

In the Senate of the United States,

April 18, 2002.

Resolved, That the bill from the House of Representatives (H.R. 3525) entitled “An Act to enhance the border security of the United States, and for other purposes.”, do pass with the following

AMENDMENTS:

1 **(1)**Page 2, line 4, strike out **【2001】** and insert: *2002*

2 **(2)**Page 2, in the table of contents, after the item which
3 reads

“Sec. 203 Commission on interoperable data sharing.”

4 insert:

Sec. 204. Personnel management authorities for positions involved in the development and implementation of the interoperable electronic data system (“Chimera system”).

Sec. 205. Procurement of equipment and services for the development and implementation of the interoperable electronic data system (“Chimera system”).

5 **(3)**Page 2, in the table of contents, strike out

【TITLE IV—ADMISSION AND INSPECTION OF ALIENS】

6 and insert:

“TITLE IV—INSPECTION AND ADMISSION OF ALIENS”

1 **(4)**Page 2, in the table of contents, after the item which
2 reads

“Sec. 403. Time period for inspections.”

3 insert:

Sec. 404. Joint United States-Canada projects for alternative inspections services.

4 **(5)**Page 3, after line 15, insert:

5 (3) *CHIMERA SYSTEM.*—*The term “Chimera sys-*
6 *tem” means the interoperable electronic data system*
7 *required to be developed and implemented by section*
8 *202(a)(2).*

9 **(6)**Page 3, line 16, strike out **[(3)]** and insert: (4)

10 **(7)**Page 4, line 15, strike out **[(4)]** and insert: (5)

11 **(8)**Page 4, line 19, strike out **[(5)]** and insert: (6)

12 **(9)**Page 5, line 4, strike out **[(6)]** and insert: (7)

13 **(10)**Page 5, line 16, strike out **[2002]** and insert: *2003*

14 **(11)**Page 6, line 1, strike out **[2002]** and insert: *2003*

15 **(12)**Page 6, strike out lines 17 through 20

16 **(13)**Page 6, line 21, strike out **[(c)]** and insert: (b)

17 **(14)**Page 7, line 2, after “pay” insert: *effective October*
18 *1, 2002*

- 1 **(15)**Page 8, line 1, strike out **[(d)]** and insert: *(c)*
- 2 **(16)**Page 8, line 10, strike out **[and]**
- 3 **(17)**Page 8, line 21, strike out **[(e)]** and insert: *(d)*
- 4 **(18)**Page 15, line 11, strike out **[one year]** and insert:
- 5 *15 months*
- 6 **(19)**Page 15, line 13, strike out **[six months]** and insert:
- 7 *one year*
- 8 **(20)**Page 16, line 12, after “alien” insert: *(also known*
- 9 *as the “Chimera system”)*
- 10 **(21)**Page 20, line 13, after “about” insert: *the*
- 11 **(22)**Page 21, line 7, after “of” insert: *Central*
- 12 **(23)**Page 22, line 2, strike out **[in this title]** and insert:
- 13 *in section 202*
- 14 **(24)**Page 22, line 24, strike out **[against]**
- 15 **(25)**Page 23, after line 14, insert:

1 **SEC. 204. PERSONNEL MANAGEMENT AUTHORITIES FOR PO-**
2 **SITIONS INVOLVED IN THE DEVELOPMENT**
3 **AND IMPLEMENTATION OF THE INTEROPER-**
4 **ABLE ELECTRONIC DATA SYSTEM (“CHIMERA**
5 **SYSTEM”).**

6 (a) *IN GENERAL.*—Notwithstanding any other provi-
7 sion of law relating to position classification or employee
8 pay or performance, the Attorney General may hire and
9 fix the compensation of necessary scientific, technical, engi-
10 neering, and other analytical personnel for the purpose of
11 the development and implementation of the interoperable
12 electronic data system described in section 202(a)(2) (also
13 known as the “Chimera system”).

14 (b) *LIMITATION ON RATE OF PAY.*—Except as other-
15 wise provided by law, no employee compensated under sub-
16 section (a) may be paid at a rate in excess of the rate pay-
17 able for a position at level III of the Executive Schedule.

18 (c) *LIMITATION ON TOTAL CALENDAR YEAR PAY-*
19 *MENTS.*—Total payments to employees under any system
20 established under this section shall be subject to the limita-
21 tion on payments to employees under section 5307 of title
22 5, United States Code.

