have expressed their support of this legislation. And the Administration and the Federal employee unions, although opposed to the original S. 314, all have indicated they will not object to this legislation.

S. 314 would require Federal agencies prepare a list of activities that are not inherently governmental functions that are being performed by Federal employees, submit that list to OMB for review, and make the list publicly available. It also would establish an ''appeals'' process within each agency to challenge what is on the list or what is not included on the list. S. 314 also would create a statutory definition—identical to current regulation—for what is an ''inherently governmental function'' that must be performed by the government and not the private sector.

S. 314 adheres to the seven principles the Administration outlined in its testimony to this Committee. It reflects recommendations made by the General Accounting Office in testimony to this and other committees. And it provides a statutory basis for longstanding administrative policy.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

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

The committee amendment was agreed to.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; that the title amendment be agreed to; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 314) was considered read the third time and passed.

The title was amended so as to read:

''A bill to provide a process for identifying the functions of the Federal Government that are not inherently governmental functions, and for other purposes.''.

BORDER IMPROVEMENT AND IMMIGRATION ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 342, S. 1360.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1360) to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Border Improvement and Immigration Act of 1998''.

SEC. 2. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

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

''(a) SYSTEM.—

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

''(A) collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States; and

''(B) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

''(2) EXCEPTION.—The system under paragraph (1) shall not collect a record of arrival or departure—

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

''(B) for any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of the Immigration and Nationality Act.''.

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

SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the feasibility of developing and implementing an automated entry-exit control system that would collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States, including departures and arrivals at the land borders and seaports of the United States.

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

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

(A) how, if the automated entry-exit control system were limited to certain aliens arriving at airports, departure records of those aliens could be collected when they depart through a land border or seaport; and

(B) the feasibility of the Attorney General, in consultation with the Secretary of State, negotiating reciprocal agreements with the governments of contiguous countries to collect such information on behalf of the United States and share it in an acceptable automated format;

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

(3) evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and

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

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

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

(1) provides an accurate assessment of the status of the development of the entry-exit control system;

(2) includes a specific schedule for the development of the entry-exit control system that the Attorney General anticipates will be met; and

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

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

(1) the number of arrival records of aliens and the number of departure records of aliens that were collected during the preceding fiscal year under the entry-exit control system under section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as so amended, with a separate accounting of such numbers by country of nationality;

(2) the number of departure records of aliens that were successfully matched to records of such aliens' prior arrival in the United States, with a separate accounting of such numbers by country of nationality and by classification as immigrant or nonimmigrant; and

(3) the number of aliens who arrived as nonimmigrants, or as visitors under the visa waiver program under section 217 of the Immigration and Nationality Act, for whom no matching departure record has been obtained through the system, or through other means, as of the end of such aliens' authorized period of stay, with an accounting by country of nationality and approximate date of arrival in the United States.

(c) INCORPORATION INTO OTHER DATABASES.—Information regarding aliens who have remained in the United States beyond their authorized period of stay that is identified through the system referred to in subsection (a) shall be integrated into appropriate databases of the Immigration and Naturalization Service and the Department of State, including those used at ports-of-entry and at consular offices.

SEC. 5. LIMITATION ON CERTAIN BORDER CROSSING-RELATED VISA FEES.

(a) LIMITATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of State may not charge a fee in excess of the following amounts for the processing of any application for the issuance of a visa under section 101(a)(15)(B) of the Immigration and Nationality Act if the appropriate consular officer has reason to believe that the visa will be used only for travel in the United States within 25 miles of the international border between the United States and Mexico and for a period of less than 72 hours:

(i) In the case of any alien 18 years of age or older, $45.

(ii) In the case of any alien under 18 years of age, zero.

(2) PERIOD OF VALIDITY OF VISAS FOR CERTAIN MINOR CHILDREN.—If a consular officer has reason to believe that a visa issued under section

101(a)(15)(B) of the Immigration and Nationality Act to a child under 18 years of age will be used only for travel in the United States within 25 miles of the international border between the United States and Mexico for a period of less than 72 hours, then the visa shall be issued to expire on the date on which the child attains the age of 18.

(b) DELAY IN BORDER CROSSING RESTRICTIONS.—Section 104(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking ''3 years'' and inserting ''4 years''.

(c) PROCESSING IN MEXICAN BORDER CITIES.—The Secretary of State shall continue until at least October 1, 2000, to process applications for visas under section 101(a)(15)(B) of the Immigration and Nationality Act at the following cities in Mexico located near the international border with the United States: Nogales, Nuevo Laredo, Ciudad Acuna, Piedras Negras, Agua Prieta, and Reynosa.

