

107TH CONGRESS
2D SESSION

H.R. 1885

**HOUSE AMENDMENTS TO
SENATE AMENDMENT**

In the House of Representatives, U. S.,

March 12, 2002.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1885) entitled “An Act to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, and for other purposes”, with the following

HOUSE AMENDMENTS TO SENATE AMENDMENT:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the “En-*
3 *hanced Border Security and Visa Entry Reform Act of*
4 *2002”.*

5 (b) *TABLE OF CONTENTS.*—*The table of contents for*
6 *this Act is as follows:*

Sec. 1. Short title.
Sec. 2. Definitions.

TITLE I—FUNDING

Sec. 101. Authorization of appropriations for hiring and training Government personnel.
Sec. 102. Authorization of appropriations for improvements in technology and infrastructure.
Sec. 103. Machine-readable visa fees.

TITLE II—INTERAGENCY INFORMATION SHARING

- Sec. 201. Interim measures for access to and coordination of law enforcement and other information.*
- Sec. 202. Interoperable law enforcement and intelligence data system with name-matching capacity and training.*
- Sec. 203. Commission on interoperable data sharing.*

TITLE III—VISA ISSUANCE

- Sec. 301. Electronic provision of visa files.*
- Sec. 302. Implementation of an integrated entry and exit data system.*
- Sec. 303. Machine-readable, tamper-resistant entry and exit documents.*
- Sec. 304. Terrorist lookout committees.*
- Sec. 305. Improved training for consular officers.*
- Sec. 306. Restriction on issuance of visas to nonimmigrants who are from countries that are state sponsors of international terrorism.*
- Sec. 307. Designation of program countries under the Visa Waiver Program.*
- Sec. 308. Tracking system for stolen passports.*
- Sec. 309. Identification documents for certain newly admitted aliens.*

TITLE IV—ADMISSION AND INSPECTION OF ALIENS

- Sec. 401. Study of the feasibility of a North American National Security Program.*
- Sec. 402. Passenger manifests.*
- Sec. 403. Time period for inspections.*

TITLE V—FOREIGN STUDENTS AND EXCHANGE VISITORS

- Sec. 501. Foreign student monitoring program.*
- Sec. 502. Review of institutions and other entities authorized to enroll or sponsor certain nonimmigrants.*

TITLE VI—MISCELLANEOUS PROVISIONS

- Sec. 601. Extension of deadline for improvement in border crossing identification cards.*
- Sec. 602. General Accounting Office study.*
- Sec. 603. International cooperation.*
- Sec. 604. Statutory construction.*
- Sec. 605. Report on aliens who fail to appear after release on own recognizance.*
- Sec. 606. Retention of nonimmigrant visa applications by the Department of State.*
- Sec. 607. Extension of deadline for classification petition and labor certification filings.*

1 SEC. 2. DEFINITIONS.

2 *In this Act:*

- 3 (1) *ALIEN.*—*The term “alien” has the meaning*
- 4 *given the term in section 101(a)(3) of the Immigra-*
- 5 *tion and Nationality Act (8 U.S.C. 1101(a)(3)).*

1 (2) *APPROPRIATE COMMITTEES OF CONGRESS.*—

2 The term “appropriate committees of Congress”
3 means the following:

4 (A) *The Committee on the Judiciary, the*
5 *Select Committee on Intelligence, and the Com-*
6 *mittee on Foreign Relations of the Senate.*

7 (B) *The Committee on the Judiciary, the*
8 *Permanent Select Committee on Intelligence, and*
9 *the Committee on International Relations of the*
10 *House of Representatives.*

11 (3) *FEDERAL LAW ENFORCEMENT AGENCIES.*—

12 The term “Federal law enforcement agencies” means
13 the following:

14 (A) *The United States Secret Service.*

15 (B) *The Drug Enforcement Administration.*

16 (C) *The Federal Bureau of Investigation.*

17 (D) *The Immigration and Naturalization*
18 *Service.*

19 (E) *The United States Marshall Service.*

20 (F) *The Naval Criminal Investigative Serv-*
21 *ice.*

22 (G) *The Coastal Security Service.*

23 (H) *The Diplomatic Security Service.*

24 (I) *The United States Postal Inspection*
25 *Service.*

1 *(J) The Bureau of Alcohol, Tobacco, and*
2 *Firearms.*

3 *(K) The United States Customs Service.*

4 *(L) The National Park Service.*

5 (4) *INTELLIGENCE COMMUNITY.*—*The term “in-*
6 *telligence community” has the meaning given that*
7 *term in section 3(4) of the National Security Act of*
8 *1947 (50 U.S.C. 401a(4)).*

9 (5) *PRESIDENT.*—*The term “President” means*
10 *the President of the United States, acting through the*
11 *Assistant to the President for Homeland Security, in*
12 *coordination with the Secretary of State, the Commis-*
13 *sioner of Immigration and Naturalization, the Attor-*
14 *ney General, the Director of Central Intelligence, the*
15 *Director of the Federal Bureau of Investigation, the*
16 *Secretary of Transportation, the Commissioner of*
17 *Customs, and the Secretary of the Treasury.*

18 (6) *USA PATRIOT ACT.*—*The term “USA PA-*
19 *TRIBUT Act” means the Uniting and Strengthening*
20 *America by Providing Appropriate Tools Required to*
21 *Intercept and Obstruct Terrorism (USA PATRIOT*
22 *ACT) Act of 2001 (Public Law 107–56).*

TITLE I—FUNDING**SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR HIRING AND TRAINING GOVERNMENT PERSONNEL.**

(a) *ADDITIONAL PERSONNEL.*—

(1) *INS INSPECTORS.*—*Subject to the availability of appropriations, during each of the fiscal years 2002 through 2006, the Attorney General shall increase the number of inspectors and associated support staff in the Immigration and Naturalization Service by the equivalent of at least 200 full-time employees over the number of inspectors and associated support staff in the Immigration and Naturalization Service authorized by the USA PATRIOT Act.*

(2) *INS INVESTIGATIVE PERSONNEL.*—*Subject to the availability of appropriations, during each of the fiscal years 2002 through 2006, the Attorney General shall increase the number of investigative and associated support staff of the Immigration and Naturalization Service by the equivalent of at least 200 full-time employees over the number of investigators and associated support staff in the Immigration and Naturalization Service authorized by the USA PATRIOT Act.*

1 (3) *AUTHORIZATION OF APPROPRIATIONS.—*

2 *There are authorized to be appropriated such sums as*
3 *may be necessary to carry out this subsection, includ-*
4 *ing such sums as may be necessary to provide facili-*
5 *ties, attorney personnel and support staff, and other*
6 *resources needed to support the increased number of*
7 *inspectors, investigative staff, and associated support*
8 *staff.*

9 (b) *WAIVER OF FTE LIMITATION.—The Attorney Gen-*
10 *eral is authorized to waive any limitation on the number*
11 *of full-time equivalent personnel assigned to the Immigra-*
12 *tion and Naturalization Service.*

13 (c) *AUTHORIZATION OF APPROPRIATIONS FOR INS*
14 *STAFFING.—*

15 (1) *IN GENERAL.—There are authorized to be ap-*
16 *propriated for the Department of Justice such sums*
17 *as may be necessary to provide an increase in the an-*
18 *nuual rate of basic pay—*

19 (A) *for all journeyman Border Patrol*
20 *agents and inspectors who have completed at*
21 *least one year's service and are receiving an an-*
22 *nuual rate of basic pay for positions at GS–9 of*
23 *the General Schedule under section 5332 of title*
24 *5, United States Code, from the annual rate of*
25 *basic pay payable for positions at GS–9 of the*

1 *General Schedule under such section 5332, to an*
2 *annual rate of basic pay payable for positions at*
3 *GS–11 of the General Schedule under such sec-*
4 *tion 5332;*

5 *(B) for inspections assistants, from the an-*
6 *annual rate of basic pay payable for positions at*
7 *GS–5 of the General Schedule under section 5332*
8 *of title 5, United States Code, to an annual rate*
9 *of basic pay payable for positions at GS–7 of the*
10 *General Schedule under such section 5332; and*

11 *(C) for the support staff associated with the*
12 *personnel described in subparagraphs (A) and*
13 *(B), at the appropriate GS level of the General*
14 *Schedule under such section 5332.*

15 *(d) AUTHORIZATION OF APPROPRIATIONS FOR TRAIN-*
16 *ING.—There are authorized to be appropriated such sums*
17 *as may be necessary—*

18 *(1) to appropriately train Immigration and*
19 *Naturalization Service personnel on an ongoing*
20 *basis—*

