

118TH CONGRESS  
2D SESSION

# H. R. 9244

To transfer and limit Executive Branch authority to suspend or restrict the entry of a class of aliens.

---

## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2024

Ms. CHU (for herself, Mr. NADLER, Mr. BEYER, Ms. OMAR, Ms. TLAIB, Mr. CARSON, Mr. TORRES of New York, Ms. VELÁZQUEZ, Ms. PINGREE, Mr. QUIGLEY, Ms. DELBENE, Ms. JAYAPAL, Ms. DEGETTE, Ms. STEVENS, Ms. NORTON, Mr. BOYLE of Pennsylvania, Ms. WILLIAMS of Georgia, Mr. TONKO, Ms. SCANLON, Ms. BUSH, Mr. MCGOVERN, Mr. RUIZ, Mr. JOHNSON of Georgia, Ms. BONAMICI, Ms. STRICKLAND, Ms. KELLY of Illinois, Mr. TRONE, Mr. TAKANO, Mrs. MCBATH, Mr. SWALWELL, Mr. CONNOLLY, Mr. HUFFMAN, Mr. GRIJALVA, Mr. KRISHNAMOORTHY, Mr. GREEN of Texas, Mr. PETERS, Mr. SCHNEIDER, Ms. MCCOLLUM, Ms. LOIS FRANKEL of Florida, Mrs. DINGELL, Mrs. HAYES, Mr. CLEAVER, Mr. SCHIFF, Ms. SPANBERGER, Mr. MORELLE, Mr. VEASEY, Ms. MENG, Mr. DAVIS of Illinois, Mrs. FLETCHER, Mr. SOTO, Mr. GARAMENDI, Mr. ALLRED, Mrs. BEATTY, Ms. ESHOO, Mr. DESAULNIER, Mr. COHEN, Mr. CASTEN, Ms. BARRAGÁN, Mr. EVANS, Mr. KHANNA, Mr. COSTA, Mr. GOMEZ, Mr. GARCÍA of Illinois, Mr. BERA, Mrs. NAPOLITANO, Mr. PASCRELL, Mr. POCAN, Ms. PRESSLEY, Mr. CARBAJAL, Ms. DELAURO, Mr. RASKIN, Ms. MOORE of Wisconsin, Ms. GARCIA of Texas, Mr. SMITH of Washington, Mr. PANETTA, Mrs. TRAHAN, Ms. CLARKE of New York, Mr. CASTRO of Texas, Mr. VARGAS, Ms. SCHRIER, Mrs. RAMIREZ, Ms. LEE of California, Mr. STANTON, and Mr. ESPAILLAT) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, Homeland Security, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

# A BILL

To transfer and limit Executive Branch authority to suspend or restrict the entry of a class of aliens.

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 “National Origin-Based  
5 Antidiscrimination for Nonimmigrants Act” or the “NO  
6 BAN Act”.

7 **SEC. 2. EXPANSION OF NONDISCRIMINATION PROVISION.**

8       Section 202(a)(1)(A) of the Immigration and Nation-  
9 ality Act (8 U.S.C. 1152(a)(1)(A)) is amended—

10           (1) by striking “Except as specifically provided  
11 in paragraph (2) and in sections 101(a)(27),  
12 201(b)(2)(A)(i), and 203, no” and inserting “No”;

13           (2) by inserting “or a nonimmigrant visa, ad-  
14 mission or other entry into the United States, or the  
15 approval or revocation of any immigration benefit”  
16 after “immigrant visa”;

17           (3) by inserting “religion,” after “sex,”; and

18           (4) by inserting before the period at the end the  
19 following: “, except as specifically provided in para-  
20 graph (2), in sections 101(a)(27), 201(b)(2)(A)(i),  
21 and 203, if otherwise expressly required by statute,

1 or if a statutorily authorized benefit takes into con-  
2 sideration such factors”.

