



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

March 10, 2020
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 2486 – National Origin-Based Antidiscrimination for Nonimmigrants (NO BAN) Act, Affordable Prescriptions for Patients Act of 2020, and Access to Counsel Act of 2020

The Administration strongly opposes Title I of H.R. 2486, the National Origin-Based Antidiscrimination for Nonimmigrants (NO BAN) Act. This legislation would limit the President's authority to suspend or restrict aliens from entering the United States when he determines such action to be in the national interest. It would make the President's authority to act in the national interest contingent upon actions of the Department of Homeland Security (DHS) and the Department of State. And it would limit the scope of national interests that the President may consider when making such a determination.

Title I of H.R. 2486 would harm the national security of the United States. Notably, the President's authority to restrict travel into the United States has been central to the Administration's ongoing efforts to safeguard the American people against the spread of COVID-19. At a minimum, Title I of H.R. 2486 would cause dangerous delays that threaten the safety, security, and health of the American people. It would also divert limited agency resources away from the critical function of working with foreign governments to improve immigration screening and vetting, hindering the ability of DHS and other agencies to protect our homeland.

Under existing authority, DHS, in consultation with the Department of State and the Intelligence Community, undertakes a thorough process, based on specific evidence, before making recommendations to the President regarding travel restrictions. For example, Proclamation 9983 of January 31, 2020, suspended entry for certain nationals of six identified countries. Leading up to that Proclamation, DHS conducted an extensive review of all countries' information-sharing and identity-management practices and then factored in both the risk of terrorist travel from those countries and the frequency with which nationals from each country violate our immigration laws. The criteria DHS considered were based on international standards and norms, and the evaluation process borrowed from lessons learned in administering the Visa Waiver Program, which considers similar factors. From this process, DHS recommended tailored restrictions where identified deficiencies and risks warranted such action to protect the national security of the United States.

The NO BAN Act would needlessly upend this careful and thorough process and replace it with burdensome bureaucratic requirements that unduly limit the President's authority to respond quickly to threats and protect the public.

The Administration also opposes Title III of H.R. 2486, the Access to Counsel Act of 2020, which would negatively affect lawful trade and travel. This legislation would require the Secretary of Homeland Security to provide United States nationals and certain aliens the opportunity to consult with legal counsel and an interested party, such as a relative, visa sponsor, or other entity with a bona fide connection to the individual, if stopped for additional questioning when entering the United States through a port of entry. Implementing this requirement would divert Government resources, including personnel, technology, and facilities, from their mission of facilitating lawful trade and travel, slowing processing times at our ports of entry.

Finally, the Administration is also concerned about the inclusion of drug pricing measures in H.R. 2486. The Administration is committed to working with Congress on legislation to lower drug prices. But such legislation to address a topic of such importance to the health and wellbeing of the American people should be the product of good-faith negotiation between the two branches. It should not be pushed through the House as an unrelated rider to a partisan immigration bill.

If H.R. 2486 were presented to the President, his advisors would recommend that he veto the bill.

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