

Earlier this week, we had a vote in the House-Senate conference committee on whether to keep the pay raise in the bill. I was prepared to offer a motion to reject the pay raise, and, indeed, voted against the measure. As this body knows, the House voted to insist on its position, and we could not muster a majority in the Senate to similarly insist on this Chamber's position against the pay raise.

Mr. President, this bill before us also includes many provisions and important programs. If this were an up-or-down vote on the pay raise, I would again oppose the measure. But, this bill is more than that—it funds the Treasury Department, the Internal Revenue Service, the White House, and dozens of other Federal agencies.

In addition, the bill includes many anticrime programs, including those operated by "Drug Czar," the Treasury Department, and the Bureau of Alcohol, Tobacco, and Firearms. I'm pleased that the legislation includes \$3 million for the designation of a high-intensity drug trafficking area for Milwaukee, WI. Unfortunately, the drug epidemic often crosses State lines, and it is necessary for Wisconsin law enforcement agencies to coordinate with Federal authorities. If the drug czar concurs with the language in this bill, this money will help my State better combat the growing drug problem.

The legislation also includes a \$1 million increase in the Youth Gun Crime Interdiction Initiative. Milwaukee is one of a small number of cities selected last year to participate in the program which uses resources from the Federal Bureau of Alcohol, Tobacco, and Firearms to trace weapons in an attempt to track the seller. The program saw its first success in April when Milwaukee Police arrested a grocery store security guard and charged him with Federal firearms violations. Lawrence M. Shikes plead guilty to purchasing guns and reselling them to juveniles, gang members, and drug dealers in the Milwaukee area. This is an important program, and one of the reasons that I am voting for the overall bill.

Mr. President, while I am voting for this bill, I strongly oppose to the congressional pay raise provision. Because of this conviction, I will not accept any increase in my salary. Since coming to the Senate in 1989, I have not accepted any salary increase, and I will return any future pay increase to the U.S. Treasury to reduce the deficit.

Since this is one provision of a larger bill, I will vote in favor of the measure.

Mr. CAMPBELL. I suggest the absence of a quorum and ask that the time continue to be charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I ask unanimous consent to be permitted to speak as in morning business for up to about 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECTION 110 OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT

Mr. ABRAHAM. Mr. President, today, I want to bring to the Senate's attention an issue of great concern, not only to my home State of Michigan, but also to many other Northeastern States that border Canada. Section 110, a rather small provision of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, has generated waves of controversy here in the United States and in Canada because of its unintended negative impact on trade and travel between the two countries.

Section 110 requires the Immigration and Naturalization Service to develop an automated entry and exit system to document the entry and departure of every alien arriving in and leaving the United States. The term "every alien" certainly would be interpreted to include both Canadians and American permanent residents who cross our land borders with Canada.

This interpretation conflicts with the decades-old practice of not requiring Canadians to present a passport, visa, or border crossing identification card at the border. As previously described, this interpretation was not intended by the law's authors. My former colleague, Alan Simpson, who preceded me as chairman of the Senate Immigration Subcommittee, and Representative LAMAR SMITH, who is the current chairman of the House Immigration Subcommittee, wrote in a letter last year to the Canadian Government that they did not intend to impose a new requirement for border crossing cards on Canadians who are not presently required to possess such documents.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

His Excellency RAYMOND CHRÉTIEN,
Ambassador of Canada,
Canadian Embassy, Washington, DC.

DEAR MR. AMBASSADOR: This is in reply to your letter regarding congressional intent in the implementation of Sections 104 and 110 of the "Illegal Immigration Reform and Immigrant Responsibility Act of 1996." Ms. Strom and Mr. Day were accurate in their description of our intent regarding those provisions.

With regard to Section 104, it was not our intent to impose a new border crossing card requirement on Canadians who do not now need to possess such a card to enter the United States. With regard to Section 110, again, it was not our intent that Canadian citizens who now enter the United States without an I-94 will be required to obtain that form in the future.

Of course, any Canadians who elect to possess a border crossing card will be subject to

the requirements for an improved card; and any Canadians who are now issued an I-94 form will be subject to the new exit control provisions of the law. But, again, we did not intend to impose a new requirement for border crossing cards or I-94's on Canadians who are not presently required to possess such documents.

