H. R. 6439

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

Mr. McCaul introduced the following bill; which was referred to the
Committee on ________________________

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”.

July 18, 2018 (8:50 p.m.)
SEC. 2. BIOMETRIC IDENTIFICATION TRANSNATIONAL MIGRATION ALERT PROGRAM.

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

“SEC. 447. BIOMETRIC IDENTIFICATION TRANSNATIONAL MIGRATION ALERT PROGRAM.

“(a) Establishment.—There is established in the Department a program to be known as the Biometric Identification Transnational Migration Alert Program (referred to in this section as ‘BITMAP’) to address and reduce national security, border security, and terrorist threats before such threats reach the international border of the United States.

“(b) Duties.—In carrying out BITMAP operations, the Secretary, acting through the Director of U.S. Immigration and Customs Enforcement, shall—

“(1) coordinate, in consultation with the Secretary of State, appropriate representatives of foreign governments, and the heads of other Federal agencies, as appropriate, to facilitate the voluntary sharing of biometric and biographic information collected from foreign nationals for the purpose of identifying and screening such nationals to identify those nationals who may pose a terrorist threat or a threat to national security or border security;
“(2) provide capabilities, including training and equipment, to partner countries to voluntarily collect biometric and biographic identification data from individuals to identify, prevent, detect, and interdict high risk individuals identified as national security, border security, or terrorist threats who may attempt to enter the United States utilizing illicit pathways;

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

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

“(B) the Federal Bureau of Investigation’s Next Generation Identification database, or successor database;

“(C) the Department of Defense Automated Biometric Identification System (commonly known as ‘ABIS’), or successor database;

“(D) the Department’s Automated Biometric Identification System (commonly known as ‘IDENT’), or successor database; and
“(E) any other database, notice, or means that the Secretary, in consultation with the heads of other Federal departments and agencies responsible for such databases, notices, or means, designates; and

“(4) ensure biometric and biographic identification data collected pursuant to BITMAP are incorporated into appropriate United States Government databases, in compliance with the policies and procedures established by the Privacy Officer appointed under section 222.

“(c) COLLABORATION.—The Secretary shall ensure that BITMAP operations include participation from relevant components of the Department, and request participation from other Federal agencies, as appropriate.

“(d) AGREEMENTS.—Before carrying out BITMAP operations in a foreign country that, as of the date of the enactment of this section, was not a partner country described in this section, the Secretary, in consultation with the Secretary of State, shall enter into agreement or arrangement with the government of such country that outlines such operations in such country, including related departmental operations. Such country shall be a partner country described in this section pursuant to and for purposes of such agreement or arrangement.
“(e) NOTIFICATION TO CONGRESS.—Not later than 60 days before an agreement with the government of a foreign country to carry out BITMAP operations in such foreign country enters into force, the Secretary shall provide the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate with a copy of the agreement to establish such operations, which shall include—

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

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

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

(b) REPORT.—Not later than 180 days after the date on which the Biometric Identification Transnational Migration Alert Program (BITMAP) is established under section 447 of the Homeland Security Act of 2002 (as added by subsection (a) of this section) and annually thereafter for the following five years, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental
1 Affairs of the Senate a report that details the effectiveness
2 of BITMAP operations in enhancing national security,
3 border security, and counterterrorism operations.
4 (c) CLERICAL AMENDMENT.—The table of contents
5 in section 1(b) of the Homeland Security Act of 2002 is
6 amended by inserting after the item relating to section
7 446 the following new item:

"Sec. 447. Biometric Identification Transnational Migration Alert Program.".