

107TH CONGRESS
2D SESSION

H. R. 4010

To provide for a temporary moratorium on visas for certain aliens, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2002

Mr. WELDON of Florida introduced the following bill; which was referred to
the Committee on the Judiciary

A BILL

To provide for a temporary moratorium on visas for certain
aliens, 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 “Terrorist Admission
5 Prevention Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) United States border security agencies are
9 presently overwhelmed with more than 400 million
10 visits across our borders each year and safeguards

1 need to be put in place to make our borders more
2 secure.

3 (2) Current border entry and exit systems are
4 woefully inadequate and the provisions included in
5 the USA PATRIOT Act will greatly enhance the
6 Nation's border security so that Americans know
7 with greater certainty who is entering and exiting
8 the United States.

9 (3) Most of the nineteen terrorists who hijacked
10 planes and attacked the United States on September
11 11, 2001, are believed to have entered the United
12 States with approved visas and had not been identi-
13 fied by the Immigration and Naturalization Service
14 as being in violation of the terms of their visa.

15 (4) Afghanistan harbors terrorist organizations
16 and is host to Osama bin Laden and his al Qaeda
17 terrorist network.

18 (5) Terrorist organizations are operating in Al-
19 geria, Lebanon, Somalia, and the United Arab
20 Emirates, and their members pose a threat to the
21 people of the United States.

22 (6) Terrorist organizations continue to secretly
23 operate in Egypt and six of the individuals on the
24 Federal Bureau of Investigation's most wanted ter-

rorists list are Egyptians wanted in connection with attacks on the United States.

(7) An Egyptian, Mohamed Atta, believed to be the organizer of the September 11, 2001, attacks, was able to enter and exit the United States several times prior to the attacks despite being on our Nation's terrorist watch list.

(8) Nearly half of the nineteen terrorists who hijacked planes on September 11, 2001, were citizens of Saudi Arabia and entered the United States on approved visas.

(9) Most of the suspects in the June 25, 1996, bombing on United States Air Force Khobar Towers barracks at Dhahran Air Base in Saudi Arabia are citizens of Saudi Arabia.

(10) The United States Department of State has designated Yemen a haven for terrorists and operatives of Osama bin Laden operating in Yemen were responsible for the 1999 attack on the USS Cole which killed 17 and injured 39 United States sailors.

**SEC. 3. TEMPORARY MORATORIUM ON THE ISSUANCE OF
CERTAIN ALIEN IMMIGRANT AND NON-
IMMIGRANT VISAS.**

(a) TERMS OF MORATORIUM.—

1 (1) IN GENERAL.—Subject to the provisions of
2 this section and notwithstanding any other provision
3 of law, during the moratorium period no immigrant
4 or nonimmigrant visa for admission to the United
5 States may be issued to an alien—

6 (A) who is a citizen or national of any
7 country listed under paragraph (2); or

8 (B) was born in any country listed under
9 paragraph (2).

10 (2) COUNTRIES.—

11 (A) The provisions of this section shall
12 apply with respect to the following countries:

13 (i) Afghanistan.

14 (ii) Algeria.

15 (iii) Egypt.

16 (iv) Lebanon.

17 (v) Saudi Arabia.

18 (vi) Somalia.

19 (vii) United Arab Emirates.

20 (viii) Yemen.

21 (ix) Any country designated as a state
22 sponsor of terrorism.

23 (B) For purposes of this section, the term
24 “state sponsor of terrorism” means a country
25 the government of which the Secretary of State

1 has determined, under section 620A(a) of the
2 Foreign Assistance Act of 1961, section 6(j)(1)
3 of the Export Administration Act of 1979, or
4 section 40(d) of the Arms Export Control Act,
5 to have repeatedly provided support for acts of
6 international terrorism.

7 (3) LIMITATION.—Paragraph (1) shall not
8 apply to any diplomatic visa.

9 (4) MULTIPLE CITIZENSHIP.—

10 (A) IN GENERAL.—Paragraph (1) shall
11 apply to any alien who is described in such
12 paragraph notwithstanding that the alien is, or
13 was during the relevant period, simultaneously
14 a citizen or national of a country that is not
15 listed under paragraph (2).

16 (B) VISA WAIVER PROGRAM SHALL NOT
17 APPLY.—Any alien who is described in para-
18 graph (1) shall be ineligible for a waiver under
19 section 217 of the Immigration and Nationality
20 Act (8 U.S.C. 1187), regardless of whether the
21 alien is a national of, or presents a passport
22 issued by, a country described in subsection
23 (a)(2) of such section.

24 (b) PERIOD OF MORATORIUM.—The moratorium pe-
25 riod referred to in subsection (a) shall begin 5 days after

1 the date of the enactment of this Act and shall terminate
2 30 days after the certification under subsection (c).

3 (c) CERTIFICATION BY ATTORNEY GENERAL.—The
4 certification referred to in subsection (b) is a certification
5 by the Attorney General to the Congress that—

6 (1) subsections (b) and (c) of section 403 of
7 Public Law 107–56 have been fully implemented;
8 and

9 (2) a system is in place that requires that all
10 visas issued to aliens who are subject to the morato-
11 rium contain biometric data, are tamper-proof, and
12 are machine-readable; and

13 (3) the systems described in sections 414(a)
14 and 416(a) of Public Law 107–56 have been fully
15 implemented.

