

107TH CONGRESS  
1ST SESSION

# H. R. 3229

To enhance the security of the international borders of the United States.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2001

Mr. GALLEGLY introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on International Relations, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To enhance the security of the international borders of 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Visa Entry Reform  
5 Act of 2001”.

6 **SEC. 2. ESTABLISHMENT OF COMPREHENSIVE LOOKOUT**

7 **DATABASE.**

8 (a) ESTABLISHMENT.—

1           (1) IN GENERAL.—The Director of the Office of  
2           Homeland Security, in conjunction with the Foreign  
3           Terrorist Tracking Task Force, the Secretary of  
4           State, the Attorney General, the Commissioner of  
5           Immigration and Naturalization, the Director of the  
6           Federal Bureau of Investigation, the Director of  
7           Central Intelligence, the Secretary of Transportation  
8           and with input from appropriate private industry,  
9           shall establish and supervise the development of a  
10          single, comprehensive computerized database (here-  
11          after in this Act referred to as the “lookout data-  
12          base”) to screen visa applicants and applicants for  
13          admission to the United States to identify those  
14          aliens who are inadmissible or deportable under the  
15          Immigration and Nationality Act.

16          (2) INFORMATION ABOUT APPLICANTS FOR AD-  
17          MISSION TO THE UNITED STATES.—The lookout  
18          database shall include the following information  
19          about any alien attempting to enter the United  
20          States:

- 21                   (A) Full name of alien.  
22                   (B) Alien identification number.  
23                   (C) Passport number.  
24                   (D) Date of birth.  
25                   (E) Nationality.

1 (F) Place of residence in home country.

2 (G) Anticipated place of residence in the  
3 United States.

4 (H) Purpose of visit.

5 (I) Type of visa.

6 (J) Date of entry into the United States.

7 (K) Dates of prior entries to and exit from  
8 the United States, if applicable.

9 (L) Names and addresses of alien's imme-  
10 diate family.

11 (M) Anticipated date of departure from the  
12 United States or, if applicable, expiration date  
13 of visa.

14 (N) Service in foreign military or govern-  
15 ment agency charged with security.

16 (O) Biometric data or information about  
17 the alien, if available.

18 (P) Other information considered nec-  
19 essary by the Attorney General, the Secretary  
20 of State, and the Director of Homeland Secu-  
21 rity.

22 (3) INFORMATION ABOUT VISA VIOLATORS.—In  
23 the case of any alien who has violated the terms of  
24 a visa—

1 (A) any law enforcement agency that ob-  
2 tains information about an alien who has vio-  
3 lated the terms of his or her visa shall submit  
4 such information to the Attorney General; and

5 (B) the Attorney General shall promptly  
6 enter any information so submitted into the  
7 lookout database.

8 (4) OTHER INFORMATION.—The lookout data-  
9 base shall also include information collected under  
10 sections 3, 4, 6(f), and 9.

11 (5) SUBMISSION OF INFORMATION.—The Attor-  
12 ney General shall prescribe regulations under which  
13 information required for the lookout database shall  
14 be submitted by the Commissioner of Immigration  
15 and Naturalization, Federal, State, and local law en-  
16 forcement agencies throughout the United States,  
17 and the intelligence community.

18 (6) AVAILABILITY OF INFORMATION.—Informa-  
19 tion contained in the lookout database shall be ac-  
20 cessible in real time, within guidelines established by  
21 the Attorney General, to—

22 (A) inspectors of the Immigration and Na-  
23 tionality Service or the United States Customs  
24 Service at United States ports of entry and con-  
25 sular officers;

1 (B) Federal law enforcement officers and  
2 investigators;

3 (C) the intelligence community; and

4 (D) other agencies considered appropriate  
5 by the Attorney General.

6 (7) REPORT TO CONGRESS.—Not later than 3  
7 months after the date of enactment of this Act, the  
8 Director of the office of Homeland Security shall  
9 submit to the Committees on the Judiciary of the  
10 House of Representatives and the Senate a report  
11 describing the progress made in the development of  
12 the lookout database.

