

107TH CONGRESS
1ST SESSION

H. R. 3525

To enhance the border security of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2001

Mr. SENSENBRENNER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), International Relations, Ways and Means, 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

DECEMBER 19, 2001

Committees on the Judiciary, Intelligence (Permanent Select), International Relations, Ways and Means, and Transportation and Infrastructure discharged; considered under suspension of the rules and passed

A BILL

To enhance the border security of the United States, and
for other purposes.

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 (a) SHORT TITLE.—This Act may be cited as the
5 “Enhanced Border Security and Visa Entry Reform Act
6 of 2001”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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. Prearrival messages from other vessels destined to United States ports.
 Sec. 404. Safety and security of ports and waterways.
 Sec. 405. 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.

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)).

6 (2) APPROPRIATE COMMITTEES OF CON-
7 GRESS.—The term “appropriate committees of Con-
8 gress” means the following:

9 (A) The Committee on the Judiciary, the
10 Select Committee on Intelligence, and the Com-
11 mittee on Foreign Relations of the Senate.

12 (B) The Committee on the Judiciary, the
13 Permanent Select Committee on Intelligence,
14 and the Committee on International Relations
15 of the House of Representatives.

16 (3) FEDERAL LAW ENFORCEMENT AGENCIES.—
17 The term “Federal law enforcement agencies”
18 means the following:

19 (A) The United States Secret Service.

20 (B) The Drug Enforcement Administra-
21 tion.

22 (C) The Federal Bureau of Investigation.

1 (D) The Immigration and Naturalization
2 Service.

3 (E) The United States Marshall Service.

4 (F) The Naval Criminal Investigative Serv-
5 ice.

6 (G) The Coastal Security Service.

7 (H) The Diplomatic Security Service.

8 (I) The United States Postal Inspection
9 Service.

10 (J) The Bureau of Alcohol, Tobacco, and
11 Firearms.

12 (K) The United States Customs Service.

13 (L) The National Park Service.

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

18 (5) PRESIDENT.—The term “President” means
19 the President of the United States, acting through
20 the Assistant to the President for Homeland Secu-
21 rity, in coordination with the Secretary of State, the
22 Commissioner of Immigration and Naturalization,
23 the Attorney General, the Director of Central Intel-
24 ligence, the Director of the Federal Bureau of Inves-
25 tigation, the Secretary of Transportation, the Com-

1 missioner of Customs, and the Secretary of the
2 Treasury.

3 (6) USA PATRIOT ACT.—The term “USA
4 PATRIOT Act” means the Uniting and Strength-
5 ening America by Providing Appropriate Tools Re-
6 quired to Intercept and Obstruct Terrorism (USA
7 PATRIOT ACT) Act of 2001 (Public Law 107–56).

8 **TITLE I—FUNDING**

9 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR HIR-** 10 **ING AND TRAINING GOVERNMENT PER-** 11 **SONNEL.**

12 (a) ADDITIONAL PERSONNEL.—

13 (1) INS INSPECTORS.—Subject to the avail-
14 ability of appropriations, during each of the fiscal
15 years 2002 through 2006, the Attorney General
16 shall increase the number of inspectors and associ-
17 ated support staff in the Immigration and Natu-
18 ralization Service by the equivalent of at least 200
19 full-time employees over the number of inspectors
20 and associated support staff in the Immigration and
21 Naturalization Service authorized by the USA PA-
22 TRIOT Act.

23 (2) INS INVESTIGATIVE PERSONNEL.—Subject
24 to the availability of appropriations, during each of
25 the fiscal years 2002 through 2006, the Attorney

1 General shall increase the number of investigative
2 and associated support staff of the Immigration and
3 Naturalization Service by the equivalent of at least
4 200 full-time employees over the number of inves-
5 tigators and associated support staff in the Immi-
6 gration and Naturalization Service authorized by the
7 USA PATRIOT Act.

8 (3) CUSTOMS SERVICE INSPECTORS.—Subject
9 to the availability of appropriations, during each of
10 the fiscal years 2002 through 2006, the Secretary of
11 the Treasury shall increase the number of inspectors
12 and associated support staff in the United States
13 Customs Service by the equivalent of at least 200
14 full-time employees over the number of inspectors
15 and associated support staff in the United States
16 Customs Service authorized by the USA PATRIOT
17 Act.

18 (4) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated such sums
20 as may be necessary to carry out this subsection, in-
21 cluding such sums as may be necessary to provide
22 facilities, attorney personnel and support staff, and
23 other resources needed to support the increased
24 number of inspectors, investigative staff, and associ-
25 ated support staff.

1 (b) WAIVER OF FTE LIMITATION.—The Attorney
2 General is authorized to waive any limitation on the num-
3 ber of full-time equivalent personnel assigned to the Immi-
4 gration and Naturalization Service.

5 (c) AUTHORIZATION OF APPROPRIATIONS FOR INS
6 STAFFING.—

7 (1) IN GENERAL.—There are authorized to be
8 appropriated for the Department of Justice such
9 sums as may be necessary to provide an increase in
10 the annual rate of basic pay—

11 (A) for all journeyman Border Patrol
12 agents and inspectors who have completed at
13 least one year's service and are receiving an an-
14 nual rate of basic pay for positions at GS-9 of
15 the General Schedule under section 5332 of
16 title 5, United States Code, from the annual
17 rate of basic pay payable for positions at GS-
18 9 of the General Schedule under such section
19 5332, to an annual rate of basic pay payable
20 for positions at GS-11 of the General Schedule
21 under such section 5332;

22 (B) for inspections assistants, from the an-
23 nual rate of basic pay payable for positions at
24 GS-5 of the General Schedule under section
25 5332 of title 5, United States Code, to an an-

1 nual rate of basic pay payable for positions at
2 GS-7 of the General Schedule under such sec-
3 tion 5332; and

4 (C) for the support staff associated with
5 the personnel described in subparagraphs (A)
6 and (B), at the appropriate GS level of the
7 General Schedule under such section 5332.

8 (d) AUTHORIZATION OF APPROPRIATIONS FOR
9 TRAINING.—There are authorized to be appropriated such
10 sums as may be necessary—

11 (1) to appropriately train Immigration and Nat-
12 uralization Service and United States Customs Serv-
13 ice personnel on an ongoing basis—

14 (A) to ensure that their proficiency levels
15 are acceptable to protect the borders of the
16 United States; and

17 (B) otherwise to enforce and administer
18 the laws within their jurisdiction; and

19 (2) to provide adequate continuing cross-train-
20 ing to agencies staffing the United States border
21 and ports of entry to effectively and correctly apply
22 applicable United States laws;

23 (3) to fully train immigration officers to use the
24 appropriate lookout databases and to monitor pas-
25 senger traffic patterns; and

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

4 (e) AUTHORIZATION OF APPROPRIATIONS FOR CON-
5 SULAR FUNCTIONS.—

6 (1) RESPONSIBILITIES.—The Secretary of State
7 shall—

8 (A) implement enhanced security measures
9 for the review of visa applicants;

10 (B) staff the facilities and programs asso-
11 ciated with the activities described in subpara-
12 graph (A); and

13 (C) provide ongoing training for consular
14 officers and diplomatic security agents.

