

107TH CONGRESS
1ST SESSION

H. R. 3525

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

Sec. 1. Short title.

Sec. 2. Definitions.

TITLE I—FUNDING

Sec. 101. Authorization of appropriations for hiring and training Government personnel.

Sec. 102. Authorization of appropriations for improvements in technology and infrastructure.

Sec. 103. Machine-readable visa fees.

TITLE II—INTERAGENCY INFORMATION SHARING

Sec. 201. Interim measures for access to and coordination of law enforcement and other information.

Sec. 202. Interoperable law enforcement and intelligence data system with name-matching capacity and training.

Sec. 203. Commission on interoperable data sharing.

TITLE III—VISA ISSUANCE

Sec. 301. Electronic provision of visa files.

Sec. 302. Implementation of an integrated entry and exit data system.

Sec. 303. Machine-readable, tamper-resistant entry and exit documents.

Sec. 304. Terrorist lookout committees.

Sec. 305. Improved training for consular officers.

Sec. 306. Restriction on issuance of visas to nonimmigrants who are from countries that are state sponsors of international terrorism.

Sec. 307. Designation of program countries under the Visa Waiver Program.

Sec. 308. Tracking system for stolen passports.

Sec. 309. Identification documents for certain newly admitted aliens.

TITLE IV—ADMISSION AND INSPECTION OF ALIENS

Sec. 401. Study of the feasibility of a North American National Security Program.

Sec. 402. Passenger manifests.

Sec. 403. Time period for inspections.

TITLE V—FOREIGN STUDENTS AND EXCHANGE VISITORS

Sec. 501. Foreign student monitoring program.

Sec. 502. Review of institutions and other entities authorized to enroll or sponsor certain nonimmigrants.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Extension of deadline for improvement in border crossing identification cards.

Sec. 602. General Accounting Office study.

Sec. 603. International cooperation.

Sec. 604. Statutory construction.

Sec. 605. Report on aliens who fail to appear after release on own recognizance.

Sec. 606. Retention of nonimmigrant visa applications by the Department of State.

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.

1 (C) The Federal Bureau of Investigation.

2 (D) The Immigration and Naturalization
3 Service.

4 (E) The United States Marshall Service.

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

7 (G) The Coastal Security Service.

8 (H) The Diplomatic Security Service.

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

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

13 (K) The United States Customs Service.

14 (L) The National Park Service.

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

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

1 tigation, the Secretary of Transportation, the Com-
2 missioner of Customs, and the Secretary of the
3 Treasury.

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

9 **TITLE I—FUNDING**

10 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR HIR-** 11 **ING AND TRAINING GOVERNMENT PER-** 12 **SONNEL.**

13 (a) ADDITIONAL PERSONNEL.—

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

24 (2) INS INVESTIGATIVE PERSONNEL.—Subject
25 to the availability of appropriations, during each of

1 the fiscal years 2002 through 2006, the Attorney
2 General shall increase the number of investigative
3 and associated support staff of the Immigration and
4 Naturalization Service by the equivalent of at least
5 200 full-time employees over the number of inves-
6 tigators and associated support staff in the Immi-
7 gration and Naturalization Service authorized by the
8 USA PATRIOT Act.

9 (3) AUTHORIZATION OF APPROPRIATIONS.—

10 There are authorized to be appropriated such sums
11 as may be necessary to carry out this subsection, in-
12 cluding such sums as may be necessary to provide
13 facilities, attorney personnel and support staff, and
14 other resources needed to support the increased
15 number of inspectors, investigative staff, and associ-
16 ated support staff.