SEC. 6. AUTHORIZATIONS OF APPROPRIATIONS FOR BORDER CONTROL AND ENFORCEMENT ACTIVITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) IN GENERAL.—

(1) INS.—In order to enhance enforcement and inspection resources on the land borders of the United States, enhance investigative resources for anticorruption efforts and efforts against drug smuggling and money-laundering organizations, process cargo, reduce commercial and passenger traffic waiting times, and open all primary lanes during peak hours at major land border ports of entry on the Southwest and Northern land borders of the United States, in addition to any other amounts appropriated, there are authorized to be appropriated for salaries, expenses, and equipment for the Immigration and Naturalization Service for purposes of carrying out this section—

(A) $113,604,000 for fiscal year 1999;

(B) $121,064,000 for fiscal year 2000; and

(C) such sums as may be necessary in each fiscal year thereafter.

(b) FISCAL YEAR 1999.—

(1) INS.—Of the amounts authorized to be appropriated under subsection (a)(2)(A) for fiscal year 1999 for the Immigration and Naturalization Service, $15,090,000 shall be available until expended for acquisition and other expenses associated with implementation and full deployment of narcotics enforcement and cargo processing technology along the land borders of the United States, including—

(A) $11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging to be distributed to border patrol checkpoints;

(B) $200,000 for 10 ultrasonic container inspection units to be distributed to border patrol checkpoints;

(C) $240,000 for 10 Portable Treasury Enforcement Communications System (TECS) terminals to be distributed to border patrol checkpoints;

(D) $1,000,000 for 20 remote watch surveillance camera systems to be distributed to border patrol checkpoints;

(E) $180,000 for 36 AM radio ''Welcome to the United States'' stations located at permanent border patrol checkpoints;

(F) $875,000 for 36 spotter camera systems located at permanent border patrol checkpoints; and

(G) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to border patrol checkpoints.

(c) FISCAL YEAR 2000 AND THEREAFTER.—

(1) INS.—Of the amounts authorized to be appropriated under this section for the Immigration and Naturalization Service for fiscal year 2000 and each fiscal year thereafter, $1,509,000 shall be for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (b)(1), based on an estimate of 10 percent of the cost of such equipment.

(d) NEW TECHNOLOGIES; USE OF FUNDS.—

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

(A)(i) is technologically superior to the equipment specified; and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment specified; or

(B) can be obtained at a lower cost than the equipment authorized.

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Attorney General may reallocate an amount not to exceed 10 percent of the amount specified for equipment specified in this section.

(e) PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT.—

(1) INS.—Of the amounts authorized to be appropriated under this section for fiscal years 1999 and 2000, $98,514,000 in fiscal year 1999 and $119,555,000 for fiscal year 2000 shall be for—

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

(B) a net increase of 100 inspectors and canine enforcement officers for border patrol checkpoints;

(C) 100 canine enforcement vehicles to be used by the Border Patrol for inspection and enforcement, and to reduce waiting times, at the land borders of the United States;

(D) a net increase of 40 intelligence analysts and additional resources to be distributed among border patrol sectors that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations;

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

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

SEC. 7. SENSE OF THE SENATE CONCERNING AUTHORIZATION OF APPROPRIATIONS FOR BORDER CONTROL AND ENFORCEMENT ACTIVITIES OF THE UNITED STATES CUSTOMS SERVICE.

Given that the Customs Service is cross-designated to enforce immigration laws and given the important border control role played by the Customs Service, it is the sense of the Senate that authorization for appropriations should be granted to the Customs Service similar to those granted to the Immigration and Naturalization Service under section 6.

AMENDMENT NO. 3481

(Purpose: To provide a complete substitute)

Mr. JEFFORDS. Senator ABRAHAM has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for Mr. ABRAHAM, proposes an amendment numbered 3481.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 3481) was agreed to.

Mr. ABRAHAM. Mr. President, I rise today to remark on final passage of an important piece of legislation, the Border Improvement and Immigration Act of 1998. I am very pleased that we have been able to work together to produce a bill that the Senate can pass by unanimous consent.

The substitute amendment makes a number of improvements on the committee-reported version. I have worked particularly closely with Senators GRAMM and KYL to include provisions that would provide authorization for significant additional resources for the inspections and drug enforcement operations of the United States Customs Service at the land borders. These resources would help ease traffic and trade back-ups and would detect and deter drug trafficking. It is my hope that they be deployed on a fair basis among the northern and the southern border ports.