13 (b) INS DATA UPGRADE.—Effective 6 months after  
14 the date of enactment of this Act, the Attorney General  
15 shall establish a plan to upgrade the Immigration and  
16 Naturalization Service electronic data system to include  
17 biometric data, including fingerprints and photographs, on  
18 all aliens to whom visas are issued.

19 (c) PRIVACY PROTECTIONS.—

20 (1) LOOKOUT DATABASE INFORMATION.—The  
21 Attorney General and the Secretary of State shall  
22 jointly prescribe regulations—

23 (A) to limit access to the lookout database  
24 to authorized immigration and law enforcement  
25 personnel; and

1 (B) to determine and control the appro-  
2 priate use of the information.

3 (2) PENALTIES FOR UNAUTHORIZED ACCESS  
4 AND DISCLOSURE.—Section 1030(a)(1) of title 18,  
5 United States Code, is amended by inserting after  
6 “Atomic Energy Act of 1954” the following: “or any  
7 restricted information that is included in the data-  
8 base required by section 2 of the Visa Entry Reform  
9 Act of 2001”.

10 (d) TERRORIST LOOKOUT COMMITTEES.—

11 (1) ESTABLISHMENT.—

12 (A) REQUIREMENT.—Not later than 30  
13 days after the date of enactment of this Act,  
14 the Secretary of State shall establish within  
15 each United States Embassy a Terrorist Look-  
16 out Committee, which shall include the head of  
17 the political section and senior representatives  
18 of all United States law enforcement agencies,  
19 and the intelligence community, under the au-  
20 thority of the chief of mission.

21 (B) COMMITTEE LEADERSHIP.—Each  
22 Committee shall be chaired by the respective  
23 deputy chief of mission, with the head of the  
24 consular section as vice chair.

1           (2) MEETINGS.—Each Terrorist Lookout Com-  
2           mittee established under subsection (a) shall meet at  
3           least monthly and shall maintain records of its meet-  
4           ings. Upon the completion of each meeting, each  
5           Committee shall report to the Department of State  
6           all names submitted for inclusion in the visa lookout  
7           system.

8           (3) CERTIFICATION.—If no names are sub-  
9           mitted upon completion of a meeting under para-  
10          graph (2), the deputy chief of mission shall certify  
11          to the Secretary of State, subject to potential appli-  
12          cation the Accountability Review Board provisions of  
13          title III of the Omnibus Diplomatic Security and  
14          Antiterrorism Act of 1986, that none of the relevant  
15          sections of the United States Embassy had knowl-  
16          edge of the identity of any individual eligible for in-  
17          clusion in the visa lookout system for possible ter-  
18          rorist activity.

19          (4) REPORT.—The Secretary of State shall sub-  
20          mit a report on a quarterly basis to the Committee  
21          on Foreign Relations of the Senate and the Com-  
22          mittee on International Relations of the House of  
23          Representatives on the status of the Terrorist Look-  
24          out Committees.

1 **SEC. 3. IMPLEMENTATION OF A NEW BIOMETRIC**  
2 **“SMARTVISA”.**

3 (a) **DEVELOPMENT OF SMARTVISA SYSTEM.**—The  
4 Attorney General and the Secretary of State, acting joint-  
5 ly, shall develop a biometric “SmartVisa” system, which  
6 shall include tamper-proof, machine-readable visas con-  
7 taining biometric identifiers and biometric data, and ma-  
8 chines to electronically scan and read the visas at each  
9 port of entry.

10 (b) **DESCRIPTION OF OTHER DATA TO BE CON-**  
11 **TAINED IN THE SMARTVISA.**—In addition to the biometric  
12 data described in subsection (a), the SmartVisa shall in-  
13 clude the height, weight, hair color, nationality, and coun-  
14 try of origin of the cardholder.

15 (c) **USE OF SMARTVISA.**—The SmartVisa shall be  
16 issued to each alien seeking to enter the United States.  
17 The SmartVisa shall be scanned by a machine-readable  
18 visa scanner upon entry or departure of the alien.

