

106TH CONGRESS
1ST SESSION

S. 745

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1999

Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. GRAMS, Mr. LEAHY, Mr. GRAHAM, Mr. BURNS, Mr. McCAIN, Ms. SNOWE, Mr. DEWINE, Mr. JEFFORDS, Mr. GORTON, Mr. CRAIG, Mr. LEVIN, Mr. SCHUMER, Mrs. MURRAY, Mr. MURKOWSKI, Mr. MOYNIHAN, Mr. MACK, Mr. SMITH of Oregon, Mr. DORGAN, Mr. SANTORUM, Mr. COCHRAN, Mr. INOUYE, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system.

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 “Border Improvement
5 and Immigration Act of 1999”.

1 **SEC. 2. AMENDMENT OF THE ILLEGAL IMMIGRATION RE-**
2 **FORM AND IMMIGRANT RESPONSIBILITY ACT**
3 **OF 1996.**

4 (a) IN GENERAL.—Section 110(a) of the Illegal Im-
5 migration Reform and Immigrant Responsibility Act of
6 1996 (8 U.S.C. 1221 note) is amended to read as follows:

7 “(a) SYSTEM.—

8 “(1) IN GENERAL.—Subject to paragraph (2),
9 not later than 2 years after the date of enactment
10 of this Act, the Attorney General shall develop an
11 automated entry and exit control system that will—

12 “(A) collect a record of departure for every
13 alien departing the United States and match
14 the record of departure with the record of the
15 alien’s arrival in the United States; and

16 “(B) enable the Attorney General to iden-
17 tify, through on-line searching procedures, law-
18 fully admitted nonimmigrants who remain in
19 the United States beyond the period authorized
20 by the Attorney General.

21 “(2) EXCEPTION.—The system under para-
22 graph (1) shall not collect a record of arrival or
23 departure—

24 “(A) at a land border or seaport of the
25 United States for any alien; or

1 “(B) for any alien for whom the documen-
2 tary requirements in section 212(a)(7)(B) of
3 the Immigration and Nationality Act have been
4 waived by the Attorney General and the Sec-
5 retary of State under section 212(d)(4)(B) of
6 the Immigration and Nationality Act.”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a) shall take effect as if included in the enact-
9 ment of the Illegal Immigration Reform and Immigrant
10 Responsibility Act of 1996 (division C of Public Law 104–
11 208; 110 Stat. 3009–546).

12 **SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL**
13 **SYSTEM.**

14 (a) REQUIREMENT.—Not later than 1 year after the
15 date of enactment of this Act, the Attorney General shall
16 submit a report to the Committees on the Judiciary of
17 the Senate and the House of Representatives on the feasi-
18 bility of developing and implementing an automated entry-
19 exit control system that would collect a record of depart-
20 ture for every alien departing the United States and match
21 the record of departure with the record of the alien’s ar-
22 rival in the United States, including departures and arriv-
23 als at the land borders and seaports of the United States.

24 (b) CONTENTS OF REPORT.—Such report shall—

1 (1) assess the costs and feasibility of various
2 means of operating such an automated entry-exit
3 control system, including exploring—

4 (A) how, if the automated entry-exit con-
5 trol system were limited to certain aliens arriv-
6 ing at airports, departure records of those
7 aliens could be collected when they depart
8 through a land border or seaport; and

9 (B) the feasibility of the Attorney General,
10 in consultation with the Secretary of State, ne-
11 gotiating reciprocal agreements with the gov-
12 ernments of contiguous countries to collect such
13 information on behalf of the United States and
14 share it in an acceptable automated format;

15 (2) consider the various means of developing
16 such a system, including the use of pilot projects if
17 appropriate, and assess which means would be most
18 appropriate in which geographical regions;

19 (3) evaluate how such a system could be imple-
20 mented without increasing border traffic congestion
21 and border crossing delays and, if any such system
22 would increase border crossing delays, evaluate to
23 what extent such congestion or delays would in-
24 crease; and

1 (4) estimate the length of time that would be
2 required for any such system to be developed and
3 implemented.