21 *(A) to ensure that their proficiency levels*
22 *are acceptable to protect the borders of the*
23 *United States; and*

24 *(B) otherwise to enforce and administer the*
25 *laws within their jurisdiction; and*

1 (2) *to provide adequate continuing cross-training*
2 *to agencies staffing the United States border and*
3 *ports of entry to effectively and correctly apply appli-*
4 *cable United States laws;*

5 (3) *to fully train immigration officers to use the*
6 *appropriate lookout databases and to monitor pas-*
7 *senger traffic patterns; and*

8 (4) *to expand the Carrier Consultant Program*
9 *described in section 235(b) of the Immigration and*
10 *Nationality Act (8 U.S.C. 1225A(b)).*

11 (e) *AUTHORIZATION OF APPROPRIATIONS FOR CON-*
12 *SULAR FUNCTIONS.—*

13 (1) *RESPONSIBILITIES.—The Secretary of State*
14 *shall—*

15 (A) *implement enhanced security measures*
16 *for the review of visa applicants;*

17 (B) *staff the facilities and programs associ-*
18 *ated with the activities described in subpara-*
19 *graph (A); and*

20 (C) *provide ongoing training for consular*
21 *officers and diplomatic security agents.*

22 (2) *AUTHORIZATION OF APPROPRIATIONS.—*
23 *There are authorized to be appropriated for the De-*
24 *partment of State such sums as may be necessary to*
25 *carry out paragraph (1).*

1 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR IM-**
2 **PROVEMENTS IN TECHNOLOGY AND INFRA-**
3 **STRUCTURE.**

4 *(a) FUNDING OF TECHNOLOGY.—*

5 *(1) AUTHORIZATION OF APPROPRIATIONS.—In*
6 *addition to funds otherwise available for such pur-*
7 *pose, there are authorized to be appropriated*
8 *\$150,000,000 to the Immigration and Naturalization*
9 *Service for purposes of—*

10 *(A) making improvements in technology*
11 *(including infrastructure support, computer se-*
12 *curity, and information technology development)*
13 *for improving border security;*

14 *(B) expanding, utilizing, and improving*
15 *technology to improve border security; and*

16 *(C) facilitating the flow of commerce and*
17 *persons at ports of entry, including improving*
18 *and expanding programs for preenrollment and*
19 *preclearance.*

20 *(2) WAIVER OF FEES.—Federal agencies involved*
21 *in border security may waive all or part of enroll-*
22 *ment fees for technology-based programs to encourage*
23 *participation by United States citizens and aliens in*
24 *such programs. Any agency that waives any part of*
25 *any such fee may establish its fees for other services*

1 *at a level that will ensure the recovery from other*
2 *users of the amounts waived.*

3 (3) *OFFSET OF INCREASES IN FEES.—The Attor-*
4 *ney General may, to the extent reasonable, increase*
5 *land border fees for the issuance of arrival-departure*
6 *documents to offset technology costs.*

7 (b) *IMPROVEMENT AND EXPANSION OF INS, STATE*
8 *DEPARTMENT, AND CUSTOMS FACILITIES.—There are au-*
9 *thorized to be appropriated to the Immigration and Natu-*
10 *ralization Service and the Department of State such sums*
11 *as may be necessary to improve and expand facilities for*
12 *use by the personnel of those agencies.*

13 **SEC. 103. MACHINE-READABLE VISA FEES.**

14 (a) *RELATION TO SUBSEQUENT AUTHORIZATION*
15 *ACTS.—Section 140(a) of the Foreign Relations Authoriza-*
16 *tion Act, Fiscal Years 1994 and 1995 (Public Law 103-*
17 *236) is amended by striking paragraph (3).*

18 (b) *FEE AMOUNT.—The machine-readable visa fee*
19 *charged by the Department of State shall be the higher of*
20 *\$65 or the cost of the machine-readable visa service, as de-*
21 *termined by the Secretary of State after conducting a study*
22 *of the cost of such service.*

23 (c) *SURCHARGE.—The Department of State is author-*
24 *ized to charge a surcharge of \$10, in addition to the ma-*

1 *chine-readable visa fee, for issuing a machine-readable visa*
2 *in a nonmachine-readable passport.*

3 *(d) AVAILABILITY OF COLLECTED FEES.—Notwith-*
4 *standing any other provision of law, amounts collected as*
5 *fees described in this section shall be credited as an offset-*
6 *ting collection to any appropriation for the Department of*
7 *State to recover costs of providing consular services.*
8 *Amounts so credited shall be available, until expended, for*
9 *the same purposes as the appropriation to which credited.*

10 **TITLE II—INTERAGENCY**
11 **INFORMATION SHARING**

12 **SEC. 201. INTERIM MEASURES FOR ACCESS TO AND CO-**
13 **ORDINATION OF LAW ENFORCEMENT AND**
14 **OTHER INFORMATION.**

15 *(a) INTERIM DIRECTIVE.—Until the plan required by*
16 *subsection (c) is implemented, Federal law enforcement*
17 *agencies and the intelligence community shall, to the max-*
18 *imum extent practicable, share any information with the*
19 *Department of State and the Immigration and Naturaliza-*
20 *tion Service relevant to the admissibility and deportability*
21 *of aliens, consistent with the plan described in subsection*
22 *(c).*

23 *(b) REPORT IDENTIFYING LAW ENFORCEMENT AND IN-*
24 *TELLIGENCE INFORMATION.—*

1 (1) *IN GENERAL.*—Not later than 120 days after
2 the date of enactment of this Act, the President shall
3 submit to the appropriate committees of Congress a
4 report identifying Federal law enforcement and the
5 intelligence community information needed by the De-
6 partment of State to screen visa applicants, or by the
7 Immigration and Naturalization Service to screen
8 applicants for admission to the United States, and to
9 identify those aliens inadmissible or deportable under
10 the Immigration and Nationality Act.

11 (2) *REPEAL.*—Section 414(d) of the USA PA-
12 TRIBUT Act is hereby repealed.

13 (c) *COORDINATION PLAN.*—

14 (1) *REQUIREMENT FOR PLAN.*—Not later than
15 one year after the date of enactment of the USA PA-
16 TRIBUT Act, the President shall develop and imple-
17 ment a plan based on the findings of the report under
18 subsection (b) that requires Federal law enforcement
19 agencies and the intelligence community to provide to
20 the Department of State and the Immigration and
21 Naturalization Service all information identified in
22 that report as expeditiously as practicable.

23 (2) *CONSULTATION REQUIREMENT.*—In the prep-
24 aration and implementation of the plan under this

1 subsection, the President shall consult with the appro-
2 priate committees of Congress.

3 (3) *PROTECTIONS REGARDING INFORMATION AND*
4 *USES THEREOF.*—The plan under this subsection
5 shall establish conditions for using the information
6 described in subsection (b) received by the Department
7 of State and Immigration and Naturalization
8 Service—

9 (A) to limit the redissemination of such in-
10 formation;

11 (B) to ensure that such information is used
12 solely to determine whether to issue a visa to an
13 alien or to determine the admissibility or deport-
14 ability of an alien to the United States, except
15 as otherwise authorized under Federal law;

16 (C) to ensure the accuracy, security, and
17 confidentiality of such information;

18 (D) to protect any privacy rights of indi-
19 viduals who are subjects of such information;

20 (E) to provide data integrity through the
21 timely removal and destruction of obsolete or er-
22 roneous names and information; and

23 (F) in a manner that protects the sources
24 and methods used to acquire intelligence infor-
25 mation as required by section 103(c)(6) of the

1 *National Security Act of 1947 (50 U.S.C. 403–*
2 *3(c)(6)).*

3 (4) *CRIMINAL PENALTIES FOR MISUSE OF INFOR-*
4 *MATION.—Any person who obtains information under*
5 *this subsection without authorization or exceeding au-*
6 *thorized access (as defined in section 1030(e) of title*
7 *18, United States Code), and who uses such informa-*
8 *tion in the manner described in any of the para-*
9 *graphs (1) through (7) of section 1030(a) of such title,*
10 *or attempts to use such information in such manner,*
11 *shall be subject to the same penalties as are applicable*
12 *under section 1030(c) of such title for violation of that*
13 *paragraph.*

14 (5) *ADVANCING DEADLINES FOR A TECHNOLOGY*
15 *STANDARD AND REPORT.—Section 403(c) of the USA*
16 *PATRIOT Act is amended—*

17 (A) *in paragraph (1), by striking “2 years”*
18 *and inserting “one year”; and*

19 (B) *in paragraph (4), by striking “18*
20 *months” and inserting “six months”.*

