

106TH CONGRESS
2D SESSION

S. 2599

To amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2000

Mr. ABRAHAM (for himself, Mr. LEAHY, Mr. GRAMS, Mr. KENNEDY, Ms. SNOWE, Mr. CRAIG, Ms. COLLINS, Mr. GORTON, Mr. JEFFORDS, Mr. SCHUMER, Mr. GRAHAM, Mr. LEVIN, Mr. DEWINE, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 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 “Immigration and Nat-
5 uralization Service Data Management Improvement Act of
6 2000”.

1 **SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA.**

2 (a) IN GENERAL.—Section 110 of the Illegal Immi-
3 gration Reform and Immigrant Responsibility Act of 1996
4 (8 U.S.C. 1221 note) is amended to read as follows:

5 **“SEC. 110. INTEGRATED ENTRY AND EXIT DATA SYSTEM.**

6 “(a) REQUIREMENT.—The Attorney General shall
7 implement an integrated entry and exit data system.

8 “(b) INTEGRATED ENTRY AND EXIT DATA SYSTEM
9 DEFINED.—For purposes of this section, the term ‘inte-
10 grated entry and exit data system’ means an electronic
11 system that—

12 “(1) provides access to, and integrates, alien ar-
13 rival and departure data that are—

14 “(A) authorized or required to be created
15 or collected under law;

16 “(B) in an electronic format; and

17 “(C) in a data base of the Department of
18 Justice or the Department of State, including
19 those created or used at ports of entry and at
20 consular offices;

21 “(2) uses available data described in paragraph
22 (1) to produce a report of arriving and departing
23 aliens by country of nationality, classification as an
24 immigrant or nonimmigrant, and date of arrival in,
25 and departure from, the United States;

1 “(3) matches an alien’s available arrival data
2 with the alien’s available departure data;

3 “(4) assists the Attorney General (and the Sec-
4 retary of State, to the extent necessary to carry out
5 such Secretary’s obligations under immigration law)
6 to identify, through on-line searching procedures,
7 lawfully admitted nonimmigrants who may have re-
8 mained in the United States beyond the period au-
9 thorized by the Attorney General; and

10 “(5) otherwise uses available alien arrival and
11 departure data described in paragraph (1) to permit
12 the Attorney General to make the reports required
13 under subsection (e).

14 “(c) CONSTRUCTION.—

15 “(1) NO ADDITIONAL AUTHORITY TO IMPOSE
16 DOCUMENTARY OR DATA COLLECTION REQUIRE-
17 MENTS.—Nothing in this section shall be construed
18 to permit the Attorney General or the Secretary of
19 State to impose any new documentary or data collec-
20 tion requirements on any person in order to satisfy
21 the requirements of this section, including—

22 “(A) requirements on any alien for whom
23 the documentary requirements in section
24 212(a)(7)(B) of the Immigration and Nation-
25 ality Act (8 U.S.C. 1182(a)(7)(B)) have been

1 waived by the Attorney General and the Sec-
2 retary of State under section 212(d)(4)(B) of
3 such Act (8 U.S.C. 1182(d)(4)(B)); or

4 “(B) requirements that are inconsistent
5 with the North American Free Trade Agree-
6 ment.

7 “(2) NO REDUCTION OF AUTHORITY.—Nothing
8 in this section shall be construed to reduce or curtail
9 any authority of the Attorney General or the Sec-
10 retary of State under any other provision of law.

11 “(d) DEADLINES.—

12 “(1) AIRPORTS AND SEAPORTS.—Not later than
13 December 31, 2003, the Attorney General shall im-
14 plement the integrated entry and exit data system
15 using available alien arrival and departure data de-
16 scribed in subsection (b)(1) pertaining to aliens ar-
17 riving in, or departing from, the United States at an
18 airport or seaport. Such implementation shall in-
19 clude ensuring that such data, when collected or cre-
20 ated by an immigration officer at an airport or sea-
21 port, are entered into the system and can be
22 accessed by immigration officers at other airports
23 and seaports.