4 **SEC. 4. ANNUAL REPORTS ON ENTRY-EXIT CONTROL AND**
5 **USE OF ENTRY-EXIT CONTROL DATA.**

6 (a) ANNUAL REPORTS ON IMPLEMENTATION OF
7 ENTRY-EXIT CONTROL AT AIRPORTS.—Not later than 30
8 days after the end of each fiscal year until the fiscal year
9 in which the Attorney General certifies to Congress that
10 the entry-exit control system required by section 110(a)
11 of the Illegal Immigration Reform and Immigrant Respon-
12 sibility Act of 1996, as amended by section 2 of this Act,
13 has been developed, the Attorney General shall submit to
14 the Committees on the Judiciary of the Senate and the
15 House of Representatives a report that—

16 (1) provides an accurate assessment of the sta-
17 tus of the development of the entry-exit control sys-
18 tem;

19 (2) includes a specific schedule for the develop-
20 ment of the entry-exit control system that the Attor-
21 ney General anticipates will be met; and

22 (3) includes a detailed estimate of the funding,
23 if any, needed for the development of the entry-exit
24 control system.

1 (b) ANNUAL REPORTS ON VISA OVERSTAYS IDENTI-
2 FIED THROUGH THE ENTRY-EXIT CONTROL SYSTEM.—
3 Not later than June 30 of each year, the Attorney General
4 shall submit to the Committees on the Judiciary of the
5 House of Representatives and the Senate a report that
6 sets forth—

7 (1) the number of arrival records of aliens and
8 the number of departure records of aliens that were
9 collected during the preceding fiscal year under the
10 entry-exit control system under section 110(a) of the
11 Illegal Immigration Reform and Immigrant Respon-
12 sibility Act of 1996, as so amended, with a separate
13 accounting of such numbers by country of nation-
14 ality;

15 (2) the number of departure records of aliens
16 that were successfully matched to records of such
17 aliens' prior arrival in the United States, with a sep-
18 arate accounting of such numbers by country of na-
19 tionality and by classification as immigrant or non-
20 immigrant; and

21 (3) the number of aliens who arrived as non-
22 immigrants, or as visitors under the visa waiver pro-
23 gram under section 217 of the Immigration and Na-
24 tionality Act, for whom no matching departure
25 record has been obtained through the system, or

1 through other means, as of the end of such aliens'
2 authorized period of stay, with an accounting by
3 country of nationality and approximate date of ar-
4 rival in the United States.

5 (c) INCORPORATION INTO OTHER DATABASES.—In-
6 formation regarding aliens who have remained in the
7 United States beyond their authorized period of stay that
8 is identified through the system referred to in subsection
9 (a) shall be integrated into appropriate databases of the
10 Immigration and Naturalization Service and the Depart-
11 ment of State, including those used at ports-of-entry and
12 at consular offices.

13 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR BOR-**
14 **DER CONTROL AND ENFORCEMENT ACTIVI-**
15 **TIES OF THE IMMIGRATION AND NATU-**
16 **RALIZATION SERVICE.**

17 (a) AUTHORIZATION.—In order to enhance enforce-
18 ment and inspection resources on the land borders of the
19 United States, enhance investigative resources for
20 anticorruption efforts and efforts against drug smuggling
21 and money-laundering organizations, reduce commercial
22 and passenger traffic waiting times, and open all primary
23 lanes during peak hours at major land border ports of
24 entry on the Southwest and Northern land borders of the
25 United States, in addition to any other amounts appro-

1 priated, there are authorized to be appropriated for sala-
2 ries, expenses, and equipment for the Immigration and
3 Naturalization Service for purposes of carrying out this
4 section—

5 (1) \$119,604,000 for fiscal year 2000;

6 (2) \$123,064,000 for fiscal year 2001; and

7 (3) such sums as may be necessary in each fis-
8 cal year thereafter.