15 (2) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated for the De-
17 partment of State such sums as may be necessary
18 to carry out paragraph (1).

19 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR IM-**
20 **PROVEMENTS IN TECHNOLOGY AND INFRA-**
21 **STRUCTURE.**

22 (a) FUNDING OF TECHNOLOGY.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—In
24 addition to funds otherwise available for such pur-
25 pose, there are authorized to be appropriated

1 \$150,000,000 to the Immigration and Naturaliza-
2 tion Service, and \$150,000,000 to the United States
3 Customs Service, for purposes of—

4 (A) making improvements in technology
5 (including infrastructure support, computer se-
6 curity, and information technology develop-
7 ment) for improving border security;

8 (B) expanding, utilizing, and improving
9 technology to improve border security; and

10 (C) facilitating the flow of commerce and
11 persons at ports of entry, including improving
12 and expanding programs for preenrollment and
13 preclearance.

14 (2) WAIVER OF FEES.—Federal agencies in-
15 volved in border security may waive all or part of en-
16 rollment fees for technology-based programs to en-
17 courage participation by United States citizens and
18 aliens in such programs. Any agency that waives any
19 part of any such fee may establish its fees for other
20 services at a level that will ensure the recovery from
21 other users of the amounts waived.

22 (3) OFFSET OF INCREASES IN FEES.—The At-
23 torney General may, to the extent reasonable, in-
24 crease land border fees for the issuance of arrival-
25 departure documents to offset technology costs.

1 (b) IMPROVEMENT AND EXPANSION OF INS, STATE
2 DEPARTMENT, AND CUSTOMS FACILITIES.—There are
3 authorized to be appropriated to the Immigration and
4 Naturalization Service, the United States Customs Serv-
5 ice, and the Department of State such sums as may be
6 necessary to improve and expand facilities for use by the
7 personnel of those agencies.

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

9 (a) RELATION TO SUBSEQUENT AUTHORIZATION
10 ACTS.—Section 140(a) of the Foreign Relations Author-
11 ization Act, Fiscal Years 1994 and 1995 (Public Law
12 103–236) is amended by striking paragraph (3).

13 (b) FEE AMOUNT.—The machine-readable visa fee
14 charged by the Department of State shall be the higher
15 of \$65 or the cost of the machine-readable visa service,
16 as determined by the Secretary of State after conducting
17 a study of the cost of such service.

18 (c) SURCHARGE.—The Department of State is au-
19 thorized to charge a surcharge of \$10, in addition to the
20 machine-readable visa fee, for issuing a machine-readable
21 visa in a nonmachine-readable passport.

22 (d) AVAILABILITY OF COLLECTED FEES.—Notwith-
23 standing any other provision of law, amounts collected as
24 fees described in this subsection shall be credited as an
25 offsetting collection to any appropriation for the Depart-

1 ment of State to recover costs of providing consular serv-
 2 ices. Amounts so credited shall be available, until ex-
 3 pended, for the same purposes as the appropriation to
 4 which credited.

5 **TITLE II—INTERAGENCY** 6 **INFORMATION SHARING**

7 **SEC. 201. INTERIM MEASURES FOR ACCESS TO AND CO-** 8 **ORDINATION OF LAW ENFORCEMENT AND** 9 **OTHER INFORMATION.**

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

18 (b) REPORT IDENTIFYING LAW ENFORCEMENT AND
 19 INTELLIGENCE INFORMATION.—

20 (1) IN GENERAL.—Not later than 120 days
 21 after the date of enactment of this Act, the Presi-
 22 dent shall submit to the appropriate committees of
 23 Congress a report identifying Federal law enforce-
 24 ment and the intelligence community information
 25 needed by the Department of State to screen visa

1 applicants, or by the Immigration and Naturaliza-
2 tion Service to screen applicants for admission to the
3 United States, and to identify those aliens inadmis-
4 sible or deportable under the Immigration and Na-
5 tionality Act.

6 (2) REPEAL.—Section 414(d) of the USA PA-
7 TRIOT Act is hereby repealed.

8 (c) COORDINATION PLAN.—

9 (1) REQUIREMENT FOR PLAN.—Not later than
10 one year after the date of enactment of the USA
11 PATRIOT Act, the President shall develop and im-
12 plement a plan based on the findings of the report
13 under subsection (b) that requires Federal law en-
14 forcement agencies and the intelligence community
15 to provide to the Department of State and the Im-
16 migration and Naturalization Service all information
17 identified in that report as expeditiously as prac-
18 ticable.

19 (2) CONSULTATION REQUIREMENT.—In the
20 preparation and implementation of the plan under
21 this subsection, the President shall consult with the
22 appropriate committees of Congress.

23 (3) PROTECTIONS REGARDING INFORMATION
24 AND USES THEREOF.—The plan under this sub-
25 section shall establish conditions for using the infor-

1 mation described in subsection (b) received by the
2 Department of State and Immigration and Natu-
3 ralization Service—

4 (A) to limit the dissemination of such in-
5 formation;

6 (B) to ensure that such information is
7 used solely to determine whether to issue a visa
8 to an alien or to determine the admissibility or
9 deportability of an alien to the United States,
10 except as otherwise authorized under Federal
11 law;

12 (C) to ensure the accuracy, security, and
13 confidentiality of such information;

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

16 (E) to provide data integrity through the
17 timely removal and destruction of obsolete or
18 erroneous names and information; and

19 (F) in a manner that protects the sources
20 and methods used to acquire intelligence infor-
21 mation as required by section 103(c)(6) of the
22 National Security Act of 1947 (50 U.S.C. 403–
23 3(c)(6)).

24 (4) CRIMINAL PENALTIES FOR MISUSE OF IN-
25 FORMATION.—Any person who obtains information

under this subsection without authorization or exceeding authorized access (as defined in section 1030(e) of title 18, United States Code), and who uses such information in the manner described in any of the paragraphs (1) through (7) of section 1030(a) of such title, or attempts to use such information in such manner, shall be subject to the same penalties as are applicable under section 1030(c) of such title for violation of that paragraph.

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

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

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

SEC. 202. INTEROPERABLE LAW ENFORCEMENT AND INTELLIGENCE DATA SYSTEM WITH NAME-MATCHING CAPACITY AND TRAINING.

(a) INTEROPERABLE LAW ENFORCEMENT AND INTELLIGENCE ELECTRONIC DATA SYSTEM.—

(1) REQUIREMENT FOR INTEGRATED IMMIGRATION AND NATURALIZATION DATA SYSTEM.—The Immigration and Naturalization Service shall fully integrate all databases and data systems maintained

1 by the Service that process or contain information
2 on aliens. The fully integrated data system shall be
3 an interoperable component of the electronic data
4 system described in paragraph (2).

