

AMENDMENT NO. _____ Calendar No. _____

Purpose: To develop a strategy for combining terrorist travel intelligence, operation, and law enforcement.

IN THE SENATE OF THE UNITED STATES—108th Cong., 2d Sess.

S.2845

To reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MCCAIN (for himself and Mr. LIEBERMAN) _____

Viz:

1 At the appropriate place, insert the following:

2 **TITLE _____—TERRORIST TRAVEL**
3 **AND EFFECTIVE SCREENING**

4 **SEC. ____01. COUNTERTERRORIST TRAVEL INTELLIGENCE.**

5 (a) FINDINGS.—Consistent with the report of the Na-
6 tional Commission on Terrorist Attacks Upon the United
7 States, Congress makes the following findings:

8 (1) Travel documents are as important to ter-
9 rorists as weapons since terrorists must travel clan-

1 destinely to meet, train, plan, case targets, and gain
2 access to attack sites.

3 (2) International travel is dangerous for terror-
4 ists because they must surface to pass through regu-
5 lated channels, present themselves to border security
6 officials, or attempt to circumvent inspection points.

7 (3) Terrorists use evasive, but detectable, meth-
8 ods to travel, such as altered and counterfeit pass-
9 ports and visas, specific travel methods and routes,
10 liaisons with corrupt government officials, human
11 smuggling networks, supportive travel agencies, and
12 immigration and identity fraud.

13 (4) Before September 11, 2001, no Federal
14 agency systematically analyzed terrorist travel strat-
15 egies. If an agency had done so, the agency could
16 have discovered the ways in which the terrorist pred-
17 ecessors to al Qaeda had been systematically, but
18 detectably, exploiting weaknesses in our border secu-
19 rity since the early 1990s.

20 (5) Many of the hijackers were potentially vul-
21 nerable to interception by border authorities. Ana-
22 lyzing their characteristic travel documents and trav-
23 el patterns could have allowed authorities to inter-
24 cept some of the hijackers and a more effective use

1 of information available in Government databases
2 could have identified some of the hijackers.

3 (6) The routine operations of our immigration
4 laws and the aspects of those laws not specifically
5 aimed at protecting against terrorism inevitably
6 shaped al Qaeda's planning and opportunities.

7 (7) New insights into terrorist travel gained
8 since September 11, 2001, have not been adequately
9 integrated into the front lines of border security.

10 (8) The small classified terrorist travel intel-
11 ligence collection and analysis program currently in
12 place has produced useful results and should be ex-
13 panded.

14 (b) STRATEGY.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, the Secretary of
17 Homeland Security shall submit to Congress unclas-
18 sified and classified versions of a strategy for com-
19 bining terrorist travel intelligence, operations, and
20 law enforcement into a cohesive effort to intercept
21 terrorists, find terrorist travel facilitators, and con-
22 strain terrorist mobility domestically and inter-
23 nationally. The report to Congress should include a
24 description of the actions taken to implement the
25 strategy.

1 (2) ACCOUNTABILITY.—The strategy submitted
2 under paragraph (1) shall—

3 (A) describe a program for collecting, ana-
4 lyzing, disseminating, and utilizing information
5 and intelligence regarding terrorist travel tac-
6 tics and methods; and

7 (B) outline which Federal intelligence, dip-
8 lomatic, and law enforcement agencies will be
9 held accountable for implementing each element
10 of the strategy.

11 (3) COORDINATION.—The strategy shall be de-
12 veloped in coordination with all relevant Federal
13 agencies, including—

14 (A) the National Counterterrorism Center;

15 (B) the Department of Transportation;

16 (C) the Department of State;

17 (D) the Department of the Treasury;

18 (E) the Department of Justice;

19 (F) the Department of Defense;

20 (G) the Federal Bureau of Investigation;

21 (H) the Drug Enforcement Agency; and

22 (I) the agencies that comprise the intel-
23 ligence community.

24 (4) CONTENTS.—The strategy shall address—

1 (A) the intelligence and law enforcement
2 collection, analysis, operations, and reporting
3 required to identify and disrupt terrorist travel
4 practices and trends, and the terrorist travel
5 facilitators, document forgers, human smug-
6 glers, travel agencies, and corrupt border and
7 transportation officials who assist terrorists;

8 (B) the initial and ongoing training and
9 training materials required by consular, border,
10 and immigration officials to effectively detect
11 and disrupt terrorist travel described under
12 subsection (c)(3);

13 (C) the new procedures required and ac-
14 tions to be taken to integrate existing
15 counterterrorist travel and mobility intelligence
16 into border security processes, including con-
17 sular, port of entry, border patrol, maritime,
18 immigration benefits, and related law enforce-
19 ment activities;

20 (D) the actions required to integrate cur-
21 rent terrorist mobility intelligence into military
22 force protection measures;

23 (E) the additional assistance to be given to
24 the interagency Human Smuggling and Traf-
25 ficking Center for purposes of combatting ter-

1 rorist travel, including further developing and
2 expanding enforcement and operational capa-
3 bilities that address terrorist travel;

4 (F) the additional resources to be given to
5 the Department of Homeland Security to aid in
6 the sharing of information between the frontline
7 border agencies of the Department of Home-
8 land Security, the Department of State, and
9 classified and unclassified sources of
10 counterterrorist travel intelligence and informa-
11 tion elsewhere in the Federal Government, in-
12 cluding the Human Smuggling and Trafficking
13 Center;

14 (G) the development and implementation
15 of procedures to enable the Human Smuggling
16 and Trafficking Center to timely receive ter-
17 rorist travel intelligence and documentation ob-
18 tained at consulates and ports of entry, and by
19 law enforcement officers and military personnel;

20 (H) the use of foreign and technical assist-
21 ance to advance border security measures and
22 law enforcement operations against terrorist
23 travel facilitators;

24 (I) the development of a program to pro-
25 vide each consular, port of entry, and immigra-

1 tion benefits office with a counterterrorist travel
2 expert trained and authorized to use the rel-
3 evant authentication technologies and cleared to
4 access all appropriate immigration, law enforce-
5 ment, and intelligence databases;

6 (J) the feasibility of digitally transmitting
7 passport information to a central cadre of spe-
8 cialists until such time as experts described
9 under subparagraph (I) are available at con-
10 sular, port of entry, and immigration benefits
11 offices; and

12 (K) granting consular officers and immi-
13 gration adjudicators, as appropriate, the secu-
14 rity clearances necessary to access law enforce-
15 ment sensitive and intelligence databases.

