

2. LEGISLATION AND EXECUTIVE ORDERS

A. Enhanced Border Security and Visa Entry Reform Act of 2002

On May 14, 2002, President George W. Bush signed into law the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107-173). The new law has six titles addressing such issues as funding, interagency information sharing, visa issuance, inspection and admission of aliens, foreign students and exchange visitors, and miscellaneous provisions.

Among the new law's many major provisions are the following:

1. It authorizes appropriations for the hiring of additional Immigration and Naturalization Service (INS) inspectors, investigative personnel, and associated support staff during each of fiscal years 2003-2006 and the appropriate training of INS personnel on an ongoing basis. Also authorized are appropriations for Department of State consular functions to implement enhanced security measures for the review of visa applicants.
2. It authorizes additional appropriations for making improvements in technology for improving border security; expanding, utilizing, and improving technology to improve border security; and facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance.
3. It requires the INS to fully integrate all databases and data systems maintained by the Service that process or contain information on aliens. This fully integrated data system shall be an interoperable component of an electronic data system that provides current and immediate access to information in databases of federal law enforcement agencies and the intelligence community that is relevant to determine whether to issue a visa or to determine the admissibility or deportability of an alien.
4. The State Department is required to provide to the INS an electronic version of the visa file of each alien who has been issued a visa to ensure that the data in the visa file is available to immigration inspectors at U.S. ports of entry before the arrival of the alien at such port of entry.
5. It provides for development and issuance of machine-readable, tamper-resistant visas and other travel and entry documents that use biometric identifiers. Also required is the installation at all U.S. ports of entry of equipment and software to allow biometric comparison and authentication of all U.S. visas and other travel and entry documents issued to aliens.
6. For each commercial vessel or aircraft transporting any person to any U.S. seaport or airport from any place outside the United States, it requires the appropriate official to provide to the INS the manifest information about each passenger, crew member, and other occupant transported prior to arrival at that port. Similarly, for each commercial vessel or aircraft taking passengers on board at any U.S. seaport or airport, who are destined to any place

outside the United States, it requires the appropriate official to provide to the INS, before departure from that port, manifest information about each passenger, crew member, and other occupant being transported. A commercial vessel or aircraft official that refuses to or fails to provide the required manifest information or that provides manifest information known to not be accurate and full is subject to civil penalties, and the vessel or aircraft will not be granted clearance.

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