

Mr. PORTMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 293, which calls on nations that are signatories to the Hague Convention on the Civil Aspects of International Child Abduction to live up to their treaty obligations. I am an original cosponsor of this legislation, and I commend the gentlemen from Texas [Mr. LAMPSON] and Ohio [Mr. CHABOT] for their work on this issue.

This issue was brought home to me by one of my constituents, Tom Sylvester of Blue Ash, Ohio. Tom's daughter Carina was taken by his Austrian-born wife on October 30, 1995. Although both the Austrian Central Authority and the Austrian Supreme Court ruled that Carina should be returned to the United States and to Tom's custody, the ruling was never enforced. The only contacts Tom has had with his daughter are a few brief supervised meetings in Austria, and his phone calls to her are always placed on a speaker phone, undoubtedly being monitored.

Although the Hague Convention has helped in getting a just decision rendered, the United States currently has no way to force another country to enforce its own laws and judicial decisions within its own borders. In fact, the United States has no recourse if another participating member country does not live up to its obligations under the Convention.

I have been working with the State and Justice Departments on Mr. Sylvester's behalf since July of 1998, and I can tell you that it has been a difficult and discouraging process. What is most frustrating is that Mr. Sylvester has done everything correctly under the terms of the Hague Convention, and still, more than four years later, he has been able to spend only a few precious minutes with his young daughter. He cannot even get the Austrian authorities to grant him an agreed upon visitation schedule, and have instead subjected him to a number of indignities.

We owe it to Tom Sylvester and thousands of other parents who have suffered the same difficulties as he has to pass this resolution today. And I urge my colleagues to let this be the first of many steps needed to return these American children to their rightful homes.

Mr. HASTINGS of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HOUGHTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 293, as amended.

The question was taken.

Mr. HOUGHTON. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 8, rule XX, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## IMMIGRATION AND NATURALIZATION SERVICE DATA MANAGEMENT IMPROVEMENT ACT OF 2000

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4489) to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

The Clerk read as follows:

H.R. 4489

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigration and Naturalization Service Data Management Improvement Act of 2000".

### SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA.

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

#### "SEC. 110. INTEGRATED ENTRY AND EXIT DATA SYSTEM.

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

"(b) INTEGRATED ENTRY AND EXIT DATA SYSTEM DEFINED.—For purposes of this section, the term 'integrated entry and exit data system' means an electronic system that—

"(1) provides access to, and integrates, alien arrival and departure data that are—

"(A) authorized or required to be created or collected under law;

"(B) in an electronic format; and

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

"(2) uses available data described in paragraph (1) to produce a report of arriving and departing aliens by country of nationality, classification as an immigrant or non-immigrant, and date of arrival in, and departure from, the United States;

"(3) matches an alien's available arrival data with the alien's available departure data;

"(4) assists the Attorney General (and the Secretary of State, to the extent necessary to carry out such Secretary's obligations under immigration law) to identify, through on-line searching procedures, lawfully admitted nonimmigrants who may have remained in the United States beyond the period authorized by the Attorney General; and

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

"(c) CONSTRUCTION.—

"(1) NO ADDITIONAL AUTHORITY TO IMPOSE DOCUMENTARY OR DATA COLLECTION REQUIREMENTS.—Nothing in this section shall be construed to permit the Attorney General or the Secretary of State to impose any new documentary or data collection requirements on any person in order to satisfy the requirements of this section, including—

"(A) requirements on any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)) have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of such Act (8 U.S.C. 1182(d)(4)(B)); or

"(B) requirements that are inconsistent with the North American Free Trade Agreement.

"(2) NO REDUCTION OF AUTHORITY.—Nothing in this section shall be construed to reduce or curtail any authority of the Attorney

General or the Secretary of State under any other provision of law.

"(d) DEADLINES.—

"(1) AIRPORTS AND SEAPORTS.—Not later than December 31, 2003, the Attorney General shall implement the integrated entry and exit data system using available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at an airport or seaport. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at an airport or seaport, are entered into the system and can be accessed by immigration officers at other airports and seaports.

"(2) HIGH-TRAFFIC LAND BORDER PORTS OF ENTRY.—Not later than December 31, 2004, the Attorney General shall implement the integrated entry and exit data system using the data described in paragraph (1) and available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry determined by the Attorney General to serve the highest numbers of arriving and departing aliens. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at such a port of entry, are entered into the system and can be accessed by immigration officers at airports, seaports, and other such land border ports of entry.

"(3) REMAINING DATA.—Not later than December 31, 2005, the Attorney General shall fully implement the integrated entry and exit data system using all data described in subsection (b)(1). Such implementation shall include ensuring that all such data are available to immigration officers at all ports of entry into the United States.

"(e) REPORTS.—

"(1) IN GENERAL.—Not later than December 31 of each year following the commencement of implementation of the integrated entry and exit data system, the Attorney General shall use the system to prepare an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate.

"(2) INFORMATION.—Each report shall include the following information with respect to the preceding fiscal year, and an analysis of that information:

"(A) The number of aliens for whom departure data was collected during the reporting period, with an accounting by country of nationality of the departing alien.

"(B) The number of departing aliens whose departure data was successfully matched to the alien's arrival data, with an accounting by the alien's country of nationality and by the alien's classification as an immigrant or nonimmigrant.

"(C) The number of aliens who arrived pursuant to a nonimmigrant visa, or as a visitor under the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), for whom no matching departure data have been obtained through the system or through other means as of the end of the alien's authorized period of stay, with an accounting by the alien's country of nationality and date of arrival in the United States.

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

"(f) AUTHORITY TO PROVIDE ACCESS TO SYSTEM.—

"(1) IN GENERAL.—Subject to subsection (d), the Attorney General, in consultation with the Secretary of State, shall determine

which officers and employees of the Departments of Justice and State may enter data into, and have access to the data contained in, the integrated entry and exit data system.

"(2) OTHER LAW ENFORCEMENT OFFICIALS.—The Attorney General, in the discretion of the Attorney General, may permit other Federal, State, and local law enforcement officials to have access to the data contained in the integrated entry and exit data system for law enforcement purposes.

"(g) USE OF TASK FORCE RECOMMENDATIONS.—The Attorney General shall continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force established under section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000.

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

(b) CLERICAL AMENDMENT.—The table of contents of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by amending the item relating to section 110 to read as follows:

"Sec. 110. Integrated entry and exit data system."

### SEC. 3. TASK FORCE.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, shall establish a task force to carry out the duties described in subsection (c) (in this section referred to as the "Task Force").

(b) MEMBERSHIP.—

(1) CHAIRPERSON; APPOINTMENT OF MEMBERS.—The Task Force shall be composed of the Attorney General and 16 other members appointed in accordance with paragraph (2). The Attorney General shall be the chairperson and shall appoint the other members.

(2) APPOINTMENT REQUIREMENTS.—In appointing the other members of the Task Force, the Attorney General shall include—

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

- (i) immigration and naturalization;
- (ii) travel and tourism;
- (iii) transportation;
- (iv) trade;
- (v) law enforcement;
- (vi) national security; or
- (vii) the environment; and

(B) private sector representatives of affected industries and groups.