Respectfully yours,

ALAN K. SIMPSON,

Chairman, Subcommittee on

Immigration, U.S. Senate

LAMAR S. SMITH,

Chairman, Immigrations & Claims,

House of Representatives.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the letter from the Canadian Ambassador to Congressman SMITH to which his letter responds be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. LAMAR S. SMITH,

Chairman, Immigration and Claims,

House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: I wish to bring to your attention some language of the "Illegal Immigration Reform and Immigrant Responsibility Act of 1996" which, depending on how it is interpreted, could have significant cost implications for the United States as well as affect the mobility of millions of Canadians.

Section 110 of the Act requires the Attorney General to develop an automated entry-exit control system at ports of entry. We understand that this provision was introduced to document the entry and exit and gather information on immigration violations committed by foreign nationals who are entering the United States legally either with a U.S. non-immigrant visa or through the privilege of a visa waiver pursuant to the Visa Waiver Program initiated in 1986. Officials in both the Immigration and Naturalization Service and the State Department have brought to our attention that the final language of Section 110 uses the word "alien" without any qualification. This could be interpreted as including the millions of Canadian citizens who enter the United States every year and are not issued an I-94 form.

My officials have discussed the matter informally with Ms. Cordia Strom, your Chief Counsel, and Mr. Richard Day, her counterpart, in the House immigration Subcommittee. Ms. Strom and Mr. Day confirmed our understanding of the legislative intent as stated above. They indicated that Congress did not intend to require the issuance of documentation and the control of departure for the millions of Canadians who have, since well before 1986, traditionally enjoyed the privilege of a summary inspection. Such interpretation would have a very negative impact on cross border mobility at high volume border crossings such as the Rainbow bridge in Niagara Falls or the Detroit-Windsor Tunnel. I would therefore be grateful if you could confirm that Congress did not intend to make Canadians subject to this provision.

I am also concerned about an interpretation of Section 104 of the same Act that appeared in "Interpreter Releases" in their October 7, 1996 issue. The "Section-by-Section Summary" of that publication on Section 104 suggests that all aliens must use a border crossing card with a biometric identifier by September 30, 1999.

In their efforts to facilitate mobility in the context of the Border Accord, both Canada and the United States, encourage frequent travellers to consider the benefits of using dedicated inspections lines by enrolling in

INSPASS or CANPASS. Enrollment in these programs is voluntary. Making it a mandatory requirement would become a major impediment to cross border mobility for millions of American and Canadian travellers. Our reading of Section 104 of the Act does not lead us to such a conclusion. I would therefore also appreciate your confirmation that it was not Congress's intention to require all Canadians, travelling to the U.S. by September 30, 1999, to hold such a card.

Thank you in advance for your cooperation on these matters.

Yours sincerely,

RAYMOND CHRÉTIEN,
Ambassador.

Mr. ABRAHAM. Unfortunately, the INS appears to maintain, regardless of the intention, that the law clearly calls for a record of every entry and departure by noncitizens entering or departing the United States. I will be sending a letter to INS Commissioner Doris Meissner to ask how the agency interprets section 110, how the agency plans to implement the law, and how we might work together to remedy what I see as an enormous problem on the horizon.

Bumper-to-bumper traffic is not an unusual occurrence in many parts of the country, whether its a morning or afternoon commute or a trip to a football game. This also occurs every day at already busy border crossing points. But imagine if you will, the traffic nightmare of back-up for miles and miles that would result from implementing this new provision at all U.S. border crossings. Under the section 110 statute, every Canadian citizen and American permanent resident must present a visa or proper immigration form to border inspectors. In 1996 alone, over 116 million people entered the United States by land from Canada. Similarly, over 52 million Canadian residents and United States permanent residents entered Canada last year. The new provision would require a stop on the U.S. side to record the exit of each person in every car. That's more than 140,000 every day; 6,000 every hour; 100 every minute. And that is just when you exit the United States. Those person entering the United States from Canada will also confront a similar circumstance. These delays will affect American citizens alike.

