

Union Calendar No. 283

112TH CONGRESS
2^D SESSION

H. R. 1741

[Report No. 112-411, Part I]

To authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, to provide for the immediate dissemination of visa revocation information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2011

Mr. SMITH of Texas (for himself, Mr. BILIRAKIS, Mr. KING of Iowa, Mr. CALVERT, Mr. POE of Texas, Mr. ROSS of Florida, Mr. GALLEGLY, Mr. AKIN, and Mr. MCCAUL) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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

MARCH 8, 2012

Additional sponsors: Mrs. BLACKBURN, Mr. ROHRABACHER, Mr. FORBES, Mr. BARLETTA, Mrs. MYRICK, Mr. BILBRAY, Mr. BROOKS, Mr. DUNCAN of South Carolina, and Mr. COBLE

MARCH 8, 2012

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

MARCH 8, 2012

The Committee on Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 5, 2011]

A BILL

To authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, to provide for the immediate dissemination of visa revocation information, 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 “Secure Visas Act”.*

5 **SEC. 2. VISA REFUSAL AND REVOCATION.**

6 *(a) AUTHORITY OF THE SECRETARY OF HOMELAND*
7 *SECURITY AND THE SECRETARY OF STATE.—*

8 *(1) IN GENERAL.—Section 428 of the Homeland*
9 *Security Act of 2002 (6 U.S.C. 236) is amended by*
10 *striking subsections (b) and (c) and inserting the fol-*
11 *lowing:*

12 *“(b) AUTHORITY OF THE SECRETARY OF HOMELAND*
13 *SECURITY.—*

14 *“(1) IN GENERAL.—Notwithstanding section*
15 *104(a) of the Immigration and Nationality Act (8*
16 *U.S.C. 1104(a)) or any other provision of law, and*
17 *except for the authority of the Secretary of State*
18 *under subparagraphs (A) and (G) of section*
19 *101(a)(15) of the Immigration and Nationality Act*
20 *(8 U.S.C. 1101(a)(15)), the Secretary—*

21 *“(A) shall have exclusive authority to issue*
22 *regulations, establish policy, and administer and*
23 *enforce the provisions of the Immigration and*
24 *Nationality Act (8 U.S.C. 1101 et seq.) and all*
25 *other immigration or nationality laws relating*

1 to the functions of consular officers of the United
2 States in connection with the granting and re-
3 fusal of a visa; and

4 “(B) may refuse or revoke any visa to any
5 alien or class of aliens if the Secretary, or des-
6 ignee, determines that such refusal or revocation
7 is necessary or advisable in the security interests
8 of the United States.

9 “(2) *EFFECT OF REVOCATION.*—The revocation
10 of any visa under paragraph (1)(B)—

11 “(A) shall take effect immediately; and

12 “(B) shall automatically cancel any other
13 valid visa that is in the alien’s possession.

14 “(3) *JUDICIAL REVIEW.*—Notwithstanding any
15 other provision of law, including section 2241 of title
16 28, United States Code, or any other habeas corpus
17 provision, and sections 1361 and 1651 of such title,
18 no court shall have jurisdiction to review a decision
19 by the Secretary of Homeland Security to refuse or
20 revoke a visa, and no court shall have jurisdiction to
21 hear any claim arising from, or any challenge to,
22 such a revocation.

23 “(c) *AUTHORITY OF THE SECRETARY OF STATE.*—

24 “(1) *IN GENERAL.*—The Secretary of State may
25 direct a consular officer to refuse a visa requested by,

1 or revoke a visa issued to, an alien if the Secretary
2 of State determines such refusal or revocation to be
3 necessary or advisable in the interests of the United
4 States.

5 “(2) *LIMITATION.*—No decision by the Secretary
6 of State to approve a visa may override a decision by
7 the Secretary of Homeland Security under subsection
8 (b).”.

9 (2) *EFFECTIVE DATE.*—The amendment made by
10 paragraph (1) shall take effect on the date of the en-
11 actment of this Act and shall apply to visa refusals
12 and revocations occurring before, on, or after such
13 date.