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

(4) COMPENSATION.—

(A) IN GENERAL.—Each member of the Task Force shall serve without compensation, and members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

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

(c) DUTIES.—The Task Force shall evaluate the following:

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

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

(A) enhancing systems for data collection and data sharing, including the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act, by better use of technology, resources, and personnel;

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

(C) increasing cooperation among Federal agencies and among Federal and State agencies; and

(D) modifying information technology systems while taking into account the different data systems, infrastructure, and processing procedures of airports, seaports, and land border ports of entry.

(3) The cost of implementing each of its recommendations.

(d) STAFF AND SUPPORT SERVICES.—

(1) IN GENERAL.—The Attorney General may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Task Force to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Task Force.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Attorney General may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Task Force without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Attorney General may procure temporary and intermittent services for the Task Force under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Attorney General, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section.

(e) HEARINGS AND SESSIONS.—The Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Task Force considers appropriate.

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

agency shall furnish that information to the Task Force.

(g) REPORTS.—

(1) DEADLINE.—Not later than December 31, 2002, and not later than December 31 of each year thereafter in which the Task Force is in existence, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate containing the findings, conclusions, and recommendations of the Task Force. Each report shall also measure and evaluate how much progress the Task Force has made, how much work remains, how long the remaining work will take to complete, and the cost of completing the remaining work.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such report.

(h) LEGISLATIVE RECOMMENDATIONS.—

(1) IN GENERAL.—The Attorney General shall make such legislative recommendations as the Attorney General deems appropriate—

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

(B) to obtain authorization for the appropriation of funds, the expenditure of receipts, or the reprogramming of existing funds to implement such recommendations.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such legislative recommendations.

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

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

### SEC. 4. SENSE OF CONGRESS REGARDING INTERNATIONAL BORDER MANAGEMENT COOPERATION.

It is the sense of the Congress that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4489 represents a bipartisan collaborative bill. Many people deserve credit, including Senator SPENCER ABRAHAM and the gentleman from Michigan (Mr. UPTON), the gentleman from New York (Mr. MCHUGH), the gentleman from New York (Mr. LAFALCE), the gentleman

from New York (Mr. QUINN), the gentleman from New York (Mr. HOUGHTON), the gentleman from New York (Mr. REYNOLDS) and the gentleman from Michigan (Mr. CONYERS).

Also, I want to thank the Travel Industry of America, Americans for Better Borders, the U.S. Chamber of Commerce, the American Trucking Association, the Canadian/American Border Trade Alliance, the INS, the Canadian Embassy, the Mexican Embassy, the Border Trade Alliance, and the U.S. Caucus of Mayors for giving us their valuable input and support.

Over a dozen meetings were held over several months' time with the interested parties. The efforts of John Lampmann, chief of staff for the 21st Congressional District, and Lora Ries, Counsel for the Subcommittee on Immigration of the Committee on the Judiciary, were crucial to obtaining the desired results.

H.R. 4489 focuses on an integrated entry and exit data system that will be funded, developed, and implemented by 2005. This bill will integrate all INS and State Department databases that support the entry and exit of aliens at airports, seaports, and land border ports of entry.

The database systems that the INS currently use are often independent from each other. As a result, INS officers and inspectors and State Department consular officers are unable to learn an alien's prior U.S. travel activities from the INS and State Department consular offices. Without this information, aliens can slip through the cracks, as we saw in the case of Mr. Resendez, the recently convicted railroad killer.

This bill emphasizes that the INS needs to integrate its entry and exit data system so that INS officers and inspectors and State Department consular officers can access any entry and exit information with respect to an alien before them.

Once the INS implements the entry exit data system, the Attorney General is required to submit an annual fiscal year report to the Committees on the Judiciary of the House and Senate. A task force will be funded to examine specific ways to further the development of the integrated entry and exit data system. The Attorney General is expected to update and improve the integrated entry and exit data system as technology improves and as recommendations of the task force are received.

The task force will examine how technology can facilitate the flow of people through ports of entry, whether by air, sea, or land. By using the speed of technology and the Nation's immigration system, the bill both speeds the flow of the traffic through ports of entry and contributes to the development and usefulness of the integrated entry and exit data system over time.

Mr. Speaker, I urge my colleagues to support this bill.

H.R. 4489, the "INS Data Management Improvement Act," is intended to amend section

110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), to require the implementation of an integrated entry and exit data system at airports, seaports, and land border ports of entry at new, specified deadlines, and to establish a task force to assist the Attorney General in implementing section 110.

#### BACKGROUND

In 1996, the Congress overwhelmingly passed IIRIRA. Section 110 of IIRIRA called for an automated entry-exit control system no later than two years after the date of enactment of IIRIRA, which was September 30, 1996. Without defining the control system, section 110 required that the system collect a record of departure for every alien departing the United States and match the departure records with the record of the alien's arrival into this country. The system also required that the Attorney General be able to identify electronically lawfully admitted nonimmigrants who remain in the United States beyond their authorized period of stay.

In addition to the entry-exit control system, section 110 required the Attorney General to submit to the congressional Judiciary Committees annual reports on the system. The reports should include the number of departure records collected; the number of departure records successfully matched to records of the alien's prior arrival in the United States; and the number of aliens who arrived as nonimmigrants or under the Visa Waiver Program for whom no matching departure record has been obtained as of the end of the alien's authorized period of stay.

Finally, section 110 required information regarding aliens who have overstayed their visas to be integrated into data bases of the INS and State Department, including those used at ports of entry and at consular offices.

Subsequently, section 110 was amended to change the deadlines of the automated entry and exit control system. The deadline for the system at airports was changed to October 15, 1998, and the deadline for land border ports of entry and seaports was changed to March 30, 2001.

With the March 30, 2001, deadline less than a year away and the INS no closer to having a control system at land border ports of entry, various Members of Congress and interest groups grew concerned. They wanted to repeal section 110 out of fear that trade and tourism would be hurt by new data collection requirements at the land border ports of entry, causing delays at the border to grow.

This bill focuses on the task the INS faces in implementing an entry/exit system. The idea is that it should be an electronic data base system. With technology advancing so rapidly, technology will drive the INS' ability to collect information on who are entering and exiting the U.S. and who are overstaying their visas. As such, H.R. 4489 focuses on the INS' ability to use technology to improve its current collection database systems and to integrate its systems. The database systems that the INS currently uses are often independent from each other. As a result, INS officers and inspectors, and State Department consular officer are often unable to learn an alien's prior travel activities in another part of the United States or in another country. Without this information, aliens can slip through the cracks, as in the case of Mr. Resendez, the recently convicted "railroad killer." Therefore, this bill emphasizes

that the INS needs to integrate its entry and exit data system so that INS officers and inspectors and State Department consular officers can assess any entry and exit information with respect to an alien before them.

In addition, the bill creates a task force to study and recommend methods to continuously improve and update the INS' database system as technology advances. This infrastructure in support of the INS integrated system development allows for private-public recommendations, a major contribution of the bill.