16 (c) FRONTLINE COUNTERTERRORIST TRAVEL TECH-
17 NOLOGY AND TRAINING.—

18 (1) TECHNOLOGY ACQUISITION AND DISSEMI-
19 NATION PLAN.—Not later than 180 days after the
20 date of enactment of this Act, the Secretary of
21 Homeland Security, in conjunction with the Sec-
22 retary of State, shall submit to Congress a plan de-
23 scribing how the Department of Homeland Security
24 and the Department of State can acquire and de-
25 ploy, to all consulates, ports of entry, and immigra-

1 tion benefits offices, technologies that facilitate doc-
2 ument authentication and the detection of potential
3 terrorist indicators on travel documents.

4 (2) CONTENTS OF PLAN.—The plan submitted
5 under paragraph (1) shall—

6 (A) outline the timetable needed to acquire
7 and deploy the authentication technologies;

8 (B) identify the resources required to—

9 (i) fully disseminate these tech-
10 nologies; and

11 (ii) train personnel on use of these
12 technologies; and

13 (C) address the feasibility of using these
14 technologies to screen every passport or other
15 documentation described in section ____04(b)
16 submitted for identification purposes to a
17 United States consular, border, or immigration
18 official.

19 (3) TRAINING PROGRAM.—

20 (A) IN GENERAL.—The Secretary of
21 Homeland Security and the Secretary of State
22 shall develop and implement initial and ongoing
23 annual training programs for consular, border,
24 and immigration officials who encounter or
25 work with travel or immigration documents as

1 part of their duties to teach such officials how
2 to effectively detect and disrupt terrorist travel.

3 (B) TERRORIST TRAVEL INTELLIGENCE.—
4 The Secretary may assist State, local, and trib-
5 al governments, and private industry, in estab-
6 lishing training programs related to terrorist
7 travel intelligence.

8 (C) TRAINING TOPICS.—The training de-
9 veloped under this paragraph shall include
10 training in—

11 (i) methods for identifying fraudulent
12 documents;

13 (ii) detecting terrorist indicators on
14 travel documents;

15 (iii) recognizing travel patterns, tac-
16 tics, and behaviors exhibited by terrorists;

17 (iv) the use of information contained
18 in available databases and data systems
19 and procedures to maintain the accuracy
20 and integrity of such systems; and

21 (v) other topics determined necessary
22 by the Secretary of Homeland Security and
23 the Secretary of State.

24 (D) CERTIFICATION.—Not later than 1
25 year after the date of enactment of this Act—

1 (i) the Secretary of Homeland Secu-
2 rity shall certify to Congress that all bor-
3 der and immigration officials who encoun-
4 ter or work with travel or immigration doc-
5 uments as part of their duties have re-
6 ceived training under this paragraph; and

7 (ii) the Secretary of State shall certify
8 to Congress that all consular officers who
9 encounter or work with travel or immigra-
10 tion documents as part of their duties have
11 received training under this paragraph.

12 (4) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated to the Sec-
14 retary for each of the fiscal years 2005 through
15 2009 such sums as may be necessary to carry out
16 the provisions of this subsection.

17 (d) ENHANCING CLASSIFIED COUNTERTERRORIST
18 TRAVEL EFFORTS.—

19 (1) IN GENERAL.—The National Intelligence
20 Director shall significantly increase resources and
21 personnel to the small classified program that col-
22 lects and analyzes intelligence on terrorist travel.

23 (2) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated for each of

1 the fiscal years 2005 through 2009 such sums as
2 may be necessary to carry out this subsection.

3 **SEC. ____ 02. INTEGRATED SCREENING SYSTEM.**

4 (a) IN GENERAL.—The Secretary of Homeland Secu-
5 rity shall develop a plan for a comprehensive integrated
6 screening system.

7 (b) DESIGN.—The system planned under subsection
8 (a) shall be designed to—

9 (1) encompass an integrated network of screen-
10 ing points that includes the Nation's border security
11 system, transportation system, and critical infra-
12 structure or facilities that the Secretary determines
13 need to be protected against terrorist attack;

14 (2) build upon existing border enforcement and
15 security activities, and to the extent practicable, pri-
16 vate sector security initiatives, in a manner that will
17 enable the utilization of a range of security check
18 points in a continuous and consistent manner
19 throughout the Nation's screening system;

20 (3) allow access to government databases to de-
21 tect terrorists; and

22 (4) utilize biometric identifiers that the Sec-
23 retary determines to be appropriate, feasible, and if
24 practicable, compatible with the biometric entry and
25 exit data system described in section ____ 03.

1 (c) STANDARDS FOR SCREENING PROCEDURES.—

2 (1) AUTHORIZATION.—The Secretary may pro-
3 mulgate standards for screening procedures for—

4 (A) entering and leaving the United
5 States;

6 (B) accessing Federal facilities that the
7 Secretary determines need to be protected
8 against terrorist attack;

9 (C) accessing critical infrastructure that
10 the Secretary determines need to be protected
11 against terrorist attack; and

12 (D) accessing modes of transportation that
13 the Secretary determines need to be protected
14 against terrorist attack.

15 (2) SCOPE.—Standards prescribed under this
16 subsection may address a range of factors, including
17 technologies required to be used in screening and re-
18 quirements for secure identification.

19 (3) REQUIREMENTS.—In promulgating stand-
20 ards for screening procedures, the Secretary shall—

21 (A) consider and incorporate appropriate
22 civil liberties and privacy protections;

23 (B) comply with the Administrative Proce-
24 dure Act; and

1 (C) consult with other Federal, State,
2 local, and tribal governments, private parties,
3 and other interested parties, as appropriate.

