The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 376) providing for the concurrence by the House with amendments in the amendment of the Senate to H.R. 1885.

The Clerk read as follows:

H. RES. 365

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:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents for 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.
Sec. 607. Extension of deadline for classification petition and labor certification filings.

SEC. 2. DEFINITIONS.

In this Act:

(1) ALIEN.—The term ''alien'' has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the following:

(A) The Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate.

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

(3) FEDERAL LAW ENFORCEMENT AGENCIES.—The term ''Federal law enforcement agencies'' means the following:

(A) The United States Secret Service.

(B) The Drug Enforcement Administration.

(C) The Federal Bureau of Investigation.

(D) The Immigration and Naturalization Service.

(E) The United States Marshall Service.

(F) The Naval Criminal Investigative Service.

(G) The Coastal Security Service.

(H) The Diplomatic Security Service.

(I) The United States Postal Inspection Service.

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

(K) The United States Customs Service.

(L) The National Park Service.

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

(5) PRESIDENT.—The term ''President'' means the President of the United States, acting through the Assistant to the President for Homeland Security, in coordination with the Secretary of State, the Commissioner of Immigration and Naturalization, the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of Transportation, the Commissioner of Customs, and the Secretary of the Treasury.

(6) USA PATRIOT ACT.—The term ''USA PATRIOT Act'' means the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107–56).

TITLE I—FUNDING

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR HIRING AND TRAINING GOVERNMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) INS INSPECTORS.—Subject to the availability of appropriations, during each of the fiscal years 2002 through 2006, the Attorney General shall increase the number of inspectors and associated support staff in the Immigration and Naturalization Service by the equivalent of at least 200 full-time employees over the number of inspectors and associated support staff in the Immigration and Naturalization Service authorized by the USA PATRIOT Act.

(2) INS INVESTIGATIVE PERSONNEL.—Subject to the availability of appropriations, during each of the fiscal years 2002 through 2006, the Attorney General shall increase the number of investigative and associated support staff of the Immigration and Naturalization Service by the equivalent of at least 200 full-time employees over the number of investigators and associated support staff in the Immigration and Naturalization Service authorized by the USA PATRIOT Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection, including such sums as may be necessary to provide facilities, attorney personnel and support staff, and other resources needed to support the increased number of inspectors, investigative staff, and associated support staff.

(b) WAIVER OF FTE LIMITATION.—The Attorney General is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Immigration and Naturalization Service.

(c) AUTHORIZATION OF APPROPRIATIONS FOR INS STAFFING.—

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

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

(B) for inspections assistants, from the annual rate of basic pay payable for positions at GS–5 of the General Schedule under section 5332 of title 5, United States Code, to an annual rate of basic pay payable for positions at GS–7 of the General Schedule under such section 5332; and

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

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

(1) to appropriately train Immigration and Naturalization Service personnel on an ongoing basis—

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

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

(2) to provide adequate continuing cross-training to agencies staffing the United States border and ports of entry to effectively and correctly apply applicable United States laws;

(3) to fully train immigration officers to use the appropriate lookout databases and to monitor passenger traffic patterns; and

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

(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSULAR FUNCTIONS.—

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

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

(B) staff the facilities and programs associated with the activities described in subparagraph (A); and

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

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of State such sums as may be necessary to carry out paragraph (1).

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR IMPROVEMENTS IN TECHNOLOGY AND INFRASTRUCTURE.

(a) FUNDING OF TECHNOLOGY.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated $150,000,000 to the Immigration and Naturalization Service for purposes of—

(A) making improvements in technology (including infrastructure support, computer security, and information technology development) for improving border security;

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

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

(2) WAIVER OF FEES.—Federal agencies involved in border security may waive all or part of enrollment fees for technology-based programs to encourage participation by United States citizens and aliens in such programs. Any agency that waives any part of any such fee may establish its fees for other services at a level that will ensure the recovery from other users of the amounts waived.

(3) OFFSET OF INCREASES IN FEES.—The Attorney General may, to the extent reasonable, increase land border fees for the issuance of arrival-departure documents to offset technology costs.

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

SEC. 103. MACHINE–READABLE VISA FEES.

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

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

(c) SURCHARGE.—The Department of State is authorized to charge a surcharge of $10, in addition to the machine-readable visa fee, for issuing a machine-readable visa in a nonmachine-readable passport.

(d) AVAILABILITY OF COLLECTED FEES.—Notwithstanding any other provision of law, amounts collected as fees described in this section shall be credited as an offsetting collection to any appropriation for the Department of State to recover costs of providing consular services. Amounts so credited shall be available, until expended, for the same purposes as the appropriation to which credited.

TITLE II—INTERAGENCY INFORMATION SHARING

SEC. 201. INTERIM MEASURES FOR ACCESS TO AND COORDINATION 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 inadmissible or deportable under the Immigration and Nationality Act.

(2) REPEAL.—Section 414(d) of the USA PATRIOT Act is hereby repealed.

(c) COORDINATION PLAN.—

(1) REQUIREMENT FOR PLAN.—Not later than one year after the date of enactment of the USA PATRIOT Act, the President shall develop and implement a plan based on the findings of the report under subsection (b) that requires Federal law enforcement agencies and the intelligence community to provide to the Department of State and the Immigration and Naturalization Service all information identified in that report as expeditiously as practicable.

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

(3) PROTECTIONS REGARDING INFORMATION AND USES THEREOF.—The plan under this subsection shall establish conditions for using the information described in subsection (b) received by the Department of State and Immigration and Naturalization Service—

(A) to limit the redissemination of such information;

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

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

(D) to protect any privacy rights of individuals who are subjects of such information;

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

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

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

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

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

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

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

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

(1) REQUIREMENT FOR INTEGRATED IMMIGRATION AND NATURALIZATION DATA SYSTEM.—The Immigration and Naturalization Service shall fully integrate all databases and data systems maintained by the Service that process or contain information on aliens. The fully integrated data system shall be an interoperable component of the electronic data system described in paragraph (2).

(2) REQUIREMENT FOR INTEROPERABLE DATA SYSTEM.—Upon the date of commencement of implementation of the plan required by section 201(c), the President shall develop and implement an interoperable electronic data system to provide current and immediate access to information in databases of Federal law enforcement agencies and the intelligence community that is relevant to determine whether to issue a visa or to determine the admissibility or deportability of an alien.

(3) CONSULTATION REQUIREMENT.—In the development and implementation of the data system under this subsection, the President shall consult with the Director of the National Institute of Standards and Technology (NIST) and any such other agency as may be deemed appropriate.

(4) TECHNOLOGY STANDARD.—

(A) IN GENERAL.—The data system developed and implemented under this subsection, and the databases referred to in paragraph (2), shall utilize the technology standard established pursuant to section 403(c) of the USA PATRIOT Act, as amended by section 201(c)(5) and subparagraph (B).

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

(i) in paragraph (1), by inserting '', including appropriate biometric identifier standards,'' after ''technology standard''; and

(ii) in paragraph (2) —

(I) by striking ''INTEGRATED'' and inserting ''INTEROPERABLE''; and

(II) by striking ''integrated'' and inserting ''interoperable''.

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

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

(B) to any Federal official responsible for determining an alien's admissibility to or deportability from the United States; and

(C) to any Federal law enforcement or intelligence officer determined by regulation to be responsible for the investigation or identification of aliens.

(6) LIMITATION ON ACCESS.—The President shall, in accordance with applicable Federal laws, establish procedures to restrict access to intelligence information in the data system under this subsection, and the databases referred to in paragraph (2), under circumstances in which such information is not to be disclosed directly to Government officials under paragraph (5).

(b) NAME-SEARCH CAPACITY AND SUPPORT.—

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

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

(B) be searchable on a linguistically sensitive basis;

(C) provide adequate user support;

(D) to the extent practicable, utilize commercially available technology; and

(E) be adjusted and improved, based upon experience with the databases and improvements in the underlying technologies and sciences, on a continuing basis.

(2) LINGUISTICALLY SENSITIVE SEARCHES.—

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

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

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

(B) LANGUAGES REQUIRED.—

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

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

(I) the highest priority language algorithms shall be implemented within 18 months after the date of enactment of this Act; and

(II) an additional language algorithm shall be implemented each succeeding year for the next three years.

(3) ADEQUATE USER SUPPORT.—The Secretary of State and the Attorney General shall jointly prescribe procedures to ensure that consular and immigration officers can, as required, obtain assistance in resolving identity and other questions that may arise about names of aliens seeking visas or admission to the United States that may be subject to variations in format, transliteration, or other similar phenomenon.

(4) INTERIM REPORTS.—Six months after the date of enactment of this Act, the President shall submit a report to the appropriate committees of Congress on the progress in implementing each requirement of this section.

(5) REPORTS BY INTELLIGENCE AGENCIES.—

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

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

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

SEC. 203. COMMISSION ON INTEROPERABLE DATA SHARING.

(a) ESTABLISHMENT.—Not later than one year after the date of enactment of the USA PATRIOT Act, the President shall establish a Commission on Interoperable Data Sharing (in this section referred to as the ''Commission''). The purposes of the Commission shall be to—

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

(2) provide oversight of the interoperable electronic data system described in this title; and

(3) report to Congress annually on the Commission's findings and recommendations.

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

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

(2) Eight members, who shall be appointed from a list of nominees jointly provided by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

(c) CONSIDERATIONS.—The Commission shall consider recommendations regarding the following issues:

(1) Adequate protection of privacy concerns inherent in the design, implementation, or operation of the interoperable electronic data system.

(2) Timely adoption of security innovations, consistent with generally accepted security standards, to protect the integrity and confidentiality of information to prevent against the risks of accidental or unauthorized loss, access, destruction, use modification, or disclosure of information.