24 “(2) HIGH-TRAFFIC LAND BORDER PORTS OF
25 ENTRY.—Not later than December 31, 2004, the At-

1 torney General shall implement the integrated entry
2 and exit data system using the data described in
3 paragraph (1) and available alien arrival and depart-
4 ture data described in subsection (b)(1) pertaining
5 to aliens arriving in, or departing from, the United
6 States at the 50 land border ports of entry deter-
7 mined by the Attorney General to serve the highest
8 numbers of arriving and departing aliens. Such im-
9 plementation shall include ensuring that such data,
10 when collected or created by an immigration officer
11 at such a port of entry, are entered into the system
12 and can be accessed by immigration officers at air-
13 ports, seaports, and other such land border ports of
14 entry.

15 “(3) REMAINING DATA.—Not later than De-
16 cember 31, 2005, the Attorney General shall fully
17 implement the integrated entry and exit data system
18 using all data described in subsection (b)(1). Such
19 implementation shall include ensuring that all such
20 data are available to immigration officers at all ports
21 of entry into the United States.

22 “(e) REPORTS.—

23 “(1) IN GENERAL.—Not later than December
24 31 of each year following the commencement of im-
25 plementation of the integrated entry and exit data

1 system, the Attorney General shall use the system to
2 prepare an annual report to the Committees on the
3 Judiciary of the House of Representatives and of the
4 Senate.

5 “(2) INFORMATION.—Each report shall include
6 the following information with respect to the pre-
7 ceding fiscal year, and an analysis of that informa-
8 tion:

9 “(A) The number of aliens for whom de-
10 parture data was collected during the reporting
11 period, with an accounting by country of na-
12 tionality of the departing alien.

13 “(B) The number of departing aliens
14 whose departure data was successfully matched
15 to the alien’s arrival data, with an accounting
16 by the alien’s country of nationality and by the
17 alien’s classification as an immigrant or non-
18 immigrant.

19 “(C) The number of aliens who arrived
20 pursuant to a nonimmigrant visa, or as a visitor
21 under the visa waiver program under section
22 217 of the Immigration and Nationality Act (8
23 U.S.C. 1187), for whom no matching departure
24 data have been obtained through the system or
25 through other means as of the end of the alien’s

1 authorized period of stay, with an accounting
2 by the alien's country of nationality and date of
3 arrival in the United States.

4 “(D) The number of lawfully admitted
5 nonimmigrants identified as having remained in
6 the United States beyond the period authorized
7 by the Attorney General, with an accounting by
8 the alien's country of nationality.

9 “(f) AUTHORITY TO PROVIDE ACCESS TO SYSTEM.—

10 “(1) IN GENERAL.—Subject to subsection (d),
11 the Attorney General, in consultation with the Sec-
12 retary of State, shall determine which officers and
13 employees of the Departments of Justice and State
14 may enter data into, and have access to the data
15 contained in, the integrated entry and exit data sys-
16 tem.

17 “(2) OTHER LAW ENFORCEMENT OFFICIALS.—

18 The Attorney General, in the discretion of the Attor-
19 ney General, may permit other Federal, State, and
20 local law enforcement officials to have access to the
21 data contained in the integrated entry and exit data
22 system for law enforcement purposes.

23 “(g) USE OF TASK FORCE RECOMMENDATIONS.—

24 The Attorney General shall continuously update and im-
25 prove the integrated entry and exit data system as tech-

1 nology improves and using the recommendations of the
 2 task force established under section 3 of the Immigration
 3 and Naturalization Service Data Management Improve-
 4 ment Act of 2000.

5 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are authorized to be appropriated to carry out this section
 7 such sums as may be necessary for fiscal years 2001
 8 through 2008.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
 10 of the Illegal Immigration Reform and Immigrant Respon-
 11 sibility Act of 1996 is amended by amending the item re-
 12 lating to section 110 to read as follows:

“Sec. 110. Integrated entry and exit data system.”.