14 (b) *ISSUANCE OF VISAS AT DESIGNATED CONSULAR*
15 *POSTS AND EMBASSIES.*—

16 (1) *IN GENERAL.*—Section 428(i) of the Home-
17 land Security Act of 2002 (6 U.S.C. 236(i)) is
18 amended to read as follows:

19 “(i) *VISA ISSUANCE AT DESIGNATED CONSULAR*
20 *POSTS AND EMBASSIES.*—Notwithstanding any other pro-
21 vision of law, except section 207 of the Foreign Service Act
22 of 1980 (22 U.S.C. 3927) and the process established by the
23 President for determining appropriate staffing at diplo-
24 matic missions and overseas constituent posts, the Secretary
25 of Homeland Security—

1 “(1) shall conduct an on-site review of all visa
2 applications and supporting documentation before ad-
3 judication at all visa-issuing posts in Algeria; Can-
4 ada; Colombia; Egypt; Germany; Hong Kong; India;
5 Indonesia; Iraq; Jerusalem, Israel; Jordan; Kuala
6 Lumpur, Malaysia; Kuwait; Lebanon; Mexico; Mo-
7 rocco; Nigeria; Pakistan; the Philippines; Saudi Ara-
8 bia; South Africa; Syria; Tel Aviv, Israel; Turkey;
9 United Arab Emirates; the United Kingdom; Ven-
10 ezuela; and Yemen; and

11 “(2) is authorized to assign employees of the De-
12 partment to each diplomatic and consular post at
13 which visas are issued unless, in the Secretary’s sole
14 and unreviewable discretion, the Secretary determines
15 that such an assignment at a particular post would
16 not promote national or homeland security.”.

17 (2) *EXPEDITED CLEARANCE AND PLACEMENT OF*
18 *DEPARTMENT OF HOMELAND SECURITY PERSONNEL*
19 *AT OVERSEAS EMBASSIES AND CONSULAR POSTS.—*
20 *The Secretary of State shall accommodate and en-*
21 *sure—*

22 (A) not later than 1 year after the date of
23 the enactment of this Act, that Department of
24 Homeland Security personnel assigned by the
25 Secretary of Homeland Security under section

1 428(i)(1) of the Homeland Security Act of 2002
2 have been stationed at post such that the post is
3 fully operational; and

4 (B) not later than 1 year after the date on
5 which the Secretary of Homeland Security des-
6 ignates an additional consular post or embassy
7 for personnel under section 428(i)(2) of the
8 Homeland Security Act of 2002 that the Depart-
9 ment of Homeland Security personnel assigned
10 to such post or embassy have been stationed at
11 post such that the post is fully operational.

12 (c) *VISA REVOCATION*.—

13 (1) *INFORMATION*.—Section 428 of the Homeland
14 Security Act of 2002 (6 U.S.C. 236) is amended by
15 adding at the end the following:

16 “(j) *VISA REVOCATION INFORMATION*.—If the Sec-
17 retary of Homeland Security or the Secretary of State re-
18 vokes a visa—

19 “(1) the relevant consular, law enforcement, and
20 terrorist screening databases shall be immediately up-
21 dated on the date of the revocation; and

22 “(2) look-out notices shall be posted to all De-
23 partment of Homeland Security port inspectors and
24 Department of State consular officers.”.

1 (2) *EFFECT OF VISA REVOCATION; JUDICIAL RE-*
2 *VIEW OF VISA REVOCATIONS.*—

3 (A) *IN GENERAL.*—Section 221(i) of the *Im-*
4 *migration and Nationality Act* (8 U.S.C.
5 *1201(i))* is amended by striking the final sen-
6 *tence and inserting the following: “A revocation*
7 *under this subsection shall take effect imme-*
8 *diately and shall automatically cancel any other*
9 *valid visa that is in the alien’s possession. Not-*
10 *withstanding any other provision of law, includ-*
11 *ing section 2241 of title 28, United States Code,*
12 *or any other habeas corpus provision, and sec-*
13 *tions 1361 and 1651 of such title, a revocation*
14 *under this subsection may not be reviewed by*
15 *any court, and no court shall have jurisdiction*
16 *to hear any claim arising from, or any challenge*
17 *to, such a revocation.”.*

18 (B) *EFFECTIVE DATE.*—The amendment
19 *made by subparagraph (A) shall take effect on*
20 *the date of the enactment of this Act and shall*
21 *apply to revocations under section 221(i) of the*
22 *Immigration and Nationality Act* (8 U.S.C.
23 *1201(i))* occurring before, on, or after such date.

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