3 **SEC. 3. TRANSFER AND LIMITATIONS ON AUTHORITY TO**  
4 **SUSPEND OR RESTRICT THE ENTRY OF A**  
5 **CLASS OF ALIENS.**

6 Section 212(f) of the Immigration and Nationality  
7 Act (8 U.S.C. 1182(f)) is amended to read as follows:

8 “(f) **AUTHORITY TO SUSPEND OR RESTRICT THE**  
9 **ENTRY OF A CLASS OF ALIENS.—**

10 “(1) **IN GENERAL.—**Subject to paragraph (2),  
11 if the Secretary of State, in consultation with the  
12 Secretary of Homeland Security, determines, based  
13 on specific and credible facts, that the entry of any  
14 aliens or any class of aliens into the United States  
15 would undermine the security or public safety of the  
16 United States or the preservation of human rights,  
17 democratic processes or institutions, or international  
18 stability, the President may temporarily—

19 “(A) suspend the entry of such aliens or  
20 class of aliens as immigrants or nonimmigrants;  
21 or

22 “(B) impose any restrictions on the entry  
23 of such aliens that the President deems appro-  
24 priate.

1           “(2) LIMITATIONS.—In carrying out paragraph  
2 (1), the President, the Secretary of State, and the  
3 Secretary of Homeland Security shall—

4           “(A) only issue a suspension or restriction  
5 when required to address specific acts impli-  
6 cating a compelling government interest in a  
7 factor identified in paragraph (1);

8           “(B) narrowly tailor the suspension or re-  
9 striction, using the least restrictive means, to  
10 achieve such compelling government interest;

11           “(C) specify the duration of the suspension  
12 or restriction;

13           “(D) consider waivers to any class-based  
14 restriction or suspension and apply a rebuttable  
15 presumption in favor of granting family-based  
16 and humanitarian waivers; and

17           “(E) comply with all provisions of this Act.

18           “(3) CONGRESSIONAL NOTIFICATION.—

19           “(A) IN GENERAL.—Prior to the President  
20 exercising the authority under paragraph (1),  
21 the Secretary of State and the Secretary of  
22 Homeland Security shall consult Congress and  
23 provide Congress with specific evidence sup-  
24 porting the need for the suspension or restric-  
25 tion and its proposed duration.

1           “(B) BRIEFING AND REPORT.—Not later  
2 than 48 hours after the President exercises the  
3 authority under paragraph (1), the Secretary of  
4 State and the Secretary of Homeland Security  
5 shall provide a briefing and submit a written re-  
6 port to Congress that describes—

7                   “(i) the action taken pursuant to  
8 paragraph (1) and the specified objective  
9 of such action;

10                   “(ii) the estimated number of individ-  
11 uals who will be impacted by such action;

12                   “(iii) the constitutional and legislative  
13 authority under which such action took  
14 place; and

15                   “(iv) the circumstances necessitating  
16 such action, including how such action  
17 complies with paragraph (2), as well as  
18 any intelligence informing such actions.

19           “(C) TERMINATION.—If the briefing and  
20 report described in subparagraph (B) are not  
21 provided to Congress during the 48 hours that  
22 begin when the President exercises the author-  
23 ity under paragraph (1), the suspension or re-  
24 striction shall immediately terminate absent in-  
25 tervening congressional action.

1           “(D) CONGRESSIONAL COMMITTEES.—The  
2 term ‘Congress’, as used in this paragraph, re-  
3 fers to the Select Committee on Intelligence of  
4 the Senate, the Committee on Foreign Rela-  
5 tions of the Senate, the Committee on the Judi-  
6 ciary of the Senate, the Committee on Home-  
7 land Security and Governmental Affairs of the  
8 Senate, the Permanent Select Committee on In-  
9 telligence of the House of Representatives, the  
10 Committee on Foreign Affairs of the House of  
11 Representatives, the Committee on the Judici-  
12 ary of the House of Representatives, and the  
13 Committee on Homeland Security of the House  
14 of Representatives.

15           “(4) PUBLICATION.—The Secretary of State  
16 and the Secretary of Homeland Security shall pub-  
17 licly announce and publish an unclassified version of  
18 the report described in paragraph (3)(B) in the Fed-  
19 eral Register.

20           “(5) JUDICIAL REVIEW.—

21           “(A) IN GENERAL.—Notwithstanding any  
22 other provision of law, an individual or entity  
23 who is present in the United States and has  
24 been harmed by a violation of this subsection  
25 may file an action in an appropriate district

1 court of the United States to seek declaratory  
2 or injunctive relief.

3 “(B) CLASS ACTION.—Nothing in this Act  
4 may be construed to preclude an action filed  
5 pursuant to subparagraph (A) from proceeding  
6 as a class action.

