

114TH CONGRESS
2D SESSION

H. R. 5253

To amend the Homeland Security Act of 2002 and the Immigration and Nationality Act to improve visa security, visa applicant vetting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2016

Mr. HURD of Texas (for himself, Mr. McCAUL, Mrs. MILLER of Michigan, Mr. KING of New York, Mr. KATKO, and Ms. MCSALLY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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

A BILL

To amend the Homeland Security Act of 2002 and the Immigration and Nationality Act to improve visa security, visa applicant vetting, 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 “Strong Visa Integrity
5 Secures America Act”.

1 **SEC. 2. VISA SECURITY.**

2 (a) VISA SECURITY UNITS AT HIGH RISK POSTS.—

3 Paragraph (1) of section 428(e) of the Homeland Security
4 Act of 2002 (6 U.S.C. 236(e)) is amended—

5 (1) by striking “The Secretary” and inserting
6 the following:

7 “(A) AUTHORIZATION.—The Secretary”;

8 and

9 (2) by adding at the end the following new sub-
10 paragraph:

11 “(B) RISK-BASED ASSIGNMENTS.—

12 “(i) IN GENERAL.—The Secretary
13 shall assign, in a risk-based manner, and
14 based on the criteria described in clause
15 (ii), employees of the Department to not
16 fewer than 30 diplomatic and consular
17 posts at which visas are issued.

18 “(ii) CRITERIA DESCRIBED.—The cri-
19 teria referred to in clause (i) are the fol-
20 lowing:

21 “(I) The number of nationals of
22 a country in which any of the diplo-
23 matic and consular posts referred to
24 in clause (i) are located who were
25 identified in United States Govern-
26 ment databases related to the identi-

1 ties of known or suspected terrorists
2 during the previous year.

3 “(II) The level of cooperation of
4 such country with the counterter-
5 rorism efforts of the United States.

6 “(III) Information analyzing the
7 presence, activity, or movement of ter-
8 rorist organizations (as such term is
9 defined in section 212(a)(3)(B)(vi) of
10 the Immigration and Nationality Act
11 (8 U.S.C. 1182(a)(3)(B)(vi))) within
12 or through such country.

13 “(IV) The number of derogatory
14 Security Advisory Opinions issued by
15 the Visa Security Advisory Opinion
16 Unit pursuant to paragraph (10) re-
17 garding nationals of a country in
18 which any of the diplomatic and con-
19 sular posts referred to in clause (i)
20 are located.

21 “(V) The adequacy of the border
22 and immigration control of such coun-
23 try.

24 “(VI) Any other criteria the Sec-
25 retary determines appropriate.

1 “(iii) RULE OF CONSTRUCTION.—The
2 assignment of employees of the Depart-
3 ment pursuant to this subparagraph is
4 solely the authority of the Secretary and
5 may not be altered or rejected by the Sec-
6 retary of State.”.

7 (b) COUNTERTERROR VETTING AND SCREENING.—
8 Paragraph (2) of section 428(e) of the Homeland Security
9 Act of 2002 is amended—

10 (1) by redesignating subparagraph (C) as sub-
11 paragraph (D); and

12 (2) by inserting after subparagraph (B) the fol-
13 lowing new subparagraph:

14 “(C) Screen any such applications against
15 the appropriate criminal, national security, and
16 terrorism databases maintained by the Federal
17 Government.”.

18 (c) TRAINING AND HIRING.—Subparagraph (A) of
19 section 428(e)(6) of the Homeland Security Act of 2002
20 is amended by—

21 (1) striking “The Secretary shall ensure, to the
22 extent possible, that any employees” and inserting
23 “‘The Secretary, acting through the Commissioner of
24 U.S. Customs and Border Protection and the Direc-

1 tor of U.S. Immigration and Customs Enforcement,
2 shall provide training to any employees’; and

3 (2) striking “shall be provided the necessary
4 training”.

5 (d) PRE-ADJUDICATED VISA SECURITY ASSISTANCE
6 AND VISA SECURITY ADVISORY OPINION UNIT.—Sub-
7 section (e) of section 428 of the Homeland Security Act
8 of 2002 is amended by adding at the end the following
9 new paragraphs:

10 “(9) REMOTE PRE-ADJUDICATED VISA SECU-
11 RITY ASSISTANCE.—At the visa-issuing posts at
12 which employees of the Department are not assigned
13 pursuant to paragraph (1), the Secretary shall, to
14 the greatest extent possible, in a risk-based manner,
15 and in consultation, where appropriate, with the Sec-
16 retary of State, assign employees of the Department
17 to remotely perform the functions required under
18 paragraph (2) for such posts.

19 “(10) VISA SECURITY ADVISORY OPINION
20 UNIT.—The Secretary shall establish within U.S.
21 Immigration and Customs Enforcement a Visa Secu-
22 rity Advisory Opinion Unit to respond to requests
23 from the Secretary of State to conduct a visa secu-
24 rity review using information maintained by the De-
25 partment on visa applicants, including terrorism as-

1 society, criminal history, and other relevant fac-
2 tors, as determined by the Secretary.”.