19 (d) **AUTHORIZATION OF APPROPRIATIONS FOR**  
20 **SMARTVISA SYSTEM.**—There is authorized to be appro-  
21 priated such amounts as may be necessary for issuing the  
22 SmartVisas at all United States consulates abroad and the  
23 technology necessary for implementing the corresponding  
24 scanning systems at each land, air, and sea ports of entry  
25 into the United States.

26 (e) **MACHINE READABLE VISA FEES.**—



1           (1) REPEAL.—Section 140(a) of the Foreign  
2 Relations Authorization Act, Fiscal Years 1994 and  
3 1995 (Public Law 103–236) is amended by striking  
4 paragraph (3).

5           (2) AMOUNT.—The machine readable visa fee  
6 charged by the Department of State initially shall be  
7 the higher of \$65 or the cost of the machine read-  
8 able visa service, as determined by the Department  
9 of State through a cost-of-service study.

10          (3) AVAILABILITY OF COLLECTED FEES.—  
11 Amounts collected as fees described in this sub-  
12 section shall be credited as an offsetting collection to  
13 any appropriation for the Department of State to re-  
14 cover costs of providing consular services. Amounts  
15 so credited shall be available, until expended, for the  
16 same purposes as the appropriation to which cred-  
17 ited.

18 **SEC. 4. REFORM OF THE VISA WAIVER PROGRAM.**

19          (a) MACHINE-READABLE, TAMPER-RESISTANT PASS-  
20 PORTS.—

21           (1) CONDITION FOR TREATMENT AS VISA WAIV-  
22 ER PARTICIPANT.—Effective 1 year after the date of  
23 enactment of this Act, a country may only be treated  
24 as a visa waiver participant under section 217 of the  
25 Immigration and Nationality Act if the Secretary of

1 State and the Attorney General jointly determine  
2 that the country issues to its citizens and nationals  
3 machine-readable, tamper-resistant passports that  
4 are of comparable quality as passports issued by the  
5 United States and can be read by machines at  
6 United States ports of entry.

7 (2) DEADLINE FOR IMPLEMENTATION.—Not  
8 later than 2 years after the date of enactment of  
9 this Act, such passports shall contain biometric data,  
10 as prescribed by the Secretary of State and the At-  
11 torney General.

12 (b) REPORTING OF STOLEN PASSPORTS.—Effective  
13 1 year after the date of enactment of this Act, a country  
14 may only be treated as a visa waiver participant under  
15 section 217 of the Immigration and Nationality Act if the  
16 Secretary of State and the Attorney General jointly deter-  
17 mine that the country timely transmits to the Attorney  
18 General reports of thefts of passports issued by that coun-  
19 try.

20 (c) AUTHORITY TO TERMINATE VISA WAIVER COUN-  
21 TRY DESIGNATIONS.—Notwithstanding any other provi-  
22 sion of law, the Attorney General, in consultation with the  
23 Secretary of State, may terminate the designation of any  
24 country as a visa waiver participant under section 217 of  
25 the Immigration and Nationality Act if the Attorney Gen-

1 eral determines that the continued inclusion of that coun-  
2 try in the visa waiver program would pose a risk to the  
3 national security of the United States.

4 (d) DEVELOPMENT OF STANDARD BIOMETRIC IDEN-  
5 TIFIERS.—

6 (1) IN GENERAL.—The Attorney General and  
7 the Secretary of State, acting jointly, shall develop  
8 standard biometric identifiers for the purpose de-  
9 scribed in section 4(a).

10 (2) IMPLEMENTATION.—Effective 1 year after  
11 the date of enactment of this Act, no passport may  
12 be issued by the Secretary of State under section  
13 217 of the Immigration and Nationality Act that  
14 does not contain the standard biometric identifiers  
15 described in paragraph (1).