9 (b) USE OF CERTAIN FISCAL YEAR 2000 FUNDS.—

10 Of the amounts authorized to be appropriated under sub-
11 section (a)(1) for fiscal year 2000 for the Immigration and
12 Naturalization Service, \$19,090,000 shall be available
13 until expended for acquisition and other expenses associ-
14 ated with implementation and full deployment of narcotics
15 enforcement and other technology along the land borders
16 of the United States, including—

17 (1) \$11,000,000 for 5 mobile truck x-rays with
18 transmission and backscatter imaging to be distrib-
19 uted to border patrol checkpoints and in secondary
20 inspection areas of land border ports-of-entry;

21 (2) \$200,000 for 10 ultrasonic container in-
22 spection units to be distributed to border patrol
23 checkpoints and in secondary inspection areas of
24 land border ports-of-entry;

1 (3) \$240,000 for 10 Portable Treasury En-
2 forcement Communications System (TECS) termi-
3 nals to be distributed to border patrol checkpoints;

4 (4) \$5,000,000 for 20 remote watch surveil-
5 lance camera systems to be distributed to border pa-
6 trol checkpoints and at secondary inspection areas of
7 land border ports-of-entry;

8 (5) \$180,000 for 36 AM radio “Welcome to the
9 United States” stations located at permanent border
10 patrol checkpoints and at secondary inspection areas
11 of land border ports-of-entry;

12 (6) \$875,000 for 36 spotter camera systems lo-
13 cated at permanent border patrol checkpoints and at
14 secondary inspection areas of land border ports-of-
15 entry; and

16 (7) \$1,600,000 for 40 narcotics vapor and par-
17 ticle detectors to be distributed to border patrol
18 checkpoints and at secondary inspection areas of
19 land border ports-of-entry.

20 (c) USE OF CERTAIN FUNDS AFTER FISCAL YEAR
21 2001.—Of the amounts authorized to be appropriated
22 under paragraphs (2) and (3) of subsection (a) for the
23 Immigration and Naturalization Service for fiscal year
24 2000 and each fiscal year thereafter, \$4,773,000 shall be
25 for the maintenance and support of the equipment and

1 training of personnel to maintain and support the equip-
2 ment described in subsection (b), based on an estimate
3 of 25 percent of the cost of such equipment.

4 (d) USE OF FUNDS FOR NEW TECHNOLOGIES.—

5 (1) IN GENERAL.—The Attorney General may
6 use the amounts authorized to be appropriated for
7 equipment under this section for equipment other
8 than the equipment specified in subsection (b) if
9 such other equipment—

10 (A)(i) is technologically superior to the
11 equipment specified in subsection (b); and

12 (ii) will achieve at least the same results at
13 a cost that is the same or less than the equip-
14 ment specified in subsection (b); or

15 (B) can be obtained at a lower cost than
16 the equipment authorized in subsection (b).

17 (2) TRANSFER OF FUNDS.—Notwithstanding
18 any other provision of this section, the Attorney
19 General may reallocate an amount not to exceed 10
20 percent of the amount specified in paragraphs (1)
21 through (7) of subsection (b) for any other equip-
22 ment specified in subsection (b).

23 (e) PEAK HOURS AND INVESTIGATIVE RESOURCE
24 ENHANCEMENT.—Of the amounts authorized to be appro-
25 priated under paragraphs (1) and (2) of subsection (a)

1 for the Immigration and Naturalization Service for fiscal
2 years 1999 and 2000, \$100,514,000 in fiscal year 2000
3 and \$121,555,000 for fiscal year 2001 shall be for—

4 (1) a net increase of 535 inspectors for the
5 Southwest land border and 375 inspectors for the
6 Northern land border, in order to open all primary
7 lanes on the Southwest and Northern borders during
8 peak hours and enhance investigative resources;

9 (2) in order to enhance enforcement and reduce
10 waiting times, a net increase of 100 inspectors and
11 canine enforcement officers for border patrol check-
12 points and ports-of-entry, as well as 100 canines and
13 5 canine trainers;