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

(4) Other protections against unauthorized use of data to guard against the misuse of the interoperable data system or the data maintained by the system, including recommendations for modifications to existing laws and regulations to sanction misuse of the system.

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

TITLE III—VISA ISSUANCE

SEC. 301. ELECTRONIC PROVISION OF VISA FILES.

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

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

(2) by inserting ''(1)'' immediately after ''(a)''; and

(3) by adding at the end the following:

''(2) The Secretary of State shall provide to the Service an electronic version of the visa file of an alien who has been issued a visa to ensure that the data in that visa file is available to immigration inspectors at the United States ports of entry before the arrival of the alien at such a port of entry.''.

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

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

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

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

(3) make interoperable all security databases relevant to making determinations of admissibility under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182).

(b) IMPLEMENTATION.—In implementing the provisions of subsection (a), the Immigration and Naturalization Service and the Department of State shall—

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

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

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

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of State, and the National Institute of Standards and Technology (NIST), acting jointly, shall submit to the appropriate committees of Congress a comprehensive report assessing the actions that will be necessary, and the considerations to be taken into account, to achieve fully, not later than October 26, 2003—

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

(B) deployment of the equipment and software to allow biometric comparison of the documents described in subsections (b) and (c).

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

(b) REQUIREMENTS.—

(1) IN GENERAL.—Not later than October 26, 2003, the Attorney General and the Secretary of State shall issue to aliens only machine-readable, tamper-resistant visas and travel and entry documents that use biometric identifiers. The Attorney General and the Secretary of State shall jointly establish biometric identifiers standards to be employed on such visas and travel and entry documents from among those biometric identifiers recognized by domestic and international standards organizations.

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

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

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

(i) domestic and international standards organizations determine to be highly accurate when used to verify identity; and

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

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

(c) TECHNOLOGY STANDARD FOR VISA WAIVER PARTICIPANTS.—

(1) CERTIFICATION REQUIREMENT.—Not later than October 26, 2003, the government of each country that is designated to participate in the visa waiver program established under

section 217 of the Immigration and Nationality Act shall certify, as a condition for designation or continuation of that designation, that it has a program to issue to its nationals machine-readable passports that are tamper-resistant and incorporate biometric identifiers that comply with applicable biometric identifiers standards established by the International Civil Aviation Organization. This paragraph shall not be construed to rescind the requirement of section 217(a)(3) of the Immigration and Nationality Act.

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

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursement to international and domestic standards organizations.

SEC. 304. TERRORIST LOOKOUT COMMITTEES.

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

(b) PURPOSE.—The purpose of each committee established under subsection (a) shall be—

(1) to utilize the cooperative resources of all elements of the United States mission in the country in which the consular post is located to identify known or potential terrorists and to develop information on those individuals;

(2) to ensure that such information is routinely and consistently brought to the attention of appropriate United States officials for use in administering the immigration laws of the United States; and

(3) to ensure that the names of known and suspected terrorists are entered into the appropriate lookout databases.

(c) COMPOSITION; CHAIR.—The Secretary shall establish rules governing the composition of such committees.

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

(e) PERIODIC REPORTS.—The committee shall submit quarterly reports to the Secretary of State describing the committee's activities, whether or not information on known or suspected terrorists was developed during the quarter.

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

SEC. 305. IMPROVED TRAINING FOR CONSULAR OFFICERS.

(a) TRAINING.—The Secretary of State shall require that all consular officers responsible for adjudicating visa applications, before undertaking to perform consular responsibilities, receive specialized training in the effective screening of visa applicants who pose a potential threat to the safety or security of the United States. Such officers shall be specially and extensively trained in the identification of aliens inadmissible under section 212(a)(3) (A) and (B) of the Immigration and Nationality Act, interagency and international intelligence sharing regarding terrorists and terrorism, and cultural-sensitivity toward visa applicants.

(b) USE OF FOREIGN INTELLIGENCE INFORMATION.—As an ongoing component of the training required in subsection (a), the Secretary of State shall coordinate with the Assistant to the President for Homeland Security, Federal law enforcement agencies, and the intelligence community to compile and disseminate to the Bureau of Consular Affairs reports, bulletins, updates, and other current unclassified information relevant to terrorists and terrorism and to screening visa applicants who pose a potential threat to the safety or security of the United States.

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

SEC. 306. RESTRICTION ON ISSUANCE OF VISAS TO NONIMMIGRANTS FROM COUNTRIES THAT ARE STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) IN GENERAL.—No nonimmigrant visa under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) shall be issued to any alien from a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Attorney General and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety or national security of the United States. In making a determination under this subsection, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Attorney General and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

(b) STATE SPONSOR OF INTERNATIONAL TERRORISM DEFINED.—

(1) IN GENERAL.—In this section, the term ''state sponsor of international terrorism'' means any country the government of which has been determined by the Secretary of State under any of the laws specified in paragraph (2) to have repeatedly provided support for acts of international terrorism.

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

(A) Section 6(j)(1)(A) of the Export Administration Act of 1979 (or successor statute).

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

(C) Section 620A(a) of the Foreign Assistance Act of 1961.

SEC. 307. DESIGNATION OF PROGRAM COUNTRIES UNDER THE VISA WAIVER PROGRAM.

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

(b) CHECK OF LOOKOUT DATABASES.—Prior to the admission of an alien under the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), the Immigration and Naturalization Service shall determine that the applicant for admission does not appear in any of the appropriate lookout databases available to immigration inspectors at the time the alien seeks admission to the United States.

SEC. 308. TRACKING SYSTEM FOR STOLEN PASSPORTS.

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

(1) IN GENERAL.—Beginning with implementation under section 202 of the law enforcement and intelligence data system, not later than 72 hours after receiving notification of the loss or theft of a United States or foreign passport, the Attorney General and the Secretary of State, as appropriate, shall enter into such system the corresponding identification number for the lost or stolen passport.

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

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

SEC. 309. IDENTIFICATION DOCUMENTS FOR CERTAIN NEWLY ADMITTED ALIENS.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall ensure that, immediately upon the arrival in the United States of an individual admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or immediately upon an alien being granted asylum under section 208 of such Act (8 U.S.C. 1158), the alien will be issued an employment authorization document. Such document shall, at a minimum, contain the fingerprint and photograph of such 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 described in section 235A of the Immigration and Nationality Act (8 U.S.C. 1225). Consideration shall be given to the feasibility of expanding preinspections to foreign nationals on air flights destined for Canada and Mexico, and the cross training and funding of inspectors from Canada and Mexico.

(3) CONDITIONS.—A determination of the measures necessary to ensure that the conditions required by section 235A(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1225a(a)(5)) are satisfied, including consultation with experts recognized for their expertise regarding the conditions required by that section.

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

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as may be necessary to carry out this section.

SEC. 402. PASSENGER MANIFESTS.

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

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

(2) by redesignating subsection (c) as subsection (i); and

(3) by inserting after ''SEC. 231.'' the following new subsections: ''(a) ARRIVAL MANIFESTS.—For each commercial vessel or aircraft transporting any person to any seaport or airport of the United States from any place outside the United States, it shall be the duty of an appropriate official specified in subsection (d) to provide to an immigration officer at that port manifest information about each passenger, crew member, and other occupant transported on such vessel or aircraft prior to arrival at that port.

''(b) DEPARTURE MANIFESTS.—For each commercial vessel or aircraft taking passengers on board at any seaport or airport of the United States, who are destined to any place outside the United States, it shall be the duty of an appropriate official specified in subsection (d) to provide an immigration officer before departure from such port manifest information about each passenger, crew member, and other occupant to be transported.

''(c) CONTENTS OF MANIFEST.—The information to be provided with respect to each person listed on a manifest required to be provided under subsection (a) or (b) shall include—

''(1) complete name;

''(2) date of birth;

''(3) citizenship;

''(4) sex;

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

''(6) country of residence;

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

''(8) alien registration number, where applicable;

''(9) United States address while in the United States; and

''(10) such other information the Attorney General, in consultation with the Secretary of State, and the Secretary of Treasury determines as being necessary for the identification of the persons transported and for the enforcement of the immigration laws and to protect safety and national security.

''(d) APPROPRIATE OFFICIALS SPECIFIED.—An appropriate official specified in this subsection is the master or commanding officer, or authorized agent, owner, or consignee, of the commercial vessel or aircraft concerned.

''(e) DEADLINE FOR REQUIREMENT OF ELECTRONIC TRANSMISSION OF MANIFEST INFORMATION.—Not later than January 1, 2003, manifest information required to be provided under subsection (a) or (b) shall be transmitted electronically by the appropriate official specified in subsection (d) to an immigration officer.

''(f) PROHIBITION.—No operator of any private or public carrier that is under a duty to provide manifest information under this section shall be granted clearance papers until the appropriate official specified in subsection (d) has complied with the requirements of this subsection, except that in the case of commercial vessels, aircraft, or land carriers that the Attorney General determines are making regular trips to the United States, the Attorney General may, when expedient, arrange for the provision of manifest information of persons departing the United States at a later date.

''(g) PENALTIES AGAINST NONCOMPLYING SHIPMENTS, AIRCRAFT, OR CARRIERS.—If it shall appear to the satisfaction of the Attorney General that an appropriate official specified in subsection (d), any public or private carrier, or the agent of any transportation line, as the case may be, has refused or failed to provide manifest information required by subsection (a) or (b), or that the manifest information provided is not accurate and full based on information provided to the carrier, such official, carrier, or agent, as the case may be, shall pay to the Commissioner the sum of $300 for each person with respect to whom such accurate and full manifest information is not provided, or with respect to whom the manifest information is not prepared as prescribed by this section or by regulations issued pursuant thereto. No commercial vessel, aircraft, or land carrier shall be granted clearance pending determination of the question of the liability to the payment of such penalty, or while it remains unpaid, and no such penalty shall be remitted or refunded, except that clearance may be granted prior to the determination of such question upon the deposit with the Commissioner of a bond or undertaking approved by the Attorney General or a sum sufficient to cover such penalty.