16 (3) READERS AND SCANNERS AT PORTS OF  
17 ENTRY.—The Attorney General shall install biomet-  
18 ric data readers and scanners at each port of entry  
19 of the United States no later than 1 year from the  
20 date of enactment of this Act.

21 (4) AUTHORIZATION OF APPROPRIATIONS.—  
22 There are authorized to be appropriated to the De-  
23 partment of Justice and the Department of State  
24 such sums as may be necessary to carry out this  
25 subsection.

1 **SEC. 5. PRESCREENING OF ALIENS PRIOR TO ARRIVAL IN**  
2 **THE UNITED STATES.**

3 Section 286(g) of the Immigration and Nationality  
4 Act (8 U.S.C. 1356(g)) is amended by striking “, within  
5 forty-five minutes of their presentation for inspection,”.

6 **SEC. 6. PASSENGER MANIFEST INFORMATION.**

7 (a) IN GENERAL.—Beginning not later than January  
8 1, 2002, each air, land, or sea carrier arriving in the  
9 United States from a foreign state shall be required to  
10 provide to the Attorney General manifest information  
11 about each passenger, crew member, and other occupants  
12 as specified in subsection (b), in advance of departure for  
13 the United States.

14 (b) INFORMATION.—The information to be provided  
15 with respect to each person listed on the manifest shall  
16 include—

- 17 (1) complete name;
- 18 (2) date of birth;
- 19 (3) citizenship;
- 20 (4) gender;
- 21 (5) passport number and country of issuance;
- 22 (6) country of residence;
- 23 (7) United States visa number, date, and place  
24 of issuance, as applicable;
- 25 (8) alien registration number, where applicable;
- 26 and

1           (9) such other information as the Attorney  
2           General, in consultation with the Secretary of State,  
3           determines is reasonable to protect safety and na-  
4           tional security.

5           (c) REVIEW.—Information provided under this sec-  
6           tion shall be reviewed against the lookout database estab-  
7           lished under section 2 of this Act.

8           (d) PROCEDURES FOR THE ELECTRONIC TRANS-  
9           MISSION OF MANIFEST INFORMATION.—Not later than  
10          January 1, 2002, each commercial air, land, or sea carrier  
11          subject to the requirements of this section shall develop  
12          procedures to permit the electronic transmission of mani-  
13          fest information required by this section.

14          (e) PREARRIVAL MESSAGES FROM OTHER VESSELS  
15          DESTINED TO UNITED STATES PORTS.—Section 4(a)(5)  
16          of the Ports and Waterways Safety Act (33 U.S.C.  
17          1223(a)(5)) is amended by striking paragraph (5) and in-  
18          serting the following:

19                 “(5)(A) may require the receipt of prearrival  
20                 messages from any vessel destined for a port or  
21                 place subject to the jurisdiction of the United States,  
22                 not later than 96 hours before the vessel’s arrival or  
23                 such time as deemed necessary under regulations  
24                 promulgated by the Secretary to thoroughly examine

1 all information provided, which shall include with re-  
2 spect to the vessel—

3 “(i) the route and name of each port and  
4 each place of destination in the United States;

5 “(ii) the estimated date and time of arrival  
6 at each port or place;

7 “(iii) the name of the vessel;

8 “(iv) the country of registry of the vessel;

9 “(v) the call sign of the vessel;

10 “(vi) the International Maritime Organiza-  
11 tion (IMO) international number or, if the ves-  
12 sel does not have an assigned IMO international  
13 number, the official number of the vessel;

14 “(vii) the name of the registered owner of  
15 the vessel;

16 “(viii) the name of the operator of the ves-  
17 sel;

18 “(ix) the name of the classification society  
19 of the vessel;

20 “(x) a general description of the cargo on  
21 board the vessel;

22 “(xi) in the case of certain dangerous  
23 cargo—

24 “(I) the name and description of the  
25 dangerous cargo;

1           “(II) the amount of the dangerous  
2 cargo carried;

3           “(III) the stowage location of the dan-  
4 gerous cargo; and

5           “(IV) the operational condition of the  
6 equipment under section 164.35 of title 33  
7 of the Code of Federal Regulations;

