

107TH CONGRESS  
1ST SESSION

# H. R. 3181

To establish a temporary moratorium on the issuance of visas for non-immigrant foreign students and other exchange program participants, to improve procedures for issuance of nonimmigrant student visas, and to enhance procedures for admission at ports of entry to the United States.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2001

Mr. BILIRAKIS (for himself, Mrs. ROUKEMA, Mr. DUNCAN, and Mr. HUNTER) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To establish a temporary moratorium on the issuance of visas for nonimmigrant foreign students and other exchange program participants, to improve procedures for issuance of nonimmigrant student visas, and to enhance procedures for admission at ports of entry to the United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. MORATORIUM ON NONIMMIGRANT FOREIGN**  
2 **STUDENT AND OTHER EXCHANGE PROGRAM**  
3 **VISAS.**

4 (a) IN GENERAL.—Subject to subsection (b) and not-  
5 withstanding any other provision of law, beginning on the  
6 date of the enactment of this Act and ending 9 months  
7 after such date, no nonimmigrant visas shall be issued  
8 which are described under subparagraph (F), (J), or (M)  
9 of section 101(a)(15) of the Immigration and Nationality  
10 Act.

11 (b) EXCEPTION.—The Attorney General, in consulta-  
12 tion with the Secretary of State, may provide for case-  
13 by-case exceptions to the prohibition under subsection (a)  
14 if the Attorney General determines it to be in the national  
15 interest of the United States.

16 **SEC. 2. REQUIREMENT FOR BIOMETRIC IDENTIFIER AND**  
17 **DATABASE CROSSCHECK FOR NON-**  
18 **IMMIGRANT APPLICATIONS AND AT POINTS**  
19 **OF ENTRY INTO THE UNITED STATES.**

20 (a) REQUIREMENT FOR NONIMMIGRANT VISA APPLI-  
21 CATION.—Section 221(b) of the Immigration and Nation-  
22 ality Act (8 U.S.C. 1201(b)) is amended—

23 (1) by inserting “(1)” after “(b)”; and

24 (2) by inserting at the end the following new  
25 paragraph:

1       “(2) Each alien who applies for a nonimmigrant visa  
2 shall submit a photograph and a biometric identifier (such  
3 as the fingerprints or handprint of the alien) that is ma-  
4 chine readable, at such time and in such manner as shall  
5 be determined by regulation by the Attorney General and  
6 the Secretary of State. A photograph and biometric identi-  
7 fier shall be required to be contained on the visa or other  
8 documentation required for admission at the port of entry.  
9 The Attorney General may, in the discretion of the Attor-  
10 ney General and on the basis of reciprocity pursuant to  
11 such regulations as the Attorney General may prescribe,  
12 waive the requirement of a biometric identifier in the case  
13 of any nonimmigrant.”.

14       (b) MATCH REQUIREMENT FOR ADMISSION.—Sec-  
15 tion 221(f) of the Immigration and Nationality Act (8  
16 U.S.C. 1201(f)) is amended—

17               (1) by inserting “(1)” after “(f)”; and

18               (2) by inserting at the end the following new  
19 paragraph:

20       “(2) Each alien presenting a nonimmigrant visa and  
21 other documents required at the port of entry is not per-  
22 mitted to enter the United States unless the photograph  
23 and biometric identifier contained on the documents  
24 matches the appropriate facial and biometric characteris-  
25 ties of the alien.”.

1       (c) DATABASE CROSSCHECK.—The Attorney General  
2 and the Secretary of State, jointly, shall by regulation re-  
3 quire that prior to the issuance of a nonimmigrant visa,  
4 the photograph and biometric identifier of each applicant  
5 shall be crosschecked with all appropriate databases (in-  
6 cluding the IDENT System of the Immigration and Natu-  
7 ralization Service, the interagency border inspection sys-  
8 tem of the Immigration and Naturalization Service and  
9 the Customs Service, the Integrated Automated Finger-  
10 print Identification System (IAFIS) of the Federal Bu-  
11 reau of Investigation, and the Consular Lookout and Sup-  
12 port System (CLASS) of the Department of State) for in-  
13 formation regarding the alien.

14       (d) IMPLEMENTATION.—The Attorney General and  
15 the Secretary of State shall ensure that officials at con-  
16 sular offices abroad with the responsibility to consider ap-  
17 plications for nonimmigrant visas and immigration offi-  
18 cials at points of entry have the technology and training  
19 to carry out this section and the amendments made by  
20 this section.

1 **SEC. 3. INCLUSION OF INFORMATION ON ACCOMPANYING**  
2 **SPOUSE AND CHILD IN THE PROGRAM TO**  
3 **COLLECT INFORMATION RELATING TO NON-**  
4 **IMMIGRANT FOREIGN STUDENTS AND OTHER**  
5 **EXCHANGE PROGRAM PARTICIPANTS.**

6 Section 641 of the Illegal Immigration Reform and  
7 Immigrant Responsibility Act of 1996 is amended in sub-  
8 section (c)(1)—

9 (1) in subparagraph (C) by striking “and” at  
10 the end;

11 (2) in subparagraph (D) by striking the period  
12 at the end and inserting “; and”; and

13 (3) by adding at the end the following new sub-  
14 paragraph:

15 “(E) the names, ages, and other appro-  
16 priate information concerning any accom-  
17 panying spouse or child.”.

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