Secretary of State for East Asian and Pacific Affairs [David Stillwell](#), "[the administration's] goal is also a relationship with China that is fair and reciprocal with China living up to its many commitments."

The Chinese government strongly criticized the State Department's decision.

Scope of new notification requirements

The State Department is now requiring all members of Chinese foreign missions in the United States, including representatives temporarily working in the United States and their dependents and household members, to submit prior notifications to State's Office of Foreign Missions of the following:

1. All official meetings with representatives of state, local, and municipal governments in the United States and its territories.
2. All official visits to educational institutions (public or private) in the United States and its territories.

3. All official visits to research institutions (public or private), including national laboratories, in the United States and its territories.

The State Department is also imposing a prior notification requirement for all Chinese military personnel working in the United States (whether at the Chinese embassy or temporarily in the United States) if they travel for either official or personal purposes beyond a 25-mile radius of their post of assignment or destination city.

While these notices do not impose any immediate obligations on state, local, and municipal governments, educational institutions, or research institutions, they are indicative of the enhanced scrutiny the U.S. government is applying to Chinese government interactions with educational and research institutions.

Scope of covered officials

Under [22 U.S.C. § 4302](#), "foreign mission" means:

Any mission to or agency or entity in the United States which is involved in the diplomatic, consular, or other activities of, or which is substantially owned or effectively controlled by:

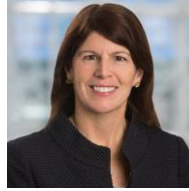
1. A foreign government.
2. An organization (other than an international organization, as defined in section 4309(b) of this title) representing a territory or political entity which has been granted diplomatic or other official privileges and immunities under the laws of the United States or which engages in some aspect of the conduct of the international affairs of such territory or political entity, including any real property of such a mission and including the personnel of such a mission.

These definitions capture personnel associated with the Chinese embassy, consulate, or permanent mission to the United Nations. If you have questions regarding the potential implications of these actions for your organization, please contact any of the Hogan Lovells lawyers listed below.

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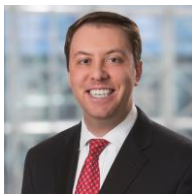
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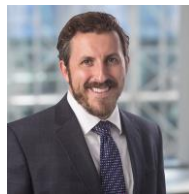
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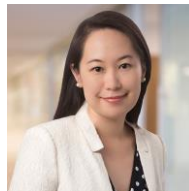
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