

108TH CONGRESS  
2D SESSION

# H. R. 4550

To secure the visa waiver program under section 217 of the Immigration and Nationality Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2004

Mr. TURNER of Texas (for himself, Mr. FRANK of Massachusetts, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To secure the visa waiver program under section 217 of the Immigration and Nationality Act, 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 “Safe, Efficient, Coordi-  
5 nated, Unified, Revitalized, Enhanced Visa Waiver Act”.

6 **SEC. 2. ELECTRONIC SUBMISSION OF BIOGRAPHICAL IN-**  
7 **FORMATION BY VISA WAIVER PARTICIPANTS.**

8 (a) IN GENERAL.—The Secretary of Homeland Secu-  
9 rity shall establish, as part of the integrated entry and  
10 exit data system required under section 110 of the Illegal

1 Immigration Reform and Immigrant Responsibility Act of  
2 1996 (8 U.S.C. 1365a), an electronic system through  
3 which an alien seeking to enter the United States without  
4 a visa under the visa waiver program described in section  
5 217 of the Immigration and Nationality Act (8 U.S.C.  
6 1187) is required to submit biographical information prior  
7 to embarkation.

8 (b) ELEMENTS.—The electronic system required to  
9 be established under subsection (a) shall satisfy the fol-  
10 lowing requirements:

11 (1) ELECTRONIC DETERMINATION OF ELIGI-  
12 BILITY.—The system shall include a method for an  
13 electronic determination to be made, and an elec-  
14 tronic response to be provided, in 30 minutes or less,  
15 as to whether or not an alien submitting information  
16 as described in subsection (a) is eligible to be admit-  
17 ted to the United States as a nonimmigrant visitor  
18 described in section 101(a)(15)(B) of the Immigra-  
19 tion and Nationality Act (8 U.S.C. 1101(a)(15)(B)).

20 (2) CARRIER OBLIGATIONS.—The system shall  
21 include a method for requiring—

22 (A) carriers and other corporations de-  
23 scribed in section 217(a)(5) of such Act (8  
24 U.S.C. 1187(a)(5)) to inquire electronically,  
25 prior to an alien passenger's embarkation with-

1 out a visa, whether the alien has been deter-  
2 mined, using the system described in this sec-  
3 tion, to be eligible for such an admission; and

4 (B) the electronic response to such inquiry  
5 to be provided in 90 seconds or less.

6 (3) DEPLOYMENT.—The system shall be de-  
7 ployed as soon as possible after the date of the en-  
8 actment of this Act.

9 (4) FEE.—The Secretary of Homeland Security  
10 shall establish a fee to be charged to aliens described  
11 in subsection (a) that is set at a level that will en-  
12 sure the recovery of the full costs of establishing and  
13 operating the system.

14 (c) CONSULTATION.—In developing the system, the  
15 Secretary of Homeland Security shall consult with, and  
16 allow for the system’s review by, a private sector group  
17 consisting of individuals with expertise in travel, tourism,  
18 privacy, national security, or computer security issues.

19 **SEC. 3. CHANGE TO REQUIREMENT FOR READERS AND**  
20 **SCANNERS AT PORTS OF ENTRY.**

21 Section 303(b)(2)(A) of the Enhanced Border Secu-  
22 rity and Visa Entry Reform Act (8 U.S.C. 1732(b)(2)(A))  
23 is amended to read as follows:

24 “(A) IN GENERAL.—Not later than Octo-  
25 ber 26, 2004, the Secretary of Homeland Secu-

1           rity, in consultation with the Secretary of State,  
 2           shall install at all ports of entry into the United  
 3           States equipment and software to allow biomet-  
 4           ric comparison and authentication of all United  
 5           States visas and other travel and entry docu-  
 6           ments issued to aliens. Not later than October  
 7           26, 2005, the Secretary of Homeland Security,  
 8           in consultation with the Secretary of State,  
 9           shall install at all ports of entry into the United  
 10          States equipment and software to allow biomet-  
 11          ric comparison and authentication of passports  
 12          issued pursuant to subsection (c)(1).”.

13 **SEC. 4. TECHNOLOGY STANDARD IMPLEMENTATION DEAD-**  
 14 **LINE.**

15          Section 303(c) of the Enhanced Border Security and  
 16 Visa Entry Reform Act (8 U.S.C. 1732(c)) is amended,  
 17 in each of paragraphs (1) and (2), by striking “2004,”  
 18 and inserting “2005,”.

19 **SEC. 5. LIMITED GOOD FAITH WAIVER.**

20          Section 303(c) of the Enhanced Border Security and  
 21 Visa Entry Reform Act (8 U.S.C. 1732(c)) is amended  
 22 by adding at the end the following:

23           “(3) LIMITED GOOD FAITH WAIVER.—

24           “(A) IN GENERAL.—The Secretary of  
 25          Homeland Security, in consultation with the

1 Secretary of State, may grant not more than 2  
2 extensions for a country, and its nationals, of  
3 the deadlines in paragraphs (1) and (2), respec-  
4 tively, upon a determination that the country is  
5 making substantial progress towards ensuring  
6 that the passports the country issues to its na-  
7 tionals satisfy the requirements of paragraph  
8 (1). Each such extension shall be for a period  
9 not exceeding 6 months.

10 “(B) FACTORS.—In determining whether a  
11 country is making substantial progress under  
12 subparagraph (A), the Secretary of Homeland  
13 Security shall take into account the following  
14 factors, which shall be certified by the Secretary  
15 of State:

16 “(i) Whether the country has made a  
17 good faith effort to satisfy the require-  
18 ments of paragraph (1) not later than Oc-  
19 tober 26, 2005.

20 “(ii) Whether the country has a pro-  
21 gram designed to satisfy the requirements  
22 of paragraph (1) not later than October  
23 26, 2006.

24 “(iii) Whether the country has com-  
25 menced a pilot program under which some

1           number of passports that satisfy the re-  
2           quirements of paragraph (1) will be issued  
3           before March 26, 2006.

4           “(4) REPORTS.—

5           “(A) INITIAL.—Not later than October 26,  
6           2005, the Secretary of Homeland Security, in  
7           consultation with the Secretary of State, shall  
8           issue an initial report on the status of coun-  
9           tries’ progress in meeting the requirements of  
10          paragraph (1).

11          “(B) FINAL.—Not later than April 25,  
12          2006, the Secretary of Homeland Security, in  
13          consultation with the Secretary of State, shall  
14          issue a final report on the status of countries’  
15          progress in meeting the requirements of para-  
16          graph (1).”.

17   **SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.**

18          Section 303 of the Enhanced Border Security and  
19    Visa Entry Reform Act (8 U.S.C. 1732) is amended by  
20    striking “Attorney General” each place that term appears  
21    and inserting “Secretary of Homeland Security”.

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