

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5253
OFFERED BY MR. HURD OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Strong Visa Integrity
3 Secures America Act”.

4 SEC. 2. VISA SECURITY.

5 (a) VISA SECURITY UNITS AT HIGH RISK POSTS.—
6 Paragraph (1) of section 428(e) of the Homeland Security
7 Act of 2002 (6 U.S.C. 236(e)) is amended—

8 (1) by striking “The Secretary” and inserting
9 the following:

10 “(A) AUTHORIZATION.—Subject to the
11 minimum number specified in subparagraph
12 (B), the Secretary”; and

13 (2) by adding at the end the following new sub-
14 paragraph:

15 “(B) RISK-BASED ASSIGNMENTS.—

16 “(i) IN GENERAL.—In carrying out
17 subparagraph (A), the Secretary shall as-
18 sign, in a risk-based manner, and based on

1 the criteria described in clause (ii), employ-
2 ees of the Department to not fewer than
3 50 diplomatic and consular posts at which
4 visas are issued.

5 “(ii) CRITERIA DESCRIBED.—The cri-
6 teria referred to in clause (i) are the fol-
7 lowing:

8 “(I) The number of nationals of
9 a country in which any of the diplo-
10 matic and consular posts referred to
11 in clause (i) are located who were
12 identified in United States Govern-
13 ment databases related to the identi-
14 ties of known or suspected terrorists
15 during the previous year.

16 “(II) The level of cooperation of
17 such country with the counterter-
18 rorism efforts of the United States.

19 “(III) Information analyzing the
20 presence, activity, or movement of ter-
21 rorist organizations (as such term is
22 defined in section 212(a)(3)(B)(vi) of
23 the Immigration and Nationality Act
24 (8 U.S.C. 1182(a)(3)(B)(vi))) within
25 or through such country.

1 “(IV) The number of formal ob-
2 jections based on derogatory informa-
3 tion issued by the Visa Security Advi-
4 sory Opinion Unit pursuant to para-
5 graph (10) regarding nationals of a
6 country in which any of the diplomatic
7 and consular posts referred to in
8 clause (i) are located.

9 “(V) The adequacy of the border
10 and immigration control of such coun-
11 try.

12 “(VI) Any other criteria the Sec-
13 retary determines appropriate.

14 “(iii) RULE OF CONSTRUCTION.—The
15 assignment of employees of the Depart-
16 ment pursuant to this subparagraph is
17 solely the authority of the Secretary and
18 may not be altered or rejected by the Sec-
19 retary of State.”.

20 (b) COUNTERTERROR VETTING AND SCREENING.—
21 Paragraph (2) of section 428(e) of the Homeland Security
22 Act of 2002 is amended—

23 (1) by redesignating subparagraph (C) as sub-
24 paragraph (D); and

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

3 “(C) Screen any such applications against
4 the appropriate criminal, national security, and
5 terrorism databases maintained by the Federal
6 Government.”.

7 (c) TRAINING AND HIRING.—Subparagraph (A) of
8 section 428(e)(6) of the Homeland Security Act of 2002
9 is amended by—

10 (1) striking “The Secretary shall ensure, to the
11 extent possible, that any employees” and inserting
12 “‘The Secretary, acting through the Commissioner of
13 U.S. Customs and Border Protection and the Direc-
14 tor of U.S. Immigration and Customs Enforcement,
15 shall provide training to any employees’”; and

16 (2) striking “shall be provided the necessary
17 training”.

18 (d) PRE-ADJUDICATED VISA SECURITY ASSISTANCE
19 AND VISA SECURITY ADVISORY OPINION UNIT.—Sub-
20 section (e) of section 428 of the Homeland Security Act
21 of 2002 is amended by adding at the end the following
22 new paragraphs:

23 “(9) REMOTE PRE-ADJUDICATED VISA SEC-
24 RITY ASSISTANCE.—At the visa-issuing posts at
25 which employees of the Department are not assigned

1 is amended by adding at the end the following new sec-
2 tions:

3 **“SEC. 434. ELECTRONIC PASSPORT SCREENING AND BIO-**
4 **METRIC MATCHING.**

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

8 “(1) screen electronic passports at airports of
9 entry by reading each such passport’s embedded
10 chip; and

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

15 “(b) APPLICABILITY.—

16 “(1) ELECTRONIC PASSPORT SCREENING.—
17 Paragraph (1) of subsection (a) shall apply to pass-
18 ports belonging to individuals who are United States
19 citizens, individuals who are nationals of a program
20 country pursuant to section 217 of the Immigration
21 and Nationality Act (8 U.S.C. 1187), and individ-
22 uals who are nationals of any other foreign country
23 that issues electronic passports.

24 “(2) FACIAL RECOGNITION MATCHING.—Para-
25 graph (2) of subsection (a) shall apply to individuals

1 who are nationals of a program country pursuant to
2 section 217 of the Immigration and Nationality Act.

3 **“SEC. 435. CONTINUOUS SCREENING BY U.S. CUSTOMS AND**
4 **BORDER PROTECTION.**

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

13 (b) CLERICAL AMENDMENT.—The table of contents
14 in section 1(b) of the Homeland Security Act of 2002 is
15 amended by inserting after the item relating to section
16 433 the following new items:

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

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

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

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

20 (1) in subsection (a)—

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

23 (B) by inserting before the period at the
24 end the following: “, and any additional infor-

1 mation that the Secretary determines necessary
2 for purposes of the report under subsection
3 (b)”; and

4 (2) by amending subsection (b) to read as fol-
5 lows:

6 “(b) ANNUAL REPORT.—Not later than June 30,
7 2017, and not later than June 30 of each year thereafter,
8 the Secretary of Homeland Security shall submit a report
9 to the Committee on Homeland Security and the Com-
10 mittee on the Judiciary of the House of Representatives
11 and to the Committee on Homeland Security and Govern-
12 mental Affairs and the Committee on the Judiciary of the
13 Senate providing, for the preceding fiscal year, numerical
14 estimates of—

15 “(1) for each country, the number of aliens
16 from the country who are described in subsection
17 (a), including—

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

22 “(B) the number of such aliens within each
23 of the classes of nonimmigrant aliens, as well as
24 the number of such aliens within each of the

1 subclasses of such classes of nonimmigrant
2 aliens, as applicable;

3 “(2) for each country, the percentage of the
4 total number of aliens from the country who were
5 present in the United States and were admitted to
6 the United States as nonimmigrants who are de-
7 scribed in subsection (a);

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

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

16 **SEC. 5. STUDENT AND EXCHANGE VISITOR INFORMATION**
17 **SYSTEM VERIFICATION.**

18 Not later than 90 days after the date of the enact-
19 ment of this Act, the Secretary of Homeland Security shall
20 ensure that the information collected under the program
21 established under section 641 of the Illegal Immigration
22 Reform and Immigrant Responsibility Act of 1996 (8
23 U.S.C. 1372) is available to officers of U.S. Customs and
24 Border Protection conducting primary inspections of

- 1 aliens seeking admission to the United States at each port
- 2 of entry of the United States.