21 **SEC. 202. INTEROPERABLE LAW ENFORCEMENT AND INTEL-**
22 **LIGENCE DATA SYSTEM WITH NAME-MATCH-**
23 **ING CAPACITY AND TRAINING.**

24 (a) *INTEROPERABLE LAW ENFORCEMENT AND INTEL-*
25 *LIGENCE ELECTRONIC DATA SYSTEM.—*

1 (1) *REQUIREMENT FOR INTEGRATED IMMIGRA-*
2 *TION AND NATURALIZATION DATA SYSTEM.*—*The Im-*
3 *migration and Naturalization Service shall fully inte-*
4 *grate all databases and data systems maintained by*
5 *the Service that process or contain information on*
6 *aliens. The fully integrated data system shall be an*
7 *interoperable component of the electronic data system*
8 *described in paragraph (2).*

9 (2) *REQUIREMENT FOR INTEROPERABLE DATA*
10 *SYSTEM.*—*Upon the date of commencement of imple-*
11 *mentation of the plan required by section 201(c), the*
12 *President shall develop and implement an interoper-*
13 *able electronic data system to provide current and*
14 *immediate access to information in databases of Fed-*
15 *eral law enforcement agencies and the intelligence*
16 *community that is relevant to determine whether to*
17 *issue a visa or to determine the admissibility or de-*
18 *portability of an alien.*

19 (3) *CONSULTATION REQUIREMENT.*—*In the de-*
20 *velopment and implementation of the data system*
21 *under this subsection, the President shall consult with*
22 *the Director of the National Institute of Standards*
23 *and Technology (NIST) and any such other agency as*
24 *may be deemed appropriate.*

25 (4) *TECHNOLOGY STANDARD.*—

1 (A) *IN GENERAL.*—*The data system devel-*
2 *oped and implemented under this subsection,*
3 *and the databases referred to in paragraph (2),*
4 *shall utilize the technology standard established*
5 *pursuant to section 403(c) of the USA PATRIOT*
6 *Act, as amended by section 201(c)(5) and sub-*
7 *paragraph (B).*

8 (B) *CONFORMING AMENDMENT.*—*Section*
9 *403(c) of the USA PATRIOT Act, as amended*
10 *by section 201(c)(5), is further amended—*

11 (i) *in paragraph (1), by inserting “,*
12 *including appropriate biometric identifier*
13 *standards,” after “technology standard”;*
14 *and*

15 (ii) *in paragraph (2) —*

16 (I) *by striking “INTEGRATED”*
17 *and inserting “INTEROPERABLE”;* *and*

18 (II) *by striking “integrated” and*
19 *inserting “interoperable”.*

20 (5) *ACCESS TO INFORMATION IN DATA SYSTEM.*—
21 *Subject to paragraph (6), information in the data*
22 *system under this subsection shall be readily and eas-*
23 *ily accessible—*

24 (A) *to any consular officer responsible for*
25 *the issuance of visas;*

1 (B) to any Federal official responsible for
2 determining an alien's admissibility to or de-
3 portability from the United States; and

4 (C) to any Federal law enforcement or in-
5 telligence officer determined by regulation to be
6 responsible for the investigation or identification
7 of aliens.

8 (6) *LIMITATION ON ACCESS.*—The President
9 shall, in accordance with applicable Federal laws, es-
10 tablish procedures to restrict access to intelligence in-
11 formation in the data system under this subsection,
12 and the databases referred to in paragraph (2), under
13 circumstances in which such information is not to be
14 disclosed directly to Government officials under para-
15 graph (5).

16 (b) *NAME-SEARCH CAPACITY AND SUPPORT.*—

17 (1) *IN GENERAL.*—The interoperable electronic
18 data system required by subsection (a) shall—

19 (A) have the capacity to compensate for dis-
20 parate name formats among the different data-
21 bases referred to in subsection (a);

22 (B) be searchable on a linguistically sen-
23 sitive basis;

24 (C) provide adequate user support;

1 (D) to the extent practicable, utilize com-
2 mercially available technology; and

3 (E) be adjusted and improved, based upon
4 experience with the databases and improvements
5 in the underlying technologies and sciences, on a
6 continuing basis.

7 (2) *LINGUISTICALLY SENSITIVE SEARCHES.*—

8 (A) *IN GENERAL.*—To satisfy the require-
9 ment of paragraph (1)(B), the interoperable elec-
10 tronic database shall be searchable based on lin-
11 guistically sensitive algorithms that—

12 (i) account for variations in name for-
13 mats and transliterations, including varied
14 spellings and varied separation or combina-
15 tion of name elements, within a particular
16 language; and

17 (ii) incorporate advanced linguistic,
18 mathematical, statistical, and anthropo-
19 logical research and methods.

20 (B) *LANGUAGES REQUIRED.*—

21 (i) *PRIORITY LANGUAGES.*—Linguis-
22 tically sensitive algorithms shall be devel-
23 oped and implemented for no fewer than 4
24 languages designated as high priorities by
25 the Secretary of State, after consultation

1 *with the Attorney General and the Director*
2 *of Central Intelligence.*

3 *(ii) IMPLEMENTATION SCHEDULE.—Of*
4 *the 4 linguistically sensitive algorithms re-*
5 *quired to be developed and implemented*
6 *under clause (i)—*

7 *(I) the highest priority language*
8 *algorithms shall be implemented with-*
9 *in 18 months after the date of enact-*
10 *ment of this Act; and*

11 *(II) an additional language algo-*
12 *rithm shall be implemented each suc-*
13 *ceeding year for the next three years.*

14 *(3) ADEQUATE USER SUPPORT.—The Secretary*
15 *of State and the Attorney General shall jointly pre-*
16 *scribe procedures to ensure that consular and immi-*
17 *gration officers can, as required, obtain assistance in*
18 *resolving identity and other questions that may arise*
19 *about names of aliens seeking visas or admission to*
20 *the United States that may be subject to variations*
21 *in format, transliteration, or other similar phe-*
22 *nomenon.*

23 *(4) INTERIM REPORTS.—Six months after the*
24 *date of enactment of this Act, the President shall sub-*
25 *mit a report to the appropriate committees of Con-*

1 *gress on the progress in implementing each require-*
2 *ment of this section.*

3 (5) *REPORTS BY INTELLIGENCE AGENCIES.—*

4 (A) *CURRENT STANDARDS.—Not later than*
5 *60 days after the date of enactment of this Act,*
6 *the Director of Central Intelligence shall com-*
7 *plete the survey and issue the report previously*
8 *required by section 309(a) of the Intelligence Au-*
9 *thorization Act for Fiscal Year 1998 (50 U.S.C.*
10 *403–3 note).*

11 (B) *GUIDELINES.—Not later than 120 days*
12 *after the date of enactment of this Act, the Direc-*
13 *tor of Intelligence shall issue the guidelines and*
14 *submit the copy of those guidelines previously re-*
15 *quired by section 309(b) of the Intelligence Au-*
16 *thorization Act for Fiscal Year 1998 (50 U.S.C.*
17 *403–3 note).*

18 (6) *AUTHORIZATION OF APPROPRIATIONS.—*

19 *There are authorized to be appropriated such sums as*
20 *are necessary to carry out the provisions of this sub-*
21 *section.*

22 **SEC. 203. COMMISSION ON INTEROPERABLE DATA SHAR-**
23 **ING.**

24 (a) *ESTABLISHMENT.—Not later than one year after*
25 *the date of enactment of the USA PATRIOT Act, the Presi-*

1 *dent shall establish a Commission on Interoperable Data*
2 *Sharing (in this section referred to as the “Commission”).*

3 *The purposes of the Commission shall be to—*

4 *(1) monitor the protections described in section*
5 *201(c)(3);*

6 *(2) provide oversight of the interoperable elec-*
7 *tronic data system described in this title; and*

8 *(3) report to Congress annually on the Commis-*
9 *sion’s findings and recommendations.*

10 *(b) COMPOSITION.—The Commission shall consist of*
11 *nine members, who shall be appointed by the President, as*
12 *follows:*

13 *(1) One member, who shall serve as Chair of the*
14 *Commission.*

15 *(2) Eight members, who shall be appointed from*
16 *a list of nominees jointly provided by the Speaker of*
17 *the House of Representatives, the Minority Leader of*
18 *the House of Representatives, the Majority Leader of*
19 *the Senate, and the Minority Leader of the Senate.*

20 *(c) CONSIDERATIONS.—The Commission shall consider*
21 *recommendations regarding the following issues:*

22 *(1) Adequate protection of privacy concerns in-*
23 *herent in the design, implementation, or operation of*
24 *the interoperable electronic data system.*

