

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1153

To amend the Immigration and Nationality Act to provide for expanded preinspection at foreign airports, to provide for a permanent visa waiver program, and to expedite airport immigration processing.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1993

Mr. SCHUMER introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to provide for expanded preinspection at foreign airports, to provide for a permanent visa waiver program, and to expedite airport immigration processing.

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 “Immigration  
5 Preinspection Act of 1993”.

1 **SEC. 2. PREINSPECTION AT FOREIGN AIRPORTS.**

2 (a) IN GENERAL.—The Immigration and Nationality  
3 Act is amended by inserting after section 235 the following  
4 new section:

5 “PREINSPECTION AT FOREIGN AIRPORTS

6 “SEC. 235A. (a) ESTABLISHMENT OF ADDITIONAL  
7 PREINSPECTION STATIONS AT HIGH VOLUME AIR-  
8 PORTS.—Subject to subsection (c), not later than 2 years  
9 after the date of the enactment of this section, the Attor-  
10 ney General, in consultation with the Secretary of State,  
11 shall establish and maintain preinspection stations in at  
12 least 3 of the foreign airports that are among the 10 for-  
13 eign airports which the Attorney General identifies as  
14 serving as last points of departure for the greatest num-  
15 bers of passengers who arrive from abroad by air at ports  
16 of entry within the United States. Such preinspection sta-  
17 tions shall be in addition to any preinspection stations es-  
18 tablished or authorized to be established prior to the date  
19 of the enactment of this section.

20 “(b) ESTABLISHMENT OF ADDITIONAL  
21 PREINSPECTION STATIONS AT CERTAIN FOREIGN AIR-  
22 PORTS FROM WHICH UNDOCUMENTED ALIENS DEPART  
23 FOR THE UNITED STATES.—

24 “(1) REPORTS TO CONGRESS.—Not later than  
25 November 1, 1993, and each subsequent November  
26 1, the Attorney General shall compile and submit to

1 the Committee on the Judiciary of the House of  
2 Representatives and the Committee on the Judiciary  
3 of the Senate a report identifying the foreign air-  
4 ports which served as last points of departure for  
5 aliens who arrived by air at United States ports of  
6 entry without valid documentation during the pre-  
7 ceding fiscal year. Such report shall indicate the  
8 number and nationality of such aliens arriving from  
9 each such foreign airport.

10 “(2) ESTABLISHMENT OF ADDITIONAL  
11 PREINSPECTION STATIONS.—Subject to subsection  
12 (c), not later than November 1, 1995, the Attorney  
13 General, in consultation with the Secretary of State,  
14 shall establish preinspection stations in at least 3 of  
15 the foreign airports that are among the 10 foreign  
16 airports identified in the first report submitted  
17 under paragraph (1) as serving as the last points of  
18 departure for the greatest number of aliens who ar-  
19 rive from abroad by air at points of entry within the  
20 United States without valid documentation. Such  
21 preinspection stations shall be in addition to any  
22 preinspection stations established or authorized to be  
23 established either under subsection (a) or prior to  
24 the date of the enactment of this section.

1           “(3) ESTABLISHMENT OF CARRIER CONSULT-  
2           ANT PROGRAM.—The Attorney General shall assign  
3           additional immigration officers to any foreign air-  
4           port identified in the first report submitted under  
5           paragraph (1) which served as a point of departure  
6           for a significant number of arrivals at United States  
7           ports of entry without valid documentation, but  
8           where no preinspection station is established.

9           “(c) CONDITIONS FOR ESTABLISHMENT OF  
10          PREINSPECTION.—Prior to the establishment of a  
11          preinspection station the Attorney General, in consultation  
12          with the Secretary of State, shall ensure that—

13                 “(1) employees of the United States stationed  
14                 at the preinspection station and their accompanying  
15                 family members will receive appropriate protection,

16                 “(2) such employees and their families will not  
17                 be subject to unreasonable risks to their welfare and  
18                 safety, and

19                 “(3) the country in which the preinspection sta-  
20                 tion is to be established maintains practices and pro-  
21                 cedures with respect to asylum seekers and refugees  
22                 in accordance with the Convention Relating to the  
23                 Status of Refugees (done at Geneva, July 28, 1951)  
24                 or the Protocol Relating to the Status of Refugees  
25                 (done at New York, January 31, 1967).”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 of such Act is amended by inserting after the item relating  
3 to section 235 the following new item:

“Sec. 235A. Preinspection at foreign airports.”.