''(h) WAIVER.—The Attorney General may waive the requirements of subsection (a) or (b) upon such circumstances and conditions as the Attorney General may by regulation prescribe.''.

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

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

SEC. 403. TIME PERIOD FOR INSPECTIONS.

(a) REPEAL OF TIME LIMITATION ON INSPECTIONS.—Section 286(g) of the Immigration and Nationality Act (8 U.S.C. 1356(g)) is amended by striking '', within forty-five minutes of their presentation for inspection,''.

(b) STAFFING LEVELS AT PORTS OF ENTRY.—The Immigration and Naturalization Service shall staff ports of entry at such levels that would be adequate to meet traffic flow and inspection time objectives efficiently without compromising the safety and security of the United States. Estimated staffing levels under workforce models for the Immigration and Naturalization Service shall be based on the goal of providing immigration services described in section 286(g) of such Act within 45 minutes of a passenger's presentation for inspection.

TITLE V—FOREIGN STUDENTS AND EXCHANGE VISITORS

SEC. 501. FOREIGN STUDENT MONITORING PROGRAM.

(a) STRENGTHENING REQUIREMENTS FOR IMPLEMENTATION OF MONITORING PROGRAM.—

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

''(3) ALIENS FOR WHOM A VISA IS REQUIRED.—The Attorney General, in consultation with the Secretary of State, shall establish an electronic means to monitor and verify—

''(A) the issuance of documentation of acceptance of a foreign student by an approved institution of higher education or other approved educational institution, or of an exchange visitor program participant by a designated exchange visitor program;

''(B) the transmittal of the documentation referred to in subparagraph (A) to the Department of State for use by the Bureau of Consular Affairs;

''(C) the issuance of a visa to a foreign student or an exchange visitor program participant;

''(D) the admission into the United States of the foreign student or exchange visitor program participant;

''(E) the notification to an approved institution of higher education, other approved educational institution, or exchange visitor program sponsor that the foreign student or exchange visitor participant has been admitted into the United States;

''(F) the registration and enrollment of that foreign student in such approved institution of higher education or other approved educational institution, or the participation of that exchange visitor in such designated exchange visitor program, as the case may be; and

''(G) any other relevant act by the foreign student or exchange visitor program participant, including a changing of school or designated exchange visitor program and any termination of studies or participation in a designated exchange visitor program.

''(4) REPORTING REQUIREMENTS.—Not later than 30 days after the deadline for registering for classes for an academic term of an approved institution of higher education or other approved educational institution for which documentation is issued for an alien as described in paragraph (3)(A), or the scheduled commencement of participation by an alien in a designated exchange visitor program, as the case may be, the institution or program, respectively, shall report to the Immigration and Naturalization Service any failure of the alien to enroll or to commence participation.''.

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

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(C) by adding at the end the following:

''(E) the date of entry and port of entry;

''(F) the date of the alien's enrollment in an approved institution of higher education, other approved educational institution, or designated exchange visitor program in the United States;

''(G) the degree program, if applicable, and field of study; and

''(H) the date of the alien's termination of enrollment and the reason for such termination (including graduation, disciplinary action or other dismissal, and failure to re-enroll).''.

(3) REPORTING REQUIREMENTS.—Section 641(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(c)) is amended by adding at the end the following new paragraph:

''(5) REPORTING REQUIREMENTS.—The Attorney General shall prescribe by regulation reporting requirements by taking into account the curriculum calendar of the approved institution of higher education, other approved educational institution, or exchange visitor program.''.

(b) INFORMATION REQUIRED OF THE VISA APPLICANT.—Prior to the issuance of a visa under subparagraph (F), subparagraph (M), or, with respect to an alien seeking to attend

an approved institution of higher education, subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), each alien applying for such visa shall provide to a consular officer the following information:

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

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

(3) The names of contacts of the alien in the alien's country of residence who could verify information about the alien.

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

(c) TRANSITIONAL PROGRAM.—

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

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

(i) the Department of State has received from an approved institution of higher education or other approved educational institution electronic evidence of documentation of the alien's acceptance at that institution; and

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

(B) NOTIFICATION UPON VISA ISSUANCE.—Upon the issuance of a visa under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F) or (M)) to an alien, the Secretary of State shall transmit to the Immigration and Naturalization Service a notification of the issuance of that visa.

(C) NOTIFICATION UPON ADMISSION OF ALIEN.—The Immigration and Naturalization Service shall notify the approved institution of higher education or other approved educational institution that an alien accepted for such institution or program has been admitted to the United States.

(D) NOTIFICATION OF FAILURE OF ENROLLMENT.—Not later than 30 days after the deadline for registering for classes for an academic term, the approved institution of higher education or other approved educational institution shall inform the Immigration and Naturalization Service through data-sharing arrangements of any failure of any alien described in subparagraph (C) to enroll or to commence participation.

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

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

SEC. 502. REVIEW OF INSTITUTIONS AND OTHER ENTITIES AUTHORIZED TO ENROLL OR SPONSOR CERTAIN NONIMMIGRANTS.

(a) PERIODIC REVIEW OF COMPLIANCE.—The Commissioner of Immigration and Naturalization, in consultation with the Secretary of Education, shall conduct periodic reviews of the institutions certified to receive nonimmigrants under section 101(a)(15) (F), (M), or (J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)). Each review shall determine whether the institutions are in compliance with—

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

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

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

(1) REQUIREMENT FOR REVIEWS.—The Secretary of State shall conduct periodic reviews of the entities designated to sponsor exchange visitor program participants under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)).

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

(A) recordkeeping and reporting requirements to receive nonimmigrant exchange visitor program participants under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)); and

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

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

TITLE VI—MISCELLANEOUS PROVISIONS

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

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

SEC. 602. GENERAL ACCOUNTING OFFICE STUDY.

(a) REQUIREMENT FOR STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the feasibility and utility of implementing a requirement that each nonimmigrant alien in the United States submit to the Commissioner of Immigration and Naturalization each year a current address and, where applicable, the name and address of an employer.

(2) NONIMMIGRANT ALIEN DEFINED.—In paragraph (1), the term ''nonimmigrant alien'' means an alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study under subsection (a). The report shall include the Comptroller General's findings, together with any recommendations that the Comptroller General considers appropriate.

SEC. 603. INTERNATIONAL COOPERATION.

(a) INTERNATIONAL ELECTRONIC DATA SYSTEM.—The Secretary of State and the Commissioner of Immigration and Naturalization, in consultation with the Assistant to the President for Homeland Security, shall jointly conduct a study of the alternative approaches (including the costs of, and procedures necessary for, each alternative approach) for encouraging or requiring Canada, Mexico, and countries treated as visa waiver program countries under section 217 of the Immigration and Nationality Act to develop an intergovernmental network of interoperable electronic data systems that—

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

(2) is interoperable with the electronic data system implemented under section 202; and

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

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

SEC. 604. STATUTORY CONSTRUCTION.

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

SEC. 605. ANNUAL REPORT ON ALIENS WHO FAIL TO APPEAR AFTER RELEASE ON OWN RECOGNIZANCE.

(a) REQUIREMENT FOR REPORT.—Not later than January 15 of each year, the Attorney General shall submit to the appropriate committees of Congress a report on the total number of aliens who, during the preceding year, failed to attend a removal proceeding after having been arrested outside a port of entry, served a notice to appear under section 239(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1229(a)(1)), and released on the alien's own recognizance. The report shall also take into account the number of cases in which there were defects in notices of hearing or the service of notices of hearing, together with a description and analysis of the effects, if any, that the defects had on the attendance of aliens at the proceedings.

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

SEC. 606. RETENTION OF NONIMMIGRANT VISA APPLICATIONS BY THE DEPARTMENT OF STATE.

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

SEC. 607. EXTENSION OF DEADLINE FOR CLASSIFICATION PETITION AND LABOR CERTIFICATION FILINGS.

(a) IN GENERAL.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended—

(1) in subparagraph (B)—

(A) in clause (i), by striking ''on or before April 30, 2001; or'' and inserting ''on or before the earlier of November 30, 2002, and the date that is 120 days after the date on which the Attorney General first promulgates final or interim final regulations to carry out the amendments made by section 607(a) of the Enhanced Border Security and Visa Entry Reform Act of 2002; or''; and

(B) in clause (ii) by striking ''on or before such date; and'' and inserting ''before August 15, 2001;'';

(2) in subparagraph (C), by adding ''and'' at the end; and

(3) by inserting after subparagraph (C) the following:

''(D) who, in the case of a beneficiary of a petition for classification described in subparagraph (B)(i) that was filed after April 30, 2001, demonstrates that—

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

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

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Legal Immigration Family Equity Act (114 Stat. 2762A–142 et seq.), as enacted into law by section 1(a)(2) of Public Law 106–553.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 365, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. TANCREDO. Mr. Speaker, is the gentleman from New York (Mr. NADLER) opposed to the motion?

Mr. NADLER. No, Mr. Speaker, I am not.

Mr. TANCREDO. In that case, Mr. Speaker, I claim the time of the gentleman from New York (Mr. NADLER) to speak in opposition.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SENSENBRENNER. Did not the Chair recognize me following his statement and I asked unanimous consent pursuant to that recognition?

The SPEAKER pro tempore. The gentleman from Colorado was on his feet, and the Chair recognizes for the 20 minutes, the gentleman from Colorado (Mr. TANCREDO).