5 (2) REQUIREMENT FOR INTEROPERABLE DATA
6 SYSTEM.—Upon the date of commencement of im-
7 plementation of the plan required by section 201(c),
8 the President shall develop and implement an inter-
9 operable electronic data system to provide current
10 and immediate access to information in databases of
11 Federal law enforcement agencies and the intel-
12 ligence community that is relevant to determine
13 whether to issue a visa or to determine the admissi-
14 bility or deportability of an alien.

15 (3) CONSULTATION REQUIREMENT.—In the de-
16 velopment and implementation of the data system
17 under this subsection, the President shall consult
18 with the Director of the National Institute of Stand-
19 ards and Technology (NIST) and any such other
20 agency as may be deemed appropriate.

21 (4) TECHNOLOGY STANDARD.—

22 (A) IN GENERAL.—The data system devel-
23 oped and implemented under this subsection,
24 and the databases referred to in paragraph (2),
25 shall utilize the technology standard established

1 pursuant to section 403(c) of the USA PA-
2 TRIOT Act, as amended by section 201(c)(5)
3 and subparagraph (B).

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

7 (i) in paragraph (1), by inserting “,
8 including appropriate biometric identifier
9 standards,” after “technology standard”;
10 and

11 (ii) in paragraph (2) —

12 (I) by striking “INTEGRATED”
13 and inserting “INTEROPERABLE”; and

14 (II) by striking “integrated” and
15 inserting “interoperable”.

16 (5) ACCESS TO INFORMATION IN DATA SYS-
17 TEM.—Subject to paragraph (6), information in the
18 data system under this subsection shall be readily
19 and easily accessible—

20 (A) to any consular officer responsible for
21 the issuance of visas;

22 (B) to any Federal official responsible for
23 determining an alien’s admissibility to or de-
24 portability from the United States; and

1 (C) to any Federal law enforcement or in-
2 telligence officer determined by regulation to be
3 responsible for the investigation or identifica-
4 tion of aliens.

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

13 (b) NAME-SEARCH CAPACITY AND SUPPORT.—

14 (1) IN GENERAL.—The interoperable electronic
15 data system required by subsection (a) shall—

16 (A) have the capacity to compensate for
17 disparate name formats among the different
18 databases referred to in subsection (a);

19 (B) be searchable on a linguistically sen-
20 sitive basis;

21 (C) provide adequate user support;

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

24 (E) be adjusted and improved, based upon
25 experience with the databases and improve-

ments in the underlying technologies and sciences, on a continuing basis.

(2) LINGUISTICALLY SENSITIVE SEARCHES.—

(A) IN GENERAL.—To satisfy the requirement of paragraph (1)(B), the interoperable electronic database shall be searchable based on linguistically sensitive algorithms that—

(i) account for variations in name formats and transliterations, including varied spellings and varied separation or combination of name elements, within a particular language; and

(ii) incorporate advanced linguistic, mathematical, statistical, and anthropological research and methods.

(B) LANGUAGES REQUIRED.—

(i) PRIORITY LANGUAGES.—Linguistically sensitive algorithms shall be developed and implemented for no fewer than 4 languages designated as high priorities by the Secretary of State, after consultation with the Attorney General and the Director of Central Intelligence.

(ii) IMPLEMENTATION SCHEDULE.—
Of the 4 linguistically sensitive algorithms

1 required to be developed and implemented
2 under clause (i)—

3 (I) the highest priority language
4 algorithms shall be implemented with-
5 in 18 months after the date of enact-
6 ment of this Act; and

7 (II) an additional language algo-
8 rithm shall be implemented each suc-
9 ceeding year for the next three years.

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

19 (4) INTERIM REPORTS.—Six months after the
20 date of enactment of this Act, the President shall
21 submit a report to the appropriate committees of
22 Congress on the progress in implementing each re-
23 quirement of this section.

24 (5) REPORTS BY INTELLIGENCE AGENCIES.—

1 (A) CURRENT STANDARDS.—Not later
2 than 60 days after the date of enactment of
3 this Act, the Director of Central Intelligence
4 shall complete the survey and issue the report
5 previously required by section 309(a) of the In-
6 telligence Authorization Act for Fiscal Year
7 1998 (50 U.S.C. 403–3 note).

8 (B) GUIDELINES.—Not later than 120
9 days after the date of enactment of this Act,
10 the Director of Intelligence shall issue the
11 guidelines and submit the copy of those guide-
12 lines previously required by section 309(b) of
13 the Intelligence Authorization Act for Fiscal
14 Year 1998 (50 U.S.C. 403–3 note).

15 (6) AUTHORIZATION OF APPROPRIATIONS.—

16 There are authorized to be appropriated such sums
17 as are necessary to carry out the provisions of this
18 subsection.

19 **SEC. 203. COMMISSION ON INTEROPERABLE DATA SHAR-**
20 **ING.**

21 (a) ESTABLISHMENT.—Not later than one year after
22 the date of enactment of the USA PATRIOT Act, the
23 President shall establish a Commission on Interoperable
24 Data Sharing (in this section referred to as the “Commis-
25 sion”). The purposes of the Commission shall be to—

1 (1) monitor the protections described in section
2 201(c)(3);

3 (2) provide oversight of the interoperable elec-
4 tronic data system described in this title; and

5 (3) report to Congress annually on the Commis-
6 sion's findings and recommendations.

7 (b) COMPOSITION.—The Commission shall consist of
8 nine members, who shall be appointed by the President,
9 as follows:

10 (1) One member, who shall serve as Chair of
11 the Commission.

12 (2) Eight members, who shall be appointed
13 from a list of nominees jointly provided by the
14 Speaker of the House of Representatives, the Minor-
15 ity Leader of the House of Representatives, the Ma-
16 jority Leader of the Senate, and the Minority Lead-
17 er of the Senate.

18 (c) CONSIDERATIONS.—The Commission shall con-
19 sider recommendations regarding the following issues:

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

23 (2) Timely adoption of security innovations,
24 consistent with generally accepted security stand-
25 ards, to protect the integrity and confidentiality of

1 information to prevent against the risks of acci-
 2 dental or unauthorized loss, access, destruction, use
 3 modification, or disclosure of information.

4 (3) The adequacy of mechanisms to permit the
 5 timely correction of errors in data maintained by the
 6 interoperable data system.

7 (4) Other protections against unauthorized use
 8 of data to guard against the misuse of the interoper-
 9 able data system or the data maintained by the sys-
 10 tem, including recommendations for modifications to
 11 existing laws and regulations to sanction misuse of
 12 the system.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 14 are authorized to be appropriated to the Commission such
 15 sums as may be necessary to carry out this section.

