

H. Res. 365

In the House of Representatives, U.S.,

March 12, 2002.

Resolved, That upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 1885, with the Senate amendment thereto, and to have concurred in the Senate amendment with the following amendments:

(1) Amend the title so as to read: "An Act to enhance the border security of the United States, and for other purposes."

(2) In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 "Enhanced Border Security and Visa Entry Reform Act
4 of 2002".

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

Sec. 1. Short title.
Sec. 2. Definitions.

- 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.
- Sec. 607. Extension of deadline for classification petition and labor certification filings.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

1 (1) ALIEN.—The term “alien” has the meaning
2 given the term in section 101(a)(3) of the Immigra-
3 tion and Nationality Act (8 U.S.C. 1101(a)(3)).

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

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

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

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

17 (A) The United States Secret Service.

18 (B) The Drug Enforcement Administra-
19 tion.

20 (C) The Federal Bureau of Investigation.

21 (D) The Immigration and Naturalization
22 Service.

23 (E) The United States Marshall Service.

24 (F) The Naval Criminal Investigative Serv-
25 ice.

1 (G) The Coastal Security Service.

2 (H) The Diplomatic Security Service.

3 (I) The United States Postal Inspection
4 Service.

5 (J) The Bureau of Alcohol, Tobacco, and
6 Firearms.

7 (K) The United States Customs Service.

8 (L) The National Park Service.

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

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

23 (6) USA PATRIOT ACT.—The term “USA
24 PATRIOT Act” means the Uniting and Strength-
25 ening America by Providing Appropriate Tools Re-

1 quired to Intercept and Obstruct Terrorism (USA
2 PATRIOT ACT) Act of 2001 (Public Law 107–56).

3 **TITLE I—FUNDING**

4 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR HIR-** 5 **ING AND TRAINING GOVERNMENT PER-** 6 **SONNEL.**

7 (a) ADDITIONAL PERSONNEL.—

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

18 (2) INS INVESTIGATIVE PERSONNEL.—Subject
19 to the availability of appropriations, during each of
20 the fiscal years 2002 through 2006, the Attorney
21 General shall increase the number of investigative
22 and associated support staff of the Immigration and
23 Naturalization Service by the equivalent of at least
24 200 full-time employees over the number of inves-
25 tigators and associated support staff in the Immi-

1 gration and Naturalization Service authorized by the
2 USA PATRIOT Act.

3 (3) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated such sums
5 as may be necessary to carry out this subsection, in-
6 cluding such sums as may be necessary to provide
7 facilities, attorney personnel and support staff, and
8 other resources needed to support the increased
9 number of inspectors, investigative staff, and associ-
10 ated support staff.

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

15 (c) AUTHORIZATION OF APPROPRIATIONS FOR INS
16 STAFFING.—

17 (1) IN GENERAL.—There are authorized to be
18 appropriated for the Department of Justice such
19 sums as may be necessary to provide an increase in
20 the annual rate of basic pay—

21 (A) for all journeyman Border Patrol
22 agents and inspectors who have completed at
23 least one year's service and are receiving an an-
24 nual rate of basic pay for positions at GS-9 of
25 the General Schedule under section 5332 of

1 title 5, United States Code, from the annual
2 rate of basic pay payable for positions at GS–
3 9 of the General Schedule under such section
4 5332, to an annual rate of basic pay payable
5 for positions at GS–11 of the General Schedule
6 under such section 5332;

7 (B) for inspections assistants, from the an-
8 nual rate of basic pay payable for positions at
9 GS–5 of the General Schedule under section
10 5332 of title 5, United States Code, to an an-
11 nual rate of basic pay payable for positions at
12 GS–7 of the General Schedule under such sec-
13 tion 5332; and

14 (C) for the support staff associated with
15 the personnel described in subparagraphs (A)
16 and (B), at the appropriate GS level of the
17 General Schedule under such section 5332.

18 (d) AUTHORIZATION OF APPROPRIATIONS FOR
19 TRAINING.—There are authorized to be appropriated such
20 sums as may be necessary—

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

23 (A) to ensure that their proficiency levels
24 are acceptable to protect the borders of the
25 United States; and

1 (B) otherwise to enforce and administer
2 the laws within their jurisdiction; and

3 (2) to provide adequate continuing cross-train-
4 ing to agencies staffing the United States border
5 and ports of entry to effectively and correctly apply
6 applicable United States laws;

7 (3) to fully train immigration officers to use the
8 appropriate lookout databases and to monitor pas-
9 senger traffic patterns; and

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

13 (e) AUTHORIZATION OF APPROPRIATIONS FOR CON-
14 SULAR FUNCTIONS.—

15 (1) RESPONSIBILITIES.—The Secretary of State
16 shall—

17 (A) implement enhanced security measures
18 for the review of visa applicants;

19 (B) staff the facilities and programs asso-
20 ciated with the activities described in subpara-
21 graph (A); and

22 (C) provide ongoing training for consular
23 officers and diplomatic security agents.

24 (2) AUTHORIZATION OF APPROPRIATIONS.—

25 There are authorized to be appropriated for the De-

1 partment of State such sums as may be necessary
2 to carry out paragraph (1).

