

107TH CONGRESS  
2D SESSION

# H. RES. 365

Providing for the concurrence by the House with amendments in the  
amendment of the Senate to H.R. 1885.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2002

Mr. SENSENBRENNER submitted the following resolution; which was  
considered under suspension of the rules and agreed to

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# RESOLUTION

Providing for the concurrence by the House with  
amendments in the amendment of the Senate to H.R. 1885.

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

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

## 4 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Enhanced Border Security and Visa Entry Reform Act  
7 of 2002”.

8 (b) TABLE OF CONTENTS.—The table of contents for  
9 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.

See. 403. Time period for inspections.

## TITLE V—FOREIGN STUDENTS AND EXCHANGE VISITORS

See. 501. Foreign student monitoring program.

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

## TITLE VI—MISCELLANEOUS PROVISIONS

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

See. 602. General Accounting Office study.

See. 603. International cooperation.

See. 604. Statutory construction.

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

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

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

### 1 SEC. 2. DEFINITIONS.

2 In this Act:

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

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

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

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

(3) FEDERAL LAW ENFORCEMENT AGENCIES.—

2       The term “Federal law enforcement agencies”  
3       means the following:

4 (A) The United States Secret Service.

5 (B) The Drug Enforcement Administra-  
6 tion.

7 (C) The Federal Bureau of Investigation.

(D) The Immigration and Naturalization Service.

10 (E) The United States Marshall Service.

11 (F) The Naval Criminal Investigative Serv-  
12 ice.

13 (G) The Coastal Security Service.

## 14 (H) The Diplomatic Security Service.

15 (I) The United States Postal Inspection  
16 Service.

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

19 (K) The United States Customs Service.

20 (L) The National Park Service.

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

## 16 **TITLE I—FUNDING**

17 SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR HIR-  
18 ING AND TRAINING GOVERNMENT PER-  
19 SONNEL.

20 (a) ADDITIONAL PERSONNEL.—

1       ralization Service by the equivalent of at least 200  
2       full-time employees over the number of inspectors  
3       and associated support staff in the Immigration and  
4       Naturalization Service authorized by the USA PA-  
5       TRIOT Act.

(b) WAIVER OF FTE LIMITATION.—The Attorney General is authorized to waive any limitation on the num-

1 ber of full-time equivalent personnel assigned to the Immig-  
2 gration and Naturalization Service.

3 (c) AUTHORIZATION OF APPROPRIATIONS FOR INS  
4 STAFFING.—

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

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

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

1 GS-7 of the General Schedule under such sec-  
2 tion 5332; and

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

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

10 (1) to appropriately train Immigration and Nat-  
11 uralization Service personnel on an ongoing basis—  
12 (A) to ensure that their proficiency levels  
13 are acceptable to protect the borders of the  
14 United States; and

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

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

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

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

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

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

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

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

22 (a) FUNDING OF TECHNOLOGY.—

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

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

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

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

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

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

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

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

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

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

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

21       (d) AVAILABILITY OF COLLECTED FEES.—Notwith-  
22 standing any other provision of law, amounts collected as  
23 fees described in this section shall be credited as an offset-  
24 ting collection to any appropriation for the Department  
25 of State to recover costs of providing consular services.

1 Amounts so credited shall be available, until expended, for  
2 the same purposes as the appropriation to which credited.

3 **TITLE II—INTERAGENCY**  
4 **INFORMATION SHARING**

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

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

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

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

1       United States, and to identify those aliens inadmis-  
2       sible or deportable under the Immigration and Na-  
3       tionality Act.

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

6           (c) COORDINATION PLAN.—

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

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

21           (3) PROTECTIONS REGARDING INFORMATION  
22      AND USES THEREOF.—The plan under this sub-  
23      section shall establish conditions for using the infor-  
24      mation described in subsection (b) received by the

1 Department of State and Immigration and Natu-  
2 ralization Service—

3 (A) to limit the redissemination of such in-  
4 formation;

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

13 (D) to protect any privacy rights of individuals who are subjects of such information;  
14

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

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

23 (4) CRIMINAL PENALTIES FOR MISUSE OF IN-  
24 FORMATION.—Any person who obtains information  
25 under this subsection without authorization or ex-

1 ceeding authorized access (as defined in section  
2 1030(e) of title 18, United States Code), and who  
3 uses such information in the manner described in  
4 any of the paragraphs (1) through (7) of section  
5 1030(a) of such title, or attempts to use such infor-  
6 mation in such manner, shall be subject to the same  
7 penalties as are applicable under section 1030(c) of  
8 such title for violation of that paragraph.

12 (A) in paragraph (1), by striking “2  
13 years” and inserting “one year”; and  
14 (B) in paragraph (4), by striking “18  
15 months” and inserting “six months”.

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

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

1 on aliens. The fully integrated data system shall be  
2 an interoperable component of the electronic data  
3 system described in paragraph (2).

