Statutory Notes and Related Subsidiaries

TRANSFER OF BALANCES

Pub. L. 118–47, div. F, title VII, §7034(k)(4), Mar. 23, 2024, 138 Stat. 791, 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 2024.''

Similar provisions were contained in the following prior acts:

Pub. L. 117–328, div. K, title VII, §7034(*l*)(4), Dec. 29, 2022, 136 Stat. 5033.

Pub. L. 117–103, div. K, title VII, §7034(*l*)(9), Mar. 15, 2022, 136 Stat. 624.

Pub. L. 116–260, div. K, title VII, §7034(*l*)(9), Dec. 27, 2020, 134 Stat. 1750.

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.

§ 1716. State Border Security Reinforcement Fund

(1) Establishment

There is established, in the Department of Homeland Security, a fund to be known as the ''State Border Security Reinforcement Fund.''

(2) Purposes

The Secretary of Homeland Security shall use amounts appropriated or otherwise made available for the Fund for grants to eligible States and units of local government for any of the following purposes:

(A) Construction or installation of a border wall, border fencing or other barrier, or buoys along the southern border of the United States, which may include planning, procurement of materials, and personnel costs related to such construction or installation.

(B) Any work necessary to prepare the ground at or near land borders to allow construction and maintenance of a border wall or other barrier fencing.

(C) Detection and interdiction of illicit substances and aliens who have unlawfully entered the United States and have committed a crime under Federal, State, or local law, and transfer or referral of such aliens to the Department of Homeland Security as provided by law.

(D) Relocation of aliens who are unlawfully present in the United States from small population centers to other domestic locations.

(3) Appropriation

In addition to amounts otherwise available for the purposes described in paragraph (2), there is appropriated for fiscal year 2025, out of any money in the Treasury not otherwise appropriated, to the Department of Homeland Security for the State Border Security Reinforcement Fund established by paragraph (1), $10,000,000,000, to remain available until September 30, 2034, for qualified expenses for such purposes.

(4) Eligibility

The Secretary of Homeland Security may provide grants from the fund established by paragraph (1) to State agencies and units of local governments for expenditures made for completed, ongoing, or new activities, in accordance with law, that occurred on or after January 20, 2021.

(5) Application

Each State desiring to apply for a grant under this subsection shall submit an application to the Secretary containing such information in support of the application as the Secretary may require. The Secretary shall require that each State include in its application the purposes for which the State seeks the funds and a description of how the State plans to allocate the funds. The Secretary shall begin to accept applications not later than 90 days after July 4, 2025.

(6) Terms and conditions

Nothing in this subsection shall authorize any State or local government to exercise immigration or border security authorities reserved exclusively to the Federal Government under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.). The Federal Emergency Management Agency may use not more than 1 percent of the funds made available under this subsection for the purpose of administering grants provided for in this section.

(Pub. L. 119–21, title IX, §90005(b), July 4, 2025, 139 Stat. 360.)

Editorial Notes

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in par. (6), is act June 27, 1952, ch. 477, 66 Stat. 163, 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.

The Homeland Security Act of 2002, referred to in par. (6), is Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, which is classified principally to chapter 1 (§101 et seq.) of Title 6, Domestic Security. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 6 and Tables.

CODIFICATION

Section is comprised of subsec. (b) of section 90005 of Pub. L. 119–21. Subsec. (a) of section 90005 of Pub. L. 119–21 is not classified to the Code.

Section was enacted as part of Pub. L. 119–21, July 4, 2025, 139 Stat. 72, popularly known as the One Big Beautiful Bill Act and also as an act to provide for reconciliation pursuant to title II of H. Con. Res. 14 for the 119th Congress, and not as part of the Enhanced Border Security and Visa Entry Reform Act of 2002 which comprises this chapter.

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 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) 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.)

[1] See References in Text note below.

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, 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—

(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.