3 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR IM-**
4 **PROVEMENTS IN TECHNOLOGY AND INFRA-**
5 **STRUCTURE.**

6 (a) FUNDING OF TECHNOLOGY.—

7 (1) AUTHORIZATION OF APPROPRIATIONS.—In
8 addition to funds otherwise available for such pur-
9 pose, there are authorized to be appropriated
10 \$150,000,000 to the Immigration and Naturaliza-
11 tion Service for purposes of—

12 (A) making improvements in technology
13 (including infrastructure support, computer se-
14 curity, and information technology develop-
15 ment) for improving border security;

16 (B) expanding, utilizing, and improving
17 technology to improve border security; and

18 (C) facilitating the flow of commerce and
19 persons at ports of entry, including improving
20 and expanding programs for preenrollment and
21 preclearance.

22 (2) WAIVER OF FEES.—Federal agencies in-
23 volved in border security may waive all or part of en-
24 rollment fees for technology-based programs to en-
25 courage participation by United States citizens and

1 aliens in such programs. Any agency that waives any
2 part of any such fee may establish its fees for other
3 services at a level that will ensure the recovery from
4 other users of the amounts waived.

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

9 (b) IMPROVEMENT AND EXPANSION OF INS, STATE
10 DEPARTMENT, AND CUSTOMS FACILITIES.—There are
11 authorized to be appropriated to the Immigration and
12 Naturalization Service and the Department of State such
13 sums as may be necessary to improve and expand facilities
14 for use by the personnel of those agencies.

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

16 (a) RELATION TO SUBSEQUENT AUTHORIZATION
17 ACTS.—Section 140(a) of the Foreign Relations Author-
18 ization Act, Fiscal Years 1994 and 1995 (Public Law
19 103–236) is amended by striking paragraph (3).

20 (b) FEE AMOUNT.—The machine-readable visa fee
21 charged by the Department of State shall be the higher
22 of \$65 or the cost of the machine-readable visa service,
23 as determined by the Secretary of State after conducting
24 a study of the cost of such service.

1 (c) SURCHARGE.—The Department of State is au-
2 thORIZED to charge a surcharge of \$10, in addition to the
3 machine-readable visa fee, for issuing a machine-readable
4 visa in a nonmachine-readable passport.

5 (d) AVAILABILITY OF COLLECTED FEES.—Notwith-
6 standing any other provision of law, amounts collected as
7 fees described in this section shall be credited as an offset-
8 ting collection to any appropriation for the Department
9 of State to recover costs of providing consular services.
10 Amounts so credited shall be available, until expended, for
11 the same purposes as the appropriation to which credited.

12 **TITLE II—INTERAGENCY** 13 **INFORMATION SHARING**

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

17 (a) INTERIM DIRECTIVE.—Until the plan required by
18 subsection (c) is implemented, Federal law enforcement
19 agencies and the intelligence community shall, to the max-
20 imum extent practicable, share any information with the
21 Department of State and the Immigration and Naturaliza-
22 tion Service relevant to the admissibility and deportability
23 of aliens, consistent with the plan described in subsection
24 (c).

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

3 (1) IN GENERAL.—Not later than 120 days
4 after the date of enactment of this Act, the Presi-
5 dent shall submit to the appropriate committees of
6 Congress a report identifying Federal law enforce-
7 ment and the intelligence community information
8 needed by the Department of State to screen visa
9 applicants, or by the Immigration and Naturaliza-
10 tion Service to screen applicants for admission to the
11 United States, and to identify those aliens inadmis-
12 sible or deportable under the Immigration and Na-
13 tionality Act.

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

16 (c) COORDINATION PLAN.—

17 (1) REQUIREMENT FOR PLAN.—Not later than
18 one year after the date of enactment of the USA
19 PATRIOT Act, the President shall develop and im-
20 plement a plan based on the findings of the report
21 under subsection (b) that requires Federal law en-
22 forcement agencies and the intelligence community
23 to provide to the Department of State and the Im-
24 migration and Naturalization Service all information

1 identified in that report as expeditiously as prac-
2 ticable.

3 (2) CONSULTATION REQUIREMENT.—In the
4 preparation and implementation of the plan under
5 this subsection, the President shall consult with the
6 appropriate committees of Congress.

7 (3) PROTECTIONS REGARDING INFORMATION
8 AND USES THEREOF.—The plan under this sub-
9 section shall establish conditions for using the infor-
10 mation described in subsection (b) received by the
11 Department of State and Immigration and Natu-
12 ralization Service—

13 (A) to limit the redissemination of such in-
14 formation;

15 (B) to ensure that such information is
16 used solely to determine whether to issue a visa
17 to an alien or to determine the admissibility or
18 deportability of an alien to the United States,
19 except as otherwise authorized under Federal
20 law;

21 (C) to ensure the accuracy, security, and
22 confidentiality of such information;

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

1 (E) to provide data integrity through the
2 timely removal and destruction of obsolete or
3 erroneous names and information; and

4 (F) in a manner that protects the sources
5 and methods used to acquire intelligence infor-
6 mation as required by section 103(e)(6) of the
7 National Security Act of 1947 (50 U.S.C. 403-
8 3(e)(6)).

9 (4) CRIMINAL PENALTIES FOR MISUSE OF IN-
10 FORMATION.—Any person who obtains information
11 under this subsection without authorization or ex-
12 ceeding authorized access (as defined in section
13 1030(e) of title 18, United States Code), and who
14 uses such information in the manner described in
15 any of the paragraphs (1) through (7) of section
16 1030(a) of such title, or attempts to use such infor-
17 mation in such manner, shall be subject to the same
18 penalties as are applicable under section 1030(e) of
19 such title for violation of that paragraph.