#### THE BILL

H.R. 4489 requires the Attorney General to implement an integrated entry and exit data system. The intent behind this system is that any arrival and departure data that the INS and the State Department are authorized or required to create or collect must now be entered electronically into a database. In addition, the database must be integrated and provide access to other ports of entry, internal enforcement, and consular offices. As technology improves, so should the data system improve.

The bill is different from the current section 110 of IIRIRA because it now defines the entry/exit system. This system is to: (1) provide access to and integrate alien arrival and departure data; (2) use this data to produce a report of arriving and departing aliens by country of nationality, classification as an immigrant or nonimmigrant, and date of arrival in, and departure from the United States; (3) match an alien's arrival data with the alien's departure data; (4) assist the Attorney General and the Secretary of State to identify electronically lawfully admitted nonimmigrants who overstayed their visas; and (5) permits the Attorney General to make reports.

Nothing in this bill should be interpreted as requiring the Attorney General or the Secretary of State to collect new types of documents or data from aliens, particularly aliens who have had document requirements waived under section 212(d)(4)(B) of the Immigration and Nationality Act by the Attorney General and the Secretary of State acting jointly on the basis of reciprocity with respect to foreign contiguous territories or adjacent islands. However, this bill does not affect the authority of the Attorney General or the Secretary of State to create new documentary or data collection requirements in other provisions of law.

The integrated entry and exist data system is to be implemented at airports, seaports, and land border ports of entry. However, because each type of port of entry has different infrastructure and processing procedures, it does not make sense to have one uniform deadline for implementation. Since section 110 was enacted in 1996, the INS is already implementing such a system at airports and seaports. Thus, implementation of the data system at airports and seaports is due by December 31, 2003.

Land border ports of entry will require additional time to implement the entry/exit data system. Also, traffic, infrastructure, and resources used at all of the land border ports of entry vary greatly. While some land ports receive heavy traffic and use a significant amount of resources, other ports receive minimal traffic and have few resources. Because the former group of land ports will require less time and resources to implement the entry/exit data system that the latter group, the former group has an earlier deadline. The 50 land border ports of entry determined to serve

the highest numbers of arriving and departing aliens are to have the system implemented by December 31, 2004. The entry/exit data system is due at the remainder of the land border ports of entry by December 31, 2005. Implementing at the land ports of entry with the highest traffic first is also an efficient method of gathering arrival and departure information.

Once the INS implements the entry/exit data system at a defined group of ports of entry, the Attorney General is required to submit an annual fiscal year report to the Judiciary Committees of the House and Senate. These reports will include and analyze the following information: (1) The number of aliens for whom departure data was collected, including country of nationality; (2) the number of departing aliens whose departure data was successfully matched to the alien's arrival data, including country of nationality and an alien's classification as an immigrant or nonimmigrant; (3) the number of aliens who arrived with a non-immigrant visa or under the visa waiver program for whom no matching departure date was obtained as of the end of the alien's authorized stay, including the country of nationality and date of arrival in the U.S.; and (4) the number of nonimmigrants identified as having overstayed their visas, including the country of nationality.

The Attorney General, in consultation with the Secretary of State, will determine which officers and employees of the Justice and State Departments may enter data into and have access to the data contained in the entry/exit data system. Likewise, the Attorney General has the discretion to permit other federal, state, and local law enforcement officials to have access to the data for law enforcement purposes.

The Attorney General is expected to continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force.

H.R. 4489 requires the Attorney General, in consultation with other involved Secretaries, to create a task force made up of government and private sector representatives of agencies and industries interested in port of entry issues. The primary duty of the task force is to evaluate how the Attorney General can efficiently and effectively carry out section 110. Advancing technology should drive such an evaluation. As the INS uses advanced technology at ports of entry, the flow of traffic at ports of entry will improve, thereby increasing trade and tourism, a universal goal.

In this study, the task force is encouraged to examine how to simplify the entry/exit documents currently collected by the INS and State Department, without decreasing the quality of the information obtained. For example, in reviewing how to improve the flow of traffic at ports of entry, the task force should examine the current documentary requirements for business people and tourists entering the United States, including those entering from Mexico by air. After completing such review, the task force may develop recommendations concerning how these requirements can be streamlined to improve the flow of persons between the United States and Mexico in accordance with the substantial growth in goods and services trade that has occurred since enactment of the North American Free Trade Agreement.

The Congressional Budget Office has indicated that this bill will not cause direct spending.

#### SECTION-BY-SECTION ANALYSIS

##### SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA

Section 2 amends section 110 of IIRIRA through the sections that follow.

Section 110(a) requires the Attorney General to implement an "integrated entry and exit data system." Section 110(b) defines "integrated entry and exit data system" as an electronic system of alien arrival and departure data that is integrated and provides access to INS ports of entry, the INS interior inspection sites, interior offices, and State Department consular offices. The arrival and departure data used in the system is composed of that which is authorized or required to be created or collected by law. The electronic system uses the data to create a report of arriving and departing aliens by country of nationality; classification as an immigrant or nonimmigrant, and date of arrival in, and departure from the United States. The system is also required to match an alien's arrival data with the alien's available departure data. It should assist the Attorney General and the Secretary of State to identify, electronically, lawfully admitted nonimmigrants who may have remained in the United States beyond their authorized period. Finally, the system should enable the Attorney General to create the annual congressional reports required in section 110(e).

Section 110(c) explains that nothing in section 110 should be interpreted as requiring the Attorney General or the Secretary of State to collect new types of documents or data from aliens, including those aliens who have had either or both of the requirements of section 212(a)(7)(B)(i) of the Immigration and Nationality Act waived by the Attorney General and the Secretary of State acting jointly on the basis of reciprocity with respect to nationals of foreign contiguous territory or of adjacent islands and their residents have a common nationality with such nationals. In addition, section 110 does not permit the Attorney General or the Secretary of State to require documents or data from aliens that are inconsistent with the North American Free Trade Agreement. While section 110 restricts the Attorney General and the Secretary of State from imposing new documentary or data collection requirements upon aliens, section 110 does not reduce the authority of the Attorney General or the Secretary of State from creating new documentary or data collection requirements in any other provision of law.

Section 110(d) imposes staggered deadlines upon the Attorney General to implement the integrated entry and exit data system at the different types of ports of entry. By December 31, 2003, the Attorney General is to be using available alien arrival and departure data described in subsection (b)(1) with respect to aliens arriving in, or departing from, the United States at an airport or seaport. This implementation includes ensuring that the data collected or created by an immigration officer at an airport or seaport are entered into the system and is accessible by immigration officers at other airports and seaports.

Section 110(d)(2) requires the Attorney General to implement the integrated entry and exit data system using the data already implemented at airports and seaports, combined with available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry serving the highest numbers of arriving and departing aliens. Such implementation is due no later than December 31, 2004, and should ensure that when the data is

collected or created by an immigration officer at a port of entry, is entered into the system and can be accessed by immigration officers at airports, seaports, and other land border ports of entry.

Section 110(d)(3) requires the Attorney General to fully implement by December 31, 2005, the integrated entry and exit data system, using all of the data described in subsection (b)(1). This implementation should include ensuring that all data are available to immigration officers at all ports of entry into the United States.

