

HR 3525

Enhanced Border Security and Visa Entry Reform Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: House

Policy Area: Immigration

Introduced: Dec 19, 2001

Current Status: Became Public Law No: 107-173.

Latest Action: Became Public Law No: 107-173. (May 14, 2002)

Law: 107-173 (Enacted May 14, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/house-bill/3525>

Sponsor

Name: Rep. Sensenbrenner, F. James, Jr. [R-WI-9]

Party: Republican • **State:** WI • **Chamber:** House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Foreign Affairs Committee	House	Referred To	Dec 19, 2001
Intelligence (Permanent Select) Committee	House	Referred To	Dec 19, 2001
Judiciary Committee	House	Referred To	Dec 19, 2001
Judiciary Committee	Senate	Discharged From	Apr 11, 2002
Transportation and Infrastructure Committee	House	Referred To	Dec 19, 2001
Ways and Means Committee	House	Referred To	Dec 19, 2001

Subjects & Policy Tags

Policy Area:

Immigration

Related Bills

Bill	Relationship	Last Action
107 SCONRES 106	Related bill	May 8, 2002: Motion to reconsider laid on the table Agreed to without objection.
107 HR 1885	Related bill	Mar 13, 2002: Message on House action received in Senate and at desk: House amendments to Senate amendment.
107 HRES 365	Related bill	Mar 12, 2002: Motion to reconsider laid on the table Agreed to without objection.
107 S 1749	Related bill	Nov 30, 2001: Read twice and referred to the Committee on the Judiciary.
107 HR 3205	Related bill	Nov 27, 2001: Referred to the Subcommittee on Immigration and Claims.
107 S 1618	Related bill	Nov 1, 2001: Read twice and referred to the Committee on the Judiciary.

Summary (as of Apr 18, 2002)

Enhanced Border Security and Visa Entry Reform Act of 2002 - **Title I: Funding** - Directs the Attorney General, during each of FY 2003 through 2006, to increase the number of Immigration and Naturalization Service (INS) investigators and inspectors by at least 200 full-time employees over the number authorized by the USA PATRIOT ACT.

Authorizes appropriations for INS, Border Patrol, and consular personnel, training, facilities, and security-related technology, effective October 1, 2002. Provides for machine-readable visa fees.

Title II: Interagency Information Sharing - Directs U.S. law enforcement and intelligence entities to share alien admissibility- and deportation-related information with INS and the Department of State until implementation of the information sharing plan provided for by this title.

Amends the USA PATRIOT ACT to eliminate an Office of Homeland Security alien screening report requirement.

Directs the President to: (1) report respecting admission- and deportation-related law enforcement and intelligence information needed by INS and the Department of State; and (2) develop a related information-sharing plan within 15 months of enactment of the USA PATRIOT ACT. Requires such plan to provide source and privacy protections. Provides criminal penalties for information misuse.

Amends the USA PATRIOT ACT to advance the deadline from: (1) two years to one year for development and certification of a technology standard to certify the identity of alien applicants for admission; and (2) 18 months to six months for a related report.

(Sec. 202) Directs: (1) INS to fully integrate its databases and data systems; and (2) the President to develop and implement an interoperable law enforcement and intelligence data system (Chimera system) (with name-matching and linguistic capacity, including at least four priority languages) for visa, admissibility, or deportation determination purposes, which shall include the INS integrated system.

Directs the Central Intelligence Agency to issue certain reports and guidelines required under the Intelligence Authorization Act for Fiscal Year 1998.

Authorizes appropriations for name search, linguistic, and reporting activities.

(Sec. 203) Directs the President to establish the Commission on Interoperable Data Sharing, which shall: (1) monitor information misuse protections under the alien screening plan; (2) provide oversight of the interoperable data sharing system; and (3) report annually to Congress. Authorizes appropriations.

(Sec. 204) Authorizes the Attorney General, respecting the Chimera system, to hire necessary scientific, technical, engineering, and other personnel. Directs the Attorney General to report to the appropriate congressional committees concerning intended uses of authority and Government organization and employee-related provisions being waived.

