

107TH CONGRESS
1ST SESSION

H. R. 3205

To enhance the border security of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2001

Mr. CONYERS (for himself, Mr. GRAVES, Mr. BERMAN, and Mr. CANNON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), International Relations, Government Reform, Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To enhance the border security of the United States, and
for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Enhanced Border Se-
5 curity Act of 2001”.

1 **SEC. 2. ACCESS TO AND COORDINATION OF LAW ENFORCE-**
2 **MENT AND OTHER INFORMATION.**

3 (a) REPORT IDENTIFYING LAW ENFORCEMENT AND
4 INTELLIGENCE INFORMATION.—

5 (1) REQUIREMENT FOR REPORT.—Not later
6 than 90 days after the date of enactment of this
7 Act, the Secretary of State, the Commissioner of Im-
8 migration and Naturalization, and the Director of
9 Central Intelligence shall jointly submit to the ap-
10 propriate committees of Congress a report identi-
11 fying the information being collected by all of the
12 United States law enforcement agencies and the in-
13 telligence community that is needed by the Depart-
14 ment of State and the Immigration and Naturaliza-
15 tion Service to screen visa applicants and applicants
16 for admission to the United States to identify those
17 aliens inadmissible or deportable under the Act.

18 (2) COOPERATION BY SOURCES OF INFORMA-
19 TION.—Upon receipt of a request from the Secretary
20 of State, the Commissioner of Immigration and Nat-
21 uralization, the Director of Central Intelligence, or
22 the Director of the Office of Homeland Security for
23 assistance or cooperation in the preparation of the
24 report under this subsection, the head of a United
25 States law enforcement agency or the appropriate of-

1 ficial within the intelligence community shall provide
2 the requested assistance or cooperation.

3 (b) COORDINATION PLAN.—

4 (1) REQUIREMENT FOR PLAN.—Based on the
5 findings of the report under subsection (a), the Sec-
6 retary of State, the Commissioner of Immigration
7 and Naturalization, and the Director of Central In-
8 telligence shall, not later than 120 days after the
9 submittal of the report under that subsection, jointly
10 develop and implement a plan that requires United
11 States law enforcement agencies and the intelligence
12 community to provide to the Department of State
13 and the Immigration and Naturalization Service all
14 information identified in the report under subsection
15 (a) as expeditiously as practicable.

16 (2) CONSULTATION REQUIREMENT.—In the
17 preparation and implementation of the plan under
18 this subsection, the Secretary of State, the Commis-
19 sioner of Immigration and Naturalization, and the
20 Director of Central Intelligence shall consult with
21 the appropriate committees of Congress.

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

5 (B) to ensure that such information is
6 used solely to determine whether to issue a visa
7 to an alien or to determine the admissibility of
8 alien to the United States;

9 (C) to ensure the accuracy, security, con-
10 fidentiality, and destruction of such informa-
11 tion;

12 (D) to protect any privacy rights of indi-
13 viduals who are subjects of such information;

14 (E) to provide for the timely removal of
15 obsolete or inaccurate information; and

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

21 (c) INTEROPERABLE LAW ENFORCEMENT AND IN-
22 TELLIGENCE DATA SYSTEM.—

23 (1) REQUIREMENT FOR INTEROPERABLE DATA
24 SYSTEM.—Not later than one year after the com-
25 mencement of implementation of the plan required

1 by subsection (b), the Secretary of State, the Attor-
2 ney General, the Commissioner of Immigration and
3 Naturalization, and the Director of Central Intel-
4 ligence shall develop and implement a unified elec-
5 tronic data system to provide current and immediate
6 access to information in databases of United States
7 law enforcement agencies and the intelligence com-
8 munity that is relevant to determine whether to
9 issue a visa or to determine the admissibility of an
10 alien to the United States.

11 (2) CONSULTATION REQUIREMENT.—In the de-
12 velopment and implementation of the data system
13 under this subsection, the Secretary of State, the At-
14 torney General, the Commissioner of Immigration
15 and Naturalization, and the Director of Central In-
16 telligence shall consult with the Director of the Of-
17 fice of Homeland Security, the Foreign Terrorist
18 Tracking Task Force, United States law enforce-
19 ment agencies, and the intelligence community.