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

21 (c) AUTHORIZATION OF APPROPRIATIONS FOR INS
22 STAFFING.—

23 (1) IN GENERAL.—There are authorized to be
24 appropriated for the Department of Justice such

1 sums as may be necessary to provide an increase in
2 the annual rate of basic pay—

3 (A) for all journeyman Border Patrol
4 agents and inspectors who have completed at
5 least one year's service and are receiving an an-
6 nual rate of basic pay for positions at GS-9 of
7 the General Schedule under section 5332 of
8 title 5, United States Code, from the annual
9 rate of basic pay payable for positions at GS-
10 9 of the General Schedule under such section
11 5332, to an annual rate of basic pay payable
12 for positions at GS-11 of the General Schedule
13 under such section 5332;

14 (B) for inspections assistants, from the an-
15 nual rate of basic pay payable for positions at
16 GS-5 of the General Schedule under section
17 5332 of title 5, United States Code, to an an-
18 nual rate of basic pay payable for positions at
19 GS-7 of the General Schedule under such sec-
20 tion 5332; and

21 (C) for the support staff associated with
22 the personnel described in subparagraphs (A)
23 and (B), at the appropriate GS level of the
24 General Schedule under such section 5332.

1 (d) AUTHORIZATION OF APPROPRIATIONS FOR
2 TRAINING.—There are authorized to be appropriated such
3 sums as may be necessary—

4 (1) to appropriately train Immigration and Nat-
5 uralization Service personnel on an ongoing basis—

6 (A) to ensure that their proficiency levels
7 are acceptable to protect the borders of the
8 United States; and

9 (B) otherwise to enforce and administer
10 the laws within their jurisdiction; and

11 (2) to provide adequate continuing cross-train-
12 ing to agencies staffing the United States border
13 and ports of entry to effectively and correctly apply
14 applicable United States laws;

15 (3) to fully train immigration officers to use the
16 appropriate lookout databases and to monitor pas-
17 senger traffic patterns; and

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

21 (e) AUTHORIZATION OF APPROPRIATIONS FOR CON-
22 SULAR FUNCTIONS.—

23 (1) RESPONSIBILITIES.—The Secretary of State
24 shall—

1 (A) implement enhanced security measures
2 for the review of visa applicants;

3 (B) staff the facilities and programs asso-
4 ciated with the activities described in subpara-
5 graph (A); and

6 (C) provide ongoing training for consular
7 officers and diplomatic security agents.

8 (2) AUTHORIZATION OF APPROPRIATIONS.—

9 There are authorized to be appropriated for the De-
10 partment of State such sums as may be necessary
11 to carry out paragraph (1).

12 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR IM-**
13 **PROVEMENTS IN TECHNOLOGY AND INFRA-**
14 **STRUCTURE.**

15 (a) FUNDING OF TECHNOLOGY.—

16 (1) AUTHORIZATION OF APPROPRIATIONS.—In
17 addition to funds otherwise available for such pur-
18 pose, there are authorized to be appropriated
19 \$150,000,000 to the Immigration and Naturaliza-
20 tion Service for purposes of—

21 (A) making improvements in technology
22 (including infrastructure support, computer se-
23 curity, and information technology develop-
24 ment) for improving border security;

1 (B) expanding, utilizing, and improving
2 technology to improve border security; and

3 (C) facilitating the flow of commerce and
4 persons at ports of entry, including improving
5 and expanding programs for preenrollment and
6 preclearance.

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

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

19 (b) IMPROVEMENT AND EXPANSION OF INS, STATE
20 DEPARTMENT, AND CUSTOMS FACILITIES.—There are
21 authorized to be appropriated to the Immigration and
22 Naturalization Service and the Department of State such
23 sums as may be necessary to improve and expand facilities
24 for use by the personnel of those agencies.

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

2 (a) RELATION TO SUBSEQUENT AUTHORIZATION
3 ACTS.—Section 140(a) of the Foreign Relations Author-
4 ization Act, Fiscal Years 1994 and 1995 (Public Law
5 103–236) is amended by striking paragraph (3).

6 (b) FEE AMOUNT.—The machine-readable visa fee
7 charged by the Department of State shall be the higher
8 of \$65 or the cost of the machine-readable visa service,
9 as determined by the Secretary of State after conducting
10 a study of the cost of such service.