Title III: Visa Issuance - Amends the Immigration and Nationality Act (Act) to direct the Secretary of State (Secretary), upon issuance of an alien visa, to provide INS with an electronic version of the alien's visa file prior to the alien's U.S. entry.

(Sec. 302) Sets forth technology standard and interoperability requirements (including October 26, 2004 implementation deadlines) respecting development and implementation of the integrated entry and exit data system and related tamper-resistant, machine-readable documents containing biometric identifiers. Requires a visa waiver country, in order to

maintain program participation, to certify by October 26, 2004, that it has a program to issue to its nationals qualifying machine-readable passports that are tamper-proof and contain biometric identifiers. Authorizes appropriations.

(Sec. 304) Directs the Secretary to: (1) establish a Terrorist Lookout Committee at each U.S. mission, and report to the appropriate congressional committees respecting such Committees; (2) provide consular staff with visa screening training; and (3) provide for the use of terrorist-related intelligence in such activities' performance. Authorizes appropriations.

(Sec. 306) Prohibits the admission of an alien from a country designated to be a state sponsor of international terrorism (as defined by this Act) unless the Secretary has determined that such individual does not pose a risk or security threat to the United States.

(Sec. 307) Conditions participation in the visa waiver program upon a country's timely reporting to the United States of its stolen blank passports. Reduces from five years to two years the required periodic evaluation of the program's effects on U.S. security and immigration interests.

Requires INS to perform a check of lookout databases prior to permitting an alien's U.S. admission.

(Sec. 308) Directs: (1) the Secretary and the Attorney General, as appropriate, within 72 hours of notification of a lost or stolen U.S. or foreign passport, to enter such passport's identification number into the interoperable data system; (2) the Attorney General to enter into the system such information on passports lost or stolen prior to the system's implementation; and (3) the Attorney General to enter such information into the interim system prior to the interoperable system's implementation.

(Sec. 309) Directs the Attorney General to ensure that refugees and asylees are issued work authorizations, which shall contain fingerprint and photo identification.

Title IV: Inspection and Admission of Aliens - Directs the President to study the feasibility of establishing a North American National Security Program (United States, Canada, Mexico), including consideration of alien preclearance and preinspection. Authorizes appropriations.

(Sec. 402) Amends the Act to: (1) require commercial aircraft or vessels arriving at, or departing from, the United States to provide United States border officers (as defined by this Act) with specified passenger, other occupant, and crew manifest information; (2) prohibit carrier entry until such information has been provided; (3) provide monetary and non-entry penalties for noncompliance; (4) require electronic manifest transmission by January 1, 2003; (4) provide the Attorney General with waiver authority; and (5) direct the President to conduct a feasibility study and report to Congress regarding such provisions' extension to commercial land carriers.

(Sec. 403) Directs INS to adequately staff ports of entry.

(Sec. 404) Authorizes United States border inspections agencies, including INS, to conduct joint United States-Canada inspection projects to provide for alternative inspection services and harmonized inspection criteria. Directs the Attorney General and the Secretary of the Treasury to report annually to Congress.

Title V: Foreign Students and Exchange Visitors - Amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to direct the Attorney General to develop an electronic means of verifying and monitoring the foreign student and exchange visitor information program, including aspects of: (1) documentation and visa issuance; (2) U.S. admission; (3) institution notification; (4) documentation transmittal; and (5) registration and enrollment.

Requires an institution to notify INS of the failure of a foreign student or exchange visitor to enroll within 30 days of the registration deadline.

Increases student data collection requirements. Specifies information required for foreign student visa applications.

Sets forth transitional foreign student monitoring requirements, including: (1) restrictions on visa issuance; (2) INS notification of visa issuance; (3) institution notification of U.S. entry; and (4) INS notification (by the institution) of failure to enroll. Directs the Attorney General to provide the Secretary with a list of institutions approved to accept foreign students or exchange visitors. Authorizes appropriations.

(Sec. 502) Provides for INS and Department of State biennial review of institutions authorized to enroll or sponsor foreign students and exchange visitors.

