

106TH CONGRESS
2D SESSION

S. 3149

To provide for the collection of information relating to nonimmigrant foreign students and other exchange program participants.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4 (legislative day, SEPTEMBER 22), 2000

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the collection of information relating to nonimmigrant foreign students and other exchange program participants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. MORE EFFICIENT COLLECTION OF INFORMA-**
4 **TION FEE.**

5 Section 641(e) of the Illegal Immigration Reform and
6 Immigrant Responsibility Act of 1996 (division C of Pub-
7 lic Law 104–208) is amended—

8 (1) in paragraph (1)—

9 (A) by striking “an approved institution of
10 higher education and a designated exchange vis-

1 itor program” and inserting “the Attorney Gen-
2 eral”;

3 (B) by striking “the time—” and inserting
4 the following: “a time prior to the alien being
5 classified under subparagraph (F), (J), or (M)
6 of section 101(a)(15) of the Immigration and
7 Nationality Act.”; and

8 (C) by striking subparagraphs (A) and
9 (B);

10 (2) by amending paragraph (2) to read as fol-
11 lows:

12 “(2) REMITTANCE.—The fees collected under
13 paragraph (1) shall be remitted by the alien pursu-
14 ant to a schedule established by the Attorney Gen-
15 eral for immediate deposit and availability as de-
16 scribed under section 286(m) of the Immigration
17 and Nationality Act.”;

18 (3) in paragraph (3)—

19 (A) by striking “has” the first place it ap-
20 pears and inserting “seeks”; and

21 (B) by striking “has” the second place it
22 appears and inserting “seeks to”;

23 (4) in paragraph (4)—

24 (A) by inserting before the period at the
25 end of the second sentence of subparagraph (A)

1 the following: “, except that, in the case of an
2 alien admitted under section 101(a)(15)(J) of
3 the Immigration and Nationality Act as an au
4 pair, camp counselor, or participant in a sum-
5 mer work travel program, the fee shall not ex-
6 ceed \$40”; and

7 (B) by adding at the end of subparagraph
8 (B) the following new sentence: “Such expenses
9 include, but are not necessarily limited to, those
10 incurred by the Secretary of State in connection
11 with the program under subsection (a).”; and

12 (5) by adding at the end the following new
13 paragraphs:

14 “(5) PROOF OF PAYMENT.—The alien shall
15 present proof of payment of the fee before the grant-
16 ing of—

17 “(A) a visa under section 222 of the Immi-
18 gration and Nationality Act or, in the case of
19 an alien who is exempt from the visa require-
20 ment described in section 212(d)(4) of the Im-
21 migration and Nationality Act, admission to the
22 United States; or

23 “(B) change of nonimmigrant classification
24 under section 248 of the Immigration and Na-

1 tionality Act to a classification described in
2 paragraph (3).

3 “(6) IMPLEMENTATION.—The provisions of sec-
4 tion 553 of title 5, United States Code (relating to
5 rule-making) shall not apply to the extent the Attor-
6 ney General determines necessary to ensure the ex-
7 peditious, initial implementation of this section.”.

8 **SEC. 2. NEW TIME-FRAME FOR IMPLEMENTATION OF DATA**
9 **COLLECTION PROGRAM.**

10 Section 641(g)(1) of the Illegal Immigration Reform
11 and Immigrant Responsibility Act of 1996 (division C of
12 Public Law 104–208) is amended to read as follows:

13 “(1) EXPANSION OF PROGRAM.—Not later than
14 12 months after the submission of the report re-
15 quired by subsection (f), the Attorney General, in
16 consultation with the Secretary of State and the
17 Secretary of Education, shall commence expansion
18 of the program to cover the nationals of all coun-
19 tries.”.

20 **SEC. 3. TECHNICAL AMENDMENTS.**

21 Section 641 of the Illegal Immigration Reform and
22 Immigrant Responsibility Act of 1996 (division C of Pub-
23 lic Law 104–208) is amended—

1 (1) in subsection (h)(2)(A), by striking “Direc-
2 tor of the United States Information Agency” and
3 inserting “Secretary of State”; and

4 (2) in subsection (d)(1), by inserting “institu-
5 tions of higher education or exchange visitor pro-
6 grams” after “by”.

○