

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.

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

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 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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