SCOMM

119:16

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HJR 48

Revision Date: Feb. 8, 2000
Title: Free flow of people/trade between Canada & U.S.
Sponsor: PHILLIPS
Requester: H. WTR St/Fed Relations

Dept. Affected
BRU
Component
Component Serial No.

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES [ ]						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1061 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

This resolution would not have a significant fiscal impact on any state agency.

Prepared by Donald M. Riehle WTR Staff Phone 465-6643

Phone

Date 2-8-00

Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996

SEC. 110. AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) System.--Not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will--

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

(2) 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.

(b) Report.--

(1) Deadline.--Not later than December 31 of each year following the development of the system under subsection (a), the Attorney General shall submit an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate on such system.

(2) Information.--The report shall include the following information:

(A) The number of departure records collected, with an accounting by country of nationality of the departing alien.

(B) The number of departure records that were successfully matched to records of the alien's prior arrival in the United States, with an accounting by the alien's country of nationality and by the alien's classification as an immigrant or nonimmigrant.

(C) The number of aliens who arrived as nonimmigrants, or as a visitor 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 the alien's authorized period of stay, with an accounting by the alien's country of nationality and date of arrival in the United States.

(c) Use of Information on Overstays.--Information regarding aliens who have remained in the United States beyond their authorized period of stay identified through the system shall be integrated into appropriate data bases of the Immigration and Naturalization Service and the Department of State, including those used at ports of entry and at consular offices.

HR 2202

SEPT. 24, 1996

ILLEGAL IMMIGRATION REFORM & IMMIGRANT RESPONSIBILITY ACT OF 1996

State of Oregon
Draft Resolution

DRAFT ONLY

RESOLUTION

Urging Congress to repeal Section 110 of the Illegal Immigration Reform & Immigrant Responsibility Act of 1996.

WHEREAS, The State of Oregon derives substantial economic benefit from tourism and trade; and

WHEREAS, Canada ranks number 1 as Oregon's source of international tourism, sending more than 400,000 tourists to this state in 1998; and

WHEREAS, Visitors from Canada make a major economic contribution to the State of Oregon by spending more than $100 a day; and

WHEREAS, The United States has entered into international trade agreements with our Canadian neighbour to foster, encourage and stimulate the exchange of goods and products for mutual economic gain; and

WHEREAS, Canada is the State of Oregon's number 1 export market with some $1.5 billion in transportation equipment, trucks, computers, semi-conductors, machinery, agricultural goods, forest products, furniture, aluminum, chemicals, metals, plastics, and seafood sold to Canada in 1998; and

WHEREAS, 70 percent of Canada - U.S. trade is shipped by truck, with some 30,000 truck crossings a day; and

WHEREAS, In 1995 President Bill Clinton and Prime Minister Jean Chretien signed the Shared Border Accord to facilitate the movement of goods and people across our common border; and

WHEREAS, Some 250,000 Oregonians travelled to and visited Canada in 1998; and

WHEREAS, Over 100 million people annually move across our common border with some 20 million crossing the border between the State of Washington and Canada; and

WHEREAS, The United States does not currently require travellers driving to Canada to stop, file paperwork and be interviewed by U.S. authorities at land border crossings; and

WHEREAS, Oregonians visiting Canada do not need to obtain visas, nor do Canadians visiting the United States have to obtain visas; and

WHEREAS, Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 requires that a new entry-exit control system be implemented to identify and track all foreign visitors entering and leaving the United States; and

WHEREAS, Section 110 would impose new border inspection requirements for the gathering of data at entry and departure points for vehicular traffic from Canada where none currently exists; and

WHEREAS, No inspection stations or other facilities for travellers departing the United States now exist at our land borders and would have to be constructed at a cost surely in the tens of millions of dollars; and

WHEREAS, Oregonians would be caught up in these new regulations each and every time they travel to and from Canada; and

WHEREAS, This new border entry-exit system would not provide for any enhancement of provisions for apprehending or removing illegal immigrants, drug traffickers, terrorists or other criminals and would not curtail illegal immigration at the border; and

WHEREAS, Congestion at our borders currently causes delays and waits running into the hours on busy travel days, and these delays and inconveniences are projected to grow exponentially; and

WHEREAS, These delays and inconveniences would surely disrupt and have a negative impact on the citizens and economy of the State of Oregon; and

WHEREAS, The National Governors Association and Council of State Governments West have expressed their opposition to Section 110; and

WHEREAS, United States Senate Bill 745 and United States House of Representatives Bill 1650 have been introduced to repeal Section 110; and

WHEREAS, The Cascadia (Oregon, Washington, British Columbia) Mayors Council unanimously approved a call for the repeal of Section 110 at their meeting on 7 May 1999; and

WHEREAS, Senator Gordon Smith of Oregon is a co-sponsor of SB 745; now, therefore, be it

RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF OREGON, That Congress is hereby urged to repeal Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; and be it further

RESOLVED, That Congress is encouraged to keep our common borders reasonably free of government over-involvement and to impose no new restrictions until infrastructure is available that can collect data and detect illegal and unwanted immigration without disrupting legitimate and beneficial trade and tourism; and be it further

RESOLVED, That this RESOLUTION be copied to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives and each member of the Oregon Congressional Delegation.

