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DECEMBER 15, 2015

RULES COMMITTEE PRINT 114-39

**TEXT OF HOUSE AMENDMENT #1 TO THE SENATE
AMENDMENT TO H.R. 2029, MILITARY CON-
STRUCTION AND VETERANS AFFAIRS AND RE-
LATED AGENCIES APPROPRIATIONS ACT,
2016**

**[Showing the text of the Consolidated Appropriations Act,
2016.]**

- 1 In lieu of the matter proposed to be inserted by the
- 2 Senate amendment, insert the following:
- 3 **SECTION 1. SHORT TITLE.**
- 4 This Act may be cited as the “Consolidated Appro-
- 5 priations Act, 2016”.

1 (8) a plan for training and implementation of
2 the account structure under subsections (a) and (c).
3 SEC. 564. None of the funds made available by this
4 Act may be obligated or expended to implement the Arms
5 Trade Treaty until the Senate approves a resolution of
6 ratification for the Treaty.

7 SEC. 565. Section 214(g)(9)(A) of the Immigration
8 and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended
9 by striking “2004, 2005, or 2006 shall not again be count-
10 ed toward such limitation during fiscal year 2007.” and
11 inserting “2013, 2014, or 2015 shall not again be counted
12 toward such limitation during fiscal year 2016.”.

13 SEC. 566. For an additional amount for “U.S. Cus-
14 toms and Border Protection, Salaries and Expenses”,
15 \$14,000,000, to remain available until expended, to be re-
16 duced by amounts collected and credited to this appropria-
17 tion from amounts authorized to be collected by section
18 286(i) of the Immigration and Nationality Act (8 U.S.C.
19 1356(i)), section 10412 of the Farm Security and Rural
20 Investment Act of 2002 (7 U.S.C. 8311), and section 817
21 of the Trade Facilitation and Trade Enforcement Act of
22 2015: *Provided*, That to the extent that amounts realized
23 from such collections exceed \$14,000,000, those amounts
24 in excess of \$14,000,000 shall be credited to this appro-
25 priation and remain available until expended: *Provided*

1 (added by section 638 of Public Law 102–393),
2 \$176,000,000 shall be rescinded.

3 (RESCISSION)

4 SEC. 571. Of the unobligated balances made available
5 to “Federal Emergency Management Agency, Disaster
6 Relief Fund”, \$1,021,879,000 shall be rescinded: *Pro-*
7 *vided*, That no amounts may be rescinded from amounts
8 that were designated by the Congress as an emergency re-
9 quirement pursuant to a concurrent resolution on the
10 budget or the Balanced Budget and Emergency Deficit
11 Control Act of 1985, as amended: *Provided further*, That
12 no amounts may be rescinded from the amounts that were
13 designated by the Congress as being for disaster relief pur-
14 suant to section 251(b)(2)(D) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 SEC. 572. Section 401(b) of the Illegal Immigration
17 Reform and Immigrant Responsibility Act of 1996 (8
18 U.S.C. 1324a note) shall be applied by substituting “Sep-
19 tember 30, 2016” for the date specified in section 106(3)
20 of the Continuing Appropriations Act, 2016 (Public Law
21 114–53).

22 SEC. 573. Subclauses 101(a)(27)(C)(ii)(II) and (III)
23 of the Immigration and Nationality Act (8 U.S.C.
24 1101(a)(27)(C)(ii)(II) and (III)) shall be applied by sub-
25 stituting “September 30, 2016” for the date specified in

1 section 106(3) of the Continuing Appropriations Act,
2 2016 (Public Law 114–53).

3 SEC. 574. Section 220(c) of the Immigration and Na-
4 tionality Technical Corrections Act of 1994 (8 U.S.C.
5 1182 note) shall be applied by substituting “September
6 30, 2016” for the date specified in section 106(3) of the
7 Continuing Appropriations Act, 2016 (Public Law 114–
8 53).

9 SEC. 575. Section 610(b) of the Departments of
10 Commerce, Justice, and State, the Judiciary, and Related
11 Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note)
12 shall be applied by substituting “September 30, 2016” for
13 the date specified in section 106(3) of the Continuing Ap-
14 propriations Act, 2016 (Public Law 114–53).

15 This division may be cited as the “Department of
16 Homeland Security Appropriations Act, 2016”.

1 public: *Provided*, That this section shall not apply to lodg-
2 ing and food services associated with seasonal recreation
3 services.

