

enforcement agencies and the intelligence community to provide to the Department of State and the Immigration and Naturalization Service all information identified in that report as expeditiously as practicable.

**(2) Consultation requirement**

In the preparation and implementation of the plan under this subsection, the President shall consult with the appropriate committees of Congress.

**(3) Protections regarding information and uses thereof**

The plan under this subsection shall establish conditions for using the information described in subsection (b) received by the Department of State and Immigration and Naturalization Service—

(A) to limit the redissemination of such information;

(B) to ensure that such information is used solely to determine whether to issue a visa to an alien or to determine the admissibility or deportability of an alien to the United States, except as otherwise authorized under Federal law;

(C) to ensure the accuracy, security, and confidentiality of such information;

(D) to protect any privacy rights of individuals who are subjects of such information;

(E) to provide data integrity through the timely removal and destruction of obsolete or erroneous names and information; and

(F) in a manner that protects the sources and methods used to acquire intelligence information as required by section 403-3(c)(7) of title 50.<sup>1</sup>

**(4) Criminal penalties for misuse of information**

Any person who obtains information under this subsection without authorization or exceeding authorized access (as defined in section 1030(e) of title 18), and who uses such information in the manner described in any of the paragraphs (1) through (7) of section 1030(a) of such title, or attempts to use such information in such manner, shall be subject to the same penalties as are applicable under section 1030(c) of such title for violation of that paragraph.

(Pub. L. 107-173, title II, §201, May 14, 2002, 116 Stat. 547; Pub. L. 108-177, title III, §377(f), Dec. 13, 2003, 117 Stat. 2631.)

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (b)(1), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (§1101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.

Section 403-3 of title 50, referred to in subsec. (c)(3)(F), was repealed and a new section 403-3 was enacted by Pub. L. 108-458, title I, §1011(a), Dec. 17, 2004, 118 Stat. 3643, 3655, and subsequently editorially reclassified to section 3025 of Title 50, War and National Defense; as so enacted, subsec. (c)(7) no longer contains provisions relating to the protection of sources and

methods used to acquire intelligence information. See section 3024 of Title 50.

CODIFICATION

Section is comprised of section 201 of Pub. L. 107-173. Subsec. (b)(2) of section 201 of Pub. L. 107-173 amended provisions set out as a note under section 1365a of this title. Subsec. (c)(5) of section 201 of Pub. L. 107-173 amended section 1379 of this title.

AMENDMENTS

2003—Subsec. (c)(3)(F). Pub. L. 108-177 substituted “section 403-3(c)(7) of title 50” for “section 403-3(c)(6) of title 50”.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

ENHANCEMENT OF COMMUNICATIONS INTEGRATION AND INFORMATION SHARING ON BORDER SECURITY

Pub. L. 109-13, div. B, title III, §303, May 11, 2005, 119 Stat. 317, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this division [May 11, 2005], the Secretary of Homeland Security, acting through the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, the Assistant Secretary of Commerce for Communications and Information, and other appropriate Federal, State, local, and tribal agencies, shall develop and implement a plan—

“(1) to improve the communications systems of the departments and agencies of the Federal Government in order to facilitate the integration of communications among the departments and agencies of the Federal Government and State, local government agencies, and Indian tribal agencies on matters relating to border security; and

“(2) to enhance information sharing among the departments and agencies of the Federal Government, State and local government agencies, and Indian tribal agencies on such matters.

“(b) REPORT.—Not later than 1 year after implementing the plan under subsection (a), the Secretary shall submit a copy of the plan and a report on the plan, including any recommendations the Secretary finds appropriate, to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science [now Committee on Science, Space, and Technology], the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on the Judiciary.”

**§ 1722. Interoperable law enforcement and intelligence data system with name-matching capacity and training**

**(a) Interoperable law enforcement and intelligence electronic data system**

**(1) Requirement for integrated immigration and naturalization data system**

The Immigration and Naturalization Service shall fully integrate all databases and data systems maintained by the Service that process or contain information on aliens. The fully integrated data system shall be an interoperable component of the electronic data system described in paragraph (2).

**(2) Requirement for interoperable data system**

Upon the date of commencement of implementation of the plan required by section

<sup>1</sup> See References in Text note below.

1721(c) of this title, the President shall develop and implement an interoperable electronic data system to provide current and immediate access to information in databases of Federal law enforcement agencies and the intelligence community that is relevant to determine whether to issue a visa or to determine the admissibility or deportability of an alien (also known as the “Chimera system”).

**(3) Consultation requirement**

In the development and implementation of the data system under this subsection, the President shall consult with the Director of the National Institute of Standards and Technology (NIST) and any such other agency as may be deemed appropriate.

**(4) Technology standard**

**(A) In general**

The data system developed and implemented under this subsection, and the databases referred to in paragraph (2), shall utilize the technology standard established pursuant to section 1379 of this title.

**(B) Omitted**

**(5) Access to information in data system**

Subject to paragraph (6), information in the data system under this subsection shall be readily and easily accessible—

(A) to any consular officer responsible for the issuance of visas;

(B) to any Federal official responsible for determining an alien’s admissibility to or deportability from the United States; and

(C) to any Federal law enforcement or intelligence officer determined by regulation to be responsible for the investigation or identification of aliens.

**(6) Limitation on access**

The President shall, in accordance with applicable Federal laws, establish procedures to restrict access to intelligence information in the data system under this subsection, and the databases referred to in paragraph (2), under circumstances in which such information is not to be disclosed directly to Government officials under paragraph (5).

**(b) Name-search capacity and support**

**(1) In general**

The interoperable electronic data system required by subsection (a) shall—

(A) have the capacity to compensate for disparate name formats among the different databases referred to in subsection (a);

(B) be searchable on a linguistically sensitive basis;

(C) provide adequate user support;

(D) to the extent practicable, utilize commercially available technology; and

(E) be adjusted and improved, based upon experience with the databases and improvements in the underlying technologies and sciences, on a continuing basis.

