

107TH CONGRESS
1ST SESSION

H. R. 3286

To provide for a temporary moratorium on visas for certain aliens, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2001

Mr. WELDON of Florida (for himself, Mrs. MYRICK, Mr. GALLEGLY, Mr. DOOLITTLE, Mr. SCHAFFER, Mr. GOODE, and Mr. DEAL of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, 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 provide for a temporary moratorium on visas for certain
aliens, 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 “Securing America
5 From Terrorist Entries Act” or the “SAFTE Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

1 (1) United States border security agencies are
2 presently overwhelmed with more than 400 million
3 visits across our borders each year and safeguards
4 need to be put in place to make our borders more
5 secure.

6 (2) Current border entry and exit systems are
7 woefully inadequate and the provisions included in
8 the USA PATRIOT Act will greatly enhance the
9 Nation's border security so that Americans know
10 with greater certainty who is entering and exiting
11 the United States.

12 (3) Most of the nineteen terrorists who hijacked
13 planes and attacked the United States on September
14 11, 2001, are believed to have entered the United
15 States with approved visas and had not been identi-
16 fied by the Immigration and Naturalization Service
17 as being in violation of the terms of their visa.

18 (4) Afghanistan harbors terrorist organizations
19 and is host to Osama bin Laden and his al Qaeda
20 terrorist network.

21 (5) Terrorist organizations are operating in Al-
22 geria, Lebanon, Somalia, and the United Arab
23 Emirates, and their members pose a threat to the
24 people of the United States.

1 (6) Terrorist organizations continue to secretly
2 operate in Egypt and six of the individuals on the
3 Federal Bureau of Investigation's most wanted ter-
4 rorists list are Egyptians wanted in connection with
5 attacks on the United States.

6 (7) An Egyptian, Mohamed Atta, believed to be
7 the organizer of the September 11, 2001, attacks,
8 was able to enter and exit the United States several
9 times prior to the attacks despite being on our Na-
10 tion's terrorist watch list.

11 (8) Nearly half of the nineteen terrorists who
12 hijacked planes on September 11, 2001, were citi-
13 zens of Saudi Arabia and entered the United States
14 on approved visas.

15 (9) Most of the suspects in the June 25, 1996,
16 bombing on United States Air Force Khobar Towers
17 barracks at Dhahran Air Base in Saudi Arabia are
18 citizens of Saudi Arabia.

19 (10) The United States Department of State
20 has designated Yemen a haven for terrorists and
21 operatives of Osama bin Laden operating in Yemen
22 were responsible for the 1999 attack on the USS
23 Cole which killed 17 and injured 39 United States
24 sailors.

1 **SEC. 3. TEMPORARY MORATORIUM ON THE ISSUANCE OF**
2 **CERTAIN ALIEN IMMIGRANT AND NON-**
3 **IMMIGRANT VISAS.**

4 (a) **TERMS OF MORATORIUM.—**

5 (1) **IN GENERAL.—**Subject to the provisions of
6 this section and notwithstanding any other provision
7 of law, during the moratorium period no immigrant
8 or nonimmigrant visa for admission to the United
9 States may be issued to an alien—

10 (A) who is a citizen or national of any
11 country listed under paragraph (2); or

12 (B) was a citizen or national of any coun-
13 try listed under paragraph (2) within 15 years
14 of the date of application for a visa.

15 (2) **COUNTRIES.—**

16 (A) The provisions of this section shall
17 apply with respect to the following countries:

18 (i) Afghanistan.

19 (ii) Algeria.

20 (iii) Egypt.

21 (iv) Lebanon.

22 (v) Saudi Arabia.

23 (vi) Somalia.

24 (vii) United Arab Emirates.

25 (viii) Yemen.

1 (ix) Any country designated as a state
2 sponsor of terrorism.

3 (B) For purposes of this section, the term
4 “state sponsor of terrorism” means a country
5 the government of which the Secretary of State
6 has determined, under section 620A(a) of the
7 Foreign Assistance Act of 1961, section 6(j)(1)
8 of the Export Administration Act of 1979, or
9 section 40(d) of the Arms Export Control Act,
10 to have repeatedly provided support for acts of
11 international terrorism.

12 (3) LIMITATION.—Paragraph (1) shall not
13 apply to any diplomatic visa.

14 (4) MULTIPLE CITIZENSHIP.—

15 (A) IN GENERAL.—Paragraph (1) shall
16 apply to any alien who is described in such
17 paragraph notwithstanding that the alien is, or
18 was during the relevant period, simultaneously
19 a citizen or national of a country that is not
20 listed under paragraph (2).

21 (B) VISA WAIVER PROGRAM SHALL NOT
22 APPLY.—Any alien who is described in para-
23 graph (1) shall be ineligible for a waiver under
24 section 217 of the Immigration and Nationality
25 Act (8 U.S.C. 1187), regardless of whether the

1 alien is a national of, or presents a passport
2 issued by, a country described in subsection
3 (a)(2) of such section.

4 (b) PERIOD OF MORATORIUM.—The moratorium pe-
5 riod referred to in subsection (a) shall begin 5 days after
6 the date of the enactment of this Act and shall terminate
7 30 days after the certification under subsection (c).

8 (c) CERTIFICATION BY ATTORNEY GENERAL.—The
9 certification referred to in subsection (b) is a certification
10 by the Attorney General to the Congress that—

11 (1) subsections (b) and (c) of section 403 of
12 Public Law 107–56 have been fully implemented;
13 and

14 (2) a system is in place that requires that all
15 visas issues to aliens who are subject to the morato-
16 rium contain biometric data, are tamper-proof, and
17 are machine-readable.

