

107TH CONGRESS  
1ST SESSION

# S. 1618

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

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2001

Mr. KENNEDY (for himself, Mr. BROWNBACK, Ms. CANTWELL, Ms. COLLINS, Mr. EDWARDS, Mr. HAGEL, Mr. REID, and Mr. ENSIGN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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”.

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

8       (a) REPORT IDENTIFYING LAW ENFORCEMENT AND  
9       INTELLIGENCE INFORMATION.—

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

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

24          (b) COORDINATION PLAN.—

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

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

19           (3) PROTECTIONS REGARDING INFORMATION  
20 AND USES THEREOF.—The plan under this sub-  
21 section shall establish conditions for using the infor-  
22 mation described in subsection (a) received by the  
23 Department of State and Immigration and Natu-  
24 ralization Service—

1 (A) to limit the redissemination of such in-  
 2 formation;

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

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

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

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

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

19 (c) INTEROPERABLE LAW ENFORCEMENT AND IN-  
 20 TELLIGENCE DATA SYSTEM.—

21 (1) REQUIREMENT FOR INTEROPERABLE DATA  
 22 SYSTEM.—Not later than one year after the com-  
 23 mencement of implementation of the plan required  
 24 by subsection (b), the Secretary of State, the Attor-  
 25 ney General, the Commissioner of Immigration and

1       Naturalization, and the Director of Central Intel-  
2       ligence shall develop and implement a unified elec-  
3       tronic data system to provide current and immediate  
4       access to information in databases of United States  
5       law enforcement agencies and the intelligence com-  
6       munity that is relevant to determine whether to  
7       issue a visa or to determine the admissibility of an  
8       alien to the United States.

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

18              (3) TECHNOLOGY STANDARD.—The data sys-  
19      tem developed and implemented under this sub-  
20      section, and the databases referred to in paragraph  
21      (1), shall utilize the technology standard established  
22      pursuant to section 403(c) of the United and  
23      Strengthening America by Providing Appropriate  
24      Tools Required to Intercept and Obstruct Terrorism  
25      Act of 2001.

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

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

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

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

18           (d) ADDITIONAL CONSULTATION REQUIREMENTS.—  
19           In the preparation of the report required by subsection  
20           (a), and in the development and implementation of the  
21           plan required by subsection (b), the Secretary of State,  
22           the Commissioner of Immigration and Naturalization, and  
23           the Director of Central Intelligence shall consult with the  
24           Director of the Office of Homeland Security and the For-  
25           eign Terrorist Tracking Task Force.

1 (e) DEFINITIONS.—In this section:

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

4 (A) The Committee on the Judiciary and  
5 the Select Committee on Intelligence of the  
6 Senate.

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

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

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

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

20 (b) INS STAFFING.—There are authorized to be ap-  
21 propriated such sums as may be necessary to meet the  
22 Immigration and Naturalization Service staffing levels es-  
23 timated as required by the current Workforce Analysis  
24 Models for United States ports of entry. Such staffing  
25 level authorization shall require the necessary numbers of

1 border patrol and inspectors payable at a GS–11 level, in-  
2 spections assistants to be paid at a GS–7 level, and the  
3 associated clerical support staff at the specified General  
4 Schedule level in such models.

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

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

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

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

19 (1) to implement enhanced security measures  
20 for the review of visa applicants;

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

24 (3) to staff the associated infrastructure; and



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

3       (e) FUNDING OF TECHNOLOGY.—

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

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

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

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

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

25       (f) MACHINE READABLE VISA FEES.—

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

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

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

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

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

24       (a) STUDY OF PERIMETER NATIONAL SECURITY  
 25       PROGRAM.—The Secretary of State and the Commissioner

1 of Immigration and Naturalization, in consultation with  
2 the Director of the Office of Homeland Security and the  
3 Foreign Terrorist Tracking Task Force, shall jointly con-  
4 duct a study of the costs, procedures, and implementation  
5 alternatives of a Perimeter National Security Program,  
6 which shall involve a review of, at least the following:

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

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

1 the United States shall be expedited upon confirma-  
2 tion of identity. In the conduct of the element of the  
3 study under this paragraph, consideration shall be  
4 given to the feasibility of expanding the preclearance  
5 program to include the preclearance both of foreign  
6 nationals traveling to Canada and foreign nationals  
7 traveling to Mexico.

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

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

17 (B) the feasibility of cross training and  
18 funding of inspectors from Canada and Mexico.

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

23 (b) REPORT.—Not later than 180 days after the date  
24 of enactment of this Act, the Secretary of State and the  
25 Commissioner of Immigration and Naturalization shall, in

1 consultation with the Director of the Office of Homeland  
 2 Security, jointly submit to the Committees on the Judici-  
 3 ary of the House of Representatives and the Senate a re-  
 4 port setting forth the findings of the study conducted  
 5 under subsection (a).

6 (c) FUNDING.—There is authorized to be appro-  
 7 priated such sums as may be necessary to carry out this  
 8 section.