3 **SEC. 3. ELECTRONIC PASSPORT SCREENING AND BIOMET-**
4 **RIC MATCHING.**

5 (a) IN GENERAL.—Subtitle C of title IV of the
6 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
7 is amended by adding at the end the following new sec-
8 tions:

9 **“SEC. 434. ELECTRONIC PASSPORT SCREENING AND BIO-**
10 **METRIC MATCHING.**

11 “(a) IN GENERAL.—Not later than one year after the
12 date of the enactment of this section, the Commissioner
13 of U.S. Customs and Border Protection shall—

14 “(1) screen electronic passports at airports of
15 entry by reading each such passport’s embedded
16 chip; and

17 “(2) to the greatest extent practicable, utilize
18 facial recognition technology or other biometric tech-
19 nology, as determined by the Commissioner, to
20 screen travelers at United States airports of entry.

21 “(b) APPLICABILITY.—

22 “(1) ELECTRONIC PASSPORT SCREENING.—
23 Paragraph (1) of subsection (a) shall apply to pass-
24 ports belonging to individuals who are United States
25 citizens, individuals who are nationals of a program

1 country pursuant to section 217 of the Immigration
2 and Nationality Act (8 U.S.C. 1187), and individ-
3 uals who are nationals of any other foreign country
4 that issues electronic passports.

5 “(2) FACIAL RECOGNITION MATCHING.—Para-
6 graph (2) of subsection (a) shall apply to individuals
7 who are nationals of a program country pursuant to
8 section 217 of the Immigration and Nationality Act.

9 **“SEC. 435. CONTINUOUS SCREENING BY U.S. CUSTOMS AND**
10 **BORDER PROTECTION.**

11 “The Commissioner of U.S. Customs and Border
12 Protection shall, in a risk based manner, continuously
13 screen individuals issued any visa, and individuals who are
14 nationals of a program country pursuant to section 217
15 of the Immigration and Nationality Act, who are present,
16 or will soon be arriving, in the United States, against the
17 appropriate criminal, national security, and terrorism
18 databases maintained by the Federal Government.”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 in section 1(b) of the Homeland Security Act of 2002 is
21 amended by inserting after the item relating to section
22 433 the following new items:

“Sec. 434. Electronic passport screening and biometric matching.

“Sec. 435. Continuous screening by U.S. Customs and Border Protection.”.

1 **SEC. 4. REPORTING OF VISA OVERSTAYS.**

2 Section 2 of Public Law 105–173 (8 U.S.C. 1376)
3 is amended—

4 (1) in subsection (a)—

5 (A) by striking “Attorney General” and in-
6 serting “Secretary of Homeland Security”; and

7 (B) by inserting before the period at the
8 end the following: “, and any additional infor-
9 mation that the Secretary determines necessary
10 for purposes of the report under subsection
11 (b)”;

12 (2) by amending subsection (b) to read as fol-
13 lows:

14 “(b) ANNUAL REPORT.—Not later than June 30,
15 2017, and not later than June 30 of each year thereafter,
16 the Secretary of Homeland Security shall submit a report
17 to the Committee on Homeland Security and the Com-
18 mittee on the Judiciary of the House of Representatives
19 and to the Committee on Homeland Security and Govern-
20 mental Affairs and the Committee on the Judiciary of the
21 Senate providing, for the preceding fiscal year, numerical
22 estimates of—

23 “(1) for each country, the number of aliens
24 from the country who are described in subsection
25 (a), including—

1 “(A) the total number of such aliens within
2 all classes of nonimmigrant aliens described in
3 section 101(a)(15) of the Immigration and Na-
4 tionality Act (8 U.S.C. 1101(a)(15)); and

5 “(B) the number of such aliens within each
6 of the classes of nonimmigrant aliens, as well as
7 the number of such aliens within each of the
8 subclasses of such classes of nonimmigrant
9 aliens, as applicable;

10 “(2) for each country, the percentage of the
11 total number of aliens from the country who were
12 present in the United States and were admitted to
13 the United States as nonimmigrants who are de-
14 scribed in subsection (a);

15 “(3) the number of aliens described in sub-
16 section (a) who arrived by land at a port of entry
17 into the United States; and

18 “(4) the number of aliens described in sub-
19 section (a) who entered the United States using a
20 border crossing identification card (as such term is
21 defined in section 101(a)(6) of the Immigration and
22 Nationality Act (8 U.S.C. 1101(a)(6))).”.

1 **SEC. 5. STUDENT AND EXCHANGE VISITOR INFORMATION**
2 **SYSTEM VERIFICATION.**

3 Not later than 90 days after the date of the enact-
4 ment of this Act, the Secretary of Homeland Security shall
5 ensure that the information collected under the program
6 established under section 641 of the Illegal Immigration
7 Reform and Immigrant Responsibility Act of 1996 (8
8 U.S.C. 1372) is available to officers of U.S. Customs and
9 Border Protection conducting primary inspections of
10 aliens seeking admission to the United States at each port
11 of entry of the United States.

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