

107TH CONGRESS  
1ST SESSION

# H. R. 3525

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

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## 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

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## 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 redissemination 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(e)(6) of the  
22       National Security Act of 1947 (50 U.S.C. 403-  
23       3(e)(6)).

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

1 under this subsection without authorization or ex-  
2 ceeding authorized access (as defined in section  
3 1030(e) of title 18, United States Code), and who  
4 uses such information in the manner described in  
5 any of the paragraphs (1) through (7) of section  
6 1030(a) of such title, or attempts to use such infor-  
7 mation in such manner, shall be subject to the same  
8 penalties as are applicable under section 1030(e) of  
9 such title for violation of that paragraph.

10 (5) ADVANCING DEADLINES FOR A TECH-  
11 NOLOGY STANDARD AND REPORT.—Section 403(c)  
12 of the USA PATRIOT Act is amended—

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

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

17 **SEC. 202. INTEROPERABLE LAW ENFORCEMENT AND IN-**  
18 **TELLIGENCE DATA SYSTEM WITH NAME-**  
19 **MATCHING CAPACITY AND TRAINING.**

20 (a) INTEROPERABLE LAW ENFORCEMENT AND IN-  
21 TELLIGENCE ELECTRONIC DATA SYSTEM.—

22 (1) REQUIREMENT FOR INTEGRATED IMMIGRA-  
23 TION AND NATURALIZATION DATA SYSTEM.—The  
24 Immigration and Naturalization Service shall fully  
25 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-

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

3           (2) LINGUISTICALLY SENSITIVE SEARCHES.—

4           (A) IN GENERAL.—To satisfy the require-  
5           ment of paragraph (1)(B), the interoperable  
6           electronic database shall be searchable based on  
7           linguistically sensitive algorithms that—

8                   (i) account for variations in name for-  
9                   mats and transliterations, including varied  
10                  spellings and varied separation or combina-  
11                  tion of name elements, within a particular  
12                  language; and

13                  (ii) incorporate advanced linguistic,  
14                  mathematical, statistical, and anthropo-  
15                  logical research and methods.

16           (B) LANGUAGES REQUIRED.—

17                  (i) PRIORITY LANGUAGES.—Linguis-  
18                  tically sensitive algorithms shall be devel-  
19                  oped and implemented for no fewer than 4  
20                  languages designated as high priorities by  
21                  the Secretary of State, after consultation  
22                  with the Attorney General and the Direc-  
23                  tor of Central Intelligence.

24                  (ii) IMPLEMENTATION SCHEDULE.—  
25                  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(e))  
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-

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

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

## 18           **TITLE VI—MISCELLANEOUS** 19           **PROVISIONS**

### 20           **SEC. 601. EXTENSION OF DEADLINE FOR IMPROVEMENT IN** 21           **BORDER CROSSING IDENTIFICATION CARDS.**

22           Section 104(b)(2) of the Illegal Immigration Reform  
23 and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101  
24 note) is amended by striking “5 years” and inserting “6  
25 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.

○