4 (4) LIMITATION.—This section does not confer
5 to the Secretary new statutory authority, or alter ex-
6 isting authorities, over systems, critical infrastruc-
7 ture, and facilities.

8 (5) NOTIFICATION.—If the Secretary deter-
9 mines that additional regulatory authority is needed
10 to fully implement the plan for an integrated screen-
11 ing system, the Secretary shall immediately notify
12 Congress.

13 (d) COMPLIANCE.—The Secretary may issue regula-
14 tions to ensure compliance with the standards promul-
15 gated under this section.

16 (e) CONSULTATION.—For those systems, critical in-
17 frastructure, and facilities that the Secretary determines
18 need to be protected against terrorist attack, the Secretary
19 shall consult with other Federal agencies, State, local, and
20 tribal governments, and the private sector to ensure the
21 development of consistent standards and consistent imple-
22 mentation of the integrated screening system.

23 (f) BIOMETRIC IDENTIFIERS.—In carrying out this
24 section, the Secretary shall continue to review biometric
25 technologies and existing Federal and State programs

1 using biometric identifiers. Such review shall consider the
2 accuracy rate of available technologies.

3 (g) MAINTAINING ACCURACY AND INTEGRITY OF THE
4 INTEGRATED SCREENING SYSTEM.—

5 (1) IN GENERAL.—The Secretary shall establish
6 rules, guidelines, policies, and operating and audit-
7 ing procedures for collecting, removing, and updat-
8 ing data maintained in, and adding information to,
9 the integrated screening system that ensure the ac-
10 curacy and integrity of the data.

11 (2) DATA MAINTENANCE PROCEDURES.—Each
12 head of a Federal agency that has databases and
13 data systems linked to the integrated screening sys-
14 tem shall establish rules, guidelines, policies, and op-
15 erating and auditing procedures for collecting, re-
16 moving, and updating data maintained in, and add-
17 ing information to, such databases or data systems
18 that ensure the accuracy and integrity of the data.

19 (3) REQUIREMENTS.—The rules, guidelines,
20 policies, and procedures established under this sub-
21 section shall—

22 (A) incorporate a simple and timely meth-
23 od for—

24 (i) correcting errors;

1 (ii) determining which government
2 agency or entity provided data so that the
3 accuracy of the data can be ascertained;
4 and

5 (iii) clarifying information known to
6 cause false hits or misidentification errors;
7 and

8 (B) include procedures for individuals to—

9 (i) seek corrections of data contained
10 in the databases or data systems; and

11 (ii) appeal decisions concerning data
12 contained in the databases or data sys-
13 tems.

14 (h) IMPLEMENTATION.—

15 (1) PHASE I.—The Secretary shall—

16 (A) issue standards for driver's licenses,
17 personal identification cards, and birth certifi-
18 cates, as required under sections 606 and 607;

19 (B) develop plans for, and begin implemen-
20 tation of, a single program for registered trav-
21 elers to expedite travel across the border, as re-
22 quired under section ____03(g);

23 (C) continue the implementation of a bio-
24 metric exit and entry data system that links to
25 relevant databases and data systems, as re-

1 quired by subsections (c) through (f) of section
2 ____03 and other existing authorities;

3 (D) centralize the “no-fly” and “auto-
4 matic-selectee” lists, making use of improved
5 terrorists watch lists, as required by section
6 ____03;

7 (E) develop plans, in consultation with
8 other relevant agencies, for the sharing of ter-
9 rorist information with trusted governments, as
10 required by section ____05;

11 (F) initiate any other action determined
12 appropriate by the Secretary to facilitate the
13 implementation of this paragraph; and

14 (G) report to Congress on the implementa-
15 tion of phase I, including—

16 (i) the effectiveness of actions taken,
17 the efficacy of resources expended, compli-
18 ance with statutory provisions, and safe-
19 guards for privacy and civil liberties; and

20 (ii) plans for the development and im-
21 plementation of phases II and III.

22 (2) PHASE II.—The Secretary shall—

23 (A) complete the implementation of a sin-
24 gle program for registered travelers to expedite

1 travel across the border, as required by section
2 ____03(g);

3 (B) complete the implementation of a bio-
4 metric entry and exit data system that links to
5 relevant databases and data systems, as re-
6 quired by subsections (c) through (f) of section
7 ____03, and other existing authorities;

8 (C) in cooperation with other relevant
9 agencies, engage in dialogue with foreign gov-
10 ernments to develop plans for the use of com-
11 mon screening standards;

12 (D) initiate any other action determined
13 appropriate by the Secretary to facilitate the
14 implementation of this paragraph; and

15 (E) report to Congress on the implementa-
16 tion of phase II, including—

17 (i) the effectiveness of actions taken,
18 the efficacy of resources expended, compli-
19 ance with statutory provisions, and safe-
20 guards for privacy and civil liberties; and

21 (ii) the plans for the development and
22 implementation of phase III.

23 (3) PHASE III.—The Secretary shall—

24 (A) finalize and deploy the integrated
25 screening system required by subsection (a);

1 (B) in cooperation with other relevant
2 agencies, promote the implementation of com-
3 mon screening standards by foreign govern-
4 ments; and

5 (C) report to Congress on the implementa-
6 tion of Phase III, including—

7 (i) the effectiveness of actions taken,
8 the efficacy of resources expended, compli-
9 ance with statutory provisions, and safe-
10 guards for privacy and civil liberties; and

11 (ii) the plans for the ongoing oper-
12 ation of the integrated screening system.

13 (i) REPORT.—After phase III has been implemented,
14 the Secretary shall submit a report to Congress every 3
15 years that describes the ongoing operation of the inte-
16 grated screening system, including its effectiveness, effi-
17 cient use of resources, compliance with statutory provi-
18 sions, and safeguards for privacy and civil liberties.

19 (j) AUTHORIZATIONS.—There are authorized to be
20 appropriated to the Secretary for each of the fiscal years
21 2005 through 2009, such sums as may be necessary to
22 carry out the provisions of this section.