13 **SEC. 3. TASK FORCE.**

14 (a) ESTABLISHMENT.—Not later than 6 months after
 15 the date of the enactment of this Act, the Attorney Gen-
 16 eral, in consultation with the Secretary of State, the Sec-
 17 retary of Commerce, and the Secretary of the Treasury,
 18 shall establish a task force to carry out the duties de-
 19 scribed in subsection (c) (in this section referred to as the
 20 “Task Force”).

21 (b) MEMBERSHIP.—

22 (1) CHAIRPERSON; APPOINTMENT OF MEM-
 23 BERS.—The Task Force shall be composed of the
 24 Attorney General and 16 other members appointed
 25 in accordance with paragraph (2). The Attorney

1 General shall be the chairperson and shall appoint
2 the other members.

3 (2) APPOINTMENT REQUIREMENTS.—In ap-
4 pointing the other members of the Task Force, the
5 Attorney General shall include—

6 (A) representatives of Federal, State, and
7 local agencies with an interest in the duties of
8 the Task Force, including representatives of
9 agencies with an interest in—

10 (i) immigration and naturalization;

11 (ii) travel and tourism;

12 (iii) transportation;

13 (iv) trade;

14 (v) law enforcement;

15 (vi) national security; or

16 (vii) the environment; and

17 (B) private sector representatives of af-
18 fected industries and groups.

19 (3) TERMS.—Each member shall be appointed
20 for the life of the Task Force. Any vacancy shall be
21 filled by the Attorney General.

22 (4) COMPENSATION.—

23 (A) IN GENERAL.—Each member of the
24 Task Force shall serve without compensation,
25 and members who are officers or employees of

1 the United States shall serve without compensa-
2 tion in addition to that received for their serv-
3 ices as officers or employees of the United
4 States.

5 (B) TRAVEL EXPENSES.—The members of
6 the Task Force shall be allowed travel expenses,
7 including per diem in lieu of subsistence, at
8 rates authorized for employees of agencies
9 under subchapter I of chapter 57 of title 5,
10 United States Code, while away from their
11 homes or regular places of business in the per-
12 formance of service for the Task Force.

13 (c) DUTIES.—The Task Force shall evaluate the fol-
14 lowing:

15 (1) How the Attorney General can efficiently
16 and effectively carry out section 110 of the Illegal
17 Immigration Reform and Immigrant Responsibility
18 Act of 1996 (8 U.S.C. 1221 note), as amended by
19 section 2 of this Act.

20 (2) How the United States can improve the
21 flow of traffic at airports, seaports, and land border
22 ports of entry through—

23 (A) enhancing systems for data collection
24 and data sharing, including the integrated entry
25 and exit data system described in section 110

1 of the Illegal Immigration Reform and Immigrant
2 Responsibility Act of 1996 (8 U.S.C.
3 1221 note), as amended by section 2 of this
4 Act, by better use of technology, resources, and
5 personnel;

6 (B) increasing cooperation between the
7 public and private sectors;

8 (C) increasing cooperation among Federal
9 agencies and among Federal and State agen-
10 cies; and

11 (D) modifying information technology sys-
12 tems while taking into account the different
13 data systems, infrastructure, and processing
14 procedures of airports, seaports, and land bor-
15 der ports of entry.

16 (3) The cost of implementing each of its rec-
17 ommendations.

18 (d) STAFF AND SUPPORT SERVICES.—

19 (1) IN GENERAL.—The Attorney General may,
20 without regard to the civil service laws and regula-
21 tions, appoint and terminate an executive director
22 and such other additional personnel as may be nec-
23 essary to enable the Task Force to perform its du-
24 ties. The employment and termination of an execu-

1 tive director shall be subject to confirmation by a
2 majority of the members of the Task Force.