8           “(xii) the date of departure and name of  
9 the port from which the vessel last departed;

10          “(xiii) the name and telephone number of  
11 a 24-hour point of contact for each port in-  
12 cluded in the notice of arrival;

13          “(xiv) the location or position of the vessel  
14 at the time of the report;

15          “(xv) a list of crew members onboard the  
16 vessel including with respect to each crew  
17 member—

18               “(I) the full name;

19               “(II) the date of birth;

20               “(III) the nationality;

21               “(IV) the passport number or mari-  
22 ners document number; and

23               “(V) the position or duties;

1           “(xvi) a list of persons other than crew  
2           members onboard the vessel including with re-  
3           spect to each such person—

4                   “(I) the full name;

5                   “(II) the date of birth;

6                   “(III) the nationality; and

7                   “(IV) the passport number; and

8                   “(xvii) any other information required by  
9           the Secretary; and

10           “(B) any changes to the information required  
11           by subparagraph (A), except changes in the arrival  
12           or departure time of less than 6 hours, must be re-  
13           ported as soon as practicable but not less than 24  
14           hours before entering the port of destination. The  
15           Secretary may deny entry of a vessel into the terri-  
16           torial sea of the United States if the Secretary has  
17           not received notification for the vessel in accordance  
18           with paragraph (5).”.

19           (f) ELECTRONIC VISA FILES.—The consular officer  
20           issuing a visa to an alien shall transmit to the lookout  
21           database established under section 2(a) an electronic  
22           version of the alien’s visa file prior to the departure of  
23           that alien for the United States and within such time lim-  
24           its as are necessary to ensure that the data in that visa  
25           file is available to immigration inspectors at the United



1 States ports of entry before the arrival of the alien at such  
2 a port of entry.

3 **SEC. 7. REQUIREMENTS FOR FEDERAL DOCUMENTS.**

4 (a) RESISTANCE TO FRAUD AND TAMPERING.—The  
5 Attorney General, in consultation with the Secretary of  
6 Transportation, the Secretary of Health and Human Serv-  
7 ices, and the Administrator of the Social Security Admin-  
8 istration, shall establish procedures to ensure that newly  
9 issued identification documents, licenses, and permits  
10 issued by such departments and agencies are designed to  
11 prevent fraudulent use and alteration by tampering.

12 (b) IMMIGRATION AND VISA DOCUMENTS.—The Sec-  
13 retary of State and the Attorney General shall each ensure  
14 that every visa and immigration document issued under  
15 the jurisdiction of the Federal Government—

16 (1) is designed to meet the requirements under  
17 subsection (a) regarding fraudulent use and alter-  
18 ation by tampering;

19 (2) contains biometric data; and

20 (3) in the case of an alien issued a visa, in-  
21 cludes the date of expiration of such visa.

22 (c) FEDERALLY REGULATED DOCUMENTS ISSUED  
23 BY STATE AND LOCAL GOVERNMENTS.—The Attorney  
24 General, in consultation with the Secretary of Transpor-  
25 tation, the Secretary of Health and Human Services, and

1 the Administrator of the Social Security Administration,  
2 shall establish procedures to ensure that, in the adminis-  
3 tration of any law that applies Federal requirements or  
4 standards to identification documents issued by a State  
5 or a unit of local government, a requirement is imposed  
6 to ensure that each such document is designed to meet  
7 the requirements under subsection (a) regarding fraudu-  
8 lent use and alteration by tampering.

9 **SEC. 8. DENIAL OF FOREIGN STUDENT VISAS TO NATION-**  
10 **ALS OF STATE SPONSORS OF INTER-**  
11 **NATIONAL TERRORISM.**

12 (a) IN GENERAL.—Notwithstanding any other provi-  
13 sion of law, an alien who is a national of a country that  
14 is listed on the Department of State’s list of state sponsors  
15 of international terrorism is ineligible to receive a foreign  
16 student visa or to be admitted to the United States as  
17 a foreign student.