1 (2) *Timely adoption of security innovations,*
2 *consistent with generally accepted security standards,*
3 *to protect the integrity and confidentiality of infor-*
4 *mation to prevent against the risks of accidental or*
5 *unauthorized loss, access, destruction, use modifica-*
6 *tion, or disclosure of information.*

7 (3) *The adequacy of mechanisms to permit the*
8 *timely correction of errors in data maintained by the*
9 *interoperable data system.*

10 (4) *Other protections against unauthorized use of*
11 *data to guard against the misuse of the interoperable*
12 *data system or the data maintained by the system,*
13 *including recommendations for modifications to exist-*
14 *ing laws and regulations to sanction misuse of the*
15 *system.*

16 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*
17 *authorized to be appropriated to the Commission such sums*
18 *as may be necessary to carry out this section.*

19 **TITLE III—VISA ISSUANCE**

20 **SEC. 301. ELECTRONIC PROVISION OF VISA FILES.**

21 *Section 221(a) of the Immigration and Nationality*
22 *Act (8 U.S.C. 1201(a)) is amended—*

23 (1) *by redesignating paragraphs (1) and (2) as*
24 *subparagraphs (A) and (B), respectively;*

1 (2) *by inserting “(1)” immediately after “(a)”;*

2 *and*

3 (3) *by adding at the end the following:*

4 “*(2) The Secretary of State shall provide to the Service*
5 *an electronic version of the visa file of an alien who has*
6 *been issued a visa to ensure that the data in that visa file*
7 *is available to immigration inspectors at the United States*
8 *ports of entry before the arrival of the alien at such a port*
9 *of entry.”.*

10 **SEC. 302. IMPLEMENTATION OF AN INTEGRATED ENTRY**
11 **AND EXIT DATA SYSTEM.**

12 (a) *DEVELOPMENT OF SYSTEM.—In developing the in-*
13 *tegrated entry and exit data system for the ports of entry,*
14 *as required by the Immigration and Naturalization Service*
15 *Data Management Improvement Act of 2000 (Public Law*
16 *106–215), the Attorney General and the Secretary of State*
17 *shall—*

18 (1) *implement, fund, and use a technology stand-*
19 *ard under section 403(c) of the USA PATRIOT Act*
20 *(as amended by sections 201(c)(5) and 202(a)(3)(B))*
21 *at United States ports of entry and at consular posts*
22 *abroad;*

23 (2) *establish a database containing the arrival*
24 *and departure data from machine-readable visas,*

1 *passports, and other travel and entry documents pos-*
2 *essed by aliens; and*

3 *(3) make interoperable all security databases rel-*
4 *evant to making determinations of admissibility*
5 *under section 212 of the Immigration and Nation-*
6 *ality Act (8 U.S.C. 1182).*

7 *(b) IMPLEMENTATION.—In implementing the provi-*
8 *sions of subsection (a), the Immigration and Naturalization*
9 *Service and the Department of State shall—*

10 *(1) utilize technologies that facilitate the lawful*
11 *and efficient cross-border movement of commerce and*
12 *persons without compromising the safety and security*
13 *of the United States; and*

14 *(2) consider implementing the North American*
15 *National Security Program described in section 401.*

16 **SEC. 303. MACHINE-READABLE, TAMPER-RESISTANT ENTRY**
17 **AND EXIT DOCUMENTS.**

18 *(a) REPORT.—*

19 *(1) IN GENERAL.—Not later than 180 days after*
20 *the date of enactment of this Act, the Attorney Gen-*
21 *eral, the Secretary of State, and the National Insti-*
22 *tute of Standards and Technology (NIST), acting*
23 *jointly, shall submit to the appropriate committees of*
24 *Congress a comprehensive report assessing the actions*
25 *that will be necessary, and the considerations to be*

1 *taken into account, to achieve fully, not later than*
2 *October 26, 2003—*

3 *(A) implementation of the requirements of*
4 *subsections (b) and (c); and*

5 *(B) deployment of the equipment and soft-*
6 *ware to allow biometric comparison of the docu-*
7 *ments described in subsections (b) and (c).*

8 *(2) ESTIMATES.—In addition to the assessment*
9 *required by paragraph (1), each report shall include*
10 *an estimate of the costs to be incurred, and the per-*
11 *sonnel, man-hours, and other support required, by the*
12 *Department of Justice, the Department of State, and*
13 *NIST to achieve the objectives of subparagraphs (A)*
14 *and (B) of paragraph (1).*

15 *(b) REQUIREMENTS.—*

16 *(1) IN GENERAL.—Not later than October 26,*
17 *2003, the Attorney General and the Secretary of State*
18 *shall issue to aliens only machine-readable, tamper-*
19 *resistant visas and travel and entry documents that*
20 *use biometric identifiers. The Attorney General and*
21 *the Secretary of State shall jointly establish biometric*
22 *identifiers standards to be employed on such visas*
23 *and travel and entry documents from among those bi-*
24 *ometric identifiers recognized by domestic and inter-*
25 *national standards organizations.*

1 (2) *READERS AND SCANNERS AT PORTS OF*
2 *ENTRY.—*

3 (A) *IN GENERAL.—Not later than October*
4 *26, 2003, the Attorney General, in consultation*
5 *with the Secretary of State, shall install at all*
6 *ports of entry of the United States equipment*
7 *and software to allow biometric comparison of*
8 *all United States visas and travel and entry doc-*
9 *uments issued to aliens, and passports issued*
10 *pursuant to subsection (c)(1).*

11 (B) *USE OF READERS AND SCANNERS.—The*
12 *Attorney General, in consultation with the Sec-*
13 *retary of State, shall utilize biometric data read-*
14 *ers and scanners that—*

15 (i) *domestic and international stand-*
16 *ards organizations determine to be highly*
17 *accurate when used to verify identity; and*

18 (ii) *can read the biometric identifiers*
19 *utilized under subsections (b)(1) and (c)(1).*

20 (3) *USE OF TECHNOLOGY STANDARD.—The sys-*
21 *tems employed to implement paragraphs (1) and (2)*
22 *shall utilize the technology standard established pur-*
23 *suant to section 403(c) of the USA PATRIOT Act, as*
24 *amended by section 201(c)(5) and 202(a)(3)(B).*

1 (c) *TECHNOLOGY STANDARD FOR VISA WAIVER PAR-*
2 *TICIPANTS.*—

3 (1) *CERTIFICATION REQUIREMENT.*—*Not later*
4 *than October 26, 2003, the government of each coun-*
5 *try that is designated to participate in the visa wai-*
6 *ver program established under section 217 of the Im-*
7 *migration and Nationality Act shall certify, as a con-*
8 *dition for designation or continuation of that des-*
9 *ignation, that it has a program to issue to its nation-*
10 *als machine-readable passports that are tamper-resist-*
11 *ant and incorporate biometric identifiers that comply*
12 *with applicable biometric identifiers standards estab-*
13 *lished by the International Civil Aviation Organiza-*
14 *tion. This paragraph shall not be construed to rescind*
15 *the requirement of section 217(a)(3) of the Immigra-*
16 *tion and Nationality Act.*

17 (2) *USE OF TECHNOLOGY STANDARD.*—*On and*
18 *after October 26, 2003, any alien applying for admis-*
19 *sion under the visa waiver program shall present a*
20 *passport that meets the requirements of paragraph (1)*
21 *unless the alien's passport was issued prior to that*
22 *date.*

23 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
24 *authorized to be appropriated such sums as may be nec-*

1 *essary to carry out this section, including reimbursement*
2 *to international and domestic standards organizations.*

3 **SEC. 304. TERRORIST LOOKOUT COMMITTEES.**

4 *(a) ESTABLISHMENT.—The Secretary of State shall re-*
5 *quire a terrorist lookout committee to be maintained within*
6 *each United States mission.*

7 *(b) PURPOSE.—The purpose of each committee estab-*
8 *lished under subsection (a) shall be—*

9 *(1) to utilize the cooperative resources of all ele-*
10 *ments of the United States mission in the country in*
11 *which the consular post is located to identify known*
12 *or potential terrorists and to develop information on*
13 *those individuals;*

14 *(2) to ensure that such information is routinely*
15 *and consistently brought to the attention of appro-*
16 *priate United States officials for use in administering*
17 *the immigration laws of the United States; and*

18 *(3) to ensure that the names of known and sus-*
19 *pected terrorists are entered into the appropriate look-*
20 *out databases.*

21 *(c) COMPOSITION; CHAIR.—The Secretary shall estab-*
22 *lish rules governing the composition of such committees.*

23 *(d) MEETINGS.—The committee shall meet at least*
24 *monthly to share information pertaining to the committee's*
25 *purpose as described in subsection (b)(2).*