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

15 (d) AVAILABILITY OF COLLECTED FEES.—Notwith-
16 standing any other provision of law, amounts collected as
17 fees described in this section shall be credited as an offset-
18 ting collection to any appropriation for the Department
19 of State to recover costs of providing consular services.
20 Amounts so credited shall be available, until expended, for
21 the same purposes as the appropriation to which credited.

TITLE II—INTERAGENCY INFORMATION SHARING

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

(a) INTERIM DIRECTIVE.—Until the plan required by subsection (c) is implemented, Federal law enforcement agencies and the intelligence community shall, to the maximum extent practicable, share any information with the Department of State and the Immigration and Naturalization Service relevant to the admissibility and deportability of aliens, consistent with the plan described in subsection (c).

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

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the President shall submit to the appropriate committees of Congress a report identifying Federal law enforcement and the intelligence community information needed by the Department of State to screen visa applicants, or by the Immigration and Naturalization Service to screen applicants for admission to the United States, and to identify those aliens inadmis-

1 sible or deportable under the Immigration and Na-
2 tionality Act.

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

5 (c) COORDINATION PLAN.—

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

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

20 (3) PROTECTIONS REGARDING INFORMATION
21 AND USES THEREOF.—The plan under this sub-
22 section shall establish conditions for using the infor-
23 mation described in subsection (b) received by the
24 Department of State and Immigration and Natu-
25 ralization Service—

1 (A) to limit the redissemination of such in-
2 formation;

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

9 (C) to ensure the accuracy, security, and
10 confidentiality of such information;

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

13 (E) to provide data integrity through the
14 timely removal and destruction of obsolete or
15 erroneous names and information; and

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

21 (4) CRIMINAL PENALTIES FOR MISUSE OF IN-
22 FORMATION.—Any person who obtains information
23 under this subsection without authorization or ex-
24 ceeding authorized access (as defined in section
25 1030(e) of title 18, United States Code), and who

1 uses such information in the manner described in
 2 any of the paragraphs (1) through (7) of section
 3 1030(a) of such title, or attempts to use such infor-
 4 mation in such manner, shall be subject to the same
 5 penalties as are applicable under section 1030(c) of
 6 such title for violation of that paragraph.

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

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

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

14 **SEC. 202. INTEROPERABLE LAW ENFORCEMENT AND IN-**
 15 **TELLIGENCE DATA SYSTEM WITH NAME-**
 16 **MATCHING CAPACITY AND TRAINING.**

17 (a) INTEROPERABLE LAW ENFORCEMENT AND IN-
 18 TELLIGENCE ELECTRONIC DATA SYSTEM.—

19 (1) REQUIREMENT FOR INTEGRATED IMMIGRA-
 20 TION AND NATURALIZATION DATA SYSTEM.—The
 21 Immigration and Naturalization Service shall fully
 22 integrate all databases and data systems maintained
 23 by the Service that process or contain information
 24 on aliens. The fully integrated data system shall be

1 an interoperable component of the electronic data
2 system described in paragraph (2).

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

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

19 (4) TECHNOLOGY STANDARD.—

20 (A) IN GENERAL.—The data system devel-
21 oped and implemented under this subsection,
22 and the databases referred to in paragraph (2),
23 shall utilize the technology standard established
24 pursuant to section 403(c) of the USA PA-

1 Patriot Act, as amended by section 201(c)(5)
2 and subparagraph (B).

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

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

10 (ii) in paragraph (2) —

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

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

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

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

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

24 (C) to any Federal law enforcement or in-
25 telligence officer determined by regulation to be

1 responsible for the investigation or identifica-
2 tion of aliens.

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

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

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

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

17 (B) be searchable on a linguistically sen-
18 sitive basis;

19 (C) provide adequate user support;

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

22 (E) be adjusted and improved, based upon
23 experience with the databases and improve-
24 ments in the underlying technologies and
25 sciences, on a continuing basis.