18 (d) EXCEPTIONS GRANTED BY ATTORNEY GEN-
19 ERAL.—The Attorney General may waive the limitations
20 of subsection (a) in the case of any alien if the Attorney
21 General determines that the admission to the United
22 States of such alien is in the national interest of the
23 United States or in the interest of family unity and if the
24 refusal of admission of such alien would result in excep-
25 tional and extremely unusual hardship to the alien’s

1 spouse, parent, or child, who is a citizen of the United
2 States or an alien lawfully admitted for permanent resi-
3 dence.

4 **SEC. 4. EXPANSION OF TERRORIST ACTIVITIES FOR PUR-**
5 **POSES OF DEPORTATION.**

6 (a) AMENDMENT TO INA.—Section 237(a)(4)(B) of
7 the Immigration and Nationality Act (8 U.S.C.
8 1227(a)(4)(B)) is amended by striking “as defined in sec-
9 tion 212(a)(3)(B)(iii)” and inserting “as described under
10 section 212(a)(3)(B)”.

11 (b) RETROACTIVE APPLICATION OF AMENDMENT.—
12 The amendments made by this section shall take effect
13 on the date of the enactment of this Act and shall apply
14 to—

15 (1) all actions taken by an alien before, on, or
16 after such date; and

17 (2) all aliens, without regard to the date of
18 entry or attempted entry into the United States in
19 removal proceedings on or after such date (except
20 for proceedings in which there has been a final ad-
21 ministrative decision before such date).

1 **SEC. 5. REQUIREMENT FOR PASSENGER MANIFESTS FOR**
2 **FLIGHTS IN FOREIGN AIR TRANSPORTATION**
3 **TO THE UNITED STATES.**

4 Section 44909 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(c) **FLIGHTS IN FOREIGN AIR TRANSPORTATION TO**
7 **THE UNITED STATES.**—

8 “(1) **IN GENERAL.**—Not later than 60 days
9 after the date of enactment of this subsection, the
10 Under Secretary of Transportation for Security shall
11 require each air carrier and foreign air carrier oper-
12 ating a passenger flight in foreign air transportation
13 to the United States to provide to the Under Sec-
14 retary by electronic transmission a passenger and
15 crew manifest containing the information specified
16 in subsection (2).

17 “(2) **INFORMATION.**—A passenger and crew
18 manifest for a flight required under paragraph (1)
19 shall contain the following information:

20 “(A) The full legal name of each passenger
21 and crew member, and any additional name re-
22 corded for such passenger.

23 “(B) The date of birth and citizenship of
24 each passenger and crew member.

25 “(C) The sex of each passenger and crew
26 member.

1 “(D) The passport number and country of
2 issuance of each passenger and crew member if
3 required for travel.

4 “(E) The United States visa number or
5 resident alien card number of each passenger
6 and crew member, as applicable.

7 “(F) Such other information as the Under
8 Secretary, by regulation, determines is reason-
9 ably necessary to ensure aviation safety.

10 “(3) TRANSMISSION OF MANIFEST.—Subject to
11 paragraph (4), a passenger and crew manifest re-
12 quired for a flight under paragraph (1) shall be
13 transmitted to the Under Secretary in advance of
14 the aircraft landing in the United States in such
15 manner, time, and form as the Under Secretary pre-
16 scribes.

17 “(4) TRANSMISSION OF MANIFESTS TO OTHER
18 FEDERAL AGENCIES.—The Under Secretary may re-
19 quire by regulation that a passenger and crew mani-
20 fest required for a flight under paragraph (1) be
21 transmitted directly to the head of another Federal
22 agency.”.

1 **SEC. 6. INQUIRY REGARDING COUNTRY OF ORIGIN AT**
2 **POINT OF ENTRY.**

3 The Attorney General shall require by regulation that
4 Federal border officials inquire of each individual entering
5 the United States as to the individual's country of origin.

6 **SEC. 7. ELIMINATING WAIVER AUTHORITY RELATING TO**
7 **IMPLEMENTATION OF MACHINE READABLE**
8 **PASSPORTS.**

9 Section 217(a)(3) of the Immigration and Nationality
10 Act (8 U.S.C. 1187(a)(3)), as amended by Public Law
11 107–56) is amended by striking subparagraph (B).

12 **SEC. 8. GAO STUDY.**

13 Not later than 6 months after the date of the enact-
14 ment of this Act and every 6 months thereafter, the Gen-
15 eral Accounting Office shall submit to the Congress a re-
16 port, in classified and unclassified format, which evaluates
17 the status of the following:

18 (1) The reforms taken within the Immigration
19 and Naturalization Service to safeguard the borders
20 of the United States.

21 (2) The ability of the Federal Government to
22 prevent terrorists from entering the United States.

23 (3) The ability of the Federal Government to
24 locate and monitor the travel of aliens in the United
25 States.

1 (4) The degree of cooperation among the Fed-
2 eral Bureau of Investigation, the Immigration and
3 Naturalization Service, the intelligence agencies, and
4 other Federal, State, and local law enforcement offi-
5 cials.

6 (5) The background check process for aliens
7 seeking visas for admission to the United States.

8 (6) The implementation of other measures to
9 safeguard the borders of the United States and im-
10 prove visa background checks.

11 (7) The effectiveness of the border security in
12 the United States.

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