23 (d) *OPERATING PLAN.*—Not later than 90 days after
24 the date of enactment of this Act, the Attorney General shall
25 submit to the Committee on Appropriations, the Committee
26 on the Judiciary, the Select Committee on Intelligence, and

1 *the Committee on Foreign Relations of the Senate and the*
 2 *Committee on Appropriations, the Committee on the Judi-*
 3 *ciary, the Permanent Select Committee on Intelligence, and*
 4 *the Committee on International Relations of the House of*
 5 *Representatives an operating plan—*

6 (1) *describing the Attorney General’s intended*
 7 *use of the authority under this section; and*

8 (2) *identifying any provisions of title 5, United*
 9 *States Code, being waived for purposes of the develop-*
 10 *ment and implementation of the Chimera system.*

11 (e) *TERMINATION DATE.—The authority of this section*
 12 *shall terminate upon the implementation of the Chimera*
 13 *system.*

14 **SEC. 205. PROCUREMENT OF EQUIPMENT AND SERVICES**
 15 **FOR THE DEVELOPMENT AND IMPLEMENTA-**
 16 **TION OF THE INTEROPERABLE ELECTRONIC**
 17 **DATA SYSTEM (“CHIMERA SYSTEM”).**

18 (a) *EXEMPTION FROM APPLICABLE FEDERAL ACQUI-*
 19 *SITION RULES.—*

20 (1) *IN GENERAL.—Notwithstanding any other*
 21 *provision of law, for the purpose of the development*
 22 *and implementation of the interoperable electronic*
 23 *data system described in section 202(a)(2) (also*
 24 *known as the “Chimera system”), the Attorney Gen-*
 25 *eral may use any funds available for the Chimera*

1 *system to purchase or lease equipment or any related*
2 *items, or to acquire interim services, without regard*
3 *to any otherwise applicable Federal acquisition rule,*
4 *if the Attorney General determines that—*

5 *(A) there is an exigent need for the equip-*
6 *ment, related items, or services in order to sup-*
7 *port interagency information sharing under this*
8 *title;*

9 *(B) the equipment, related items, or services*
10 *required are not available within the Depart-*
11 *ment of Justice; and*

12 *(C) adherence to that Federal acquisition*
13 *rule would—*

14 *(i) delay the timely acquisition of the*
15 *equipment, related items, or services; and*

16 *(ii) adversely affect interagency infor-*
17 *mation sharing under this title.*

18 (2) *DEFINITION.—In this subsection, the term*
19 *“Federal acquisition rule” means any provision of*
20 *title III or IX of the Federal Property and Adminis-*
21 *trative Services Act of 1949, the Office of Federal Pro-*
22 *curement Policy Act, the Small Business Act, the Fed-*
23 *eral Acquisition Regulation, or any other provision of*
24 *law or regulation that establishes policies, procedures,*
25 *requirements, conditions, or restrictions for procure-*

1 *ments by the head of a department or agency of the*
 2 *Federal Government.*

3 (b) *NOTIFICATION OF CONGRESSIONAL APPROPRIA-*
 4 *TIONS COMMITTEES.—The Attorney General shall imme-*
 5 *diately notify the Committees on Appropriations of the*
 6 *House of Representatives and the Senate in writing of each*
 7 *expenditure under subsection (a), which notification shall*
 8 *include sufficient information to explain the circumstances*
 9 *necessitating the exercise of the authority under that sub-*
 10 *section.*

11 **(26)**Page 23, line 25, strike out **【an alien】** and insert:
 12 *each alien*

13 **(27)**Page 24, line 16, strike out **【202(a)(3)(B)】** and in-
 14 sert: *202(a)(4)(B)*

15 **(28)**Page 25, line 21, strike out **【October 26, 2003】** and
 16 insert: *October 26, 2004*

17 **(29)**Page 26, line 2, after “comparison” insert: *and au-*
 18 *thentication*

19 **(30)**Page 26, line 5, strike out **【each report】** and insert:
 20 *the report required by that paragraph*

21 **(31)**Page 26, lines 12 and 13, strike out **【October 26,**
 22 **2003】** and insert: *October 26, 2004*