16 **TITLE III—VISA ISSUANCE**

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

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

20 (1) by redesignating paragraphs (1) and (2) as
 21 subparagraphs (A) and (B), respectively;

22 (2) by inserting “(1)” immediately after “(a)”;
 23 and

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

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

7 **SEC. 302. IMPLEMENTATION OF AN INTEGRATED ENTRY**
8 **AND EXIT DATA SYSTEM.**

9 (a) DEVELOPMENT OF SYSTEM.—In developing the
10 integrated entry and exit data system for the ports of
11 entry, as required by the Immigration and Naturalization
12 Service Data Management Improvement Act of 2000
13 (Public Law 106–215), the Attorney General and the Sec-
14 retary of State shall—

15 (1) implement, fund, and use a technology
16 standard under section 403(c) of the USA PA-
17 TRIOT Act (as amended by sections 201(c)(5) and
18 202(a)(3)(B)) at United States ports of entry and at
19 consular posts abroad;

20 (2) establish a database containing the arrival
21 and departure data from machine-readable visas,
22 passports, arrival-departure records, and other travel
23 documents possessed by aliens; and

24 (3) make interoperable all security databases
25 relevant to making determinations of admissibility

1 under section 212 of the Immigration and Nation-
2 ality Act (8 U.S.C. 1182).

3 (b) IMPLEMENTATION.—In implementing the provi-
4 sions of subsection (a), the Immigration and Naturaliza-
5 tion Service and the Department of State shall—

6 (1) utilize technologies that facilitate the lawful
7 and efficient cross-border movement of commerce
8 and persons without compromising the safety and
9 security of the United States; and

10 (2) consider implementing the North American
11 National Security Program described in section 401.

12 **SEC. 303. MACHINE-READABLE, TAMPER-RESISTANT ENTRY**
13 **AND EXIT DOCUMENTS.**

14 (a) REPORT.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this Act, the Attorney
17 General, the Secretary of State, and the National
18 Institute of Standards and Technology (NIST), act-
19 ing jointly, shall submit to the appropriate commit-
20 tees of Congress a comprehensive report assessing
21 the actions that will be necessary, and the consider-
22 ations to be taken into account, to achieve fully, not
23 later than October 26, 2003—

24 (A) implementation of the requirements of
25 subsections (b) and (c); and

1 (B) deployment of the equipment and soft-
2 ware to allow biometric comparison of the docu-
3 ments described in subsections (b) and (c).

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

11 (b) REQUIREMENTS.—

12 (1) IN GENERAL.—Not later than October 26,
13 2003, the Attorney General and the Secretary of
14 State shall issue to aliens only machine-readable,
15 tamper-resistant visas and travel and entry docu-
16 ments that use standardized biometric identifiers.
17 The Attorney General and the Secretary of State
18 shall jointly establish biometric identifiers standards
19 to be employed on such visas and travel and entry
20 documents from among those biometric identifiers
21 recognized by domestic and international standards
22 organizations.

23 (2) READERS AND SCANNERS AT PORTS OF
24 ENTRY.—

1 (A) IN GENERAL.—Not later than October
2 26, 2003, the Attorney General, in consultation
3 with the Secretary of State, shall install at all
4 ports of entry of the United States equipment
5 and software to allow biometric comparison of
6 all United States visas and travel and entry
7 documents issued to aliens, and passports
8 issued pursuant to subsection (c)(1).

9 (B) USE OF READERS AND SCANNERS.—
10 The Attorney General, in consultation with the
11 Secretary of State, shall utilize biometric data
12 readers and scanners that—

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

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

19 (3) USE OF TECHNOLOGY STANDARD.—The
20 systems employed to implement paragraphs (1) and
21 (2) shall utilize the technology standard established
22 pursuant to section 403(c) of the USA PATRIOT
23 Act, as amended by section 201(c)(5) and
24 202(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
5 country that is designated to participate in the visa
6 waiver program established under section 217 of the
7 Immigration and Nationality Act shall certify, as a
8 condition for designation or continuation of that des-
9 ignation, that it has a program to issue to its na-
10 tionals machine-readable passports that are tamper-
11 resistant and incorporate biometric identifiers that
12 comply with applicable biometric identifiers stand-
13 ards established by the International Civil Aviation
14 Organization. This paragraph shall not be construed
15 to rescind the requirement of section 217(a)(3) of
16 the Immigration and Nationality Act.

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

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated such sums as may be
25 necessary to carry out this section, including reimburse-

1 ment to international and domestic standards organiza-
2 tions.

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

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

7 (b) PURPOSE.—The purpose of each committee es-
8 tablished 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
11 in which the consular post is located to identify
12 known or potential terrorists and to develop infor-
13 mation on 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 admin-
17 istering the immigration laws of the United States;
18 and

19 (3) to ensure that the names of known and sus-
20 pected terrorists are entered into the appropriate
21 lookout databases.

22 (c) COMPOSITION; CHAIR.—The Secretary shall es-
23 tablish rules governing the composition of such commit-
24 tees.

1 (d) MEETINGS.—The committee shall meet at least
2 monthly to share information pertaining to the commit-
3 tee’s purpose as described in subsection (b)(2).

4 (e) PERIODIC REPORTS.—The committee shall sub-
5 mit quarterly reports to the Secretary of State describing
6 the committee’s activities, whether or not information on
7 known or suspected terrorists was developed during the
8 quarter.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as may be
11 necessary to implement this section.

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

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

1 (b) USE OF FOREIGN INTELLIGENCE INFORMA-
2 TION.—As an ongoing component of the training required
3 in subsection (a), the Secretary of State shall coordinate
4 with the Assistant to the President for Homeland Secu-
5 rity, Federal law enforcement agencies, and the intel-
6 ligence community to compile and disseminate to the Bu-
7 reau of Consular Affairs reports, bulletins, updates, and
8 other current unclassified information relevant to terror-
9 ists and terrorism and to screening visa applicants who
10 pose a potential threat to the safety or security of the
11 United States.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated such sums as may be
14 necessary to implement this section.

15 **SEC. 306. RESTRICTION ON ISSUANCE OF VISAS TO NON-**
16 **IMMIGRANTS FROM COUNTRIES THAT ARE**
17 **STATE SPONSORS OF INTERNATIONAL TER-**
18 **RORISM.**

19 (a) IN GENERAL.—No nonimmigrant visa under sec-
20 tion 101(a)(15) of the Immigration and Nationality Act
21 (8 U.S.C. 1101(a)(15)) shall be issued to any alien from
22 a country that is a state sponsor of international terrorism
23 unless the Secretary of State determines, in consultation
24 with the Attorney General and the heads of other appro-
25 priate United States agencies, that such alien does not

1 pose a threat to the safety or national security of the
2 United States. In making a determination under this sub-
3 section, the Secretary of State shall apply standards devel-
4 oped by the Secretary of State, in consultation with the
5 Attorney General and the heads of other appropriate
6 United States agencies, that are applicable to the nation-
7 als of such states.

