

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2626
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 consid-

1 ering the criteria described in clause (ii),
2 employees of the Department to not fewer
3 than 50 diplomatic and consular posts at
4 which 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) Information on the coopera-
17 tion of such country with the
18 counterterrorism efforts of the United
19 States.

20 “(III) Information analyzing the
21 presence, activity, or movement of ter-
22 rorist organizations (as such term is
23 defined in section 212(a)(3)(B)(vi) of
24 the Immigration and Nationality Act

1 (8 U.S.C. 1182(a)(3)(B)(vi)) within
2 or through such country.

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

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

14 “(VI) Any other criteria the Sec-
15 retary determines appropriate.

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

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

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

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

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

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

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

18 (2) striking “shall be provided the necessary
19 training”.

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

1 “(9) REMOTE PRE-ADJUDICATED VISA SECUR-
2 RITY ASSISTANCE.—At the visa-issuing posts at
3 which employees of the Department are not assigned
4 pursuant to paragraph (1), the Secretary shall, in a
5 risk-based manner, assign employees of the Depart-
6 ment to remotely perform the functions required
7 under paragraph (2) at not fewer than 50 of such
8 posts.

9 “(10) VISA SECURITY ADVISORY OPINION
10 UNIT.—The Secretary shall establish within U.S.
11 Immigration and Customs Enforcement a Visa Secu-
12 rity Advisory Opinion Unit to respond to requests
13 from the Secretary of State to conduct a visa secu-
14 rity review using information maintained by the De-
15 partment on visa applicants, including terrorism as-
16 sociation, criminal history, counter-proliferation, and
17 other relevant factors, as determined by the Sec-
18 retary.”.

19 (e) DEADLINES.—The requirements established
20 under paragraphs (1) and (9) of section 428(e) of the
21 Homeland Security Act of 2002 (6 U.S.C. 236(e)), as
22 amended and added by this Act, respectively, shall be im-
23 plemented not later than three years after the date of the
24 enactment of this Act.

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

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

7 **“SEC. 420. ELECTRONIC PASSPORT SCREENING AND BIO-**
8 **METRIC MATCHING.**

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

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

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

19 “(b) APPLICABILITY.—

20 “(1) ELECTRONIC PASSPORT SCREENING.—
21 Paragraph (1) of subsection (a) shall apply to pass-
22 ports belonging to individuals who are United States
23 citizens, individuals who are nationals of a program
24 country pursuant to section 217 of the Immigration
25 and Nationality Act (8 U.S.C. 1187), and individ-

1 uals who are nationals of any other foreign country
2 that issues electronic passports.

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

8 **“SEC. 420A. CONTINUOUS SCREENING BY U.S. CUSTOMS**
9 **AND BORDER PROTECTION.**

10 “The Commissioner of U.S. Customs and Border
11 Protection shall, in a risk based manner, continuously
12 screen individuals issued any visa, and individuals who are
13 nationals of a program country pursuant to section 217
14 of the Immigration and Nationality Act (8 U.S.C. 1187),
15 who are present, or will soon be arriving, in the United
16 States, against the appropriate criminal, national security,
17 and terrorism databases maintained by the Federal Gov-
18 ernment.”.

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
22 419 the following new items:

“Sec. 420. Electronic passport screening and biometric matching.

“Sec. 420A. 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 2018, and not later than June 30 of each year thereafter,
16 the Secretary of Homeland Security shall submit to the
17 Committee on Homeland Security and the Committee on
18 the Judiciary of the House of Representatives and to the
19 Committee on Homeland Security and Governmental Af-
20 fairs and the Committee on the Judiciary of the Senate
21 a report 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;

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))); and

23 “(5) the number of Canadian nationals who en-
24 tered the United States without a visa whose author-
25 ized period of stay in the United States terminated

1 during the previous fiscal year, but who remained in
2 the United States.”.

3 **SEC. 5. STUDENT AND EXCHANGE VISITOR INFORMATION**
4 **SYSTEM VERIFICATION.**

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

14 **SEC. 6. SOCIAL MEDIA REVIEW OF VISA APPLICANTS.**

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

19 **“SEC. 434. SOCIAL MEDIA SCREENING.**

20 “(a) IN GENERAL.—Not later than 180 days after
21 the date of the enactment of this section, the Secretary
22 shall, to the greatest extent practicable, and in a risk
23 based manner, review the social media accounts of visa
24 applicants who are citizens of, or who reside in, high-risk

1 countries, as determined by the Secretary based on the
2 criteria described in subsection (b).

3 “(b) HIGH-RISK CRITERIA DESCRIBED.—In deter-
4 mining whether a country is high-risk pursuant to sub-
5 section (a), the Secretary shall consider the following cri-
6 teria:

7 “(1) The number of nationals of the country
8 who were identified in United States Government
9 databases related to the identities of known or sus-
10 pected terrorists during the previous year.

11 “(2) The level of cooperation of the country
12 with the counter-terrorism efforts of the United
13 States.

14 “(3) Any other criteria the Secretary deter-
15 mines appropriate.

16 “(c) COLLABORATION.—To develop the technology
17 required to carry out the requirements of subsection (a),
18 the Secretary shall collaborate with—

19 “(1) the head of a national laboratory within
20 the Department’s laboratory network with relevant
21 expertise; and

22 “(2) the head of a relevant university-based
23 center within the Department’s centers of excellence
24 network.

1 **“SEC. 435. OPEN SOURCE SCREENING.**

2 “The Secretary shall, to the greatest extent prac-
3 ticable, and in a risk based manner, review open source
4 information of visa applicants.”

5 (b) CLERICAL AMENDMENT.—The table of contents
6 in section 1(b) of the Homeland Security Act of 2002, as
7 amended by section 3 of this Act, is further amended by
8 inserting after the item relating to section 433 the fol-
9 lowing new items:

“Sec. 434. Social media screening.

“Sec. 435 Open source screening.”.