4 SEC. 111. (a) FLEXIBILITY WITH RESPECT TO THE
5 CROSSING OF H-2B NONIMMIGRANTS WORKING IN THE
6 SEAFOOD INDUSTRY.—

7 (1) IN GENERAL.—Subject to paragraph (2), if
8 a petition for H-2B nonimmigrants filed by an em-
9 ployer in the seafood industry is granted, the em-
10 ployer may bring the nonimmigrants described in
11 the petition into the United States at any time dur-
12 ing the 120-day period beginning on the start date
13 for which the employer is seeking the services of the
14 nonimmigrants without filing another petition.

15 (2) REQUIREMENTS FOR CROSSINGS AFTER
16 90TH DAY.—An employer in the seafood industry
17 may not bring H-2B nonimmigrants into the United
18 States after the date that is 90 days after the start
19 date for which the employer is seeking the services
20 of the nonimmigrants unless the employer—

21 (A) completes a new assessment of the
22 local labor market by—

23 (i) listing job orders in local news-
24 papers on 2 separate Sundays; and

1 (ii) posting the job opportunity on the
2 appropriate Department of Labor Elec-
3 tronic Job Registry and at the employer's
4 place of employment; and

5 (B) offers the job to an equally or better
6 qualified United States worker who—

7 (i) applies for the job; and

8 (ii) will be available at the time and
9 place of need.

10 (3) EXEMPTION FROM RULES WITH RESPECT
11 TO STAGGERING.—The Secretary of Labor shall not
12 consider an employer in the seafood industry who
13 brings H-2B nonimmigrants into the United States
14 during the 120-day period specified in paragraph (1)
15 to be staggering the date of need in violation of sec-
16 tion 655.20(d) of title 20, Code of Federal Regula-
17 tions, or any other applicable provision of law.

18 (b) H-2B NONIMMIGRANTS DEFINED.—In this sec-
19 tion, the term “H-2B nonimmigrants” means aliens ad-
20 mitted to the United States pursuant to section
21 101(a)(15)(H)(ii)(B) of the Immigration and Nationality
22 Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

23 SEC. 112. The determination of prevailing wage for
24 the purposes of the H-2B program shall be the greater
25 of—(1) the actual wage level paid by the employer to other

1 employees with similar experience and qualifications for
2 such position in the same location; or (2) the prevailing
3 wage level for the occupational classification of the posi-
4 tion in the geographic area in which the H-2B non-
5 immigrant will be employed, based on the best information
6 available at the time of filing the petition. In the deter-
7 mination of prevailing wage for the purposes of the H-
8 2B program, the Secretary shall accept private wage sur-
9 veys even in instances where Occupational Employment
10 Statistics survey data are available unless the Secretary
11 determines that the methodology and data in the provided
12 survey are not statistically supported.

13 SEC. 113. None of the funds in this Act shall be used
14 to enforce the definition of corresponding employment
15 found in 20 CFR 655.5 or the three-fourths guarantee
16 rule definition found in 20 CFR 655.20, or any references
17 thereto. Further, for the purpose of regulating admission
18 of temporary workers under the H-2B program, the defi-
19 nition of temporary need shall be that provided in 8 CFR
20 214.2(h)(6)(ii)(B).

21 SEC. 114. None of the funds in this Act shall be used
22 to implement 20 CFR 655.70 and 20 CFR 655.71.

23 This title may be cited as the “Department of Labor
24 Appropriations Act, 2016”.

1 subparagraph (A) of subsection (a)(3), and
2 on or after April 1, 2016, passports de-
3 scribed in subparagraph (B) of subsection
4 (a)(3).

5 “(ii) VALIDATION OF PASSPORTS.—
6 Not later than October 1, 2016, the gov-
7 ernment of the country certifies that it has
8 in place mechanisms to validate passports
9 described in subparagraphs (A) and (B) of
10 subsection (a)(3) at each key port of entry
11 into that country. This requirement shall
12 not apply to travel between countries which
13 fall within the Schengen Zone.”.

14 (c) CONFORMING AMENDMENT.—Section 303(c) of
15 the Enhanced Border Security and Visa Entry Reform Act
16 of 2002 is repealed (8 U.S.C. 1732(c)).