1 (e) *PERIODIC REPORTS.*—*The committee shall submit*
2 *quarterly reports to the Secretary of State describing the*
3 *committee’s activities, whether or not information on*
4 *known or suspected terrorists was developed during the*
5 *quarter.*

6 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
7 *authorized to be appropriated such sums as may be nec-*
8 *essary to implement this section.*

9 **SEC. 305. IMPROVED TRAINING FOR CONSULAR OFFICERS.**

10 (a) *TRAINING.*—*The Secretary of State shall require*
11 *that all consular officers responsible for adjudicating visa*
12 *applications, before undertaking to perform consular re-*
13 *sponsibilities, receive specialized training in the effective*
14 *screening of visa applicants who pose a potential threat to*
15 *the safety or security of the United States. Such officers*
16 *shall be specially and extensively trained in the identifica-*
17 *tion of aliens inadmissible under section 212(a)(3) (A) and*
18 *(B) of the Immigration and Nationality Act, interagency*
19 *and international intelligence sharing regarding terrorists*
20 *and terrorism, and cultural-sensitivity toward visa appli-*
21 *cants.*

22 (b) *USE OF FOREIGN INTELLIGENCE INFORMATION.*—
23 *As an ongoing component of the training required in sub-*
24 *section (a), the Secretary of State shall coordinate with the*
25 *Assistant to the President for Homeland Security, Federal*

1 *law enforcement agencies, and the intelligence community*
2 *to compile and disseminate to the Bureau of Consular Af-*
3 *fairs reports, bulletins, updates, and other current unclassi-*
4 *fied information relevant to terrorists and terrorism and*
5 *to screening visa applicants who pose a potential threat to*
6 *the safety or security of the United States.*

7 (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
8 *authorized to be appropriated such sums as may be nec-*
9 *essary to implement this section.*

10 **SEC. 306. RESTRICTION ON ISSUANCE OF VISAS TO NON-**
11 **IMMIGRANTS FROM COUNTRIES THAT ARE**
12 **STATE SPONSORS OF INTERNATIONAL TER-**
13 **RORISM.**

14 (a) *IN GENERAL.—No nonimmigrant visa under sec-*
15 *tion 101(a)(15) of the Immigration and Nationality Act (8*
16 *U.S.C. 1101(a)(15)) shall be issued to any alien from a*
17 *country that is a state sponsor of international terrorism*
18 *unless the Secretary of State determines, in consultation*
19 *with the Attorney General and the heads of other appro-*
20 *priate United States agencies, that such alien does not pose*
21 *a threat to the safety or national security of the United*
22 *States. In making a determination under this subsection,*
23 *the Secretary of State shall apply standards developed by*
24 *the Secretary of State, in consultation with the Attorney*

1 *General and the heads of other appropriate United States*
 2 *agencies, that are applicable to the nationals of such states.*

3 (b) *STATE SPONSOR OF INTERNATIONAL TERRORISM*
 4 *DEFINED.—*

5 (1) *IN GENERAL.—In this section, the term*
 6 *“state sponsor of international terrorism” means any*
 7 *country the government of which has been determined*
 8 *by the Secretary of State under any of the laws speci-*
 9 *fied in paragraph (2) to have repeatedly provided*
 10 *support for acts of international terrorism.*

11 (2) *LAWS UNDER WHICH DETERMINATIONS WERE*
 12 *MADE.—The laws specified in this paragraph are the*
 13 *following:*

14 (A) *Section 6(j)(1)(A) of the Export Admin-*
 15 *istration Act of 1979 (or successor statute).*

16 (B) *Section 40(d) of the Arms Export Con-*
 17 *trol Act.*

18 (C) *Section 620A(a) of the Foreign Assist-*
 19 *ance Act of 1961.*

20 **SEC. 307. DESIGNATION OF PROGRAM COUNTRIES UNDER**
 21 **THE VISA WAIVER PROGRAM.**

22 (a) *REPORTING PASSPORT THEFTS.—As a condition*
 23 *of a country’s initial designation or continued designation*
 24 *for participation in the visa waiver program under section*
 25 *217 of the Immigration and Nationality Act (8 U.S.C.*

1 1187), the Attorney General and the Secretary of State shall
2 consider whether the country reports to the United States
3 Government on a timely basis the theft of blank passports
4 issued by that country.

5 (b) *CHECK OF LOOKOUT DATABASES.*—Prior to the
6 admission of an alien under the visa waiver program estab-
7 lished under section 217 of the Immigration and Nation-
8 ality Act (8 U.S.C. 1187), the Immigration and Naturaliza-
9 tion Service shall determine that the applicant for admis-
10 sion does not appear in any of the appropriate lookout
11 databases available to immigration inspectors at the time
12 the alien seeks admission to the United States.

13 **SEC. 308. TRACKING SYSTEM FOR STOLEN PASSPORTS.**

14 (a) *ENTERING STOLEN PASSPORT IDENTIFICATION*
15 *NUMBERS IN THE INTEROPERABLE DATA SYSTEM.*—

16 (1) *IN GENERAL.*—Beginning with implementa-
17 tion under section 202 of the law enforcement and in-
18 telligence data system, not later than 72 hours after
19 receiving notification of the loss or theft of a United
20 States or foreign passport, the Attorney General and
21 the Secretary of State, as appropriate, shall enter into
22 such system the corresponding identification number
23 for the lost or stolen passport.

24 (2) *ENTRY OF INFORMATION ON PREVIOUSLY*
25 *LOST OR STOLEN PASSPORTS.*—To the extent prac-

1 *licable, the Attorney General, in consultation with the*
 2 *Secretary of State, shall enter into such system the*
 3 *corresponding identification numbers for the United*
 4 *States and foreign passports lost or stolen prior to the*
 5 *implementation of such system.*

6 (b) *TRANSITION PERIOD.—Until such time as the law*
 7 *enforcement and intelligence data system described in sec-*
 8 *tion 202 is fully implemented, the Attorney General shall*
 9 *enter the data described in subsection (a) into an existing*
 10 *data system being used to determine the admissibility or*
 11 *deportability of aliens.*

12 **SEC. 309. IDENTIFICATION DOCUMENTS FOR CERTAIN**
 13 **NEWLY ADMITTED ALIENS.**

14 *Not later than 180 days after the date of enactment*
 15 *of this Act, the Attorney General shall ensure that, imme-*
 16 *diately upon the arrival in the United States of an indi-*
 17 *vidual admitted under section 207 of the Immigration and*
 18 *Nationality Act (8 U.S.C. 1157), or immediately upon an*
 19 *alien being granted asylum under section 208 of such Act*
 20 *(8 U.S.C. 1158), the alien will be issued an employment*
 21 *authorization document. Such document shall, at a min-*
 22 *imum, contain the fingerprint and photograph of such*
 23 *alien.*

1 **TITLE IV—ADMISSION AND**
2 **INSPECTION OF ALIENS**

3 **SEC. 401. STUDY OF THE FEASIBILITY OF A NORTH AMER-**
4 **ICAN NATIONAL SECURITY PROGRAM.**

5 (a) *IN GENERAL.*—*The President shall conduct a study*
6 *of the feasibility of establishing a North American National*
7 *Security Program to enhance the mutual security and safe-*
8 *ty of the United States, Canada, and Mexico.*

9 (b) *STUDY ELEMENTS.*—*In conducting the study re-*
10 *quired by subsection (a), the officials specified in subsection*
11 *(a) shall consider the following:*

12 (1) *PRECLEARANCE.*—*The feasibility of estab-*
13 *lishing a program enabling foreign national travelers*
14 *to the United States to submit voluntarily to a*
15 *preclearance procedure established by the Department*
16 *of State and the Immigration and Naturalization*
17 *Service to determine whether such travelers are ad-*
18 *missible to the United States under section 212 of the*
19 *Immigration and Nationality Act (8 U.S.C. 1182).*
20 *Consideration shall be given to the feasibility of ex-*
21 *anding the preclearance program to include the*
22 *preclearance both of foreign nationals traveling to*
23 *Canada and foreign nationals traveling to Mexico.*

24 (2) *PREINSPECTION.*—*The feasibility of expand-*
25 *ing preinspection facilities at foreign airports as de-*

1 scribed in section 235A of the Immigration and Na-
2 tionality Act (8 U.S.C. 1225). Consideration shall be
3 given to the feasibility of expanding preinspections to
4 foreign nationals on air flights destined for Canada
5 and Mexico, and the cross training and funding of in-
6 spectors from Canada and Mexico.