18 (b) WAIVER.—

19 (1) AUTHORITY.—The Secretary of State may  
20 waive the application of subsection (a) in the case of  
21 an alien whom the Secretary certifies as not posing  
22 a risk to the national security of the United States.  
23 The certification process under this paragraph shall  
24 include heightened scrutiny of the alien’s back-  
25 ground.

1           (2) NONDELEGATION.—The Secretary may not  
2     delegate authority to grant a waiver under para-  
3     graph (1) to any official below the level of Under  
4     Secretary of State other than to the Assistant Sec-  
5     retary of State for Consular Affairs. If delegated to  
6     the Assistant Secretary of State for Consular Af-  
7     fairs, the authority may not be further delegated by  
8     the Assistant Secretary.

9     **SEC. 9. FOREIGN STUDENT MONITORING PROGRAM.**

10    (a) IMPLEMENTATION AND EXPANSION.—

11           (1) IN GENERAL.—Not later than January 1,  
12    2003, the Attorney General, in consultation with the  
13    Secretary of State and the Secretary of Education,  
14    shall implement the program established by section  
15    641(a) of the Illegal Immigration Reform and Immig-  
16    grant Responsibility Act of 1996 (8 U.S.C.  
17    1372(a)). Notwithstanding any other provision of  
18    law, the program shall be applied to all foreign na-  
19    tionals described in subparagraphs (F), (J), and (M)  
20    of section 101(a)(15) of the Immigration and Na-  
21    tionality Act (8 U.S.C. 1101(a)(15)) who are cov-  
22    ered by the other subsections of this section.

23           (2) APPLICATION FEE.—The Secretary of State  
24    shall impose on each student applying for a foreign  
25    student visa an application fee in such amount as

1 the Attorney General determines necessary to pro-  
2 vide the funding necessary to maintain the program  
3 referred to in paragraph (1). Amounts collected  
4 under this paragraph shall supplement and not sup-  
5 plant the \$36,800,000 authorized to be appropriated  
6 by Public Law 107–36.

7 (b) PROHIBITION ON PROVIDING INS FORM I–20 TO  
8 FOREIGN STUDENTS.—Notwithstanding any other provi-  
9 sion of law, no INS Form I–20 shall be provided or issued  
10 directly to a foreign student or other individual not au-  
11 thorized by the Secretary of State under subsection (c).

12 (c) SUBMISSION OF INS FORM I–20 TO DEPART-  
13 MENT OF STATE.—Notwithstanding any other provision  
14 of law, for each foreign student seeking to enroll in an  
15 approved institution of higher education, the institution  
16 shall submit to the Department of State a completed INS  
17 Form I–20 containing the following information:

18 (1) The identity of the student.

19 (2) The date of entry and port of entry.

20 (3) The student’s address in the country of ori-  
21 gin.

22 (4) The names and addresses of the student’s  
23 parents and siblings.

24 (5) Contacts of the student in the student’s  
25 country of residence who could verify information

1 about the student, including family members, close  
2 associates, and persons in organizations with which  
3 the student is affiliated in such country.

4 (6) Previous work experience, including names  
5 and addresses of employers.

6 (7) The date of alien's enrollment in an ap-  
7 proved institution of higher education, other ap-  
8 proved educational institution, or designated ex-  
9 change visitor program in the United States.

10 (8) The date of the alien's termination of en-  
11 rollment and the reason for such termination (in-  
12 cluding graduation, disciplinary action, or other dis-  
13 missal, and failure to enroll or reenroll).

14 (9) The academic course of study to be pursued  
15 by the student at an institution in the United  
16 States.

17 (10) The United States consulate where the  
18 student intends to apply for a visa.

19 (d) NOTIFICATION OF INSTITUTIONS.—Upon the  
20 issuance of a student visa for an alien to attend an ap-  
21 proved institution of education, the Secretary of State  
22 shall transmit to the institution a notification of the  
23 issuance of the visa to that alien.