8 (b) STATE SPONSOR OF INTERNATIONAL TERRORISM
9 DEFINED.—

10 (1) IN GENERAL.—In this section, the term
11 “state sponsor of international terrorism” means
12 any country the government of which has been de-
13 termined by the Secretary of State under any of the
14 laws specified in paragraph (2) to have repeatedly
15 provided support for acts of international terrorism.

16 (2) LAWS UNDER WHICH DETERMINATIONS
17 WERE MADE.—The laws specified in this paragraph
18 are the following:

19 (A) Section 6(j)(1)(A) of the Export Ad-
20 ministration Act of 1979 (or successor statute).

21 (B) Section 40(d) of the Arms Export
22 Control Act.

23 (C) Section 620A(a) of the Foreign Assist-
24 ance Act of 1961.

1 **SEC. 307. DESIGNATION OF PROGRAM COUNTRIES UNDER**
2 **THE VISA WAIVER PROGRAM.**

3 (a) REPORTING PASSPORT THEFTS.—As a condition
4 of a country's initial designation or continued designation
5 for participation in the visa waiver program under section
6 217 of the Immigration and Nationality Act (8 U.S.C.
7 1187), the Attorney General and the Secretary of State
8 shall consider whether the country reports to the United
9 States Government on a timely basis the theft of blank
10 passports issued by that country.

11 (b) CHECK OF LOOKOUT DATABASES.—Prior to the
12 admission of an alien under the visa waiver program es-
13 tablished under section 217 of the Immigration and Na-
14 tionality Act (8 U.S.C. 1187), the Immigration and Natu-
15 ralization Service shall determine that the applicant for
16 admission does not appear in any of the appropriate look-
17 out databases available to immigration inspectors at the
18 time the alien seeks admission to the United States.

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

20 (a) ENTERING STOLEN PASSPORT IDENTIFICATION
21 NUMBERS IN THE INTEROPERABLE DATA SYSTEM.—

22 (1) IN GENERAL.—Beginning with implementa-
23 tion under section 202 of the law enforcement and
24 intelligence data system, not later than 72 hours
25 after receiving notification of the loss or theft of a
26 United States or foreign passport, the Attorney Gen-

1 eral and the Secretary of State, as appropriate, shall
2 enter into such system the corresponding identifica-
3 tion number for the lost or stolen passport.

4 (2) ENTRY OF INFORMATION ON PREVIOUSLY
5 LOST OR STOLEN PASSPORTS.—To the extent prac-
6 ticable, the Attorney General, in consultation with
7 the Secretary of State, shall enter into such system
8 the corresponding identification numbers for the
9 United States and foreign passports lost or stolen
10 prior to the implementation of such system.

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

17 **SEC. 309. IDENTIFICATION DOCUMENTS FOR CERTAIN**
18 **NEWLY ADMITTED ALIENS.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Attorney General shall ensure that, imme-
21 diately upon the arrival in the United States of an indi-
22 vidual admitted under section 207 of the Immigration and
23 Nationality Act (8 U.S.C. 1157), or immediately upon an
24 alien being granted asylum under section 208 of such Act
25 (8 U.S.C. 1158), the alien will be issued an employment

1 authorization document. Such document shall, at a min-
2 imum, contain the fingerprint and photograph of such
3 alien.

4 **TITLE IV—ADMISSION AND** 5 **INSPECTION OF ALIENS**

6 **SEC. 401. STUDY OF THE FEASIBILITY OF A NORTH AMER-** 7 **ICAN NATIONAL SECURITY PROGRAM.**

8 (a) IN GENERAL.—The President shall conduct a
9 study of the feasibility of establishing a North American
10 National Security Program to enhance the mutual security
11 and safety of the United States, Canada, and Mexico.

12 (b) STUDY ELEMENTS.—In conducting the study re-
13 quired by subsection (a), the officials specified in sub-
14 section (a) shall consider the following:

15 (1) PRECLEARANCE.—The feasibility of estab-
16 lishing a program enabling foreign national travelers
17 to the United States to submit voluntarily to a
18 preclearance procedure established by the Depart-
19 ment of State and the Immigration and Naturaliza-
20 tion Service to determine whether such travelers are
21 admissible to the United States under section 212 of
22 the Immigration and Nationality Act (8 U.S.C.
23 1182). Consideration shall be given to the feasibility
24 of expanding the preclearance program to include

1 the preclearance both of foreign nationals traveling
2 to Canada and foreign nationals traveling to Mexico.

3 (2) PREINSPECTION.—The feasibility of ex-
4 panding preinspection facilities at foreign airports as
5 described in section 235A of the Immigration and
6 Nationality Act (8 U.S.C. 1225). Consideration shall
7 be given to the feasibility of expanding
8 preinspections to foreign nationals on air flights des-
9 tined for Canada and Mexico, and the cross training
10 and funding of inspectors from Canada and Mexico.

11 (3) CONDITIONS.—A determination of the
12 measures necessary to ensure that the conditions re-
13 quired by section 235A(a)(5) of the Immigration
14 and Nationality Act (8 U.S.C. 1225a(a)(5)) are sat-
15 isfied, including consultation with experts recognized
16 for their expertise regarding the conditions required
17 by that section.

18 (c) REPORT.—Not later than 1 year after the date
19 of enactment of this Act, the President shall submit to
20 the appropriate committees of Congress a report setting
21 forth the findings of the study conducted under subsection
22 (a).

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated such sums as may be
25 necessary to carry out this section.

1 **SEC. 402. PASSENGER MANIFESTS.**

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

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

5 (2) by redesignating subsection (c) as sub-
6 section (i); and

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

18 “(b) DEPARTURE MANIFESTS.—For each commercial
19 vessel or aircraft taking passengers on board at any sea-
20 port or airport of the United States, who are destined to
21 any place outside the United States, it shall be the duty
22 of an appropriate official specified in subsection (d) to pro-
23 vide an immigration officer before departure from such
24 port manifest information about each passenger, crew
25 member, and other occupant to be transported.

1 “(c) CONTENTS OF MANIFEST.—The information to
2 be provided with respect to each person listed on a mani-
3 fest required to be provided under subsection (a) or (b)
4 shall include—

5 “(1) complete name;

6 “(2) date of birth;

7 “(3) citizenship;

8 “(4) sex;

9 “(5) passport number and country of issuance;

10 “(6) country of residence;

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

13 “(8) alien registration number, where applica-
14 ble;

15 “(9) United States address while in the United
16 States; and

17 “(10) such other information the Attorney Gen-
18 eral, in consultation with the Secretary of State, and
19 the Secretary of Treasury determines as being nec-
20 essary for the identification of the persons trans-
21 ported and for the enforcement of the immigration
22 laws and to protect safety and national security.

23 “(d) APPROPRIATE OFFICIALS SPECIFIED.—An ap-
24 propriate official specified in this subsection is the master

1 or commanding officer, or authorized agent, owner, or con-
2 signee, of the commercial vessel or aircraft concerned.