17 **SEC. 203. RESTRICTION ON USE OF VISA WAIVER PROGRAM**
18 **FOR ALIENS WHO TRAVEL TO CERTAIN**
19 **COUNTRIES.**

20 Section 217(a) of the Immigration and Nationality
21 Act (8 U.S.C. 1187(a)), as amended by this Act, is further
22 amended by adding at the end the following:

23 “(12) NOT PRESENT IN IRAQ, SYRIA, OR ANY
24 OTHER COUNTRY OR AREA OF CONCERN.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraphs (B) and (C)—

3 “(i) the alien has not been present, at
4 any time on or after March 1, 2011—

5 “(I) in Iraq or Syria;

6 “(II) in a country that is des-
7 ignated by the Secretary of State
8 under section 6(j) of the Export Ad-
9 ministration Act of 1979 (50 U.S.C.
10 2405) (as continued in effect under
11 the International Emergency Eco-
12 nomic Powers Act (50 U.S.C. 1701 et
13 seq.)), section 40 of the Arms Export
14 Control Act (22 U.S.C. 2780), section
15 620A of the Foreign Assistance Act of
16 1961 (22 U.S.C. 2371), or any other
17 provision of law, as a country, the
18 government of which has repeatedly
19 provided support of acts of inter-
20 national terrorism; or

21 “(III) in any other country or
22 area of concern designated by the Sec-
23 retary of Homeland Security under
24 subparagraph (D); and

1 “(ii) regardless of whether the alien is
2 a national of a program country, the alien
3 is not a national of—

4 “(I) Iraq or Syria;

5 “(II) a country that is des-
6 ignated, at the time the alien applies
7 for admission, by the Secretary of
8 State under section 6(j) of the Export
9 Administration Act of 1979 (50
10 U.S.C. 2405) (as continued in effect
11 under the International Emergency
12 Economic Powers Act (50 U.S.C.
13 1701 et seq.)), section 40 of the Arms
14 Export Control Act (22 U.S.C. 2780),
15 section 620A of the Foreign Assist-
16 ance Act of 1961 (22 U.S.C. 2371),
17 or any other provision of law, as a
18 country, the government of which has
19 repeatedly provided support of acts of
20 international terrorism; or

21 “(III) any other country that is
22 designated, at the time the alien ap-
23 plies for admission, by the Secretary
24 of Homeland Security under subpara-
25 graph (D).

1 “(B) CERTAIN MILITARY PERSONNEL AND
2 GOVERNMENT EMPLOYEES.—Subparagraph
3 (A)(i) shall not apply in the case of an alien if
4 the Secretary of Homeland Security determines
5 that the alien was present—

6 “(i) in order to perform military serv-
7 ice in the armed forces of a program coun-
8 try; or

9 “(ii) in order to carry out official du-
10 ties as a full time employee of the govern-
11 ment of a program country.

12 “(C) WAIVER.—The Secretary of Home-
13 land Security may waive the application of sub-
14 paragraph (A) to an alien if the Secretary de-
15 termines that such a waiver is in the law en-
16 forcement or national security interests of the
17 United States.

18 “(D) COUNTRIES OR AREAS OF CON-
19 CERN.—

20 “(i) IN GENERAL.—Not later than 60
21 days after the date of the enactment of
22 this paragraph, the Secretary of Homeland
23 Security, in consultation with the Sec-
24 retary of State and the Director of Na-
25 tional Intelligence, shall determine whether

1 the requirement under subparagraph (A)
2 shall apply to any other country or area.

3 “(ii) CRITERIA.—In making a deter-
4 mination under clause (i), the Secretary
5 shall consider—

6 “(I) whether the presence of an
7 alien in the country or area increases
8 the likelihood that the alien is a cred-
9 ible threat to the national security of
10 the United States;

11 “(II) whether a foreign terrorist
12 organization has a significant pres-
13 ence in the country or area; and

14 “(III) whether the country or
15 area is a safe haven for terrorists.

16 “(iii) ANNUAL REVIEW.—The Sec-
17 retary shall conduct a review, on an annual
18 basis, of any determination made under
19 clause (i).

