

In the Senate of the United States,

July 30, 1998.

Resolved, That the bill from the House of Representatives (H.R. 2920) entitled “An Act to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Border Improvement*
3 *and Immigration Act of 1998”.*

4 ***SEC. 2. AMENDMENT OF THE ILLEGAL IMMIGRATION RE-***
5 ***FORM AND IMMIGRANT RESPONSIBILITY ACT***
6 ***OF 1996.***

7 *(a) IN GENERAL.—Section 110(a) of the Illegal Immi-*
8 *gration Reform and Immigrant Responsibility Act of 1996*
9 *(8 U.S.C. 1221 note) is amended to read as follows:*

10 *“(a) SYSTEM.—*

1 “(1) *IN GENERAL.*—Subject to paragraph (2),
2 not later than 2 years after the date of enactment of
3 this Act, the Attorney General shall develop an auto-
4 mated entry and exit control system that will—

5 “(A) collect a record of departure for every
6 alien departing the United States and match the
7 record of departure with the record of the alien’s
8 arrival in the United States; and

9 “(B) enable the Attorney General to iden-
10 tify, through on-line searching procedures, law-
11 fully admitted nonimmigrants who remain in
12 the United States beyond the period authorized
13 by the Attorney General.

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

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

18 “(B) for any alien for whom the documen-
19 tary requirements in section 212(a)(7)(B) of the
20 Immigration and Nationality Act have been
21 waived by the Attorney General and the Sec-
22 retary of State under section 212(d)(4)(B) of the
23 Immigration and Nationality Act.”.

24 (b) *EFFECTIVE DATE.*—The amendment made by sub-
25 section (a) shall take effect as if included in the enactment

1 *of the Illegal Immigration Reform and Immigrant Respon-*
2 *sibility Act of 1996 (division C of Public Law 104–208;*
3 *110 Stat. 3009–546).*

4 **SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL**
5 **SYSTEM.**

6 (a) *REQUIREMENT.*—*Not later than 1 year after the*
7 *date of enactment of this Act, the Attorney General shall*
8 *submit a report to the Committees on the Judiciary of the*
9 *Senate and the House of Representatives on the feasibility*
10 *of developing and implementing an automated entry-exit*
11 *control system that would collect a record of departure for*
12 *every alien departing the United States and match the*
13 *record of departure with the record of the alien’s arrival*
14 *in the United States, including departures and arrivals at*
15 *the land borders and seaports of the United States.*

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

17 (1) *assess the costs and feasibility of various*
18 *means of operating such an automated entry-exit con-*
19 *trol system, including exploring—*

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

1 (B) the feasibility of the Attorney General,
2 in consultation with the Secretary of State, nego-
3 tiating reciprocal agreements with the govern-
4 ments of contiguous countries to collect such in-
5 formation on behalf of the United States and
6 share it in an acceptable automated format;

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

11 (3) evaluate how such a system could be imple-
12 mented without increasing border traffic congestion
13 and border crossing delays and, if any such system
14 would increase border crossing delays, evaluate to
15 what extent such congestion or delays would increase;
16 and

17 (4) estimate the length of time that would be re-
18 quired for any such system to be developed and imple-
19 mented.

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

22 (a) *ANNUAL REPORTS ON IMPLEMENTATION OF*
23 *ENTRY-EXIT CONTROL AT AIRPORTS.*—Not later than 30
24 days after the end of each fiscal year until the fiscal year
25 in which Attorney General certifies to Congress that the

1 *entry-exit control system required by section 110(a) of the*
2 *Illegal Immigration Reform and Immigrant Responsibility*
3 *Act of 1996, as amended by section 2 of this Act, has been*
4 *developed, the Attorney General shall submit to the Commit-*
5 *tees on the Judiciary of the Senate and the House of Rep-*
6 *resentatives a report that—*

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

9 (2) *includes a specific schedule for the develop-*
10 *ment of the entry-exit control system that the Attor-*
11 *ney General anticipates will be met; and*

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

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

20 (1) *the number of arrival records of aliens and*
21 *the number of departure records of aliens that were*
22 *collected during the preceding fiscal year under the*
23 *entry-exit control system under section 110(a) of the*
24 *Illegal Immigration Reform and Immigrant Respon-*

