(d) Authorization of appropriations for consular functions

(1) Responsibilities

The Secretary of State shall—

(A) implement enhanced security measures for the review of visa applicants;

(B) staff the facilities and programs associated with the activities described in subparagraph (A); and

(C) provide ongoing training for consular officers and diplomatic security agents.

(2) Authorization of appropriations

There are authorized to be appropriated for the Department of State such sums as may be necessary to carry out paragraph (1).

(Pub. L. 107–173, title I, § 101, May 14, 2002, 116 Stat. 545.)

REFERENCES IN TEXT

The USA PATRIOT Act, referred to in subsec. (a)(1), (2), is Pub. L. 107–56, Oct. 26, 2001, 115 Stat. 272, also known as the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001. For complete classification of this Act to the Code, see Short Title of 2001 Amendment note set out under section 1 of Title 18, Crimes and Criminal Procedure, and Tables.

Section 1225a(b) of this title, referred to in subsec. (c)(4), was in the original ''section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225A(b))'' and was translated as reading section 235A(b) of that Act to reflect the probable intent of Congress because that section 235A(b) describes the Carrier Consultant Program.

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.

§ 1712. Authorization of appropriations for improvements in technology and infrastructure

(a) Funding of technology

(1) Authorization of appropriations

In addition to funds otherwise available for such purpose, there are authorized to be appropriated $150,000,000 to the Immigration and Naturalization Service for purposes of—

(A) making improvements in technology (including infrastructure support, computer security, and information technology development) for improving border security;

(B) expanding, utilizing, and improving technology to improve border security; and

(C) facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance.

(2) Waiver of fees

Federal agencies involved in border security may waive all or part of enrollment fees for technology-based programs to encourage participation by United States citizens and aliens in such programs. Any agency that waives any part of any such fee may establish its fees for other services at a level that will ensure the recovery from other users of the amounts waived.

(3) Offset of increases in fees

The Attorney General may, to the extent reasonable, increase land border fees for the issuance of arrival-departure documents to offset technology costs.

(b) Improvement and expansion of INS, State Department, and customs facilities

There are authorized to be appropriated to the Immigration and Naturalization Service and the Department of State such sums as may be necessary to improve and expand facilities for use by the personnel of those agencies.

(Pub. L. 107–173, title I, § 102, May 14, 2002, 116 Stat. 546.)

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.

USE OF GROUND SURVEILLANCE TECHNOLOGIES FOR BORDER SECURITY

Pub. L. 109–13, div. B, title III, § 302, May 11, 2005, 119 Stat. 316, provided that:

''(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this division [May 11, 2005], the Under Secretary of Homeland Security for Science and Technology, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, and the Secretary of Defense, shall develop a pilot program to utilize, or increase the utilization of, ground surveillance technologies to enhance the border security of the United States. In developing the program, the Under Secretary shall—

''(1) consider various current and proposed ground surveillance technologies that could be utilized to enhance the border security of the United States;

''(2) assess the threats to the border security of the United States that could be addressed by the utilization of such technologies; and

''(3) assess the feasibility and advisability of utilizing such technologies to address such threats, including an assessment of the technologies considered best suited to address such threats.

''(b) ADDITIONAL REQUIREMENTS.—

''(1) IN GENERAL.—The pilot program shall include the utilization of a variety of ground surveillance technologies in a variety of topographies and areas (including both populated and unpopulated areas) on both the northern and southern borders of the United States in order to evaluate, for a range of circumstances—

''(A) the significance of previous experiences with such technologies in homeland security or critical infrastructure protection for the utilization of such technologies for border security;

''(B) the cost, utility, and effectiveness of such technologies for border security; and

''(C) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

''(2) TECHNOLOGIES.—The ground surveillance technologies utilized in the pilot program shall include the following:

''(A) Video camera technology.

''(B) Sensor technology.

''(C) Motion detection technology.

''(c) IMPLEMENTATION.—The Under Secretary of Homeland Security for Border and Transportation Security shall implement the pilot program developed under this section.

''(d) REPORT.—Not later than 1 year after implementing the pilot program under subsection (a), the Under

Secretary shall submit a report on the program to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science [now Committee on Science and Technology], the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on the Judiciary. The Under Secretary shall include in the report a description of the program together with such recommendations as the Under Secretary finds appropriate, including recommendations for terminating the program, making the program permanent, or enhancing the program.''

ADVANCED TECHNOLOGY NORTHERN BORDER SECURITY PILOT PROGRAM

Pub. L. 108–458, title V, subtitle A, Dec. 17, 2004, 118 Stat. 3732, provided that:

''SEC. 5101. ESTABLISHMENT.

