# ${}^{\tiny{106\text{TH CONGRESS}}}_{\tiny{\tiny{2D Session}}}~H.\,R.\,4489$

# AN ACT

To amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

106TH CONGRESS 2D SESSION

# H. R. 4489

# AN ACT

- To amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.
  - 1 Be it enacted by the Senate and House of Representa-
  - 2 tives of the United States of America in Congress assembled,

### 1 SECTION 1. SHORT TITLE.

1	SECTION I. SHORT TITLE.
2	This Act may be cited as the "Immigration and Nat-
3	uralization Service Data Management Improvement Act of
4	2000".
5	SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA.
6	(a) In General.—Section 110 of the Illegal Immi-
7	gration Reform and Immigrant Responsibility Act of 1996
8	(8 U.S.C. 1221 note) is amended to read as follows:
9	"SEC. 110. INTEGRATED ENTRY AND EXIT DATA SYSTEM.
10	"(a) Requirement.—The Attorney General shall
11	implement an integrated entry and exit data system.
12	"(b) Integrated entry and exit data system
13	DEFINED.—For purposes of this section, the term 'inte-
14	grated entry and exit data system' means an electronic
15	system that—
16	"(1) provides access to, and integrates, alien ar-
17	rival and departure data that are—
18	"(A) authorized or required to be created
19	or collected under law;
20	"(B) in an electronic format; and
21	"(C) in a data base of the Department of
22	Justice or the Department of State, including
23	those created or used at ports of entry and at
24	consular offices;
25	"(2) uses available data described in paragraph
26	(1) 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) 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 documentary requirements the in section 212(a)(7)(B) of the Immigration and Nation-ality Act (8 U.S.C. 1182(a)(7)(B)) have been waived by the Attorney General and the Sec-retary 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.

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## "(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 non-immigrant.
    - "(C) The number of aliens who arrived pursuant to a nonimmigrant visa, or as a visitor under the visa waiver program under section

1 217 of the Immigration and Nationality Act (8
2 U.S.C. 1187), for whom no matching departure
3 data have been obtained through the system or
4 through other means as of the end of the alien's
5 authorized period of stay, with an accounting
6 by the alien's country of nationality and date of
7 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
- 2 system for law enforcement purposes.
- 3 "(g) Use of Task Force Recommendations.—
- 4 The Attorney General shall continuously update and im-
- 5 prove the integrated entry and exit data system as tech-
- 6 nology improves and using the recommendations of the
- 7 task force established under section 3 of the Immigration
- 8 and Naturalization Service Data Management Improve-
- 9 ment Act of 2000.
- 10 "(h) AUTHORIZATION OF APPROPRIATIONS.—There
- 11 are authorized to be appropriated to carry out this section
- 12 such sums as may be necessary for fiscal years 2001
- 13 through 2008.".
- 14 (b) CLERICAL AMENDMENT.—The table of contents
- 15 of the Illegal Immigration Reform and Immigrant Respon-
- 16 sibility Act of 1996 is amended by amending the item re-
- 17 lating to section 110 to read as follows:

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

### 18 SEC. 3. TASK FORCE.

- 19 (a) Establishment.—Not later than 6 months after
- 20 the date of the enactment of this Act, the Attorney Gen-
- 21 eral, in consultation with the Secretary of State, the Sec-
- 22 retary of Commerce, and the Secretary of the Treasury,
- 23 shall establish a task force to carry out the duties de-
- 24 scribed in subsection (c) (in this section referred to as the
- 25 "Task Force").

1	(b) Membership.—
2	(1) Chairperson; appointment of mem-
3	BERS.—The Task Force shall be composed of the
4	Attorney General and 16 other members appointed
5	in accordance with paragraph (2). The Attorney
6	General shall be the chairperson and shall appoint
7	the other members.
8	(2) Appointment requirements.—In ap-
9	pointing the other members of the Task Force, the
10	Attorney General shall include—
11	(A) representatives of Federal, State, and
12	local agencies with an interest in the duties of
13	the Task Force, including representatives of
14	agencies with an interest in—
15	(i) immigration and naturalization;
16	(ii) travel and tourism;
17	(iii) transportation;
18	(iv) trade;
19	(v) law enforcement;
20	(vi) national security; or
21	(vii) the environment; and
22	(B) private sector representatives of af-
23	fected industries and groups.

1 (3) TERMS.—Each member shall be appointed 2 for the life of the Task Force. Any vacancy shall be 3 filled by the Attorney General.