24 (e) ENTRY OF INFORMATION IN LOOKOUT DATA-  
25 BASE.—The information provided by a student on the INS

1 form I-20 shall be entered in the lookout database estab-  
2 lished under section 2(a).

3 (f) INS BACKGROUND CHECKS.—The Attorney Gen-  
4 eral shall conduct a background examination of each for-  
5 eign student prior to the issuance of a visa by a consular  
6 officer to ensure that the alien is not subject to a bar to  
7 reentry as a result of any previous violation of immigration  
8 law.

9 (g) ELECTRONIC UPDATES.—Not later than 30 days  
10 after the end of the enrollment period at the commence-  
11 ment of each academic term, each educational institution  
12 shall provide the following information to the Attorney  
13 General regarding each foreign student enrolled in the in-  
14 stitution:

15 (1) The student's full name.

16 (2) The address of the student in student's  
17 country of origin.

18 (3) The actual address of the student in the  
19 United States.

20 (4) Date of commencement of studies.

21 (5) Degree program and list of courses of  
22 study.

23 (6) Status of the student (including whether the  
24 student is full-time or part-time).

25 (7) Date on which the academic term ends.

1           (h) QUARTERLY REPORTS.—Each approved institu-  
2 tion of higher education shall, on a quarterly basis, submit  
3 to the Attorney General a report on the status of each  
4 foreign student described in subsection (g) who is enrolled  
5 in the institution. The quarterly report shall include the  
6 information described in that subsection and information  
7 regarding any disciplinary action taken by the institution  
8 as a result of any crime committed by the foreign student.

9           (i) FAILURE TO ENROLL.—

10           (1) NOTIFICATION BY INSTITUTION.—Each ap-  
11 proved institution of higher education shall imme-  
12 diately inform the Attorney General whenever a for-  
13 eign student who has been issued a visa fails to en-  
14 roll at the institution, withdraws from the institu-  
15 tion, or violates the terms of his visa. The notifica-  
16 tion shall be submitted not later than 30 days after  
17 the reportable event.

18           (2) NOTIFICATION OF STATE DEPARTMENT AND  
19 OTHERS.—The Attorney General shall notify the  
20 Secretary of State of any failure of a student to en-  
21 roll at the approved institution of higher education  
22 of the student, any withdrawal of the student from  
23 the institution, or any violation of the terms of the  
24 student's visa.

1 (j) PROHIBITION ON AUTOMATIC EXTENSION OF  
2 FOREIGN STUDENT VISA.—In the case of any foreign stu-  
3 dent seeking an extension of a foreign student visa, the  
4 foreign student shall apply for the extension and submit  
5 to a new background examination.

6 (k) APPROVED INSTITUTION OF HIGHER EDUCATION  
7 APPROVED.—The term “approved institution of higher  
8 education” means—

9 (1) a college or university approved by the At-  
10 torney General, in consultation with the Secretary of  
11 Education, under subparagraph (F) or (J) of section  
12 101(a)(15) of the Immigration and Nationality Act;  
13 and

14 (2) a vocational or other nonacademic institu-  
15 tion approved by the Attorney General, in consulta-  
16 tion with the Secretary of Education, under sub-  
17 paragraph (M) of such section, including a flight  
18 training school and language training school (not-  
19 withstanding the parenthetical exclusion of language  
20 training programs in clause (i) of such subpara-  
21 graph).

22 **SEC. 10. REQUIREMENTS RELATING TO THE ADMISSION OF**  
23 **NONIMMIGRANT ALIENS.**

24 (a) ADDITIONAL CONSULAR PERSONNEL.—



1           (1) REQUIREMENT.—The Secretary of State  
2 shall assign such additional number of Foreign Serv-  
3 ice personnel to serve as consular officers as may be  
4 necessary to achieve effective screening of visa appli-  
5 cants.

6           (2) AUTHORIZATION OF APPROPRIATIONS.—  
7 There are authorized to be appropriated such sums  
8 as may be necessary to carry out paragraph (1).

