

George W. Bush Presidential Library

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Series: Saunders, G. Timothy (Tim) - Bill Files

Folder Title: 11/02/2002 [H.R. 4967] [771579]

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771579

FG006-01

Barcode Scanning Sheet



Collection Code: **SECLOG**

Staff Name:

Document Date:

Correspondent: **TIM SAUNDERS**

Subject/Description: **OVERSIZE ATTACHMENT # 9469 NARA # 9360 BOX 5
FOLDER 4C BILL FILE RECEIVED FROM THE OFFICE OF
THE EXECUTIVE CLERK - NOV 02 02 ENROLLED BILL H.R.
4967 - BORDER COMMUTER STUDENT ACT OF 2002**



THE PRESIDENT HAS SEEN
11-2-02
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

02 OCT 29 PM 10:32

October 29, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4967 - Border Commuter Student Act of 2002
Sponsors - Rep. Kolbe (R) Arizona and 21 cosponsors

Last Day for Action

November 4, 2002 - Monday

Purpose

Expands the current nonimmigrant student visa categories to allow nationals of Canada and Mexico to commute to the United States for a part-time course of study.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Department of State	Approval (Informally)
Department of Commerce	No objection (Informally)
Department of Transportation	No objection (Informally)
Department of the Treasury	No objection (Informally)
Department of Education	Defers to Justice (Informally)
Department of Labor	No comment (Informally)
Central Intelligence Agency	No comment (Informally)

Discussion

Background. Under the Immigration and Nationality Act (INA), an eligible alien (and any spouse or minor children of that alien) may obtain an "F-1" nonimmigrant student visa to enter the United States temporarily to pursue a course of academic or language studies at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution, or at a language training program. An eligible alien is one who: (1) has a residence in a foreign country which he or she has no intention of abandoning; (2) is a

bona fide student qualified to pursue a "full course of study;" and (3) seeks to enter the United States temporarily and solely for the purpose of pursuing that course of study. The institution must be designated by the alien and approved by the Department of Justice, after consultation with the Department of Education, before the visa application can be approved. Under the INA, a similar "M-1" student visa is available for study at an established vocational or other recognized non-academic institution in the United States.

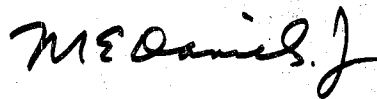
Enrolled Bill Provisions. H.R. 4967 would create new "F-3" and "M-3" nonimmigrant student visas to allow aliens who are nationals of and live in Canada or Mexico, and otherwise meet the criteria for an F-1 or M-1 visa, to commute to the United States for either a "full or part-time" course of study at an approved institution.

As under current law for F-1 visas, F-3 visas would not be available for attendance at a public elementary school or publicly-funded adult education program. F-3 visa holders would be subject to the same restrictions as F-1 visa holders if they attend a public secondary school, including: (1) the requirement to reimburse the local educational agency that administers the school for the full cost of providing the education; and (2) the limitation on attending the school for no more than 12 months of study.

Conclusion and Recommendations

On August 27, 2002, the Immigration and Naturalization Service (INS) issued an interim rule clarifying that Mexican and Canadian nationals who commute to the United States for part-time study are eligible for F-1 and M-1 visas. Justice states in its enrolled bill views letter that "H.R. 4967 would essentially codify the INS's regulatory action and would make clear the intent of Congress that qualifying commuter students should be able to obtain student visas and attend [U.S.] schools along the borders."

We join Justice and State in recommending approval of H.R. 4967, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To establish new nonimmigrant classes for border commuter students.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

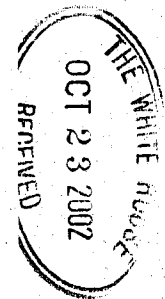
This Act may be cited as the "Border Commuter Student Act of 2002".

SEC. 2. ESTABLISHMENT OF BORDER COMMUTER NONIMMIGRANT CLASS.