23 **SEC. ____03. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.**

24 (a) FINDINGS.—Consistent with the report of the Na-
25 tional Commission on Terrorist Attacks Upon the United

1 States, Congress finds that completing a biometric entry
2 and exit data system as expeditiously as possible is an es-
3 sential investment in efforts to protect the United States
4 by preventing the entry of terrorists.

5 (b) DEFINITION.—In this section, the term “entry
6 and exit data system” means the entry and exit system
7 required by applicable sections of—

8 (1) the Illegal Immigration Reform and Immig-
9 rant Responsibility Act of 1996 (Public Law 104–
10 208);

11 (2) the Immigration and Naturalization Service
12 Data Management Improvement Act of 2000 (Public
13 Law 106–205);

14 (3) the Visa Waiver Permanent Program Act
15 (Public Law 106–396);

16 (4) the Enhanced Border Security and Visa
17 Entry Reform Act of 2002 (Public Law 107–173);
18 and

19 (5) the Uniting and Strengthening America by
20 Providing Appropriate Tools Required to Intercept
21 and Obstruct Terrorism (USA PATRIOT ACT) Act
22 of 2001 (Public Law 107–56).

23 (c) PLAN AND REPORT.—

24 (1) DEVELOPMENT OF PLAN.—The Secretary
25 of Homeland Security shall develop a plan to accel-

1 erate the full implementation of an automated bio-
2 metric entry and exit data system.

3 (2) REPORT.—Not later than 180 days after
4 the date of enactment of this Act, the Secretary
5 shall submit a report to Congress on the plan devel-
6 oped under paragraph (1), which shall contain—

7 (A) a description of the current
8 functionality of the entry and exit data system,
9 including—

10 (i) a listing of ports of entry and
11 other Department of Homeland Security
12 and Department of State locations with bi-
13 ometric entry data systems in use and
14 whether such screening systems are located
15 at primary or secondary inspection areas;

16 (ii) a listing of ports of entry and
17 other Department of Homeland Security
18 and Department of State locations with bi-
19 ometric exit data systems in use;

20 (iii) a listing of databases and data
21 systems with which the entry and exit data
22 system are interoperable;

23 (iv) a description of—

24 (I) identified deficiencies con-
25 cerning the accuracy or integrity of

1 the information contained in the entry
2 and exit data system;

3 (II) identified deficiencies con-
4 cerning technology associated with
5 processing individuals through the
6 system; and

7 (III) programs or policies
8 planned or implemented to correct
9 problems identified in subclause (I) or
10 (II); and

11 (v) an assessment of the effectiveness
12 of the entry and exit data system in ful-
13 filling its intended purposes, including pre-
14 venting terrorists from entering the United
15 States;

16 (B) a description of factors relevant to the
17 accelerated implementation of the biometric
18 entry and exit data system, including—

19 (i) the earliest date on which the Sec-
20 retary estimates that full implementation
21 of the biometric entry and exit data system
22 can be completed;

23 (ii) the actions the Secretary will take
24 to accelerate the full implementation of the
25 biometric entry and exit data system at all

1 ports of entry through which all aliens
2 must pass that are legally required to do
3 so; and

4 (iii) the resources and authorities re-
5 quired to enable the Secretary to meet the
6 implementation date described in clause
7 (i);

8 (C) a description of any improvements
9 needed in the information technology employed
10 for the biometric entry and exit data system;

11 (D) a description of plans for improved or
12 added interoperability with any other databases
13 or data systems; and

14 (E) a description of the manner in which
15 the Department of Homeland Security's US-
16 VISIT program—

17 (i) meets the goals of a comprehensive
18 entry and exit screening system, including
19 both entry and exit biometric; and

20 (ii) fulfills the statutory obligations
21 under subsection (b).

22 (d) COLLECTION OF BIOMETRIC EXIT DATA.—The
23 entry and exit data system shall include a requirement for
24 the collection of biometric exit data for all categories of
25 individuals who are required to provide biometric entry

1 data, regardless of the port of entry where such categories
2 of individuals entered the United States.

3 (e) INTEGRATION AND INTEROPERABILITY.—

4 (1) INTEGRATION OF DATA SYSTEM.—Not later
5 than 2 years after the date of enactment of this Act,
6 the Secretary shall fully integrate all databases and
7 data systems that process or contain information on
8 aliens, which are maintained by—

9 (A) the Department of Homeland Security,
10 at—

11 (i) the United States Immigration and
12 Customs Enforcement;

13 (ii) the United States Customs and
14 Border Protection; and

15 (iii) the United States Citizenship and
16 Immigration Services;

17 (B) the Department of Justice, at the Ex-
18 ecutive Office for Immigration Review; and

19 (C) the Department of State, at the Bu-
20 reau of Consular Affairs.

21 (2) INTEROPERABLE COMPONENT.—The fully
22 integrated data system under paragraph (1) shall be
23 an interoperable component of the entry and exit
24 data system.

1 (3) INTEROPERABLE DATA SYSTEM.—Not later
2 than 2 years after the date of enactment of this Act,
3 the Secretary shall fully implement an interoperable
4 electronic data system, as required by section 202 of
5 the Enhanced Border Security and Visa Entry Re-
6 form Act (8 U.S.C. 1722) to provide current and
7 immediate access to information in the databases of
8 Federal law enforcement agencies and the intel-
9 ligence community that is relevant to determine—

10 (A) whether to issue a visa; or

11 (B) the admissibility or deportability of an
12 alien.

13 (f) MAINTAINING ACCURACY AND INTEGRITY OF
14 ENTRY AND EXIT DATA SYSTEM.—

15 (1) IN GENERAL.—The Secretary shall establish
16 rules, guidelines, policies, and operating and audit-
17 ing procedures for collecting, removing, and updat-
18 ing data maintained in, and adding information to,
19 the entry and exit data system that ensure the accu-
20 racy and integrity of the data.

21 (2) DATA MAINTENANCE PROCEDURES.—Heads
22 of agencies that have databases or data systems
23 linked to the entry and exit data system shall estab-
24 lish rules, guidelines, policies, and operating and au-
25 diting procedures for collecting, removing, and up-

1 dating data maintained in, and adding information
2 to, such databases or data systems that ensure the
3 accuracy and integrity of the data.