1 *sibility Act of 1996, as so amended, with a separate*
2 *accounting of such numbers by country of nationality;*

3 *(2) the number of departure records of aliens*
4 *that were successfully matched to records of such*
5 *aliens' prior arrival in the United States, with a sep-*
6 *arate accounting of such numbers by country of na-*
7 *tionality and by classification as immigrant or non-*
8 *immigrant; and*

9 *(3) the number of aliens who arrived as non-*
10 *immigrants, or as visitors under the visa waiver pro-*
11 *gram under section 217 of the Immigration and Na-*
12 *tionality Act, for whom no matching departure record*
13 *has been obtained through the system, or through*
14 *other means, as of the end of such aliens' authorized*
15 *period of stay, with an accounting by country of na-*
16 *tionality and approximate date of arrival in the*
17 *United States.*

18 *(c) INCORPORATION INTO OTHER DATABASES.—Infor-*
19 *mation regarding aliens who have remained in the United*
20 *States beyond their authorized period of stay that is identi-*
21 *fied through the system referred to in subsection (a) shall*
22 *be integrated into appropriate databases of the Immigra-*
23 *tion and Naturalization Service and the Department of*
24 *State, including those used at ports-of-entry and at con-*
25 *sular offices.*

1 **SEC. 5. BORDER CROSSING-RELATED VISAS.**

2 (a) *WAIVER OF FEES FOR CERTAIN VISAS.*—

3 (1) *REQUIREMENT.*—*Notwithstanding any other*
4 *provision of law, the Secretary of State or the Attor-*
5 *ney General may waive all or part of any fee or fees*
6 *for the processing of any application for the issuance*
7 *of a combined border crossing identification card and*
8 *nonimmigrant visa under section 101(a)(15)(B) of*
9 *the Immigration and Nationality Act where the ap-*
10 *plication is made in Mexico on behalf of a Mexican*
11 *national under 15 years old at the time of applica-*
12 *tion.*

13 (2) *PERIOD OF VALIDITY OF VISAS.*—

14 (A) *IN GENERAL.*—*Except as provided in*
15 *subparagraph (B), if the fee for a combined bor-*
16 *der crossing card and nonimmigrant visa issued*
17 *under section 101(a)(15)(B) of the Immigration*
18 *and Nationality Act has been waived under*
19 *paragraph (1) for a child under 15 years of age,*
20 *the visa shall be issued to expire on the earlier*
21 *of—*

22 (i) *the date that is 10 years after the*
23 *date of issuance; or*

24 (ii) *the date on which the child attains*
25 *the age of 15.*

1 (B) *EXCEPTION.*—*At the request of the par-*
2 *ent or guardian of any alien under 15 years of*
3 *age otherwise covered by subparagraph (A), the*
4 *Secretary of State or the Attorney General may*
5 *charge a fee for the processing of an application*
6 *of the issuance of a combined border crossing*
7 *card and nonimmigrant visa under section*
8 *101(a)(15)(B) of the Immigration and National-*
9 *ity Act provided that the visa is issued to expire*
10 *as of the same date as is usually provided for*
11 *visas issued under that section.*

12 (3) *LEVEL OF FEES.*—*Notwithstanding any*
13 *other provision of law, fees authorized pursuant to*
14 *section 140(a) of the Foreign Relations Authorization*
15 *Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note)*
16 *may be set at a level that will ensure recovery of the*
17 *full cost to the Department of State of providing ma-*
18 *chine readable nonimmigrant visas and machine*
19 *readable combined border crossing identification*
20 *cards and nonimmigrant visas, including the cost of*
21 *such combined cards and visas for which the fee is*
22 *waived pursuant to this subsection.*

23 (b) *MODIFIED SCHEDULE FOR IMPLEMENTATION OF*
24 *BORDER CROSSING RESTRICTIONS.*—

1 (1) *MODIFIED SCHEDULE.*—Paragraph (2) of
2 *section 104(b) of the Illegal Immigration Reform and*
3 *Immigrant Responsibility Act of 1996 (division C of*
4 *Public Law 104–208; 110 Stat. 3009–555; 8 U.S.C.*
5 *1101 note) is amended to read as follows:*