4 **SEC. 3. VISA WAIVER PROGRAM.**

5 (a) PERMANENCY OF PROGRAM.—Section 217 of the  
6 Immigration and Nationality Act (8 U.S.C. 1187) is  
7 amended—

8 (1) by amending the section heading to read as  
9 follows:

10 “VISA WAIVER PROGRAM FOR CERTAIN VISITORS”;

11 (2) in the heading of subsection (a), (a)(2), and  
12 (c) by striking “PILOT” and “PILOT” each place ei-  
13 ther appears and inserting “VISA WAIVER” and  
14 “VISA WAIVER”, respectively;

15 (3) by striking “pilot” each place it appears  
16 and inserting “visa waiver”;

17 (4) in subsection (a)(1) by striking “during the  
18 pilot program period (as defined in subsection (e)),”;

19 (5) in subsection (c)(3) by striking “(within the  
20 pilot program period) after the initial period”;

21 (6) in subsection (c) by striking paragraph (4);

22 (7) in subsection (e)(1)(A) by striking  
23 “(a)(1)(A)” and inserting “(a)(1)”; and

24 (8) by striking subsection (f).

1 (b) ELIMINATION OF REQUIREMENT FOR EXECU-  
2 TION OF IMMIGRATION FORMS.—Section 217 of such Act  
3 is further amended—

4 (1) in subsection (a) by striking paragraph (3);

5 (2) in subsection (a) by redesignating para-  
6 graphs (4) through (7) as paragraphs (3) through  
7 (6); and

8 (3) in subsection (e)(1) by striking “subsection  
9 (a)(4)” and inserting “subsection (a)(3)”.

10 (c) EXCLUSION AND DEPORTATION OF APPLICANTS  
11 FOR ADMISSION UNDER VISA WAIVER PROGRAM.—Sec-  
12 tion 217(b) of such Act is amended to read as follows:

13 “(b) EXCLUSION AND DEPORTATION OF APPLICANTS  
14 FOR ADMISSION UNDER VISA WAIVER PROGRAM.—

15 “(1) EXCLUSION.—

16 “(A) An immigration officer’s determina-  
17 tion that an applicant for admission under this  
18 section is not clearly and beyond a doubt enti-  
19 tled to land shall constitute a final order of ex-  
20 clusion and deportation, enforceable pursuant  
21 to section 237. Pending such a determination,  
22 the Attorney General may maintain such appli-  
23 cant in custody.

1           “(B) The procedure described in section  
2           236 shall not apply to an order issued under  
3           this paragraph.

4           “(2) DEPORTATION.—

5           “(A) Notwithstanding any other provision  
6           of law, an alien admitted to the United States  
7           under this section who is determined, pursuant  
8           to such regulations as the Attorney General  
9           shall prescribe, to be subject to deportation  
10          shall be deported pursuant to section 243. An  
11          immigration officer’s determination under this  
12          subsection shall constitute a final order of de-  
13          portation. Pending such determination, the At-  
14          torney General may maintain such alien in cus-  
15          tody.

16          “(B) The procedure described in section  
17          242 shall not apply to an order issued under  
18          this paragraph.

19          “(3) REVIEW.—Notwithstanding any other pro-  
20          vision of law or the failure of a carrier to provide the  
21          notice described in subsection (e)(1)(D), an alien  
22          who applies for admission to the United States  
23          under this section shall not be entitled—

24                  “(A) to review or appeal under this Act of  
25                  an immigration officer’s determination as to the

1           admissibility of the alien at the port of entry  
2           into the United States, or

3           “(B) subject to paragraph (4), to contest  
4           an immigration officer’s determination under  
5           paragraph (2).

6           “(4) ASYLUM.—The Attorney General shall es-  
7           tablish a procedure for an alien who is applying for  
8           admission under this section or who has been admit-  
9           ted under this section to apply for asylum under sec-  
10          tion 208.

11          “(5) TREATMENT OF NATIONALS OF VISA  
12          WAIVER COUNTRIES.—An alien who—

13               “(A) is a national of a visa waiver program  
14               country or claims to be a national of a visa  
15               waiver country, and

16               “(B) is not in possession of a valid visa,  
17               shall be considered to be an applicant for ad-  
18               mission under this section.”.

