

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3141
OFFERED BY MRS. MILLER OF MICHIGAN**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 The Act may be cited as the “Biometric Exit Im-
3 provement Act of 2013”.

4 SEC. 2. BIOMETRIC EXIT DATA SYSTEM.

5 (a) ESTABLISHMENT.—The Secretary of Homeland
6 Security shall—

7 (1) not later than 180 days after the date of
8 the enactment of this Act, submit to the Committee
9 on Homeland Security of the House of Representa-
10 tives and the Committee on Homeland Security and
11 Governmental Affairs of the Senate an implementa-
12 tion plan to establish a biometric exit data system
13 to complete the integrated biometric entry and exit
14 data system required under section 7208 of the In-
15 telligence Reform and Terrorism Prevention Act of
16 2004 (8 U.S.C. 1365b), including—

1 (A) an integrated master schedule and cost
2 estimate, including operational and mainte-
3 nance costs, of such a system;

4 (B) cost-effective staffing and personnel
5 requirements of such a system that leverages
6 existing resources of the Department of Home-
7 land Security;

8 (C) a consideration of training programs
9 necessary to establish such a system;

10 (D) a consideration of how such a system
11 will affect wait times;

12 (E) information received after consultation
13 with private sector stakeholders; and

14 (F) a consideration of how trusted traveler
15 programs in existence as of the date of the en-
16 actment of this Act may be impacted by, or in-
17 corporated into, such a system;

18 (2) not later than two years after the date of
19 the enactment of this Act, establish a biometric exit
20 data system at—

21 (A) the ten United States airports that
22 support the highest volume of international air
23 travel, as determined by available Federal flight
24 data; and

1 (B) the ten United States seaports that
2 support the highest volume of international sea
3 travel, as determined by available Federal travel
4 data; and

5 (3) not later than three years after the date of
6 the enactment of this Act, submit to the Committee
7 on Homeland Security of the House of Representa-
8 tives and the Committee on Homeland Security and
9 Governmental Affairs of the Senate a report, in ac-
10 cordance with subsection (d), that analyzes the effec-
11 tiveness of the biometric exit data system referred to
12 in paragraph (1) at the ten international airports
13 and ten international seaports described in para-
14 graph (2).

15 (b) IMPLEMENTATION.—

16 (1) PILOT PROGRAM FOR NON-PEDESTRIAN
17 OUTBOUND TRAFFIC.—

18 (A) IN GENERAL.—Not later than 18
19 months after the date of the enactment of this
20 Act, the Secretary of Homeland Security, in
21 consultation with industry stakeholders, shall
22 establish a six-month pilot program to test the
23 biometric exit data system referred to in sub-
24 section (a)(2) on non-pedestrian outbound traf-
25 fic at not fewer than three land ports of entry

1 with significant cross-border traffic, including
2 at not fewer than two land ports of entry on the
3 southern border and at at least one land port
4 of entry on the northern border, and including
5 in at least one passenger vehicle lane. Such
6 pilot program may include a consideration of
7 more than one biometric mode, and shall be im-
8 plemented to determine the following:

9 (i) How a nationwide implementation
10 of such biometric exit data system at land
11 ports of entry shall be carried out.

12 (ii) The infrastructure required to
13 carry out clause (i).

14 (iii) The effects of such pilot program
15 on legitimate travel and trade.

16 (iv) The effects of such pilot program
17 on wait times, including processing times,
18 for such non-pedestrian traffic.

19 (B) GAO REVIEW.—Not later than 30
20 days after the conclusion of the pilot program
21 under subparagraph (A), the Secretary of
22 Homeland Security shall submit the results of
23 the determinations made pursuant to such sub-
24 paragraph to the Government Accountability
25 Office for review. Not later than 90 days after

1 the Government Accountability Office receives
2 such results, the Comptroller General of the
3 United States shall submit to the Secretary of
4 Homeland Security and the Committee on
5 Homeland Security of the House of Representa-
6 tives and the Committee on Homeland Security
7 and Governmental Affairs of the Senate a re-
8 view of such results.

9 (C) OPERATION.—Not later than 90 days
10 after receiving the GAO review referred to in
11 subparagraph (B), the Secretary of Homeland
12 Security shall, based on such review and the re-
13 sults of the determinations under subparagraph
14 (A), submit to the Committee on Homeland Se-
15 curity of the House of Representatives and the
16 Committee on Homeland Security and Govern-
17 mental Affairs of the Senate a plan, with an in-
18 tegrated master schedule, to implement a bio-
19 metric exit data system at all land ports of
20 entry for non-pedestrian outbound traffic.

21 (2) AT LAND PORTS OF ENTRY FOR PEDES-
22 TRIANS.—Not later than three years after the date
23 of the enactment of this Act, the Secretary of Home-
24 land Security shall expand the biometric exit data
25 system referred to in subsection (a)(2) to all land

1 ports of entry, and such system shall apply only in
2 the case of pedestrians.

3 (3) AT AIR AND SEA PORTS OF ENTRY.—Not
4 later than five years after the date of the enactment
5 of this Act, the Secretary of Homeland Security
6 shall expand the biometric exit data system referred
7 to in subsection (a)(2) to all air and sea ports of
8 entry.

9 (c) EFFECTS ON AIR, SEA, AND LAND TRANSPOR-
10 TATION.—The Secretary of Homeland Security, in con-
11 sultation with appropriate private sector stakeholders,
12 shall ensure that the collection of biometric data under
13 this section causes the least possible disruption to the
14 movement of people or cargo in air, sea, or land transpor-
15 tation.

16 (d) DETERMINATION.—In making the analysis re-
17 quired under subsection (a)(3), the Secretary of Homeland
18 Security shall consider the effects of the collection of bio-
19 metric data under this section on wait times for air and
20 sea travelers and any other significant disruption to the
21 movement of people or cargo in air or sea transportation.

22 (e) TERMINATION OF PROCEEDING.—Notwith-
23 standing any other provision of law, the Secretary of
24 Homeland Security shall, on the date of the enactment
25 of this Act, terminate the proceeding entitled “Collection

1 of Alien Biometric Data Upon Exit From the United
2 States at Air and Sea Ports of Departure”, issued on
3 April 24, 2008 (73 C.F.R. 22065; DHS Docket No. 2008–
4 0039).

5 (f) DATA-MATCHING.—The biometric exit data sys-
6 tem established under this section shall—

7 (1) require that the biometric data that was ob-
8 tained for a person upon entry to the United States
9 is matched against the biometric data of such person
10 when such person exits the United States; and

11 (2) leverage the infrastructure and databases of
12 the current entry system established pursuant to
13 section 7208 of the Intelligence Reform and Ter-
14 rorism Prevention Act of 2004 (8 U.S.C. 1365b) for
15 the purpose described in paragraph (1).

16 (g) SCOPE.—The biometric exit data system estab-
17 lished under this section shall include a requirement for
18 the collection of biometric exit data for all categories of
19 individuals who are required to provide biometric entry
20 data.

21 (h) COLLECTION OF DATA.—The Secretary of Home-
22 land Security may not require any non-Federal person to
23 collect biometric data pursuant to the biometric exit data

- 1 system established under this section, except through a
- 2 contractual agreement.