6 “(2) *CLAUSE B.*—*Clause (B) of such sentence*
7 *shall apply to the extent that inspections personnel*
8 *and technology in operation at the port of entry can*
9 *verify information from the card. For the replacement*
10 *of existing border crossing identification cards, clause*
11 *(B) of such sentence shall apply in accordance with*
12 *the timetable as follows:*

13 “(A) *As of October 1, 2000, to not less than*
14 *25 percent of the border crossing identification*
15 *cards in circulation as of April 1, 1998.*

16 “(B) *As of October 1, 2001, to not less than*
17 *50 percent of such cards in circulation as of*
18 *April 1, 1998.*

19 “(C) *As of October 1, 2002, to not less than*
20 *75 percent of such cards in circulation as of*
21 *April 1, 1998.*

22 “(D) *As of October 1, 2003, to all such*
23 *cards in circulation as of April 1, 1998.”.*

1 *and money-laundering organizations, reduce commercial*
2 *and passenger traffic waiting times, and open all primary*
3 *lanes during peak hours at major land border ports of entry*
4 *on the Southwest and Northern land borders of the United*
5 *States, in addition to any other amounts appropriated,*
6 *there are authorized to be appropriated for salaries, ex-*
7 *penses, and equipment for the Immigration and Natu-*
8 *ralization Service for purposes of carrying out this sec-*
9 *tion—*

10 (1) \$119,604,000 for fiscal year 1999;

11 (2) \$123,064,000 for fiscal year 2000; and

12 (3) such sums as may be necessary in each fiscal
13 year thereafter.

14 (b) *USE OF CERTAIN FISCAL YEAR 1999 FUNDS.—Of*
15 *the amounts authorized to be appropriated under subsection*
16 *(a)(1) for fiscal year 1999 for the Immigration and Natu-*
17 *ralization Service, \$19,090,000 shall be available until ex-*
18 *pended for acquisition and other expenses associated with*
19 *implementation and full deployment of narcotics enforce-*
20 *ment and other technology along the land borders of the*
21 *United States, including—*

22 (1) \$11,000,000 for 5 mobile truck x-rays with
23 transmission and backscatter imaging to be distrib-
24 uted to border patrol checkpoints and in secondary
25 inspection areas of land border ports-of-entry;

1 (2) \$200,000 for 10 ultrasonic container inspec-
2 tion units to be distributed to border patrol check-
3 points and in secondary inspection areas of land bor-
4 der ports-of-entry;

5 (3) \$240,000 for 10 Portable Treasury Enforce-
6 ment Communications System (TECS) terminals to
7 be distributed to border patrol checkpoints;

8 (4) \$5,000,000 for 20 remote watch surveillance
9 camera systems to be distributed to border patrol
10 checkpoints and at secondary inspection areas of land
11 border ports-of-entry;

12 (5) \$180,000 for 36 AM radio “Welcome to the
13 United States” stations located at permanent border
14 patrol checkpoints and at secondary inspection areas
15 of land border ports-of-entry;

16 (6) \$875,000 for 36 spotter camera systems lo-
17 cated at permanent border patrol checkpoints and at
18 secondary inspection areas of land border ports-of-
19 entry; and

20 (7) \$1,600,000 for 40 narcotics vapor and par-
21 ticle detectors to be distributed to border patrol check-
22 points and at secondary inspection areas of land bor-
23 der ports-of-entry.

24 (c) *USE OF CERTAIN FUNDS AFTER FISCAL YEAR*
25 1999.—Of the amounts authorized to be appropriated under

1 paragraphs (2) and (3) of subsection (a) for the Immigra-
2 tion and Naturalization Service for fiscal year 2000 and
3 each fiscal year thereafter, \$4,773,000 shall be for the main-
4 tenance and support of the equipment and training of per-
5 sonnel to maintain and support the equipment described
6 in subsection (b), based on an estimate of 25 percent of the
7 cost of such equipment.