(a) CLASS FOR ACADEMIC OR LANGUAGE STUDIES.—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended by striking "and (ii)" and all that follows through the end of subparagraph (F) and inserting the following: "(ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;"

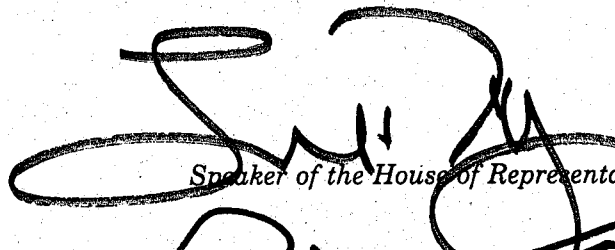
(b) CLASS FOR VOCATIONAL OR NONACADEMIC STUDIES.—Section 101(a)(15)(M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(M)) is amended by striking "and (ii)" and all that follows through the end of subparagraph (M) and inserting the following: "(ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;"

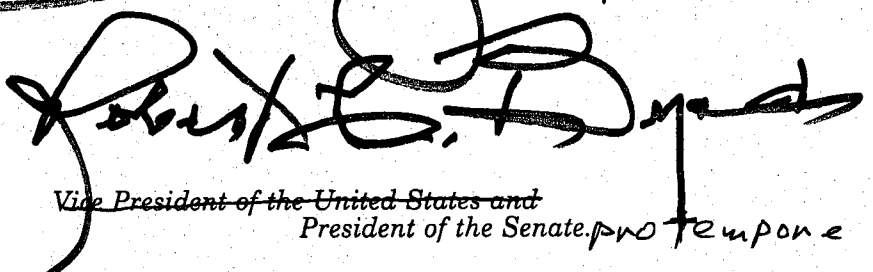
(c) LIMITATION.—Section 214(m) of the Immigration and Nationality Act (8 U.S.C. 1184(m); as redesignated by section 107(e)(2)(A) of Public Law 106-386) is amended by striking "section



H. R. 4967—2

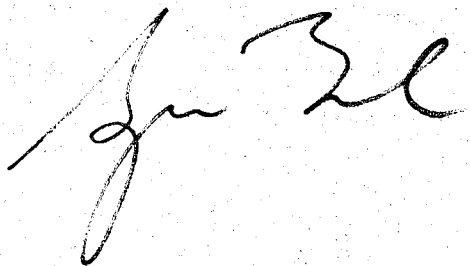
101(a)(15)(F)(i)" both places it appears and inserting "clause (i) or (iii) of section 101(a)(15)(F)".


Speaker of the House of Representatives. *pro tempore.*

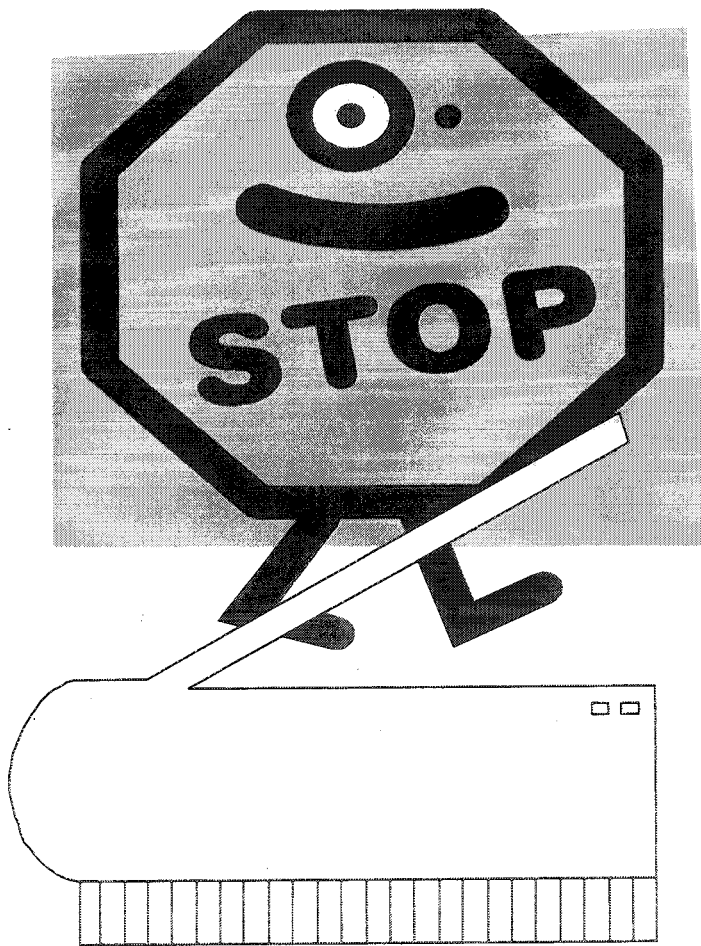

~~Vice President of the United States and~~
President of the Senate. *pro tempore*