20 “(E) REPORT.—Beginning not later than
21 one year after the date of the enactment of this
22 paragraph, and annually thereafter, the Sec-
23 retary of Homeland Security shall submit to the
24 Committee on Homeland Security, the Com-
25 mittee on Foreign Affairs, the Permanent Se-

1 lect Committee on Intelligence, and the Com-
2 mittee on the Judiciary of the House of Rep-
3 resentatives, and the Committee on Homeland
4 Security and Governmental Affairs, the Com-
5 mittee on Foreign Relations, the Select Com-
6 mittee on Intelligence, and the Committee on
7 the Judiciary of the Senate a report on each in-
8 stance in which the Secretary exercised the
9 waiver authority under subparagraph (C) dur-
10 ing the previous year.”.

11 **SEC. 204. DESIGNATION REQUIREMENTS FOR PROGRAM**
12 **COUNTRIES.**

13 (a) REPORTING LOST AND STOLEN PASSPORTS.—
14 Section 217(c)(2)(D) of the Immigration and Nationality
15 Act (8 U.S.C. 1187(c)(2)(D)), as amended by this Act,
16 is further amended by striking “within a strict time limit”
17 and inserting “not later than 24 hours after becoming
18 aware of the theft or loss”.

19 (b) INTERPOL SCREENING.—Section 217(c)(2) of the
20 Immigration and Nationality Act (8 U.S.C. 1187(c)(2)),
21 as amended by this Act, is further amended by adding
22 at the end the following:

23 “(G) INTERPOL SCREENING.—Not later
24 than 270 days after the date of the enactment
25 of this subparagraph, except in the case of a

1 country in which there is not an international
2 airport, the government of the country certifies
3 to the Secretary of Homeland Security that, to
4 the maximum extent allowed under the laws of
5 the country, it is screening, for unlawful activ-
6 ity, each person who is not a citizen or national
7 of that country who is admitted to or departs
8 that country, by using relevant databases and
9 notices maintained by Interpol, or other means
10 designated by the Secretary of Homeland Secu-
11 rity. This requirement shall not apply to travel
12 between countries which fall within the
13 Schengen Zone.”.

14 (c) IMPLEMENTATION OF PASSENGER INFORMATION
15 EXCHANGE AGREEMENT.—Section 217(c)(2)(F) of the
16 Immigration and Nationality Act (8 U.S.C.
17 1187(c)(2)(F)), as amended by this Act, is further amend-
18 ed by inserting before the period at the end the following:
19 “, and fully implements such agreement”.

20 (d) TERMINATION OF DESIGNATION.—Section 217(f)
21 of the Immigration and Nationality Act (8 U.S.C.
22 1187(f)) is amended by adding at the end the following:

23 “(6) FAILURE TO SHARE INFORMATION.—

24 “(A) IN GENERAL.—If the Secretary of
25 Homeland Security and the Secretary of State

1 jointly determine that the program country is
2 not sharing information, as required by sub-
3 section (c)(2)(F), the Secretary of Homeland
4 Security shall terminate the designation of the
5 country as a program country.

6 “(B) REDESIGNATION.—In the case of a
7 termination under this paragraph, the Secretary
8 of Homeland Security shall redesignate the
9 country as a program country, without regard
10 to paragraph (2) or (3) of subsection (c) or
11 paragraphs (1) through (4), when the Secretary
12 of Homeland Security, in consultation with the
13 Secretary of State, determines that the country
14 is sharing information, as required by sub-
15 section (c)(2)(F).

16 “(7) FAILURE TO SCREEN.—

17 “(A) IN GENERAL.—Beginning on the date
18 that is 270 days after the date of the enact-
19 ment of this paragraph, if the Secretary of
20 Homeland Security and the Secretary of State
21 jointly determine that the program country is
22 not conducting the screening required by sub-
23 section (c)(2)(G), the Secretary of Homeland
24 Security shall terminate the designation of the
25 country as a program country.

1 “(B) REDESIGNATION.—In the case of a
2 termination under this paragraph, the Secretary
3 of Homeland Security shall redesignate the
4 country as a program country, without regard
5 to paragraph (2) or (3) of subsection (c) or
6 paragraphs (1) through (4), when the Secretary
7 of Homeland Security, in consultation with the
8 Secretary of State, determines that the country
9 is conducting the screening required by sub-
10 section (c)(2)(G).”.