8 (d) *USE OF FUNDS FOR NEW TECHNOLOGIES.*—

9 (1) *IN GENERAL.*—The Attorney General may
10 use the amounts authorized to be appropriated for
11 equipment under this section for equipment other
12 than the equipment specified in subsection (b) if such
13 other equipment—

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

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

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

21 (2) *TRANSFER OF FUNDS.*—Notwithstanding any
22 other provision of this section, the Attorney General
23 may reallocate an amount not to exceed 10 percent of
24 the amount specified in paragraphs (1) through (7) of

1 *subsection (b) for any other equipment specified in*
2 *subsection (b).*

3 *(e) PEAK HOURS AND INVESTIGATIVE RESOURCE EN-*
4 *HANCEMENT.—Of the amounts authorized to be appro-*
5 *priated under paragraphs (1) and (2) of subsection (a) for*
6 *the Immigration and Naturalization Service for fiscal years*
7 *1999 and 2000, \$100,514,000 in fiscal year 1999 and*
8 *\$121,555,000 for fiscal year 2000 shall be for—*

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

14 *(2) in order to enhance enforcement and reduce*
15 *waiting times, a net increase of 100 inspectors and*
16 *canine enforcement officers for border patrol check-*
17 *points and ports-of-entry, as well as 100 canines and*
18 *5 canine trainers;*

19 *(3) 100 canine enforcement vehicles to be used by*
20 *the Immigration and Naturalization Service for in-*
21 *spection and enforcement at the land borders of the*
22 *United States;*

23 *(4) a net increase of 40 intelligence analysts and*
24 *additional resources to be distributed among border*
25 *patrol sectors that have jurisdiction over major metro-*

1 *politan drug or narcotics distribution and transpor-*
2 *tation centers for intensification of efforts against*
3 *drug smuggling and money-laundering organizations;*

4 *(5) a net increase of 68 positions and additional*
5 *resources to the Office of the Inspector General of the*
6 *Department of Justice to enhance investigative re-*
7 *sources for anticorruption efforts; and*

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

10 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR BORDER**

11 **CONTROL AND ENFORCEMENT ACTIVITIES OF**

12 **THE UNITED STATES CUSTOMS SERVICE.**

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

24 *(1) \$161,248,584 for fiscal year 1999;*

25 *(2) \$185,751,328 for fiscal year 2000; and*

1 (3) *such sums as may be necessary in each fiscal*
2 *year thereafter.*

3 (b) *USE OF CERTAIN FISCAL YEAR 1999 FUNDS.—Of*
4 *the amounts authorized to be appropriated under subsection*
5 *(a)(1) for fiscal year 1999 for the United States Customs*
6 *Service, \$48,404,000 shall be available until expended for*
7 *acquisition and other expenses associated with implementa-*
8 *tion and full deployment of narcotics enforcement and cargo*
9 *processing technology along the land borders of the United*
10 *States, including—*

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

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

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

18 (4) *\$7,200,000 for 8 1-MeV pallet x-rays;*

19 (5) *\$1,000,000 for 200 portable contraband de-*
20 *tectors (busters) to be distributed among ports where*
21 *the current allocations are inadequate;*

22 (6) *\$600,000 for 50 contraband detection kits to*
23 *be distributed among border ports based on traffic*
24 *volume and need as identified by the Customs Service;*

1 (7) \$500,000 for 25 ultrasonic container inspec-
2 tion units to be distributed among ports receiving liq-
3 uid-filled cargo and ports with a hazardous material
4 inspection facility, based on need as identified by the
5 Customs Service;

6 (8) \$2,450,000 for 7 automated targeting sys-
7 tems;

8 (9) \$360,000 for 30 rapid tire deflator systems to
9 be distributed to those ports where port runners are
10 a threat;

11 (10) \$480,000 for 20 Portable Treasury Enforce-
12 ment Communications System (TECS) terminals to
13 be moved among ports as needed;

14 (11) \$1,000,000 for 20 remote watch surveillance
15 camera systems at ports where there are suspicious
16 activities at loading docks, vehicle queues, secondary
17 inspection lanes, or areas where visual surveillance or
18 observation is obscured, based on need as identified by
19 the Customs Service;

