

117TH CONGRESS
1ST SESSION

S. 2392

To amend the Immigration and Nationality Act to allow the Secretary of State to make available to the public certain records pertaining to the refusal of a visa or permit based on an alien’s involvement in corruption, transnational repression, or human rights abuse, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2021

Mr. CARDIN (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to allow the Secretary of State to make available to the public certain records pertaining to the refusal of a visa or permit based on an alien’s involvement in corruption, transnational repression, or human rights abuse, 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 “Revealing and Explain-
5 ing Visa Exclusions for Accountability and Legitimacy
6 Act” or the “REVEAL Act”.

1 **SEC. 2. LIMITING CONFIDENTIALITY OF RECORDS.**

2 (a) IN GENERAL.—Section 222(f) of the Immigration
3 and Nationality Act (8 U.S.C. 1202(f)) is amended—

4 (1) in paragraph (1), by striking the period at
5 the end and inserting a semicolon;

6 (2) in paragraph (2)(B), by striking the period
7 at the end and inserting the following: “; and”; and

8 (3) by adding at the end the following:

9 “(3) the Secretary of State may make available
10 to the public the identity of an individual alien de-
11 termined to be inadmissible the United States pursu-
12 ant to subparagraph (C) of section 212(a)(3), and
13 the justification for the determination to refuse a
14 visa or permit.”.

15 (b) APPLICATION.—This Act and the amendments
16 made by this Act shall apply with respect to any deter-
17 mination under section 212(a)(3)(C) of the Immigration
18 and Nationality Act (8 U.S.C. 1182(a)(3)(C)) made be-
19 fore, on, or after the date of enactment of this Act.

20 (c) CONSIDERATION OF CERTAIN INFORMATION IN
21 REVEALING BANS.—In determining whether to waive con-
22 fidentiality under section 222(f)(3) of the Immigration
23 and Nationality Act, as added by subsection (a), the Sec-
24 retary of State shall consider—

1 (1) information provided by the chairperson and
2 ranking member of any of the appropriate congres-
3 sional committees; and

4 (2) credible information obtained by other coun-
5 tries and nongovernmental organizations that mon-
6 itor corruption, transnational repression, and human
7 rights abuse.

8 **SEC. 3. REPORTS TO CONGRESS.**

9 (a) IN GENERAL.—Not later than 120 days after the
10 date of the enactment of this Act, and annually thereafter,
11 the President shall submit to the appropriate congres-
12 sional committees a report that includes, for the previous
13 year, a list of each individual that the Secretary of State
14 determined was ineligible for an immigrant or non-
15 immigrant visa pursuant to subparagraph (C) of section
16 212(a)(3) of the Immigration and Nationality Act (8
17 U.S.C. 1182(a)(3)), and the justification for the deter-
18 mination of ineligibility.

19 (b) FORM OF REPORT.—

20 (1) IN GENERAL.—Each report required by
21 subsection (a) shall be submitted in unclassified
22 form, but may include a classified annex.

23 (2) EXCEPTION.—The name of an alien to be
24 included in the list required by subsection (a)(1)

1 may be submitted in the classified annex authorized
2 by paragraph (1) only if the President—

3 (A) determines that it is vital for the na-
4 tional security interests of the United States to
5 do so;

6 (B) uses the annex in a manner consistent
7 with congressional intent and the purposes of
8 this Act; and

9 (C) not later than 15 days before submit-
10 ting the name in a classified annex, provides to
11 the appropriate congressional committees notice
12 of, and a justification for, including the name
13 in the classified annex.

14 (c) PUBLIC AVAILABILITY.—

15 (1) IN GENERAL.—The unclassified portion of
16 the report required by subsection (a) shall be made
17 available to the public, including through publication
18 in the Federal Register.

19 (2) NONAPPLICABILITY OF CONFIDENTIALITY
20 REQUIREMENT WITH RESPECT TO VISA RECORDS.—
21 The President shall publish the list required by sub-
22 section (a)(1) without regard to the requirements of
23 section 222(f) of the Immigration and Nationality
24 Act (8 U.S.C. 1202(f)) with respect to confiden-

1 tiality of records pertaining to the issuance or re-
2 fusal of visas or permits to enter the United States.

3 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
4 DEFINED.—In this section, the term “appropriate con-
5 gressional committees” means—

6 (1) the Committee on the Judiciary and the
7 Committee on Foreign Relations of the Senate; and

8 (2) the Committee on the Judiciary and the
9 Committee on Foreign Affairs of the House of Rep-
10 resentatives.

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