Mr. NADLER. Mr. Speaker, in that case I will ask the gentleman from Wisconsin if he will split the time with the minority party.

Mr. SENSENBRENNER. Will the gentleman from New York yield?

Mr. NADLER. Certainly.

Mr. SENSENBRENNER. Because this bill is fairly complicated, Mr. Speaker, I have a statement that may be a little bit more than 10 minutes, but I am happy to cede whatever time I have left to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I thank the gentleman.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Since September 11, we have learned how deeply vulnerable our immigration system is to exploitation by aliens who wish to harm Americans. H.R. 1885 contains House-passed language of H.R. 3525 that makes needed changes to our immigration laws to fight terrorism and to prevent such exploitation. It has strong bipartisan support in the other body. The House has already passed the core of this legislation by wide margins. On May 21, 2001, the House passed a 245(i) extension by a vote of 336 to 43. On December 19, 2001, the House passed the Enhanced Border Security and Visa Entry Reform Act by voice vote.

I will outline some of this bill's most significant provisions. Most importantly, by October 2003, the legislation requires the Attorney General and Secretary of State to issue machine-readable, tamper-resistant visas that use standardized biometric identifiers. This will serve a number of important goals. First, it will allow INS inspectors at ports of entry to determine whether a visa properly identifies a visa holder and thus combat identity fraud. Second, it will make visas harder to counterfeit. Third, in conjunction with the installation of scanners at ports of entry to read the visas, the INS can track the arrival and departure of aliens and generate a reliable measure of aliens who overstay their visas. As we have all learned, some of the September 11 terrorists were staying in the United States on expired visas.

Mr. Speaker, H.R. 1885 extends the same biometric identifier requirements to passports from visa-waiver program countries. The necessity for this was demonstrated when our military found blank European passports in abandoned al Qaeda caves in Afghanistan. We must ensure that passports presented to the INS inspectors are not counterfeit, altered, or being used by impostors.

The bill thus requires that aliens seeking to enter the United States under the visa-waiver program with passports issued after October of 2003 must possess tamper-resistant, machine-readable passports with the same biometric identifiers as our visas.

The bill also requires that within 72 hours after notification by a foreign government of a stolen passport, the Attorney General shall identify its identification number into a data system accessible to INS inspectors at ports of entry. In addition, the Secretary of State and Attorney General shall consider, in deciding whether to keep a country in the visa-waiver program, whether its government reports to us on a timely basis the theft of its blank passports.

Building upon the enhanced data-sharing requirements of the USA Patriot Act, the bill directs our law enforcement agencies and intelligence community to share information with the State Department and the INS relevant to the admissibility and deportability of aliens. This information will be made available in an electronic database which will be searchable based on the linguistically sensitive algorithms that account for variations in name spellings and transliterations. This will result in lookout lists that are much more thorough and prevent terrorists who threaten our Nation from obtaining U.S. visas or entering our country.

As the Border Patrol succeeds in controlling the border, more aliens take a chance at penetrating the ports of entry, placing an ever-increasing strain on the limited staff of INS inspectors. Likewise, INS investigations units have long been denied adequate personnel. The bill helps fill these critical gaps. It authorizes appropriations to hire at least 200 full-time inspectors and at least 200 full-time investigators each year through fiscal year 2006.

Another long-standing problem at the INS is the low pay for Border Patrol agents and INS inspectors. This has led many trained Border Patrol agents and inspectors to leave the INS for other law enforcement agencies offering better pay, such as the air marshals. Something is wrong when former Border Patrol agents make up 75 percent of the first air marshals class. This bill authorizes appropriations to increase the pay of Border Patrol agents and inspectors in order to help the INS retain its best people.

The bill provides that aliens from countries that sponsor international terrorism cannot receive nonimmigrant visas until it has been determined that they do not pose a threat to the safety of Americans or the national security of the U.S.

Mr. Speaker, U.S. embassies and consulates abroad will be required to establish terrorist lookout committees that meet monthly in order to ensure that the names of known terrorists are routinely and consistently brought to the attention of consular officials, America's first line of defense.

With the same goal in mind, the bill requires that all consular officers responsible for adjudicating visa petitions receive specialized training and effective screening of visa applicants who pose a potential threat to the safety and security of the United States.

The bill strengthens the foreign student tracking system by requiring that it track the acceptance of aliens by educational institutions, the issuance of visas to the aliens, and then admission into the United States of the aliens, the notification of education institutions of the admission of aliens

slated to attend them, and the enrollment of the aliens at the institutions. No longer will terrorists be able to enter the U.S. on student visas with the INS never knowing that they failed to show up at school.

The bill requires that each commercial vessel or aircraft arriving in the U.S. provide, prior to arrival at the port of entry, manifest information about each passenger and crew member. Starting in 2003, the information will have to be provided electronically. Prearrival of manifests allow much of the INS's screening work to be done before arrival. This not only speeds processing for arriving passengers, but gives INS inspectors more time to conduct background checks on and to interview passengers.

Finally, the bill requires the President to 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.

Finally, H.R. 1885 contains a compromise reached with the other body on the future of section 245(i) of the Immigration and Nationality Act. No one will be entirely satisfied with this compromise; however, it reflects a judicious balancing of the many divergent and deeply held views Members hold on 245(i).

When Congress passed the LIFE Act in December 2000, we made a promise to give U.S. citizens and permanent residents at least 4 months time to file immigrant visa petitions for their relatives using section 245(i). This promise was not fulfilled because the INS was typically unable to issue implementing regulations until March 2001.

Mr. Speaker, this bill will allow qualifying illegal aliens to unify section 245(i) as long as they have had green card petitions filed on their behalf by the earlier of November 30, 2002, or 4 months after the date the Attorney General issues implementing regulations. It also requires that aliens must have entered into the family relationships qualifying them for permanent residence by August 14, 2001. With this compromise, we have signaled that 245(i) will not become a permanent part of our immigration law and that aliens should not base their future actions on the assumption that it will be. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Wisconsin, as is usually the case, did an excellent job in explaining the aspects of this particular piece of legislation. What he said was, for a long period of time, that we are dealing with an act that has been referred to as the Enhanced Border Security and Visa Entry Reform Act. He spent 90 percent of the time explaining what that act is all about, and enhancing the visa protection provisions of the law is something with which I wholeheartedly agree. As a matter of fact, this particular part of the bill is something with which the entire House agreed because we passed it already. This part of the bill is done. It is finished. It passed this House by voice vote and went over to the Senate some time ago.

So then what are we dealing with here? It is not, in fact, the Enhanced Border Security and Visa Reform Act, because that is done, it is finished, it is over with. What we are really doing here, and the only reason why we are here today, is to provide amnesty, amnesty for people who are here illegally. That is why we are on the floor today. It is not for the Enhanced Border Security and Visa Entry Reform Act.

□ 1445

It is done. It is being held up by one Member on the other side. That is their problem, not ours.

This will not enhance our ability to get that law passed; this only makes it much more difficult because, of course, this does exactly the wrong thing. Regardless of how narrowly we try to define the scope of this amnesty act, it is in fact still amnesty. What we are telling the world and telling people who are here, came here legally, waded through the process, did all the right things, what we are telling them is, Do you know what? You are a bunch of suckers for doing it.

What we are telling every single person all around the world who is in line, waiting, filling out the applications, going to the embassies and doing it right, what we are telling them is, You are a bunch of suckers. Here is the way to get into the United States and to get in the line for citizenship: Sneak in. Stay under the radar screen, get married, and even a bogus marriage document will do; because believe me, plenty of those developed, sham marriages, the last time we did this; Get a job, or at least present to the INS some indication that you have been employed; all of these things. Just do this, sneak in under the radar, stay here long enough, and do not worry, we will give you amnesty. That is what we are doing in this bill. That is the real purpose of the bill.

As I say, all the rest of this stuff we have already passed. We are here for only one purpose, to grant amnesty. Again, we have done it. We did it in 1986. I assure the Members that the result of this will not be to have just simply the legally residing citizens of the country and all the rest of the folks who our hearts can go out for, it will not be to give them a better chance at the American dream. What it will do is exactly the opposite thing we want to accomplish here.

We want people to come into the United States legally. That is why we set up a system. Admittedly, it is a flawed system, because it is turned over to the Mickey Mouse agency of the Federal Government we call the INS. But it is, nonetheless, the system we have established, that in order to come to the United States, they must have our permission. They come by visa or come in under some other status, but they do so legally.

After all, we purport to be a nation of laws; we say that all the time. But this is absolutely the antithesis of that. This is saying, Break the law, come here illegally, and we will in fact reward you for it. This is why we have to vote no on this resolution, because it has absolutely nothing to do with enhanced border security and visa entry reforms. We have already passed it.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 10 minutes to the gentleman from New York (Mr. NADLER), and I ask unanimous consent that he may be permitted to yield portions of that time to other Members.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1885 combines the Enhanced Border Security and Visa Entry Reform Act with a short extension of section 245(i) of the immigration laws.

I plan to support this legislation, in part because the border security piece will strengthen the security of our borders and enhance our ability to deter potential terrorists while balancing the needs of law enforcement. We have been vigilant in protecting the civil rights upon which this Nation depends.

As for section 245(i), we should be extending it permanently. Instead, this bill provides only a modest extension. In fact, what the bill gives with one hand it actually takes away with the other. While it appears to extend section 245(i) until November 30, 2002, many people will not qualify because of the additional requirement that eligibility for section 245(i) be established prior to August 15, 2001, last year. Unfortunately, this bill is insufficient in time and stingy in scope.