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

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

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

3 **SEC. 202. INTEROPERABLE LAW ENFORCEMENT AND IN-**
4 **TELLIGENCE DATA SYSTEM WITH NAME-**
5 **MATCHING CAPACITY AND TRAINING.**

6 (a) INTEROPERABLE LAW ENFORCEMENT AND IN-
7 TELLIGENCE ELECTRONIC DATA SYSTEM.—

8 (1) REQUIREMENT FOR INTEGRATED IMMIGRA-
9 TION AND NATURALIZATION DATA SYSTEM.—The
10 Immigration and Naturalization Service shall fully
11 integrate all databases and data systems maintained
12 by the Service that process or contain information
13 on aliens. The fully integrated data system shall be
14 an interoperable component of the electronic data
15 system described in paragraph (2).

16 (2) REQUIREMENT FOR INTEROPERABLE DATA
17 SYSTEM.—Upon the date of commencement of im-
18 plementation of the plan required by section 201(e),
19 the President shall develop and implement an inter-
20 operable electronic data system to provide current
21 and immediate access to information in databases of
22 Federal law enforcement agencies and the intel-
23 ligence community that is relevant to determine
24 whether to issue a visa or to determine the admissi-
25 bility or deportability of an alien.

1 (3) CONSULTATION REQUIREMENT.—In the de-
2 velopment and implementation of the data system
3 under this subsection, the President shall consult
4 with the Director of the National Institute of Stand-
5 ards and Technology (NIST) and any such other
6 agency as may be deemed appropriate.

7 (4) TECHNOLOGY STANDARD.—

8 (A) IN GENERAL.—The data system devel-
9 oped and implemented under this subsection,
10 and the databases referred to in paragraph (2),
11 shall utilize the technology standard established
12 pursuant to section 403(c) of the USA PA-
13 TRIOT Act, as amended by section 201(c)(5)
14 and subparagraph (B).

15 (B) CONFORMING AMENDMENT.—Section
16 403(c) of the USA PATRIOT Act, as amended
17 by section 201(c)(5), is further amended—

18 (i) in paragraph (1), by inserting “,
19 including appropriate biometric identifier
20 standards,” after “technology standard”;
21 and

22 (ii) in paragraph (2) —

23 (I) by striking “INTEGRATED”
24 and inserting “INTEROPERABLE”; and

1 (II) by striking “integrated” and
2 inserting “interoperable”.

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

7 (A) to any consular officer responsible for
8 the issuance of visas;

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

12 (C) to any Federal law enforcement or in-
13 telligence officer determined by regulation to be
14 responsible for the investigation or identifica-
15 tion of aliens.

16 (6) LIMITATION ON ACCESS.—The President
17 shall, in accordance with applicable Federal laws, es-
18 tablish procedures to restrict access to intelligence
19 information in the data system under this sub-
20 section, and the databases referred to in paragraph
21 (2), under circumstances in which such information
22 is not to be disclosed directly to Government officials
23 under paragraph (5).

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

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

3 (A) have the capacity to compensate for
4 disparate name formats among the different
5 databases referred to in subsection (a);

6 (B) be searchable on a linguistically sen-
7 sitive basis;

8 (C) provide adequate user support;

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

11 (E) be adjusted and improved, based upon
12 experience with the databases and improve-
13 ments in the underlying technologies and
14 sciences, on a continuing basis.

15 (2) LINGUISTICALLY SENSITIVE SEARCHES.—

16 (A) IN GENERAL.—To satisfy the require-
17 ment of paragraph (1)(B), the interoperable
18 electronic database shall be searchable based on
19 linguistically sensitive algorithms that—

20 (i) account for variations in name for-
21 mats and transliterations, including varied
22 spellings and varied separation or combina-
23 tion of name elements, within a particular
24 language; and

1 (ii) incorporate advanced linguistic,
2 mathematical, statistical, and anthropo-
3 logical research and methods.

4 (B) LANGUAGES REQUIRED.—

5 (i) PRIORITY LANGUAGES.—Linguis-
6 tically sensitive algorithms shall be devel-
7 oped and implemented for no fewer than 4
8 languages designated as high priorities by
9 the Secretary of State, after consultation
10 with the Attorney General and the Direc-
11 tor of Central Intelligence.

12 (ii) IMPLEMENTATION SCHEDULE.—
13 Of the 4 linguistically sensitive algorithms
14 required to be developed and implemented
15 under clause (i)—

16 (I) the highest priority language
17 algorithms shall be implemented with-
18 in 18 months after the date of enact-
19 ment of this Act; and

20 (II) an additional language algo-
21 rithm shall be implemented each suc-
22 ceeding year for the next three years.

23 (3) ADEQUATE USER SUPPORT.—The Secretary
24 of State and the Attorney General shall jointly pre-
25 scribe procedures to ensure that consular and immi-

1 gration officers can, as required, obtain assistance in
2 resolving identity and other questions that may arise
3 about names of aliens seeking visas or admission to
4 the United States that may be subject to variations
5 in format, transliteration, or other similar phe-
6 nomenon.

7 (4) INTERIM REPORTS.—Six months after the
8 date of enactment of this Act, the President shall
9 submit a report to the appropriate committees of
10 Congress on the progress in implementing each re-
11 quirement of this section.

