

107TH CONGRESS
1ST SESSION

H. R. 3600

To establish a National Border Security Agency.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2001

Mr. TANCREDO (for himself, Mr. GOODE, Mr. DEAL of Georgia, Mr. HAYWORTH, and Mr. SCHAFFER) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committees on the Judiciary, Transportation and Infrastructure, and Ways and Means, 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 establish a National Border Security Agency.

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 “National Border Secu-
5 rity Agency Act”.

1 **SEC. 2. ESTABLISHMENT OF NATIONAL BORDER SECURITY**
2 **AGENCY.**

3 (a) ESTABLISHMENT.—There is established a Na-
4 tional Border Security Agency (hereinafter in this Act re-
5 ferred to as the “Agency”).

6 (b) DIRECTOR.—There shall be at the head of the
7 Agency a Director of Homeland Security (hereafter in this
8 Act referred to as the “Director”), who shall be appointed
9 by the President by and with the advice and consent of
10 the Senate. The Director shall be compensated at the rate
11 provided for level I of the Executive Schedule under sec-
12 tion 5312 of title 5, United States Code. The Director
13 shall serve as an advisor to the National Security Council.

14 (c) DUTIES.—The Director shall plan, coordinate,
15 and integrate those United States Government activities
16 relating to border security, and act as a focal point regard-
17 ing enforcement of United States immigration laws.

18 **SEC. 3. TRANSFER OF AUTHORITIES, FUNCTIONS, PER-**
19 **SONNEL, AND ASSETS TO AGENCY.**

20 The authorities, functions, personnel, and assets of
21 the following entities are hereby transferred to the Agency:

22 (1) The portions of the Immigration and Natu-
23 ralization Service responsible for law enforcement
24 and border management, including the Border Pa-
25 trol and the divisions of Inspection, Investigations,
26 and Detention and Removal.

1 (2) The United States Customs Service, which
2 shall be maintained as a distinct entity within the
3 Agency.

4 (3) The United States Coast Guard, which shall
5 be maintained as a distinct entity within the Agency.

6 **SEC. 4. REPORTING REQUIREMENTS.**

7 (a) BIENNIAL REPORT.—The Director shall submit
8 to Congress on a biennial basis a report assessing the re-
9 sources and requirements of executive agencies relating to
10 border security issues.

11 (b) ADDITIONAL REPORT.—Not later than the date
12 that is one year after the date of the enactment of this
13 Act, the Director shall submit to Congress a report—

14 (1) assessing the progress of the Agency in—

15 (A) implementing the provisions of this
16 Act; and

17 (B) ensuring the core functions of each en-
18 tity transferred to the Agency are maintained
19 and strengthened; and

20 (2) recommending any conforming changes in
21 law necessary as a result of the enactment and im-
22 plementation of this Act.

23 **SEC. 5. COORDINATION WITH OTHER ORGANIZATIONS.**

24 The Director shall establish and maintain strong
25 mechanisms for the sharing of information and intel-

1 ligence with the Department of State and international in-
2 telligence entities.

3 **SEC. 6. PLANNING, PROGRAMMING, AND BUDGETING PROC-**
4 **ESS.**

5 The Director shall establish procedures to ensure that
6 the planning, programming, budgeting, and financial ac-
7 tivities of the Agency comport with sound financial and
8 fiscal management principles. Those procedures shall, at
9 a minimum, provide for the planning, programming, and
10 budgeting of activities of the Agency using funds that are
11 available for obligation for a limited number of years.

12 **SEC. 7. EFFECTIVE DATE.**

13 This Act shall take effect on the date that is 6
14 months after the date of the enactment of this Act.

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