1 (2) LINGUISTICALLY SENSITIVE SEARCHES.—

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

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

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

14 (B) LANGUAGES REQUIRED.—

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

22 (ii) IMPLEMENTATION SCHEDULE.—
23 Of the 4 linguistically sensitive algorithms
24 required to be developed and implemented
25 under clause (i)—

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

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

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

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

22 (5) REPORTS BY INTELLIGENCE AGENCIES.—

23 (A) CURRENT STANDARDS.—Not later
24 than 60 days after the date of enactment of
25 this Act, the Director of Central Intelligence

1 shall complete the survey and issue the report
2 previously required by section 309(a) of the In-
3 telligence Authorization Act for Fiscal Year
4 1998 (50 U.S.C. 403–3 note).

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

12 (6) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated such sums
14 as are necessary to carry out the provisions of this
15 subsection.

16 **SEC. 203. COMMISSION ON INTEROPERABLE DATA SHAR-**
17 **ING.**

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

23 (1) monitor the protections described in section
24 201(c)(3);

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

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

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

8 (1) One member, who shall serve as Chair of
9 the Commission.

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

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

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

21 (2) Timely adoption of security innovations,
22 consistent with generally accepted security stand-
23 ards, to protect the integrity and confidentiality of
24 information to prevent against the risks of acci-

1 dental or unauthorized loss, access, destruction, use
2 modification, or disclosure of information.

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

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

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

15 **TITLE III—VISA ISSUANCE**

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

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

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

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

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

24 “(2) The Secretary of State shall provide to the Serv-
25 ice an electronic version of the visa file of an alien who

1 has been issued a visa to ensure that the data in that visa
2 file is available to immigration inspectors at the United
3 States ports of entry before the arrival of the alien at such
4 a port of entry.”.

5 **SEC. 302. IMPLEMENTATION OF AN INTEGRATED ENTRY**
6 **AND EXIT DATA SYSTEM.**

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

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

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

22 (3) make interoperable all security databases
23 relevant to making determinations of admissibility
24 under section 212 of the Immigration and Nation-
25 ality Act (8 U.S.C. 1182).

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

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

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

10 **SEC. 303. MACHINE-READABLE, TAMPER-RESISTANT ENTRY**
11 **AND EXIT DOCUMENTS.**

12 (a) REPORT.—

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

22 (A) implementation of the requirements of
23 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 biometric identifiers. The Attorney
17 General and the Secretary of State shall jointly es-
18 tablish biometric identifiers standards to be em-
19 ployed on such visas and travel and entry documents
20 from among those biometric identifiers recognized by
21 domestic and international standards organizations.

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

24 (A) IN GENERAL.—Not later than October
25 26, 2003, the Attorney General, in consultation

1 with the Secretary of State, shall install at all
2 ports of entry of the United States equipment
3 and software to allow biometric comparison of
4 all United States visas and travel and entry
5 documents issued to aliens, and passports
6 issued pursuant to subsection (c)(1).

7 (B) USE OF READERS AND SCANNERS.—

8 The Attorney General, in consultation with the
9 Secretary of State, shall utilize biometric data
10 readers and scanners that—

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

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

17 (3) USE OF TECHNOLOGY STANDARD.—The
18 systems employed to implement paragraphs (1) and
19 (2) shall utilize the technology standard established
20 pursuant to section 403(c) of the USA PATRIOT
21 Act, as amended by section 201(c)(5) and
22 202(a)(3)(B).

23 (c) TECHNOLOGY STANDARD FOR VISA WAIVER PAR-
24 TICIPANTS.—

1 (1) CERTIFICATION REQUIREMENT.—Not later
2 than October 26, 2003, the government of each
3 country that is designated to participate in the visa
4 waiver program established under section 217 of the
5 Immigration and Nationality Act shall certify, as a
6 condition for designation or continuation of that des-
7 ignation, that it has a program to issue to its na-
8 tionals machine-readable passports that are tamper-
9 resistant and incorporate biometric identifiers that
10 comply with applicable biometric identifiers stand-
11 ards established by the International Civil Aviation
12 Organization. This paragraph shall not be construed
13 to rescind the requirement of section 217(a)(3) of
14 the Immigration and Nationality Act.