Senator KYL and I have also worked closely with the State Department and with the Immigration and Naturalization Service to make sure that modifications were made in the implementation of border crossing improvements so that local communities, particularly in Arizona, would not be unduly harmed by laws and regulations that could not be implemented without keeping travelers from visiting, shopping, and doing business in the United States.

I spoke at length on this legislation in the Judiciary Committee, and that Committee produced a full report on the difficulties that would be faced if Section 110 of the Illegal Immigration and Immigrant Responsibility Act of 1996 were not modified. I do not want to repeat myself here, but would like to comment briefly on some of the key issues.

The legislation first addresses the so-called Section 110 problem. Section 110 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act requires the INS to develop, by September 30, 1998, an automated entry and exit control system to document the entry and departure of ''every alien'' arriving in and leaving the United States. The problem is that the term ''every alien'' could be interpreted to cover all aliens entering at land borders and seaports, which are points of entry where entry-exit control has not been in place. My legislation exempts land borders and seaports from coverage of the system, and instead requires the Attorney General to submit a detailed feasibility report to Congress on what full entry-exit control would involve, what it would cost, and what burdens it would impose on our States and our constituents. This is simply a sensible and responsible approach.

The other provisions in the bill include reporting requirements on data obtained from the entry-exit control system that would be in operation at

airports, provisions to fix some serious problems that are being experienced on the Southern border with the issuance of the new biometric ''laser visas''—which I know is of great concern to Senator KYL and others on the Southern border—and authorization for additional Customs and INS resources for border inspections and enforcement.

I will say a bit more about the Section 110 problem because that is the provision that is most important to me. Implementing Section 110 at the land borders is essentially impossible at the moment. No one—not INS, not the State Department, and not anyone in Congress—has come up with a feasible way of implementing such a system at the land borders.

At a hearing before the House Subcommittee on Immigration and Claims just last week, testimony was heard from a private sector technology company that developing feasible technology to implement Section 110 would require ''substantial'' time, ''ultimately long lead times'', and ''significant resources,'' none of which the company could specify with any precision given the absolutely monumental nature of the task. Commenting on the sheer size of the database that would be needed to contain the number of visitor entry and exit records that would in theory be collected and entered into the system by the INS, Ann Cohen, Vice President of the EDS Corporation, testified, ''to put some perspective on the magnitude of this number, the information in this system at the end of one year would be equal to the amount of data stored in the U.S. Library of Congress.''

In the Senate, we heard testimony at an earlier subcommittee hearing that if this system were implemented with just a 30-second inspection required for every border crosser, backups at the Ambassador Bridge in Detroit would immediately exceed 24 hours. That would be unbearable, and the border would effectively be closed. The impact would be immediate and would be staggering. The U.S. automobile industry alone conducts $300 million in trade with Canada everyday. I learned in Michigan that there are 800 employees of the Detroit Medical Center who commute from Canada every day and who would no longer be available to provide medical care to Michiganians. Tourism would be seriously harmed, families with members on each side of the land borders would be harmed, and our international relations with Canada and Mexico would likewise be seriously damaged.

To add to this, Congress did not have the chance to fully consider the question of entry-exit control at the land borders, as opposed to just at airports, because the final language of Section 110 appeared for the first time only in the Conference Report. Senator Simpson and Chairman SMITH acknowledged in letters to the Canadian Embassy following passage of the 1996 Act that they did not intend Section 110 to impose additional documentary burdens on Canadian border crossers.

The outpouring against this provision has been enormous. I would like to just mention a few. The approach this legislation takes is supported by the National Governors Association, the Republican Governors Association, Americans for Better Borders, the U.S. Chamber of Commerce, The Washington Post, The Los Angeles Times, the American Trucking Association, Ford, Chrysler, and GM, the Travel Industry Association of America, and many, many businesses, State and local governments and other organizations.

It is not enough to delay implementation of this requirement. The Governors and others have spoken loud and clear against delaying the effective date of this requirement on the grounds that the States, businesses, and families who would be affected by this would have no idea what would be imposed on them when. This is not a case of pressuring the INS or anyone else to come up with a plan that will work. The fact is that the only ones who will be pressured are my constituents—and many of my colleagues' constituents—and that is unacceptable.

Once we get the report from the Attorney General, we can consider all the options and make a collective decision of where and how we would like entry-exit control to be implemented. But it would simply be preposterous and irresponsible for us to keep a requirement in the law when we cannot say how it could possibly be met in any way and at what cost.

