

ferred 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.)

**Editorial Notes**

**REFERENCES IN TEXT**

Level III of the Executive Schedule, referred to in subsec. (b), is set out in section 5314 of Title 5, Government Organization and Employees.

**Statutory Notes and Related Subsidiaries**

**CHANGE OF NAME**

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**SUBCHAPTER III—VISA ISSUANCE**

**§ 1731. Implementation of an integrated entry and exit data system**

**(a) Development of system**

In developing the integrated entry and exit data system for the ports of entry, as required by the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–215), the Attorney General and the Secretary of State shall—

- (1) implement, fund, and use a technology standard under section 1379 of this title at United States ports of entry and at consular posts abroad;
- (2) establish a database containing the arrival and departure data from machine-readable visas, passports, and other travel and entry documents possessed by aliens; and
- (3) make interoperable all security databases relevant to making determinations of admissibility under section 1182 of this title.

**(b) Implementation**

In implementing the provisions of subsection (a), the Immigration and Naturalization Service and the Department of State shall—

(1) utilize technologies that facilitate the lawful and efficient cross-border movement of commerce and persons without compromising the safety and security of the United States; and

(2) consider implementing the North American National Security Program described in section 1751 of this title.

(Pub. L. 107-173, title III, §302, May 14, 2002, 116 Stat. 552.)

**Editorial Notes**

## REFERENCES IN TEXT

The Immigration and Naturalization Service Data Management Improvement Act of 2000, referred to in subsec. (a), is Pub. L. 106-215, June 15, 2000, 114 Stat. 337, which amended section 1365a of this title and enacted provisions set out as notes under sections 1101 and 1365a of this title. For complete classification of this Act to the Code, see Short Title of 2000 Amendment note set out under section 1101 of this title and Tables.

**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.

**§ 1732. Machine-readable, tamper-resistant entry and exit documents****(a) Report****(1) In general**

Not later than 180 days after May 14, 2002, the Attorney General, the Secretary of State, and the National Institute of Standards and Technology (NIST), acting jointly, shall submit to the appropriate committees of Congress a comprehensive report assessing the actions that will be necessary, and the considerations to be taken into account, to achieve fully, not later than October 26, 2004—

(A) implementation of the requirements of subsections (b) and (c); and

(B) deployment of the equipment and software to allow biometric comparison and authentication of the documents described in subsections (b) and (c).

**(2) Estimates**

In addition to the assessment required by paragraph (1), the report required by that paragraph shall include an estimate of the costs to be incurred, and the personnel, man-hours, and other support required, by the Department of Justice, the Department of State, and NIST to achieve the objectives of subparagraphs (A) and (B) of paragraph (1).

**(b) Requirements****(1) In general**

Not later than October 26, 2004, the Attorney General and the Secretary of State shall issue to aliens only machine-readable, tamper-resistant visas and other travel and entry documents that use biometric identifiers. The Attorney General and the Secretary of State shall jointly establish document authentication standards and biometric identifiers standards to be employed on such visas and other travel and entry documents from among those biometric identifiers recognized by domestic and international standards organizations.

(2) **Readers and scanners at ports of entry**

**(A) In general**

Not later than October 26, 2005, the Attorney General, in consultation with the Secretary of State, shall install at all ports of entry of the United States equipment and software to allow biometric comparison and authentication of all United States visas and other travel and entry documents issued to aliens, and passports issued pursuant to subsection (c)(1).

**(B) Use of readers and scanners**

The Attorney General, in consultation with the Secretary of State, shall utilize biometric data readers and scanners that—

(i) domestic and international standards organizations determine to be highly accurate when used to verify identity;

(ii) can read the biometric identifiers utilized under subsections (b)(1) and (c)(1); and

(iii) can authenticate the document presented to verify identity.

**(3) Use of technology standard**

The systems employed to implement paragraphs (1) and (2) shall utilize the technology standard established pursuant to section 1379 of this title.