20 (3) TECHNOLOGY STANDARD.—The data sys-
21 tem developed and implemented under this sub-
22 section, and the databases referred to in paragraph
23 (1), shall utilize the technology standard established
24 pursuant to section 403(c) of the United and
25 Strengthening America by Providing Appropriate

1 Tools Required to Intercept and Obstruct Terrorism
2 Act of 2001.

3 (4) ACCESS TO INFORMATION IN DATA SYS-
4 TEM.—Subject to paragraph (5), information in the
5 data system under this subsection shall be readily
6 and easily accessible as follows:

7 (A) To any foreign service office respon-
8 sible for the issuance of visas.

9 (B) To any Federal agent responsible for
10 determining the admissibility of an alien to the
11 United States.

12 (5) LIMITATION ON ACCESS.—The Secretary of
13 State, the Attorney General, and the Director of
14 Central Intelligence shall establish procedures to re-
15 strict access to intelligence information in the data
16 system under this subsection, and the databases re-
17 ferred to in paragraph (1), under circumstances in
18 which such information is not to be disclosed directly
19 to government officials under paragraph (4).

20 (d) ADDITIONAL CONSULTATION REQUIREMENTS.—
21 In the preparation of the report required by subsection
22 (a), and in the development and implementation of the
23 plan required by subsection (b), the Secretary of State,
24 the Commissioner of Immigration and Naturalization, and
25 the Director of Central Intelligence shall consult with the

1 Director of the Office of Homeland Security and the For-
2 eign Terrorist Tracking Task Force.

3 (e) DEFINITIONS.—In this section:

4 (1) The term “appropriate committees of Con-
5 gress” means the following:

6 (A) The Committee on the Judiciary and
7 the Select Committee on Intelligence of the
8 Senate.

9 (B) The Committee on the Judiciary and
10 the Permanent Select Committee on Intelligence
11 of the House of Representatives.

12 (2) The term “intelligence community” has the
13 meaning given that term in section 3(4) of the Na-
14 tional Security Act of 1947 (50 U.S.C. 401a(4)).

15 **SEC. 3. ENSURING ADEQUATE PERSONNEL AT PORTS OF**
16 **ENTRY AND TECHNOLOGY IMPROVEMENTS**
17 **AT PORTS OF ENTRY AND CONSULAR POSTS.**

18 (a) FTE LIMITATION.—The Attorney General is au-
19 thorized to waive any limitation on the number of full-
20 time equivalent personnel assigned to the Immigration and
21 Naturalization Service.

22 (b) INS STAFFING.—There are authorized to be ap-
23 propriated such sums as may be necessary to meet the
24 Immigration and Naturalization Service staffing levels es-
25 timated as required by the current Workforce Analysis

1 Models for United States ports of entry. Such staffing
2 level authorization shall require the necessary numbers of
3 border patrol and inspectors payable at a GS–11 level, in-
4 spections assistants to be paid at a GS–7 level, and the
5 associated clerical support staff at the specified General
6 Schedule level in such models.

7 (c) TRAINING.—There are authorized to be appro-
8 priated such sums as may be necessary—

9 (1) to appropriately train Border Patrol per-
10 sonnel, United States Customs Service personnel,
11 and Immigration inspectors on an ongoing basis to
12 ensure that their proficiency levels are acceptable to
13 protect the borders of the United States; and

14 (2) to provide adequate continuing cross train-
15 ing to agencies staffing the United States ports of
16 entry to effectively and correctly apply applicable
17 United States laws.

18 (d) UNITED STATES DEPARTMENT OF STATE; BU-
19 REAU OF CONSULAR AFFAIRS.—There are authorized to
20 be appropriated such sums as may be necessary—

21 (1) to implement enhanced security measures
22 for the review of visa applicants;

23 (2) to enhance intelligence interface with
24 United States and international intelligence informa-
25 tion;

1 (3) to staff the associated infrastructure; and

2 (4) to provide ongoing training for consular of-
3 ficers.

4 (e) FUNDING OF TECHNOLOGY.—

5 (1) AUTHORIZATION OF APPROPRIATIONS.—In
6 addition to funds otherwise available for such pur-
7 pose, there are authorized to be appropriated
8 \$50,000,000 to the Immigration and Naturalization
9 Service, and \$50,000,000 to the United States Cus-
10 toms Service, for purposes of—

11 (A) making improvements in technology
12 (including infrastructure support, computer se-
13 curity, and information technology develop-
14 ment) for improving border security; and

15 (B) expanding, utilizing, and improving
16 technology at ports of entry to improve border
17 security.

18 (2) WAIVER OF FEES.—Federal agencies in-
19 volved in border security shall, when practicable,
20 waive enrollment fees for technology-based programs
21 to encourage alien participation in such programs.

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

1 (f) MACHINE READABLE VISA FEES.—

2 (1) REPEAL.—Section 140(a) of the Foreign
3 Relations Authorization Act, Fiscal Years 1994 and
4 1995 (Public Law 103–236) is amended by striking
5 paragraph (3).

6 (2) AMOUNT.—The machine readable visa fee
7 charged by the Department of State initially shall be
8 the higher of \$65 or the cost of the machine read-
9 able visa service, as determined by the Department
10 of State through a cost-of-service study.

11 (3) SURCHARGE.—The Department of State is
12 authorized to charge a surcharge of \$10, in addition
13 to the machine readable visa fee, for issuing a ma-
14 chine readable visa in a non-machine readable pass-
15 port.

16 (4) AVAILABILITY OF COLLECTED FEES.—
17 Amounts collected as fees described in this sub-
18 section shall be credited as an offsetting collection to
19 any appropriation for the Department of State to re-
20 cover costs of providing consular services. Amounts
21 so credited shall be available, until expended, for the
22 same purposes as the appropriation to which cred-
23 ited.

1 **SEC. 4. PERIMETER NATIONAL SECURITY PROGRAM.**

2 (a) STUDY OF PERIMETER NATIONAL SECURITY
3 PROGRAM.—The Secretary of State and the Commissioner
4 of Immigration and Naturalization, in consultation with
5 the Director of the Office of Homeland Security and the
6 Foreign Terrorist Tracking Task Force, shall jointly con-
7 duct a study of the costs, procedures, and implementation
8 alternatives of a Perimeter National Security Program,
9 which shall involve a review of, at least the following:

10 (1) NORTH AMERICAN NATIONAL SECURITY CO-
11 OPERATIVE.—The feasibility of establishing a coop-
12 erative task force of the appropriate representatives
13 of Canada, Mexico, and the United States to estab-
14 lish, implement, and monitor an intercountry system
15 to evaluate and determine the admission of foreign
16 nationals based on national security concerns, in-
17 cluding the monitoring of the entry and exit of for-
18 eign nationals from such countries.

19 (2) PRECLEARANCE.—A program enabling for-
20 eign national travelers to the United States to sub-
21 mit voluntarily to a preclearance procedure estab-
22 lished by the Department of State and the Immigra-
23 tion and Naturalization Service to determine wheth-
24 er such traveler is admissible to the United States
25 under section 212 of the Immigration and Nation-
26 ality Act (8 U.S.C. 1182). For each traveler deter-

1 mined to be admissible under such procedure, the
2 processing of the traveler's admission upon arrival to
3 the United States shall be expedited upon confirma-
4 tion of identity. In the conduct of the element of the
5 study under this paragraph, consideration shall be
6 given to the feasibility of expanding the preclearance
7 program to include the preclearance both of foreign
8 nationals traveling to Canada and foreign nationals
9 traveling to Mexico.

10 (3) PREINSPECTION.—The number, location,
11 and cost of establishing, staffing, and providing for
12 the training of inspectors to be assigned to foreign
13 preinspection facilities to determine admissibility to
14 the United States under section 212 of the Immigra-
15 tion and Nationality Act, including—

16 (A) the feasibility of expanding foreign
17 preinspections to foreign nationals on flights
18 destined for Canada and Mexico; and

19 (B) the feasibility of cross training and
20 funding of inspectors from Canada and Mexico.

21 (4) CONDITIONS.—The measures necessary to
22 satisfy the conditions required by section 235A(a)(5)
23 of the Immigration and Nationality Act (8 U.S.C.
24 1225a(a)(5)).

1 (b) REPORT.—Not later than 180 days after the date
2 of enactment of this Act, the Secretary of State and the
3 Commissioner of Immigration and Naturalization shall, in
4 consultation with the Director of the Office of Homeland
5 Security, jointly submit to the Committees on the Judici-
6 ary of the House of Representatives and the Senate a re-
7 port setting forth the findings of the study conducted
8 under subsection (a).

9 (c) FUNDING.—There is authorized to be appro-
10 priated such sums as may be necessary to carry out this
11 section.

12 **SEC. 5. IMPLEMENTATION OF INTEGRATED ENTRY AND**
13 **EXIT DATA SYSTEM.**

14 (a) IMPLEMENTATION OF INTEGRATED ENTRY AND
15 EXIT SYSTEM AT PORTS OF ENTRY AND ENHANCEMENT
16 OF SECURITY OF LAND BORDER PORTS OF ENTRY.—In
17 light of the terrorist attacks perpetrated against the
18 United States on September 11, 2001, the Commissioner
19 of Immigration and Naturalization shall, in consultation
20 with the Secretary of State, fully implement the integrated
21 entry and exit data system for ports of entry, as specified
22 in the Immigration and Naturalization Service Data Man-
23 agement Improvement Act of 2000 (Public Law 106–
24 215), with all deliberate speed and as expeditiously as
25 practicable.

1 (b) DEVELOPMENT OF ENTRY AND EXIT SYSTEM
2 AND ENHANCED SECURITY AT PORTS OF ENTRY.—In de-
3 veloping the integrated entry and exit data system for the
4 ports of entry as specified in subsection (a), the Commis-
5 sioner of Immigration and Naturalization and the Sec-
6 retary of State shall consider—

7 (1) implementing the Perimeter National Secu-
8 rity Program’s implementation;

9 (2) implementing, funding, and using a tech-
10 nology standard to confirm identity at United States
11 ports of entry and at consular posts abroad;

12 (3) using biometric identifiers in conjunction
13 with issuance of any arrival-departure record, any
14 type of visa to be issued by the Department of State,
15 and any travel document issued to an alien by either
16 the Department of State or the Immigration and
17 Naturalization Service;

18 (4) requiring machine readable visas and pass-
19 ports for entry;

20 (5) creating a database containing the arrival
21 and departure data from machine readable visas,
22 passports, and arrival-departure records;

23 (6) integrating all security databases relevant to
24 making an admissibility determination under section

1 212 of the Immigration and Nationality Act (8
2 U.S.C. 1182);

3 (7) using visa issuance data from the Depart-
4 ment of State's visa issuance database to create the
5 initial record for travelers for whom the visa require-
6 ments are not waived under section 214 or 217 of
7 the Immigration and Nationality Act or any other
8 provision of such Act; and

9 (8) implementing technologies that facilitate the
10 cross-border movement of persons and commerce
11 without compromising the safety and security of the
12 United States.

13 **SEC. 6. FOREIGN SERVICE OFFICER TRAINING.**

14 (a) TRAINING.—The Secretary of State shall require
15 that all Foreign Service officers, before undertaking to
16 perform consular responsibilities, receive specialized train-
17 ing in the effective screening of visa applicants who pose
18 a potential threat to the safety or security of the United
19 States. These officers shall be specially and extensively
20 trained in the identification of aliens inadmissible under
21 section 212(a)(3) (A) and (B) of the Immigration and Na-
22 tionality Act, interagency and international intelligence
23 communication regarding terrorists and terrorism, and
24 cultural-sensitivity toward visa applicants.

1 (b) REPORT.—Not later than 180 days after the date
2 of enactment of this Act, the Secretary of State shall sub-
3 mit to Congress a report regarding the establishment of
4 relevant training programs.

5 (c) USE OF FOREIGN INTELLIGENCE INFORMA-
6 TION.—As an ongoing component of the training required
7 in subsection (a), the Secretary of State shall coordinate
8 with the Director of the Office of Homeland Security,
9 United States law enforcement agencies, and the intel-
10 ligence community (as defined in section 3(4) of the Na-
11 tional Security Act of 1947 (50 U.S.C. 401a(4)), to com-
12 pile and disseminate to the Bureau of Consular Affairs
13 reports, bulletins, updates, and other current unclassified
14 information relevant to terrorists and terrorism and to
15 screening visa applicants who pose a potential threat to
16 the safety or security of the United States.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated such sums as may be nec-
19 essary to implement this section.

20 **SEC. 7. PASSENGER MANIFEST INFORMATION.**

21 (a) IN GENERAL.—Every international commercial
22 air carrier arriving in the United States from a foreign
23 state shall be required to provide to the Attorney General
24 manifest information specified in subsection (b) in ad-
25 vance of such arrival.

1 (b) INFORMATION.—The information to be provided
2 with respect to each person listed on the manifest may
3 include—

- 4 (1) complete name;
- 5 (2) date of birth;
- 6 (3) citizenship;
- 7 (4) sex;
- 8 (5) passport number and country of issuance;
- 9 (6) country of residence;
- 10 (7) United States visa number, date and place
11 of issuance, where applicable;
- 12 (8) alien registration number, where applicable;
- 13 and
- 14 (9) such other information as the Attorney
15 General, in consultation with the Secretary of State,
16 determines is reasonable to protect safety and na-
17 tional security.

18 (c) REVIEW.—Information provided under this sec-
19 tion shall be reviewed against all intelligence and law en-
20 forcement databases available to the Attorney General.

21 (d) PROCEDURES FOR THE ELECTRONIC TRANS-
22 MISSION OF MANIFEST INFORMATION.—Not later than
23 January 1, 2003, every international commercial air car-
24 rier subject to the requirements of this section shall de-

1 velop procedures to permit the electronic transmission of
 2 manifest information required by this section.

3 **SEC. 8. FOREIGN STUDENT AND EXCHANGE VISITOR PRO-**
 4 **GRAM.**

5 (a) DATA COLLECTION.—Section 641(c)(1) of the Il-
 6 legal Immigration Reform and Immigrant Responsibility
 7 Act of 1996 is amended—

8 (1) by striking “and” at the end of subpara-
 9 graph (C);

10 (2) by striking the period at the end of sub-
 11 paragraph (D) and inserting “; and”; and

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

13 “(E) the date of entry and port of entry;

14 “(F) the date of the alien’s enrollment in
 15 an approved institution of higher education,
 16 other approved educational institution, or des-
 17 ignated exchange visitor program in the United
 18 States; and

19 “(G) the date of the alien’s termination of
 20 enrollment and the reason for such termination
 21 (including graduation, disciplinary action or
 22 other dismissal, and failure to re-enroll).”.

23 (b) REPORTING REQUIREMENTS.—Section 641(a) of
 24 the Illegal Immigration Reform and Immigrant Responsi-

1 bility Act of 1996 (8 U.S.C. 1372(a)) is amended by add-
2 ing at the end the following:

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

7 “(A) the issuance of documentation of ac-
8 ceptance of a foreign student by an approved
9 institution of higher education or other ap-
10 proved educational institution, or of an ex-
11 change visitor program participant by a des-
12 ignated exchange visitor program;

13 “(B) the transmittal of the documentation
14 referred to in subparagraph (A) to the Depart-
15 ment of State for use by the Bureau of Con-
16 sular Affairs;

17 “(C) the issuance of a visa to a foreign
18 student or an exchange visitor program partici-
19 pant;

20 “(D) the admission into the United States
21 of the foreign student or exchange visitor pro-
22 gram participant;

23 “(E) the notification to an approved insti-
24 tution of higher education, other approved edu-
25 cational institution, or exchange visitor program

1 that the foreign student or exchange visitor
2 participant has been admitted into the United
3 States;

4 “(F) the registration and enrollment of
5 that foreign student in such approved institu-
6 tion of higher education or other approved edu-
7 cational institution, or the participation of that
8 exchange visitor program in such designated ex-
9 change visitor program, as the case may be;
10 and

11 “(G) any other relevant act by the foreign
12 student or exchange visitor program partici-
13 pant, including a changing of school or des-
14 ignated exchange visitor program and any ter-
15 mination of studies or participation in a des-
16 ignated exchange visitor program.

17 “(4) REPORTING REQUIREMENTS.—Not later
18 than 15 days after the commencement of an aca-
19 demic term of an approved institution of higher edu-
20 cation or other approved educational institution for
21 which documentation is issued for an alien as de-
22 scribed in paragraph (3)(A), or the scheduled com-
23 mencement of participation by an alien in a des-
24 ignated exchange visitor program, as the case may
25 be, the institution or program, respectively, shall re-

1 port to the Immigration and Naturalization Service
2 any failure of the alien to enroll or to commence
3 participation pursuant to the certification of that in-
4 stitution or program.”.

5 **SEC. 9. SPECIAL PROVISION FOR CERTAIN NON-**
6 **IMMIGRANTS.**

7 No nonimmigrant visa shall be issued to any alien
8 from a country designated by the Secretary of State to
9 be a state sponsor of terrorism until appropriate clear-
10 ances are conducted on such alien and it has been deter-
11 mined that such alien does not pose a threat to the safety
12 or national security of the United States.

13 **SEC. 10. REVIEW OF INSTITUTIONS AND OTHER ENTITIES**
14 **AUTHORIZED TO ENROLL OR SPONSOR CER-**
15 **TAIN NONIMMIGRANTS.**

16 (a) PERIODIC REVIEW OF COMPLIANCE.—The Com-
17 missioner of Immigration and Naturalization, in consulta-
18 tion with the Secretary of Education, shall conduct peri-
19 odic reviews of the institutions certified to receive non-
20 immigrant students under section 101(a)(15) (F), (M), or
21 (J) of the Immigration and Nationality Act. Each review
22 shall determine whether the institutions are in compliance
23 with—

1 (1) recordkeeping and reporting requirements
2 to receive nonimmigrant students under section
3 101(a)(15) (F), (M), or (J) of that Act; and

4 (2) recordkeeping and reporting requirements
5 under section 641 of the Illegal Immigration Reform
6 and Immigrant Responsibility Act of 1996 (8 U.S.C.
7 1372).

8 (b) PERIODIC REVIEW OF SPONSORS OF EXCHANGE
9 VISITORS.—

10 (1) REQUIREMENT FOR REVIEWS.—The Sec-
11 retary of State shall conduct periodic reviews of the
12 entities designated to sponsor exchange visitor pro-
13 gram participants under section 101(a)(15)(J) of
14 the Immigration and Nationality Act.

15 (2) DETERMINATIONS.—On the basis of reviews
16 of entities under paragraph (1), the Secretary shall
17 determine whether the entities are in compliance
18 with—

19 (A) recordkeeping and reporting require-
20 ments to receive nonimmigrant exchange visitor
21 program participants under section
22 101(a)(15)(J) of the Immigration and Nation-
23 ality Act; and

24 (B) recordkeeping and reporting require-
25 ments under section 641 of the Illegal Immigra-

tion Reform and Immigrant Responsibility Act
of 1996 (8 U.S.C. 1372).

(c) EFFECT OF FAILURE TO COMPLY.—Failure of an
institution or other entity to comply with the record-
keeping and reporting requirements to receive non-
immigrant students or exchange visitor program partici-
pants under section 101(a)(15) (F), (M), or (J) of the
Immigration and Nationality Act, or section 641 of the
Illegal Immigration Reform and Immigrant Responsibility
Act of 1996 (8 U.S.C. 1372), may, at the election of the
Commissioner of Immigration and Naturalization, result
in the termination of the institution’s approval to receive
such students or the termination of the other entity’s des-
ignation to sponsor exchange visitor program participants,
as the case may be.

**SEC. 11. TREATMENT OF IMMIGRATION INSPECTORS AS
LAW ENFORCEMENT OFFICERS OF FEDERAL
RETIREMENT PROGRAMS.**

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
8331 of title 5, United States Code, is amended—

(1) in paragraph (20), by inserting “, and an
immigration inspector” after “administrative posi-
tion” in the first sentence;

(2) by striking “and” at the end of paragraph
(27)(B);

1 (3) by striking the period at the end of para-
2 graph (28) and inserting “; and”; and

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

4 “(29) ‘immigration inspector’ means—

5 “(A) an employee in a position in the Im-
6 migration and Naturalization Service the prin-
7 cipal duties of which are to control and guard
8 the boundaries and borders of the United
9 States against illegal entry of aliens at ports of
10 entry; and

11 “(B) an employee of the Immigration and
12 Naturalization Service who is serving in a su-
13 pervisory or administrative position to which
14 the employee was transferred from a position
15 described in subparagraph (A).”.

16 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—
17 Section 8401 of title 5, United States Code, is amended—

18 (1) in paragraph (17)—

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

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

23 (C) by adding at the end the following new
24 subparagraph:

25 “(E) an immigration inspector;”;

1 (2) by striking “and” at the end of paragraph
2 (33);

3 (3) by striking the period at the end of para-
4 graph (34) and inserting “; and”; and

5 (4) by adding at the end the following new
6 paragraph

7 “(35) ‘immigration inspector’ means—

8 “(A) an employee in a position in the Im-
9 migration and Naturalization Service the prin-
10 cipal duties of which are to control and guard
11 the boundaries and borders of the United
12 States against illegal entry of aliens at ports-of-
13 entry; and

14 “(B) an employee of the Immigration and
15 Naturalization Service who is serving in a su-
16 pervisory or administrative position to which
17 the employee was transferred directly from a
18 position described in subparagraph (A) after
19 having served in such a position for at least
20 three years.”.

21 (c) EFFECTIVE DATE AND APPLICABILITY.—

22 (1) IN GENERAL.—The amendments made by
23 this section shall—

1 (A) shall take effect on the first day of the
 2 first applicable pay period that begins on or
 3 after the date of the enactment of this Act; and

4 (B) shall apply with respect to service per-
 5 formed on or after such effective date.

6 (2) SUPERVISORS AND ADMINISTRATORS.—In
 7 the administration of paragraph (1)(B), a person
 8 serving in a supervisory or administrative position as
 9 described in section 8331(29)(B) or 8401(35)(B) of
 10 title 5, United States Code, on the effective date of
 11 this Act shall be treated as serving in a law enforce-
 12 ment officer position beginning on such date for the
 13 purposes of subchapter III of chapter 83 of such
 14 title and chapter 84 of such title.

15 **SEC. 12. CERTAIN BORDER CROSSING IDENTIFICATION**
 16 **CARDS.**

17 (a) EXTENSION OF DEADLINE FOR PRESEN-
 18 TATION.—Section 104(b)(2) of the Illegal Immigration
 19 Reform and Immigrant Responsibility Act of 1996 (8
 20 U.S.C. 1101 note) is amended by striking “5 years” and
 21 inserting “6 years”.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 23 authorized to be appropriated for the Immigration and
 24 Naturalization Service such sums as may be necessary for
 25 the Service to purchase and implement the technology for

1 electronically reading border crossing identification cards
2 and for access to appropriate databases.

3 **SEC. 13. REPEAL OF TIME LIMITATION ON INSPECTIONS.**

4 Section 286(g) of the Immigration and Nationality
5 Act (8 U.S.C. 1356(g)) is amended by striking “, within
6 forty-five minutes of their presentation for inspection,”.

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