

107TH CONGRESS
1ST SESSION

H. R. 2965

To amend the Immigration and Nationality Act to provide for the exchange of information by electronic means between the Federal Bureau of Investigation and other Federal agencies.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2001

Mr. SHAYS (for himself and Mr. HALL of Ohio) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for the exchange of information by electronic means between the Federal Bureau of Investigation and other Federal agencies.

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 “Criminal Alien Visa
5 Denial Act of 2001”.

1 **SEC. 2. AMENDMENT OF THE IMMIGRATION AND NATION-**
2 **ALITY ACT TO REQUIRE SHARING BY THE**
3 **FEDERAL BUREAU OF INVESTIGATION OF**
4 **CERTAIN CRIMINAL RECORD EXTRACTS WITH**
5 **OTHER FEDERAL AGENCIES IN ORDER TO EN-**
6 **HANCE BORDER SECURITY.**

7 (a) IN GENERAL.—Section 105 of the Immigration
8 and Nationality Act (8 U.S.C. 1105) is amended—

9 (1) in the section heading by inserting “AND
10 DATA EXCHANGE” after “OFFICERS”;

11 (2) in the first sentence by inserting “and bor-
12 der” after “of the internal”;

13 (3) by inserting “(a)” after the section designa-
14 tion; and

15 (4) by inserting at the end the following new
16 subsections:

17 “(b)(1) The Attorney General and the Director of the
18 Federal Bureau of Investigation shall provide the Depart-
19 ment of State and the Service access to the criminal his-
20 tory record information contained in the National Crime
21 Information Center’s Interstate Identification Index
22 (NCIC–III), Wanted Persons File, and any other files
23 maintained by the National Crime Information Center
24 (NCIC) that may be mutually agreed upon by the Attor-
25 ney General and the agency receiving access for the pur-
26 pose of determining whether a visa applicant or applicant

1 for admission has a criminal history record indexed in any
2 such file. Such access shall be provided by means of ex-
3 tracts of the records for placement in the automated visa
4 lookout or other appropriate database and shall be pro-
5 vided without any fee or charge. The Federal Bureau of
6 Investigation shall provide periodic updates of the extracts
7 at mutually agreed upon intervals. Upon receipt of such
8 updated extracts, the agency receiving access shall make
9 corresponding updates to its database and destroy pre-
10 viously provided extracts. Such access to any extract shall
11 not entitle the Department of State to obtain the full con-
12 tent of the corresponding automated criminal history
13 record. To obtain the full content of a criminal history
14 record, the Department of State shall submit the appli-
15 cant's fingerprints and any appropriate fingerprint proc-
16 essing fee authorized by law to the Criminal Justice Infor-
17 mation Services Division of the Federal Bureau of Inves-
18 tigation.

19 “(2) The Attorney General and the agency receiving
20 access may develop and implement other more cost effec-
21 tive, secure, and efficient means of providing information
22 authorized to be shared by paragraph (1).

23 “(c) For purposes of administering this section, the
24 Department of State shall, prior to receiving access to Na-

1 tional Crime Information Center data, promulgate final
2 regulations—

3 “(1) to implement procedures for the taking of
4 fingerprints; and

5 “(2) to establish conditions for the use of infor-
6 mation received from the Federal Bureau of Inves-
7 tigation, in order—

8 “(A) to limit the redissemination of such
9 information;

10 “(B) to ensure that such information is
11 used solely to determine whether to issue a visa
12 to an individual;

13 “(C) to ensure the security, confidentiality,
14 and destruction of such information; and

15 “(D) to protect any privacy rights of indi-
16 viduals who are subjects of such information.”.

17 (b) EFFECTIVE DATE AND IMPLEMENTATION.—The
18 amendments made by subsection (a) shall take effect on
19 the date of the enactment of this Act and shall be fully
20 implemented not later than 18 months after such date.

21 (c) REPORTING REQUIREMENT.—Not later than 2
22 years after the date of the enactment of this Act, the At-
23 torney General and the Secretary of State, jointly, shall
24 report to the Congress on the implementation of the
25 amendments made by this section.

1 (d) STATUTORY CONSTRUCTION.—Nothing in this
2 section may be construed to limit the authority of the At-
3 torney General or the Director of the Federal Bureau of
4 Investigation to provide access to the criminal history
5 record information contained in the National Crime Infor-
6 mation Center’s Interstate Identification Index (NCIC–
7 III), or any other information maintained by the National
8 Crime Information Center, to any Federal agency or offi-
9 cer authorized to enforce or administer the immigration
10 laws of the United States for the purpose of such enforce-
11 ment or administration, under terms consistent with the
12 National Crime Prevention and Privacy Compact Act of
13 1998 (42 U.S.C. 14601–16) and section 552a of title 5,
14 United States Code.

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