3 “(e) DEADLINE FOR REQUIREMENT OF ELECTRONIC
4 TRANSMISSION OF MANIFEST INFORMATION.—Not later
5 than January 1, 2003, manifest information required to
6 be provided under subsection (a) or (b) shall be trans-
7 mitted electronically by the appropriate official specified
8 in subsection (d) to an immigration officer.

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

20 “(g) PENALTIES AGAINST NONCOMPLYING SHIP-
21 MENTS, AIRCRAFT, OR CARRIERS.—If it shall appear to
22 the satisfaction of the Attorney General that an appro-
23 priate official specified in subsection (d), any public or pri-
24 vate carrier, or the agent of any transportation line, as
25 the case may be, has refused or failed to provide manifest

1 information required by subsection (a) or (b), or that the
2 manifest information provided is not accurate and full
3 based on information provided to the carrier, such official,
4 carrier, or agent, as the case may be, shall pay to the Com-
5 missioner the sum of \$300 for each person with respect
6 to whom such accurate and full manifest information is
7 not provided, or with respect to whom the manifest infor-
8 mation is not prepared as prescribed by this section or
9 by regulations issued pursuant thereto. No commercial
10 vessel, aircraft, or land carrier shall be granted clearance
11 pending determination of the question of the liability to
12 the payment of such penalty, or while it remains unpaid,
13 and no such penalty shall be remitted or refunded, except
14 that clearance may be granted prior to the determination
15 of such question upon the deposit with the Commissioner
16 of a bond or undertaking approved by the Attorney Gen-
17 eral or a sum sufficient to cover such penalty.

18 “(h) WAIVER.—The Attorney General may waive the
19 requirements of subsection (a) or (b) upon such cir-
20 cumstances and conditions as the Attorney General may
21 by regulation prescribe.”.

22 (b) EXTENSION TO LAND CARRIERS.—Not later than
23 two years after the date of enactment of this Act, the
24 President shall conduct a study regarding the feasibility
25 of extending the requirements of subsections (a) and (b)

1 of section 231 of the Immigration and Nationality Act (8
2 U.S.C. 1221), as amended by subsection (a), to any com-
3 mercial carrier transporting persons by land to or from
4 the United States. The study shall focus on the manner
5 in which such requirement would be implemented to en-
6 hance the national security of the United States and the
7 efficient cross-border flow of commerce and persons.

8 (c) EFFECTIVE DATE.—The amendments made by
9 subsection (a) shall apply with respect to persons arriving
10 in, or departing from, the United States on or after the
11 date of enactment of this Act.

12 **SEC. 403. PREARRIVAL MESSAGES FROM OTHER VESSELS**
13 **DESTINED TO UNITED STATES PORTS.**

14 (a) IN GENERAL.—Section 4(a)(5) of the Ports and
15 Waterways Safety Act (33 U.S.C. 1223(a)(5)) is amended
16 by striking paragraph (5) and inserting the following:

17 “(5)(A) may require the receipt of prearrival
18 messages from any vessel destined for a port or
19 place subject to the jurisdiction of the United States,
20 not later than 96 hours before the vessel’s arrival or
21 such time as deemed necessary under regulations
22 promulgated by the Secretary to provide any infor-
23 mation that the Secretary determines is necessary
24 for control of the vessel and the safety and security

1 of the port, waterways, facilities, vessels, and marine
2 environment, including—

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 on board 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 this paragraph.”.

19 (b) INAPPLICABILITY OF FREEDOM OF INFORMATION
20 ACT.—Section 4 of the Ports and Waterways Safety Act
21 (33 U.S.C. 1223), as amended by subsection (a), is fur-
22 ther amended by adding at the end the following new sub-
23 section:

24 “(e) INFORMATION NOT SUBJECT TO FREEDOM OF
25 INFORMATION ACT.—Section 552 of title 5, United States

1 Code, does not apply to any information submitted under
 2 subsection (a)(5)(A).”.

3 (c) RELATION TO THE PREARRIVAL MESSAGE RE-
 4 QUIREMENT.—Section 5 of the Ports and Waterways
 5 Safety Act (33 U.S.C. 1224) is amended by adding at the
 6 end the following new subsection:

7 “(c) Nothing in this section shall be construed to
 8 limit the Secretary’s authority to require information
 9 under section 4(a)(5) of this Act before a vessel’s arrival
 10 in a port or place that is subject to the jurisdiction of
 11 the United States.”.

12 **SEC. 404. SAFETY AND SECURITY OF PORTS AND WATER-**
 13 **WAYS.**

14 The Ports and Waterways Safety Act (33 U.S.C.
 15 1221 et seq.) is amended—

16 (1) in section 2(a) (33 U.S.C. 1221(a)), by
 17 striking “safety and protection of the marine envi-
 18 ronment” and inserting “safety, protection of the
 19 marine environment, and safety and security of
 20 United States ports and waterways”; and

21 (2) in section 5(a) (33 U.S.C. 1224(a)), by
 22 striking “safety and protection of the marine envi-
 23 ronment,” and inserting “safety, protection of the
 24 marine environment, and safety and security of
 25 United States ports and waterways,”.

1 **SEC. 405. TIME PERIOD FOR INSPECTIONS.**

2 (a) REPEAL OF TIME LIMITATION ON INSPEC-
 3 TIONS.—Section 286(g) of the Immigration and Nation-
 4 ality Act (8 U.S.C. 1356(g)) is amended by striking “,
 5 within forty-five minutes of their presentation for inspec-
 6 tion,”.

7 (b) STAFFING LEVELS AT PORTS OF ENTRY.—The
 8 Immigration and Naturalization Service shall staff ports
 9 of entry at such levels that would be adequate to meet
 10 traffic flow and inspection time objectives efficiently with-
 11 out compromising the safety and security of the United
 12 States. Estimated staffing levels under workforce models
 13 for the Immigration and Naturalization Service shall be
 14 based on the goal of providing immigration services de-
 15 scribed in section 286(g) of such Act within 45 minutes
 16 of a passenger’s presentation for inspection.