16 (d) EXCEPTIONS GRANTED BY ATTORNEY GEN-
17 ERAL.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 the Attorney General may waive the limitations of
20 subsection (a) in the case of any alien if the Attor-
21 ney General determines that the admission to the
22 United States of such alien is in the national inter-
23 est of the United States or in the interest of family
24 unity and if the refusal of admission of such alien
25 would result in exceptional and extremely unusual

1 hardship to the alien’s spouse, parent, or child, who
 2 is a citizen of the United States or an alien lawfully
 3 admitted for permanent residence.

4 (2) RESTRICTIONS.—

5 (A) The waiver authority of the Attorney
 6 General under this subsection may be delegated
 7 only to the Commissioner of the Immigration
 8 and Naturalization Service.

9 (B) The waiver authority under this sub-
 10 section may be exercised with respect to the ad-
 11 mission of not more than 100 aliens from each
 12 country under subsection (a)(2) for each fiscal
 13 year.

14 **SEC. 4. EXPANSION OF TERRORIST ACTIVITIES FOR PUR-**
 15 **POSES OF DEPORTATION.**

16 (a) AMENDMENT TO INA.—Section 237(a)(4)(B) of
 17 the Immigration and Nationality Act (8 U.S.C.
 18 1227(a)(4)(B)) is amended by striking “as defined in sec-
 19 tion 212(a)(3)(B)(iii)” and inserting “as described under
 20 section 212(a)(3)(B)”.

21 (b) RETROACTIVE APPLICATION OF AMENDMENT.—
 22 The amendments made by this section shall take effect
 23 on the date of the enactment of this Act and shall apply
 24 to—

1 (1) all actions taken by an alien before, on, or
2 after such date; and

3 (2) all aliens, without regard to the date of
4 entry or attempted entry into the United States in
5 removal proceedings on or after such date (except
6 for proceedings in which there has been a final ad-
7 ministrative decision before such date).

8 **SEC. 5. INQUIRY REGARDING COUNTRY OF BIRTH AT**
9 **POINT OF ENTRY.**

10 (a) INQUIRY BY BORDER OFFICIALS.—The Attorney
11 General shall require by regulation that Federal border
12 officials inquire of each individual entering the United
13 States as to the individual’s country of birth.

14 (b) VISA REQUIREMENT.—The Attorney General
15 shall require, by regulation, that all nonimmigrant visas
16 for entry into the United States indicate the country of
17 birth of the alien.

18 **SEC. 6. ELIMINATING WAIVER AUTHORITY RELATING TO**
19 **IMPLEMENTATION OF MACHINE READABLE**
20 **PASSPORTS.**

21 Section 217(a)(3) of the Immigration and Nationality
22 Act (8 U.S.C. 1187(a)(3)), as amended by Public Law
23 107–56) is amended by striking subparagraph (B).

1 **SEC. 7. GENERAL ACCOUNTING OFFICE STUDY.**

2 Not later than 6 months after the date of the enact-
3 ment of this Act and every 6 months thereafter, the Gen-
4 eral Accounting Office shall submit to the Congress a re-
5 port, in classified and unclassified format, which evaluates
6 the status of the following:

7 (1) The reforms taken within the Immigration
8 and Naturalization Service to safeguard the borders
9 of the United States.

10 (2) The ability of the Federal Government to
11 prevent terrorists from entering the United States.

12 (3) The ability of the Federal Government to
13 locate and monitor the travel of aliens in the United
14 States.

15 (4) The degree of cooperation among the Fed-
16 eral Bureau of Investigation, the Immigration and
17 Naturalization Service, the intelligence agencies, and
18 other Federal, State, and local law enforcement offi-
19 cials.

20 (5) The background check process for aliens
21 seeking visas for admission to the United States.

22 (6) The implementation of other measures to
23 safeguard the borders of the United States and im-
24 prove visa background checks.

25 (7) The effectiveness of the border security in
26 the United States.

1 **SEC. 8. PROHIBITION RELATING TO IMMIGRATION AM-**
2 **NESTY.**

3 Notwithstanding section 245(i) of the Immigration
4 and Nationality Act or any other provision of law, no alien
5 who is a citizen or national of, or was born in, any country
6 listed under section 3(a)(2) of this Act shall be eligible
7 for relief under section 245(i) of the Immigration and Na-
8 tionality Act.

9 **SEC. 9. ADDITIONAL INFORMATION REQUIRED OF REG-**
10 **ISTERED ALIENS.**

11 (a) **ADDITIONAL INFORMATION.**—Section 265 of the
12 Immigration and Nationality Act (8 U.S.C. 1305) is
13 amended by adding at the end the following new sub-
14 section:

15 “(d) In addition to such other information as the At-
16 torney General may by regulation require under subsection
17 (a), the Attorney General shall require by regulation that
18 aliens required to be registered under this title annually
19 notify the Attorney General, in the manner prescribed by
20 the Attorney General, which shall include electronic
21 means, of the following information: address, telephone
22 number, employer, employer address and telephone num-
23 ber, educational institution, name and address of visa
24 sponsor, marital status, and birth of child. Aliens shall be
25 required to notify the Attorney General not more than 30
26 days after any change in such information.”.

1 (b) PENALTIES.—Section 266(b) of the Immigration
2 and Nationality Act (8 U.S.C. 1306(b)) is amended by
3 striking “\$200” and inserting “\$500”.

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