**(c) Repealed. Pub. L. 114-113, div. O, title II, § 202(c), Dec. 18, 2015, 129 Stat. 2989****(d) Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursement to international and domestic standards organizations.

(Pub. L. 107-173, title III, §303, May 14, 2002, 116 Stat. 553; Pub. L. 108-299, §1, Aug. 9, 2004, 118 Stat. 1100; Pub. L. 114-113, div. O, title II, § 202(c), Dec. 18, 2015, 129 Stat. 2989.)

**Editorial Notes**

## AMENDMENTS

2015—Subsec. (c). Pub. L. 114-113 struck out subsec. (c), which related to technology standard for visa waiver participants.

2004—Subsecs. (b)(2)(A), (c)(1), (2). Pub. L. 108-299 substituted “2005” for “2004”.

**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.

**§ 1733. Terrorist lookout committees****(a) Establishment**

The Secretary of State shall require a terrorist lookout committee to be maintained within each United States mission to a foreign country.

**(b) Purpose**

The purpose of each committee established under subsection (a) shall be—

(1) to utilize the cooperative resources of all elements of the United States mission in the country in which the consular post is located to identify known or potential terrorists and to develop information on those individuals;

(2) to ensure that such information is routinely and consistently brought to the attention of appropriate United States officials for use in administering the immigration laws of the United States; and

(3) to ensure that the names of known and suspected terrorists are entered into the appropriate lookout databases.

**(c) Composition; chair**

The Secretary shall establish rules governing the composition of such committees.

**(d) Meetings**

Each committee established under subsection (a) shall meet at least monthly to share information pertaining to the committee's purpose as described in subsection (b)(2).

**(e) Periodic reports to the Secretary of State**

Each committee established under subsection (a) shall submit monthly reports to the Secretary of State describing the committee's activities, whether or not information on known or suspected terrorists was developed during the month.

**(f) Repealed. Pub. L. 113-235, div. J, title VII, § 7034(i), Dec. 16, 2014, 128 Stat. 2624****(g) Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to implement this section.

(Pub. L. 107-173, title III, § 304, May 14, 2002, 116 Stat. 554; Pub. L. 113-235, div. J, title VII, § 7034(i), Dec. 16, 2014, 128 Stat. 2624.)

**Editorial Notes****AMENDMENTS**

2014—Subsec. (f). Pub. L. 113-235 struck out subsec. (f). Text read as follows: “The Secretary of State shall submit a report on a quarterly basis to the appropriate committees of Congress on the status of the committees established under subsection (a) of this section.”

**§ 1734. Improved training for consular officers****(a) Training**

The Secretary of State shall require that all consular officers responsible for adjudicating visa applications, before undertaking to perform consular responsibilities, receive specialized training in the effective screening of visa applicants who pose a potential threat to the safety or security of the United States. Such officers

shall be specially and extensively trained in the identification of aliens inadmissible under section 1182(a)(3)(A) and (B) of this title, interagency and international intelligence sharing regarding terrorists and terrorism, and cultural-sensitivity toward visa applicants. In accordance with section 1776 of this title, and as part of the consular training provided to such officers by the Secretary of State, such officers shall also receive training in detecting fraudulent documents and general document forensics and shall be required as part of such training to work with immigration officers conducting inspections of applicants for admission into the United States at ports of entry.

**(b) Use of foreign intelligence information**

As an ongoing component of the training required in subsection (a), the Secretary of State shall coordinate with the Assistant to the President for Homeland Security, Federal law enforcement agencies, and the intelligence community to compile and disseminate to the Bureau of Consular Affairs reports, bulletins, updates, and other current unclassified information relevant to terrorists and terrorism and to screening visa applicants who pose a potential threat to the safety or security of the United States.

**(c) Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to implement this section.

(Pub. L. 107-173, title III, § 305, May 14, 2002, 116 Stat. 555; Pub. L. 108-458, title VII, § 7203(c), Dec. 17, 2004, 118 Stat. 3814.)

