

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.