12 (5) REPORTS BY INTELLIGENCE AGENCIES.—

13 (A) CURRENT STANDARDS.—Not later
14 than 60 days after the date of enactment of
15 this Act, the Director of Central Intelligence
16 shall complete the survey and issue the report
17 previously required by section 309(a) of the In-
18 telligence Authorization Act for Fiscal Year
19 1998 (50 U.S.C. 403–3 note).

20 (B) GUIDELINES.—Not later than 120
21 days after the date of enactment of this Act,
22 the Director of Intelligence shall issue the
23 guidelines and submit the copy of those guide-
24 lines previously required by section 309(b) of

1 the Intelligence Authorization Act for Fiscal
2 Year 1998 (50 U.S.C. 403–3 note).

3 (6) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated such sums
5 as are necessary to carry out the provisions of this
6 subsection.

7 **SEC. 203. COMMISSION ON INTEROPERABLE DATA SHAR-**
8 **ING.**

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

14 (1) monitor the protections described in section
15 201(c)(3);

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

18 (3) report to Congress annually on the Commis-
19 sion’s findings and recommendations.

20 (b) COMPOSITION.—The Commission shall consist of
21 nine members, who shall be appointed by the President,
22 as follows:

23 (1) One member, who shall serve as Chair of
24 the Commission.

1 (2) Eight members, who shall be appointed
2 from a list of nominees jointly provided by the
3 Speaker of the House of Representatives, the Minor-
4 ity Leader of the House of Representatives, the Ma-
5 jority Leader of the Senate, and the Minority Lead-
6 er of the Senate.

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

9 (1) Adequate protection of privacy concerns in-
10 herent in the design, implementation, or operation of
11 the interoperable electronic data system.

12 (2) Timely adoption of security innovations,
13 consistent with generally accepted security stand-
14 ards, to protect the integrity and confidentiality of
15 information to prevent against the risks of acci-
16 dental or unauthorized loss, access, destruction, use
17 modification, or disclosure of information.

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

21 (4) Other protections against unauthorized use
22 of data to guard against the misuse of the interoper-
23 able data system or the data maintained by the sys-
24 tem, including recommendations for modifications to

1 existing laws and regulations to sanction misuse of
2 the system.

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

6 **TITLE III—VISA ISSUANCE**

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

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

10 (1) by redesignating paragraphs (1) and (2) as
11 subparagraphs (A) and (B), respectively;

12 (2) by inserting “(1)” immediately after “(a)”;
13 and

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

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

21 **SEC. 302. IMPLEMENTATION OF AN INTEGRATED ENTRY** 22 **AND EXIT DATA SYSTEM.**

23 (a) DEVELOPMENT OF SYSTEM.—In developing the
24 integrated entry and exit data system for the ports of
25 entry, as required by the Immigration and Naturalization

1 Service Data Management Improvement Act of 2000
2 (Public Law 106–215), the Attorney General and the Sec-
3 retary of State shall—

4 (1) implement, fund, and use a technology
5 standard under section 403(c) of the USA PA-
6 TRIOT Act (as amended by sections 201(c)(5) and
7 202(a)(3)(B)) at United States ports of entry and at
8 consular posts abroad;

9 (2) establish a database containing the arrival
10 and departure data from machine-readable visas,
11 passports, and other travel and entry documents
12 possessed by aliens; and

13 (3) make interoperable all security databases
14 relevant to making determinations of admissibility
15 under section 212 of the Immigration and Nation-
16 ality Act (8 U.S.C. 1182).

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

20 (1) utilize technologies that facilitate the lawful
21 and efficient cross-border movement of commerce
22 and persons without compromising the safety and
23 security of the United States; and

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

1 **SEC. 303. MACHINE-READABLE, TAMPER-RESISTANT ENTRY**
2 **AND EXIT DOCUMENTS.**

3 (a) REPORT.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the Attorney
6 General, the Secretary of State, and the National
7 Institute of Standards and Technology (NIST), act-
8 ing jointly, shall submit to the appropriate commit-
9 tees of Congress a comprehensive report assessing
10 the actions that will be necessary, and the consider-
11 ations to be taken into account, to achieve fully, not
12 later than October 26, 2003—

13 (A) implementation of the requirements of
14 subsections (b) and (c); and

15 (B) deployment of the equipment and soft-
16 ware to allow biometric comparison of the docu-
17 ments described in subsections (b) and (c).

18 (2) ESTIMATES.—In addition to the assessment
19 required by paragraph (1), each report shall include
20 an estimate of the costs to be incurred, and the per-
21 sonnel, man-hours, and other support required, by
22 the Department of Justice, the Department of State,
23 and NIST to achieve the objectives of subparagraphs
24 (A) and (B) of paragraph (1).

25 (b) REQUIREMENTS.—

1 (1) IN GENERAL.—Not later than October 26,
2 2003, the Attorney General and the Secretary of
3 State shall issue to aliens only machine-readable,
4 tamper-resistant visas and travel and entry docu-
5 ments that use biometric identifiers. The Attorney
6 General and the Secretary of State shall jointly es-
7 tablish biometric identifiers standards to be em-
8 ployed on such visas and travel and entry documents
9 from among those biometric identifiers recognized by
10 domestic and international standards organizations.