17 **TITLE V—FOREIGN STUDENTS**
 18 **AND EXCHANGE VISITORS**

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

20 (a) STRENGTHENING REQUIREMENTS FOR IMPLE-
 21 MENTATION OF MONITORING PROGRAM.—

22 (1) MONITORING AND VERIFICATION OF INFOR-
 23 MATION.—Section 641(a) of the Illegal Immigration
 24 Reform and Immigrant Responsibility Act of 1996
 25 (8 U.S.C. 1372(a)) is amended by adding at the end
 26 the following:

1 “(3) ALIENS FOR WHOM A VISA IS RE-
2 QUIRED.—The Attorney General, in consultation
3 with the Secretary of State, shall establish an elec-
4 tronic means to monitor and verify—

5 “(A) the issuance of documentation of ac-
6 ceptance of a foreign student by an approved
7 institution of higher education or other ap-
8 proved educational institution, or of an ex-
9 change visitor program participant by a des-
10 ignated exchange visitor program;

11 “(B) the transmittal of the documentation
12 referred to in subparagraph (A) to the Depart-
13 ment of State for use by the Bureau of Con-
14 sular Affairs;

15 “(C) the issuance of a visa to a foreign
16 student or an exchange visitor program partici-
17 pant;

18 “(D) the admission into the United States
19 of the foreign student or exchange visitor pro-
20 gram participant;

21 “(E) the notification to an approved insti-
22 tution of higher education, other approved edu-
23 cational institution, or exchange visitor program
24 sponsor that the foreign student or exchange

1 visitor participant has been admitted into the
2 United States;

3 “(F) the registration and enrollment of
4 that foreign student in such approved institu-
5 tion of higher education or other approved edu-
6 cational institution, or the participation of that
7 exchange visitor in such designated exchange
8 visitor program, as the case may be; and

9 “(G) any other relevant act by the foreign
10 student or exchange visitor program partici-
11 pant, including a changing of school or des-
12 ignated exchange visitor program and any ter-
13 mination of studies or participation in a des-
14 ignated exchange visitor program.

15 “(4) REPORTING REQUIREMENTS.—Not later
16 than 30 days after the deadline for registering for
17 classes for an academic term of an approved institu-
18 tion of higher education or other approved edu-
19 cational institution for which documentation is
20 issued for an alien as described in paragraph (3)(A),
21 or the scheduled commencement of participation by
22 an alien in a designated exchange visitor program,
23 as the case may be, the institution or program, re-
24 spectively, shall report to the Immigration and Nat-

1 uralization Service any failure of the alien to enroll
 2 or to commence participation.”.

3 (2) ADDITIONAL REQUIREMENTS FOR DATA TO
 4 BE COLLECTED.—Section 641(c)(1) of the Illegal
 5 Immigration Reform and Immigrant Responsibility
 6 Act of 1996 (8 U.S.C. 1372(c)(1)) is amended—

7 (A) by striking “and” at the end of sub-
 8 paragraph (C);

9 (B) by striking the period at the end of
 10 subparagraph (D) and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(E) the date of entry and port of entry;

13 “(F) the date of the alien’s enrollment in
 14 an approved institution of higher education,
 15 other approved educational institution, or des-
 16 ignated exchange visitor program in the United
 17 States;

18 “(G) the degree program, if applicable, and
 19 field of study; and

20 “(H) the date of the alien’s termination of
 21 enrollment and the reason for such termination
 22 (including graduation, disciplinary action or
 23 other dismissal, and failure to re-enroll).”.

24 (3) REPORTING REQUIREMENTS.—Section
 25 641(c) of the Illegal Immigration Reform and Immi-

1 grant Responsibility Act of 1996 (8 U.S.C. 1372(c))
2 is amended by adding at the end the following new
3 paragraph:

4 “(5) REPORTING REQUIREMENTS.—The Attor-
5 ney General shall prescribe by regulation reporting
6 requirements by taking into account the curriculum
7 calendar of the approved institution of higher edu-
8 cation, other approved educational institution, or ex-
9 change visitor program.”.

10 (b) INFORMATION REQUIRED OF THE VISA APPLI-
11 CANT.—Prior to the issuance of a visa under subpara-
12 graph (F), subparagraph (M), or, with respect to an alien
13 seeking to attend an approved institution of higher edu-
14 cation, subparagraph (J) of section 101(a)(15) of the Im-
15 migration and Nationality Act (8 U.S.C. 1101(a)(15)),
16 each alien applying for such visa shall provide to a con-
17 sular officer the following information:

18 (1) The alien’s address in the country of origin.

19 (2) The names and addresses of the alien’s
20 spouse, children, parents, and siblings.

21 (3) The names of contacts of the alien in the
22 alien’s country of residence who could verify infor-
23 mation about the alien.

24 (4) Previous work history, if any, including the
25 names and addresses of employers.

1 (c) TRANSITIONAL PROGRAM.—

2 (1) IN GENERAL.—Not later than 120 days
3 after the date of enactment of this Act and until
4 such time as the system described in section 641 of
5 the Illegal Immigration Reform and Immigrant Re-
6 sponsibility Act (as amended by subsection (a)) is
7 fully implemented, the following requirements shall
8 apply:

9 (A) RESTRICTIONS ON ISSUANCE OF
10 VISAS.—A visa may not be issued to an alien
11 under subparagraph (F), subparagraph (M), or,
12 with respect to an alien seeking to attend an
13 approved institution of higher education, sub-
14 paragraph (J) of section 101(a)(15) of the Im-
15 migration and Nationality Act (8 U.S.C.
16 1101(a)(15)), unless—

17 (i) the Department of State has re-
18 ceived from an approved institution of
19 higher education or other approved edu-
20 cational institution electronic evidence of
21 documentation of the alien's acceptance at
22 that institution; and

23 (ii) the consular officer has adequately
24 reviewed the applicant's visa record.

1 (B) NOTIFICATION UPON VISA
2 ISSUANCE.—Upon the issuance of a visa under
3 section 101(a)(15) (F) or (M) of the Immigra-
4 tion and Nationality Act (8 U.S.C.
5 1101(a)(15)(F) or (M)) to an alien, the Sec-
6 retary of State shall transmit to the Immigra-
7 tion and Naturalization Service a notification of
8 the issuance of that visa.

9 (C) NOTIFICATION UPON ADMISSION OF
10 ALIEN.—The Immigration and Naturalization
11 Service shall notify the approved institution of
12 higher education or other approved educational
13 institution that an alien accepted for such insti-
14 tution or program has been admitted to the
15 United States.

16 (D) NOTIFICATION OF FAILURE OF EN-
17 ROLLMENT.—Not later than 30 days after the
18 deadline for registering for classes for an aca-
19 demic term, the approved institution of higher
20 education or other approved educational institu-
21 tion shall inform the Immigration and Natu-
22 ralization Service through data-sharing ar-
23 rangements of any failure of any alien described
24 in subparagraph (C) to enroll or to commence
25 participation.

1 (2) REQUIREMENT TO SUBMIT LIST OF AP-
 2 PROVED INSTITUTIONS.—Not later than 30 days
 3 after the date of enactment of this Act, the Attorney
 4 General shall provide the Secretary of State with a
 5 list of all approved institutions of higher education
 6 or other approved educational institutions that are
 7 authorized to receive nonimmigrants under section
 8 101(a)(15) (F) or (M) of the Immigration and Na-
 9 tionality Act (8 U.S.C. 1101(a)(15)(F) or (M)).

10 (3) AUTHORIZATION OF APPROPRIATIONS.—
 11 There are authorized to be appropriated such sums
 12 as may be necessary to carry out this subsection.