APPROVED

NOV - 2 2002



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Scanning insert sheet



Remainder of case not scanned

11-2-02



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 29, 2002

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Agency Recommendations

Office of Management and Budget

Approval

Department of Justice
Department of State
Department of Commerce
Department of Transportation
Department of the Treasury
Department of Education
Department of Labor
Central Intelligence Agency

Approval
Approval (Informally)
No objection (Informally)
No objection (Informally)
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Defers to Justice (Informally)
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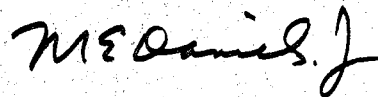
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Conclusion and Recommendations

On August 27, 2002, the Immigration and Naturalization Service (INS) issued an interim rule clarifying that Mexican and Canadian nationals who commute to the United States for part-time study are eligible for F-1 and M-1 visas. Justice states in its enrolled bill views letter that "H.R. 4967 would essentially codify the INS's regulatory action and would make clear the intent of Congress that qualifying commuter students should be able to obtain student visas and attend [U.S.] schools along the borders."

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Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PMSubject: ENROLLED BILL H.R. 4967, BORDER COMMUTER STUDENT ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD <i>ok</i>	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY <i>ok</i>	☒	☐
BOLTEN <i>p/c</i>	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO <i>ok</i>	☒	☐	RICE <i>concur</i>	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE <i>p/c</i>	☒	☐
FLEISCHER	☐	☒	SPELLINGS <i>ok</i>	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES <i>NC</i>	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, NO LATER THAN 1:00 PM WEDNESDAY, 10-30-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
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WASHINGTON, D.C. 20503

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Approval (Informally)

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No objection (Informally)

Department of Transportation

No objection (Informally)

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No objection (Informally)

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Defers to Justice (Informally)

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No comment (Informally)

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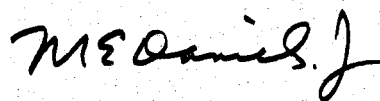
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Enclosures

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1112
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 CONNECTION ID
 ST. TIME 10/29 11:57
 USAGE T 01'18
 PGS. SENT 3
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SS/ RM NO. 521800

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DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

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RESPONSE:

Harriet E. Miers
Assistant to the President
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 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1113
 CONNECTION TEL 51005
 CONNECTION ID
 ST. TIME 10/29 12:02
 USAGE T 01'18
 PGS. SENT 3
 RESULT OK

SS/ RM NO. 521800

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TRANSMISSION OK

TX/RX NO	1114	
CONNECTION TEL		67090
CONNECTION ID	ADMIN	
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USAGE T	01'21	
PGS. SENT	3	
RESULT	OK	

SS/ RM NO. 521800

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Background. Under the Immigration and Nationality Act (INA), an eligible alien (and any spouse or minor children of that alien) may obtain an "F-1" nonimmigrant student visa to enter the United States temporarily to pursue a course of academic or language studies at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution, or at a language training program. An eligible alien is one who: (1) has a residence in a foreign country which he or she has no intention of abandoning; (2) is a

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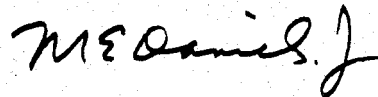
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We join Justice and State in recommending approval of H.R. 4967, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PMSubject: ENROLLED BILL H.R. 4967, BORDER COMMUTER STUDENT ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
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CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
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GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, NO LATER THAN 1:00 PM WEDNESDAY, 10-30-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

October 29, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4967 - Border Commuter Student Act of 2002
Sponsors - Rep. Kolbe (R) Arizona and 21 cosponsors

Last Day for Action

November 4, 2002 - Monday

Purpose

Expands the current nonimmigrant student visa categories to allow nationals of Canada and Mexico to commute to the United States for a part-time course of study.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of State

Approval (Informally)

Department of Commerce

No objection (Informally)

Department of Transportation

No objection (Informally)

Department of the Treasury

No objection (Informally)

Department of Education

Defers to Justice (Informally)

Department of Labor

No comment (Informally)

Central Intelligence Agency

No comment (Informally)

Discussion

Background. Under the Immigration and Nationality Act (INA), an eligible alien (and any spouse or minor children of that alien) may obtain an "F-1" nonimmigrant student visa to enter the United States temporarily to pursue a course of academic or language studies at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution, or at a language training program. An eligible alien is one who: (1) has a residence in a foreign country which he or she has no intention of abandoning; (2) is a

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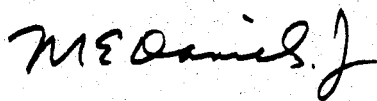
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Conclusion and Recommendations

On August 27, 2002, the Immigration and Naturalization Service (INS) issued an interim rule clarifying that Mexican and Canadian nationals who commute to the United States for part-time study are eligible for F-1 and M-1 visas. Justice states in its enrolled bill views letter that "H.R. 4967 would essentially codify the INS's regulatory action and would make clear the intent of Congress that qualifying commuter students should be able to obtain student visas and attend [U.S.] schools along the borders."