If the last extension is any guide, H.R. 1885 will cause great panic among immigrants, and create an opportunity for fraudulent immigration advisors or ''notarios.''

In contrast, a full restoration of section 245(i) to what it was before 1998 would allow the thousands of law-abiding immigrants who are on the brink of becoming permanent residents to apply for their green cards while in the United States. It would allow wives, husbands, and children of U.S. citizens and permanent residents to stay together in the United States, rather than being forced to leave the country, sometimes for years, to apply for their green card.

I cannot understand how anyone who claims to support family values, who thinks that it is useful for children to have two parents together, not one here and one in another country for

several years, could oppose the permanent extension of section 245(i).

Section 245(i) is not an amnesty for immigrants, it is simply a device to ensure that while permanent residents married to American citizens, people who have completed all their requirements, are waiting for the bureaucracy of the INS to complete their work, they not be forced to leave their families and go abroad for months or years.

If the administration and House leadership are serious about helping immigrants and are serious about our relationship with Mexico, then we should be passing immigration laws that do far more than this bill does; at the very least, a permanent extension, not a mere 2-year extension of section 245(i).

While I support this legislation, we should be considering a full restoration of section 245(i). We will continue to push for such an extension until the administration and the leadership of the House agree to it and we accomplish full restoration of section 245(i).

Mr. Speaker, I reserve the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I rise in opposition to H.R. 1885. I supported H.R. 3525 when we focused on border security, but H.R. 1885, with its amnesty, reminds me of a bowl of ice cream, and I am an ice cream liker. H.R. 3525 was a bowl of ice cream. When they added the amnesty provisions to it, they rammed a hot poker into that bowl of ice cream, and it all melted and it was not fit to eat.

H.R. 1885 rewards law-breakers. They can walk across the Rio Grande, they can walk across the Canadian border, and thousands who have waited in line, they should be told, You should not have waited. You should not have tried to follow the law. Avoid the interview in your native country, just walk on in. Breaking the law does not matter.

If we pass this today and it passes the other body and becomes law, they will say, Uncle Sam is on our side. In the southwestern United States, there are some who take the position that, We did not cross the border, the border crossed us.

I want to preserve our borders as they are today. I do not want to go back to pre-1845. If we pass legislation like this, the southwestern United States could become like Quebec. We do not need separatist movements in this country, we need to stand for the United States of America as it is today.

I urge Members to defeat H.R. 1885.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes, the balance of my time, to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the one important feature of this legislation which I support and which makes it stand out from all of the other provisions is that which has to do with tightening up on those who have overstayed their visas. As we know, many of the terrorists who hit the World Trade Center and the Pentagon were people who were identified later as having overstayed their visas, so that by itself attracts me to support this piece of legislation.

But I have another reason why I may vote against this, even though I am one of the best friends that Mexico has and that the border control advocates have in this entire question; that is, I have a personal pique with the Government of Mexico.

Right after September 11, I think in October, when our economy was reeling with the adverse effects of those attacks, OPEC, and I am talking about OPEC, they decided to cut production of oil, meaning higher prices down the line for the American consumer. They did this in the face of an economy that was losing strength by the minute.

Now, I took heart when Mexico decided not to go along with OPEC, and I began to applaud our neighbor to the south. Then, all of a sudden, there was a change, and Mexico decided to join with OPEC against the United States in cutting oil production. The price rises that we see right now happening at the pump are a direct result of the OPEC-guided decision with which Mexico joined, and will bring about massive dislocation to our gas prices in the next few months.

This plays heavily with me in the final determination of this issue.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in reluctant but in absolute opposition to the legislation we debate here today. My friend, the gentleman from Colorado (Mr. TANCREDO), made the salient point, echoed by my colleague, the gentleman from Virginia (Mr. GOODE): Border security measures have been passed in previous legislation. The operative provision we are dealing with in this House at this time is amnesty.

There is a fundamental disconnection, and I welcome my friend, the gentleman from New York (Mr. NADLER) speaking of family values. Yes, everyone, regardless of political philosophy or partisan stripe, should champion family values. But then, should we also champion a disdain for the law? For here is what is transpiring today: This will reward illegal immigrants by granting them a benefit simply because they broke our laws and did not get caught, or more appropriately, the laws were not enforced.

Mr. Speaker, I believe there is still a tremendous opportunity to work with the Republic of Mexico, to work with President Fox, to set up a reasonable, rational, accountable means to see who travels back and forth across our southern border. I daresay the same should apply to our neighbors to the north in Canada.

But, Mr. Speaker, we are a nation at war. In the midst of this conflict, at this time, in this place, why would we seek to dilute the laws of this Nation with respect to sovereignty?

Mr. Speaker, lest the propagandists of the politically correct deliberately distort, let me make this clear: I welcome constructive dialogue. I welcome an opportunity for a full accounting of those who come here for economic opportunity. But I categorically reject the message this House will send today if we say, Forget about the law, come on in. You did not get caught. Congratulations.

That is what this legislation is about, and that is why I oppose it. At the very least, Mr. Speaker, the $1,000 payment from each individual who comes here, every bit of that $1,000 payment from all the individuals should go to try to strengthen our borders.

But Mr. Speaker, I would go further. Because we are a nation at war, this House and this government should seriously consider a moratorium on immigration until we put in place biometric devices so we know exactly who is coming into this country, whether from our southern border, our northern border, or via shipping containers, which we can only eyeball right now to the extent of 2 or 3 percent.

If nothing else, the American people understand we are a Nation at war, and we dare not send messages to terrorist states that somehow we will dilute our enforcement. No, the contrary is true: We need to enforce the laws, and we need to work productively with the Republic of Mexico and others.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would tell the gentleman, I am more worried about bombs in the containers than about immigrants in the containers.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. FILNER), a great supporter of administration reform.

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding time to me. I thank the Chair for bringing us this bill. I speak in favor of the bill, and I want to talk to part of the bill that has not been fully vetted yet.

Mr. Speaker, I would say to the gentleman from Arizona (Mr. HAYWORTH), if he is interested in security at a time of war, let us remember that in this bill we have 1,000 extra INS inspectors authorized to help us secure the border, 200 INS inspectors and investigators each year added for the next 5 years.

□ 1500

I will tell my colleagues, I represent the biggest city on the southern border, San Diego. Soon I will represent the whole California border with Mexico. We are interested in securing at this time of war; but we are also interested in making sure our economy stays strong, and the gentleman from Arizona (Mr. HAYWORTH) ought to

know, since his own State is also involved in this, that the legal crosser from Mexico, the shopper, the family member, the person going to school, the legal crosser, sustains our border economy to a great degree.

My communities in Calexico and Tecate and San Diego rely 90 percent on the legal crosser to keep our economy going. We can do both, Mr. Speaker. We can have the security that we need, and we can have the free movement that our economy also requires. That means we need more people and we need better technology to guard the borders.

That is what this bill is moving toward. We are moving toward more inspectors so we can make sure that we keep out illegal people, drugs and terrorists; but we also need for people not to have to wait 3, 4, 5, 8 hours at the border for a legal crosser to go to school legally, to shop legally, to see their family members legally. That is what the border communities are interested in. Yes, security; yes, protection. But let us have that binational culture that is so much a part of our southern border, not just cut off at this time of emergency.

We can do both, Mr. Speaker. We can keep the security. We can keep the flow for commerce that is necessary.

I support this bill.

Mr. TANCREDO. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. ROHRABACHER), who is certainly well known as an expert on this issue.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to this legislation which would permit those people who are in this country illegally to thwart our laws and to become legal residents of our country, thus insulting all of the immigrants who have obeyed our laws and are standing in line throughout the world. The parliamentary shenanigans we are witnessing today to try to get this legislation through to extend amnesty to these illegal aliens is unworthy of this body, this representative body, and is bound to confuse our constituents.

What this is about is an amnesty for illegal immigrants. It is not about strengthening the border. It is about making the efforts that we have already taken to strengthen the border meaningless by granting amnesty to people who are in this country illegally.

The administration and Members of this body talk a good game about increasing our national security while here right now undermining this country's ability to find and deport terrorists who are among us.

If this vote today passes, we make the INS reforms already passed by this House meaningless. Why demand that aliens receive biometric ID cards, as we just heard about, or strengthen the border guards when illegal aliens will be able to pay $1,000 and forge some paperwork and become a citizen? What good does it do to perform a home country background check on an alien when we cannot perform a home country background check on an illegal alien?

I might remind this body that 245(i) only rewards illegal immigrants. It can talk about families being separated. I believe that if families are separated and someone is here illegally they should go home to their home country to be with their home family; but if they are here illegally, that is different than if they are here legally. We actually have in place now programs in the United States Government to help people who are here legally to be reunited with their family.

No, the only thing we are doing today is rewarding those people who have broken our laws and come here and overstayed their visas and are here illegally. We are rewarding them above the people who have been standing in line throughout the world, hoping to come to the United States by obeying our laws. If aliens are here illegally, they should return home to their own countries and go through the same process that we demand of people who are trying to immigrate legally here. They should have the background checks so that we can cut off the terrorists before they come here.

By allowing this to happen today, by saying if someone is here illegally that they can stay in our country and not have that home country check on them before they arrive here, we are bound to let terrorists through the network.

We are weakening our protection of our country. I stood on this floor in 1996 and again in 1997 and begged this body to consider our national security when rewarding illegal immigration. I can understand why people might have thought that I was reacting then; but in light of what has happened since September 11, we should never permit a weakening of the investigation and background checks of illegal immigrants into this country.

One last point is, by granting amnesty to these people who are in our country illegally, we are asking for another massive flow of illegal immigration into this country. It is wrong, it is wrong, it is wrong. We should vote against it.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) and all of my colleagues, and I want to thank the gentleman from Illinois (Mr. HASTERT) for putting this on the agenda and President Bush for having asked, as well, that it be put on the agenda.