11 (2) READERS AND SCANNERS AT PORTS OF
12 ENTRY.—

13 (A) IN GENERAL.—Not later than October
14 26, 2003, the Attorney General, in consultation
15 with the Secretary of State, shall install at all
16 ports of entry of the United States equipment
17 and software to allow biometric comparison of
18 all United States visas and travel and entry
19 documents issued to aliens, and passports
20 issued pursuant to subsection (c)(1).

21 (B) USE OF READERS AND SCANNERS.—
22 The Attorney General, in consultation with the
23 Secretary of State, shall utilize biometric data
24 readers and scanners that—

1 (i) domestic and international stand-
2 ards organizations determine to be highly
3 accurate when used to verify identity; and

4 (ii) can read the biometric identifiers
5 utilized under subsections (b)(1) and
6 (c)(1).

7 (3) USE OF TECHNOLOGY STANDARD.—The
8 systems employed to implement paragraphs (1) and
9 (2) shall utilize the technology standard established
10 pursuant to section 403(c) of the USA PATRIOT
11 Act, as amended by section 201(c)(5) and
12 202(a)(3)(B).

13 (c) TECHNOLOGY STANDARD FOR VISA WAIVER PAR-
14 TICIPANTS.—

15 (1) CERTIFICATION REQUIREMENT.—Not later
16 than October 26, 2003, the government of each
17 country that is designated to participate in the visa
18 waiver program established under section 217 of the
19 Immigration and Nationality Act shall certify, as a
20 condition for designation or continuation of that des-
21 ignation, that it has a program to issue to its na-
22 tionals machine-readable passports that are tamper-
23 resistant and incorporate biometric identifiers that
24 comply with applicable biometric identifiers stand-
25 ards established by the International Civil Aviation

1 Organization. This paragraph shall not be construed
2 to rescind the requirement of section 217(a)(3) of
3 the Immigration and Nationality Act.

4 (2) USE OF TECHNOLOGY STANDARD.—On and
5 after October 26, 2003, any alien applying for ad-
6 mission under the visa waiver program shall present
7 a passport that meets the requirements of paragraph
8 (1) unless the alien’s passport was issued prior to
9 that date.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated such sums as may be
12 necessary to carry out this section, including reimburse-
13 ment to international and domestic standards organiza-
14 tions.

15 **SEC. 304. TERRORIST LOOKOUT COMMITTEES.**

16 (a) ESTABLISHMENT.—The Secretary of State shall
17 require a terrorist lookout committee to be maintained
18 within each United States mission.

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

21 (1) to utilize the cooperative resources of all ele-
22 ments of the United States mission in the country
23 in which the consular post is located to identify
24 known or potential terrorists and to develop infor-
25 mation on those individuals;

1 (2) to ensure that such information is routinely
2 and consistently brought to the attention of appro-
3 priate United States officials for use in admin-
4 istering the immigration laws of the United States;
5 and

6 (3) to ensure that the names of known and sus-
7 pected terrorists are entered into the appropriate
8 lookout databases.

9 (c) COMPOSITION; CHAIR.—The Secretary shall es-
10 tablish rules governing the composition of such commit-
11 tees.

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

15 (e) PERIODIC REPORTS.—The committee shall sub-
16 mit quarterly reports to the Secretary of State describing
17 the committee’s activities, whether or not information on
18 known or suspected terrorists was developed during the
19 quarter.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as may be
22 necessary to implement this section.

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

24 (a) TRAINING.—The Secretary of State shall require
25 that all consular officers responsible for adjudicating visa

1 applications, before undertaking to perform consular re-
2 sponsibilities, receive specialized training in the effective
3 screening of visa applicants who pose a potential threat
4 to the safety or security of the United States. Such offi-
5 cers shall be specially and extensively trained in the identi-
6 fication of aliens inadmissible under section 212(a)(3) (A)
7 and (B) of the Immigration and Nationality Act, inter-
8 agency and international intelligence sharing regarding
9 terrorists and terrorism, and cultural-sensitivity toward
10 visa applicants.

11 (b) USE OF FOREIGN INTELLIGENCE INFORMA-
12 TION.—As an ongoing component of the training required
13 in subsection (a), the Secretary of State shall coordinate
14 with the Assistant to the President for Homeland Secu-
15 rity, Federal law enforcement agencies, and the intel-
16 ligence community to compile and disseminate to the Bu-
17 reau of Consular Affairs reports, bulletins, updates, and
18 other current unclassified information relevant to terror-
19 ists and terrorism and to screening visa applicants who
20 pose a potential threat to the safety or security of the
21 United States.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated such sums as may be
24 necessary to implement this section.

1 **SEC. 306. RESTRICTION ON ISSUANCE OF VISAS TO NON-**
2 **IMMIGRANTS FROM COUNTRIES THAT ARE**
3 **STATE SPONSORS OF INTERNATIONAL TER-**
4 **RORISM.**

5 (a) IN GENERAL.—No nonimmigrant visa under sec-
6 tion 101(a)(15) of the Immigration and Nationality Act
7 (8 U.S.C. 1101(a)(15)) shall be issued to any alien from
8 a country that is a state sponsor of international terrorism
9 unless the Secretary of State determines, in consultation
10 with the Attorney General and the heads of other appro-
11 priate United States agencies, that such alien does not
12 pose a threat to the safety or national security of the
13 United States. In making a determination under this sub-
14 section, the Secretary of State shall apply standards devel-
15 oped by the Secretary of State, in consultation with the
16 Attorney General and the heads of other appropriate
17 United States agencies, that are applicable to the nation-
18 als of such states.