We join Justice and State in recommending approval of H.R. 4967, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

Bills Received at the White House

Date received and
notification to OMB: 10/23/2002

Last day for action: 11/4/2002

Official Title		
H.R.4967	An Act to establish new nonimmigrant classes for border commuter students.	521800



U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 25, 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

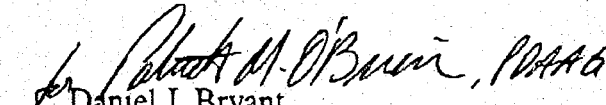
This responds to your request for the views and recommendation of the Department of Justice on enrolled bill H.R. 4967, the "Border Commuter Student Act of 2002." H.R. 4967 would expand the so-called "F" and "M" nonimmigrant student visa categories of the Immigration and Nationality Act (INA) to include nationals of Canada or Mexico who maintain actual residence and place of abode in their countries of nationality, whose course of study may be full or part-time, and who commute to a United States institution or place of study from Canada or Mexico. We have no objection to enactment of this enrolled bill and therefore recommend that the President approve it.

The INA currently permits foreign students to study in the U.S. on temporary, or "nonimmigrant" student visas. Subsections (F) and (M) of INA section 101(a)(15) require aliens to be full-time students to be eligible for "F" (academic or language studies) or "M" (vocational or non-academic studies) nonimmigrant student visas. However, according to the report of the Committee on the Judiciary of the House of Representatives on H.R. 4967, some Immigration and Naturalization Service (INS) district offices have permitted part-time commuter students from Canada and Mexico to enter the United States as visitors, in order to by-pass this statutory requirement.

On August 27, 2002, the INS issued an interim regulation to expand the "F" and "M" student visa categories to permit Mexican and Canadian part-time commuter students to obtain student visas. H.R. 4967 would essentially codify the INS's regulatory action and would make clear the intent of Congress that qualifying commuter students should be able to obtain student visas and attend United States schools along the borders.

Thank you for the opportunity to comment on this matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us.

Sincerely,


Daniel J. Bryant
Assistant Attorney General

521800



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 29, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4967 - Border Commuter Student Act of 2002
Sponsors - Rep. Kolbe (R) Arizona and 21 cosponsors

Last Day for Action

November 4, 2002 - Monday

Purpose

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Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Department of State	Approval (Informally)
Department of Commerce	No objection (Informally)
Department of Transportation	No objection (Informally)
Department of the Treasury	No objection (Informally)
Department of Education	Defers to Justice (Informally)
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Central Intelligence Agency	No comment (Informally)

Discussion

Background. Under the Immigration and Nationality Act (INA), an eligible alien (and any spouse or minor children of that alien) may obtain an "F-1" nonimmigrant student visa to enter the United States temporarily to pursue a course of academic or language studies at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution, or at a language training program. An eligible alien is one who: (1) has a residence in a foreign country which he or she has no intention of abandoning; (2) is a

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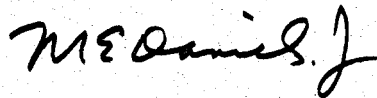
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Mitchell E. Daniels, Jr.
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Enclosures



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 29, 2002

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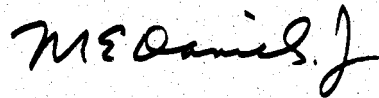
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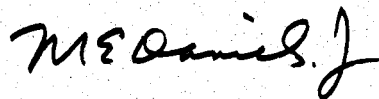
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Enclosures

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Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PMSubject: ENROLLED BILL H.R. 4967, BORDER COMMUTER STUDENT ACT OF 2002

	ACTION	FYI		ACTION	FYI
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REMARKS:

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RESPONSE:

Handwritten: JC ABC 10/30 0555

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 29, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4967 - Border Commuter Student Act of 2002
Sponsors - Rep. Kolbe (R) Arizona and 21 cosponsors