Finally, as the Judiciary Committee noted in its report on the legislation, Section 110 has ''nothing to do with stopping terrorists or drug traffickers.'' I appreciate very much my colleagues' understanding of this issue, and their support of a rational approach that comprehends the important distinctions between hindering beneficial trade, travel, and tourism and taking affirmative steps to conquer illegal drug trafficking or other activities at the land borders. I am also pleased that this legislation includes additional law enforcement resources so that these important law enforcement issues can be addressed in the right way. This truly is a border improvement bill in all senses.

I owe a particular gratitude to all of my colleagues who cosponsored the legislation, particularly those who worked with me from the outset, including Senators KENNEDY, D'AMATO, LEAHY, GRAMS, DORGAN, COLLINS, MURRAY, and SNOWE. I very much appreciate their efforts and support.

Mr. LEAHY. Mr. President. I am pleased that after many months of debate, the Senate has finally passed S. 1360 today. This bill, ''The Border Improvement and Immigration Act of 1998,'' will ensure that free trade and tourism continue to flourish along our nation's borders. It will preserve the status quo for our friendly neighbors to the north and will provide us with the necessary time to study and develop an appropriate way to monitor our nation's borders and sea ports.

I am proud to be an original co-sponsor of S. 1360 and have spoken repeatedly about the need for this remedy. Without this type of legislation, the Immigration and Naturalization Service might be obligated to begin implementing an enormously expensive automated entry-exit monitoring system at all of our nation's borders this fall without having the opportunity to study the situation and develop a workable system. The passage of this legislation means the Attorney General will now have one year to study and report to Congress on the feasibility of various means of tracking the entry and exit of immigrants crossing our country's land borders.

Over the past year, I have worked hard to ensure that this legislation does not negatively impact the thousands of people and the millions of dollars of trade which cross our borders each day. This bill preserves the integrity of our open border with Canada and ensures that no additional burden is placed upon Canadians who plan to shop or travel in the United States. Mexican nationals will also have additional time under this bill to acquire new border crossing cards and will be able to obtain border crossing cards for their children under age 15 at a reduced cost. Vermonters and others who cross our nation's land borders on a daily basis to work or visit with family or friends in Canada and Mexico should be able to continue to do so without additional border delays.

The Border Improvement Act also takes a more thoughtful approach to modifying U.S. immigration policies than that contained in section 110 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (''IIRIRA''). By requiring an automated system for monitoring the entry and exit of ''all aliens'', section 110 would subject Canadians, and others who are not currently required to show documentation, to unprecedented border checks at U.S. points of entry. This sort of tracking system would be enormously costly to implement along the borders, especially since there is no current infrastructure in place to track the departure of individuals leaving the United States at our land borders or sea ports. Section 110, as currently worded, would also lead to excessive and costly traffic delays for those living and working near the borders. That is why I am so pleased that we were able to pass this legislation today to remedy this situation.

Instead of requiring the INS to implement such a costly and burdensome border tracking system with little forethought, S. 1360 mandates that the Attorney General conduct a study over the next year of the feasibility of various automated monitoring systems. This study will include an assessment of the potential costs and impact of any new automated monitoring system

on trade and travelers along the country's land borders and seaports. An entry-exit monitoring system at our nation's airports will still be implemented within the next two years.

The Border Improvement Act also authorizes additional funds to ensure that adequate staffing and the newest equipment is available for INS and Customs agents along both borders. S. 1360 authorizes nearly $120 million in fiscal year 1999 for INS enforcement and inspection equipment and personnel, and an additional $160 million for the U.S. Customs Service to acquire similar equipment and hire additional agents. The Customs Service is authorized to hire 535 inspectors and 60 special agents along the Southwest border and 375 inspectors along the Northern border. The INS is authorized to hire 535 and 375 inspectors for the Southwest and Northern border, respectively, under this bill. These additional resources will help these agencies in their investigations of drug and alien smuggling and should reduce traffic waiting times along the borders.

Overall, the Border Improvement and Immigration Act of 1998 is a sensible means of correcting the problematic language in section 110 of the IIRIRA while ensuring better tracking of aliens who overstay their visas.

Mr. MOYNIHAN. Mr. President, tonight the United States Senate has prevented a disaster on the Northern border of the United States by passing S. 1360, the Border Improvement and Immigration Act of 1997. I am proud to be a co-sponsor.