11 **SEC. 205. REPORTING REQUIREMENTS.**

12 (a) IN GENERAL.—Section 217(c) of the Immigration
13 and Nationality Act (8 U.S.C. 1187(c)), as amended by
14 this Act, is further amended—

15 (1) in paragraph (2)(C)(iii)—

16 (A) by striking “and the Committee on
17 International Relations” and inserting “, the
18 Committee on Foreign Affairs, and the Com-
19 mittee on Homeland Security”; and

20 (B) by striking “and the Committee on
21 Foreign Relations” and inserting “, the Com-
22 mittee on Foreign Relations, and the Com-
23 mittee on Homeland Security and Govern-
24 mental Affairs”; and

25 (2) in paragraph (5)(A)(i)—

1 (A) in subclause (III)—

2 (i) by inserting after “the Committee
3 on Foreign Affairs,” the following: “the
4 Permanent Select Committee on Intel-
5 ligence,”;

6 (ii) by inserting after “the Committee
7 on Foreign Relations,” the following: “the
8 Select Committee on Intelligence”; and

9 (iii) by striking “and” at the end;

10 (B) in subclause (IV), by striking the pe-
11 riod at the end and inserting the following: “;
12 and”; and

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

14 “(V) shall submit to the commit-
15 tees described in subclause (III), a re-
16 port that includes an assessment of
17 the threat to the national security of
18 the United States of the designation
19 of each country designated as a pro-
20 gram country, including the compli-
21 ance of the government of each such
22 country with the requirements under
23 subparagraphs (D) and (F) of para-
24 graph (2), as well as each such gov-

1 ernment’s capacity to comply with
2 such requirements.”.

3 (b) DATE OF SUBMISSION OF FIRST REPORT.—The
4 Secretary of Homeland Security shall submit the first re-
5 port described in subclause (V) of section 217(c)(5)(A)(i)
6 of the Immigration and Nationality Act (8 U.S.C.
7 (c)(5)(A)(i)), as added by subsection (a), not later than
8 90 days after the date of the enactment of this Act.

9 **SEC. 206. HIGH RISK PROGRAM COUNTRIES.**

10 Section 217(c) of the Immigration and Nationality
11 Act (8 U.S.C. 1187(c)), as amended by this Act, is further
12 amended by adding at the end the following:

13 “(12) DESIGNATION OF HIGH RISK PROGRAM
14 COUNTRIES.—

15 “(A) IN GENERAL.—The Secretary of
16 Homeland Security, in consultation with the Di-
17 rector of National Intelligence and the Sec-
18 retary of State, shall evaluate program coun-
19 tries on an annual basis based on the criteria
20 described in subparagraph (B) and shall iden-
21 tify any program country, the admission of na-
22 tionals from which under the visa waiver pro-
23 gram under this section, the Secretary deter-
24 mines presents a high risk to the national secu-
25 rity of the United States.

1 “(B) CRITERIA.—In evaluating program
2 countries under subparagraph (A), the Sec-
3 retary of Homeland Security, in consultation
4 with the Director of National Intelligence and
5 the Secretary of State, shall consider the fol-
6 lowing criteria:

7 “(i) The number of nationals of the
8 country determined to be ineligible to trav-
9 el to the United States under the program
10 during the previous year.

11 “(ii) The number of nationals of the
12 country who were identified in United
13 States Government databases related to
14 the identities of known or suspected terror-
15 ists during the previous year.

16 “(iii) The estimated number of na-
17 tionals of the country who have traveled to
18 Iraq or Syria at any time on or after
19 March 1, 2011 to engage in terrorism.

20 “(iv) The capacity of the country to
21 combat passport fraud.

22 “(v) The level of cooperation of the
23 country with the counter-terrorism efforts
24 of the United States.

1 “(vi) The adequacy of the border and
2 immigration control of the country.

3 “(vii) Any other criteria the Secretary
4 of Homeland Security determines to be ap-
5 propriate.

6 “(C) SUSPENSION OF DESIGNATION.—The
7 Secretary of Homeland Security, in consultation
8 with the Secretary of State, may suspend the
9 designation of a program country based on a
10 determination that the country presents a high
11 risk to the national security of the United
12 States under subparagraph (A) until such time
13 as the Secretary determines that the country no
14 longer presents such a risk.

