

shall be implemented in a manner that ensures the fees collected, transferred, and used in fiscal year 2019 can be readily tracked.

(Pub. L. 115–31, div. J, title VII, §7081, May 5, 2017, 131 Stat. 716.)

Editorial Notes

CODIFICATION

Section appears under the heading “Consular and Border Security Programs” in title VII of div. J of Pub. L. 115–31. It was enacted as part of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017, and also as part of the Consolidated Appropriations Act, 2017, and not as part of the Enhanced Border Security and Visa Entry Reform Act of 2002 which comprises this chapter.

Section is comprised of section 7081 of title VII of div. J of Pub. L. 115–31. Subsecs. (b) and (c) of section 7081 of Pub. L. 115–31 amended sections 1713 and 1714, respectively, of this title. Subsecs. (d) and (e) of section 7081 amended provisions set out as notes under sections 1153 and 1183a, respectively, of this title. Subsec. (f) of section 7081 amended section 214 of Title 22, Foreign Relations and Intercourse, and subsec. (g) of section 7081 amended provisions set out as a note under section 214 of Title 22.

Statutory Notes and Related Subsidiaries

TRANSFER OF BALANCES

Pub. L. 116–260, div. K, title VII, §7034(l)(9), Dec. 27, 2020, 134 Stat. 1750, provided that: “Section 7081(h) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31) [8 U.S.C. 1715(h)] shall continue in effect during fiscal year 2021.”

Similar provisions were contained in the following prior acts:

Pub. L. 116–94, div. G, title VII, §7034(l)(9), Dec. 20, 2019, 133 Stat. 2873.

Pub. L. 116–6, div. F, title VII, §7034(m)(9), Feb. 15, 2019, 133 Stat. 327.

SUBCHAPTER II—INTERAGENCY INFORMATION SHARING

§ 1721. Interim measures for access to and coordination of law enforcement and other information

(a) Interim directive

Until the plan required by subsection (c) is implemented, Federal law enforcement agencies and the intelligence community shall, to the maximum extent practicable, share any information with the Department of State and the Immigration and Naturalization Service relevant to the admissibility and deportability of aliens, consistent with the plan described in subsection (c).

(b) Report identifying law enforcement and intelligence information

(1) In general

Not later than 120 days after May 14, 2002, the President shall submit to the appropriate committees of Congress a report identifying Federal law enforcement and the intelligence community information needed by the Department of State to screen visa applicants, or by the Immigration and Naturalization Service to screen applicants for admission to the United States, and to identify those aliens in-

admissible or deportable under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.].

(2) Omitted

(c) Coordination plan

(1) Requirement for plan

Not later than one year after October 26, 2001, the President shall develop and implement a plan based on the findings of the report under subsection (b) that requires Federal law 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 50.¹

(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.)

Editorial Notes

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (b)(1), is act June 27, 1952, ch. 477, 66 Stat. 163,

¹ See References in Text note below.

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”.

Statutory Notes and Related Subsidiaries

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 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—