7 (3) *CONDITIONS.*—A determination of the meas-
8 ures necessary to ensure that the conditions required
9 by section 235A(a)(5) of the Immigration and Na-
10 tionality Act (8 U.S.C. 1225a(a)(5)) are satisfied, in-
11 cluding consultation with experts recognized for their
12 expertise regarding the conditions required by that
13 section.

14 (c) *REPORT.*—Not later than 1 year after the date of
15 enactment of this Act, the President shall submit to the ap-
16 propriate committees of Congress a report setting forth the
17 findings of the study conducted under subsection (a).

18 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are
19 authorized to be appropriated such sums as may be nec-
20 essary to carry out this section.

21 **SEC. 402. PASSENGER MANIFESTS.**

22 (a) *IN GENERAL.*—Section 231 of the Immigration
23 and Nationality Act (8 U.S.C. 1221(a)) is amended—

24 (1) by striking subsections (a), (b), (d), and (e);

1 (2) *by redesignating subsection (c) as subsection*
2 *(i); and*

3 (3) *by inserting after “SEC. 231.” the following*
4 *new subsections: “(a) ARRIVAL MANIFESTS.—For*
5 *each commercial vessel or aircraft transporting any*
6 *person to any seaport or airport of the United States*
7 *from any place outside the United States, it shall be*
8 *the duty of an appropriate official specified in sub-*
9 *section (d) to provide to an immigration officer at*
10 *that port manifest information about each passenger,*
11 *crew member, and other occupant transported on such*
12 *vessel or aircraft prior to arrival at that port.*

13 “(b) *DEPARTURE MANIFESTS.—For each commercial*
14 *vessel or aircraft taking passengers on board at any seaport*
15 *or airport of the United States, who are destined to any*
16 *place outside the United States, it shall be the duty of an*
17 *appropriate official specified in subsection (d) to provide*
18 *an immigration officer before departure from such port*
19 *manifest information about each passenger, crew member,*
20 *and other occupant to be transported.*

21 “(c) *CONTENTS OF MANIFEST.—The information to be*
22 *provided with respect to each person listed on a manifest*
23 *required to be provided under subsection (a) or (b) shall*
24 *include—*

25 “(1) *complete name;*

1 “(2) *date of birth;*

2 “(3) *citizenship;*

3 “(4) *sex;*

4 “(5) *passport number and country of issuance;*

5 “(6) *country of residence;*

6 “(7) *United States visa number, date, and place*
7 *of issuance, where applicable;*

8 “(8) *alien registration number, where applicable;*

9 “(9) *United States address while in the United*
10 *States; and*

11 “(10) *such other information the Attorney Gen-*
12 *eral, in consultation with the Secretary of State, and*
13 *the Secretary of Treasury determines as being nec-*
14 *essary for the identification of the persons transported*
15 *and for the enforcement of the immigration laws and*
16 *to protect safety and national security.*

17 “(d) *APPROPRIATE OFFICIALS SPECIFIED.—An ap-*
18 *propriate official specified in this subsection is the master*
19 *or commanding officer, or authorized agent, owner, or con-*
20 *signee, of the commercial vessel or aircraft concerned.*

21 “(e) *DEADLINE FOR REQUIREMENT OF ELECTRONIC*
22 *TRANSMISSION OF MANIFEST INFORMATION.—Not later*
23 *than January 1, 2003, manifest information required to be*
24 *provided under subsection (a) or (b) shall be transmitted*

1 *electronically by the appropriate official specified in sub-*
2 *section (d) to an immigration officer.*

3 “(f) *PROHIBITION.*—*No operator of any private or*
4 *public carrier that is under a duty to provide manifest in-*
5 *formation under this section shall be granted clearance pa-*
6 *pers until the appropriate official specified in subsection*
7 *(d) has complied with the requirements of this subsection,*
8 *except that in the case of commercial vessels, aircraft, or*
9 *land carriers that the Attorney General determines are*
10 *making regular trips to the United States, the Attorney*
11 *General may, when expedient, arrange for the provision of*
12 *manifest information of persons departing the United*
13 *States at a later date.*

14 “(g) *PENALTIES AGAINST NONCOMPLYING SHIPMENTS,*
15 *AIRCRAFT, OR CARRIERS.*—*If it shall appear to the satis-*
16 *faction of the Attorney General that an appropriate official*
17 *specified in subsection (d), any public or private carrier,*
18 *or the agent of any transportation line, as the case may*
19 *be, has refused or failed to provide manifest information*
20 *required by subsection (a) or (b), or that the manifest infor-*
21 *mation provided is not accurate and full based on informa-*
22 *tion provided to the carrier, such official, carrier, or agent,*
23 *as the case may be, shall pay to the Commissioner the sum*
24 *of \$300 for each person with respect to whom such accurate*
25 *and full manifest information is not provided, or with re-*

1 *spect to whom the manifest information is not prepared as*
2 *prescribed by this section or by regulations issued pursuant*
3 *thereto. No commercial vessel, aircraft, or land carrier shall*
4 *be granted clearance pending determination of the question*
5 *of the liability to the payment of such penalty, or while*
6 *it remains unpaid, and no such penalty shall be remitted*
7 *or refunded, except that clearance may be granted prior to*
8 *the determination of such question upon the deposit with*
9 *the Commissioner of a bond or undertaking approved by*
10 *the Attorney General or a sum sufficient to cover such pen-*
11 *alty.*

12 “(h) *WAIVER.—The Attorney General may waive the*
13 *requirements of subsection (a) or (b) upon such cir-*
14 *cumstances and conditions as the Attorney General may by*
15 *regulation prescribe.*”.

16 “(b) *EXTENSION TO LAND CARRIERS.—Not later than*
17 *two years after the date of enactment of this Act, the Presi-*
18 *dent shall conduct a study regarding the feasibility of ex-*
19 *tending the requirements of subsections (a) and (b) of sec-*
20 *tion 231 of the Immigration and Nationality Act (8 U.S.C.*
21 *1221), as amended by subsection (a), to any commercial*
22 *carrier transporting persons by land to or from the United*
23 *States. The study shall focus on the manner in which such*
24 *requirement would be implemented to enhance the national*

1 *security of the United States and the efficient cross-border*
2 *flow of commerce and persons.*

3 (c) *EFFECTIVE DATE.*—*The amendments made by sub-*
4 *section (a) shall apply with respect to persons arriving in,*
5 *or departing from, the United States on or after the date*
6 *of enactment of this Act.*

7 **SEC. 403. TIME PERIOD FOR INSPECTIONS.**

8 (a) *REPEAL OF TIME LIMITATION ON INSPECTIONS.*—
9 *Section 286(g) of the Immigration and Nationality Act (8*
10 *U.S.C. 1356(g)) is amended by striking “, within forty-five*
11 *minutes of their presentation for inspection,”.*

12 (b) *STAFFING LEVELS AT PORTS OF ENTRY.*—*The Im-*
13 *migration and Naturalization Service shall staff ports of*
14 *entry at such levels that would be adequate to meet traffic*
15 *flow and inspection time objectives efficiently without com-*
16 *promising the safety and security of the United States. Es-*
17 *timated staffing levels under workforce models for the Immi-*
18 *gration and Naturalization Service shall be based on the*
19 *goal of providing immigration services described in section*
20 *286(g) of such Act within 45 minutes of a passenger’s pres-*
21 *entation for inspection.*

1 **TITLE V—FOREIGN STUDENTS**
2 **AND EXCHANGE VISITORS**

3 **SEC. 501. FOREIGN STUDENT MONITORING PROGRAM.**

4 (a) *STRENGTHENING REQUIREMENTS FOR IMPLEMEN-*
5 *TATION OF MONITORING PROGRAM.—*

6 (1) *MONITORING AND VERIFICATION OF INFOR-*
7 *MATION.—Section 641(a) of the Illegal Immigration*
8 *Reform and Immigrant Responsibility Act of 1996 (8*
9 *U.S.C. 1372(a)) is amended by adding at the end the*
10 *following:*

11 “(3) *ALIENS FOR WHOM A VISA IS REQUIRED.—*
12 *The Attorney General, in consultation with the Sec-*
13 *retary of State, shall establish an electronic means to*
14 *monitor and verify—*

15 “(A) *the issuance of documentation of ac-*
16 *ceptance of a foreign student by an approved in-*
17 *stitution of higher education or other approved*
18 *educational institution, or of an exchange visitor*
19 *program participant by a designated exchange*
20 *visitor program;*

21 “(B) *the transmittal of the documentation*
22 *referred to in subparagraph (A) to the Depart-*
23 *ment of State for use by the Bureau of Consular*
24 *Affairs;*

1 “(C) the issuance of a visa to a foreign stu-
2 dent or an exchange visitor program participant;

3 “(D) the admission into the United States
4 of the foreign student or exchange visitor pro-
5 gram participant;

6 “(E) the notification to an approved insti-
7 tution of higher education, other approved edu-
8 cational institution, or exchange visitor program
9 sponsor that the foreign student or exchange vis-
10 itor participant has been admitted into the
11 United States;

12 “(F) the registration and enrollment of that
13 foreign student in such approved institution of
14 higher education or other approved educational
15 institution, or the participation of that exchange
16 visitor in such designated exchange visitor pro-
17 gram, as the case may be; and

18 “(G) any other relevant act by the foreign
19 student or exchange visitor program participant,
20 including a changing of school or designated ex-
21 change visitor program and any termination of
22 studies or participation in a designated exchange
23 visitor program.