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

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated such sums as may be
23 necessary to carry out this section, including reimburse-
24 ment to international and domestic standards organiza-
25 tions.

1 **SEC. 304. TERRORIST LOOKOUT COMMITTEES.**

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

5 (b) PURPOSE.—The purpose of each committee es-
6 tablished under subsection (a) shall be—

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

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

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

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

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

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

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

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

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

22 (b) USE OF FOREIGN INTELLIGENCE INFORMA-
23 TION.—As an ongoing component of the training required
24 in subsection (a), the Secretary of State shall coordinate
25 with the Assistant to the President for Homeland Secu-

1 rity, Federal law enforcement agencies, and the intel-
 2 ligence community to compile and disseminate to the Bu-
 3 reau of Consular Affairs reports, bulletins, updates, and
 4 other current unclassified information relevant to terror-
 5 ists and terrorism and to screening visa applicants who
 6 pose a potential threat to the safety or security of the
 7 United States.

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

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

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

1 Attorney General and the heads of other appropriate
2 United States agencies, that are applicable to the nation-
3 als of such states.

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

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

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

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

17 (B) Section 40(d) of the Arms Export
18 Control Act.

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

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

23 (a) REPORTING PASSPORT THEFTS.—As a condition
24 of a country’s initial designation or continued designation
25 for participation in the visa waiver program under section

1 217 of the Immigration and Nationality Act (8 U.S.C.
2 1187), the Attorney General and the Secretary of State
3 shall consider whether the country reports to the United
4 States Government on a timely basis the theft of blank
5 passports issued by that country.

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

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

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

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

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

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

14 **SEC. 309. IDENTIFICATION DOCUMENTS FOR CERTAIN**
15 **NEWLY ADMITTED ALIENS.**

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

TITLE IV—ADMISSION AND INSPECTION OF ALIENS

SEC. 401. STUDY OF THE FEASIBILITY OF A NORTH AMERICAN NATIONAL SECURITY PROGRAM.

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

(b) STUDY ELEMENTS.—In conducting the study required by subsection (a), the officials specified in subsection (a) shall consider the following:

(1) PRECLEARANCE.—The feasibility of establishing a program enabling foreign national travelers to the United States to submit voluntarily to a preclearance procedure established by the Department of State and the Immigration and Naturalization Service to determine whether such travelers are admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182). Consideration shall be given to the feasibility of expanding the preclearance program to include the preclearance both of foreign nationals traveling to Canada and foreign nationals traveling to Mexico.

(2) PREINSPECTION.—The feasibility of expanding preinspection facilities at foreign airports as

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

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

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

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated such sums as may be
21 necessary to carry out this section.

22 **SEC. 402. PASSENGER MANIFESTS.**

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

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

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

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

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

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

1 “(1) complete name;

2 “(2) date of birth;

3 “(3) citizenship;

4 “(4) sex;

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

6 “(6) country of residence;

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

9 “(8) alien registration number, where applica-
10 ble;

11 “(9) United States address while in the United
12 States; and

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

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

23 “(e) DEADLINE FOR REQUIREMENT OF ELECTRONIC
24 TRANSMISSION OF MANIFEST INFORMATION.—Not later
25 than January 1, 2003, manifest information required to

1 be provided under subsection (a) or (b) shall be trans-
2 mitted electronically by the appropriate official specified
3 in subsection (d) to an immigration officer.