19          (d) CARRIER AGREEMENTS.—Section 217(e)(1) of  
20          such Act is amended—

21               (1) in subparagraph (B) by striking “and”;

22               (2) in subparagraph (C) by striking the period  
23               at the end and inserting “; and”; and

24               (3) by inserting after subparagraph (C) the fol-  
25               lowing new subparagraph:

1           “(D) to provide passengers applying for  
2 admission to the United States under this sec-  
3 tion with written notification that they are not  
4 entitled (i) to any appeal or review of an immi-  
5 gration officer’s determination of admissibility,  
6 or (ii) to contest any action for deportation.”.

7           (e) CLERICAL AMENDMENT.—The item in the table  
8 of contents of such Act relating to section 217 is amended  
9 to read as follows:

“Sec. 217. Visa waiver program for certain visitors.”.

10 **SEC. 4. EXPEDITING AIRPORT IMMIGRATION PROCESSING.**

11           (a) PASSENGER MANIFESTS.—

12           (1) ELECTRONIC PASSENGER MANIFESTS.—Sec-  
13 tion 231(a) of the Immigration and Nationality Act  
14 (8 U.S.C. 1221(a)) is amended in the first sentence  
15 by striking “typewritten” and inserting “electronic,  
16 typewritten,”.

17           (2) INFORMATION CONTAINED IN PASSENGER  
18 MANIFEST.—Section 231(a) of such Act (8 U.S.C.  
19 1221(a)) is further amended by inserting imme-  
20 diately before the period at the end of the second  
21 sentence “, except that regulations concerning the  
22 information contained in such lists may not require  
23 information other than the full name, date of birth,  
24 passport number, and citizenship of the person

1 transported, and information identifying the flight  
2 on which the person was transported”.

3 (b) INSPECTION BY IMMIGRATION OFFICERS.—Sec-  
4 tion 235(a) of the Immigration and Nationality Act (8  
5 U.S.C. 1225(a)) is amended by adding after the second  
6 sentence the following: “Except as the Attorney General  
7 may provide, nothing in this section shall be construed as  
8 requiring a personal interview in the conduct of an exam-  
9 ination or inspection.”.

10 (c) PROVISION OF IMMIGRATION INSPECTION AND  
11 PREINSPECTION SERVICES.—

12 (1) IN GENERAL.—Section 286 of the Immigra-  
13 tion and Nationality Act (8 U.S.C. 1356) is amend-  
14 ed—

15 (A) in subsection (g) by striking “forty-  
16 five” and inserting “thirty”; and

17 (B) in subsection (l)—

18 (i) by striking “forty-five” and insert-  
19 ing “thirty”; and

20 (ii) by striking “March 31st” and in-  
21 serting “January 31st”.

22 (2) EFFECTIVE DATE.—The amendments made  
23 by paragraph (1) shall apply to passengers arriving  
24 on or after 60 days after the date of the enactment  
25 of this Act.

1 (d) EXPEDITED PROCESS FOR THE INSPECTION OF  
2 CITIZENS.—

3 (1) IN GENERAL.—Section 235A of the Immi-  
4 gration and Nationality Act, as inserted by section  
5 1(a) of this Act, is amended—

6 (A) in the heading, by adding at the end  
7 the following: “; EXPEDITED PROCESS FOR THE  
8 INSPECTION OF CITIZENS”, AND

9 (B) by adding at the end the following new  
10 subsection:

11 “(d) EXPEDITED PROCESS FOR THE IN-  
12 SPECTION OF CITIZENS.—Not later than 90  
13 days after the date of the enactment of this sec-  
14 tion, the Attorney General shall implement an  
15 expedited process for the inspection of United  
16 States citizens upon arrival from abroad by air  
17 at ports of entry within the United States. An  
18 expedited process shall be maintained except  
19 during a national or airport specific security  
20 emergency as determined by the Attorney Gen-  
21 eral.”.

22 (2) CLERICAL AMENDMENT.—The item in the  
23 table of contents of such Act relating to section  
24 235A, as inserted by section 1(b) of this Act, is  
25 amended to read as follows:

“Sec. 235A. Preinspection at foreign airports; expedited process for the inspection of citizens.”.