24 “(4) *REPORTING REQUIREMENTS.*—Not later
25 than 30 days after the deadline for registering for

1 *classes for an academic term of an approved institu-*
2 *tion of higher education or other approved edu-*
3 *cational institution for which documentation is issued*
4 *for an alien as described in paragraph (3)(A), or the*
5 *scheduled commencement of participation by an alien*
6 *in a designated exchange visitor program, as the case*
7 *may be, the institution or program, respectively, shall*
8 *report to the Immigration and Naturalization Service*
9 *any failure of the alien to enroll or to commence par-*
10 *ticipation.”.*

11 (2) *ADDITIONAL REQUIREMENTS FOR DATA TO*
12 *BE COLLECTED.—Section 641(c)(1) of the Illegal Im-*
13 *migration Reform and Immigrant Responsibility Act*
14 *of 1996 (8 U.S.C. 1372(c)(1)) is amended—*

15 (A) *by striking “and” at the end of sub-*
16 *paragraph (C);*

17 (B) *by striking the period at the end of sub-*
18 *paragraph (D) and inserting “; and”; and*

19 (C) *by adding at the end the following:*

20 “(E) *the date of entry and port of entry;*

21 “(F) *the date of the alien’s enrollment in an*
22 *approved institution of higher education, other*
23 *approved educational institution, or designated*
24 *exchange visitor program in the United States;*

1 “(G) the degree program, if applicable, and
2 field of study; and

3 “(H) the date of the alien’s termination of
4 enrollment and the reason for such termination
5 (including graduation, disciplinary action or
6 other dismissal, and failure to re-enroll).”.

7 (3) *REPORTING REQUIREMENTS.*—Section 641(c)
8 of the *Illegal Immigration Reform and Immigrant*
9 *Responsibility Act of 1996* (8 U.S.C. 1372(c)) is
10 amended by adding at the end the following new
11 paragraph:

12 “(5) *REPORTING REQUIREMENTS.*—The Attorney
13 General shall prescribe by regulation reporting re-
14 quirements by taking into account the curriculum
15 calendar of the approved institution of higher edu-
16 cation, other approved educational institution, or ex-
17 change visitor program.”.

18 (b) *INFORMATION REQUIRED OF THE VISA APPLI-*
19 *CANT.*—Prior to the issuance of a visa under subparagraph
20 (F), subparagraph (M), or, with respect to an alien seeking
21 to attend an approved institution of higher education, sub-
22 paragraph (J) of section 101(a)(15) of the *Immigration and*
23 *Nationality Act* (8 U.S.C. 1101(a)(15)), each alien apply-
24 ing for such visa shall provide to a consular officer the fol-
25 lowing information:

1 (1) *The alien's address in the country of origin.*

2 (2) *The names and addresses of the alien's*
3 *spouse, children, parents, and siblings.*

4 (3) *The names of contacts of the alien in the*
5 *alien's country of residence who could verify informa-*
6 *tion about the alien.*

7 (4) *Previous work history, if any, including the*
8 *names and addresses of employers.*

9 (c) *TRANSITIONAL PROGRAM.—*

10 (1) *IN GENERAL.—Not later than 120 days after*
11 *the date of enactment of this Act and until such time*
12 *as the system described in section 641 of the Illegal*
13 *Immigration Reform and Immigrant Responsibility*
14 *Act (as amended by subsection (a)) is fully imple-*
15 *mented, the following requirements shall apply:*

16 (A) *RESTRICTIONS ON ISSUANCE OF*
17 *VISAS.—A visa may not be issued to an alien*
18 *under subparagraph (F), subparagraph (M), or,*
19 *with respect to an alien seeking to attend an ap-*
20 *proved institution of higher education, subpara-*
21 *graph (J) of section 101(a)(15) of the Immigra-*
22 *tion and Nationality Act (8 U.S.C. 1101(a)(15)),*
23 *unless—*

24 (i) *the Department of State has re-*
25 *ceived from an approved institution of high-*

1 *er education or other approved educational*
2 *institution electronic evidence of docu-*
3 *mentation of the alien's acceptance at that*
4 *institution; and*

5 *(ii) the consular officer has adequately*
6 *reviewed the applicant's visa record.*

7 *(B) NOTIFICATION UPON VISA ISSUANCE.—*

8 *Upon the issuance of a visa under section*
9 *101(a)(15) (F) or (M) of the Immigration and*
10 *Nationality Act (8 U.S.C. 1101(a)(15)(F) or*
11 *(M)) to an alien, the Secretary of State shall*
12 *transmit to the Immigration and Naturalization*
13 *Service a notification of the issuance of that*
14 *visa.*

15 *(C) NOTIFICATION UPON ADMISSION OF*

16 *ALIEN.—The Immigration and Naturalization*
17 *Service shall notify the approved institution of*
18 *higher education or other approved educational*
19 *institution that an alien accepted for such insti-*
20 *tution or program has been admitted to the*
21 *United States.*

22 *(D) NOTIFICATION OF FAILURE OF ENROLL-*

23 *MENT.—Not later than 30 days after the dead-*
24 *line for registering for classes for an academic*
25 *term, the approved institution of higher edu-*

1 *cation or other approved educational institution*
2 *shall inform the Immigration and Naturaliza-*
3 *tion Service through data-sharing arrangements*
4 *of any failure of any alien described in subpara-*
5 *graph (C) to enroll or to commence participa-*
6 *tion.*

7 (2) *REQUIREMENT TO SUBMIT LIST OF AP-*
8 *PROVED INSTITUTIONS.—Not later than 30 days after*
9 *the date of enactment of this Act, the Attorney Gen-*
10 *eral shall provide the Secretary of State with a list*
11 *of all approved institutions of higher education or*
12 *other approved educational institutions that are au-*
13 *thorized to receive nonimmigrants under section*
14 *101(a)(15) (F) or (M) of the Immigration and Na-*
15 *tionality Act (8 U.S.C. 1101(a)(15)(F) or (M)).*

16 (3) *AUTHORIZATION OF APPROPRIATIONS.—*
17 *There are authorized to be appropriated such sums as*
18 *may be necessary to carry out this subsection.*

19 **SEC. 502. REVIEW OF INSTITUTIONS AND OTHER ENTITIES**
20 **AUTHORIZED TO ENROLL OR SPONSOR CER-**
21 **TAIN NONIMMIGRANTS.**

22 (a) *PERIODIC REVIEW OF COMPLIANCE.—The Com-*
23 *missioner of Immigration and Naturalization, in consulta-*
24 *tion with the Secretary of Education, shall conduct periodic*
25 *reviews of the institutions certified to receive non-*

1 *immigrants under section 101(a)(15) (F), (M), or (J) of*
2 *the Immigration and Nationality Act (8 U.S.C.*
3 *1101(a)(15)(F), (M), or (J)). Each review shall determine*
4 *whether the institutions are in compliance with—*

5 (1) *recordkeeping and reporting requirements to*
6 *receive nonimmigrants under section 101(a)(15) (F),*
7 *(M), or (J) of that Act (8 U.S.C. 1101(a)(15)(F), (M),*
8 *or (J)); and*

9 (2) *recordkeeping and reporting requirements*
10 *under section 641 of the Illegal Immigration Reform*
11 *and Immigrant Responsibility Act of 1996 (8 U.S.C.*
12 *1372).*

13 (b) *PERIODIC REVIEW OF SPONSORS OF EXCHANGE*
14 *VISITORS.—*

15 (1) *REQUIREMENT FOR REVIEWS.—The Sec-*
16 *retary of State shall conduct periodic reviews of the*
17 *entities designated to sponsor exchange visitor pro-*
18 *gram participants under section 101(a)(15)(J) of the*
19 *Immigration and Nationality Act (8 U.S.C.*
20 *1101(a)(15)(J)).*

21 (2) *DETERMINATIONS.—On the basis of reviews*
22 *of entities under paragraph (1), the Secretary shall*
23 *determine whether the entities are in compliance*
24 *with—*

1 (A) recordkeeping and reporting require-
2 ments to receive nonimmigrant exchange visitor
3 program participants under section
4 101(a)(15)(J) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1101(a)(15)(J)); and

6 (B) recordkeeping and reporting require-
7 ments under section 641 of the Illegal Immigra-
8 tion Reform and Immigrant Responsibility Act
9 of 1996 (8 U.S.C. 1372).