4 (3) REQUIREMENTS.—The rules, guidelines,
5 policies, and procedures established under this sub-
6 section shall—

7 (A) incorporate a simple and timely meth-
8 od for—

9 (i) correcting errors;

10 (ii) determining which government
11 agency or entity provided data so that the
12 accuracy of the data can be ascertained;
13 and

14 (iii) clarifying information known to
15 cause false hits or misidentification errors;
16 and

17 (B) include procedures for individuals to—

18 (i) seek corrections of data contained
19 in the databases or data systems; and

20 (ii) appeal decisions concerning data
21 contained in the databases or data sys-
22 tems.

23 (g) EXPEDITING REGISTERED TRAVELERS ACROSS
24 INTERNATIONAL BORDERS.—

1 (1) FINDINGS.—Consistent with the report of
2 the National Commission on Terrorist Attacks Upon
3 the United States, Congress finds that—

4 (A) expediting the travel of previously
5 screened and known travelers across the bor-
6 ders of the United States should be a high pri-
7 ority; and

8 (B) the process of expediting known trav-
9 elers across the borders of the United States
10 can permit inspectors to better focus on identi-
11 fying terrorists attempting to enter the United
12 States.

13 (2) DEFINITION.—In this subsection, the term
14 “registered traveler program” means any program
15 designed to expedite the travel of previously screened
16 and known travelers across the borders of the
17 United States.

18 (3) REGISTERED TRAVEL PROGRAM.—

19 (A) IN GENERAL.—As soon as is prac-
20 ticable, the Secretary shall develop and imple-
21 ment a registered traveler program to expedite
22 the processing of registered travelers who enter
23 and exit the United States.

1 (B) PARTICIPATION.—The registered trav-
2 eler program shall include as many participants
3 as practicable by—

4 (i) minimizing the cost of enrollment;

5 (ii) making program enrollment con-
6 venient and easily accessible; and

7 (iii) providing applicants with clear
8 and consistent eligibility guidelines.

9 (C) INTEGRATION.—The registered trav-
10 eler program shall be integrated into the auto-
11 mated biometric entry and exit data system de-
12 scribed in this section.

13 (D) REVIEW AND EVALUATION.—In devel-
14 oping the registered traveler program, the Sec-
15 retary shall—

16 (i) review existing programs or pilot
17 projects designed to expedite the travel of
18 registered travelers across the borders of
19 the United States;

20 (ii) evaluate the effectiveness of the
21 programs described in clause (i), the costs
22 associated with such programs, and the
23 costs to travelers to join such programs;

24 (iii) increase research and develop-
25 ment efforts to accelerate the development

1 and implementation of a single registered
2 traveler program; and

3 (iv) review the feasibility of allowing
4 participants to enroll in the registered
5 traveler program at consular offices.

6 (4) REPORT.—Not later than 1 year after the
7 date of enactment of this Act, the Secretary shall
8 submit to Congress a report describing the Depart-
9 ment's progress on the development and implemen-
10 tation of the registered traveler program.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Secretary, for
13 each of the fiscal years 2005 through 2009, such sums
14 as may be necessary to carry out the provisions of this
15 section.

16 **SEC. ____ 04. TRAVEL DOCUMENTS.**

17 (a) FINDINGS.—Consistent with the report of the Na-
18 tional Commission on Terrorist Attacks Upon the United
19 States, Congress finds that—

20 (1) existing procedures allow many individuals
21 to enter the United States by showing minimal iden-
22 tification or without showing any identification;

23 (2) the planning for the terrorist attacks of
24 September 11, 2001, demonstrates that terrorists
25 study and exploit United States vulnerabilities; and

1 (3) additional safeguards are needed to ensure
2 that terrorists cannot enter the United States.

3 (b) BIOMETRIC PASSPORTS.—

4 (1) DEVELOPMENT OF PLAN.—The Secretary
5 of State, in consultation with the Secretary of
6 Homeland Security, shall develop and implement a
7 plan as expeditiously as possible to require biometric
8 passports or other identification deemed by the Sec-
9 retary of State to be at least as secure as a biomet-
10 ric passport, for all travel into the United States by
11 United States citizens and by categories of individ-
12 uals for whom documentation requirements have
13 previously been waived under section 212(d)(4)(B)
14 of the Immigration and Nationality Act (8 U.S.C.
15 1182(d)(4)(B)).

16 (2) REQUIREMENT TO PRODUCE DOCUMENTA-
17 TION.—The plan developed under paragraph (1)
18 shall require all United States citizens, and cat-
19 egories of individuals for whom documentation re-
20 quirements have previously been waived under sec-
21 tion 212(d)(4)(B) of such Act, to carry and produce
22 the documentation described in paragraph (1) when
23 traveling from foreign countries into the United
24 States.

1 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

2 After the complete implementation of the plan described
3 in subsection (b)—

4 (1) the Secretary of State and the Secretary of
5 Homeland Security may not exercise discretion
6 under section 212(d)(4)(B) of such Act to waive
7 documentary requirements for travel into the United
8 States; and

9 (2) the President may not exercise discretion
10 under section 215(b) of such Act (8 U.S.C. 1185(b))
11 to waive documentary requirements for United
12 States citizens departing from or entering, or at-
13 tempting to depart from or enter, the United States
14 except—

15 (A) where the Secretary of State, in con-
16 sultation with the Secretary of Homeland Secu-
17 rity, determines that the alternative documenta-
18 tion that is the basis for the waiver of the docu-
19 mentary requirement is at least as secure as a
20 biometric passport;

21 (B) in the case of an unforeseen emer-
22 gency, in individual cases; or

23 (C) in the case of humanitarian or national
24 interest reasons, in individual cases.

1 (d) TRANSIT WITHOUT VISA PROGRAM.—The Sec-
2 retary of State shall not use any authorities granted under
3 section 212(d)(4)(C) of such Act until the Secretary, in
4 conjunction with the Secretary of Homeland Security,
5 completely implements a security plan to fully ensure se-
6 cure transit passage areas to prevent aliens proceeding in
7 immediate and continuous transit through the United
8 States from illegally entering the United States.