CGS-West

Council of State Governments-West

Resolution 98-8

Passed in
Anchorage
in Sept. 98

CSG WEST

"Serving Western Legislatures"

Council of State Governments-*WEST*
121 Second Street, Fourth Floor
San Francisco, CA 94105
(415) 974-6422 .PHONE
(415) 974-1747 .FAX
csgw@csg.org .E-MAIL
http://www.csgwest.org

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Carl Bianchi
Director Legislative Services, Idaho

RESOLUTION 98-8

Maintaining the Free Flow of People and Goods Across the United States Border

Introduced by the Trade and Transportation Committee

WHEREAS, the United States and Canada share the longest undefended border in the world and have the largest bilateral trading relationship in the world with over 125 million crossings by U.S. and Canadian citizens at the border each year, many at land borders; and

WHEREAS, implementation of Section 110 of the *Illegal Immigration Reform and Immigrant Responsibility Act* (IIRIRA) passed by the U.S. Congress in 1996 requires the Attorney General to develop and implement an automated entry-exit control system to register "all aliens" entering and departing the United States, including Canadians; and

WHEREAS, Western states support increased trade with Canada and Mexico in the post NAFTA era, but also believe firmly in maintaining the employment, safety and environmental standards required by that agreement;

WHEREAS, strong and important ties link the United States with our land border neighbors, as reflected in trade which exceeds $430 billion annually and in tens of millions of border crossing for business and tourism; and

WHEREAS, such a system will unnecessarily cause unreasonably long delays at the border, thereby seriously impeding trade, hindering tourism, and adversely affecting the economies of the 13-state region and four Pacific Island Territories of the CSG-*WEST*, and

WHEREAS, the U.S. Senate recently unanimously passed a Senate substitute amendment to S. 1360, which would prevent the legislation from going into effect at land borders and sea ports; and

WHEREAS, the transportation infrastructure in the West is vital to international trade and tourism and is uniquely affected by the vast distances between urban areas, by large amounts of public land and by poor transportation conditions on many Indian reservations;

NOW, THEREFORE, BE IT RESOLVED that the CSG-*WEST* (Council of State Governments-*WEST*, Serving Western Legislatures) strongly supports S. 1360, the *Border Improvement and Immigration Act of 1997*, and urges the U. S. House of Representatives expeditiously to pass the Senate-passed legislation, which was sent to the House as a Senate Amendment to H.R. 2920; and

BE IT FURTHER RESOLVED that CSG-*WEST* urges its members to immediately contact their Congressional delegations to encourage their support of H.R. 2920 with the Senate Amendment, and endorses transmitting this policy position to the leadership of the U.S. Congress and the appropriate members of the U. S. Congress; and

BE IT FURTHER RESOLVED that U.S. trade authorities be urged to enforce safety, labor, environment and other side agreements of NAFTA and provide evidence of that enforcement.

ADOPTED BY THE CSG-WEST EXECUTIVE COMMITTEE ON SEPTEMBER 22, 1998 ASSEMBLED IN ANNUAL MEETING IN ANCHORAGE, ALASKA.

CL:am/anch/res/98-8

DRAFT

CSG EXECUTIVE COMMITTEE RESOLUTION

Facilitating the Free Flow of People, Goods and Services Across the U.S. - Canada Border

—Passed by the CSG International Committee—
—December 4, 1999 in Québec City, Québec—

Whereas, In 1997, the International Committee and Governing Board of the Council of State Governments adopted a resolution urging Congress to amend Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to exempt Canadians from the requirements thereof; and

WHEREAS, The United States and Canada share the longest undefended border in the world; and

Whereas, The United States and Canada have the largest bilateral trade relationship in the world, exceeding $1 billion every day and supporting more than two million jobs; and

WHEREAS, Canada is the #1 trading partner of 40 U.S. states; and

Whereas, The rate of cross border traffic is steadily increasing, with over 125 million crossings by U.S. and Canadian citizens each year, many at land borders; and

Whereas, Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 requires the U.S. Attorney General to develop an automated entry-exit control system to register "all aliens" entering and departing the United States; and

Whereas, Section 110 of the Act uses the word "alien" without any qualification and will include millions of Canadian citizens who enter the United States every year and have traditionally enjoyed the longstanding reciprocal privilege of summary inspection; and

Whereas, This control system has been delayed, but will still go into effect on March 31, 2001, imposing an unmanageable requirement on border crossing services and resulting in gridlock at crucial Canada - U.S. border crossings; and

Whereas, Canada and the United States continue to pursue joint policies to facilitate the cross-border movement of people and the fair trade of goods and services, including the 1995 Shared Border Accord and the Open Skies Agreement; and

Whereas, On October 8, 1999, the President of the United States and the Prime Minister of Canada agreed to create the Canada-U.S. Partnership (CUSP) intended to help streamline border policies and management and increase efficiencies in customs, immigration and law enforcement;

NOW THEREFORE BE IT RESOLVED, that the International Committee and Executive Committee of the Council of State Governments call on Congress to amend Section 110 of the1996 Illegal Immigration Reform and Immigrant Responsibility Act to exempt Canadian citizens from the requirements thereof; and

BE IT FURTHER RESOLVED, that the Council requests Congress to provide additional resources to adequately facilitate the free flow of people and the fair trade of goods and services across the Canada - U.S. border; and

BE IT FURTHER RESOLVED, that the Council calls on the President to make this issue a legislative priority and urge Congress to amend Section 110 to exempt Canadian citizens; and

BE IT FURTHER RESOLVED, that the Council encourages state legislatures to pass resolutions urging the President, congressional leadership, and members of their congressional delegations to amend Section 110 to exempt Canadian citizens; and

BE IT FINALLY RESOLVED, that this resolution be transmitted directly to the President, to the leadership of the U.S. Congress, and to appropriate congressional members.

Adopted this 7th day of December, 1999, at the CSG Annual Meeting in Québec City, Québec.

Senator Kenneth McClintock, Puerto Rico
CSG Chairman

Canadian Consulate General

Background information on U.S – Canada Trade

Department of Foreign Affairs and International Trade

CANADA

Ministère des Affaires étrangères et du Commerce international

UNCLASSIFIED

January 19, 2000

EXT 1507 (12/93)

FACSIMILE / TÉLÉCOPIE

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S'il y a des problèmes à la réception de cette télécopie, prière d'appeler:

To/ Destinataire	The Honourable Gail Phillips State House of Representatives State Capitol Juneau, AK 99801	Tel Fax	 907-465-2698
From/ De	Kevin Cook Political & Economic Officer Canadian Consulate General 412 Plaza 600 Sixth & Stewart Streets Seattle WA 98101	Tel Fax	

No of pages including this page / Nombre de pages avec cette feuille: 22

COMMENTS/COMMENTAIRES:

Attn: Scott

Attached is information concerning section 110 IIRAIRA of 1996. Should there be any difficulty in reading the material from the embassy you can log on at www.canadianembassy.org and go to 'issues' or search under section 110.

Please let me know if I can provide any additional information.