13 **SEC. 502. REVIEW OF INSTITUTIONS AND OTHER ENTITIES**
 14 **AUTHORIZED TO ENROLL OR SPONSOR CER-**
 15 **TAIN NONIMMIGRANTS.**

16 (a) PERIODIC REVIEW OF COMPLIANCE.—The Com-
 17 missioner of Immigration and Naturalization, in consulta-
 18 tion with the Secretary of Education, shall conduct peri-
 19 odic reviews of the institutions certified to receive non-
 20 immigrants under section 101(a)(15) (F), (M), or (J) of
 21 the Immigration and Nationality Act (8 U.S.C.
 22 1101(a)(15)(F), (M), or (J)). Each review shall determine
 23 whether the institutions are in compliance with—

24 (1) recordkeeping and reporting requirements
 25 to receive nonimmigrants under section 101(a)(15)

1 (F), (M), or (J) of that Act (8 U.S.C.
2 1101(a)(15)(F), (M), or (J)); and

3 (2) recordkeeping and reporting requirements
4 under section 641 of the Illegal Immigration Reform
5 and Immigrant Responsibility Act of 1996 (8 U.S.C.
6 1372).

7 (b) PERIODIC REVIEW OF SPONSORS OF EXCHANGE
8 VISITORS.—

9 (1) REQUIREMENT FOR REVIEWS.—The Sec-
10 retary of State shall conduct periodic reviews of the
11 entities designated to sponsor exchange visitor pro-
12 gram participants under section 101(a)(15)(J) of
13 the Immigration and Nationality Act (8 U.S.C.
14 1101(a)(15)(J)).

15 (2) DETERMINATIONS.—On the basis of reviews
16 of entities under paragraph (1), the Secretary shall
17 determine whether the entities are in compliance
18 with—

19 (A) recordkeeping and reporting require-
20 ments to receive nonimmigrant exchange visitor
21 program participants under section
22 101(a)(15)(J) of the Immigration and Nation-
23 ality Act (8 U.S.C. 1101(a)(15)(J)); and

24 (B) recordkeeping and reporting require-
25 ments under section 641 of the Illegal Immigra-

tion Reform and Immigrant Responsibility Act
of 1996 (8 U.S.C. 1372).

(c) EFFECT OF FAILURE TO COMPLY.—Failure of an
institution or other entity to comply with the record-
keeping and reporting requirements to receive non-
immigrant students or exchange visitor program partici-
pants under section 101(a)(15) (F), (M), or (J) of the
Immigration and Nationality Act (8 U.S.C. 1101(a)(15)
(F), (M), or (J)), or section 641 of the Illegal Immigration
Reform and Immigrant Responsibility Act of 1996 (8
U.S.C. 1372), may, at the election of the Commissioner
of Immigration and Naturalization or the Secretary of
State, result in the termination, suspension, or limitation
of the institution’s approval to receive such students or
the termination of the other entity’s designation to spon-
sor exchange visitor program participants, as the case may
be.

TITLE VI—MISCELLANEOUS PROVISIONS

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

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

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

2 (a) REQUIREMENT FOR STUDY.—

3 (1) IN GENERAL.—The Comptroller General of
4 the United States shall conduct a study to determine
5 the feasibility and utility of implementing a require-
6 ment that each nonimmigrant alien in the United
7 States submit to the Commissioner of Immigration
8 and Naturalization each year a current address and,
9 where applicable, the name and address of an em-
10 ployer.

11 (2) NONIMMIGRANT ALIEN DEFINED.—In para-
12 graph (1), the term “nonimmigrant alien” means an
13 alien described in section 101(a)(15) of the Immi-
14 gration and Nationality Act (8 U.S.C. 1101(a)(15)).

15 (b) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Comptroller General shall
17 submit to Congress a report on the results of the study
18 under subsection (a). The report shall include the Comp-
19 troller General’s findings, together with any recommenda-
20 tions that the Comptroller General considers appropriate.

21 **SEC. 603. INTERNATIONAL COOPERATION.**

22 (a) INTERNATIONAL ELECTRONIC DATA SYSTEM.—
23 The Secretary of State and the Commissioner of Immigra-
24 tion and Naturalization, in consultation with the Assistant
25 to the President for Homeland Security, shall jointly con-
26 duct a study of the alternative approaches (including the

1 costs of, and procedures necessary for, each alternative ap-
2 proach) for encouraging or requiring Canada, Mexico, and
3 countries treated as visa waiver program countries under
4 section 217 of the Immigration and Nationality Act to de-
5 velop an intergovernmental network of interoperable elec-
6 tronic data systems that—

7 (1) facilitates real-time access to that country’s
8 law enforcement and intelligence information that is
9 needed by the Department of State and the Immi-
10 gration and Naturalization Service to screen visa ap-
11 plicants and applicants for admission into the
12 United States to identify aliens who are inadmissible
13 or deportable under the Immigration and Nationality
14 Act (8 U.S.C. 1101 et seq.);

15 (2) is interoperable with the electronic data sys-
16 tem implemented under section 202; and

17 (3) performs in accordance with implementation
18 of the technology standard referred to in section
19 202(a).

20 (b) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Secretary of State and the
22 Attorney General shall submit to the appropriate commit-
23 tees of Congress a report setting forth the findings of the
24 study conducted under subsection (a).

1 **SEC. 604. STATUTORY CONSTRUCTION.**

2 Nothing in this Act shall be construed to impose re-
3 quirements that are inconsistent with the North American
4 Free Trade Agreement or to require additional documents
5 for aliens for whom documentary requirements are waived
6 under section 212(d)(4)(B) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1182(d)(4)(B)).

8 **SEC. 605. ANNUAL REPORT ON ALIENS WHO FAIL TO AP-**
9 **PEAR AFTER RELEASE ON OWN RECOG-**
10 **NIZANCE.**

11 (a) REQUIREMENT FOR REPORT.—Not later than
12 January 15 of each year, the Attorney General shall sub-
13 mit to the appropriate committees of Congress a report
14 on the number of aliens who, during the preceding year,
15 failed to attend a removal hearing after having been ar-
16 rested outside a port of entry, served a notice to appear
17 for the hearing, and released on the alien's own recog-
18 nizance. The report shall also take into account the num-
19 ber of cases in which there were defects in notices of hear-
20 ing or the service of notices of hearing, together with a
21 description and analysis of the effects, if any, that the de-
22 fects had on the attendance of aliens at the hearings.

23 (b) INITIAL REPORT.—Notwithstanding the time for
24 submission of the annual report provided in subsection (a),
25 the report for 2001 shall be submitted not later than 6
26 months after the date of enactment of this Act.

1 **SEC. 606. RETENTION OF NONIMMIGRANT VISA APPLICA-**
2 **TIONS BY THE DEPARTMENT OF STATE.**

3 The Department of State shall retain, for a period
4 of seven years from the date of application, every applica-
5 tion for a nonimmigrant visa under section 101(a)(15) of
6 the Immigration and Nationality Act (8 U.S.C.
7 1101(a)(15)) in a form that will be admissible in the
8 courts of the United States or in administrative pro-
9 ceeding, including removal proceedings under such Act,
10 without regard to whether the application was approved
11 or denied.

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