

H.R.3229
Visa Entry Reform Act of 2001 (Introduced in the House)

SEC. 8. DENIAL OF FOREIGN STUDENT VISAS TO NATIONALS OF STATE SPONSORS OF INTERNATIONAL TERRORISM .

(a) **IN GENERAL-** Notwithstanding any other provision of law, an alien who is a national of a country that is listed on the Department of State's list of state sponsors of international terrorism is ineligible to receive a foreign student visa or to be admitted to the United States as a foreign student.

(b) **WAIVER-**

(1) **AUTHORITY-** The Secretary of State may waive the application of subsection (a) in the case of an alien whom the Secretary certifies as not posing a risk to the national security of the United States. The certification process under this paragraph shall include heightened scrutiny of the alien's background.

(2) **NONDELEGATION-** The Secretary may not delegate authority to grant a waiver under paragraph (1) to any official below the level of Under Secretary of State other than to the Assistant Secretary of State for Consular Affairs. If delegated to the Assistant Secretary of State for Consular Affairs, the authority may not be further delegated by the Assistant Secretary.

SEC. 9. FOREIGN STUDENT MONITORING PROGRAM.

(a) **IMPLEMENTATION AND EXPANSION-**

(1) **IN GENERAL-** Not later than January 1, 2003, the Attorney General, in consultation with the Secretary of State and the Secretary of Education, shall implement the program established by section 641(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(a)). Notwithstanding any other provision of law, the program shall be applied to all foreign nationals described in subparagraphs (F), (J), and (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) who are covered by the other subsections of this section.

(2) **APPLICATION FEE-** The Secretary of State shall impose on each student applying for a foreign student visa an application fee in such amount as the Attorney General determines necessary to provide the funding necessary to maintain the program referred to in paragraph (1). Amounts collected under this paragraph shall supplement and not supplant the \$36,800,000 authorized to be appropriated by Public Law 107-36.

(b) **Prohibition on Providing INS Form I-20 to Foreign Students-** Notwithstanding any other provision of law, no INS Form I-20 shall be provided or issued directly to a foreign student or other individual not authorized by the Secretary of State under subsection (c).

(c) **Submission of INS Form I-20 to Department of State -** Notwithstanding any other provision of law, for each foreign student seeking to enroll in an approved institution of higher education, the institution shall submit to the Department of State a completed INS Form I-20 containing the following information:

- (1) The identity of the student.
- (2) The date of entry and port of entry.
- (3) The student's address in the country of origin.
- (4) The names and addresses of the student's parents and siblings.
- (5) Contacts of the student in the student's country of residence who could verify information about the student, including family members, close associates, and persons in organizations with which the student is affiliated in such country.
- (6) Previous work experience, including names and addresses of employers.
- (7) The date of alien's enrollment in an approved institution of higher education, other approved educational institution, or designated exchange visitor program in the United States.
- (8) 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 enroll or reenroll).
- (9) The academic course of study to be pursued by the student at an institution in the United States.
- (10) The United States consulate where the student intends to apply for a visa.

(d) NOTIFICATION OF INSTITUTIONS- Upon the issuance of a student visa for an alien to attend an approved institution of education, the Secretary of State shall transmit to the institution a notification of the issuance of the visa to that alien.

(e) ENTRY OF INFORMATION IN LOOKOUT DATABASE- The information provided by a student on the INS form I-20 shall be entered in the lookout database established under section 2(a).

(f) INS BACKGROUND CHECKS- The Attorney General shall conduct a background examination of each foreign student prior to the issuance of a visa by a consular officer to ensure that the alien is not subject to a bar to reentry as a result of any previous violation of immigration law.

(g) ELECTRONIC UPDATES- Not later than 30 days after the end of the enrollment period at the commencement of each academic term, each educational institution shall provide the following information to the Attorney General regarding each foreign student enrolled in the institution:

- (1) The student's full name.
- (2) The address of the student in student's country of origin.
- (3) The actual address of the student in the United States.
- (4) Date of commencement of studies.

(5) Degree program and list of courses of study.

(6) Status of the student (including whether the student is full-time or part-time).

(7) Date on which the academic term ends.