Last Day for Action

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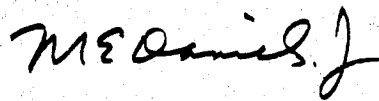
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Mitchell E. Daniels, Jr.
Director

Enclosures

SS/ RM NO. 521800

WHITE HOUSE STAFFING MEMORANDUM

02 OCT 30 AM 11:22

Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PM

Subject: ENROLLED BILL H.R. 4967, BORDER COMMUTER STUDENT ACT OF 2002

	ACTION	FYI		ACTION	FYI
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REMARKS:

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No comment

RESPONSE:

15 7 51
OCT 30 2002
EXEC. AND PRESIDENTIAL
INITIALS

Harriet E. Miers
Assistant to the President
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Ext. 62702

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RESPONSE:

cc Jay
Diana
Teri

AKA

Harriet E. Miers
Assistant to the President
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Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
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Sponsors - Rep. Kolbe (R) Arizona and 21 cosponsors

Last Day for Action

November 4, 2002 - Monday

Purpose

Expands the current nonimmigrant student visa categories to allow nationals of Canada and Mexico to commute to the United States for a part-time course of study.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of State

Approval (Informally)

Department of Commerce

No objection (Informally)

Department of Transportation

No objection (Informally)

Department of the Treasury

No objection (Informally)

Department of Education

Defers to Justice (Informally)

Department of Labor

No comment (Informally)

Central Intelligence Agency

No comment (Informally)

Discussion

Background. Under the Immigration and Nationality Act (INA), an eligible alien (and any spouse or minor children of that alien) may obtain an "F-1" nonimmigrant student visa to enter the United States temporarily to pursue a course of academic or language studies at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution, or at a language training program. An eligible alien is one who: (1) has a residence in a foreign country which he or she has no intention of abandoning; (2) is a

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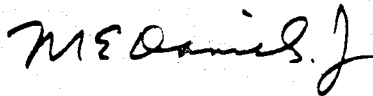
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Conclusion and Recommendations

On August 27, 2002, the Immigration and Naturalization Service (INS) issued an interim rule clarifying that Mexican and Canadian nationals who commute to the United States for part-time study are eligible for F-1 and M-1 visas. Justice states in its enrolled bill views letter that "H.R. 4967 would essentially codify the INS's regulatory action and would make clear the intent of Congress that qualifying commuter students should be able to obtain student visas and attend [U.S.] schools along the borders."

We join Justice and State in recommending approval of H.R. 4967, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

SS/ RM NO. 521800

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PMSubject: ENROLLED BILL H.R. 4967, BORDER COMMUTER STUDENT ACT OF 2002

	ACTION	FYI		ACTION	FYI
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GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, NO LATER THAN 1:00 PM WEDNESDAY, 10-30-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

OK

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

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no comment

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

October 29, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4967 - Border Commuter Student Act of 2002
Sponsors - Rep. Kolbe (R) Arizona and 21 cosponsors

Last Day for Action

November 4, 2002 - Monday

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Approval

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Approval (Informally)

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Defers to Justice (Informally)

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No comment (Informally)

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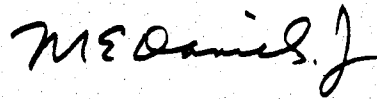
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Enclosures

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RESPONSE:

*Legislation Affair (Howard) -
ok*

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 29, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4967 - Border Commuter Student Act of 2002
Sponsors - Rep. Kolbe (R) Arizona and 21 cosponsors

Last Day for Action

November 4, 2002 - Monday

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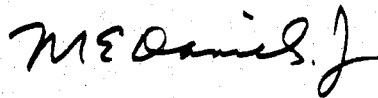
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RESPONSE:

*cc Jay
Diana
Tev*

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

October 29, 2002

THE DIRECTOR

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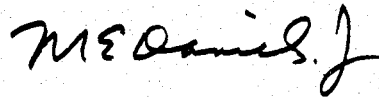
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Director

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October 30, 2002

RESPONSE: NSC concurs.

Stacy
Condoleezza Rice
Assistant to the President
for National Security Affairs

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 29, 2002

THE DIRECTOR

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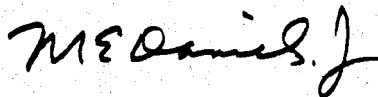
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Director

Enclosures

Memo to the Record

Date: 02/08/2017

Collection: Executive Clerk, Office of the

Series: Saunders, G. Timothy (Tim) - Bill Files

Hollinger ID: 85234

Folder Title: 11/02/2002 [H.R. 4967] [771579]

RE: [2d Session HOUSE OF REPRESENTATIVES report, 107-753]

A copy of the report entitled "BORDER COMMUTER STUDENT ACT OF 2002" is included at this location in this folder. It was not scanned.