19 (b) STATE SPONSOR OF INTERNATIONAL TERRORISM
20 DEFINED.—

21 (1) IN GENERAL.—In this section, the term
22 “state sponsor of international terrorism” means
23 any country the government of which has been de-
24 termined by the Secretary of State under any of the
25 laws specified in paragraph (2) to have repeatedly
26 provided support for acts of international terrorism.

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

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

6 (B) Section 40(d) of the Arms Export
7 Control Act.

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

10 **SEC. 307. DESIGNATION OF PROGRAM COUNTRIES UNDER**
11 **THE VISA WAIVER PROGRAM.**

12 (a) REPORTING PASSPORT THEFTS.—As a condition
13 of a country's initial designation or continued designation
14 for participation in the visa waiver program under section
15 217 of the Immigration and Nationality Act (8 U.S.C.
16 1187), the Attorney General and the Secretary of State
17 shall consider whether the country reports to the United
18 States Government on a timely basis the theft of blank
19 passports issued by that country.

20 (b) CHECK OF LOOKOUT DATABASES.—Prior to the
21 admission of an alien under the visa waiver program es-
22 tablished under section 217 of the Immigration and Na-
23 tionality Act (8 U.S.C. 1187), the Immigration and Natu-
24 ralization Service shall determine that the applicant for
25 admission does not appear in any of the appropriate look-

1 out databases available to immigration inspectors at the
2 time the alien seeks admission to the United States.

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

4 (a) ENTERING STOLEN PASSPORT IDENTIFICATION
5 NUMBERS IN THE INTEROPERABLE DATA SYSTEM.—

6 (1) IN GENERAL.—Beginning with implementa-
7 tion under section 202 of the law enforcement and
8 intelligence data system, not later than 72 hours
9 after receiving notification of the loss or theft of a
10 United States or foreign passport, the Attorney Gen-
11 eral and the Secretary of State, as appropriate, shall
12 enter into such system the corresponding identifica-
13 tion number for the lost or stolen passport.

14 (2) ENTRY OF INFORMATION ON PREVIOUSLY
15 LOST OR STOLEN PASSPORTS.—To the extent prac-
16 ticable, the Attorney General, in consultation with
17 the Secretary of State, shall enter into such system
18 the corresponding identification numbers for the
19 United States and foreign passports lost or stolen
20 prior to the implementation of such system.

21 (b) TRANSITION PERIOD.—Until such time as the law
22 enforcement and intelligence data system described in sec-
23 tion 202 is fully implemented, the Attorney General shall
24 enter the data described in subsection (a) into an existing

1 data system being used to determine the admissibility or
2 deportability of aliens.

3 **SEC. 309. IDENTIFICATION DOCUMENTS FOR CERTAIN**
4 **NEWLY ADMITTED ALIENS.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Attorney General shall ensure that, imme-
7 diately upon the arrival in the United States of an indi-
8 vidual admitted under section 207 of the Immigration and
9 Nationality Act (8 U.S.C. 1157), or immediately upon an
10 alien being granted asylum under section 208 of such Act
11 (8 U.S.C. 1158), the alien will be issued an employment
12 authorization document. Such document shall, at a min-
13 imum, contain the fingerprint and photograph of such
14 alien.

15 **TITLE IV—ADMISSION AND**
16 **INSPECTION OF ALIENS**

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

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

23 (b) **STUDY ELEMENTS.**—In conducting the study re-
24 quired by subsection (a), the officials specified in sub-
25 section (a) shall consider the following:

1 (1) PRECLEARANCE.—The feasibility of estab-
2 lishing a program enabling foreign national travelers
3 to the United States to submit voluntarily to a
4 preclearance procedure established by the Depart-
5 ment of State and the Immigration and Naturaliza-
6 tion Service to determine whether such travelers are
7 admissible to the United States under section 212 of
8 the Immigration and Nationality Act (8 U.S.C.
9 1182). Consideration shall be given to the feasibility
10 of expanding the preclearance program to include
11 the preclearance both of foreign nationals traveling
12 to Canada and foreign nationals traveling to Mexico.

13 (2) PREINSPECTION.—The feasibility of ex-
14 panding preinspection facilities at foreign airports as
15 described in section 235A of the Immigration and
16 Nationality Act (8 U.S.C. 1225). Consideration shall
17 be given to the feasibility of expanding
18 preinspections to foreign nationals on air flights des-
19 tined for Canada and Mexico, and the cross training
20 and funding of inspectors from Canada and Mexico.

21 (3) CONDITIONS.—A determination of the
22 measures necessary to ensure that the conditions re-
23 quired by section 235A(a)(5) of the Immigration
24 and Nationality Act (8 U.S.C. 1225a(a)(5)) are sat-
25 isfied, including consultation with experts recognized

1 for their expertise regarding the conditions required
2 by that section.

3 (c) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the President shall submit to
5 the appropriate committees of Congress a report setting
6 forth the findings of the study conducted under subsection
7 (a).

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

11 **SEC. 402. PASSENGER MANIFESTS.**

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

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

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

17 (3) by inserting after “SEC. 231.” the following
18 new subsections: “(a) ARRIVAL MANIFESTS.—For
19 each commercial vessel or aircraft transporting any
20 person to any seaport or airport of the United
21 States from any place outside the United States, it
22 shall be the duty of an appropriate official specified
23 in subsection (d) to provide to an immigration offi-
24 cer at that port manifest information about each
25 passenger, crew member, and other occupant trans-

1 ported on such vessel or aircraft prior to arrival at
2 that port.