15 “(D) REPORT.—Not later than 60 days
16 after the date of the enactment of this para-
17 graph, and annually thereafter, the Secretary of
18 Homeland Security, in consultation with the Di-
19 rector of National Intelligence and the Sec-
20 retary of State, shall submit to the Committee
21 on Homeland Security, the Committee on For-
22 eign Affairs, the Permanent Select Committee
23 on Intelligence, and the Committee on the Judi-
24 ciary of the House of Representatives, and the
25 Committee on Homeland Security and Govern-

1 mental Affairs, the Committee on Foreign Rela-
2 tions, the Select Committee on Intelligence, and
3 the Committee on the Judiciary of the Senate
4 a report, which includes an evaluation and
5 threat assessment of each country determined
6 to present a high risk to the national security
7 of the United States under subparagraph (A).”.

8 **SEC. 207. ENHANCEMENTS TO THE ELECTRONIC SYSTEM**
9 **FOR TRAVEL AUTHORIZATION.**

10 (a) IN GENERAL.—Section 217(h)(3) of the Immi-
11 gration and Nationality Act (8 U.S.C. 1187(h)(3)) is
12 amended—

13 (1) in subparagraph (C)(i), by inserting after
14 “any such determination” the following: “or shorten
15 the period of eligibility under any such determina-
16 tion”;

17 (2) by striking subparagraph (D) and inserting
18 the following:

19 “(D) FRAUD DETECTION.—The Secretary
20 of Homeland Security shall research opportuni-
21 ties to incorporate into the System technology
22 that will detect and prevent fraud and deception
23 in the System.

24 “(E) ADDITIONAL AND PREVIOUS COUN-
25 TRIES OF CITIZENSHIP.—The Secretary of

1 Homeland Security shall collect from an appli-
2 cant for admission pursuant to this section in-
3 formation on any additional or previous coun-
4 tries of citizenship of that applicant. The Sec-
5 retary shall take any information so collected
6 into account when making determinations as to
7 the eligibility of the alien for admission pursu-
8 ant to this section.

9 “(F) REPORT ON CERTAIN LIMITATIONS
10 ON TRAVEL.—Not later than 30 days after the
11 date of the enactment of this subparagraph and
12 annually thereafter, the Secretary of Homeland
13 Security, in consultation with the Secretary of
14 State, shall submit to the Committee on Home-
15 land Security, the Committee on the Judiciary,
16 and the Committee on Foreign Affairs of the
17 House of Representatives, and the Committee
18 on Homeland Security and Governmental Af-
19 fairs, the Committee on the Judiciary, and the
20 Committee on Foreign Relations of the Senate
21 a report on the number of individuals who were
22 denied eligibility to travel under the program,
23 or whose eligibility for such travel was revoked
24 during the previous year, and the number of
25 such individuals determined, in accordance with

1 subsection (a)(6), to represent a threat to the
2 national security of the United States, and shall
3 include the country or countries of citizenship
4 of each such individual.”.

5 (b) REPORT.—Not later than 30 days after the date
6 of the enactment of this Act, the Secretary of Homeland
7 Security, in consultation with the Secretary of State, shall
8 submit to the Committee on Homeland Security, the Com-
9 mittee on the Judiciary, and the Committee on Foreign
10 Affairs of the House of Representatives, and the Com-
11 mittee on Homeland Security and Governmental Affairs,
12 the Committee on the Judiciary, and the Committee on
13 Foreign Relations of the Senate a report on steps to
14 strengthen the electronic system for travel authorization
15 authorized under section 217(h)(3) of the Immigration
16 and Nationality Act (8 U.S.C. 1187(h)(3))) in order to
17 better secure the international borders of the United
18 States and prevent terrorists and instruments of terrorism
19 from entering the United States.

20 **SEC. 208. PROVISION OF ASSISTANCE TO NON-PROGRAM**
21 **COUNTRIES.**

22 The Secretary of Homeland Security, in consultation
23 with the Secretary of State, shall provide assistance in a
24 risk-based manner to countries that do not participate in
25 the visa waiver program under section 217 of the Immi-

1 gration and Nationality Act (8 U.S.C. 1187) to assist
2 those countries in—

3 (1) submitting to Interpol information about
4 the theft or loss of passports of citizens or nationals
5 of such a country; and

6 (2) issuing, and validating at the ports of entry
7 of such a country, electronic passports that are
8 fraud-resistant, contain relevant biographic and bio-
9 metric information (as determined by the Secretary
10 of Homeland Security), and otherwise satisfy inter-
11 nationally accepted standards for electronic pass-
12 ports.