9 **SEC. ____ 05. EXCHANGE OF TERRORIST INFORMATION AND**
10 **INCREASED PREINSPECTION AT FOREIGN**
11 **AIRPORTS.**

12 (a) FINDINGS.—Consistent with the report of the Na-
13 tional Commission on Terrorist Attacks Upon the United
14 States, Congress finds that—

15 (1) the exchange of terrorist information with
16 other countries, consistent with privacy require-
17 ments, along with listings of lost and stolen pass-
18 ports, will have immediate security benefits; and

19 (2) the further away from the borders of the
20 United States that screening occurs, the more secu-
21 rity benefits the United States will gain.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the United States Government should ex-
25 change terrorist information with trusted allies;

1 (2) the United States Government should move
2 toward real-time verification of passports with
3 issuing authorities;

4 (3) where practicable the United States Govern-
5 ment should conduct screening before a passenger
6 departs on a flight destined for the United States;

7 (4) the United States Government should work
8 with other countries to ensure effective inspection
9 regimes at all airports;

10 (5) the United States Government should work
11 with other countries to improve passport standards
12 and provide foreign assistance to countries that need
13 help making the transition to the global standard for
14 identification; and

15 (6) the Department of Homeland Security, in
16 coordination with the Department of State and other
17 agencies, should implement the initiatives called for
18 in this subsection.

19 (c) REPORT REGARDING THE EXCHANGE OF TER-
20 RORIST INFORMATION.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this Act, the Sec-
23 retary of State and the Secretary of Homeland Secu-
24 rity, working with other agencies, shall submit to the
25 appropriate committees of Congress a report on

1 Federal efforts to collaborate with allies of the
2 United States in the exchange of terrorist informa-
3 tion.

4 (2) CONTENTS.—The report shall outline—

5 (A) strategies for increasing such collabo-
6 ration and cooperation;

7 (B) progress made in screening passengers
8 before their departure to the United States; and

9 (C) efforts to work with other countries to
10 accomplish the goals described under this sec-
11 tion.

12 (d) PREINSPECTION AT FOREIGN AIRPORTS.—

13 (1) IN GENERAL.—Section 235A(a)(4) of the
14 Immigration and Nationality Act (8 U.S.C.
15 1225a(a)(4)) is amended to read as follows:

16 “(4) Subject to paragraph (5), not later than
17 January 1, 2008, the Secretary of Homeland Secu-
18 rity, in consultation with the Secretary of State,
19 shall establish preinspection stations in at least 25
20 additional foreign airports, which the Secretary of
21 Homeland Security, in consultation with the Sec-
22 retary of State, determines, based on the data com-
23 piled under paragraph (3) and such other informa-
24 tion as may be available, would most effectively fa-
25 cilitate the travel of admissible aliens and reduce the

1 number of inadmissible aliens, especially aliens who
2 are potential terrorists, who arrive from abroad by
3 air at points of entry within the United States. Such
4 preinspection stations shall be in addition to those
5 established prior to September 30, 1996, or pursu-
6 ant to paragraph (1).”.

7 (2) REPORT.—Not later than June 30, 2006,
8 the Secretary of Homeland Security and the Sec-
9 retary of State shall submit a report on the progress
10 being made in implementing the amendment made
11 by paragraph (1) to—

12 (A) the Committee on the Judiciary of the
13 Senate;

14 (B) the Committee on the Judiciary of the
15 House of Representatives;

16 (C) the Committee on Foreign Relations of
17 the Senate; and

18 (D) the Committee on International Rela-
19 tions of the House of Representatives.

20 **SEC. ____06. MINIMUM STANDARDS FOR BIRTH CERTIFI-**
21 **CATES.**

22 (a) DEFINITION.—In this section, the term ‘birth cer-
23 tificate’ means a certificate of birth—

24 (1) for an individual (regardless of where
25 born)—

1 (A) who is a citizen or national of the
2 United States at birth; and

3 (B) whose birth is registered in the United
4 States; and

5 (2) that—

6 (A) is issued by a Federal, State, or local
7 government agency or authorized custodian of
8 record and produced from birth records main-
9 tained by such agency or custodian of record; or

10 (B) is an authenticated copy, issued by a
11 Federal, State, or local government agency or
12 authorized custodian of record, of an original
13 certificate of birth issued by such agency or
14 custodian of record.

15 (b) STANDARDS FOR ACCEPTANCE BY FEDERAL
16 AGENCIES.—

17 (1) IN GENERAL.—Beginning 2 years after the
18 promulgation of minimum standards under para-
19 graph (3), no Federal agency may accept a birth
20 certificate for any official purpose unless the certifi-
21 cate conforms to such standards.

22 (2) STATE CERTIFICATION.—

23 (A) IN GENERAL.—Each State shall certify
24 to the Secretary of Health and Human Services

1 that the State is in compliance with the require-
2 ments of this section.

3 (B) FREQUENCY.—Certifications under
4 subparagraph (A) shall be made at such inter-
5 vals and in such a manner as the Secretary of
6 Health and Human Services, with the concur-
7 rence of the Secretary of Homeland Security
8 and the Commissioner of Social Security, may
9 prescribe by regulation.

10 (C) COMPLIANCE.—Each State shall en-
11 sure that units of local government and other
12 authorized custodians of records in the State
13 comply with this section.

14 (D) AUDITS.—The Secretary of Health
15 and Human Services may conduct periodic au-
16 dits of each State's compliance with the require-
17 ments of this section.