9           (b) BACKGROUND CHECKS.—

10           (1) BEFORE ISSUANCE OF VISA.—Prior to the  
11 issuance of a nonimmigrant visa to any alien, the  
12 consular officer shall obtain notification from the  
13 Immigration and Naturalization Service that the  
14 Service has conducted a background review of the  
15 alien and that such review reveals no grounds of in-  
16 admissibility under section 212(a) of the Immigra-  
17 tion and Nationality Act or removability under sec-  
18 tion 237(a) of such Act.

19           (2) AUTHORIZATION OF APPROPRIATIONS.—  
20 There are authorized to be appropriated to the De-  
21 partment of Justice such sums as may be necessary  
22 to employ additional examinations personnel within  
23 the Immigration and Naturalization Service to carry  
24 out paragraph (1).

1 (c) FINGERPRINT AND OTHER INFORMATION RE-  
2 QUIRED.—No application for a nonimmigrant visa under  
3 section 101(a)(15) of the Immigration and Nationality Act  
4 may be approved for an alien until the alien submits to  
5 the consular officer the fingerprints or other designated  
6 biometric data required to be submitted.

7 **SEC. 11. ADDITIONAL PORT OF ENTRY PERSONNEL PER-**  
8 **SONNEL.**

9 (a) INS INSPECTORS.—During each of fiscal years  
10 2002 through 2006, the Attorney General shall increase  
11 the number of inspectors in the Immigration and Natu-  
12 ralization Service by the equivalent of 200 full time em-  
13 ployees over the number of inspectors in the Immigration  
14 and Naturalization Service as of the end of the preceding  
15 fiscal year.

16 (b) INS INVESTIGATIVE PERSONNEL.—The Attorney  
17 General shall assign such additional number of investiga-  
18 tive personnel of the Immigration and Nationality Service  
19 to pursue investigations of aliens in the United States in  
20 violation of the terms of their visa as may be necessary  
21 to achieve timely and effective completion of the investiga-  
22 tions and action on the results of the investigations.

23 (c) CUSTOMS SERVICE INSPECTORS.—During each of  
24 fiscal years 2002 through 2006, the Secretary of the  
25 Treasury shall increase the number of inspectors in the

1 United States Customs Service by the equivalent of 200  
2 full time employees over the number of inspectors in the  
3 United States Customs Service as of the end of the pre-  
4 ceding fiscal year.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated such sums as may be  
7 necessary to carry out this section.

8 **SEC. 12. FALSE IDENTIFICATION.**

9 Section 1028 of title 18, United States Code, is  
10 amended—

11 (1) in subsection (a)(6), by inserting “or of any  
12 foreign nation” after “the United States”; and

13 (2) in subsections (b)(1)(A)(i) and (c)(1), by in-  
14 serting “or the government of any foreign nation”  
15 after “authority of the United States”.

16 **SEC. 13. GENERAL ACCOUNTING OFFICE STUDY.**

17 (a) REQUIREMENT FOR STUDY.—The Comptroller  
18 General shall conduct a study to determine the feasibility  
19 and utility of implementing a requirement that each non-  
20 immigrant alien in the United States submit to the Com-  
21 missioner of Immigration and Naturalization each year in-  
22 formation on the status of the alien.

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

1 under subsection (a). The report shall include the Comp-  
2 troller General's findings, together with any recommenda-  
3 tions that the Comptroller General considers appropriate.

4 **SEC. 14. DEFINITIONS.**

5 In this Act:

6 (1) FOREIGN STUDENT.—The term “foreign  
7 student” means a nonimmigrant alien described in  
8 subparagraph (F), (J), or (M) of section 101(a)(15)  
9 of the Immigration and Nationality Act (8 U.S.C.  
10 1101(a)(15)).

11 (2) INTELLIGENCE COMMUNITY.—The term  
12 “intelligence community” has the meaning given  
13 that term in section 3(4) of the National Security  
14 Act of 1947 (50 U.S.C. 401a(4)).

15 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums  
17 as may be necessary to carry out this Act.

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