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

11 “(c) CONTENTS OF MANIFEST.—The information to
12 be provided with respect to each person listed on a mani-
13 fest required to be provided under subsection (a) or (b)
14 shall include—

15 “(1) complete name;

16 “(2) date of birth;

17 “(3) citizenship;

18 “(4) sex;

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

20 “(6) country of residence;

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

23 “(8) alien registration number, where applica-
24 ble;

1 “(9) United States address while in the United
2 States; and

3 “(10) such other information the Attorney Gen-
4 eral, in consultation with the Secretary of State, and
5 the Secretary of Treasury determines as being nec-
6 essary for the identification of the persons trans-
7 ported and for the enforcement of the immigration
8 laws and to protect safety and national security.

9 “(d) APPROPRIATE OFFICIALS SPECIFIED.—An ap-
10 ppropriate official specified in this subsection is the master
11 or commanding officer, or authorized agent, owner, or con-
12 signee, of the commercial vessel or aircraft concerned.

13 “(e) DEADLINE FOR REQUIREMENT OF ELECTRONIC
14 TRANSMISSION OF MANIFEST INFORMATION.—Not later
15 than January 1, 2003, manifest information required to
16 be provided under subsection (a) or (b) shall be trans-
17 mitted electronically by the appropriate official specified
18 in subsection (d) to an immigration officer.

19 “(f) PROHIBITION.—No operator of any private or
20 public carrier that is under a duty to provide manifest in-
21 formation under this section shall be granted clearance pa-
22 pers until the appropriate official specified in subsection
23 (d) has complied with the requirements of this subsection,
24 except that in the case of commercial vessels, aircraft, or
25 land carriers that the Attorney General determines are

1 making regular trips to the United States, the Attorney
2 General may, when expedient, arrange for the provision
3 of manifest information of persons departing the United
4 States at a later date.

5 “(g) PENALTIES AGAINST NONCOMPLYING SHIP-
6 MENTS, AIRCRAFT, OR CARRIERS.—If it shall appear to
7 the satisfaction of the Attorney General that an appro-
8 priate official specified in subsection (d), any public or pri-
9 vate carrier, or the agent of any transportation line, as
10 the case may be, has refused or failed to provide manifest
11 information required by subsection (a) or (b), or that the
12 manifest information provided is not accurate and full
13 based on information provided to the carrier, such official,
14 carrier, or agent, as the case may be, shall pay to the Com-
15 missioner the sum of \$300 for each person with respect
16 to whom such accurate and full manifest information is
17 not provided, or with respect to whom the manifest infor-
18 mation is not prepared as prescribed by this section or
19 by regulations issued pursuant thereto. No commercial
20 vessel, aircraft, or land carrier shall be granted clearance
21 pending determination of the question of the liability to
22 the payment of such penalty, or while it remains unpaid,
23 and no such penalty shall be remitted or refunded, except
24 that clearance may be granted prior to the determination
25 of such question upon the deposit with the Commissioner

1 of a bond or undertaking approved by the Attorney Gen-
2 eral or a sum sufficient to cover such penalty.

3 “(h) WAIVER.—The Attorney General may waive the
4 requirements of subsection (a) or (b) upon such cir-
5 cumstances and conditions as the Attorney General may
6 by regulation prescribe.”

7 (b) EXTENSION TO LAND CARRIERS.—Not later than
8 two years after the date of enactment of this Act, the
9 President shall conduct a study regarding the feasibility
10 of extending the requirements of subsections (a) and (b)
11 of section 231 of the Immigration and Nationality Act (8
12 U.S.C. 1221), as amended by subsection (a), to any com-
13 mercial carrier transporting persons by land to or from
14 the United States. The study shall focus on the manner
15 in which such requirement would be implemented to en-
16 hance the national security of the United States and the
17 efficient cross-border flow of commerce and persons.

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

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

23 (a) REPEAL OF TIME LIMITATION ON INSPEC-
24 TIONS.—Section 286(g) of the Immigration and Nation-
25 ality Act (8 U.S.C. 1356(g)) is amended by striking “,

1 within forty-five minutes of their presentation for inspec-
2 tion,”.

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

13 **TITLE V—FOREIGN STUDENTS**
14 **AND EXCHANGE VISITORS**

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

16 (a) STRENGTHENING REQUIREMENTS FOR IMPLE-
17 MENTATION OF MONITORING PROGRAM.—

18 (1) MONITORING AND VERIFICATION OF INFOR-
19 MATION.—Section 641(a) of the Illegal Immigration
20 Reform and Immigrant Responsibility Act of 1996
21 (8 U.S.C. 1372(a)) is amended by adding at the end
22 the following:

23 “(3) ALIENS FOR WHOM A VISA IS RE-
24 QUIRED.—The Attorney General, in consultation

1 with the Secretary of State, shall establish an elec-
2 tronic means to monitor and verify—

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

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

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

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

19 “(E) the notification to an approved insti-
20 tution of higher education, other approved edu-
21 cational institution, or exchange visitor program
22 sponsor that the foreign student or exchange
23 visitor participant has been admitted into the
24 United States;

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

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

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

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

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

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

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

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

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

16 “(G) the degree program, if applicable, and
17 field of study; and

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

22 (3) REPORTING REQUIREMENTS.—Section
23 641(c) of the Illegal Immigration Reform and Immi-
24 grant Responsibility Act of 1996 (8 U.S.C. 1372(c))

1 is amended by adding at the end the following new
2 paragraph:

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

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

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

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

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

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

25 (c) TRANSITIONAL PROGRAM.—

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

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

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

22 (ii) the consular officer has adequately
23 reviewed the applicant’s visa record.