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

15 “(g) PENALTIES AGAINST NONCOMPLYING SHIP-
16 MENTS, AIRCRAFT, OR CARRIERS.—If it shall appear to
17 the satisfaction of the Attorney General that an appro-
18 priate official specified in subsection (d), any public or pri-
19 vate carrier, or the agent of any transportation line, as
20 the case may be, has refused or failed to provide manifest
21 information required by subsection (a) or (b), or that the
22 manifest information provided is not accurate and full
23 based on information provided to the carrier, such official,
24 carrier, or agent, as the case may be, shall pay to the Com-
25 missioner the sum of \$300 for each person with respect

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

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

17 (b) EXTENSION TO LAND CARRIERS.—Not later than
18 two years after the date of enactment of this Act, the
19 President shall conduct a study regarding the feasibility
20 of extending the requirements of subsections (a) and (b)
21 of section 231 of the Immigration and Nationality Act (8
22 U.S.C. 1221), as amended by subsection (a), to any com-
23 mercial carrier transporting persons by land to or from
24 the United States. The study shall focus on the manner
25 in which such requirement would be implemented to en-

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

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

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

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

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

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

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

4 (a) STRENGTHENING REQUIREMENTS FOR IMPLE-
5 MENTATION OF MONITORING PROGRAM.—

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

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

15 “(A) the issuance of documentation of ac-
16 ceptance of a foreign student by an approved
17 institution of higher education or other ap-
18 proved educational institution, or of an ex-
19 change visitor program participant by a des-
20 ignated exchange visitor program;

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

1 “(C) the issuance of a visa to a foreign
2 student or an exchange visitor program partici-
3 pant;

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

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

13 “(F) the registration and enrollment of
14 that foreign student in such approved institu-
15 tion of higher education or other approved edu-
16 cational institution, or the participation of that
17 exchange visitor in such designated exchange
18 visitor program, as the case may be; and

19 “(G) any other relevant act by the foreign
20 student or exchange visitor program partici-
21 pant, including a changing of school or des-
22 ignated exchange visitor program and any ter-
23 mination of studies or participation in a des-
24 ignated exchange visitor program.

1 “(4) REPORTING REQUIREMENTS.—Not later
2 than 30 days after the deadline for registering for
3 classes for an academic term of an approved institu-
4 tion of higher education or other approved edu-
5 cational institution for which documentation is
6 issued for an alien as described in paragraph (3)(A),
7 or the scheduled commencement of participation by
8 an alien in a designated exchange visitor program,
9 as the case may be, the institution or program, re-
10 spectively, shall report to the Immigration and Nat-
11 uralization Service any failure of the alien to enroll
12 or to commence participation.”.

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

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

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

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

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

23 “(F) the date of the alien’s enrollment in
24 an approved institution of higher education,
25 other approved educational institution, or des-

1 ignated exchange visitor program in the United
2 States;

3 “(G) the degree program, if applicable, and
4 field of study; and

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

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

14 “(5) REPORTING REQUIREMENTS.—The Attor-
15 ney General shall prescribe by regulation reporting
16 requirements by taking into account the curriculum
17 calendar of the approved institution of higher edu-
18 cation, other approved educational institution, or ex-
19 change visitor program.”.

20 (b) INFORMATION REQUIRED OF THE VISA APPLI-
21 CANT.—Prior to the issuance of a visa under subpara-
22 graph (F), subparagraph (M), or, with respect to an alien
23 seeking to attend an approved institution of higher edu-
24 cation, subparagraph (J) of section 101(a)(15) of the Im-
25 migration and Nationality Act (8 U.S.C. 1101(a)(15)),

1 each alien applying for such visa shall provide to a con-
2 sular officer the following information:

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

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

6 (3) The names of contacts of the alien in the
7 alien's country of residence who could verify infor-
8 mation about the alien.

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

11 (c) TRANSITIONAL PROGRAM.—

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

19 (A) RESTRICTIONS ON ISSUANCE OF
20 VISAS.—A visa may not be issued to an alien
21 under subparagraph (F), subparagraph (M), or,
22 with respect to an alien seeking to attend an
23 approved institution of higher education, sub-
24 paragraph (J) of section 101(a)(15) of the Im-

1 migration and Nationality Act (8 U.S.C.
2 1101(a)(15)), unless—

3 (i) the Department of State has re-
4 ceived from an approved institution of
5 higher education or other approved edu-
6 cational institution electronic evidence of
7 documentation of the alien's acceptance at
8 that institution; and

9 (ii) the consular officer has adequately
10 reviewed the applicant's visa record.