Now imagine the economic impact of such a policy. The free flow of goods and services that are exchanged every day through the United States and Canada has provided both countries with enormous economic benefits. Together, trade and tourism between the two nations is worth a billion dollars a day for the United States, and Canada is the United States' largest trading partner. The State of Michigan is an important beneficiary of this longstanding close relationship. The Ambassador Bridge in Detroit is the largest land border crossing point in North America. The United States automobile industry conducts \$300 million worth of trade with Canada every day. Michigan, and Detroit in particular, would be severely impacted by excessive delays that would surely arise if

truckers were forced to show a visa or fill out immigration forms at each port of entry. New just-in-time delivery methods have made United States-Canadian border crossings integral parts of our automobile assembly lines. A delivery of parts delayed by as little as 20 minutes can cause expensive assembly line shutdowns.

Tourism is another industry that would surely be affected by the implementation of section 110. Suddenly, people in Windsor, Canada, who thought they'd head to Detroit for a Tiger's baseball game or Red Wing's hockey game think again and stay home—with their money. In fact, this provision would force all Canadian residents who visit their family and friends in America to obtain a visa or obtain other immigration forms. It is for these reasons that we have twice rebuffed previous attempts in the Senate to impose a tax on border crossings.

Mr. President, our borders are already crowded. In 1993, nearly 9 million people traveled over the Ambassador Bridge I referred to earlier, 6.4 million traveled through the Detroit-Windsor tunnel, and approximately 6.1 million crossed the Blue Water Bridge in Port Huron. Think what it would mean to load them down with paperwork and fee payments. Optimistically, the new controls might take an extra 2 minutes per border crosser to fulfill. That is almost 17 hours of delay for every hour's worth of traffic. It's just not practical, and we must act to prevent it from happening.

As chairman of the Senate Subcommittee on Immigration, I intend to hold hearings in both Michigan and Washington to learn more of the impact of section 110. I am certain these proceedings will be useful in determining how to clarify the act and make the case to my colleagues that we must remedy this situation.

The illegal immigration law passed last year focused on those persons who enter our Nation illegally, not those who come here legally to make a better life for themselves and their families—let alone those who visit family here on a regular basis or help carry out our crucial, ongoing trade with Canada. I should also note that Canadians have not historically presented significant illegal immigration problems and that I appreciate very much the unique and close relationship Americans and Canadians share. Section 110 will not go into effect until September 1998. In the meantime, it is my hope that Congress will take the time to closely consider the problems I have outlined and conform the act to reflect current policy and our special relationship with Canada.

Mr. President, I yield the floor. I suggest the absence after quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. CAMPBELL. Mr. President, given that there are no further Senators seeking recognition, I yield my time.

Mr. KOHL. I yield my time.

The PRESIDING OFFICER. All time has expired.

Mr. CAMPBELL. Mr. President, I urge the Senate to adopt the conference report for H.R. 2378, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. FRIST). The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will the role.

The assistant legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—55

Akaka	Glenn	Mack
Bennett	Gorton	McConnell
Biden	Graham	Mikulski
Bingaman	Hagel	Moynihan
Breaux	Harkin	Murkowski
Bumpers	Hatch	Nickles
Byrd	Hutchison	Reed
Campbell	Inhofe	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Kempthorne	Sarbanes
Conrad	Kennedy	Smith (OR)
Craig	Kerry	Stevens
Daschle	Kohl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Levin	Torricelli
Durbin	Lieberman	Warner
Feinstein	Lott	
Ford	Lugar	

NAYS—45

Abraham	Enzi	Leahy
Allard	Faircloth	McCain
Ashcroft	Feingold	Moseley-Braun
Baucus	Frist	Murray
Bond	Gramm	Reid
Boxer	Grams	Roberts
Brownback	Grassley	Santorum
Bryan	Gregg	Sessions
Burns	Helms	Shelby
Cleland	Hollings	Smith (NH)
Collins	Hutchinson	Snowe
Coverdell	Johnson	Specter
D'Amato	Kerrey	Thomas
DeWine	Kyl	Wellstone
Dodd	Lautenberg	Wyden

The conference report was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.