14 (3) 100 canine enforcement vehicles to be used
15 by the Immigration and Naturalization Service for
16 inspection and enforcement at the land borders of
17 the United States;

18 (4) a net increase of 40 intelligence analysts
19 and additional resources to be distributed among
20 border patrol sectors that have jurisdiction over
21 major metropolitan drug or narcotics distribution
22 and transportation centers for intensification of ef-
23 forts against drug smuggling and money-laundering
24 organizations;

1 (5) a net increase of 68 positions and additional
2 resources to the Office of the Inspector General of
3 the Department of Justice to enhance investigative
4 resources for anticorruption efforts; and

5 (6) the costs incurred as a result of the increase
6 in personnel hired pursuant to this section.

7 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR BOR-**
8 **DER CONTROL AND ENFORCEMENT ACTIVI-**
9 **TIES OF THE UNITED STATES CUSTOMS**
10 **SERVICE.**

11 (a) AUTHORIZATION.—In order to enhance border in-
12 vestigative resources on the land borders of the United
13 States, enhance investigative resources for anticorruption
14 efforts, intensify efforts against drug smuggling and
15 money-laundering organizations, process cargo, reduce
16 commercial and passenger traffic waiting times, and open
17 all primary lanes during peak hours at certain ports on
18 the Southwest and Northern borders, in addition to any
19 other amount appropriated, there are authorized to be ap-
20 propriated for salaries, expenses, and equipment for the
21 United States Customs Service for purposes of carrying
22 out this section—

23 (1) \$161,248,584 for fiscal year 2000;

24 (2) \$185,751,328 for fiscal year 2001; and

1 (3) such sums as may be necessary in each fis-
2 cal year thereafter.

3 (b) USE OF CERTAIN FISCAL YEAR 2000 FUNDS.—

4 Of the amounts authorized to be appropriated under sub-
5 section (a)(1) for fiscal year 2000 for the United States
6 Customs Service, \$48,404,000 shall be available until ex-
7 pended for acquisition and other expenses associated with
8 implementation and full deployment of narcotics enforce-
9 ment and cargo processing technology along the land bor-
10 ders of the United States, including—

11 (1) \$6,000,000 for 8 Vehicle and Container In-
12 spection Systems (VACIS);

13 (2) \$11,000,000 for 5 mobile truck x-rays with
14 transmission and backscatter imaging;

15 (3) \$12,000,000 for the upgrade of 8 fixed-site
16 truck x-rays from the present energy level of
17 450,000 electron volts to 1,000,000 electron volts
18 (1-MeV);

19 (4) \$7,200,000 for 8 1-MeV pallet x-rays;

20 (5) \$1,000,000 for 200 portable contraband de-
21 tectors (busters) to be distributed among ports
22 where the current allocations are inadequate;

23 (6) \$600,000 for 50 contraband detection kits
24 to be distributed among border ports based on traf-

1 fic volume and need as identified by the Customs
2 Service;

3 (7) \$500,000 for 25 ultrasonic container in-
4 spection units to be distributed among ports receiv-
5 ing liquid-filled cargo and ports with a hazardous
6 material inspection facility, based on need as identi-
7 fied by the Customs Service;

8 (8) \$2,450,000 for 7 automated targeting sys-
9 tems;

10 (9) \$360,000 for 30 rapid tire deflator systems
11 to be distributed to those ports where port runners
12 are a threat;

13 (10) \$480,000 for 20 Portable Treasury En-
14 forcement Communications System (TECS) termi-
15 nals to be moved among ports as needed;

16 (11) \$1,000,000 for 20 remote watch surveil-
17 lance camera systems at ports where there are sus-
18 picious activities at loading docks, vehicle queues,
19 secondary inspection lanes, or areas where visual
20 surveillance or observation is obscured, based on
21 need as identified by the Customs Service;