24 (B) NOTIFICATION UPON VISA
25 ISSUANCE.—Upon the issuance of a visa under

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

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

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

24 (2) REQUIREMENT TO SUBMIT LIST OF AP-
25 PROVED INSTITUTIONS.—Not later than 30 days

1 after the date of enactment of this Act, the Attorney
 2 General shall provide the Secretary of State with a
 3 list of all approved institutions of higher education
 4 or other approved educational institutions that are
 5 authorized to receive nonimmigrants under section
 6 101(a)(15) (F) or (M) of the Immigration and Na-
 7 tionality Act (8 U.S.C. 1101(a)(15)(F) or (M)).

8 (3) AUTHORIZATION OF APPROPRIATIONS.—

9 There are authorized to be appropriated such sums
 10 as may be necessary to carry out this subsection.

11 **SEC. 502. REVIEW OF INSTITUTIONS AND OTHER ENTITIES**

12 **AUTHORIZED TO ENROLL OR SPONSOR CER-**
 13 **TAIN NONIMMIGRANTS.**

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

22 (1) recordkeeping and reporting requirements
 23 to receive nonimmigrants under section 101(a)(15)
 24 (F), (M), or (J) of that Act (8 U.S.C.
 25 1101(a)(15)(F), (M), or (J)); and

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

5 (b) PERIODIC REVIEW OF SPONSORS OF EXCHANGE
6 VISITORS.—

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

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

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

22 (B) recordkeeping and reporting require-
23 ments under section 641 of the Illegal Immigra-
24 tion Reform and Immigrant Responsibility Act
25 of 1996 (8 U.S.C. 1372).

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

16 **TITLE VI—MISCELLANEOUS** 17 **PROVISIONS**

18 **SEC. 601. EXTENSION OF DEADLINE FOR IMPROVEMENT IN** 19 **BORDER CROSSING IDENTIFICATION CARDS.**

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

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

25 (a) REQUIREMENT FOR STUDY.—

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

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

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

19 **SEC. 603. INTERNATIONAL COOPERATION.**

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

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

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

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

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

19 (b) REPORT.—Not later than 1 year after the date
20 of enactment of this Act, the Secretary of State and the
21 Attorney General shall submit to the appropriate commit-
22 tees of Congress a report setting forth the findings of the
23 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 total number of aliens who, during the preceding
15 year, failed to attend a removal proceeding after having
16 been arrested outside a port of entry, served a notice to
17 appear under section 239(a)(1) of the Immigration and
18 Nationality Act (8 U.S.C. 1229(a)(1)), and released on
19 the alien's own recognizance. The report shall also take
20 into account the number of cases in which there were de-
21 fects in notices of hearing or the service of notices of hear-
22 ing, together with a description and analysis of the effects,
23 if any, that the defects had on the attendance of aliens
24 at the proceedings.

25 (b) **INITIAL REPORT.**—Notwithstanding the time for
26 submission of the annual report provided in subsection (a),

1 the report for 2001 shall be submitted not later than 6
2 months after the date of enactment of this Act.

3 **SEC. 606. RETENTION OF NONIMMIGRANT VISA APPLICA-**
4 **TIONS BY THE DEPARTMENT OF STATE.**

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

14 **SEC. 607. EXTENSION OF DEADLINE FOR CLASSIFICATION**
15 **PETITION AND LABOR CERTIFICATION FIL-**
16 **INGS.**

17 (a) IN GENERAL.—Section 245(i)(1) of the Immigra-
18 tion and Nationality Act (8 U.S.C. 1255(i)(1)) is
19 amended—

20 (1) in subparagraph (B)—

21 (A) in clause (i), by striking “on or before
22 April 30, 2001; or” and inserting “on or before
23 the earlier of November 30, 2002, and the date
24 that is 120 days after the date on which the At-
25 torney General first promulgates final or in-

1 terim final regulations to carry out the amend-
2 ments made by section 607(a) of the Enhanced
3 Border Security and Visa Entry Reform Act of
4 2002; or”; and

5 (B) in clause (ii) by striking “on or before
6 such date; and” and inserting “before August
7 15, 2001;”;

8 (2) in subparagraph (C), by adding “and” at
9 the end; and

10 (3) by inserting after subparagraph (C) the fol-
11 lowing:

12 “(D) who, in the case of a beneficiary of a peti-
13 tion for classification described in subparagraph
14 (B)(i) that was filed after April 30, 2001, dem-
15 onstrates that—

16 “(i) the familial relationship that is the
17 basis of such petition for classification existed
18 before August 15, 2001; or

19 “(ii) the application for labor certification
20 under section 212(a)(5)(A) that is the basis of
21 such petition for classification was filed before
22 August 15, 2001;”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 subsection (a) shall take effect as if included in the enact-
25 ment of the Legal Immigration Family Equity Act (114

- 1 Stat. 2762A–142 et seq.), as enacted into law by section
- 2 1(a)(2) of Public Law 106–553.

Attest:

Clerk.