

Union Calendar No.

115TH CONGRESS
2^D SESSION

H. R. 6439

[Report No. 115-]

To amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security the Biometric Identification Transnational Migration Alert Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2018

Mr. McCAUL (for himself, Mr. BACON, Mr. KATKO, Mrs. LESKO, Mr. FITZPATRICK, Mr. HIGGINS of Louisiana, Mr. ROGERS of Alabama, Mr. KING of New York, Ms. MCSALLY, Mr. KEATING, and Mr. DONOVAN) introduced the following bill; which was referred to the Committee on Homeland Security

SEPTEMBER --, 2018

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security the Biometric Identification Transnational Migration Alert Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Biometric Identifica-
5 tion Transnational Migration Alert Program Authoriza-
6 tion Act of 2018”.

7 **SEC. 2. BIOMETRIC IDENTIFICATION TRANSNATIONAL MI-**
8 **GRATION ALERT PROGRAM.**

9 (a) IN GENERAL.—Subtitle D of title IV of the
10 Homeland Security Act of 2002 (6 U.S.C. 251 et seq.)
11 is amended by adding at the end the following new section:

12 **“SEC. 447. BIOMETRIC IDENTIFICATION TRANSNATIONAL**
13 **MIGRATION ALERT PROGRAM.**

14 “(a) ESTABLISHMENT.—There is established in the
15 Department a program to be known as the Biometric
16 Identification Transnational Migration Alert Program (re-
17 ferred to in this section as ‘BITMAP’) to address and re-
18 duce national security, border security, and terrorist
19 threats before such threats reach the international border
20 of the United States.

21 “(b) DUTIES.—In carrying out BITMAP operations,
22 the Secretary, acting through the Director of U.S. Immi-
23 gration and Customs Enforcement, shall—

24 “(1) coordinate, in consultation with the Sec-
25 retary of State, appropriate representatives of for-

1 eign governments, and the heads of other Federal
2 agencies, as appropriate, to facilitate the voluntary
3 sharing of biometric and biographic information col-
4 lected from foreign nationals for the purpose of iden-
5 tifying and screening such nationals to identify those
6 nationals who may pose a terrorist threat or a threat
7 to national security or border security;

8 “(2) provide capabilities, including training and
9 equipment, to partner countries to voluntarily collect
10 biometric and biographic identification data from in-
11 dividuals to identify, prevent, detect, and interdict
12 high risk individuals identified as national security,
13 border security, or terrorist threats who may at-
14 tempt to enter the United States utilizing illicit
15 pathways;

16 “(3) provide capabilities, including training and
17 equipment, to partner countries to compare foreign
18 data against appropriate United States national se-
19 curity, border security, terrorist, immigration, and
20 counter-terrorism data, including—

21 “(A) the Federal Bureau of Investigation’s
22 Terrorist Screening Database, or successor
23 database;

1 “(B) the Federal Bureau of Investigation’s
2 Next Generation Identification database, or suc-
3 cessor database;

4 “(C) the Department of Defense Auto-
5 mated Biometric Identification System (com-
6 monly known as ‘ABIS’), or successor database;

7 “(D) the Department’s Automated Biomet-
8 ric Identification System (commonly known as
9 ‘IDENT’), or successor database; and

10 “(E) any other database, notice, or means
11 that the Secretary, in consultation with the
12 heads of other Federal departments and agen-
13 cies responsible for such databases, notices, or
14 means, designates; and

15 “(4) ensure biometric and biographic identifica-
16 tion data collected pursuant to BITMAP are incor-
17 porated into appropriate United States Government
18 databases, in compliance with the policies and proce-
19 dures established by the Privacy Officer appointed
20 under section 222.

21 “(c) COLLABORATION.—The Secretary shall ensure
22 that BITMAP operations include participation from rel-
23 evant components of the Department, and request partici-
24 pation from other Federal agencies, as appropriate.

1 “(d) AGREEMENTS.—Before carrying out BITMAP
2 operations in a foreign country that, as of the date of the
3 enactment of this section, was not a partner country de-
4 scribed in this section, the Secretary, in consultation with
5 the Secretary of State, shall enter into agreement or ar-
6 rangement with the government of such country that out-
7 lines such operations in such country, including related de-
8 partmental operations. Such country shall be a partner
9 country described in this section pursuant to and for pur-
10 poses of such agreement or arrangement.

11 “(e) NOTIFICATION TO CONGRESS.—Not later than
12 60 days before an agreement with the government of a
13 foreign country to carry out BITMAP operations in such
14 foreign country enters into force, the Secretary shall pro-
15 vide the Committee on Homeland Security of the House
16 of Representatives and the Committee on Homeland Secu-
17 rity and Governmental Affairs of the Senate with a copy
18 of the agreement to establish such operations, which shall
19 include—

20 “(1) the identification of the foreign country
21 with which the Secretary intends to enter into such
22 an agreement;

23 “(2) the location at which such operations will
24 be conducted; and

1 “(3) the terms and conditions for Department
2 personnel operating at such location.”.

3 (b) REPORT.—Not later than 180 days after the date
4 on which the Biometric Identification Transnational Mi-
5 gration Alert Program (BITMAP) is established under
6 section 447 of the Homeland Security Act of 2002 (as
7 added by subsection (a) of this section) and annually
8 thereafter for the following five years, the Secretary of
9 Homeland Security shall submit to the Committee on
10 Homeland Security of the House of Representatives and
11 the Committee on Homeland Security and Governmental
12 Affairs of the Senate a report that details the effectiveness
13 of BITMAP operations in enhancing national security,
14 border security, and counterterrorism operations.

15 (c) CLERICAL AMENDMENT.—The table of contents
16 in section 1(b) of the Homeland Security Act of 2002 is
17 amended by inserting after the item relating to section
18 446 the following new item:

 “Sec. 447. Biometric Identification Transnational Migration Alert Program.”.