Provides that an institution's failure to comply with recordkeeping and reporting requirements shall result in termination or at least a one year suspension of its approval to receive such students or exchange visitors.

Title VI: Miscellaneous Provisions - Amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for presentation of biometric border crossing identification cards.

(Sec. 602) Directs: (1) the Comptroller General to determine the feasibility of requiring each nonimmigrant alien to report annually to INS respecting his or her address and employer's address; and (2) the Secretary and INS to study alternative approaches to for encouraging or requiring Mexico, Canada, and visa waiver countries to develop an intergovernmental network of interoperable international electronic data systems.

(Sec. 604) States that this Act shall not be construed to impose requirements that are inconsistent with the North American Free Trade Agreement, or to require additional documents for certain nonimmigrant emergency or in-transit liens for whom documentary requirements are waived.

(Sec. 605) Directs the Attorney General to report annually respecting aliens who fail to appear at removal proceedings after release on their own recognizance.

(Sec. 606) Directs the Department of State to retain every nonimmigrant visa application in judicially and administratively admissible form for a period of seven years from the date of application.

Actions Timeline

- **May 14, 2002:** Signed by President.
- **May 14, 2002:** Became Public Law No: 107-173.
- **May 8, 2002:** Resolving differences -- House actions: On motion that the House suspend the rules and agree to the Senate amendments Agreed to by the Yeas and Nays: (2/3 required): 411 - 0, 2 Present (Roll no. 131).(consideration: CR H2179-2180; text: CR 05/07/2002 H2138)
- **May 8, 2002:** On motion that the House suspend the rules and agree to the Senate amendments Agreed to by the Yeas and Nays: (2/3 required): 411 - 0, 2 Present (Roll no. 131). (consideration: CR H2179-2180; text: CR 05/07/2002 H2138)
- **May 8, 2002:** Motion to reconsider laid on the table Agreed to without objection.
- **May 8, 2002:** Pursuant to the provisions of S. Con. Res. 106, enrollment corrections on H.R. 3525 have been made.
- **May 8, 2002:** Presented to President.
- **May 7, 2002:** Mr. Sensenbrenner moved that the House suspend the rules and agree to the Senate amendments. (consideration: CR H2137-2142)
- **May 7, 2002:** DEBATE - The House proceeded with forty minutes of debate on the motion to suspend the rules and agree to the Senate amendments to H.R. 3525.
- **May 7, 2002:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 5, rule I, the chair announced that further proceedings on the motion would be postponed until May 8.
- **Apr 22, 2002:** Message on Senate action sent to the House.
- **Apr 18, 2002:** Considered by Senate. (consideration: CR S2916-2932)
- **Apr 18, 2002:** Passed/agreed to in Senate: Passed Senate with amendments by Yea-Nay Vote. 97 - 0. Record Vote Number: 75.(text: CR 4/22/2002 S3106-3108)
- **Apr 18, 2002:** Passed Senate with amendments by Yea-Nay Vote. 97 - 0. Record Vote Number: 75. (text: CR 4/22/2002 S3106-3108)
- **Apr 15, 2002:** Considered by Senate. (consideration: CR S2643-2659)
- **Apr 12, 2002:** Measure laid before Senate. (consideration: CR S2609-2623)
- **Apr 11, 2002:** Senate Committee on the Judiciary discharged by Unanimous Consent.
- **Dec 20, 2001:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Dec 19, 2001:** Introduced in House
- **Dec 19, 2001:** Referred to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), International Relations, Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Dec 19, 2001:** Mr. Sensenbrenner moved to suspend the rules and pass the bill, as amended.
- **Dec 19, 2001:** Considered under suspension of the rules. (consideration: CR H10465-10476)
- **Dec 19, 2001:** DEBATE - The House proceeded with forty minutes of debate on H.R. 3525.
- **Dec 19, 2001:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H10465-10471)
- **Dec 19, 2001:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H10465-10471)
- **Dec 19, 2001:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 19, 2001:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 3525.

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