The legislation is important, does a number of important things in the field of hiring and training government personnel and appropriations for improvement in technology and infrastructure, measures for access to and coordination of law enforcement and other information, implementation of an integrated entry and exit data system, machine readable tamper resistant entry and exit documents, a whole gamut of very important improvements in the area of immigration control.

Some of my very good friends, and I have the highest esteem and admiration for my colleagues on the floor today, but they have been seeking to make this legislation into something that it is not with regard to 245(i). Section 245(i) only benefits people who are eligible for lawful permanent residence in the United States. If they are eligible for lawful permanent residence in the United States, then they can utilize 245(i). In other words, they do not have to leave the country to become a lawful permanent residence of the United States. That is the issue with 245(i).

This is a temporary extension of that. It is a commonsense measure. Why is it supported by an overwhelming consensus of political viewpoints and the President of the United States? Because it is a common sense measure. A constituent of mine recently told me that should not be controversial, that is a commonsense measure; and I have been calling it that ever since, Mr. Speaker.

So that is why I am confident that today the national consensus, obviously in our democracy as in all democracies we can never have unanimity, and I have great friends, great friends on the other side of this issue; but there is a national consensus on behalf of commonsense measures, like if someone is eligible for permanent residence they have to leave the country in order to get it. That is what we are discussing with regard to 245(i), Mr. Speaker; and this underlying legislation, as I said before, contains other very important measures that I hope and expect and certainly would urge my colleagues to support today.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Colorado (Mr. TANCREDO) for yielding me the time; and notwithstanding some of the good features in this bill, I rise in opposition to H.R. 1885 due to the inclusion of provisions to extend amnesty to those who have broken our immigration laws, the so-called 245(i).

We are, on one hand, deporting some who have violated the term of their visas; and with the other hand, with this legislation, we are rewarding those who have flaunted our laws.

We should be pursuing vigorous enforcement of our borders and increased diligence in scrutinizing individuals from foreign countries. This provision does not do that. The objective of our policy should be to control the flow of illegal immigrants and ensure our national security, not rewarding those who have violated the law. Section 245(i) empowers visa holders to flout the law and game the system. They will know that the terms of their visa

are irrelevant because they can pay a $1,000 fine to convert from illegal status to legal status.

It also sends a mistaken message to thousands of people who are following the legal immigration channels to the United States Government, and it sends a signal that the United States Government does not take its immigration laws seriously. This can only foster more illegal immigration by adding an incentive to stay in the U.S. illegally.

Under current law, those who overstay their visas are penalized. Overstaying by 180 days carries a penalty of being barred from reentering the United States for 3 years, and those who overstay for more than a year are barred from reentering the United States for 10 years. These penalties are not arbitrary. They are there to send a signal that we will enforce our visa laws.

This extension of 245(i) provisions sends the opposite signal. I want to also add, and this is an issue that concerns me about this legislation, and it relates to the way things have changed since September 11.

There were, as I understand it, 114,000 illegal immigrants from the Middle East according to the Census Bureau after the time of September 11. The Justice Department recently detailed an effort to apprehend and interrogate more than 6,000 immigrants from countries identified as al Qaeda strongholds. Security officials have indicated there are sleeper cells of terrorists already residing in the United States awaiting terrorist assignments.

I ask the question, will this bill allow some of those sleepers to slip through the cracks by paying $1,000 and readjusting their status? I believe we simply do not know. Despite the best intention of officials with the administration and the Immigration and Naturalization Service, I feel that the risk to the United States is too high and that we should not be relaxing our laws.

Finally, I would like to say that I object to the manner in which this subject is being considered today.

Mr. Speaker, I am opposed to H.R. 1885 due to the inclusion of provisions to extend amnesty to those who have broken our immigration laws—commonly referred to as an extension of 245(i). This provision is at conflict with everything we are trying to do to enhance our border security and ensure compliance with U.S. immigration laws. With one hand we are deporting some who have violated the terms of their visa and with the other hand we are rewarding those who have flaunted our laws.

We should be pursuing vigorous enforcement of our borders and increased diligence in scrutinizing individuals from foreign countries. This provision does not do that. The objective of our policy should be to control the flow of illegal immigrants and ensure our national security, not rewarding those who violate the law. The extension of 245(i) does not strengthen our immigration policy. Instead, it weakens it. 245(i) empowers visa holders to flout the law and ''game'' the system. They will know that the terms of their visa are irrelevant because they can pay a $1,000 fine to convert from illegal status to legal status.

It also sends the mistaken message to thousands of people who are following legal immigration channels that the U.S. Government does not take seriously our immigration laws. This will only foster increased illegal immigration by adding an incentive to stay in the United States illegally.

Under current law, those who overstay their visa are penalized. Overstaying by 180 days carries a penalty of being barred from reentering the United States for 3 years and those who overstay legal permission to be in the United States by a year or more are prohibited from reentering the country for 10 years. These penalties aren't arbitrary. They are designed to let visa holders know we are law-abiding nation. They are designed to compel nonimmigrants to respect the terms of their visa. A 10-year prohibition is supposed to signal how serious we are about enforcing our laws.

Law-abiding nonimmigrants understand this. They are waiting for their family members and loved ones to join them as soon as they are granted legal permission. But 245(i) gives unlawful nonimmigrants a leg-up from those that are patiently waiting for the system to work. I think we should give a higher priority for citizenship to those who have demonstrated their willingness to live by our laws. 245(i) does just the opposite.

In addition to my concerns about the duplicitous nature of extending 245(i), this bill poses a significant national security risk. This bill does not take into account how our world has changed since September 11, 2001. It makes no provision to exclude individuals who are here illegally from countries that sponsor or host terrorism.

Earlier this year the Census Bureau reported 114,000 illegal immigrants from the Middle East were present in the United States. The Justice Department recently detailed an effort to apprehend and interrogate more than 6,000 immigrants from countries identified as al Qaeda strongholds. Security officials have indicated that there are ''sleeper cells'' of terrorist already residing in the United States awaiting their terrorism assignments. Will this bill allow some of these sleepers to slip through the cracks and readjust their status? We simply do not know.

The threat to America still exists. We are still on heightened alert overseas and here at home. Let us not be naive in our diplomatic efforts which may have the unintended consequence of threatening all of the good work that has been accomplished regarding homeland security.

I also object to the manner in which this subject is being considered today. As a Member of Congress, I would like the opportunity to amend this bill to have a straight up or down vote on whether or not we should extend 245(i). My guess is that if we had a straight up or down vote on this matter today, caution would prevail and the extension of amnesty for illegal immigrants would fail.

We should at least be permitted to vote to restrict granting amnesty to those that may pose a security risk.

I have introduced, H.R. 3286, which would place a temporary moratorium on all immigration from 13 countries known to house and train terrorists until the Attorney General certifies that the technological and security enhancing measures Congress has approved have been fully implemented. This is prudent policy because it takes into account the real terrorism threat from countries like Afghanistan, Algeria, Syria, Lybia, and the United Arab Emirates as we work to improve our immigration system.

The bill before us today simply asks Congress to ''rubber stamp'' amnesty for illegal immigrants across the board. As I represent my constituents, I cannot in good conscience go along with this. It is for these reasons that I plan on voting against this bill and I encourage my colleagues who are concerned about our national security to vote against this bill as well.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

(Mr. CANNON asked and was given permission to revise and extend his remarks.)

Mr. CANNON. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing a final version of this important enhanced border security bill to the floor today.

This bill contains many important provisions that will increase the funding and training for those charged with securing our borders. It will upgrade technology and produce counterfeit-proof visa documents. It is a good step toward more effective enforcement; and to answer the gentleman's question who just spoke a moment ago, the extension of 245(i) is not going to allow people who are in sleeper cells to stay. The enforcement is going to be much better effected in the course we have proposed in this bill today.

I want to address two particular criticisms of the temporary extension of section 245(i) contained in the bill today which are simply false. Opponents have attempted to characterize this provision as amnesty for millions of illegal aliens and, secondly, a threat to our national security. Neither allegation can be further from the truth.

This is not amnesty. Section 245(i) benefits a limited pool of people that the Immigration and Naturalization Service has already determined should be able to become permanent legal residents based on their family or employment relationships. The issue is not whether these immigrants are eligible or not. The issue is not when they could become United States permanent residents, but rather, where they may apply to become permanent U.S. residents.

Section 245(i) could be used only by certain prospective lawful permanent residents under close and careful scrutiny of Federal authorities. People using section 245(i) are required to be otherwise eligible to become permanent residents. The eligibility requirements for those applying under section 245(i) are identical to the screening process for those applying abroad.

This is no threat to national security. Not a single one of the September 11 attackers was eligible for adjustment under 245(i), but some were issued

valid documents by our overworked U.S. consulates overseas rather than being screened here in the United States by the Immigration and Naturalization Service, which has the technology and the resources to do that screening.

Mr. Speaker, seeing my time is about to expire, let me urge my colleagues to support this bill. I think it is a good bill and it advances our interests.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Colorado (Mr. TANCREDO) has 4½ minutes. The gentleman from New York (Mr. NADLER) has 1 minute remaining and the right to close.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

If somebody stood on this floor and experienced that old deja vu thing, when we talk about deja vu, I think we have seen this before, we have, in fact. It is called the Enhanced Border Security and Visa Entry Reform Act, but we passed it. So please do not be confused by the rhetoric on the floor here that it is centered on that part of the bill.

□ 1515

It is a good part of the bill. I support that part of the bill. But there is no reason to support it again because, guess what, we passed it. It is done. It is over there.