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

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

20 (4) TECHNOLOGY STANDARD.—

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

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

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

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

10                   (ii) in paragraph (2) —

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

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

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

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

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

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

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

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

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

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

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

(C) provide adequate user support;

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

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

## 1 (2) LINGUISTICALLY SENSITIVE SEARCHES.—

2 (A) IN GENERAL.—To satisfy the require-  
3 ment of paragraph (1)(B), the interoperable  
4 electronic database shall be searchable based on  
5 linguistically sensitive algorithms that—6 (i) account for variations in name for-  
7 mats and transliterations, including varied  
8 spellings and varied separation or combina-  
9 tion of name elements, within a particular  
10 language; and11 (ii) incorporate advanced linguistic,  
12 mathematical, statistical, and anthropo-  
13 logical research and methods.

## 14 (B) LANGUAGES REQUIRED.—

15 (i) PRIORITY LANGUAGES.—Linguis-  
16 tically sensitive algorithms shall be devel-  
17 oped and implemented for no fewer than 4  
18 languages designated as high priorities by  
19 the Secretary of State, after consultation  
20 with the Attorney General and the Direc-  
21 tor of Central Intelligence.22 (ii) IMPLEMENTATION SCHEDULE.—  
23 Of the 4 linguistically sensitive algorithms  
24 required to be developed and implemented  
25 under clause (i)—

(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.

22 (5) REPORTS BY INTELLIGENCE AGENCIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 15 **TITLE III—VISA ISSUANCE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12       (a) REPORT.—

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

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

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

11 (b) REQUIREMENTS.—

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

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

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

7                   (B) USE OF READERS AND SCANNERS.—

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

11                  (i) domestic and international stand-  
12                  ards organizations determine to be highly  
13                  accurate when used to verify identity; and  
14                  (ii) can read the biometric identifiers  
15                  utilized under subsections (b)(1) and  
16                  (c)(1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (b) STATE SPONSOR OF INTERNATIONAL TERRORISM

5 DEFINED.—

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

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

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

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

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

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

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

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

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

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

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

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

(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.

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

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

## **TITLE IV—ADMISSION AND INSPECTION OF ALIENS**

3 SEC. 401. STUDY OF THE FEASIBILITY OF A NORTH AMER-  
4 ICAN NATIONAL SECURITY PROGRAM.

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

9 (b) STUDY ELEMENTS.—In conducting the study re-  
10 quired by subsection (a), the officials specified in sub-  
11 section (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.

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

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

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

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

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

23 (a) IN GENERAL.—Section 231 of the Immigration  
24 and Nationality Act (8 U.S.C. 1221(a)) is amended—  
25 (1) by striking subsections (a), (b), (d), and (e);

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

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

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

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

1       “(1) complete name;  
2       “(2) date of birth;  
3       “(3) citizenship;  
4       “(4) sex;  
5       “(5) passport number and country of issuance;  
6       “(6) country of residence;  
7       “(7) United States visa number, date, and place  
8       of issuance, where applicable;  
9       “(8) alien registration number, where applica-  
10      ble;  
11      “(9) United States address while in the United  
12      States; and  
13      “(10) such other information the Attorney Gen-  
14      eral, in consultation with the Secretary of State, and  
15      the Secretary of Treasury determines as being nec-  
16      essary for the identification of the persons trans-  
17      ported and for the enforcement of the immigration  
18      laws and to protect safety and national security.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (c) TRANSITIONAL PROGRAM.—

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

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

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

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

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

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

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

1 **SEC. 502. REVIEW OF INSTITUTIONS AND OTHER ENTITIES**2 **AUTHORIZED TO ENROLL OR SPONSOR CERTAIN NONIMMIGRANTS.**

4 (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—

12 (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

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

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

22 (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

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

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

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

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

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

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

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

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

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

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

15 (a) REQUIREMENT FOR STUDY.—

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

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

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

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

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

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

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

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

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

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

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

#### 14 SEC. 604. STATUTORY CONSTRUCTION.

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)).

21 SEC. 605. ANNUAL REPORT ON ALIENS WHO FAIL TO AP-

22 PEAR AFTER RELEASE ON OWN RECOG-  
23 NIZANCE.

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

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

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

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

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

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

3 **SEC. 607. EXTENSION OF DEADLINE FOR CLASSIFICATION**

4 **PETITION AND LABOR CERTIFICATION FIL-**  
5 **INGS.**

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

9 (1) in subparagraph (B)—

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

19 (B) in clause (ii) by striking “on or before  
20 such date; and” and inserting “before August  
21 15, 2001;”;

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

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

1               “(D) who, in the case of a beneficiary of a peti-  
2       tion for classification described in subparagraph  
3       (B)(i) that was filed after April 30, 2001, dem-  
4       onstrates that—

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

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

12       (b) EFFECTIVE DATE.—The amendments made by  
13       subsection (a) shall take effect as if included in the enact-  
14       ment of the Legal Immigration Family Equity Act (114  
15       Stat. 2762A–142 et seq.), as enacted into law by section  
16       1(a)(2) of Public Law 106–553.

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