Once the Attorney General begins implementing the integrated entry and exist data system, section 110(e) requires the Attorney General to submit an annual fiscal year report to the Judiciary Committees on the House and Senate by December 31. These reports will include and analyze the following information: (1) the number of aliens for whom departure data was collected during the reporting period, including the departing alien's country of nationality; (2) the number of departing aliens whose departure data was successfully matched to the alien's arrival data, including country of nationality and an alien's classification as an immigrant; or non immigrant; (3) the number of aliens who arrived with a nonimmigrant visa or under the visa waiver program for whom no matching departure date was obtained as of the end of the alien's authorized stay, including the country of nationality and date of arrival in the U.S.; and (4) the number of nonimmigrants identified as having overstayed their visas, including the country of nationality.

Section 110(f) permits the Attorney General, in consultation with the Secretary of State, to determine which Justice and State Department officers and employees may enter data into, and have access to the data contained in, the integrated entry and exit data system. The Attorney General, in his or her discretion, may also permit other Federal, State, and local law enforcement officials to have access to the data contained in the data system for law enforcement purposes.

Section 110(g) requires the Attorney General to continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force created in section 3 of this bill.

Section 110(h) authorizes appropriations to carry out section 110 such sums as may be necessary for fiscal years 2001 through 2008.

#### SEC. 3. TASK FORCE

*Section 3(a) Establishment.* Section 3(a) requires the Attorney General to consult with the Secretary of State, Secretary of Commerce, and Secretary of Treasury to establish a task force no later than six months after the date of enactment of this Act.

*Section 3(b) Membership.* Section 3(b) establishes that the Attorney General will be the chairperson of the task force and will appoint the other 16 members. In appointing the task force members, the Attorney General shall include representatives of federal, state, and local agencies with an interest in the duties of the task force, including agencies with an interest in immigration and naturalization; travel and tourism; transportation; trade; law enforcement; national security; or the environment. In addition, the Attorney General must include private sector representatives of affected industries and groups as members of the task force. Each member of the task force will be appointed for the life of the task force. Any vacancy should be filed by the Attorney General. Members of the task force will not be compensated for their service on the task force.

*Section 3(c) Duties.* Section 3(c) requires the task force to evaluate the following: (1) how

the Attorney General can efficiently and effectively carry out section 110 of HRIRA, as amended by this bill; (2) how the U.S. can improve the flow of traffic at airports, seaports, and land border ports of entry by better use of technology, resources, and personnel; increasing cooperation between the public and private sectors; increased cooperation among federal and state agencies; and modifying information technology; and (3) the cost of implementing each of its recommendations.

*Section 3(d) Staff and Support Services.* Section 3(d)(1) permits the Attorney General to appoint and terminate an executive director and any other additional personnel necessary to enable the task force to perform its duties. The employment and termination of an executive director is subject to confirmation by a majority of the task force members.

Section 3(d)(2) establishes a compensation rate ceiling for the executive director at level V of the Executive Schedule. The Attorney General may fix the compensation of other personnel, except the pay rate may not exceed level V of the Executive Schedule.

Section 3(d)(3) permits any federal government employee, with approval by the head of the appropriate federal agency, to be detailed to the task force without reimbursement and without interference or loss of civil service status, benefits, or privilege.

Section 3(d)(4) allows the Attorney General to obtain temporary and intermittent services for the task force at compensation rates not to exceed level V of the Executive Schedule.

Section 3(d)(5) requires the Administrator of General Services to provide, at the Attorney General's request, administrative support services necessary for the task force to carry out its responsibilities.

*Section 3(e) Hearings and Session.* Section 3(e) permits the task force to hold hearings, sit and act at times and places, take testimony, and receive evidence as the task force deems appropriate.

*Section 3(f) Obtaining Official Data.* Section 3(f) allows the task force to directly secure from any United States department or agency information necessary to perform its duties. It also requires the head of the department or agency to furnish the information to the task force upon the request of the Attorney General.

*Section 3(g) Reports.* No later than December 31, 2002, and no later than December 31 of each year thereafter in which the task force is in existence, the Attorney General must submit a report to the Judiciary Committees of both the House of Representatives and the Senate containing the findings, conclusions, and recommendations of the task force. Each report will also measure and evaluate how much progress the task force has made, how much work remains, how long the remaining work will take to complete, and the cost of completing the remaining work. In addition, the Attorney General may delegate to the INS Commissioner the responsibility of preparing and transmitting these reports.

*Section 3(h) Legislative Recommendations.* Section 3(h) requires the Attorney General to make such legislative recommendations as the Attorney General deems appropriate to implement the task force's recommendations and to obtain authorization for the appropriation of funds, the expenditure of receipts, or the reprogramming of existing funds to implement such recommendations. The Attorney General is permitted to delegate to the INS Commissioner the responsibility of preparing and transmitting any such legislative recommendations.

*Section 3(i) Termination.* Section 3(i) terminates the task force on a date designated by the Attorney General once the task force work is completed.

*Section 3(j) Authorization of Appropriations.* Section 3(j) authorizes appropriations such sums as may be necessary for fiscal years through 2003.

#### SEC. 4. SENSE OF CONGRESS REGARDING INTERNATIONAL BORDER MANAGEMENT COOPERATION

Section 4 states that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by thanking everyone that has worked on this measure. This is a very positive ending to what was originally a very rancorous matter in our committee because H.R. 4489 would eliminate the entry-exit data collection system required by section 110 of the immigration law for the U.S. and Canadian and Mexican borders.

I have long opposed the section 110 entry and exit system because of the adverse impact it would have on the people and businesses of Michigan and other border States. Implementation of this section at land ports of entry would cause massive traffic congestions along our borders, bringing personal and business travel at many border points to stands still. This would have a crippling effect on trades and tourism.

For example, at the Ambassador Bridge in Detroit, more than 30,000 crossings per day take place. As little as a fraction of a minute added to the processing time of each of these vehicles would result in miles and miles of snarled traffic on both sides of the border. Tourists would be less likely to visit our border towns, and businesses, particularly those dependent on just-in-time delivery, would suffer.

These prices are far too high to pay for a data collection system that, sadly, is unlikely to achieve its primary objective, dealing more effectively with persons who come to this country as visitors and overstay their visas. Under section 110, the INS would know who these individuals are but they would not know where they are. The information would probably have very little enforcement value.

By contrast, H.R. 4489 would replace the entry-exit data collection system with a system for making use of the vast quantity of information we already gather on individuals entering and exiting this country. The information would be entered into a database that would allow U.S. immigration officials and consular officers based overseas to access it. More importantly, it would not lead to new border delays.

Canada and the United States benefit from an outstanding relationship between citizens and businesses. Last year, more than 13.4 million Canadians came to the United States to do business, shop, visit our restaurants and tourist sites. In my home State of

Michigan alone, more than 1.2 million Canadians visited for one night or more and added \$216 million to the State's economy. H.R. 4489 will obviously help protect that flow of business and tourism.

