

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, 2005, and not as part of the Enhanced Border Security and Visa Entry Reform Act of 2002 which comprises this chapter.

AUTHORITY TO ADMINISTRATIVELY AMEND SURCHARGES

Pub. L. 109-472, §6, Jan. 11, 2007, 120 Stat. 3555, provided that:

“(a) IN GENERAL.—Beginning in fiscal year 2007 and thereafter, the Secretary of State is authorized to amend administratively the amounts of the surcharges related to consular services in support of enhanced border security (provided for in the last paragraph under

the heading ‘diplomatic and consular programs’ under title IV of division B of the Consolidated Appropriations Act, 2005 (Public Law 108-447) [this section] that are in addition to the passport and immigrant visa fees in effect on January 1, 2004.

“(b) REQUIREMENTS.—In carrying out subsection (a) and the provision of law described in such subsection, the Secretary shall meet the following requirements:

“(1) The amounts of the surcharges shall be reasonably related to the costs of providing services in connection with the activity or item for which the surcharges are charged.

“(2) The aggregate amount of surcharges collected may not exceed the aggregate amount obligated and expended for the costs related to consular services in support of enhanced border security incurred in connection with the activity or item for which the surcharges are charged.

“(3) A surcharge may not be collected except to the extent the surcharge will be obligated and expended to pay the costs related to consular services in support of enhanced border security incurred in connection with the activity or item for which the surcharge is charged.

“(4) A surcharge shall be available for obligation and expenditure only to pay the costs related to consular services in support of enhanced border security incurred in providing services in connection with the activity or item for which the surcharge is charged.”

#### 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) of this section 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) of this section.

#### (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 inadmissible 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) of this section 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 identi-

fied 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) of this section 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, 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 403-1 of Title 50, War and National Defense.

#### CODIFICATION

Section is comprised of section 201 of Pub. L. 107-173. Subsec. (b)(2) of section 201 of Pub. L. 107-173 amended

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