11 (B) NOTIFICATION UPON VISA
12 ISSUANCE.—Upon the issuance of a visa under
13 section 101(a)(15) (F) or (M) of the Immigra-
14 tion and Nationality Act (8 U.S.C.
15 1101(a)(15)(F) or (M)) to an alien, the Sec-
16 retary of State shall transmit to the Immigra-
17 tion and Naturalization Service a notification of
18 the issuance of that visa.

19 (C) NOTIFICATION UPON ADMISSION OF
20 ALIEN.—The Immigration and Naturalization
21 Service shall notify the approved institution of
22 higher education or other approved educational
23 institution that an alien accepted for such insti-
24 tution or program has been admitted to the
25 United States.

1 (D) NOTIFICATION OF FAILURE OF EN-
2 ROLLMENT.—Not later than 30 days after the
3 deadline for registering for classes for an aca-
4 demic term, the approved institution of higher
5 education or other approved educational institu-
6 tion shall inform the Immigration and Natu-
7 ralization Service through data-sharing ar-
8 rangements of any failure of any alien described
9 in subparagraph (C) to enroll or to commence
10 participation.

11 (2) REQUIREMENT TO SUBMIT LIST OF AP-
12 PROVED INSTITUTIONS.—Not later than 30 days
13 after the date of enactment of this Act, the Attorney
14 General shall provide the Secretary of State with a
15 list of all approved institutions of higher education
16 or other approved educational institutions that are
17 authorized to receive nonimmigrants under section
18 101(a)(15) (F) or (M) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1101(a)(15)(F) or (M)).

20 (3) AUTHORIZATION OF APPROPRIATIONS.—
21 There are authorized to be appropriated such sums
22 as may be necessary to carry out this subsection.

1 **SEC. 502. REVIEW OF INSTITUTIONS AND OTHER ENTITIES**
2 **AUTHORIZED TO ENROLL OR SPONSOR CER-**
3 **TAIN NONIMMIGRANTS.**

4 (a) PERIODIC REVIEW OF COMPLIANCE.—The Com-
5 missioner of Immigration and Naturalization, in consulta-
6 tion with the Secretary of Education, shall conduct peri-
7 odic reviews of the institutions certified to receive non-
8 immigrants under section 101(a)(15) (F), (M), or (J) of
9 the Immigration and Nationality Act (8 U.S.C.
10 1101(a)(15)(F), (M), or (J)). Each review shall determine
11 whether the institutions are in compliance with—

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

16 (2) recordkeeping and reporting requirements
17 under section 641 of the Illegal Immigration Reform
18 and Immigrant Responsibility Act of 1996 (8 U.S.C.
19 1372).

20 (b) PERIODIC REVIEW OF SPONSORS OF EXCHANGE
21 VISITORS.—

22 (1) REQUIREMENT FOR REVIEWS.—The Sec-
23 retary of State shall conduct periodic reviews of the
24 entities designated to sponsor exchange visitor pro-
25 gram participants under section 101(a)(15)(J) of

1 the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(15)(J)).

3 (2) DETERMINATIONS.—On the basis of reviews
4 of entities under paragraph (1), the Secretary shall
5 determine whether the entities are in compliance
6 with—

7 (A) recordkeeping and reporting require-
8 ments to receive nonimmigrant exchange visitor
9 program participants under section
10 101(a)(15)(J) of the Immigration and Nation-
11 ality Act (8 U.S.C. 1101(a)(15)(J)); and

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

16 (c) EFFECT OF FAILURE TO COMPLY.—Failure of an
17 institution or other entity to comply with the record-
18 keeping and reporting requirements to receive non-
19 immigrant students or exchange visitor program partici-
20 pants under section 101(a)(15) (F), (M), or (J) of the
21 Immigration and Nationality Act (8 U.S.C. 1101(a)(15)
22 (F), (M), or (J)), or section 641 of the Illegal Immigration
23 Reform and Immigrant Responsibility Act of 1996 (8
24 U.S.C. 1372), may, at the election of the Commissioner
25 of Immigration and Naturalization or the Secretary of

1 State, result in the termination, suspension, or limitation
2 of the institution's approval to receive such students or
3 the termination of the other entity's designation to spon-
4 sor exchange visitor program participants, as the case may
5 be.

