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FACT SHEET
FROM SPEAKER OF THE HOUSE NANCY PELOSI
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H.R. 1333, NO BAN Act

Key Points:

- **On Wednesday, the House will consider H.R. 1333, the NO BAN Act. This important bill stops executive overreach by preventing the president from abusing his authority to restrict the entry of non-citizens into the United States under section 212(f) of the Immigration and Nationality Act. It also expands the Immigration and Nationality's Act's nondiscrimination provisions to prohibit discrimination based on religion. Rep. Judy Chu (D-CA) introduced the bill on February 25, 2021. The Judiciary Committee favorably reported the bill on April 14 by a party-line vote of 25 to 17.**

Over 400 Organizations Support H.R. 1333, NO BAN Act:

- Over 400 immigrants' rights organizations, faith-based organizations, and civil rights organizations support the NO BAN Act, including National Immigration Law Center, Immigration Hub, Interfaith Immigration Coalition, Americans United for Separation of Church and State, U.S. Conference of Catholic Bishops, Franciscan Action Network, Church World Service, Human Rights Campaign, American Civil Liberties Union, Asian Americans Advancing Justice Association, The Public Affairs Alliance of Iranian Americans, National Iranian American Organization Action, Muslim Advocates, Jewish and Muslims and Allies Acting Together, Religious Action Center of Reform Judaism, HIAS, National Council of Jewish Women, Bend the Arc, International Refugee Assistance Project, Friends Committee on National Legislation, Engage Action, Airbnb, and Center for American Progress.

Consideration of the NO BAN Act in 116th Congress

- In the 116th Congress, on July 22, 2020, the House passed the NO BAN Act (as the Chu Amendment to HR 2486) by a vote of 233 to 183 ([2020 House Vote #153](#)). (The version in 2020 included a provision repealing President Trump's Muslim bans and other executive orders. H.R. 1333 does not include this provision because President Biden has already acted to rescind these orders.)

Background:

- **As a candidate for president in 2016, Donald Trump promised to ban all Muslims from entering the United States.**
- **Immediately upon taking office, Trump tried to make good on that promise. On January 27, 2017, Trump abused his 212(f) authority by signing Executive Order 13769, banning entry to the United States to foreign nationals from several Muslim majority countries.**
- **Multiple courts weighed in against Executive Order 13769, as well as the second version of the ban (Executive Order 13780), forcing President Trump to issue a third version (Presidential Proclamation 9645). Unfortunately, in June 2018, by a 5 to 4 vote, the Supreme Court upheld Proclamation 9645, finding that it was not an unlawful exercise of the President's 212)(f) authority.**
- **President Trump also abused his 212(f) authority by using it to subvert the will of Congress and rewrite portions of federal immigration law with which he disagreed.**

The Need for This Legislation:

- It is true that President Biden has now rescinded the egregious, discriminatory anti-Muslim executive orders issued by President Trump.
- However, this important bill is still necessary to ensure that this presidential authority is never abused again. In passing this bill, we are reaffirming our commitment to the Rule of Law, the fundamental principle on which our country was founded.
- This bill is also needed to strengthen the Immigration and Nationality's Act's nondiscrimination provisions to prohibit discrimination based on religion.

H.R. 1333 Stops Executive Overreach

- This bill stops executive overreach by amending section 212(f) of the Immigration and Nationality Act to place checks and balances on the President's authority to temporarily suspend or restrict the entry of non-citizens or classes of non-citizens into the United States.
- From 1952 – when Section 212(f) was enacted – until January 2017, presidents of both parties invoked 212(f) authority to exclude only narrow groups of individuals – such as human rights violators, North Korean officials, and individuals seeking to overthrow governments.
- In sharp contrast, President Trump abused his 212(f) authority, twisting it in ways that were never intended, such as using it to deliver on his campaign promise to ban Muslims from the United States, while going against core American principles.
- In placing these checks and balances on the President's authority, this bill requires that the President ensure that any such suspension or restriction of non-citizens or classes of non-citizens:
 - Is based on specific and credible facts;
 - Is narrowly tailored;
 - Specifies a duration; and
 - Includes waivers.

H.R. 1333 Also Strengthens the INA's Nondiscrimination Provisions by Prohibiting Discrimination Based on Religion

- The bill also expands the Immigration and Nationality Act's nondiscrimination provisions to prohibit discrimination based on religion.
- Furthermore, the bill expands the Immigration and Nationality Act's prohibition on discrimination beyond the issuance of immigrant visas to include the issuance of nonimmigrant visas, entry and admission into the United States, and the approval or revocation of any immigrant benefit.