9 **SEC. 5. IMPLEMENTATION OF INTEGRATED ENTRY AND**  
 10 **EXIT DATA SYSTEM.**

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

23 (b) DEVELOPMENT OF ENTRY AND EXIT SYSTEM  
 24 AND ENHANCED SECURITY AT PORTS OF ENTRY.—In de-  
 25 veloping the integrated entry and exit data system for the

1 ports of entry as specified in subsection (a), the Commis-  
2 sioner of Immigration and Naturalization and the Sec-  
3 retary of State shall consider—

4 (1) implementing the Perimeter National Secu-  
5 rity Program's implementation;

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

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

15 (4) requiring machine readable visas and pass-  
16 ports for entry;

17 (5) creating a database containing the arrival  
18 and departure data from machine readable visas,  
19 passports, and arrival-departure records;

20 (6) integrating all security databases relevant to  
21 making an admissibility determination under section  
22 212 of the Immigration and Nationality Act (8  
23 U.S.C. 1182);

24 (7) using visa issuance data from the Depart-  
25 ment of State's visa issuance database to create the

1 initial record for travelers for whom the visa require-  
2 ments are not waived under section 214 or 217 of  
3 the Immigration and Nationality Act or any other  
4 provision of such Act; and

5 (8) implementing technologies that facilitate the  
6 cross-border movement of persons and commerce  
7 without compromising the safety and security of the  
8 United States.

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

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

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

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

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

16 **SEC. 7. PASSENGER MANIFEST INFORMATION.**

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

22       (b) INFORMATION.—The information to be provided  
 23 with respect to each person listed on the manifest may  
 24 include—

25               (1) complete name;



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

14 (c) REVIEW.—Information provided under this sec-

15 tion shall be reviewed against all intelligence and law en-

16 forcement databases available to the Attorney General.

17 (d) PROCEDURES FOR THE ELECTRONIC TRANS-

18 MISSION OF MANIFEST INFORMATION.—Not later than

19 January 1, 2003, every international commercial air car-

20 rier subject to the requirements of this section shall de-

21 velop procedures to permit the electronic transmission of

22 manifest information required by this section.

1 **SEC. 8. FOREIGN STUDENT AND EXCHANGE VISITOR PRO-**  
 2 **GRAM.**

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

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

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

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

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

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

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

21 (b) REPORTING REQUIREMENTS.—Section 641(a) of  
 22 the Illegal Immigration Reform and Immigrant Responsi-  
 23 bility Act of 1996 (8 U.S.C. 1372(a)) is amended by add-  
 24 ing at the end the following:

25 “(3) ALIENS FOR WHOM A VISA IS RE-  
 26 QUIRED.—The Attorney General, in consultation

1 with the Secretary of State, shall establish an elec-  
2 tronic means to monitor and verify—

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

9 “(B) the transmittal of the documentation  
10 referred to in subparagraph (A) to the Depart-  
11 ment of State for use by the Bureau of Con-  
12 sular Affairs;

13 “(C) the issuance of a visa to a foreign  
14 student or an exchange visitor program partici-  
15 pant;

16 “(D) the admission into the United States  
17 of the foreign student or exchange visitor pro-  
18 gram participant;

19 “(E) the notification to an approved insti-  
20 tution of higher education, other approved edu-  
21 cational institution, or exchange visitor program  
22 that the foreign student or exchange visitor  
23 participant has been admitted into the United  
24 States;

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

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

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

1 participation pursuant to the certification of that in-  
2 stitution or program.”.

3 **SEC. 9. SPECIAL PROVISION FOR CERTAIN NON-**  
4 **IMMIGRANTS.**

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

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

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

22 (1) recordkeeping and reporting requirements  
23 to receive nonimmigrant students under section  
24 101(a)(15) (F), (M), or (J) of that Act; and

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

5           (b) PERIODIC REVIEW OF SPONSORS OF EXCHANGE  
6 VISITORS.—

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

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

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

21                (B) recordkeeping and reporting require-  
22                ments under section 641 of the Illegal Immigra-  
23                tion Reform and Immigrant Responsibility Act  
24                of 1996 (8 U.S.C. 1372).

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

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

17       (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section  
 18 8331 of title 5, United States Code, is amended—

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

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

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

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

2 “(29) ‘immigration inspector’ means—

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

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

14 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

15 Section 8401 of title 5, United States Code, is amended—

16 (1) in paragraph (17)—

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

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

21 (C) by adding at the end the following new  
22 subparagraph:

23 “(E) an immigration inspector;”;

24 (2) by striking “and” at the end of paragraph

25 (33);



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

3           (4) by adding at the end the following new  
4           paragraph

5           “(35) ‘immigration inspector’ means—

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

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

19           (c) EFFECTIVE DATE AND APPLICABILITY.—

20                   (1) IN GENERAL.—The amendments made by  
21           this section shall—

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

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

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

12 **SEC. 12. CERTAIN BORDER CROSSING IDENTIFICATION**  
 13 **CARDS.**

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

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
 20 authorized to be appropriated for the Immigration and  
 21 Naturalization Service such sums as may be necessary for  
 22 the Service to purchase and implement the technology for  
 23 electronically reading border crossing identification cards  
 24 and for access to appropriate databases.

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

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

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