So my thanks, Mr. Speaker, to the chairman of the Subcommittee on Immigration, the gentleman from Texas (Mr. SMITH), and our friend, the gentleman from Michigan (Mr. UPTON), and our ranking member on the subcommittee, the gentlewoman from Texas (Ms. JACKSON-LEE). Their leadership on this bipartisan legislation was important, and I too would urge a "yes" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, this bill is brought up under suspension of the rules, and usually those measures are brought up when they are non-controversial. Until about a month or two ago this issue was very controversial. In fact, a year ago there were probably some of us on both sides of the aisle that were ready to do battle, with swords.

This has been a tough battle, and I want to particularly commend the thoughtfulness and the hard work of my colleague, the gentleman from Texas (Mr. SMITH). There were a number of us that were able to get together with the gentleman from Texas on both sides of the aisle. We had a number of associations across the country as well, whether they be the White House, whether they be the Governors Association, the Chamber of Commerce, or Republicans and Democrats. The gentleman from New York (Mr. LAFALCE) and I headed up the charge, on our side. And I had the privilege over the last couple of years, with others in this body that are on the floor now, of participating jointly with our Canadian counterparts, our colleagues from Canada.

This has been the number one issue the last number of years. Why is that? In my home State of Michigan, we have more than a billion and a half dollars of trade that literally goes across the bridge into Canada every day. Every day. We have thousands of Americans and Canadians that cross the border to work, whether it be at hospitals or other places. And, sadly, under the old rules, I guess those that are still present today until this legislation becomes law, under that section 110, had it been allowed to come into play, it would have meant a delay for days, perhaps, for people to go simply from one side of the border to the other, whether it be for dinner, for a job, or whatever it might be.

Thanks to the leadership of people on this floor today, particularly my colleague, the gentleman from New York (Mr. HOUGHTON), the gentleman from New York (Mr. MCHUGH), the gentleman from Florida (Mr. STEARNS),

and others, we were able to have a meeting of the minds. And in fact, we have legislation now that, when it is passed this afternoon, and thanks to the leadership of many in the Senate as well, instead of coming to war over this issue, like we almost did last year, in essence we are able to come shoulder to shoulder and do something for the American good that will help both countries, and Mexico as well, but our interest certainly has been Canada, for those of us from Michigan. But we are going to resolve this issue by using our heads and our minds and our words.

I just want to commend again my colleague from Texas for allowing us to take this bill on a fairly rapid course through his subcommittee, our leadership by getting it to the floor today, and, in essence, getting away next year, instead of having that date come into play, when literally our borders would be locked and sealed and folks would be unable to cross the border for whatever purpose. In fact, this opens the door in a meaningful way; and one that I think was certainly the intent of the legislation that was passed.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), the ranking member on the Subcommittee on Immigration and Claims.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS), and I thank the chairman of the subcommittee.

Who said that this could not be done; fixing section 110? I want to thank the members of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee, and the chairman of the subcommittee for what I think is a very good resolution, along with the many others who have worked on this improvement of section 110.

Let me briefly just suggest that being an original cosponsor of H.R. 4489, I am glad now that it provides for continued input from government, business, and border communities. Now, under this legislation, the Attorney General would be required to create a task force made up of public and private representatives to evaluate and report on how the U.S. can improve the flow of traffic at airports, seaports, and land ports of entry. The Attorney General must make legislative recommendations to implement the findings of the task force.

This bill would increase our security and use of technology, while not increasing delay or congestion at U.S. ports of entry, therefore bringing together the distinctive and disparate needs of our northern border and our southern border.

Let me also say that this spreads a whole new light on the enormous tragedy that Angel Resendez-Ramirez brought on this country, with coming in on the southern border with very limited information and the tragedy that occurred.

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If this was in place at that time, we would have had all of the data that would have suggested that this was, in fact, a bad actor in anyone's definition and, hopefully, at that time would have been able to save lives.

Let us hope perspective that we will now be able to save lives. But, at the same time, I think it is important to note of a tragedy that is occurring at the border that I hope that we will be able to resolve perspective, and that is the tragic killings of individuals that is increasing by those who live along the border who are frightened and fearful of those who do come across the border illegally seeking a better opportunity.

We know that all of those individuals are not criminals. We have to address that, and I hope that we will have an opportunity to address that in a way that provides the safety of a community but, yet, does not make those of us who live in this country predators and causing the loss of life of individuals who certainly would do us no harm.

This legislation, however, brings into balance the necessity of protecting the United States and, as well, balancing the business and tourism issues and interests that we might have.

I ask my colleagues to support this legislation and help us move further into solving other problems that we incur on a regular basis at our respective borders.

Thank you, Mr. Chairman. I am pleased to come to the floor today to address an issue that has been controversial over the years as a result of the 1996 Immigration law, and that is Section 110 of that law.

Section 110 of the '96 law currently requires the Immigration and Naturalization Service to establish an automated entry and exit control system at all airports, seaports and land border ports of entry by March 30, 2001. The system is to collect a record of the departure for every alien departing the U.S. and matching the records of departures with the record of the alien's arrivals in the United States.

I am pleased to be an original co-sponsor of H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act. I want to commend Subcommittee Chairman SMITH and his staff for working with me and my staff to make the appropriate changes to Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. These changes will encourage and expand trade, tourism and commerce to the United States while at the same time achieving important U.S. border law enforcement objectives.

H.R. 4489, a bill drafted through compromise, bipartisan and bicameral negotiations, eliminates the Section 110 requirements for implementing an entry and exit control system by March 30, 2001. Instead, H.R. 4489 would create an "integrated entry and exit data system" to enable INS to develop a computerized database of the information currently required to be collected by law at U.S. ports of entry.

H.R. 4489 sets out a plan for this system to be implemented in stages so that the data-

base would eventually be accessible at all airports, seaports and land border ports, as well as U.S. consular offices. This new system would not create new data collection authority to impose documentary requirements. More importantly, this system would allow the billions of dollars of U.S. trade and travel which streams through our ports of entry to continue to flow uninterrupted.

Texas has one of the longest international borders of any U.S. state that borders Canada or Mexico. With eleven ports of entry, Texas is the largest U.S. state in exports to Mexico. Exports from Texas to Mexico reached \$41.4 billion in 1999. Many of these goods flowed through Houston ports of entry. Nearly \$6 billion of total merchandise flowed to and from Mexico through Houston. The metropolitan area of Houston alone exports well over \$2.4 billion in goods to Mexico in 1998.

H.R. 4489 also protects the free flow of people through our ports. Texas ranks 4th in the nation in overall visitor spending. Nearly 19 million visitors traveled to the Greater Houston area in 1997, and in 1996 visitors spent just under \$5 billion, which resulted in 85,000 tourism-related jobs in the area.

H.R. 4489 provides for continued input from government, business and border communities. Under this legislation, the Attorney General would be required to create a task force made up of public and private representatives to evaluate and report on how the U.S. can "improve the flow of traffic at airports, seaports, and land ports of entry." The Attorney General must make legislative recommendations to implement the findings of the task force. This bill would increase our security and use of technology while not increasing delay or congestion at U.S. ports of entry.