7 “(6) TREATMENT OF COMMERCIAL AIRLINES.—  
8 Whenever the Secretary of Homeland Security finds  
9 that a commercial airline has failed to comply with  
10 regulations of the Secretary of Homeland Security  
11 relating to requirements of airlines for the detection  
12 of fraudulent documents used by passengers trav-  
13 eling to the United States (including the training of  
14 personnel in such detection), the Secretary of Home-  
15 land Security may suspend the entry of some or all  
16 aliens transported to the United States by such air-  
17 line.

18 “(7) RULE OF CONSTRUCTION.—Nothing in  
19 this section may be construed as authorizing the  
20 President, the Secretary of State, or the Secretary  
21 of Homeland Security to act in a manner incon-  
22 sistent with the policy decisions expressed in the im-  
23 migration laws.”.

24 **SEC. 4. VISA APPLICANTS REPORT.**

25 (a) INITIAL REPORTS.—

1           (1) IN GENERAL.—Not later than 90 days after  
2           the date of the enactment of this Act, the Secretary  
3           of State, in coordination with the Secretary of  
4           Homeland Security and the heads of other relevant  
5           Federal agencies, shall submit a report to the con-  
6           gressional committees referred to in section  
7           212(f)(3)(D) of the Immigration and Nationality  
8           Act, as amended by section 3 of this Act, that de-  
9           scribes the implementation of Presidential Proclama-  
10          tions 9645, 9822, and 9983 and Executive Order  
11          Nos. 13769, 13780, and 13815, during the effective  
12          period of each such proclamation and order.

13           (2) PRESIDENTIAL PROCLAMATION 9645 AND  
14          9983.—In addition to the content described in para-  
15          graph (1), the report submitted with respect to Pres-  
16          idential Proclamation 9645, issued on September 24,  
17          2017, and Presidential Proclamation 9983, issued  
18          on January 31, 2020, shall include, for each country  
19          listed in such proclamation—

20                   (A) the total number of individuals who  
21                   applied for a visa during the time period the  
22                   proclamation was in effect, disaggregated by  
23                   country and visa category;

24                   (B) the total number of visa applicants de-  
25                   scribed in subparagraph (A) who were ap-



1           proved, disaggregated by country and visa cat-  
2           egory;

3           (C) the total number of visa applicants de-  
4           scribed in subparagraph (A) who were refused,  
5           disaggregated by country and visa category,  
6           and the reasons they were refused;

7           (D) the total number of visa applicants de-  
8           scribed in subparagraph (A) whose applications  
9           remain pending, disaggregated by country and  
10          visa category;

11          (E) the total number of visa applicants de-  
12          scribed in subparagraph (A) who were granted  
13          a waiver, disaggregated by country and visa  
14          category;

15          (F) the total number of visa applicants de-  
16          scribed in subparagraph (A) who were denied a  
17          waiver, disaggregated by country and visa cat-  
18          egory, and the reasons such waiver requests  
19          were denied;

20          (G) the total number of refugees admitted,  
21          disaggregated by country; and

22          (H) the complete reports that were sub-  
23          mitted to the President every 180 days in ac-  
24          cordance with section 4 of Presidential Procla-

1           mation 9645 in its original form, and as  
2           amended by Presidential Proclamation 9983.

3           (b) ADDITIONAL REPORTS.—Not later than 30 days  
4 after the date on which the President exercises the author-  
5 ity under section 212(f) of the Immigration and Nation-  
6 ality Act (8 U.S.C. 1182(f)), as amended by section 3 of  
7 this Act, and every 30 days thereafter, the Secretary of  
8 State, in coordination with the Secretary of Homeland Se-  
9 curity and heads of other relevant Federal agencies, shall  
10 submit a report to the congressional committees referred  
11 to in paragraph (3)(D) of such section 212(f) that identi-  
12 fies, with respect to countries affected by a suspension or  
13 restriction, the information described in subparagraphs  
14 (A) through (G) of subsection (a)(2) of this section and  
15 the specific evidence supporting the need for the continued  
16 exercise of presidential authority under such section  
17 212(f), including the information described in paragraph  
18 (3)(B) of such section 212(f). If the report described in  
19 this subsection is not provided to such congressional com-  
20 mittees in the time specified, the suspension or restriction  
21 shall immediately terminate absent intervening congres-  
22 sional action. A final report with such information shall  
23 be prepared and submitted to such congressional commit-  
24 tees not later than 30 days after the suspension or restric-  
25 tion is lifted.

1       (c) FORM; AVAILABILITY.—The reports required  
2 under subsections (a) and (b) shall be made publicly avail-  
3 able online in unclassified form.

○