

107TH CONGRESS  
2D SESSION

# S. 2938

To require the entry of information on visa denials into the electronic data system, to require a study on use of foreign national personnel in visa processing, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2002

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 require the entry of information on visa denials into the electronic data system, to require a study on use of foreign national personnel in visa processing, 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 “Visa Issuance Act of  
5       2002”.

1 **SEC. 2. INFORMATION ON VISA DENIALS REQUIRED TO BE**  
2 **ENTERED INTO ELECTRONIC DATA SYSTEM.**

3 (a) IN GENERAL.—Whenever a consular officer of the  
4 United States denies a visa to an applicant, the consular  
5 officer shall enter the fact and the basis of the denial and  
6 the name of the applicant into the interoperable electronic  
7 data system implemented under section 202(a) of the En-  
8 hanced Border Security and Visa Entry Reform Act of  
9 2002 (8 U.S.C. 1722(a)).

10 (b) PROHIBITION.—In the case of any alien with re-  
11 spect to whom a visa has been denied under subsection  
12 (a)—

13 (1) no subsequent visa may be issued to the  
14 alien unless the consular officer considering the  
15 alien's visa application has reviewed the information  
16 concerning the alien placed in the interoperable elec-  
17 tronic data system, has indicated on the alien's ap-  
18 plication that the information has been reviewed,  
19 and has stated for the record why the visa is being  
20 issued or a waiver of visa ineligibility recommended  
21 in spite of that information; and

22 (2) the alien may not be admitted to the United  
23 States without a visa issued in accordance with the  
24 procedures described in paragraph (1).

1 **SEC. 3. STUDY ON USE OF FOREIGN NATIONAL PERSONNEL**  
2 **IN VISA PROCESSING.**

3 (a) STUDY.—The Secretary of Homeland Security  
4 shall conduct a study on the use of foreign national per-  
5 sonnel in visa processing to determine whether such uses  
6 are consistent with secure visa processing. The study shall  
7 review and make recommendations with respect to—

8 (1) the effects or possible effects on national se-  
9 curity of the use of foreign national personnel in in-  
10 dividual countries to perform data entry, process  
11 visas or visa applications, or in any way handle visas  
12 or visa application documents; and

13 (2) each United States mission abroad to deter-  
14 mine whether United States consular services per-  
15 formed at the United States mission require dif-  
16 ferent regulations on the use of foreign national per-  
17 sonnel.

18 (b) USE OF RECOMMENDATIONS.—Not later than  
19 four months after the effective date of division A of the  
20 National Homeland Security and Combating Terrorism  
21 Act of 2002, the Secretary of Homeland Security, in con-  
22 sultation with the Secretary of State, shall include the rec-  
23 ommendations made by the study required under sub-  
24 section (a) in the regulations and policies of consular serv-  
25 ices that the Secretary of Homeland Security is required  
26 to promulgate under this Act.

1 **SEC. 4. SENSE OF CONGRESS.**

2       It is the sense of Congress that the Secretary of  
3 Homeland Security should develop and maintain intel-  
4 ligence analysts from among the employees of the Direc-  
5 torate of Intelligence.

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