I am also gratified that this new system will prevent fugitives like Angel Resendez-Ramirez, the infamous railway killer from entering this country undetected. This is very important.

Just a short list of the business and community organizations in support of H.R. 4489 is impressive. The U.S. Chamber of Commerce, the National Association of Manufacturers, the American Trucking Associations, the Travel Industry Association of America, the American Immigration Lawyers Association and our friends to the north and south, Canada and Mexico support this legislation. I agree and urge my colleagues to support this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON).

(Mr. HOUGHTON asked and was given permission to revise and extend his remarks.)

Mr. HOUGHTON. Mr. Speaker, I have just two points to make here. First of all, I am from New York, and I guess we have a lot of New Yorkers around here. But this is really important not only economically but in terms of all the relations we have with Canada. So that is number one.

But number two, I have just been with my friend, the gentleman from Michigan (Mr. UPTON), at a Canadian American delegation meeting. We talked about many issues, free trade to the Americas, the issue of trade with the European Union. We talked about agricultural issues, the whole variety of things. As we left yesterday that delegation, they said, do not forget

that the single most important issue is this sword of section 110 hanging over our heads.

So I just want to say to my colleagues, as I am sure others have said far more eloquently, this is very important and I am enthusiastically supportive of H.R. 4499.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. LAFALCE), a distinguished colleague of mine and the ranking member of another committee.

(Mr. LAFALCE asked and was given permission to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, I give special thanks to my colleague, the gentleman from Michigan (Mr. UPTON), for working so closely with me over the past several years and especially to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims. He has at all times been a scholar and a gentleman with respect to this issue. I do not want to praise this bill too much because I am afraid he might change his mind.

When the gentleman from Michigan (Mr. UPTON) was up here, he said that we are almost at sword's point over this issue, section 110. That is true. But the biggest sword was the Damoclean sword that was hanging over the heads of the border communities along both our northern and southern borders since passage of the 1996 immigration law.

Our largest trading partner is Canada. Our second largest trading partner is Mexico. It was my judgment that implementation of section 110, while not intended to do so, would have had the primary effect of basically stopping commerce and virtually all forms of intercourse amongst our nations. That was not intended, but I fear that would have been the primary effect.

Today, by working together, we are removing that Damoclean sword. But that is playing successful defensive football. We need to go beyond that now after passage of this bill. We have to go on the offensive. And what does that mean? That means that we have to improve things.

We need more personnel on both our northern and our southern borders in order to expedite the flow of commerce and people. We need more technology in order to expedite the flow of commerce and people. We need infrastructure improvements with the Federal Government involved to expedite the flow of people and commerce with respect to the northern border and my communities of Buffalo and Niagara Falls and Lewiston and surrounding areas so affected.

Prime Minister Chretien and President Clinton a few years ago agreed upon what we call the Shared Border Accord. We call upon the President, we call upon the Prime Minister to be more aggressive in pursuit and implementation of that Shared Border Ac-

cord so that eventually we can fulfill at least what I have as a vision, and that is not a border where we have difficulties, but a border between our countries similar to the border between the District of Columbia and Maryland and Virginia, a border similar to the borders that exist in Europe with the European Union, where we can have not simply interstate commerce, we can have truly international commerce, expeditious, free. This would be the best thing we could ever do to the economies of our border regions.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this bill is, as we have heard, the product of literally months and months of study and negotiations and also, as we have heard, at times more than just a little patience. But the positive outcome has been and is today that really the product before us represents a balance, a very delicate balance, but I think a very important one, between the critical objective of ensuring that our borders are secure against all kinds of illegal activities regardless of their design, with the inescapable reality that, in today's world, as we have heard so many say here today, the free flow of tourism and trade and commerce of all descriptions and people of good will, is not just something that is positive; it is, frankly, something that is absolutely essential.

A lot of good folks, many of whom have spoken here directly, my friend the gentleman from Michigan (Mr. UPTON); the gentleman from Michigan (Mr. CONYERS); my good colleagues, the gentleman from New York (Mr. QUINN) and the gentleman from New York (Mr. HOUGHTON); and, of course, the gentleman from New York (Mr. LAFALCE); and so many others have had the opportunity to come together on this.

But I certainly want to pay particular attention to the gentleman from Texas (Mr. SMITH), the subcommittee chairman. No Member anywhere in this House on either side of the aisle has been a more valiant fighter for our secure borders. But, at the same time, his sensitivity and understanding in this issue has been exemplary. He took the time to travel from his home to the 1,000 Islands in the border crossing there at Alexandria Bay to help himself better understand the challenges and the need that we have. Thanks to his leadership, we have this afternoon what I think is a very fair, a very effective product that can take another important step in technology aspects to making our borders even more secure, while at the same time ensuring that that free flow of tourism and trade continues in a way that enures to the benefit of every citizen of this country.

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I am going to return our time. We have no further speakers.

I want to thank the Judiciary staffers Perry Apfelbaum, Noland Rappaport, and Leon Buck for the long, hard work they have put in in negotiating with other Members and staffers to reach what I think is a very useful accord.

I think that this will hold our committee in good stead. We have come to a very good ending on this matter, and so I am very happy to have played a small role in it.

Mr. KOLBE. Mr. Speaker, I rise in strong support of H.R. 4489, the Immigration and Naturalization Service Data Improvement Act. This bipartisan legislation represents a good balance between the legitimate need to prevent visitors from overstaying their visas and the need to ensure efficient cross-border traffic. I do not oppose the goal of establishing an entry-exit system to monitor visa overstays. What I do oppose is establishing such a system with little disregard for its impact on trade and tourism. In my home state of Arizona, the Section 110 system, as originally devised, simply will not work. At the same time, it would have had a devastating impact on our economy. That is why I worked very hard to ensure that Section 110 not be implemented until it could be shown that it would not bring travel and tourism to a virtual standstill.

I want to commend Chairman SMITH for taking these concerns into account in drafting today's compromise. H.R. 4489 amends Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 by replacing the current requirement that by March 30, 2001, a record of arrival and departure be collected for every alien at all ports of entry with a requirement that INS develop an "integrated entry and exit data system" that focuses on data that the INS already collects. Using this data, the Attorney General will implement the integrated entry and exit data system by December 31, 2003, at airports and seaports and not later than December 31, 2004, at 50 land border ports of entry. This is a careful compromise which helps balance our need to monitor visa overstays with the need to preserve the smooth flow of trade and tourism.

This bill is broadly supported by the Immigration and Naturalization Service (INS), the American for Better Borders, the U.S. Chamber of Commerce, the Travel Industry Association of America, the National Association of Manufacturers, the American Council of International Personnel, the American Trucking Association, the American Immigration Lawyers Association, the Canadian/American Border Trade Alliance, the Border Trade Alliance, the Canadian Embassy, and the Mexican Embassy. I am pleased to be able to support this bill.

Mr. REYNOLDS. Mr. Speaker, I rise in support of H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act of 2000.