3 (2) COMPENSATION.—The executive director
4 shall be compensated at a rate not to exceed the rate
5 payable for level V of the Executive Schedule under
6 section 5316 of title 5, United States Code. The At-
7 torney General may fix the compensation of other
8 personnel without regard to the provisions of chapter
9 51 and subchapter III of chapter 53 of title 5,
10 United States Code, relating to classification of posi-
11 tions and General Schedule pay rates, except that
12 the rate of pay for such personnel may not exceed
13 the rate payable for level V of the Executive Sched-
14 ule under section 5316 of such title.

15 (3) DETAIL OF GOVERNMENT EMPLOYEES.—
16 Any Federal Government employee, with the ap-
17 proval of the head of the appropriate Federal agen-
18 cy, may be detailed to the Task Force without reim-
19 bursement, and such detail shall be without inter-
20 ruption or loss of civil service status, benefits, or
21 privilege.

22 (4) PROCUREMENT OF TEMPORARY AND INTER-
23 MITTENT SERVICES.—The Attorney General may
24 procure temporary and intermittent services for the
25 Task Force under section 3109(b) of title 5, United

1 States Code, at rates for individuals not to exceed
2 the daily equivalent of the annual rate of basic pay
3 prescribed for level V of the Executive Schedule
4 under section 5316 of such title.

5 (5) ADMINISTRATIVE SUPPORT SERVICES.—
6 Upon the request of the Attorney General, the Ad-
7 ministrator of General Services shall provide to the
8 Task Force, on a reimbursable basis, the adminis-
9 trative support services necessary for the Task Force
10 to carry out its responsibilities under this section.

11 (e) HEARINGS AND SESSIONS.—The Task Force
12 may, for the purpose of carrying out this section, hold
13 hearings, sit and act at times and places, take testimony,
14 and receive evidence as the Task Force considers appro-
15 priate.

16 (f) OBTAINING OFFICIAL DATA.—The Task Force
17 may secure directly from any department or agency of the
18 United States information necessary to enable it to carry
19 out this section. Upon request of the Attorney General,
20 the head of that department or agency shall furnish that
21 information to the Task Force.

22 (g) REPORTS.—

23 (1) DEADLINE.—Not later than December 31,
24 2002, and not later than December 31 of each year
25 thereafter in which the Task Force is in existence,

1 the Attorney General shall submit a report to the
2 Committees on the Judiciary of the House of Rep-
3 resentatives and of the Senate containing the find-
4 ings, conclusions, and recommendations of the Task
5 Force. Each report shall also measure and evaluate
6 how much progress the Task Force has made, how
7 much work remains, how long the remaining work
8 will take to complete, and the cost of completing the
9 remaining work.

10 (2) DELEGATION.—The Attorney General may
11 delegate to the Commissioner, Immigration and Nat-
12 uralization Service, the responsibility for preparing
13 and transmitting any such report.

14 (h) LEGISLATIVE RECOMMENDATIONS.—

15 (1) IN GENERAL.—The Attorney General shall
16 make such legislative recommendations as the Attor-
17 ney General deems appropriate—

18 (A) to implement the recommendations of
19 the Task Force; and

20 (B) to obtain authorization for the appro-
21 priation of funds, the expenditure of receipts, or
22 the reprogramming of existing funds to imple-
23 ment such recommendations.

24 (2) DELEGATION.—The Attorney General may
25 delegate to the Commissioner, Immigration and Nat-

1 uralization Service, the responsibility for preparing
2 and transmitting any such legislative recommenda-
3 tions.

4 (i) TERMINATION.—The Task Force shall terminate
5 on a date designated by the Attorney General as the date
6 on which the work of the Task Force has been completed.

7 (j) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 such sums as may be necessary for fiscal years 2001
10 through 2003.

11 **SEC. 4. SENSE OF CONGRESS REGARDING INTERNATIONAL**
12 **BORDER MANAGEMENT COOPERATION.**

13 It is the sense of the Congress that the Attorney Gen-
14 eral, in consultation with the Secretary of State, the Sec-
15 retary of Commerce, and the Secretary of the Treasury,
16 should consult with affected foreign governments to im-
17 prove border management cooperation.

○