''The Secretary of Homeland Security may carry out a pilot program to test various advanced technologies that will improve border security between ports of entry along the northern border of the United States.

''SEC. 5102. PROGRAM REQUIREMENTS.

''(a) REQUIRED FEATURES.—The Secretary of Homeland Security shall design the pilot program under this subtitle to have the following features:

''(1) Use of advanced technological systems, including sensors, video, and unmanned aerial vehicles, for border surveillance.

''(2) Use of advanced computing and decision integration software for—

''(A) evaluation of data indicating border incursions;

''(B) assessment of threat potential; and

''(C) rapid real-time communication, monitoring, intelligence gathering, deployment, and response.

''(3) Testing of advanced technology systems and software to determine best and most cost-effective uses of advanced technology to improve border security.

''(4) Operation of the program in remote stretches of border lands with long distances between 24-hour ports of entry with a relatively small presence of United States border patrol officers.

''(5) Capability to expand the program upon a determination by the Secretary that expansion would be an appropriate and cost-effective means of improving border security.

''(b) COORDINATION WITH OTHER AGENCIES.—The Secretary of Homeland Security shall ensure that the operation of the pilot program under this subtitle—

''(1) is coordinated among United States, State, local, and Canadian law enforcement and border security agencies; and

''(2) includes ongoing communication among such agencies.

''SEC. 5103. ADMINISTRATIVE PROVISIONS.

''(a) PROCUREMENT OF ADVANCED TECHNOLOGY.—The Secretary of Homeland Security may enter into contracts for the procurement or use of such advanced technologies as the Secretary determines appropriate for the pilot program under this subtitle.

''(b) PROGRAM PARTNERSHIPS.—In carrying out the pilot program under this subtitle, the Secretary of Homeland Security may provide for the establishment of cooperative arrangements for participation in the pilot program by such participants as law enforcement and border security agencies referred to in section 5102(b), institutions of higher education, and private sector entities.

''SEC. 5104. REPORT.

''(a) REQUIREMENT FOR REPORT.—Not later than 1 year after the date of enactment of this Act [Dec. 17, 2004], the Secretary of Homeland Security shall submit to Congress a report on the pilot program under this subtitle.

''(b) CONTENT.—The report under subsection (a) shall include the following matters:

''(1) A discussion of the implementation of the pilot program, including the experience under the pilot program.

''(2) A recommendation regarding whether to expand the pilot program along the entire northern border of the United States and a timeline for the implementation of the expansion.

''SEC. 5105. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated such sums as may be necessary to carry out the pilot program under this subtitle.''

§ 1713. Machine-readable visa fees

(a) Omitted

(b) Fee amount

The machine-readable visa fee charged by the Department of State shall be the higher of $65 or the cost of the machine-readable visa service, as determined by the Secretary of State after conducting a study of the cost of such service.

(c) Surcharge

The Department of State is authorized to charge a surcharge of $10, in addition to the machine-readable visa fee, for issuing a machine-readable visa in a nonmachine-readable passport.

(d) Availability of collected fees

Notwithstanding any other provision of law, amounts collected as fees described in this section shall be credited as an offsetting collection to any appropriation for the Department of State to recover costs of providing consular services. Amounts so credited shall be available, until expended, for the same purposes as the appropriation to which credited.

(Pub. L. 107–173, title I, § 103, May 14, 2002, 116 Stat. 547.)

CODIFICATION

Section is comprised of section 103 of Pub. L. 107–173. Subsec. (a) of section 103 of Pub. L. 107–173 amended provisions set out as a note under section 1351 of this title.

§ 1714. Surcharges related to consular services

Beginning in fiscal year 2005 and thereafter, the Secretary of State is authorized to charge surcharges related to consular services in support of enhanced border security that are in addition to the passport and immigrant visa fees in effect on January 1, 2004: *Provided*, That funds collected pursuant to this authority shall be credited to this account, and shall be available until expended for the purposes of such account: *Provided further*, That such surcharges shall be $12 on passport fees, and $45 on immigrant visa fees.

(Pub. L. 108–447, div. B, title IV, Dec. 8, 2004, 118 Stat. 2896.)

CODIFICATION

Section appears under the headings ''Administration of Foreign Affairs'' and ''Diplomatic and Consular Programs'' in title IV of div. B of Pub. L. 108–447. It was enacted as part of the Department of State and Related Agency Appropriations Act, 2005, and also as part of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005, and as part of the Consolidated Appropriations Act,