What we have here is the same wording, they drug that back up, and stuck amnesty onto it so as to essentially, I would guess, well, I do not know, and I will not judge the motive, but I will simply say that it is somewhat confusing for Members when they think that they might be coming up here to vote on enhanced border security and, in fact, of course, they have already done it.

In terms of whether or not we can rely upon the INS to accurately and conscientiously do the background work to determine whether or not the people who are making application are in fact legitimate in their request, let me just bring to the attention of my colleagues the most recent in a series of incredible, scathing reports about the INS. This one happens to be February 15. A GAO report finds pervasive and serious problems with immigration benefit fraud. In just one part here, a 90 percent fraud rate was found in the review of a targeted group of 5,000 petitions. These are the same kinds of things we are talking about here.

A 90 percent fraud rate. A follow-up analysis of about 1,500 petitions found only one was not fraudulent. One. And we are turning this task, the task of determining who is going to be able to come into the country, whether or not they have been truthful in the information they have brought to the INS, we are entrusting this entity with that challenge.

It is unfortunate, but true, that in the past when we did this, when we had another amnesty, admittedly broader in scope, but nonetheless an amnesty program in 1986, and one of the individuals who ended up as a perpetrator in the original bombings of the Federal building in New York, the office tower in New York, was someone who slipped through the cracks of that particular amnesty. He had been given amnesty on an agricultural visa because, of course, he lied and nobody checked, and nobody cared.

And it is not that much different today. It is astounding to me that we are on this floor debating this possibility of amnesty and turning it over to the INS to have them determine whether or not this is a legal applicant or a legitimate applicant. They have not the foggiest idea.

I assure my colleagues that when this passes, if this passes, and passes the other body, there will be a flood of applications. There will be literally millions. I would venture to guess that there will be millions of applications filed, and then the INS will have the responsibility of opening up the box at some period of time and going, ''Gee whiz, what are we going to do with this?'' I know exactly what they will do. They will get out this big stamp that says ''Approved'' and stamp it and dump it over here, because that is what they have done in the past.

To suggest there is some degree of true conscientiousness in this process with the INS is ludicrous. We know that is not true. Every single member of this Committee on the Judiciary knows that it is not true. If anybody saw ''60 Minutes'' the night before last knows that even ''60 Minutes'' is aware of how incompetent this agency is. And this is the entity to whom we are going to entrust the responsibility for this Nation's safety.

Regardless of who we think these people might be, no matter how pleasantly we paint the picture of who they are, just waiting to stay, the fact is, they are here illegally, or else, of course, we would not need to pass a law. They broke a law when they came into the country. There are all kinds of people trying to do it the right way. And to them we say, ''Hey, you know what, you really are stupid. You are really a big sucker. Why not do it this other way? Why not sneak in? Why not put pressure on the political establishment?'' Because, believe me, in a while we will cave in and we will have another amnesty, and another one and another one.

I encourage my colleagues not to be confused about this other language about visa reform. It has nothing to do with this bill. We have already passed it. We are dealing with amnesty here. Defeat it.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

A lot of references have been made to 9–11 in this debate today. 9–11 occurred in my district. I would remind people that the people who committed that dastardly act were in this country legally. So this bill has nothing to do with them, nothing to do with them.

Also, the gentleman from Colorado (Mr. TANCREDO) says the people we are talking about, under section 245(i), came into this country illegally. No, they did not. They came in legally under a tourist visa or a student visa or a work visa, and they met all the requirements over the years to get a green card and a permanent residence. But the bureaucracy of the INS frustrated them by delaying approval of that green card, and completion of the bureaucratic work passed the expiration of their visa. For that reason, under current law, they have to leave the country.

They may have to leave their family. Perhaps they married while in America and perhaps they have children who are American citizens. They have to leave their country, go abroad, perhaps for years, reapply, and then wait for the INS bureaucracy to finish what they should have finished beforehand.

That is cruel. That is separating families from American citizens. That is unnecessary. That is all we are talking about here. All talk about amnesty and terrorism is nonsense and irrelevant to this bill, and so I urge the passage of this bill.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of the Enhanced Border Security and Visa Entry Reform Act. This is important legislation that builds up our security against future terrorist attacks. I am, however, disappointed in the scope of the 245(i) extension included in this bill. I believe this 245(i) extension is insufficient in time and stingy in scope.

The White House has continually stated support for an extension of 245(i) for 6 to 12 months. This new proposal of a limited 4-month extension with restrictions is not consistent with the spirit of President Bush's letter where he advocated for policies that strengthen families and recognized that there was not enough time with the previous four-month extension.

In December 2000, when Congress passed a 245(i) extension that expired April 30, 2001, it took the INS over 3 months to issue the new regulation, causing great panic and confusion among immigrants and creating an opportunity for unscrupulous and fraudulent immigration ''advisors.'' While this new provision will help some individuals and families, it will need new regulations and there will be delays and chaos similar to what happened last time.

A 245(i) provision helps people in this country who otherwise qualify for legal permanent residency. It is not an amnesty, but rather a way for people with deep roots in this country to reunite their families and work their way towards citizenship and full participation in their adopted country. A meaningful extension must go beyond 4 months and should not impose new arbitrary requirements.

At this time, I support this proposal because it is a step in the right direction, but I urge my colleagues to continue discussions and continue to work to pass and implement a comprehensive solution for families that are separated from their loved ones.

Mr. SERRANO. Mr. Speaker, I rise in support of H.R. 1885, the Enhanced Border Security and Visa Entry Reform Act of 2002, that is before the House today. This bill will extend Section 245(i) of the Immigration and Naturalization Act to certain immigrants as well as

incorporate the provisions of H.R. 3525 which would help us in our fight against terrorism by generally strengthening border security. I voted for both of these bills in the past and continue to support their goals as represented in today's bill.

I support today's bill because it recognizes, at least on a limited level, the needs of certain immigrants who have strong ties here, have families here, have jobs and pay taxes here. This bill is also important because it recognizes that we must protect ourselves against further terrorist threats.

However, though on 245(i) this is a step forward, we must recognize that is only a small step. As I have said before and will say again, the 245(i) debate is not over. While this bill extends 245(i) to immigrants who were physically in the United States on December 21, 2000, and have established family or work ties on or before August 15, 2001, that is not enough. We must work for permanent reinstatement of 245(i). This bill today will move us in the right direction, but we need to work on a permanent solution. To stop the debate at this point would prevent us from securing a more meaningful extension of the provision for individuals with established lives, who work hard and contribute to our society.

Without supporting a permanent extension of 245(i), the Republican leadership in the House fails to adequately recognize the importance of reuniting immigrant families and the important role that these individuals and their families play in promoting our country's prosperity. It is long overdue and we must continue to push for permanent extension of 245(i).

Mrs. ROUKEMA. Mr. Speaker, I rise in strong opposition to H.R. 1885 and its provision to extend Section 245(i) of the Immigration and Naturalization Act.

I support the foundation of H.R. 1885. It is designed to reform and enhance border security and visa screening procedures. As we mark the six-month anniversary of the attack on America, we need to take these important steps to bolster homeland security and protect our citizens and institutions.

That's why I am outraged that this Administration and this Congressional Leadership would support inserting the Section 245i extension into this bill. In my opinion, the two major provisions of H.R. 1885 work at dangerous cross-purposes. While the border security and visa screening reforms will enhance homeland security, the 245(i) extension will actually jeopardize homeland security by subjecting illegal aliens to a just cursory domestic police record check before allowing them permanent legal residence here. The extension also rewards individuals who have already violated our U.S. law.

This extension is wrong, dangerously wrong, for important reasons:

It allows hundreds of thousands of illegal aliens to stay permanently without going through face-to-face interviews in our embassies abroad, conducted in their native languages.

It entices millions more foreign nationals to enter the country without screening in hopes that they, too, will be rewarded for their lawbreaking.

It increases permanent U.S. population growth by creating a new tidal wave of amnesty for hundreds of thousands of illegal immigrants and the enticement for millions more to move to the U.S.

Finally, I am deeply concerned that Section 245(i) places the responsibility for background checks with the INS, an agency that has been justifiably criticized for its lack of effectiveness—ineptitude that has been highlighted since 9–11.

Consular officers in embassies overseas, not the INS, should have the responsibility to conduct background checks. They are the ones with the expertise in the language and procedures of the countries in which they are stationed, as well as longstanding relationships with police officials in the home country. Consular officials are the ones who develop hands-on knowledge of local customs, including criminal enterprises and terror groups. That's precisely why they are stationed in-country. They are more prepared and better positioned than INS officials here in the United States to screen potential immigrants effectively.

Mr. Speaker, we are a country of laws. One of the shining principles of our democracy is equal justice under the law. In this context, we cannot choose which laws we will obey and which ones we will ignore.

Extension of 245(i) will send the message around the globe that the United States tolerates and, indeed, encourages individuals to break our immigration laws. By effectively rewarding individuals who either entered the country illegally or overstayed their legal welcome, we are harming thousands of immigrants who played by the rules every year. They followed our procedures. They waited patiently in their home countries for entry visas. Today's debate tells them they were naïve and stupid to wait.

Frankly, I am shocked and appalled that this debate is taking place. Just yesterday, this nation paused to mark the six-month anniversary of the attack on America. Many of my colleagues attended solemn ceremonies in New York, at the Pentagon, at the White House and in Pennsylvania.

And how does this House mark the anniversary? By debating a bill that promotes illegal behavior in our immigration policy and, in the process, leaves our nation vulnerable to potential terror attack.