This measure is vital to tourism, trade and industry in Western New York State; and I am pleased to join Chairman SMITH in sponsoring this legislation, and am grateful for all his hard work to ease border congestion while ensuring safety and efficiency.

H.R. 4489 amends Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, replacing the current requirement that a record of arrival and departure be collected for every alien at every point of entry.

Section 110 was an attempt to identify visa overstays in the U.S. Neither Canadian nor U.S. citizens require visas. However, the implementation of this part of the law had the potential to cause more problems than it solved.

In 1998 alone, there were more than 76 million entries and exits to the U.S. by Canadian citizens.

Some of the largest of those crossing points are along the New York-Ontario border. In fact, Western New York is the largest port in the state of New York.

More than \$85 billion in goods and services moved back and forth between Western New York and Southern Ontario in 1998 alone. And about \$140 million per day moves across its border crossings.

It was anticipated that stopping every vehicle entering and exiting the U.S.—as Section 110 required—would have caused 30 hour crossing delays at busy international border points. Business and industry in Western New York hoping to grow from increased trade and commerce simply could not afford those types of delays.

As NAFTA continues to encourage trade between the U.S., Canada and Mexico, the growth in traffic across the U.S./Canada border is expected to continue its 4%–7% annual growth rate over the next decade.

Commercial vehicles must cross the northern border quickly and efficiently for U.S. companies to remain globally competitive and attract new foreign investment.

Congress must correct the problems associated with Section 110 as currently written to facilitate international commerce and promote continuing economic development in New York State and across the country. This legislation does that and, on behalf of Western New York residents and businesses, I urge its adoption.

Mr. BONILLA. Mr. Speaker, I am very pleased to see we have fixed the Section 110 problem by removing the cumbersome requirements made under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This is a very important issue to me, my constituents and all Americans living on our nation's borders. I have always made it a priority to see that no unnecessary burdens are placed on border residents. The implementation of Section 110, as proposed in 1996 would have crippled and severely restricted cross border trade, tourism and the environment.

It should be highlighted that H.R. 4489 does not create any new documentary requirements. We have amended section 110 to create an integrated entry and exit database system. We have allowed our advanced technology to direct our policy. The new system, once implemented, will match an alien's arrival data with their departure data. It will also produce a report of an alien's country of nationality and identify any non-immigrant who may have overstayed their visas. The bill also creates a task force to study and recommend methods to continuously improve and update the INS' database system as technology advances. This will ensure we are always current

with the most efficient and effective ways to safe and lawful border crossing.

The people living on our borders will benefit from this legislation, as it will facilitate expedient, safe and lawful cross border trade and tourism.

Mr. REYES. Mr. Speaker, I rise today in strong support of the bipartisan agreement reached on Section 110 and presented to the House as H.R. 4489. I am proud to be an original cosponsor of this bill and ask all of my colleagues to support this legislation. This compromise legislation will achieve the enforcement goals of Section 110 without punishing communities along the border.

H.R. 4489 eliminates the Section 110 requirements of implementing an entry/exit control system by March 20, 2001 and instead requires the INS to automate its ability to collect information on who is entering and exiting the U.S. This is good news for communities like El Paso that would have been devastated by the full implementation of Section 110. Our ports-of-entry, which are already stressed, would have become parking lots. Business would have suffered and tourism would have disappeared. Trade, which is so important to my district and others along the border, would have suffered greatly.

I commend Chairman SMITH for this efforts during these negotiations. The goals of Section 110 are admirable. This bill allows us to make use of the information that we already gather on people entering and exiting this country. That is an important first step we must take prior to adding additional requirements to an already overwhelmed agency.

What this entire debate has shown us is that we must do a better job of providing the INS and Customs with additional personnel to man the ports-of-entry. We must make it a priority to staff the ports-of-entry along the Southwest Border so that we can have all lanes open for traffic. Additional personnel will allow us to better manage our borders, enforce our laws, and facilitate the flow of commerce. This is a good bill and I urge my colleagues to support this compromise.

Mr. BONIOR. Mr. Speaker, when Congress passed the immigration reform bill in 1996, no one in this body thought they were voting for a bill that would tie up our borders with Mexico and Canada.

But that's what could happen unless we pass this corrective legislation today.

Section 110 of the 1996 immigration bill was interpreted as requiring Canadian and Mexican citizens to obtain entry and exit documents when traveling to the United States—even though the authors of the bill acknowledged that was not its purpose.

For communities at the border, Section 110 of the immigration bill is a disaster waiting to happen—clogged bridges, tunnels, and roads—impacting commerce and tourism.

I know that at the Blue Water Bridge, at Port Huron in Michigan, delays can already lead to hours waiting in line at our border with Canada. But improvements are being made to relieve the congestion.

All the efforts that have been made to improve our borders will be for naught if the visa requirement is implemented.

We don't need an onerous, unnecessary requirement that will further congest our borders.

That's why we should pass this sensible compromise legislation today. I'm pleased to join as a cosponsor of H.R. 4489, the Immi-

gration and Naturalization Service Data Management Improvement Act of 2000.

Tourism, trade, and border communities will be devastated if Section 110 is not changed. This is our chance to make it right.

We can patrol our border effectively if we give the INS and Customs Service the resources they need to do their jobs well.

Let's use the opportunity we have today to correct this major flaw. Please join me in voting for H.R. 4489.

Mr. SWEENEY. Mr. Speaker, I rise in strong support of this consensus legislation, H.R. 4489, the INS Data Management Improvement Act.

As a Representative of a region highly dependent upon economic ties with Canada, I have long been concerned that the implementation of Section 110 of the 1996 Immigration reform Act would adversely affect commerce, trade, and tourism for the North Country region of New York.

I note that New York City and Montreal are the two largest metropolitan areas on the Eastern Seaboard. The 22nd Congressional district of New York lies directly between them, providing tremendous economic opportunities for our residents.

The compromise today allows for increased data collection and monitoring at our borders without compromising the flow of goods and tourists that are essential to the New York-Montreal trade corridor.

New York exported \$10 billion in goods to Canada in 1998 and hosted 2.2 million Canadian visitors.

This exchange is already hampered today by the outdated facilities and lack of resources and our border crossings in New York.

This agreement today ensures that this situation of gridlock at our borders will not be worsened by the implementation of Section 110.

I thank the Subcommittee Chairman, Mr. SMITH and the cosponsors for their hard work on this legislation.

Mr. QUINN. Mr. Speaker, I rise in strong support of H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act. As you all know, we have been grasping for a solution to the Section 110 problem for several years now. And now, through months of hard work and negotiations, I am pleased to lend my full support to this bipartisan solution to this vexing problem.

This legislation will amend Section 110 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act in two ways. First, this bill will create a database to integrate and centralize the information that is already collected about aliens entering and leaving the United States. This solution will impose no new information collection requirements.

Second, the bill establishes a task force that will issue findings and recommendations on enhancing data collection. The task force will also study and make recommendations on how to improve congestion at border points and facilitate border crossings. This task force will be made up of representatives of the public sector including agencies with interests in trade, tourism, transportation, immigration, law enforcement, national security and the environment. The task force will also include private sector representatives from affected industries.