**Editorial Notes****AMENDMENTS**

2004—Subsec. (a). Pub. L. 108-458 inserted at end “In accordance with section 1776 of this title, and as part of the consular training provided to such officers by the Secretary of State, such officers shall also receive training in detecting fraudulent documents and general document forensics and shall be required as part of such training to work with immigration officers conducting inspections of applicants for admission into the United States at ports of entry.”

**§ 1735. Restriction on issuance of visas to non-immigrants from countries that are state sponsors of international terrorism****(a) In general**

No nonimmigrant visa under section 1101(a)(15) of this title shall be issued to any alien from a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Attorney General and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety or national security of the United States. In making a determination under this subsection, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Attorney General and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

**(b) State sponsor of international terrorism defined**

**(1) In general**

In this section, the term “state sponsor of international terrorism” means any country the government of which has been determined by the Secretary of State under any of the laws specified in paragraph (2) to have repeatedly provided support for acts of international terrorism.

**(2) Laws under which determinations were made**

The laws specified in this paragraph are the following:

(A) Section 4605(j)(1)(A) of title 50 (or successor statute).<sup>1</sup>

(B) Section 2780(d) of title 22.

(C) Section 2371(a) of title 22.

(Pub. L. 107–173, title III, §306, May 14, 2002, 116 Stat. 555.)

**Editorial Notes**

REFERENCES IN TEXT

Section 4605(j)(1)(A) of title 50, referred to in subsec. (b)(2)(A), was repealed by Pub. L. 115–232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232. Provisions similar to those in former section 4605(j)(1)(A) of title 50 can be found in section 4813(c)(1)(A)(i) of title 50, as enacted by Pub. L. 115–232.

**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.

**§ 1736. Check of lookout databases**

Prior to the admission of an alien under the visa waiver program established under section 1187 of this title, the Immigration and Naturalization Service shall determine that the applicant for admission does not appear in any of the appropriate lookout databases available to immigration inspectors at the time the alien seeks admission to the United States.

(Pub. L. 107–173, title III, §307(b), May 14, 2002, 116 Stat. 556.)

**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.

**§ 1737. Tracking system for stolen passports**

**(a) Entering stolen passport identification numbers in the interoperable data system**

**(1) In general**

Beginning with implementation under section 1722 of this title of the law enforcement

and intelligence data system, not later than 72 hours after receiving notification of the loss or theft of a United States or foreign passport, the Attorney General and the Secretary of State, as appropriate, shall enter into such system the corresponding identification number for the lost or stolen passport.

**(2) Entry of information on previously lost or stolen passports**

To the extent practicable, the Attorney General, in consultation with the Secretary of State, shall enter into such system the corresponding identification numbers for the United States and foreign passports lost or stolen prior to the implementation of such system.

**(b) Transition period**

Until such time as the law enforcement and intelligence data system described in section 1722 of this title is fully implemented, the Attorney General shall enter the data described in subsection (a) into an existing data system being used to determine the admissibility or deportability of aliens.

(Pub. L. 107–173, title III, §308, May 14, 2002, 116 Stat. 556.)

**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.

**§ 1738. Identification documents for certain newly admitted aliens**

Not later than 180 days after May 14, 2002, the Attorney General shall ensure that, immediately upon the arrival in the United States of an individual admitted under section 1157 of this title, or immediately upon an alien being granted asylum under section 1158 of this title, the alien will be issued an employment authorization document. Such document shall, at a minimum, contain the fingerprint and photograph of such alien.

(Pub. L. 107–173, title III, §309, May 14, 2002, 116 Stat. 556.)

**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.

SUBCHAPTER IV—INSPECTION AND  
ADMISSION OF ALIENS

**§ 1751. Study of the feasibility of a North American National Security Program**

**(a) In general**

The President shall conduct a study of the feasibility of establishing a North American National Security Program to enhance the mutual

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