13 **SEC. 209. CLERICAL AMENDMENTS.**

14 (a) SECRETARY OF HOMELAND SECURITY.—Section
15 217 of the Immigration and Nationality Act (8 U.S.C.
16 1187), as amended by this Act, is further amended by
17 striking “Attorney General” each place such term appears
18 (except in subsection (c)(11)(B)) and inserting “Secretary
19 of Homeland Security”.

20 (b) ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZA-
21 TION.—Section 217 of the Immigration and Nationality
22 Act (8 U.S.C. 1187), as amended this Act, is further
23 amended—

1 (1) by striking “electronic travel authorization
2 system” each place it appears and inserting “elec-
3 tronic system for travel authorization”;

4 (2) in the heading in subsection (a)(11), by
5 striking “ELECTRONIC TRAVEL AUTHORIZATION SYS-
6 TEM” and inserting “ELECTRONIC SYSTEM FOR
7 TRAVEL AUTHORIZATION”; and

8 (3) in the heading in subsection (h)(3), by
9 striking “ELECTRONIC TRAVEL AUTHORIZATION SYS-
10 TEM” and inserting “ELECTRONIC SYSTEM FOR
11 TRAVEL AUTHORIZATION”.

12 **SEC. 210. SENSE OF CONGRESS.**

13 It is the sense of Congress that the International
14 Civil Aviation Organization, the specialized agency of the
15 United Nations responsible for establishing international
16 standards, specifications, and best practices related to the
17 administration and governance of border controls and in-
18 spection formalities, should establish standards for the in-
19 troduction of electronic passports (referred to in this sec-
20 tion as “e-passports”), and obligate member countries to
21 utilize such e-passports as soon as possible. Such e-pass-
22 ports should be a combined paper and electronic passport
23 that contains biographic and biometric information that
24 can be used to authenticate the identity of travelers
25 through an embedded chip.

1 tem Stabilization Act (49 U.S.C. 40101 note), as amended
2 by subsection (f), is further amended by adding at the end
3 the following:

4 **“SEC. 411. 9-11 RESPONSE AND BIOMETRIC ENTRY-EXIT**
5 **FEE.**

6 “(a) TEMPORARY L-1 VISA FEE INCREASE.—Not-
7 withstanding section 281 of the Immigration and Nation-
8 ality Act (8 U.S.C. 1351) or any other provision of law,
9 during the period beginning on the date of the enactment
10 of this section and ending on September 30, 2025, the
11 combined filing fee and fraud prevention and detection fee
12 required to be submitted with an application for admission
13 as a nonimmigrant under section 101(a)(15)(L) of the Im-
14 migration and Nationality Act (8 U.S.C. 1101(a)(15)(L)),
15 including an application for an extension of such status,
16 shall be increased by \$4,500 for applicants that employ
17 50 or more employees in the United States if more than
18 50 percent of the applicant’s employees are non-
19 immigrants admitted pursuant to subparagraph (H)(i)(b)
20 or (L) of section 101(a)(15) of such Act.

21 “(b) TEMPORARY H-1B VISA FEE INCREASE.—Not-
22 withstanding section 281 of the Immigration and Nation-
23 ality Act (8 U.S.C. 1351) or any other provision of law,
24 during the period beginning on the date of the enactment
25 of this section and ending on September 30, 2025, the

1 combined filing fee and fraud prevention and detection fee
2 required to be submitted with an application for admission
3 as a nonimmigrant under section 101(a)(15)(H)(i)(b) of
4 the Immigration and Nationality Act (8 U.S.C.
5 1101(a)(15)(H)(i)(b)), including an application for an ex-
6 tension of such status, shall be increased by \$4,000 for
7 applicants that employ 50 or more employees in the
8 United States if more than 50 percent of the applicant's
9 employees are nonimmigrants described in section
10 101(a)(15)(L) of such Act.

11 “(c) 9-11 RESPONSE AND BIOMETRIC EXIT AC-
12 COUNT.—

13 “(1) ESTABLISHMENT.—There is established in
14 the general fund of the Treasury a separate account,
15 which shall be known as the ‘9–11 Response and Bi-
16 ometric Exit Account’.

17 “(2) DEPOSITS.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), of the amounts collected pursuant to
20 the fee increases authorized under subsections
21 (a) and (b)—

22 “(i) 50 percent shall be deposited in
23 the general fund of the Treasury; and

24 “(ii) 50 percent shall be deposited as
25 offsetting receipts into the 9–11 Response