On September 28, 1996, the Senate passed the Omnibus Consolidated Appropriations Act, a 749-page bill with twenty-four separate titles. One small section of that bill, buried deep in the text, has been the subject of much consternation in northern New York. The provision, known as Section 110, requires the Immigration and Naturalization Service to develop a system to document the entry and departure of every alien entering and leaving the United States. Contrary to Congressional intent, the legislative language does not recognize the current practice of allowing most Canadian and American nationals to cross the border without registering any documents. Such an oversight is not uncommon in this type of omnibus bill that is hurried to passage in the final days of a legislative session.

If implemented, an automated entry-exit control system along the northern border would likely result in long delays at the border, hampering tourism and trade. This is not an inconsequential matter. The United States-Canadian trade relationship is the world's largest, totaling $272 billion in 1995. Compare this to $256 billion in trade with the entire European Union and $188 billion in trade with Japan during that same period.

The unnecessary border crossing delays which would surely result from the implementation of Section 110 would negatively affect our dynamic trading relationship with our Northern neighbor and would wreak havoc with the flow of traffic at the border. Each year, more than eight million trucks cross the eastern United States-Canada border carrying a variety of goods to market. Additionally, the Eastern Border Transportation Coalition has estimated that 57 million cars crossed that region in 1995. Sixty percent of these were day trips—people crossing the border to go to school or work, attend cultural events, shop, visit friends, and the like. The remaining forty percent of auto border crossings were by vacationers making significant contributions to both nations' economies. Might I note that visitors from the U.S. comprise the largest single group of vacationers in Canada and Canadians are the largest single non-U.S. group of vacationers in Florida.

It was not the intent of Congress to interfere with the vibrant trading relationship that we enjoy with our Canadian friends. On December 18, 1996, Representative LAMAR S. SMITH and then-Senator Alan K. Simpson sent a letter to Canadian Ambassador Raymond Chretien to assure him of this fact, writing that ''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.'' Thankfully, tonight this ambiguity has been resolved by this body.

By passing this bill and exempting land border crossings from the automated entry-exit control system created under Section 110, we have prevented what could have been a catastrophe at the Canadian border.

Mrs. FEINSTEIN. Mr. President, S. 1360, the ''Border Improvement and Immigration Act of 1998'' sponsored by Senator ABRAHAM requires an entry-exit system at air ports by the year 2000 and requires a feasibility study of an entry-exit system for land and sea ports within a year. However, it does not address all the problems for which Section 110 of the 1996 Act was intended. I hope that during conference, we can improve the bill by mandating a workable deadline for creating an entry-exit system at all land and sea ports.

Section 110 of the 1996 Immigration Act requires an automated entry-exit system by October 1, 1998. It also requires the Attorney General to identify visa overstays, making the system an integrated part of data collection by the INS.

The purpose of Section 110 in current law is to fix the problem which exists now. INS says that in FY96, over 24 million non-immigrants came into the U.S. INS also says that they are ''unable to calculate overstay rates on nonimmigrants in general or for particular nationalities.'' INS also told my staff that they ''do not have an estimate'' of the average length of overstay for nonimmigrants or know the ''destinations of nonimmigrants''.

The purpose of Section 110 is to make sure INS has the ability, by building an integrated data system at all ports of entry—including air, sea and land ports of entry, in order to know who is coming into the country and who is leaving and more importantly, who is breaking the law by overstaying.

INS estimates that there are over 5 million illegal aliens in this country and 41% of the illegal alien population is due to visa overstays—that these aliens failed to depart. (source: 1996 Statistical Yearbook of INS).

In the 1997 report, the INS Inspector General concluded that currently, INS has no real ability to identify the characteristics of the visa overstays which could be used in developing an enforcement strategy that effectively targets visa overstays. It also found that capturing entry-exit information only at airports reveals information about 10% of the nonimmigrants in this country who come through airports. The other 90% come and leave through sea and land ports and therefore, are unknown if there is no entry-exist system at those ports.

INS' inability to identify visa overstays has greater significance when we add the fact that there are over 4- 5-million border crossing cards which have been issued since 1940's.

Having an integrated entry-exit system at the land borders is critical in keeping track of all nonimmigrants, those with visas and border crossing cards, providing valuable information for law enforcements, not only to deport visa overstays but in prosecuting those drug runners who provide a critical link into the heartland of America.

Time has come to fully implement the 1996 Immigration Act. I hope that during conference, we can find a workable deadline for INS to create an entry-exit system at both sea and land ports. Doing a feasibility study is helpful in planning the implementation but without tough mandates to install entry-exit systems—while drug runners go back and forth freely at the Southwest border without law enforcement's knowledge, and while potential terrorists slip in easily through the Canadian border—is not the intent of Section 110 when Congress passed the 1996 Immigration Act last year.

