

111TH CONGRESS
2^D SESSION

H. R. 4441

To amend the Immigration and Nationality Act to bar the admission of aliens from countries determined to be state sponsors of terrorism, to prohibit the use of funds to transfer enemy combatants detained at Naval Station, Guantanamo Bay, Cuba, to facilities in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2010

Mr. BARRETT of South Carolina introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, 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 amend the Immigration and Nationality Act to bar the admission of aliens from countries determined to be state sponsors of terrorism, to prohibit the use of funds to transfer enemy combatants detained at Naval Station, Guantanamo Bay, Cuba, to facilities in the United States, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stop Terrorist Entry
3 Program Act of 2010”.

4 **SEC. 2. TREATMENT OF NATIONALS OF STATE SPONSORS**
5 **OF TERRORISM.**

6 (a) IN GENERAL.—

7 (1) AMENDMENT.—Chapter 9 of title II of the
8 Immigration and Nationality Act (8 U.S.C. 1351 et
9 seq.) is amended by adding at the end the following
10 new section:

11 “TREATMENT OF NATIONALS OF STATE SPONSORS OF
12 TERRORISM

13 “SEC. 295. (a) IN GENERAL.—No nonimmigrant or
14 immigrant visa may be issued, or nonimmigrant or immi-
15 grant status otherwise provided, other than a visa or sta-
16 tus described in section 101(a)(15)(A) or 201(b)(2)(A)(i),
17 to any alien who is a national of, or residing in, a country
18 that is determined to be a state sponsor of terrorism, ex-
19 cept the Secretary of Homeland Security (or the consular
20 officer, in the case of an application for a visa) may, on
21 a case-by-case basis, waive the application of this sub-
22 section in the case of an alien who—

23 “(1) requires examination or treatment for an
24 emergency medical condition (as defined in section
25 562(d) of the Illegal Immigration Reform and Immi-

1 gration Responsibility Act of 1996 (8 U.S.C.
2 1396(d)); or

3 “(2) is eligible for admission as a refugee under
4 section 207 or for asylum under section 208.

5 “(b) STATE SPONSOR OF TERRORISM DEFINED.—

6 “(1) IN GENERAL.—In this section, the term
7 ‘state sponsor of terrorism’ means any country the
8 government of which has been determined by the
9 Secretary of State under any of the laws specified in
10 paragraph (2) to have repeatedly provided support
11 for acts of terrorism. Such term shall apply to a
12 country beginning on the date on which such deter-
13 mination takes effect and ending on the date on
14 which such determination is withdrawn, terminated,
15 revoked, or otherwise ceases to be effective.

16 “(2) LAWS UNDER WHICH DETERMINATIONS
17 WERE MADE.—The laws specified in this paragraph
18 are the following:

19 “(A) Section 6(j)(1)(A) of the Export Ad-
20 ministration Act of 1979 (or successor statute).

21 “(B) Section 40(d) of the Arms Export
22 Control Act.

23 “(C) Section 620A(a) of the Foreign As-
24 sistance Act of 1961.

25 “(3) TREATMENT OF YEMEN.—

1 “(A) IN GENERAL.—For purposes of sub-
2 section (a) and paragraph (1), Yemen shall be
3 treated as a country that has been determined
4 to be a state sponsor of terrorism.

5 “(B) TERMINATION.—The treatment of
6 Yemen under subparagraph (A) shall remain in
7 effect until the Secretary of Homeland Security,
8 in consultation with the Secretary of State, ter-
9 minates such treatment upon—

10 “(i) determining that Yemen has suf-
11 ficiently addressed terrorism issues within
12 its borders and that the issuance of visas
13 to aliens who are nationals of, or residing
14 in, Yemen no longer poses a significant
15 threat to the security of the United States;
16 and

17 “(ii) submitting to the Congress a re-
18 port that contains the reasons for such de-
19 termination not later than 30 days after
20 the determination is made.”.

21 (2) CLERICAL AMENDMENT.—The table of con-
22 tents of the Immigration and Nationality Act is
23 amended by inserting after the item relating to sec-
24 tion 294 the following:

“Sec. 295. Treatment of nationals of state sponsors of terrorism.”.

1 (3) **EFFECTIVE DATE.**—The amendments made
2 by this subsection shall take effect on the date of the
3 enactment of this Act and shall apply to visas
4 issued, or status provided, on and after such date.

5 (b) **REPEAL.**—Section 306 of the Enhanced Border
6 Security and Visa Entry Reform Act of 2002 (Public Law
7 107–173) is repealed.

8 **SEC. 3. PROHIBITION ON USE OF FUNDS TO TRANSFER**
9 **ENEMY COMBATANTS DETAINED AT NAVAL**
10 **STATION, GUANTANAMO BAY, CUBA, TO FA-**
11 **CILITIES IN THE UNITED STATES.**

12 None of the funds appropriated or otherwise made
13 available to any Federal department or agency may be
14 used to—

15 (1) transfer any enemy combatant detained by
16 the United States at Naval Station, Guantanamo
17 Bay, Cuba, to any military or prison installation lo-
18 cated in the United States; or

19 (2) build, modify, or enhance any facility in the
20 United States for the purpose of housing any such
21 enemy combatant.

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