Should Representative Phillips introduce such a resolution we would be most appreciative to receive a copy.

Thank you.

Kevin Cook Kevin

Department of Foreign Affairs and International Trade
Embassy of Canada-Washington, D.C.
Ministère des Affaires étrangères et du Commerce international
Ambassade du Canada Washington, D.C.

Alaska

This document is available in Adobe Acrobat 3.0 format (PDF)

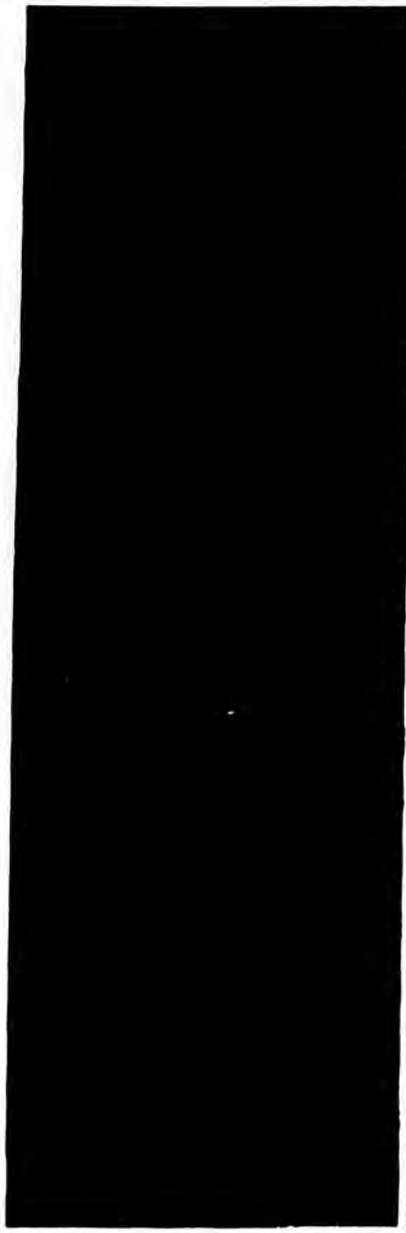
In 1989, the Canada-U.S. Free Trade Agreement went into effect, phasing out all tariffs and many non-tariff barriers to trade. Beginning in 1994, the North American Free Trade Agreement (NAFTA) opened the Mexican market to Canada and the United States. Two-way trade in goods, services and income between Canada and the United States totalled $397 billion in 1998, the largest bilateral exchange in the world.

Alaska and Canada have a mutually beneficial exchange. In 1998, they traded a total of $492 million worth of goods, an increase of 27 per cent over the previous year. Alaska sold Canada $205 million in merchandise, while its imports from Canada totalled $287 million.

Alaska exports natural and refined resources... Alaska's leading export to Canada in 1998 was metals, which accounted for $91 million of the state's exports. Fish accounted for 23 per cent of the total, $47 million, and energy products for 5 per cent, $11 million, of which $8 million was fuel oil. Crude wood materials accounted for 15 per cent of exports, or $30 million.

And transportation equipment. Alaska sold Canada $7 million worth of transportation equipment, including $5 million in aircraft engines and parts.

Canada supplies Alaskan industries and consumers with machinery... Alaska's largest category of imports from Canada was machinery, more than $140 million worth. Alaska also bought $14



million worth of forest products, led by $8 million in softwood lumber.

Equipment and metals... Another important group of Alaska's imports was equipment and tools, which totalled $26 million, and included $5 million in electrical lighting and distribution equipment. Canada also provided Alaska's industries with $11 million worth of metals and metal products, including $7 million in fabricated metals.

Transportation and chemicals... Alaska bought $14 million worth of Canadian transportation equipment, including $8 million in trucks and $7 million in motor vehicle engines and parts. The state's imports of chemicals and allied products totalled $11 million, including $3 million in organic chemicals and $3 million in fertilizers.

And Tourism adds millions to the exchange. In 1998, 62,200 Canadians visited Alaska for one night or more and spent $34 million while 109,200 residents of Alaska spent $32 million in Canada.

July 1999

For more infromation on Canada's trade with Alaska, please contact:
Consulate General of Canada
412 Plaza 600
Sixth and Stewart
Seattle, WA 98101-1286
Tel: (206) 443-1777
Fax: (206) 443-1782

All figures are in U.S. dollars. Merchandise trade and tourism figures are from Statistics Canada, converted at the rate of US$1.00=C$1.4831.

Arizona

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Alaska

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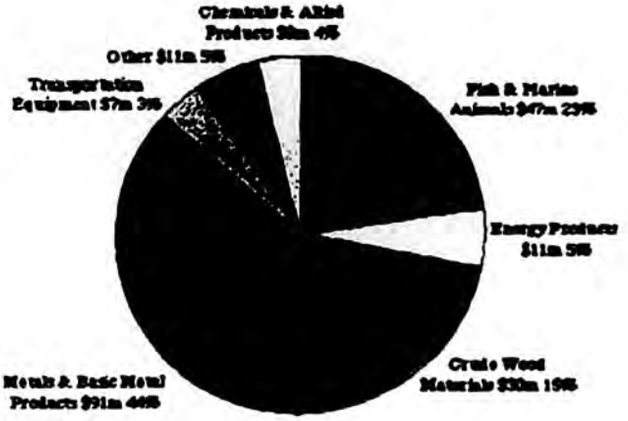
Alaska's Merchandise Exports to Canada

1998, By Percentage of Total, In Millions of U.S. Dollars



Total exports to Canada: $205 million

Alaska's Merchandise Imports from Canada

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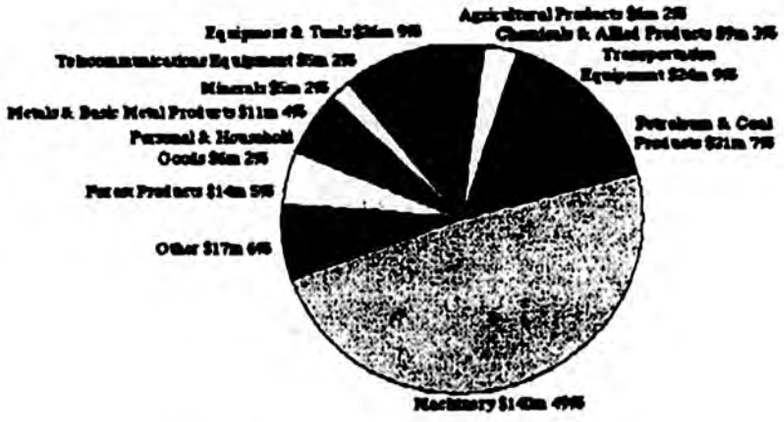

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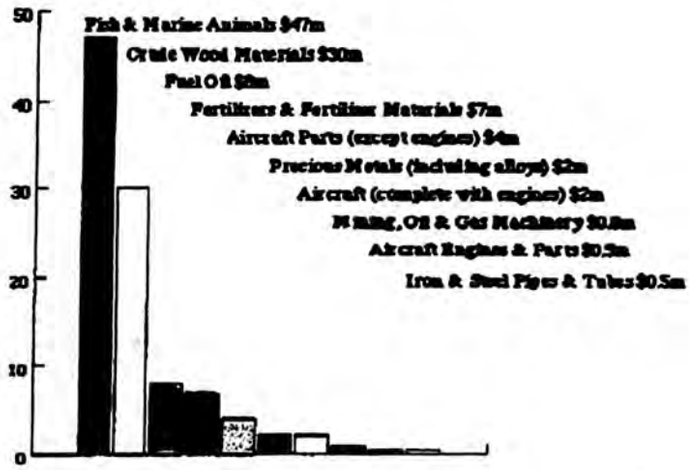
July 1999

Alaska's Leading Exports to Canada
1998, In Millions of U.S. Dollars



Alaska's Leading Imports from Canada
1998, In Millions of U.S. Dollars

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Tel: (206) 443-1777 Fax: (206) 443-1782

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Section 110

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Canada's concerns about Section 110 of the U.S. Illegal Immigration Reform and Immigrant Responsibility Act of 1996

Citizens of Canada and the U.S. have long enjoyed free and easy access across their shared border for family visits, tourism and trade. As a result, they have developed extensive personal ties and the largest trading relationship in the world, amounting to a billion dollars a day and supporting millions of jobs in both countries. The smooth movement of people and goods across the border is now seriously threatened by a provision of the U.S. Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Section 110 of the Act requires the Immigration and Naturalization Service to have in place by March 30, 2001, an automated system to document the entry and departure of every "alien" arriving and leaving the United States. If this provision is implemented, the millions of people who enter the U.S. from Canada and Canada from the U.S. every year would be required to stop at the border, tying up traffic for miles at already crowded border points. This congestion would severely disrupt the flow of goods and services across the border.

The intent of Section 110 was to monitor the extent of immigration abuse by visa holders and nationals of countries that benefit from a visa waiver program. Canadians have historically been exempt from the requirement to obtain a visa to enter the U.S. Moreover, apprehensions for immigration violations along the Canadian border by the U.S. Border Patrol account for only one per cent of the nationwide total.

In 1995, President Clinton and Prime Minister Jean Chrétien signed an accord to facilitate the movement of goods and people across our shared border and to cooperate in combatting illegal immigration, the smuggling of drugs and other contraband, and cross-border crimes. Erecting border controls such as those that would be imposed under Section 110 runs counter to the spirit of that accord.

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Drug Trafficking and the United States-Canada Border

April 1999

Canadian legislative framework to prevent the admission of drug traffickers

Canada has one of the most comprehensive sets of policy tools in the world to prevent the admission of criminals and members of criminal organizations and remove them from its territory. In fact, some of these tools inspired U.S. legislators to adopt similar provisions in the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. For example:

- Canada's Minister of Citizenship and Immigration and Solicitor General can issue security certificates which allow the removal from Canada of someone who poses a security threat. This is used against serious foreign criminals.
- Immigration officers can refuse visas or deny/revoke admission to anyone who has committed an indictable offence or a combination of misdemeanours.
- Immigration officers can refuse visas or deny/revoke admission to anyone whom they have reasonable grounds to believe is a member of a criminal organization. This provision is used regularly at Canadian visa offices around the globe and at Canadian ports of entry.

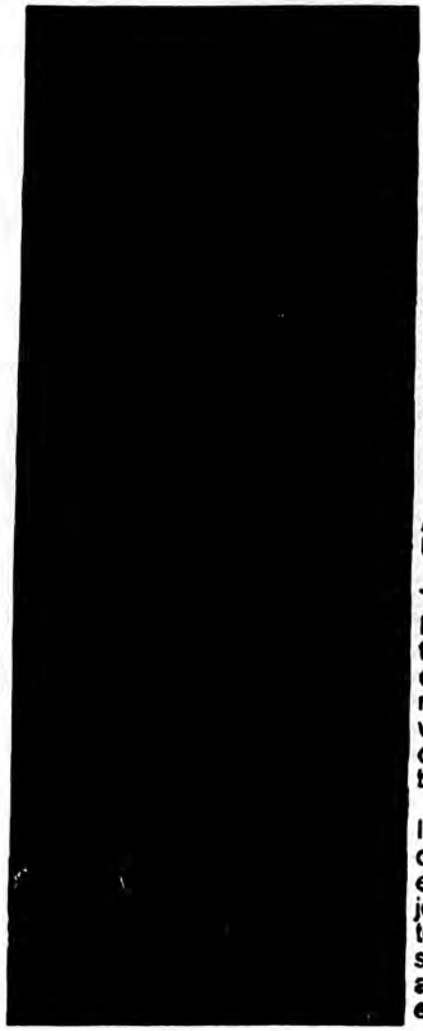
Drug trafficking at the northern border

The United States and Canada are equally concerned about the movement of drugs across their shared border. Officials of both countries work in close cooperation in this regard, recognizing that the movement of illicit drugs occurs in both directions. In fact, according to U.S. law enforcement sources, more illicit drugs enter Canada from the United States than the reverse.

The importance of bilateral cooperation

The ability of any country to prevent the admission of drug traffickers depends on the intelligence it possesses and the screening process it has in place to use this intelligence. A close partnership between U.S. and Canadian law enforcement authorities is the best strategy to prevent the movement of drugs in both directions between the United States and Canada and to apprehend drug traffickers.

One example of this partnership is the Memorandum of Understanding on shared research for customs enforcement equipment, signed between the United States and Canada under the 1995 Shared Border Accord. This joint effort has led to the development and use of technologies such as ion mobility spectrometers (ionscans), which increase the capacity of authorities in both countries to detect traces of illegal drugs and thus stop drug traffickers and interdict shipments.



IIRIRA Section 110 would have no impact on the admission of drug traffickers or drug trafficking

The most effective way to prevent the admission of drug traffickers is to develop the ability to identify them and deny them access, ideally at the visa post and as a last resort at the port of entry. Section 110 would be of no use for this purpose because the proposed entry controls would not add any screening value in terms of either enhancing the quality or quantity of the intelligence available, or applying it through lookouts at visa offices and border crossing points. The proposed exit controls would obviously be of no use in this respect either. Section 110 would be especially ineffective with respect to drugs, the vast majority of which are smuggled into the United States as part of commercial freight shipments, not by individual travellers.

A regional security approach is the most effective way for the United States and Canada to secure their shared border

The United States and Canada share the longest undefended border in the world. The two-way movement of drugs and drug traffickers across that border is a mutual concern, which the two countries are addressing through their long-standing cooperative relationship. A screening strategy that targets only ports of entry will not address smuggling activities across the border in either direction between ports of entry. The geo-physical nature of the border makes total control impossible.

In this context, the best enforcement strategy against drugs and drug traffickers is a regional one that focusses key screening efforts at the two countries' external borders through the use of joint intelligence, harmonized lookouts and common detection techniques. This is a much more effective way of increasing public safety than spending billions of dollars (in infrastructure costs alone) to develop an entry-exit control system that offers no added enforcement value.

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Terrorism and the United States-Canada Border

April 1999

Canadian legislative framework to prevent the admission of terrorists

Canada has one of the most comprehensive sets of policy tools in the world to prevent the admission of terrorists and remove them from its territory. In fact, some of these tools inspired U.S. legislators to adopt similar provisions in the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. For example:

- The Canadian Minister of Citizenship and Immigration and Solicitor General can issue security certificates which allow the removal from Canada of someone who poses a security threat.
- Immigration officers can refuse visas or deny/revoke admission to anyone whom they have reasonable grounds to believe is a member of a terrorist organization. This provision is used regularly at Canadian visa offices around the globe and at Canadian ports of entry.

Movement of terrorists at the northern border

The United States and Canada are equally concerned about the movement of terrorists across their shared border. The available evidence indicates that this movement occurs in both directions. Officials of both countries work in close cooperation in this regard. For example:

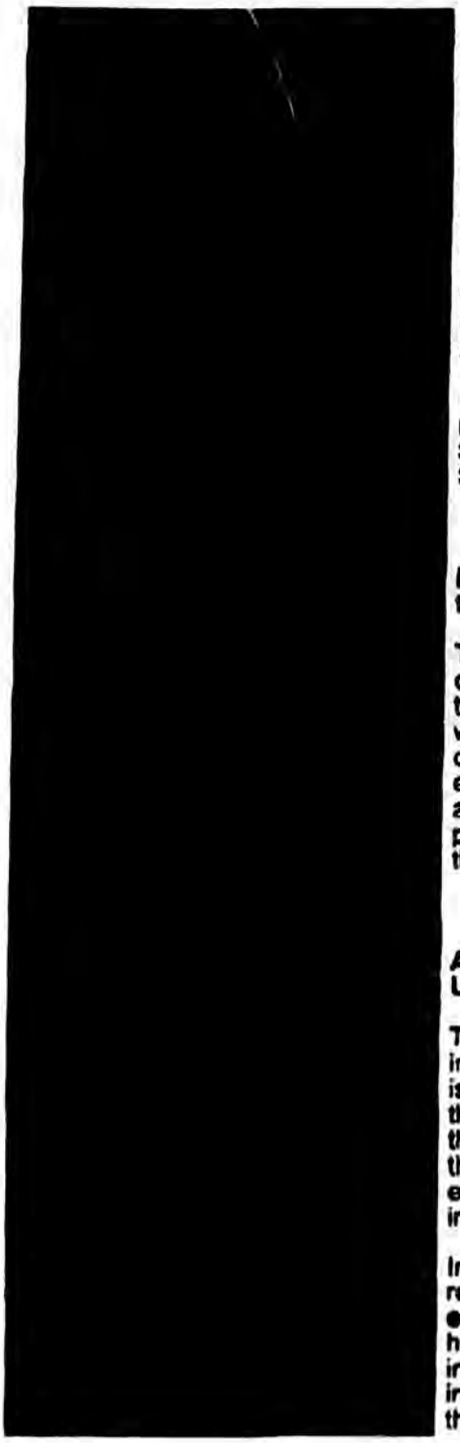
- The intelligence agencies of both countries regularly share intelligence information on terrorists, resulting in better "lookouts" on both sides of the border to prevent their admission.

Terrorism and the United States-Canada Border

- This exchange of information has been enhanced in a systematic way to ensure that our respective lookouts screen the same most-wanted terrorists.
- The United States and Canada are engaged in discussions to enhance regional security and make their shared border even safer and more efficient through the harmonization of lookouts, not only for terrorists but also for foreign criminals and other undesirables.

The importance of bilateral cooperation

The ability of any country to prevent the admission of terrorists depends on the intelligence it possesses and the screening process that it has in place to use this intelligence.



The critical importance of this kind of intelligence was demonstrated by the bombing of the World Trade Center in New York. Sheik Omar Abdel-Rahman obtained a visa directly from the U.S. visa post in Khartoum, Sudan, which did not have the same modern lookout system as other U.S. visa posts.

Much publicity has been given to the case of Mr. Gazi Ibrihim Abu Mezer, who was arrested in Brooklyn in August 1997 after the police were informed that he and a friend were planning a bomb attack on the New York subway. Mr. Mezer had been apprehended three times while attempting to smuggle himself into the United States from Canada. He was never detained or prosecuted as a terrorist prior to his arrest because there was no intelligence in either country suggesting that he was one.

In contrast, Mr. Hani Abdel Rahim Sayegh, a member of the Saudi Hizbollah who entered Canada by travelling through the United States, was identified, detained and deported back to the United States in July 1997 because such intelligence was available.

IIRIRA Section 110 would have no impact on the admission of terrorists

The most effective way to prevent the admission of terrorists is to develop the ability to identify them and deny them access, ideally at the visa post and as a last resort at the port of entry. Section 110 would be of no use for this purpose because the proposed entry controls would not add any screening value in terms of either enhancing the quality or quantity of the intelligence available, or applying it through lookouts at visa offices and border crossing points. The proposed exit controls would obviously be of no use in this respect either.

A regional security approach is the most effective way for the United States and Canada to secure their shared border

The United States and Canada share the longest undefended border in the world. The two-way movement of terrorists across that border is a mutual concern, which the two countries are addressing through their long-standing cooperative relationship. A screening strategy that targets only ports of entry will not address people who smuggle themselves across the border in either direction between ports of entry. The geo-physical nature of the border makes total control impossible.

In this context, the best enforcement strategy against terrorists is a regional one that focusses key screening efforts at the two countries' external borders through the use of joint intelligence and harmonized look-outs. This is a much more effective way of increasing public safety than spending billions of dollars (in infrastructure costs alone) to develop an entry-exit control system that offers no added enforcement value.

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Illegal Immigration and the United States-Canada border

Canadian legislative framework and administrative strategy to combat illegal immigration

Canada is a world leader and the United States' closest ally in the fight against illegal immigration. Canada's legislative framework of preventive and punitive measures to discourage smuggling and illegal entry is highly convergent with that of its southern neighbor.

Canada's inadmissibility regime to prevent the admission of terrorists, organized criminals and war criminals inspired several provisions in the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996.

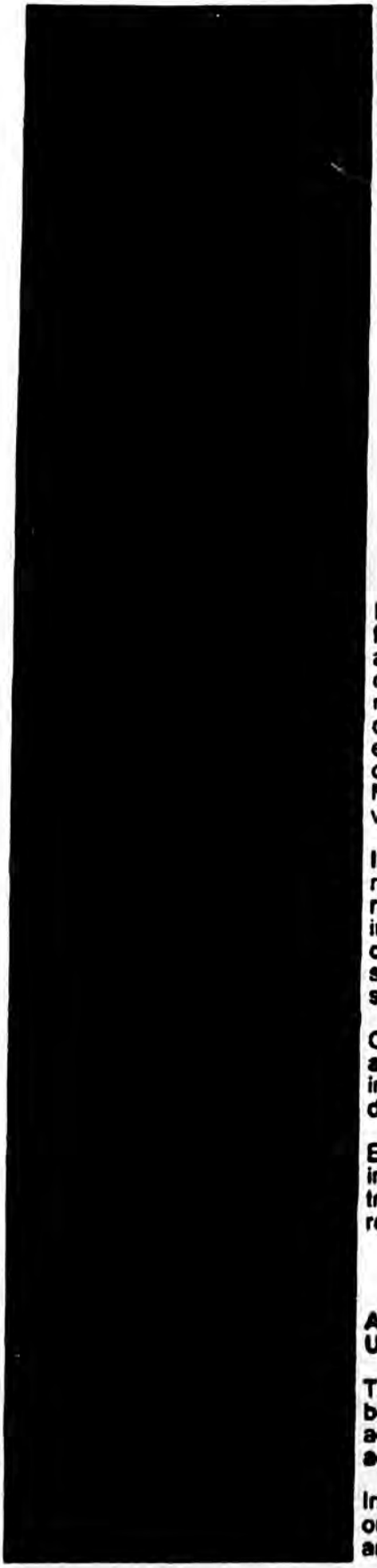
Canada was the first country, in the late eighties, to recognize the importance of preventing illegal immigration offshore by establishing an overseas network of immigration control officers, an initiative now replicated by most OECD member countries, including the United States with its "Global Reach" concept. Canada has also replaced the traditional carrier liability policy with a proactive carrier administrative policy, which the International Air Transport Association has hailed as a model for the rest of the world.

Canada has been similarly innovative in dealing with overstays and other immigration violations, as well as in using data on such violations to refine both visa policy and visa issuance. In so doing Canada has incorporated many of the data linkages and feedback mechanisms recommended by Michael Bromwich, the Inspector General of the U.S. Department of Justice, in his September 1997 report on the Immigration and Naturalization Service (INS) Non-Immigrant Information System.

In Canada, all cases in which a person in possession of a valid visa enters the enforcement stream (i.e., overstay, illegal work, asylum claim or adjustment of status) are immediately reported to the overseas post that issued the visa. Information on these cases is also collected and analyzed to discern trends, which are reported to visa officers to guide the assessment of risk in their daily decision-making. On several occasions this information has supported decisions to reimpose or lift visa requirements.

Canada has also developed the System Support for Intelligence, which collects and analyzes intelligence and provides both event and trend feedback to overseas posts and air carriers, thus allowing them to constantly read and react to illegal immigrant smuggling patterns. Finally, Canada has been a leader in discouraging the life-threatening practice of illegal immigrants trying to cross the ocean as stowaways in cargo containers by developing a CO_2 reader to detect human presence in these containers.

Canadian assessment of entry-exit controls



at the border, in the interior and overseas work together closely and continuously to prevent illegal immigration to both our countries, as illustrated by the following examples:

- In February 1997 U.S. and Canadian officials informed and assisted the Government of Senegal in the successful interdiction of the "Africa Queen", a vessel that was about to carry 190 Sri Lankan nationals to North America. This was the second successful joint interdiction operation in West Africa in as many years;
- In October 1998 INS and the Royal Canadian Mounted Police (RCMP) announced the arrest of 35 people involved in smuggling Chinese nationals from Canada into the United States through the Akwesasne Indian reserve as a result of Operation Over the Rainbow II. This was a follow-up to Operation Over the Rainbow I, which had led to the arrest by the RCMP of 20 people involved in smuggling Chinese nationals into Canada;
- On several occasions and most recently in December 1998, using the intelligence tools described earlier, Canadian officials alerted their U.S. colleagues to large-scale misrepresentations by nationals of Eastern Europe and Africa on their applications to obtain U.S. visas solely for the purpose of gaining illegal access to Canada.

In November 1997 U.S. Attorney General Janet Reno and Minister for Citizenship and Immigration Canada (CIC) Lucienne Robillard agreed to build on this successful cooperation by encouraging their officials to formalize and systematize their partnership in what is now known as the Border Vision exercise. This exercise is consistent with the facilitation of legitimate travel, enhanced enforcement against illicit movements and cost reduction objectives of the Shared Border Accord, announced by Prime Minister Chrétien and President Clinton during the latter's 1995 visit to Ottawa.

INS, State Department and CIC officials are working hard on a number of new initiatives to pool their resources and protect their respective citizens against the threats associated with illegal immigration and the movement of terrorists, drug traffickers and other criminals. Both countries have taken concrete steps to systematically and regularly share information on known or suspected terrorists to ensure their early detection.

Officials hope to extend this arrangement to international criminals and other threats in the future. A new information-sharing instrument, consistent with our respective privacy laws, to support daily immigration enforcement efforts is almost complete.

Exchanges of information on visa issuance resulting in illegal immigration are now formalized and systematic. A joint map of trends in illegal immigrant smuggling to both countries and resources available overseas to combat them has been developed.

A regional security approach is the most effective way for the United States and Canada to secure their shared border

The United States and Canada share the longest undefended border in the world. The two-way movement of illegal immigrants across that border is a mutual concern, which the two countries are addressing through their long-standing cooperative relationship.

Investing in a system to capture information on entries and exits only at ports of entry will increase scrutiny on legitimate travelers and fail to address smuggling activities across the border in either

direction between ports of entry. The geo-physical nature of the border makes total control impossible.

In this context, the best enforcement strategy against illegal immigration is a regional one that focuses key deterrence efforts overseas and at the two countries' **external** borders through the use of joint intelligence, harmonized lookouts and common interdiction strategies. This is a much more effective way of increasing public safety than spending billions of dollars (in infrastructure costs alone) to develop an entry-exit control system that offers no added enforcement value.

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Section 110 Spells Trouble for Tourism, Trucking and Trade

February 1998

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Download *Section 110 Spells Trouble for Trucking and Trade* in Adobe PDF format

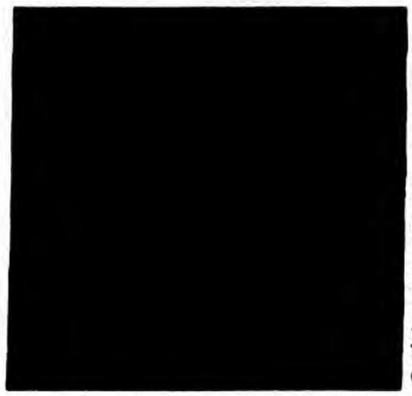
Canadians and Americans have long enjoyed free and easy access across our shared border

Canada and the United States have a long practice of not requiring the majority of their citizens to fill out formal documentation to enter each other's country. At present, travellers leaving the U.S. do not have to stop at U.S. Customs upon departing. Under Section 110, every vehicle would have to stop in both directions, so that the entry and departure of non-U.S. citizens could be documented. It is easy to see how the inevitable massive traffic jams would discourage tourism in both directions.

In 1996, Canadian visitors spent a total of $7.3 billion in the United States, not including international transportation fares. The livelihoods of millions of workers in the tourism industries across the United States -- hotel and restaurant employees, theme park workers, rental car dealers, souvenir sellers and a host of others -- not to mention sales tax revenues for the states, would be put at risk if the smooth flow of visitors were interrupted.

Trucks are the lifeblood of Canada-U.S. trade

Eighty per cent of U.S. exports to Canada and 70 per cent of total bilateral merchandise trade is shipped by truck. More than 30,000 commercial vehicles now move across the Canada-U.S. border every day, and this number is growing by about 9 per cent a year. Any delays at the border would have a serious impact on buyers and sellers of goods in both countries and could affect hours-of-service limits for drivers, increasing operating costs for trucking companies.



Traffic jams would hurt businesses and jobs across the United States

In 1997, the United States exported over $150 billion worth of goods to Canada, which, according to U.S. Government calculations, supported more than 2,250,000 jobs across the country. Half of U.S. exports to Canada are produced in 14 states that are not on the border. Ranked by volume of exports to Canada in 1996, they are: Ohio, Illinois, California, Texas, Indiana, Pennsylvania, North Carolina, Massachusetts, Wisconsin, New Jersey, Tennessee, Kentucky, Missouri and Georgia. If the smooth flow of goods across the border were interrupted, jobs and economic activity in every state in the nation would be affected.

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Section 110 Spells Trouble for Tourism

Section 110 of the U.S. Illegal Immigration Reform and Immigrant Responsibility Act of 1996 requires the Immigration and Naturalization Service to have in place by September 30, 1998, an automated system to document every non-U.S. citizen entering and exiting the United States. If this provision is implemented, it would cause massive congestion at land border crossings between Canada and the United States and threaten tourism industries on both sides of the border, which together bring in a total of US$10.5 billion to the two economies.

Canadians and Americans have long enjoyed free and easy access across our shared border

Canada and the United States have a long practice of not requiring the majority of their citizens to fill out formal documentation to enter each other's country. At present, travellers leaving the U.S. do not have to stop at U.S. Customs upon departing. Under Section 110, every vehicle would have to stop in both directions, so that the entry and departure of non-U.S. citizens could be documented. It is easy to see how the inevitable massive traffic jams would discourage tourism in both directions.

Canadians and Americans love to visit each other

Canada is the most important source of foreign visitors for the United States and vice-versa. In 1997, 15 million Canadians visited the United States for at least one night, and 13 million Americans took overnight trips to Canada. These figures don't include the 35 million Canadians and 25 million Americans who crossed the border to shop or visit for the day.

Tourists prefer to travel by car

Not surprisingly, most travellers who crossed the border for the day went by car. In addition, two-thirds of Canadians who took overnight trips to the United States — more than 10 million travellers — and 63 per cent of Americans visiting Canada overnight — over 8 million — chose to travel by car.

These figures add up to a lot of people in both countries who would be seriously inconvenienced by Section 110 traffic jams. How many would decide that crossing the border is just too much trouble?

Canadian tourists inject billions into the U.S. economy

In 1996, Canadian visitors spent a total of $7.3 billion in the United States, not including international transportation fares.

The livelihoods of millions of workers in the tourism industries across the United States — hotel and restaurant employees, theme park workers, rental car dealers, souvenir sellers and a host of others — not to mention sales tax revenues for the states, would be put at risk if the smooth flow of visitors were interrupted.

Section 110 takes us in the wrong direction

Section 110 goes against years of cooperative efforts between the United States and Canada to cut red tape at the border. **We need laws to make travel between our countries easier, not more difficult.**

For more information, visit the Canadian Embassy's web site at:

www.cdnemb-washdc.org/section110

Canada

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Section 110 = Congestion

February 2000

NOW

If a Canadian in Ontario (for example) decides to take the family across the border to the U.S., the group gets in the car and proceeds to a U.S. port of entry, say Buffalo, N.Y. There the U.S. official will:

- ask a few basic questions, possibly ask to see some form of ID and perform a brief visual inspection of the vehicle;
- wave the family into the U.S.

The average inspection time now is 30 seconds or less. For 95% of the 76 million Canadians or U.S. permanent residents who enter the U.S. each year, there is no recorded entry and no documentation.

On its return to Canada, the family does not have to stop on the U.S. side of the border. It stops only at Canada Customs.

Under Section 110

If a Canadian family decides to go for an outing across the border, at the U.S. point of entry:

- each member of the family has to stop and fill out an admission form with basic biographical data;
- a U.S. official must then review the information on the form;
- he/she must cross-check the IDs of all the passengers in the vehicle against the information on the form, as well as perform a visual inspection of the vehicle;
- information on the arrival of each person must then be entered into an electronic database, 76 MILLION TIMES PER YEAR;
- finally, the family would be waved into the U.S.

The total inspection time is multiplied many times.

But this is not the end of the story. When the family gets in the car to return to Canada, it must now check in at the U.S. border station to undergo a repeat full inspection, including a cross-check of IDs and registration of all departures.

U.S. Congress
S. 745
Recommended amendments to IIRIRA of 1996

Bill Summary & Status for the 106th Congress

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S.745
Sponsor: Sen Abraham, Spencer (introduced 3/25/1999)
Latest Major Action: 3/25/1999 Referred to Senate committee
Title: A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system.

Jump to: Titles, Status, Committees, Related Bill Details, Amendments, Cosponsors, Summary

TITLE(S): (*italics indicate a title for a portion of a bill*)

- SHORT TITLE(S) AS INTRODUCED:
  Border Improvement and Immigration Act of 1999
- OFFICIAL TITLE AS INTRODUCED:
  A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system.

STATUS: *(color indicates Senate actions)* (Floor Actions/Congressional Record Page References)

3/25/1999:
Read twice and referred to the Committee on Judiciary.

COMMITTEE(S):

Committee/Subcommittee:	Activity:
Senate Judiciary	Referral

RELATED BILL DETAILS:

NONE

AMENDMENT(S):

NONE

COSPONSORS(27), ALPHABETICAL: (Sort: by date)

Sen Burns, Conrad R. - 3/25/1999	Sen Cochran, Thad - 3/25/1999
Sen Collins, Susan M. - 3/25/1999	Sen Craig, Larry E. - 3/25/1999
Sen DeWine, Michael - 3/25/1999	Sen Dorgan, Byron L. - 3/25/1999
Sen Durbin, Richard J. - 4/19/1999	Sen Gorton, Slade - 3/25/1999
Sen Graham, Bob - 3/25/1999	Sen Grams, Rod - 3/25/1999
Sen Hagel, Chuck - 4/19/1999	Sen Inouye, Daniel K. - 3/25/1999

Sen Jeffords, James M. - 3/25/1999
Sen Kennedy, Edward M. - 3/25/1999
Sen Leahy, Patrick J. - 3/25/1999
Sen Levin, Carl - 3/25/1999
Sen Mack, Connie - 3/25/1999
Sen McCain, John - 3/25/1999
Sen Moynihan, Daniel Patrick - 3/25/1999
Sen Murkowski, Frank H. - 3/25/1999
Sen Murray, Patty - 3/25/1999
Sen Robb, Charles S. - 7/22/1999
Sen Santorum, Rick - 3/25/1999
Sen Schumer, Charles E. - 3/25/1999
Sen Smith, Gordon - 3/25/1999
Sen Snowe, Olympia J. - 3/25/1999
Sen Voinovich, George V. - 6/7/1999

MOST RECENT SUMMARY:
3/25/1999--Introduced.

Border Improvement and Immigration Act of 1999 - Amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 with respect to the automated entry-exit control system to exempt from required recordkeeping: (1) land border crossings and seaports; and (2) permanent resident and certain other aliens.

(Sec. 3) Requires the Attorney General to report: (1) on the feasibility of implementing an automated entry-exit control system that would include land border and seaport arrivals and departures; and (2) annually on the development status of the automated entry-exit control system, and on visa overstays identified through such system. Requires integration of overstay information into Department of State and Immigration and Naturalization Service (INS) databases.

(Sec. 5) Authorizes appropriations for INS and United States Customs Service border control and enforcement activities. Sets forth specified set-asides. Authorizes: (1) use of equipment funds for new technologies; and (2) transfer up to ten percent of specified set-asides for other equipment uses. Sets aside specified funds for peak hours and investigative resource enhancement.

Provides for increased numbers of full-time INS and Customs inspectors at U.S. land borders.

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S.745

Border Improvement and Immigration Act of 1999 (Introduced in the Senate)

SECTION 1. SHORT TITLE.

This Act may be cited as the `Border Improvement and **Immigration** Act of 1999'.

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 1 year 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 the 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--