Thank you Mr. President and I ask unanimous consent that this statement be printed in the RECORD after the text of S. 1360.

Mr. JEFFORDS. I ask unanimous consent that the committee amendment, as amended, be agreed to.

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

The committee amendment, as amended, was agreed to.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be read a third time.

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

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. JEFFORDS. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2920, the House companion bill.

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

Mr. JEFFORDS. I ask unanimous consent that the Senate proceed to its consideration, all after the enacting clause be stricken, and the text of S. 1360, as amended, be inserted in lieu thereof. I further ask that the bill be read a third time, and passed, the motion to reconsider be laid upon the table, and any statements relating to this measure appear at the appropriate place in the RECORD.

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

The bill (H.R. 2920), as amended, was considered read the third time and passed.

Mr. JEFFORDS. I finally ask unanimous consent that S. 1360 be placed back on the calendar.

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

STEVE SCHIFF AUDITORIUM

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3731, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3731) to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the ''Steve Schiff Auditorium.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOMENICI. Mr. President, it is a real honor today to support legislation, H.R. 3731, honoring Representative Steve Schiff. This legislation designates a special auditorium at the Sandia National Laboratories as the ''Steve Schiff Auditorium.'' Steve spoke in this Auditorium on several occasions, as part of his long service to the people of New Mexico.

Steve Schiff exemplified all that was good about public service: integrity of the highest order, deep and fundamental decency, and an acute and open mind. He went about his business quietly, but with wonderful efficiency. He was great at telling stories, usually about himself. He was a model for all politicians to admire.

Steve came to New Mexico from Chicago, where he was born and raised. He served the people of New Mexico in different capacities since 1972, when he graduated from the Law School at the University of New Mexico. Before election to Congress in 1988, he served as District Attorney for eight years.

One of Steve's favorite local programs was his Tree Give-Away Program. For eight years, Steve held a Saturday tree give-away day at the Indian Pueblo Cultural Center. He gave away more than 115,000 trees. Through those trees, he shared his own hope, faith, and love. Those trees now flourish throughout the Albuquerque area in New Mexico as lasting symbols of this man. In a similar way, his legislative achievements continue to serve the American people as another reminder of this great American.

Along with those trees and his legislation, the Steve Schiff Auditorium will serve as a lasting memorial. I'm happy and honored to have been a part of his life.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be considered read a third time, and passed, the motion to reconsider be laid upon the table, and that any Statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 3731) was considered read the third time and passed.

COMMERCIAL SPACE ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of calendar No. 393, H.R. 1702.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1702) to encourage the development of a commercial space industry in the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Commercial Space Act of 1997''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

Sec. 101. Commercialization of space station.
Sec. 102. Commercial space launch amendments.
Sec. 103. Promotion of United States Global Positioning System standards.
Sec. 104. Acquisition of space science data.
Sec. 105. Administration of Commercial Space Centers.

TITLE II—REMOTE SENSING

Sec. 201. Land Remote Sensing Policy Act of 1992 amendments.
Sec. 202. Acquisition of earth science data.

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

Sec. 301. Requirement to procure commercial space transportation services.
Sec. 302. Acquisition of commercial space transportation services.
Sec. 303. Launch Services Purchase Act of 1990 amendments.
Sec. 304. Shuttle privatization.
Sec. 305. Use of excess intercontinental ballistic missiles.
Sec. 306. National launch capability.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration;

(2) the term ''commercial provider'' means any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments;

(3) the term ''payload'' means anything that a person undertakes to transport to, from, or within outer space, or in suborbital trajectory, by means of a space transportation vehicle, but does not include the space transportation vehicle itself except for its components which are specifically designed or adapted for that payload;

(4) the term ''space-related activities'' includes research and development, manufacturing, processing, service, and other associated and support activities;

(5) the term ''space transportation services'' means the preparation of a space transportation vehicle and its payloads for transportation to, from, or within outer space, or in suborbital trajectory, and the conduct of transporting a payload to, from, or within outer space, or in suborbital trajectory;

(6) the term ''space transportation vehicle'' means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle not specifically designed or adapted for a payload;

(7) the term ''State'' means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(8) the term ''United States commercial provider'' means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers, to companies described in subparagraph (A) with respect to local investment opportunities, that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

SEC. 101. COMMERCIALIZATION OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International