18 (3) MINIMUM STANDARDS.—Not later than 1
19 year after the date of enactment of this Act, the
20 Secretary of Health and Human Services shall by
21 regulation establish minimum standards for birth
22 certificates for use by Federal agencies for official
23 purposes that—

24 (A) at a minimum, shall require certifi-
25 cation of the birth certificate by the State or

1 local government custodian of record that
2 issued the certificate, and shall require the use
3 of safety paper or an alternative, equally secure
4 medium, the seal of the issuing custodian of
5 record, and other features designed to prevent
6 tampering, counterfeiting, or otherwise dupli-
7 cating the birth certificate for fraudulent pur-
8 poses;

9 (B) shall establish requirements for proof
10 and verification of identity as a condition of
11 issuance of a birth certificate, with additional
12 security measures for the issuance of a birth
13 certificate for a person who is not the applicant;

14 (C) shall establish standards for the proc-
15 essing of birth certificate applications to pre-
16 vent fraud;

17 (D) may not require a single design to
18 which birth certificates issued by all States
19 must conform; and

20 (E) shall accommodate the differences be-
21 tween the States in the manner and form in
22 which birth records are stored and birth certifi-
23 cates are produced from such records.

24 (4) CONSULTATION WITH GOVERNMENT AGEN-
25 CIES.—In promulgating the standards required

1 under paragraph (3), the Secretary of Health and
2 Human Services shall consult with—

3 (A) the Secretary of Homeland Security;

4 (B) the Commissioner of Social Security;

5 (C) State vital statistics offices; and

6 (D) other appropriate Federal agencies.

7 (5) EXTENSION OF EFFECTIVE DATE.—The
8 Secretary of Health and Human Services may ex-
9 tend the date specified under paragraph (1) for up
10 to 2 years for birth certificates issued by a State if
11 the Secretary determines that the State made rea-
12 sonable efforts to comply with the date under para-
13 graph (1) but was unable to do so.

14 (c) GRANTS TO STATES.—

15 (1) ASSISTANCE IN MEETING FEDERAL STAND-
16 ARDS.—

17 (A) IN GENERAL.—Beginning on the date
18 a final regulation is promulgated under sub-
19 section (b)(3), the Secretary of Health and
20 Human Services shall award grants to States to
21 assist them in conforming to the minimum
22 standards for birth certificates set forth in the
23 regulation.

24 (B) ALLOCATION OF GRANTS.—The Sec-
25 retary shall award grants to States under this

1 paragraph based on the proportion that the es-
2 timated average annual number of birth certifi-
3 cates issued by a State applying for a grant
4 bears to the estimated average annual number
5 of birth certificates issued by all States.

6 (2) ASSISTANCE IN MATCHING BIRTH AND
7 DEATH RECORDS.—

8 (A) IN GENERAL.—The Secretary of
9 Health and Human Services, in coordination
10 with the Commissioner of Social Security and
11 other appropriate Federal agencies, shall award
12 grants to States, under criteria established by
13 the Secretary, to assist States in—

14 (i) computerizing their birth and
15 death records;

16 (ii) developing the capability to match
17 birth and death records within each State
18 and among the States; and

19 (iii) noting the fact of death on the
20 birth certificates of deceased persons.

21 (B) ALLOCATION OF GRANTS.—The Sec-
22 retary shall award grants to qualifying States
23 under this paragraph based on the proportion
24 that the estimated annual average number of
25 birth and death records created by a State ap-

1 plying for a grant bears to the estimated annual
2 average number of birth and death records
3 originated by all States.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the Secretary for
6 each of the fiscal years 2005 through 2009 such sums as
7 may be necessary to carry out this section.

8 (e) TECHNICAL AND CONFORMING AMENDMENTS.—
9 Section 656 of the Illegal Immigration Reform and Immi-
10 grant Responsibility Act of 1996 (5 U.S.C. 301 note) is
11 repealed.

12 **SEC. ____ 07. DRIVER'S LICENSES AND PERSONAL IDENTI-**
13 **FICATION CARDS.**

14 (a) DEFINITIONS.—In this section:

15 (1) DRIVER'S LICENSE.—The term 'driver's li-
16 cense' means a motor vehicle operator's license as
17 defined in section 30301(5) of title 49, United
18 States Code.

19 (2) PERSONAL IDENTIFICATION CARD.—The
20 term 'personal identification card' means an identi-
21 fication document (as defined in section 1028(d)(3)
22 of title 18, United States Code) issued by a State.

23 (b) STANDARDS FOR ACCEPTANCE BY FEDERAL
24 AGENCIES.—

25 (1) IN GENERAL.—

1 (A) LIMITATION ON ACCEPTANCE.—No
2 Federal agency may accept, for any official pur-
3 pose, a driver's license or personal identification
4 card newly issued by a State more than 2 years
5 after the promulgation of the minimum stand-
6 ards under paragraph (2) unless the driver's li-
7 cense or personal identification card conforms
8 to such minimum standards.

9 (B) DATE FOR CONFORMANCE.—The Sec-
10 retary of Transportation, in consultation with
11 the Secretary of Homeland Security, shall es-
12 tablish a date after which no driver's license or
13 personal identification card shall be accepted by
14 a Federal agency for any official purpose unless
15 such driver's license or personal identification
16 card conforms to the minimum standards estab-
17 lished under paragraph (2). The date shall be
18 as early as the Secretary determines it is prac-
19 ticable for the States to comply with such date
20 with reasonable efforts.

21 (C) STATE CERTIFICATION.—

22 (i) IN GENERAL.—Each State shall
23 certify to the Secretary of Transportation
24 that the State is in compliance with the re-
25 quirements of this section.

1 (ii) FREQUENCY.—Certifications
2 under clause (i) shall be made at such in-
3 tervals and in such a manner as the Sec-
4 retary of Transportation, with the concur-
5 rence of the Secretary of Homeland Secu-
6 rity, may prescribe by regulation.

7 (iii) AUDITS.—The Secretary of
8 Transportation may conduct periodic au-
9 dits of each State's compliance with the re-
10 quirements of this section.

