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107TH CONGRESS
1ST SESSION

S. 1518

To improve procedures with respect to the admission to, and departure from, the United States of aliens.

IN THE SENATE OF THE UNITED STATES

OCTOBER 9, 2001

Mr. BOND (for himself, Mr. CONRAD, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To improve procedures with respect to the admission to, and departure from, the United States of aliens.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Visa Integrity and Security Act of 2001''.

SEC. 2. SENSE OF THE CONGRESS REGARDING THE NEED TO EXPEDITE IMPLEMENTATION OF INTEGRATED ENTRY AND EXIT DATA SYSTEM.

(a) SENSE OF CONGRESS.—In light of the terrorist attacks perpetrated against the United States on September 11, 2001, it is the sense of the Congress that—

(1) the Attorney General should fully implement the integrated entry and exit data system for airports, seaports, and land border ports of entry, as specified in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–215), with all deliberate speed and as expeditiously as practicable; and

(2) the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should immediately begin establishing the Integrated Entry and Exit Data System Task Force, as described in section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–215).

SEC. 3. ENTRY-EXIT TRACKING SYSTEM.

(a) DEVELOPMENT OF THE SYSTEM.—In the development of the entry-exit tracking system, as described in

the preceeding section, the Attorney General shall particularly focus—

(1) on the utilization of biometric technology, including, but not limited to, electronic fingerprinting, face recognition, and retinal scan technology; and

(2) on developing a tamper-proof identification, readable at ports of entry as a part of any non-immigrant visa issued by the Secretary of State.

(b) INTEGRATION WITH LAW ENFORCEMENT DATABASES.—The entry and exit data system described in this section shall be able to be integrated with law enforcement databases for use by State and Federal law enforcement to identify and detain individuals in the United States after the expiration of their visa.

SEC. 4. ACCESS BY THE DEPARTMENT OF STATE TO CERTAIN IDENTIFYING INFORMATION IN THE CRIMINAL HISTORY RECORDS OF VISA APPLICANTS AND APPLICANTS FOR ADMISSION TO THE UNITED STATES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended—

(1) in the section heading, by inserting ''; DATA EXCHANGE'' after ''SECURITY OFFICERS'';

(2) by inserting ''(a)'' after ''SEC. 105.'';

(3) in subsection (a), by inserting ''and border'' after ''internal'' the second place it appears; and

(4) by adding at the end the following:

''(b) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC–III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the Department of State, for the purpose of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file. The Department of State shall merge the information obtained under this subsection with the information in the system currently accessed by consular officers to determine the criminal history records of aliens applying for visas.''.

(b) REGULAR REPORTING.—The Director of Central Intelligence, the Secretary of Defense, the Commissioner of Immigration and Naturalization, and the Director of the Federal Bureau of Investigation shall provide information to the Secretary of State on a regular basis as agreed by the Secretary and the head of each of these agencies

that will assist the Secretary in determining if an applicant for a visa has a criminal background or poses a threat to the national security of the United States or is affiliated with a group that poses such a threat.

(c) REPORT ON SCREENING INFORMATION.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit a report to Congress on the information that is needed from any United States agency to best screen visa applicants to identify those affiliated with terrorist organizations or those that pose any threat to the safety or security of the United States, including the type of information currently received by United States agencies and the regularity with which such information is transmitted to the Secretary.

SEC. 5. STUDENT TRACKING SYSTEM.

(a) INTEGRATION WITH PORT OF ENTRY INFORMATION.—For each alien with respect to whom information is collected under this section, the Attorney General shall include information on the date of entry, port of entry, and nonimmigrant classification.

(b) EXPANSION OF SYSTEM TO INCLUDE OTHER APPROVED EDUCATIONAL INSTITUTIONS.—Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is amended—

(1) in subsection (a)(1), subsection (c)(4)(A), and subsection (d)(1) (in the text above subparagraph (A)), by inserting '', other approved educational institutions,'' after ''higher education'' each place it appears;

(2) in subsections (c)(1)(C), (c)(1)(D), and (d)(1)(A), by inserting '', or other approved educational institution,'' after ''higher education'' each place it appears;

(3) in subsections (d)(2), (e)(1), and (e)(2), by inserting '', other approved educational institution,'' after ''higher education'' each place it appears; and

(4) in subsection (h), by adding at the end the following new paragraph:

''(3) OTHER APPROVED EDUCATIONAL INSTITUTION.—The term 'other approved educational institution' includes any air flight school, language training school, vocational school, or other school, approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act.''.

(c) EXPANSION OF SYSTEM TO INCLUDE ADDITIONAL INFORMATION.—Section 641(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of

1996 (8 U.S.C. 1372(b)), as amended by subsection (a), is further amended—

(1) by redesignating subparagraphs (B), (C), and (D) of paragraph (1) as subparagraphs (C), (D), and (E), respectively;

(2) by inserting after subparagraph (A) the following:

"(B) the name of any dependant spouse, child, or other family member accompanying the alien student to the United States;"; and

(3) in paragraph (1)(D) (as so redesignated), by inserting after "maintaining status as a full-time student" the following: "and, if the alien is not maintaining such status, the date on which the alien has concluded the alien's course of study and the reason therefor"; and

(4) by adding at the end the following new paragraph:

"(5) INFORMATION ON FAILURE TO COMMENCE STUDIES.—Each approved institution of higher education, other approved educational institution, or designated exchange visitor program shall inform the Attorney General within 30 days if an alien described in subsection (a)(1) who is scheduled to attend the institution or program fails to do so. The

Attorney General shall ensure that information received under this paragraph is included in the National Crime Information Center's Interstate Identification Index.''.

SEC. 6. STRENGTHENING VISA WAIVER PILOT PROGRAM.

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)) is amended by adding at the end the following:

''(D) TAMPER PROOF PASSPORT.—The country employs a tamper-proof passport, has established a program to reduce the theft of passports, and has experienced during the preceding two-year period a low rate of theft of passports, as determined by the Secretary of State.''.

SEC. 7. REPORTING REQUIREMENT REGARDING H–1B NONIMMIGRANT ALIENS.

(a) REQUIREMENT.—Not later than 14 days after the employment of a nonimmigrant alien described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act is terminated by an employer, the employer shall so report to the Attorney General, together with the reasons for the termination.

(b) PENALTY.—Any employer who fails to make a report required under subsection (a) shall be ineligible to

employ any nonimmigrant alien described in that subsection for a period of one year.

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