20 (12) \$1,254,000 for 57 weigh-in-motion sensors
21 to be distributed among the ports on the Southwest
22 border with the greatest volume of outbound traffic;

23 (13) \$180,000 for 36 AM radio “Welcome to the
24 United States” stations, with one station to be located
25 at each border crossing point on the Southwest border;

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

4 (15) \$950,000 for 38 spotter camera systems to
5 counter the surveillance of Customs inspection activi-
6 ties by persons outside the boundaries of ports where
7 such surveillance activities are occurring;

8 (16) \$390,000 for 60 inbound commercial truck
9 transponders to be distributed to all ports of entry on
10 the Southwest border;

11 (17) \$1,600,000 for 40 narcotics vapor and par-
12 ticle detectors to be distributed to each border crossing
13 on the Southwest border; and

14 (18) \$400,000 for license plate reader automatic
15 targeting software to be installed at each port on the
16 Southwest border to target inbound vehicles.

17 (c) *USE OF CERTAIN FUNDS AFTER FISCAL YEAR*
18 1999.—*Of the amounts authorized to be appropriated under*
19 *paragraphs (2) and (3) of subsection (a) for the United*
20 *States Customs Service for fiscal year 2000 and each fiscal*
21 *year thereafter, \$4,840,400 shall be for the maintenance and*
22 *support of the equipment and training of personnel to*
23 *maintain and support the equipment described in sub-*
24 *section (b), based on an estimate of 10 percent of the cost*
25 *of such equipment.*

1 (d) *USE OF FUNDS FOR NEW TECHNOLOGIES.*—

2 (1) *IN GENERAL.*—*The Commissioner of Customs*
3 *may use the amounts authorized to be appropriated*
4 *for equipment under this section for equipment other*
5 *than the equipment specified in subsection (b) if such*
6 *other equipment—*

7 (A)(i) *is technologically superior to the*
8 *equipment specified in subsection (b); and*

9 (ii) *will achieve at least the same results at*
10 *a cost that is the same or less than the equip-*
11 *ment specified in subsection (b); or*

12 (B) *can be obtained at a lower cost than the*
13 *equipment authorized in paragraphs (1) through*
14 *(18) of subsection (b).*

15 (2) *TRANSFER OF FUNDS.*—*Notwithstanding any*
16 *other provision of this section, the Commissioner of*
17 *Customs may reallocate an amount not to exceed 10*
18 *percent of the amount specified in paragraphs (1)*
19 *through (18) of subsection (b) for any other equip-*
20 *ment specified in such paragraphs.*

21 (e) *PEAK HOURS AND INVESTIGATIVE RESOURCE EN-*
22 *HANCEMENT.*—*Of the amounts authorized to be appro-*
23 *priated under paragraphs (1) and (2) of subsection (a) for*
24 *the United States Customs Service for fiscal years 1999 and*

1 2000, \$112,844,584 in fiscal year 1999 and \$180,910,928
2 for fiscal year 2000 shall be for—

3 (1) a net increase of 535 inspectors and 60 spe-
4 cial agents for the Southwest border and 375 inspec-
5 tors for the Northern border, in order to open all pri-
6 mary lanes on the Southwest and Northern borders
7 during peak hours and enhance investigative re-
8 sources;

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

14 (3) a net increase of 360 special agents, 40 intel-
15 ligence analysts, and additional resources to be dis-
16 tributed among offices that have jurisdiction over
17 major metropolitan drug or narcotics distribution
18 and transportation centers for intensification of ef-
19 forts against drug smuggling and money-laundering
20 organizations;

21 (4) a net increase of 50 positions and additional
22 resources to the Office of Internal Affairs to enhance
23 investigative resources for anticorruption efforts; and

- 1 (5) *the costs incurred as a result of the increase*
- 2 *in personnel hired pursuant to this section.*

Attest:

Secretary.

105TH CONGRESS
2^D SESSION

H. R. 2920

AMENDMENT

HR 2920 EAS—2

HR 2920 EAS—3

HR 2920 EAS—4

HR 2920 EAS—5