Section 110, as written in the 1996 Immigration Reform law, would have had a devastating impact on the economies of border



communities. By requiring a record of every person entering and leaving the US, border crossings would have been effectively shut down. The lengthy delays that are already experienced at border crossings would have been increased to a near stand still. This legislation today, accomplishes the laudable goal for section 110, without effecting border traffic. Tracking aliens in the United States is something we need to facilitate. This bill will do that. I am thrilled that we have come to this important compromise.

I would like to take a moment to thank Chairman SMITH, for his willingness to sit down and spend the hours and days that it took to reach this solution. I would also like to thank Congressmen UPTON, LAFALCE, MCHUGH, HOUGHTON, REYNOLDS and all of the other members and staff who spent so much time and effort to reach this compromise. I urge my colleagues to support this bill.

Ms. STABENOW. Mr. Speaker, I rise to join this bi-partisan effort to improve the provisions of section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This much needed revision of section 110 seeks to ensure that the law enforcement objectives of the 1996 law are preserved without adversely impacting Michigan's strong tourism and Trade industry. Mr. Speaker, to those of us who always opposed the provisions of section 110 that would produce enormous backups at our borders, this bill represents a much needed and long awaited compromise. The people of the great State of Michigan, some of whom cross the international border to Canada every day, are well served by this revision. I look forward to finding further ways we can improve our security and ensure the free flow of tourists and goods through the state of Michigan.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, we had an additional speaker on the way, the gentleman from New York (Mr. QUINN), and he has not yet arrived. Without the presence of the gentleman, I will go on and say to the Speaker, I have no requests for additional time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4489.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### HONG VETERANS' NATURALIZATION ACT OF 2000

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 371) to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill:

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 4, line 6, strike out "In" and insert "(a) In".

Page 4, strike out all after line 15, down to and including line 25 and insert:

(3) may request an advisory opinion from the Secretary of Defense regarding the person's, or their spouse's, service in a special guerrilla unit, or irregular forces, described in section 2(I)(B); and

(4) may consider any documentation provided by organizations maintaining records with respect to Hmong veterans or their families.

(b) The Secretary of Defense shall provide any opinion requested under paragraph (3) to the extent practicable, and the Attorney General shall take into account any opinion that the Secretary of Defense is able to provide.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I include for the RECORD the following letter from Philip SMITH, Director of Lao Veterans of America, Inc.:

Mr. Speaker, I ask unanimous consent to place the following letter in the RECORD.

LAO VETERANS OF AMERICA, INC.,  
Washington, DC, May 22, 2000.

Hon. HENRY HYDE,  
Chairman, Judiciary Committee,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: Thank you for attending our National Recognition Ceremonies, and serving as one of the keynote speakers, to mark the 25th anniversary of the end of the Vietnam War in Laos. We wish to express to you our deepest gratitude for your leadership role in the House of Representatives on behalf of the plight of the Hmong and Lao veterans who served bravely with U.S. clandestine and military forces in Laos during the Vietnam War. We would also like to respond to the inquiry by your office about our current position regarding the newly amended version of H.R. 371/S. 890, the Hmong Veterans Naturalization Act of 1999, that passed the Senate on Thursday, May 18.

First, the unanimous, bipartisan vote for passage, on May 2, in the House of Representatives, of H.R. 371, was made possible largely because of your extraordinary leadership in helping to forge a bipartisan coalition along with that of Congressman Bruce Vento, the bill's courageous and determined sponsor, and Congressman George Radanovich, the bill's key Republican activist. At the time of passage in the House, 109 bipartisan Members of Congress were officially signed on as cosponsors to H.R. 371. Many veterans organizations have also endorsed it, including the American Legion, U.S. Special Forces Assoc., National Vietnam Veterans Coalition, BRAVO, and Counterparts. We are grateful for your work with Subcommittee Chairman Lamar Smith as well as Minnesota Governor Jesse Ventura, who both deserve significant credit for the ultimate success of the legislation in the House, by weighing-in at the critical time and helping to move the bill forward.

Second, with regard to the issue of the lack of records maintained by the U.S. government on the Hmong and Lao veterans, the Lao Veterans of America was very honored to be cited by name in the legislation as an example of an organization that could

provide helpful input regarding the military records of those Hmong and Lao veterans who served in the U.S. Secret Army in Laos during the Vietnam War. As the nation's largest Hmong and Lao non-profit veterans organization, as well as the first such organization to be established and incorporated in the United States (some ten years ago), we maintain the nation's largest repository of such records. The original records were destroyed in Laos at the end of the Vietnam War. We are, therefore, pleased to have been mentioned in the original legislation as an example of an organization that might be helpful with such records for the implementation of the bill's mandate. It is indeed, honorable to have been cited in this way by so many in the House and Senate who helped draft and officially sign on as cosponsors to H.R. 371/S. 890. Thank you for your thoughtfulness and kind consideration in this regard. It is, indeed, fundamentally important for Hmong and Lao veterans organizations, including organizations such as the Lao Veterans of America, to have input with regard to the military service records of the Hmong and Lao veterans, since the U.S. CIA, Defense Department, and Department of Justice have, apparently, only a very limited number of records regarding those who actually served and fought in the U.S. Secret Army in Laos.

Third, with regard to Congressman Vento's heroism, it is our hope that this legislation will help to serve as an enduring tribute to him when he leaves office at the end of the 106th Congress. Great men are those, who in time of crisis, rise above their personal circumstances to lead for the common good and help people overcome the common enemies of mankind, such as injustice, ignorance and despair. It is important, from our perspective, to stress that the Congressman Bruce Vento's personal challenge with cancer could easily, and understandably, have caused him to shrink from assisting us further with the passage of the Hmong veterans legislation. Instead, he redoubled his efforts, at that of his staff, even from his hospital bed. We are humbled and privileged to have had the honor to fight this battle on behalf of citizenship for the Hmong and Lao veterans together with Congressman Bruce Vento and you. For us, the struggle for this legislation began some 10 years ago, when we first began to work with Congressman Vento to develop this legislation. Indeed, it has been a noble endeavor, at its essence an issue of justice and honor for America and the Hmong veterans. We feel honored to have worked with so many great men, and giants, in Congress to press this long-overdue legislation forward to passage in the House and Senate. Providentially, it comes some 25 years, to the month, after the exodus of the Hmong and Lao veterans of the U.S. Secret Army from Laos in those bloody final weeks of 1975. Like Congressman Vento, we share in the conviction that this is one of our crowning achievements that will for generations bless communities across America. It will honor the name of those Hmong and Lao veterans of the U.S. Secret Army and their American allies, and friends, who fought so valiantly in this difficult struggle, both in the jungles of Southeast Asia as well as in the halls of Congress in Washington, D.C.

Fourth, with regard to your office's concern about the amended version of S.890/H.R. 371 that passed the Senate last week, we consider this legislation's passage historic and a great victory for the Lao and Hmong veterans of the U.S. Secret Army and their refugee families across the United States. The Lao Veterans of America was pleased to work to assist in playing a leadership role in the passage of this important legislation. We laud its Senate sponsors, Senators Paul