10 (c) *EFFECT OF FAILURE TO COMPLY.*—Failure of an
11 institution or other entity to comply with the recordkeeping
12 and reporting requirements to receive nonimmigrant stu-
13 dents or exchange visitor program participants under sec-
14 tion 101(a)(15) (F), (M), or (J) of the Immigration and
15 Nationality Act (8 U.S.C. 1101(a)(15) (F), (M), or (J)),
16 or section 641 of the Illegal Immigration Reform and Im-
17 migrant Responsibility Act of 1996 (8 U.S.C. 1372), may,
18 at the election of the Commissioner of Immigration and
19 Naturalization or the Secretary of State, result in the ter-
20 mination, suspension, or limitation of the institution’s ap-
21 proval to receive such students or the termination of the
22 other entity’s designation to sponsor exchange visitor pro-
23 gram participants, as the case may be.

1 **TITLE VI—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 601. EXTENSION OF DEADLINE FOR IMPROVEMENT IN**
4 **BORDER CROSSING IDENTIFICATION CARDS.**

5 *Section 104(b)(2) of the Illegal Immigration Reform*
6 *and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101*
7 *note) is amended by striking “5 years” and inserting “6*
8 *years”.*

9 **SEC. 602. GENERAL ACCOUNTING OFFICE STUDY.**

10 *(a) REQUIREMENT FOR STUDY.—*

11 *(1) IN GENERAL.—The Comptroller General of*
12 *the United States shall conduct a study to determine*
13 *the feasibility and utility of implementing a require-*
14 *ment that each nonimmigrant alien in the United*
15 *States submit to the Commissioner of Immigration*
16 *and Naturalization each year a current address and,*
17 *where applicable, the name and address of an em-*
18 *ployer.*

19 *(2) NONIMMIGRANT ALIEN DEFINED.—In para-*
20 *graph (1), the term “nonimmigrant alien” means an*
21 *alien described in section 101(a)(15) of the Immigra-*
22 *tion and Nationality Act (8 U.S.C. 1101(a)(15)).*

23 *(b) REPORT.—Not later than 1 year after the date of*
24 *enactment of this Act, the Comptroller General shall submit*
25 *to Congress a report on the results of the study under sub-*

1 *section (a). The report shall include the Comptroller Gen-*
2 *eral's findings, together with any recommendations that the*
3 *Comptroller General considers appropriate.*

4 **SEC. 603. INTERNATIONAL COOPERATION.**

5 *(a) INTERNATIONAL ELECTRONIC DATA SYSTEM.—The*
6 *Secretary of State and the Commissioner of Immigration*
7 *and Naturalization, in consultation with the Assistant to*
8 *the President for Homeland Security, shall jointly conduct*
9 *a study of the alternative approaches (including the costs*
10 *of, and procedures necessary for, each alternative approach)*
11 *for encouraging or requiring Canada, Mexico, and countries*
12 *treated as visa waiver program countries under section 217*
13 *of the Immigration and Nationality Act to develop an inter-*
14 *governmental network of interoperable electronic data sys-*
15 *tems that—*

16 *(1) facilitates real-time access to that country's*
17 *law enforcement and intelligence information that is*
18 *needed by the Department of State and the Immigra-*
19 *tion and Naturalization Service to screen visa appli-*
20 *cants and applicants for admission into the United*
21 *States to identify aliens who are inadmissible or de-*
22 *portable under the Immigration and Nationality Act*
23 *(8 U.S.C. 1101 et seq.);*

24 *(2) is interoperable with the electronic data sys-*
25 *tem implemented under section 202; and*

1 (3) *performs in accordance with implementation*
2 *of the technology standard referred to in section*
3 *202(a).*

4 (b) *REPORT.—Not later than 1 year after the date of*
5 *enactment of this Act, the Secretary of State and the Attor-*
6 *ney General shall submit to the appropriate committees of*
7 *Congress a report setting forth the findings of the study con-*
8 *ducted under subsection (a).*

9 **SEC. 604. STATUTORY CONSTRUCTION.**

10 *Nothing in this Act shall be construed to impose re-*
11 *quirements that are inconsistent with the North American*
12 *Free Trade Agreement or to require additional documents*
13 *for aliens for whom documentary requirements are waived*
14 *under section 212(d)(4)(B) of the Immigration and Nation-*
15 *ality Act (8 U.S.C. 1182(d)(4)(B)).*

16 **SEC. 605. ANNUAL REPORT ON ALIENS WHO FAIL TO AP-**
17 **PEAR AFTER RELEASE ON OWN RECOG-**
18 **NIZANCE.**

19 (a) *REQUIREMENT FOR REPORT.—Not later than Jan-*
20 *uary 15 of each year, the Attorney General shall submit*
21 *to the appropriate committees of Congress a report on the*
22 *total number of aliens who, during the preceding year,*
23 *failed to attend a removal proceeding after having been ar-*
24 *rested outside a port of entry, served a notice to appear*
25 *under section 239(a)(1) of the Immigration and Nation-*

1 *ality Act (8 U.S.C. 1229(a)(1)), and released on the alien's*
2 *own recognizance. The report shall also take into account*
3 *the number of cases in which there were defects in notices*
4 *of hearing or the service of notices of hearing, together with*
5 *a description and analysis of the effects, if any, that the*
6 *defects had on the attendance of aliens at the proceedings.*

7 (b) *INITIAL REPORT.*—*Notwithstanding the time for*
8 *submission of the annual report provided in subsection (a),*
9 *the report for 2001 shall be submitted not later than 6*
10 *months after the date of enactment of this Act.*

11 **SEC. 606. RETENTION OF NONIMMIGRANT VISA APPLICA-**
12 **TIONS BY THE DEPARTMENT OF STATE.**

13 *The Department of State shall retain, for a period of*
14 *seven years from the date of application, every application*
15 *for a nonimmigrant visa under section 101(a)(15) of the*
16 *Immigration and Nationality Act (8 U.S.C. 1101(a)(15))*
17 *in a form that will be admissible in the courts of the United*
18 *States or in administrative proceeding, including removal*
19 *proceedings under such Act, without regard to whether the*
20 *application was approved or denied.*

1 **SEC. 607. EXTENSION OF DEADLINE FOR CLASSIFICATION**
2 **PETITION AND LABOR CERTIFICATION FIL-**
3 **INGS.**

4 (a) *IN GENERAL.*—Section 245(i)(1) of the *Immigra-*
5 *tion and Nationality Act* (8 U.S.C. 1255(i)(1)) is
6 *amended*—

7 (1) *in subparagraph (B)*—

8 (A) *in clause (i), by striking “on or before*
9 *April 30, 2001; or” and inserting “on or before*
10 *the earlier of November 30, 2002, and the date*
11 *that is 120 days after the date on which the At-*
12 *torney General first promulgates final or interim*
13 *final regulations to carry out the amendments*
14 *made by section 607(a) of the Enhanced Border*
15 *Security and Visa Entry Reform Act of 2002;*
16 *or”; and*

17 (B) *in clause (ii) by striking “on or before*
18 *such date; and” and inserting “before August 15,*
19 *2001;”;*

20 (2) *in subparagraph (C), by adding “and” at the*
21 *end; and*

22 (3) *by inserting after subparagraph (C) the fol-*
23 *lowing:*

24 “(D) *who, in the case of a beneficiary of a peti-*
25 *tion for classification described in subparagraph*

1 (B)(i) that was filed after April 30, 2001, dem-
2 onstrates that—

3 “(i) the familial relationship that is the
4 basis of such petition for classification existed be-
5 fore August 15, 2001; or

6 “(ii) the application for labor certification
7 under section 212(a)(5)(A) that is the basis of
8 such petition for classification was filed before
9 August 15, 2001;”.

10 (b) *EFFECTIVE DATE.*—The amendments made by sub-
11 section (a) shall take effect as if included in the enactment
12 of the *Legal Immigration Family Equity Act (114 Stat.*
13 *2762A–142 et seq.)*, as enacted into law by section 1(a)(2)
14 of *Public Law 106–553*.

Amend the title so as to read “An Act to enhance
the border security of the United States, and for other
purposes.”.

Attest:

Clerk.