11 (2) MINIMUM STANDARDS.—Not later than 18
12 months after the date of enactment of this Act, the
13 Secretary of Transportation, in consultation with the
14 Secretary of Homeland Security, shall by regulation,
15 establish minimum standards for driver's licenses or
16 personal identification cards issued by a State for
17 use by Federal agencies for identification purposes
18 that shall include—

19 (A) standards for documentation required
20 as proof of identity of an applicant for a driv-
21 er's license or personal identification card;

22 (B) standards for the verifiability of docu-
23 ments used to obtain a driver's license or per-
24 sonal identification card;

1 (C) standards for the processing of appli-
2 cations for driver's licenses and personal identi-
3 fication cards to prevent fraud;

4 (D) security standards to ensure that driv-
5 er's licenses and personal identification cards
6 are—

7 (i) resistant to tampering, alteration,
8 or counterfeiting; and

9 (ii) capable of accommodating and en-
10 suring the security of a digital photograph
11 or other unique identifier; and

12 (E) a requirement that a State confiscate
13 a driver's license or personal identification card
14 if any component or security feature of the li-
15 cense or identification card is compromised.

16 (3) CONTENT OF REGULATIONS.—The regula-
17 tions required by paragraph (2)—

18 (A) shall facilitate communication between
19 the chief driver licensing official of a State, an
20 appropriate official of a Federal agency and
21 other relevant officials, to verify the authen-
22 ticity of documents, as appropriate, issued by
23 such Federal agency or entity and presented to
24 prove the identity of an individual;

1 (B) may not infringe on a State's power to
2 set criteria concerning what categories of indi-
3 viduals are eligible to obtain a driver's license
4 or personal identification card from that State;

5 (C) may not require a State to comply with
6 any such regulation that conflicts with or other-
7 wise interferes with the full enforcement of
8 State criteria concerning the categories of indi-
9 viduals that are eligible to obtain a driver's li-
10 cense or personal identification card from that
11 State;

12 (D) may not require a single design to
13 which driver's licenses or personal identification
14 cards issued by all States must conform; and

15 (E) shall include procedures and require-
16 ments to protect the privacy and civil and due
17 process rights of individuals who apply for and
18 hold driver's licenses and personal identification
19 cards.

20 (4) NEGOTIATED RULEMAKING.—

21 (A) IN GENERAL.—Before publishing the
22 proposed regulations required by paragraph (2)
23 to carry out this title, the Secretary of Trans-
24 portation shall establish a negotiated rule-
25 making process pursuant to subchapter IV of

1 chapter 5 of title 5, United States Code (5
2 U.S.C. 581 et seq.).

3 (B) REPRESENTATION ON NEGOTIATED
4 RULEMAKING COMMITTEE.—Any negotiated
5 rulemaking committee established by the Sec-
6 retary of Transportation pursuant to subpara-
7 graph (A) shall include representatives from—

8 (i) among State offices that issue
9 driver's licenses or personal identification
10 cards;

11 (ii) among State officials;

12 (iii) the Department of Homeland Se-
13 curity; and

14 (iv) among interested parties, includ-
15 ing organizations with technological and
16 operational expertise in document security
17 and organizations and that represent the
18 interests of applicants for such licenses or
19 identification cards.

20 (C) TIME REQUIREMENT.—The process de-
21 scribed in subparagraph (A) shall be conducted
22 in a timely manner to ensure that—

23 (i) any recommendation for a pro-
24 posed rule or report is provided to the Sec-
25 retary of Transportation not later than 9

1 months after the date of enactment of this
2 Act; and

3 (ii) a final rule is promulgated not
4 later than 18 months after the date of en-
5 actment of this Act.

6 (c) GRANTS TO STATES.—

7 (1) ASSISTANCE IN MEETING FEDERAL STAND-
8 ARDS.—Beginning on the date a final regulation is
9 promulgated under subsection (b)(2), the Secretary
10 of Transportation shall award grants to States to
11 assist them in conforming to the minimum stand-
12 ards for driver's licenses and personal identification
13 cards set forth in the regulation.

14 (2) ALLOCATION OF GRANTS.—The Secretary
15 of Transportation shall award grants to States
16 under this subsection based on the proportion that
17 the estimated average annual number of driver's li-
18 censes and personal identification cards issued by a
19 State applying for a grant bears to the average an-
20 nual number of such documents issued by all States.

21 (d) EXTENSION OF EFFECTIVE DATE.—The Sec-
22 retary of Transportation may extend the date specified
23 under subsection (b)(1)(A) for up to 2 years for driver's
24 licenses issued by a State if the Secretary determines that

1 the State made reasonable efforts to comply with the date
2 under such subsection but was unable to do so.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary of
5 Transportation for each of the fiscal years 2005 through
6 2009, such sums as may be necessary to carry out this
7 section.

8 **SEC. ____08. SOCIAL SECURITY CARDS.**

9 (a) SECURITY ENHANCEMENTS.—The Commissioner
10 of Social Security shall—

11 (1) not later than 180 days after the date of
12 enactment of this section, issue regulations to re-
13 strict the issuance of multiple replacement social se-
14 curity cards to any individual to minimize fraud;

15 (2) within 1 year after the date of enactment
16 of this section, require independent verification of all
17 records provided by an applicant for an original so-
18 cial security card, other than for purposes of enu-
19 meration at birth; and

20 (3) within 18 months after the date of enact-
21 ment of this section, add death, fraud, and work au-
22 thorization indicators to the social security number
23 verification system.

24 (b) INTERAGENCY SECURITY TASK FORCE.—The
25 Commissioner of Social Security, in consultation with the

1 Secretary of Homeland Security, shall form an inter-
2 agency task force for the purpose of further improving the
3 security of social security cards and numbers. Not later
4 than 1 year after the date of enactment of this section,
5 the task force shall establish security requirements,
6 including—

7 (1) standards for safeguarding social security
8 cards from counterfeiting, tampering, alteration, and
9 theft;

10 (2) requirements for verifying documents sub-
11 mitted for the issuance of replacement cards; and

12 (3) actions to increase enforcement against the
13 fraudulent use or issuance of social security numbers
14 and cards.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Commissioner of
17 Social Security for each of the fiscal years 2005 through
18 2009, such sums as may be necessary to carry out this
19 section.

20 **SEC. ____ 9. EFFECTIVE DATE.**

21 Notwithstanding any other provision of this Act, this
22 title shall take effect on the date of enactment of this Act.