

111TH CONGRESS
2D SESSION

S. 2944

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 all visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 2010

Mr. CORNYN (for himself, Mrs. HUTCHISON, Mr. VITTER, Mr. CHAMBLISS, Mr. ROBERTS, Mr. LEMIEUX, and Mr. ISAKSON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 all visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information.

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. AUTHORITY OF THE SECRETARY OF HOME-**
2 **LAND SECURITY AND THE SECRETARY OF**
3 **STATE.**

4 Section 428 of the Homeland Security Act (6 U.S.C.
5 236) is amended by striking subsections (b) and (c) and
6 inserting the following:

7 “(b) **AUTHORITY OF THE SECRETARY OF HOMELAND**
8 **SECURITY.**—

9 “(1) **IN GENERAL.**—Notwithstanding section
10 104(a) of the Immigration and Nationality Act (8
11 U.S.C. 1104(a)) or any other provision of law, the
12 Secretary of Homeland Security may refuse or re-
13 voke any visa to any alien or class of aliens if the
14 Secretary, or designee, determines that such refusal
15 is necessary or advisable in the security interests of
16 the United States.

17 “(2) **JUDICIAL REVIEW.**—Notwithstanding any
18 other provision of law, including section 2241 of title
19 28, United States Code, any other habeas corpus
20 provision, and sections 1361 and 1651 of such title,
21 no United States court has jurisdiction to review a
22 decision by the Secretary of Homeland Security to
23 refuse or revoke a visa.

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

25 “(1) **IN GENERAL.**—The Secretary of State may
26 direct a consular officer to refuse or revoke a visa

1 to an alien if the Secretary of State determines such
2 refusal or revocation to be necessary or advisable in
3 the foreign policy interests of the United States.

4 “(2) LIMITATION.—No decision by the Sec-
5 retary of State to approve a visa under this sub-
6 section may override a decision by the Secretary of
7 Homeland Security under subsection (b).”.

8 **SEC. 2. ISSUANCE OF VISAS AT DESIGNATED CONSULAR**
9 **POSTS AND EMBASSIES.**

10 (a) IN GENERAL.—Section 428(i) of the Homeland
11 Security Act (6 U.S.C. 236(i)) is amended to read as fol-
12 lows:

13 “(i) VISA ISSUANCE AT DESIGNATED CONSULAR
14 POSTS AND EMBASSIES.—Notwithstanding any other pro-
15 vision of law, the Secretary of Homeland Security—

16 “(1) shall review all visa applications and sup-
17 porting documentation before adjudication;

18 “(2) shall have sole authority to issue, refuse,
19 and revoke visas in Algeria, Canada, Egypt, Ger-
20 many, Great Britain, Hong Kong, Indonesia, Iraq,
21 Israel, Jordan, Kuwait, Lebanon, Mexico, Morocco,
22 Nigeria, Pakistan, Philippines, Saudi Arabia, South
23 Africa, Syria, Turkey, Venezuela, and Yemen; and

24 “(3) may designate additional consular posts
25 and embassies for on-site Department of Homeland

1 Security personnel to review visa applications if the
2 Secretary determines that national or homeland se-
3 curity interests warrant such designation.”.

4 (b) APPROPRIATIONS.—There is authorized to be ap-
5 propriated \$30,000,000 for each of the fiscal years 2010
6 and 2011, which shall be used to expedite the implementa-
7 tion of section 428(i) of the Homeland Security Act, as
8 amended by this section.

9 **SEC. 3. VISA REVOCATION INFORMATION.**

10 Section 428 of the Homeland Security Act (6 U.S.C.
11 236) is amended by adding at the end the following:

12 “(j) VISA REVOCATION INFORMATION.—If the Sec-
13 retary of Homeland Security or the Secretary of State re-
14 vokes a visa—

15 “(1) the relevant consular, law enforcement,
16 and terrorist screening databases shall be imme-
17 diately updated on the date of the revocation; and

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

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