6 **TITLE VI—MISCELLANEOUS** 7 **PROVISIONS**

8 **SEC. 601. EXTENSION OF DEADLINE FOR IMPROVEMENT IN** 9 **BORDER CROSSING IDENTIFICATION CARDS.**

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

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

15 (a) REQUIREMENT FOR STUDY.—

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

24 (2) NONIMMIGRANT ALIEN DEFINED.—In para-
25 graph (1), the term “nonimmigrant alien” means an

1 alien described in section 101(a)(15) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1101(a)(15)).

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

9 **SEC. 603. INTERNATIONAL COOPERATION.**

10 (a) INTERNATIONAL ELECTRONIC DATA SYSTEM.—
11 The Secretary of State and the Commissioner of Immigra-
12 tion and Naturalization, in consultation with the Assistant
13 to the President for Homeland Security, shall jointly con-
14 duct a study of the alternative approaches (including the
15 costs of, and procedures necessary for, each alternative ap-
16 proach) for encouraging or requiring Canada, Mexico, and
17 countries treated as visa waiver program countries under
18 section 217 of the Immigration and Nationality Act to de-
19 velop an intergovernmental network of interoperable elec-
20 tronic data systems that—

21 (1) facilitates real-time access to that country’s
22 law enforcement and intelligence information that is
23 needed by the Department of State and the Immi-
24 gration and Naturalization Service to screen visa ap-
25 plicants and applicants for admission into the

1 United States to identify aliens who are inadmissible
2 or deportable under the Immigration and Nationality
3 Act (8 U.S.C. 1101 et seq.);

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

6 (3) performs in accordance with implementation
7 of the technology standard referred to in section
8 202(a).

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

14 **SEC. 604. STATUTORY CONSTRUCTION.**

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

21 **SEC. 605. ANNUAL REPORT ON ALIENS WHO FAIL TO AP-**
22 **PEAR AFTER RELEASE ON OWN RECOG-**
23 **NIZANCE.**

24 (a) REQUIREMENT FOR REPORT.—Not later than
25 January 15 of each year, the Attorney General shall sub-

1 mit to the appropriate committees of Congress a report
2 on the total number of aliens who, during the preceding
3 year, failed to attend a removal proceeding after having
4 been arrested outside a port of entry, served a notice to
5 appear under section 239(a)(1) of the Immigration and
6 Nationality Act (8 U.S.C. 1229(a)(1)), and released on
7 the alien's own recognizance. The report shall also take
8 into account the number of cases in which there were de-
9 fects in notices of hearing or the service of notices of hear-
10 ing, together with a description and analysis of the effects,
11 if any, that the defects had on the attendance of aliens
12 at the proceedings.

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

17 **SEC. 606. RETENTION OF NONIMMIGRANT VISA APPLICA-**
18 **TIONS BY THE DEPARTMENT OF STATE.**

19 The Department of State shall retain, for a period
20 of seven years from the date of application, every applica-
21 tion for a nonimmigrant visa under section 101(a)(15) of
22 the Immigration and Nationality Act (8 U.S.C.
23 1101(a)(15)) in a form that will be admissible in the
24 courts of the United States or in administrative pro-
25 ceeding, including removal proceedings under such Act,

- 1 without regard to whether the application was approved
- 2 or denied.

Passed the House of Representatives December 19,
2001.

Attest:

Clerk.

107TH CONGRESS
1ST SESSION

H. R. 3525

AN ACT

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