### (4) Compensation.—

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- (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.
- 20 (c) Duties.—The Task Force shall evaluate the following:
- 22 (1) How the Attorney General can efficiently 23 and effectively carry out section 110 of the Illegal 24 Immigration Reform and Immigrant Responsibility

1	Act of 1996 (8 U.S.C. 1221 note), as amended by
2	section 2 of this Act.
3	(2) How the United States can improve the
4	flow of traffic at airports, seaports, and land border
5	ports of entry through—
6	(A) enhancing systems for data collection
7	and data sharing, including the integrated entry
8	and exit data system described in section 110
9	of the Illegal Immigration Reform and Immi-
10	grant Responsibility Act of 1996 (8 U.S.C
11	1221 note), as amended by section 2 of this
12	Act, by better use of technology, resources, and
13	personnel;
14	(B) increasing cooperation between the
15	public and private sectors;
16	(C) increasing cooperation among Federa
17	agencies and among Federal and State agen-
18	cies; and
19	(D) modifying information technology sys
20	tems while taking into account the different
21	data systems, infrastructure, and processing
22	procedures of airports, seaports, and land bor-
23	der ports of entry.
24	(3) The cost of implementing each of its rec
25	ommendations.

(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.
  - 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 reim-

- bursement, and such detail shall be without interruption or loss of civil service status, benefits, or
- 3 privilege.
- 4 (4) PROCUREMENT OF TEMPORARY AND INTER5 MITTENT SERVICES.—The Attorney General may
  6 procure temporary and intermittent services for the
  7 Task Force under section 3109(b) of title 5, United
  8 States Code, at rates for individuals not to exceed
  9 the daily equivalent of the annual rate of basic pay
  10 prescribed for level V of the Executive Schedule
  11 under section 5316 of such title.
- 12 (5) ADMINISTRATIVE SUPPORT SERVICES.—
  13 Upon the request of the Attorney General, the Ad14 ministrator of General Services shall provide to the
  15 Task Force, on a reimbursable basis, the adminis16 trative support services necessary for the Task Force
  17 to carry out its responsibilities under this section.
- 18 (e) Hearings and Sessions.—The Task Force 19 may, for the purpose of carrying out this section, hold 20 hearings, sit and act at times and places, take testimony, 21 and receive evidence as the Task Force considers appro-22 priate.
- 23 (f) Obtaining Official Data.—The Task Force 24 may secure directly from any department or agency of the 25 United States information necessary to enable it to carry

- 1 out this section. Upon request of the Attorney General,
- 2 the head of that department or agency shall furnish that
- 3 information to the Task Force.
- 4 (g) Reports.—
- (1) DEADLINE.—Not later than December 31, 6 2002, and not later than December 31 of each year 7 thereafter in which the Task Force is in existence, 8 the Attorney General shall submit a report to the 9 Committees on the Judiciary of the House of Rep-10 resentatives and of the Senate containing the find-11 ings, conclusions, and recommendations of the Task 12 Force. Each report shall also measure and evaluate 13 how much progress the Task Force has made, how 14 much work remains, how long the remaining work 15 will take to complete, and the cost of completing the 16 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.
- 21 (h) Legislative Recommendations.—
- 22 (1) IN GENERAL.—The Attorney General shall
  23 make such legislative recommendations as the Attor24 nev General deems appropriate—

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1	(A) to implement the recommendations of
2	the Task Force; and
3	(B) to obtain authorization for the appro-
4	priation of funds, the expenditure of receipts, or
5	the reprogramming of existing funds to imple-
6	ment such recommendations.
7	(2) Delegation.—The Attorney General may
8	delegate to the Commissioner, Immigration and Nat-
9	uralization Service, the responsibility for preparing
10	and transmitting any such legislative recommenda-
11	tions.
12	(i) TERMINATION.—The Task Force shall terminate
13	on a date designated by the Attorney General as the date
14	on which the work of the Task Force has been completed.
15	(j) Authorization of Appropriations.—There
16	are authorized to be appropriated to carry out this section
17	such sums as may be necessary for fiscal years 2001
18	through 2003.
19	SEC. 4. SENSE OF THE CONGRESS REGARDING INTER-
20	NATIONAL BORDER MANAGEMENT COOPERA-
21	TION.
22	It is the sense of the Congress that the Attorney Gen-
23	eral, in consultation with the Secretary of State, the Sec-
24	retary of Commerce, and the Secretary of the Treasury,

- 1 should consult with affected foreign governments to im-
- 2 prove border management cooperation.

Passed the House of Representatives May 23, 2000. Attest:

Clerk.