If September 11th taught us anything, it taught us that no threat to American security can be taken lightly any longer. The Administration, the Congress, the courts, the states, law enforcement, the American people must work together to ensure our national safety. Passage of this extension has the potential to increase the threat to that safety by allowing criminals, ranging from drug pushers to thieves to murderers to suicide bombers, to remain in America legally.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the bill on the floor today is an amended version of H.R. 1885, which is a bill to extend Section 245(i) of the Immigration and Nationality Act.

Section 245(i) of the Immigration and Nationality Act permits certain undocumented immigrants in the U.S. to adjust their status and become lawful permanent residents.

More specifically, section 245(i) allows persons—who qualify for an immigrant visa by having a close relative or employer petition filed on their behalf, but entered without inspection or otherwise violated their status and thus are ineligible to apply for adjustment of status in the United States—to apply if they pay a $1,000 penalty.

Not only must an undocumented immigrant be eligible for an immigrant visa and have a visa immediately available to him or her in order to make use of section 245(i), but the person can also not be barred by some other provision of the Immigration and Nationality Act.

Without section 245(i), most undocumented immigrants who are otherwise eligible for an immigrant visa would be required to leave the United States in order to adjust their status. This would subject them to the long bars to their admissibility. Furthermore, it is important to note that Section 245(i) does not protect an undocumented immigrant from deportation if the alien is encountered by authorities prior to his or her visa becoming available; section 245(i) is simply a device that an immigrant can use at the time of his or her adjustment to avoid having to go back to his or her home country to pick up his or her visa.

Section 245(i) was first enacted in 1994 for a three year period. It was reauthorized in 1996, and again in 1997. The reauthorization in 1997 required that only those who had filed applications or petitions for an immigrant visa by January 1998 could make use of it. The 106th Congress extended the filing deadline to April 30, 2001, requiring at that time that applicants be in the United States prior to December 21, 2000.

However, after Congress extended the filing deadline to April 30, 2001, the regulations for section 245(i) were only introduced on March 26, 2001—giving people a month to find out about the law as well as take action and file petitions or applications before the April 30, 2001 filing deadline.

In addition to the short amount of time in which people had access to the regulations, massive misinformation about section 245(i) had been spread—starting out with a widespread belief that 245(i) was a general amnesty, which it was not.

As was estimated, thousands of people who were expected to benefit did not have enough time to file the proper petition or application.

Many of those who waited in lines at INS offices nationwide never made it to the front of the line. And many people were turned away because they were not prepared to file the correct application or petition, because of a lack of accurate information. Others tried to seek legal counsel in time but were unsuccessful due to attorneys having been booked for appointments due to the flood of people seeking help.

The Senate amended H.R. 1885 in an attempt to address the unfair situation caused by the regulations being published so close to the April 30, 2001.

The amended H.R. 1885, extends section 245(i) of the Immigration and Nationality Act until November 30, 2002, or 120 days after the promulgation of final or interim final regulations implementing the bill, whichever occurs earlier. It requires, as well, that the relationship giving rise to the petitions (i.e., marriage) be entered into by August 15, 2001. So the familial relationship must have existed by August 15, 2001, or the application for labor certification that is the basis of such petition for classification was filed before August 15, 2001.

Although I recognize the importance of the compromise legislation and the fact that it will benefit many people, the House is about to pass a section 245(i) extension that is not the

measure that we hoped for these past months. In addition, the bill also includes a damaging provision that extends the filing deadline for employment-based applications only for people who have filed a labor certification by August 15, 2001. This already expired filing date puts people in the untenable position of having waited for an extension of section 245(i), only to find that it is too late if they have not already filed the underlying qualifying application. Now we find that people seeking to benefit from the extension must have filed their labor certification applications before August 15, 2001.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong opposition to specific portions of H.R. 1885, the 245(i) Extension Act. As you know, a House amendment to H.R. 1885 added the text of H.R. 3525, the Enhanced Border Security and Visa Entry Reform Act, that the House passed by voice vote on December 19, 2001.

While this Member strongly supports the provisions of H.R. 3525 that would include establishing a government-wide electronic data base on persons with terrorist ties, installing a new high-tech visa system to reduce fraud and counterfeiting, increasing the number of full-time Immigration and Naturalization Service (INS) employees and requiring a system to electronically track all foreign visa students in the United States; this Member, however, remains strongly opposed to the original provisions of H.R. 1885 regarding the extension of Section 245(i).

This Member's opposition relates to the provisions whereby Section 245(i) allows illegal aliens to buy legal permanent residence for $1,000. Ironically, on September 11, 2001, the House was scheduled to debate H.R. 1885 on the Floor. Of course, all House action for that day was pre-empted by the horrific and unspeakable terrorists act committed, in part, by illegal aliens. In light of those events, this Member remains amazed that some of his colleagues continue to seek a policy which permits paying for citizenship by persons who entered this country illegally; that simply is not in the best interest or principles of the United States or in U.S. national security interests.

Although the current legal immigration structure is by no means perfect, it does provide for crucial health screening and criminal record background checks which determine if potential immigrants will place the well-being and security of American citizens and legal immigrants in danger. To make such determinations is not only the right of the United States as a sovereign country it should be among our foremost responsibilities, especially in light of the September 11th terrorist attacks.

Mr. Speaker, Section 245(i) ultimately rewards those people who have thwarted the legal immigration structure by entering the country illegally or by allowing their legal status to lapse. Simultaneously, the policy penalizes potential immigrants who have patiently waited many years, completed many forms, and undergone appropriate screenings for the privileged opportunity to be reunited with family members and to work in the United States. The amendments by the other body only worsened the bill by extending the time illegal aliens have to apply.

Mr. Speaker, Section 245(i) was a bad policy when it was first enacted in 1994. It most assuredly was not worthy of being re-instated during the previous 106th Congress, and it should not be further extended. Furthermore, since H.R. 3525 has already passed the House, a ''no'' vote on H.R. 1885 would not impede the progress of those important border security and visa entry reform provisions. Extending Section 245(i) is certainly a grave mistake that we should not make at this critical juncture in our country's war on terrorism.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to express my strong support for H.R. 1885, the Enhanced Border Security and Visa Entry Reform Act.

Section 245(i) is a vital provision of U.S. immigration law, allowing eligible immigrants on the cusp of becoming permanent residents to apply for their green cards in the U.S., rather than returning to their home countries to apply. Section 245(i) is available to immigrants residing in the U.S. who are sponsored by close family members, or by employers who cannot find necessary U.S. workers, and on whose behalf petitions were submitted prior to April 1, 2001.

People who apply under Section 245(i) are screened for criminal offenses, health problems, the potential of becoming a public charge, fraud, misrepresentation, and other grounds of inadmissibility. Each applicant will pay a $1,000 processing fee, thereby generating revenue for the Immigration and Naturalization Service—at no cost to taxpayers.

The issue is not whether these individuals are eligible to become permanent residents—because they already are, but rather the issue is the location from which they are eligible to apply.

Restoring 245(i) is pro-family, pro-business, and fiscally prudent. These individuals have jobs, pay taxes, contribute to the economy, and pay into Social Security. Section 245(i) allows business to retain valuable employees, provides INS with millions of dollars in annual revenue, and allows immigrants to remain with their families while applying for legal permanent residence.

Under H.R. 1885, any immigrant petitions filed before either April 30, 2002, or four months after regulations are issued, would form the basis of Section 245(i) eligibility. However, those who file after April 30, 2001 must demonstrate that the ''familial relationship'' existed before August 15, 2001, or that the application for labor certification (which is the basis of such petition for classification) was filed before August 15, 2001. Thus, family relationships must have existed before August 15, 2001. For employment-based labor certifications, the labor certification application must have been filed by August 15, 2001.

Mr. Speaker, I urge all of my colleagues to support this common sense legislation to provide hard working individuals who are on the brink of becoming permanent residents the opportunity to apply for their residency here in the U.S.

Ms. SOLIS. Mr. Speaker, I rise to express my disappointment that H.R. 1885 does not include a permanent extension of the Section 245(i) program, or at the very least a one-year extension. I am also very concerned that this measure imposes unfortunate new eligibility restrictions that will greatly limit the pool of potential beneficiaries.

Each day without a permanent extension of this program, Americans with immigrant spouses or children face separation from their families. Statistics from the INS show that approximately seventy-five percent of the immigrants who apply for 245(i) relief are the spouses and children of United States citizens and permanent residents.

Extending 245(i) permanently is common sense. It is pro-family, pro-business, and fiscally prudent. It strengthens families by keeping them united; it allows businesses to retain valuable employees; and it provides the INS with millions in annual revenue, at no cost to United States taxpayers.

H.R. 1885 does not do enough to help immigrants in need. While I will support it because it is a good starting point, I urge Congress and the Administration to work together in the future to implement either a one-year or permanent extension of 245(i).

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, House Resolution 365.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DISTRICT OF COLUMBIA COLLEGE ACCESS IMPROVEMENT ACT OF 2002

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 364) providing for the concurrence of the House with amendment in the Senate amendments to the bill H.R. 1499.

The Clerk read as follows:

H. RES. 364

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. 1499 and amendments of the Senate thereto, and to have (1) concurred in the amendment of the Senate to the title, and (2) concurred in the amendment of the Senate to the text with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''District of Columbia College Access Improvement Act of 2002''.

SEC. 2. PUBLIC SCHOOL PROGRAM.

Section 3(c)(2) of the District of Columbia College Access Act of 1999 (sec. 38–2702(c)(2), D.C. Official Code) is amended by striking subparagraphs (A) through (C) and inserting the following:

''(A)(i) in the case of an individual who begins an undergraduate course of study within 3 calendar years (excluding any period of service on active duty in the armed forces, or service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.)) of graduation from a secondary school, or obtaining the recognized equivalent of a secondary school diploma, was domiciled in the District of Columbia for not less than the 12 consecutive