(h) QUARTERLY REPORTS- Each approved institution of higher education shall, on a quarterly basis, submit to the Attorney General a report on the status of each foreign student described in subsection (g) who is enrolled in the institution. The quarterly report shall include the information described in that subsection and information regarding any disciplinary action taken by the institution as a result of any crime committed by the foreign student.

(i) FAILURE TO ENROLL-

(1) NOTIFICATION BY INSTITUTION- Each approved institution of higher education shall immediately inform the Attorney General whenever a foreign student who has been issued a visa fails to enroll at the institution, withdraws from the institution, or violates the terms of his visa. The notification shall be submitted not later than 30 days after the reportable event.

(2) NOTIFICATION OF STATE DEPARTMENT AND OTHERS- The Attorney General shall notify the Secretary of State of any failure of a student to enroll at the approved institution of higher education of the student, any withdrawal of the student from the institution, or any violation of the terms of the student's visa.

(j) PROHIBITION ON AUTOMATIC EXTENSION OF FOREIGN STUDENT VISA- In the case of any foreign student seeking an extension of a foreign student visa, the foreign student shall apply for the extension and submit to a new background examination.

(k) APPROVED INSTITUTION OF HIGHER EDUCATION APPROVED- The term 'approved institution of higher education' means--

(1) a college or university approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act; and

(2) a vocational or other nonacademic institution approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (M) of such section, including a flight training school and language training school (notwithstanding the parenthetical exclusion of language training programs in clause (i) of such subparagraph).

SEC. 10. REQUIREMENTS RELATING TO THE ADMISSION OF NONIMMIGRANT ALIENS.

(a) ADDITIONAL CONSULAR PERSONNEL-

(1) REQUIREMENT- The Secretary of State shall assign such additional number of Foreign Service personnel to serve as consular officers as may be necessary to achieve effective screening of visa applicants.

(2) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated such sums as may be necessary to carry out paragraph (1).

(b) BACKGROUND CHECKS-

(1) BEFORE ISSUANCE OF VISA- Prior to the issuance of a nonimmigrant visa to any alien, the consular officer shall obtain notification from the Immigration and Naturalization Service that the Service has conducted a background review of the alien and that such review reveals no grounds of inadmissibility under section 212(a) of the Immigration and Nationality Act or removability under section 237(a) of such Act.

(2) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Department of Justice such sums as may be necessary to employ additional examinations personnel within the Immigration and Naturalization Service to carry out paragraph (1).

(c) FINGERPRINT AND OTHER INFORMATION REQUIRED- No application for a nonimmigrant visa under section 101(a)(15) of the Immigration and Nationality Act may be approved for an alien until the alien submits to the consular officer the fingerprints or other designated biometric data required to be submitted.

SEC. 11. ADDITIONAL PORT OF ENTRY PERSONNEL PERSONNEL.

(a) INS INSPECTORS- During each of fiscal years 2002 through 2006, the Attorney General shall increase the number of inspectors in the Immigration and Naturalization Service by the equivalent of 200 full time employees over the number of inspectors in the Immigration and Naturalization Service as of the end of the preceding fiscal year.

(b) INS INVESTIGATIVE PERSONNEL- The Attorney General shall assign such additional number of investigative personnel of the Immigration and Nationality Service to pursue investigations of aliens in the United States in violation of the terms of their visa as may be necessary to achieve timely and effective completion of the investigations and action on the results of the investigations.

(c) CUSTOMS SERVICE INSPECTORS- During each of fiscal years 2002 through 2006, the Secretary of the Treasury shall increase the number of inspectors in the United States Customs Service by the equivalent of 200 full time employees over the number of inspectors in the United States Customs Service as of the end of the preceding fiscal year.

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

SEC. 12. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended--

(1) in subsection (a)(6), by inserting `or of any foreign nation' after `the United States'; and

(2) in subsections (b)(1)(A)(i) and (c)(1), by inserting `or the government of any foreign nation' after `authority of the United States'.

SEC. 13. GENERAL ACCOUNTING OFFICE STUDY.

(a) REQUIREMENT FOR STUDY- The Comptroller General 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 information on the status of the alien.

(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. 14. DEFINITIONS.

In this Act:

(1) FOREIGN STUDENT- The term `foreign student' means a nonimmigrant alien described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(2) 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)).

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.