- 1 **(32)**Page 26, line 15, after “visas and” insert: *other*
- 2 **(33)**Page 26, line 18, after “tablish” insert: *document au-*
3 *thentication standards and*
- 4 **(34)**Page 26, line 19, after “visas and” insert: *other*
- 5 **(35)**Page 26, lines 24 and 25, strike out **【October 26,**
6 **2003】** and insert: *October 26, 2004*
- 7 **(36)**Page 27, line 3, after “comparison” insert: *and au-*
8 *thentication*
- 9 **(37)**Page 27, line 4, after “visas and” insert: *other*
- 10 **(38)**Page 27, line 13, strike out **【and】**
- 11 **(39)**Page 27, line 16, strike out **【(c)(1).】** and insert:
12 *(c)(1); and*
- 13 **(40)**Page 27, after line 16, insert:
14 *(iii) can authenticate the document*
15 *presented to verify identity.*
- 16 **(41)**Page 27, line 22, strike out **【202(a)(3)(B)】** and in-
17 sert: *202(a)(4)(B)*
- 18 **(42)**Page 28, line 2, strike out **【October 26, 2003】** and
19 insert: *October 26, 2004*

1 **(43)**Page 28, line 9, strike out all after “biometric” down
 2 to and including “identifiers” in line 10 and insert: *and*
 3 *document authentication identifiers that comply with ap-*
 4 *plicable biometric and document identifying*

5 **(44)**Page 28, line 16, strike out **【October 26, 2003】** and
 6 insert: *October 26, 2004*

7 **(45)**Page 28, line 17, after “program” insert: *under sec-*
 8 *tion 217 of the Immigration and Nationality Act*

9 **(46)**Page 29, line 4, after “mission” insert: *to a foreign*
 10 *country*

11 **(47)**Page 29, line 23, strike out **【The committee】** and
 12 insert: *Each committee established under subsection (a)*

13 **(48)**Page 30, line 1, strike out **【PERIODIC REPORTS】**
 14 and insert: *PERIODIC REPORTS TO THE SECRETARY OF*
 15 *STATE*

16 **(49)**Page 30, line 1, strike out **【The committee】** and in-
 17 sert: *Each committee established under subsection (a)*

18 **(50)**Page 30, line 2, strike out **【quarterly】** and insert:
 19 *monthly*

20 **(51)**Page 30, line 5, strike out **【quarter】** and insert:
 21 *month*

1 **(52)**Page 30, after line 5, insert:

2 (f) *REPORTS TO CONGRESS.*—*The Secretary of State*
 3 *shall submit a report on a quarterly basis to the appro-*
 4 *priate committees of Congress on the status of the commit-*
 5 *tees established under subsection (a).*

6 **(53)**Page 30, line 6, strike out **[(f)]** and insert: (g)

7 **(54)**Page 32, strike out all after line 22 over to and in-
 8 cluding line 5 on page 33 and insert:

9 (a) *REPORTING PASSPORT THEFTS.*—*Section 217 of*
 10 *the Immigration and Nationality Act (8 U.S.C. 1187) is*
 11 *amended—*

12 (1) *by adding at the end of subsection (c)(2) the*
 13 *following new subparagraph:*

14 “(D) *REPORTING PASSPORT THEFTS.*—*The*
 15 *government of the country certifies that it re-*
 16 *ports to the United States Government on a*
 17 *timely basis the theft of blank passports issued*
 18 *by that country.”; and*

19 (2) *in subsection (c)(5)(A)(i), by striking “5*
 20 *years” and inserting “2 years”; and*

21 (3) *by adding at the end of subsection (f) the fol-*
 22 *lowing new paragraph:*

23 “(5) *FAILURE TO REPORT PASSPORT THEFTS.*—
 24 *If the Attorney General and the Secretary of State*
 25 *jointly determine that the program country is not re-*

1 *porting the theft of blank passports, as required by*
 2 *subsection (c)(2)(D), the Attorney General shall ter-*
 3 *minate the designation of the country as a program*
 4 *country.”.*

5 **(55)**Page 35, strike out lines 1 and 2 and insert:

6 ***TITLE IV—INSPECTION AND***
 7 ***ADMISSION OF ALIENS***

8 **(56)**Page 35, line 10, strike out all after “the” down to
 9 and including “(a)” in line 11 and insert: *President*

10 **(57)**Page 37, line 2, strike out **[(i)]** and insert: *(j)*

11 **(58)**Page 37, strike out lines 3 and 4 and insert:

12 *(3) by striking “SEC. 231.” and inserting the fol-*
 13 *lowing:*

14 *“SEC. 231. (a) ARRIVAL MANIFESTS.—For*

15 **(59)**Page 37, lines 9 and 10, strike out **[an immigration**
 16 **officer]** and insert: *any United States border officer (as*
 17 *defined in subsection (i))*

18 **(60)**Page 37, line 19, strike out **[an immigration officer]**
 19 and insert: *any United States border officer (as defined in*
 20 *subsection (i))*

21 **(61)**Page 39, line 9, strike out **[that]** and insert: *that,*

1 (62)Page 39, lines 9 and 10, strike out [aircraft, or
2 land carriers] and insert: *or aircraft*

3 (63)Page 39, line 25, strike out [\$300] and insert:
4 \$1,000

5 (64)Page 40, line 5, strike out [aircraft, or land car-
6 rier] and insert: *or aircraft*

7 (65)Page 40, line 16, strike out [prescribe.”.] and in-
8 sert: *prescribe.*

9 (66)Page 40, after line 16, insert:

10 “(i) UNITED STATES BORDER OFFICER DEFINED.—
11 In this section, the term ‘United States border officer’
12 means, with respect to a particular port of entry into the
13 United States, any United States official who is performing
14 duties at that port of entry.”.

15 (67)Page 40, line 17, strike out all after “CARRIERS.—
16 ” down to and including “the ” the second time it appears
17 in line 18 and insert:

18 (1) STUDY.—The

19 (68)Page 41, after line 2, insert:

20 (2) REPORT.—Not later than two years after the
21 date of enactment of this Act, the President shall sub-
22 mit to Congress a report setting forth the findings of
23 the study conducted under paragraph (1).

1 **(69)**Page 41, after line 22, insert:

2 **SEC. 404. JOINT UNITED STATES-CANADA PROJECTS FOR**
 3 **ALTERNATIVE INSPECTIONS SERVICES.**

4 (a) *IN GENERAL.*—United States border inspections
 5 agencies, including the Immigration and Naturalization
 6 Service, acting jointly and under an agreement of coopera-
 7 tion with the Government of Canada, may conduct joint
 8 United States-Canada inspections projects on the inter-
 9 national border between the two countries. Each such
 10 project may provide alternative inspections services and
 11 shall undertake to harmonize the criteria for inspections ap-
 12 plied by the two countries in implementing those projects.

13 (b) *ANNUAL REPORT.*—The Attorney General and the
 14 Secretary of the Treasury shall prepare and submit annu-
 15 ally to Congress a report on the joint United States-Canada
 16 inspections projects conducted under subsection (a).

17 (c) *EXEMPTION FROM ADMINISTRATIVE PROCEDURE*
 18 *ACT AND PAPERWORK REDUCTION ACT.*—Subchapter II of
 19 chapter 5 of title 5, United States Code (commonly referred
 20 to as the “Administrative Procedure Act”) and chapter 35
 21 of title 44, United States Code (commonly referred to as
 22 the “Paperwork Reduction Act”) shall not apply to fee set-
 23 ting for services and other administrative requirements re-
 24 lating to projects described in subsection (a), except that

1 *fees and forms established for such projects shall be pub-*
 2 *lished as a notice in the Federal Register.*

3 **(70)**Page 48, line 16, strike out **【or】** and insert: *and*

4 **(71)**Page 49, line 4, strike out all after “COMPLIANCE.—
 5 ” down to and including “reviews” in line 7 and insert:
 6 *Not later than two years after the date of enactment of this*
 7 *Act, and every two years thereafter, the Commissioner of*
 8 *Immigration and Naturalization, in consultation with the*
 9 *Secretary of Education, shall conduct a review*

10 **(72)**Page 49, line 22, strike out all after “RE-
 11 VIEWS.—” down to and including “reviews” in line 23 and
 12 insert: *Not later than two years after the date of enactment*
 13 *of this Act, and every two years thereafter, the Secretary*
 14 *of State shall conduct a review*

15 **(73)**Page 50, line 16, strike out **【(c) EFFECT OF FAIL-**
 16 **URE TO COMPLY.—Failure】** and insert: *(c) EFFECT OF*
 17 *MATERIAL FAILURE TO COMPLY.—Material failure*

18 **(74)**Page 50, line 24, strike out all after “1372),” over
 19 to and including “be.” in line 5 on page 51 and insert:
 20 *shall result in the suspension for at least one year or termi-*
 21 *nation, at the election of the Commissioner of Immigration*
 22 *and Naturalization, of the institution’s approval to receive*
 23 *such students, or result in the suspension for at least one*

1 *year or termination, at the election of the Secretary of*
 2 *State, of the other entity's designation to sponsor exchange*
 3 *visitor program participants, as the case may be.*

4 **(75)**Page 54, lines 24 and 25, strike out **【proceeding】**
 5 and insert: *proceedings*

Attest:

Secretary.

107TH CONGRESS
2D SESSION

H. R. 3525

AMENDMENTS