**(2) Linguistically sensitive searches**

**(A) In general**

To satisfy the requirement of paragraph (1)(B), the interoperable electronic database

shall be searchable based on linguistically sensitive algorithms that—

(i) account for variations in name formats and transliterations, including varied spellings and varied separation or combination of name elements, within a particular language; and

(ii) incorporate advanced linguistic, mathematical, statistical, and anthropological research and methods.

**(B) Languages required**

**(i) Priority languages**

Linguistically sensitive algorithms shall be developed and implemented for no fewer than 4 languages designated as high priorities by the Secretary of State, after consultation with the Attorney General and the Director of Central Intelligence.

**(ii) Implementation schedule**

Of the 4 linguistically sensitive algorithms required to be developed and implemented under clause (i)—

(I) the highest priority language algorithms shall be implemented within 18 months after May 14, 2002; and

(II) an additional language algorithm shall be implemented each succeeding year for the next three years.

**(3) Adequate user support**

The Secretary of State and the Attorney General shall jointly prescribe procedures to ensure that consular and immigration officers can, as required, obtain assistance in resolving identity and other questions that may arise about the names of aliens seeking visas or admission to the United States that may be subject to variations in format, transliteration, or other similar phenomenon.

**(4) Interim reports**

Six months after May 14, 2002, the President shall submit a report to the appropriate committees of Congress on the progress in implementing each requirement of this section.

**(5) Reports by intelligence agencies**

**(A) Current standards**

Not later than 60 days after May 14, 2002, the Director of Central Intelligence shall complete the survey and issue the report previously required by section 309(a) of the Intelligence Authorization Act for Fiscal Year 1998 (50 U.S.C. 403-3 note).<sup>1</sup>

**(B) Guidelines**

Not later than 120 days after May 14, 2002, the Director of Central Intelligence shall issue the guidelines and submit the copy of those guidelines previously required by section 309(b) of the Intelligence Authorization Act for Fiscal Year 1998.

**(6) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out the provisions of this subsection.

(Pub. L. 107-173, title II, §202, May 14, 2002, 116 Stat. 548.)

<sup>1</sup> See References in Text note below.

## REFERENCES IN TEXT

Section 309 of the Intelligence Authorization Act for Fiscal Year 1998, referred to in subsec. (b)(5), is section 309 of Pub. L. 105-107, title III, Nov. 20, 1997, 111 Stat. 2253, which was set out as a note under former section 403-3 of Title 50, War and National Defense, and is now set out as a note under section 3024 of Title 50.

## CODIFICATION

Section is comprised of section 202 of Pub. L. 107-173. Subsec. (a)(4)(B) of section 202 of Pub. L. 107-173 amended section 1379 of this title.

## CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.

## ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

**§ 1723. Commission on Interoperable Data Sharing****(a) Establishment**

Not later than one year after October 26, 2001, the President shall establish a Commission on Interoperable Data Sharing (in this section referred to as the "Commission"). The purposes of the Commission shall be to—

- (1) monitor the protections described in section 1721(c)(3) of this title;
- (2) provide oversight of the interoperable electronic data system described in section 1722 of this title; and
- (3) report to Congress annually on the Commission's findings and recommendations.

**(b) Composition**

The Commission shall consist of nine members, who shall be appointed by the President, as follows:

- (1) One member, who shall serve as Chair of the Commission.
- (2) Eight members, who shall be appointed from a list of nominees jointly provided by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

**(c) Considerations**

The Commission shall consider recommendations regarding the following issues:

- (1) Adequate protection of privacy concerns inherent in the design, implementation, or operation of the interoperable electronic data system.
- (2) Timely adoption of security innovations, consistent with generally accepted security standards, to protect the integrity and confidentiality of information to prevent the

risks of accidental or unauthorized loss, access, destruction, use modification, or disclosure of information.

(3) The adequacy of mechanisms to permit the timely correction of errors in data maintained by the interoperable data system.

(4) Other protections against unauthorized use of data to guard against the misuse of the interoperable data system or the data maintained by the system, including recommendations for modifications to existing laws and regulations to sanction misuse of the system.

**(d) Authorization of appropriations**

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

(Pub. L. 107-173, title II, § 203, May 14, 2002, 116 Stat. 551.)

**§ 1724. Personnel management authorities for positions involved in the development and implementation of the interoperable electronic data system ("Chimera system")****(a) In general**

Notwithstanding any other provision of law relating to position classification or employee pay or performance, the Attorney General may hire and fix the compensation of necessary scientific, technical, engineering, and other analytical personnel for the purpose of the development and implementation of the interoperable electronic data system described in section 1722(a)(2) of this title (also known as the "Chimera system").

**(b) Limitation on rate of pay**

Except as otherwise provided by law, no employee compensated under subsection (a) may be paid at a rate in excess of the rate payable for a position at level III of the Executive Schedule.

**(c) Limitation on total calendar year payments**

Total payments to employees under any system established under this section shall be subject to the limitation on payments to employees under section 5307 of title 5.

**(d) Operating plan**

Not later than 90 days after May 14, 2002, the Attorney General shall submit to the Committee on Appropriations, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on International Relations of the House of Representatives an operating plan—

- (1) describing the Attorney General's intended use of the authority under this section; and
- (2) identifying any provisions of title 5 being waived for purposes of the development and implementation of the Chimera system.

**(e) Termination date**

The authority of this section shall terminate upon the implementation of the Chimera system.

(Pub. L. 107-173, title II, § 204, May 14, 2002, 116 Stat. 551.)