22 (12) \$1,254,000 for 57 weigh-in-motion sensors
23 to be distributed among the ports on the Southwest
24 border with the greatest volume of outbound traffic;

1 (13) \$180,000 for 36 AM radio “Welcome to
2 the United States” stations, with one station to be
3 located at each border crossing point on the South-
4 west border;

5 (14) \$1,040,000 for 260 inbound vehicle
6 counters to be installed at every inbound vehicle lane
7 on the Southwest border;

8 (15) \$950,000 for 38 spotter camera systems to
9 counter the surveillance of Customs inspection ac-
10 tivities by persons outside the boundaries of ports
11 where such surveillance activities are occurring;

12 (16) \$390,000 for 60 inbound commercial truck
13 transponders to be distributed to all ports of entry
14 on the Southwest border;

15 (17) \$1,600,000 for 40 narcotics vapor and
16 particle detectors to be distributed to each border
17 crossing on the Southwest border; and

18 (18) \$400,000 for license plate reader auto-
19 matic targeting software to be installed at each port
20 on the Southwest border to target inbound vehicles.

21 (c) USE OF CERTAIN FUNDS AFTER FISCAL YEAR
22 2000.—Of the amounts authorized to be appropriated
23 under paragraphs (2) and (3) of subsection (a) for the
24 United States Customs Service for fiscal year 2001 and
25 each fiscal year thereafter, \$4,840,400 shall be for the

1 maintenance and support of the equipment and training
2 of personnel to maintain and support the equipment de-
3 scribed in subsection (b), based on an estimate of 10 per-
4 cent of the cost of such equipment.

5 (d) USE OF FUNDS FOR NEW TECHNOLOGIES.—

6 (1) IN GENERAL.—The Commissioner of Cus-
7 toms may use the amounts authorized to be appro-
8 priated for equipment under this section for equip-
9 ment other than the equipment specified in sub-
10 section (b) if such other equipment—

11 (A)(i) is technologically superior to the
12 equipment specified in subsection (b); and

13 (ii) will achieve at least the same results at
14 a cost that is the same or less than the equip-
15 ment specified in subsection (b); or

16 (B) can be obtained at a lower cost than
17 the equipment authorized in paragraphs (1)
18 through (18) of subsection (b).

19 (2) TRANSFER OF FUNDS.—Notwithstanding
20 any other provision of this section, the Commissioner
21 of Customs may reallocate an amount not to exceed
22 10 percent of the amount specified in paragraphs
23 (1) through (18) of subsection (b) for any other
24 equipment specified in such paragraphs.

1 (e) PEAK HOURS AND INVESTIGATIVE RESOURCE
2 ENHANCEMENT.—Of the amounts authorized to be appro-
3 priated under paragraphs (1) and (2) of subsection (a)
4 for the United States Customs Service for fiscal years
5 1999 and 2000, \$112,844,584 in fiscal year 2000 and
6 \$180,910,928 for fiscal year 2001 shall be for—

7 (1) a net increase of 535 inspectors and 60 spe-
8 cial agents for the Southwest border and 375 inspec-
9 tors for the Northern border, in order to open all
10 primary lanes on the Southwest and Northern bor-
11 ders during peak hours and enhance investigative re-
12 sources;

13 (2) a net increase of 285 inspectors and canine
14 enforcement officers to be distributed at large cargo
15 facilities as needed to process and screen cargo (in-
16 cluding rail cargo) and reduce commercial waiting
17 times on the land borders of the United States;

18 (3) a net increase of 360 special agents, 40 in-
19 telligence analysts, and additional resources to be
20 distributed among offices that have jurisdiction over
21 major metropolitan drug or narcotics distribution
22 and transportation centers for intensification of ef-
23 forts against drug smuggling and money-laundering
24 organizations;

- 1 (4) a net increase of 50 positions and additional
2 resources to the Office of Internal Affairs to enhance
3 investigative resources for anticorruption efforts;
4 and
5 (5) the costs incurred as a result of the increase
6 in personnel hired pursuant to this section.

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