It can be viewed at <https://www.congress.gov/107/crpt/hrpt753/CRPT-107hrpt753.pdf>. If this link is broken, please contact the George W. Bush Presidential Library archives for additional information regarding this item.

SS/ RM NO. 521800

Kyle

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No comment.

RESPONSE:

*Kyle Samyza
WHCO
6-5257*

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To establish new nonimmigrant classes for border commuter students.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Commuter Student Act of 2002".

SEC. 2. ESTABLISHMENT OF BORDER COMMUTER NONIMMIGRANT CLASS.

(a) CLASS FOR ACADEMIC OR LANGUAGE STUDIES.—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended by striking "and (ii)" and all that follows through the end of subparagraph (F) and inserting the following: "(ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;"

(b) CLASS FOR VOCATIONAL OR NONACADEMIC STUDIES.—Section 101(a)(15)(M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(M)) is amended by striking "and (ii)" and all that follows through the end of subparagraph (M) and inserting the following: "(ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;"

(c) LIMITATION.—Section 214(m) of the Immigration and Nationality Act (8 U.S.C. 1184(m); as redesignated by section 107(e)(2)(A) of Public Law 106-386) is amended by striking "section

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101(a)(15)(F)(i)" both places it appears and inserting "clause (i) or (iii) of section 101(a)(15)(F)".

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-29-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-30-02, 1:00 PMSubject: ENROLLED BILL H.R. 4967, BORDER COMMUTER STUDENT ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, NO LATER THAN 1:00 PM WEDNESDAY, 10-30-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 29, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4967 - Border Commuter Student Act of 2002
Sponsors - Rep. Kolbe (R) Arizona and 21 cosponsors

Last Day for Action

November 4, 2002 - Monday

Purpose

Expands the current nonimmigrant student visa categories to allow nationals of Canada and Mexico to commute to the United States for a part-time course of study.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Department of State	Approval (Informally)
Department of Commerce	No objection (Informally)
Department of Transportation	No objection (Informally)
Department of the Treasury	No objection (Informally)
Department of Education	Defers to Justice (Informally)
Department of Labor	No comment (Informally)
Central Intelligence Agency	No comment (Informally)

Discussion

Background. Under the Immigration and Nationality Act (INA), an eligible alien (and any spouse or minor children of that alien) may obtain an "F-1" nonimmigrant student visa to enter the United States temporarily to pursue a course of academic or language studies at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution, or at a language training program. An eligible alien is one who: (1) has a residence in a foreign country which he or she has no intention of abandoning; (2) is a

bona fide student qualified to pursue a "full course of study;" and (3) seeks to enter the United States temporarily and solely for the purpose of pursuing that course of study. The institution must be designated by the alien and approved by the Department of Justice, after consultation with the Department of Education, before the visa application can be approved. Under the INA, a similar "M-1" student visa is available for study at an established vocational or other recognized non-academic institution in the United States.

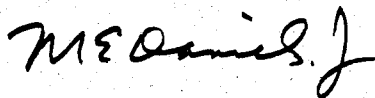
Enrolled Bill Provisions. H.R. 4967 would create new "F-3" and "M-3" nonimmigrant student visas to allow aliens who are nationals of and live in Canada or Mexico, and otherwise meet the criteria for an F-1 or M-1 visa, to commute to the United States for either a "full or part-time" course of study at an approved institution.

As under current law for F-1 visas, F-3 visas would not be available for attendance at a public elementary school or publicly-funded adult education program. F-3 visa holders would be subject to the same restrictions as F-1 visa holders if they attend a public secondary school, including: (1) the requirement to reimburse the local educational agency that administers the school for the full cost of providing the education; and (2) the limitation on attending the school for no more than 12 months of study.

Conclusion and Recommendations

On August 27, 2002, the Immigration and Naturalization Service (INS) issued an interim rule clarifying that Mexican and Canadian nationals who commute to the United States for part-time study are eligible for F-1 and M-1 visas. Justice states in its enrolled bill views letter that "H.R. 4967 would essentially codify the INS's regulatory action and would make clear the intent of Congress that qualifying commuter students should be able to obtain student visas and attend [U.S.] schools along the borders."

We join Justice and State in recommending approval of H.R. 4967, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures