

110TH CONGRESS
1ST SESSION

S. 422

To authorize any alien who has been issued a valid machine-readable biometric border crossing identification card to be temporarily admitted into the United States upon successfully completing a background check.

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2007

Mr. CORNYN (for himself and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To authorize any alien who has been issued a valid machine-readable biometric border crossing identification card to be temporarily admitted into the United States upon successfully completing a background check.

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 “Secure Border Cross-
5 ing Card Entry Act of 2007”.

1 **SEC. 2. PERIODS OF ADMISSION.**

2 Section 214(a)(2) of the Immigration and Nationality
3 Act (8 U.S.C. 1184(a)(2)) is amended by adding at the
4 end the following:

5 “(C)(i) Except as provided under clauses (ii) and
6 (iii), the initial period of admission to the United States
7 of an alien who possesses a valid machine-readable biomet-
8 ric border crossing identification card issued by a consular
9 officer, has successfully completed required background
10 checks, and is admitted to the United States as a non-
11 immigrant under section 101(a)(15)(B) at a port of entry
12 where such card is processed through a machine reader,
13 shall be not less than the initial period of admission grant-
14 ed to any other alien admitted to the United States under
15 section 101(a)(15)(B).

16 “(ii) The Secretary of Homeland Security may pre-
17 scribe, by regulation, the length of the initial period of
18 admission described in clause (i), which period shall be—

19 “(I) a minimum of 6 months; or

20 “(II) the length of time provided for under
21 clause (iii).

22 “(iii) The Secretary may, on a case-by-case basis,
23 provide for a period of admission that is shorter or longer
24 than the initial period described in clause (ii)(I) if the Sec-
25 retary finds good cause for such action.

1 “(iv) An alien who possesses a valid machine-readable
2 biometric border crossing identification card may not be
3 admitted to the United States for the period of admission
4 specified under clause (i) or granted extensions of such
5 period of admission if—

6 “(I) the alien previously violated the terms and
7 conditions of the alien’s nonimmigrant status;

8 “(II) the alien is inadmissible as a non-
9 immigrant; or

10 “(III) the alien’s border crossing card has not
11 been processed through a machine reader at the
12 United States port of entry or land border at which
13 the person seeks admission to the United States.”.

14 **SEC. 3. RULEMAKING.**

15 (a) **IN GENERAL.**—Not later than 90 days after the
16 date of the enactment of this Act, the Secretary shall pro-
17 mulgate regulations to carry out the amendment made by
18 section 2.

19 (b) **WAIVER OF APA.**—In promulgating regulations
20 under subsection (a), the Secretary of Homeland Security
21 may waive any provision of chapter 5 of title 5, United
22 States Code (commonly known as the “Administrative
23 Procedure Act”) or any other law relating to rulemaking

- 1 if the Secretary determines that compliance with such pro-
- 2 vision would impede the timely implementation of this Act.

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