

Calendar No. 724

115TH CONGRESS
2D SESSION

H. R. 6439

[Report No. 115–419]

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2018

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

DECEMBER 5, 2018

Reported by Mr. JOHNSON, with amendments

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AN ACT

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”.

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

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

6 **“SEC. 447. BIOMETRIC IDENTIFICATION TRANSNATIONAL**
7 **MIGRATION ALERT PROGRAM.**

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

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

18 “(1) coordinate, in consultation with the Sec-
19 retary of State, appropriate representatives of for-
20 eign governments, and the heads of other Federal
21 agencies, as appropriate, to facilitate the voluntary
22 sharing of biometric and biographic information col-
23 lected from foreign nationals for the purpose of iden-
24 tifying and screening such nationals to identify those
25 nationals who may pose a terrorist threat or a threat
26 to national security or border security;

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

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

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

17 “(B) the Federal Bureau of Investigation’s
18 Next Generation Identification database, or suc-
19 cessor database;

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

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

1 “(E) any other database, notice, or means
 2 that the Secretary, in consultation with the
 3 heads of other Federal departments and agen-
 4 cies responsible for such databases, notices, or
 5 means, designates; ~~and~~

6 “(4) *provide partner countries with training,*
 7 *guidance, and best practices recommendations regard-*
 8 *ing the enrollment of individuals in BITMAP; and*

9 “(4)(5) ensure biometric and biographic identi-
 10 fication data collected pursuant to BITMAP are in-
 11 corporated into appropriate United States Govern-
 12 ment databases, in compliance with the policies and
 13 procedures established by the Privacy Officer ap-
 14 pointed under section 222.

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

19 “(d) AGREEMENTS.—Before carrying out BITMAP
 20 operations in a foreign country that, as of the date of the
 21 enactment of this section, was not a partner country de-
 22 scribed in this section, the Secretary, in consultation with
 23 the Secretary of State, shall enter into agreement or ar-
 24 rangement with the government of such country that *sets*
 25 *forth program goals for such country, includes training,*

1 *guidance, and best practices recommendations regarding*
 2 *the enrollment of individuals in BITMAP, and outlines*
 3 *such operations in such country, including related depart-*
 4 *mental operations. Such country shall be a partner coun-*
 5 *try described in this section pursuant to and for purposes*
 6 *of such agreement or arrangement.*

7 “(e) NOTIFICATION TO CONGRESS.—Not later than
 8 60 days before an agreement with the government of a
 9 foreign country to carry out BITMAP operations in such
 10 foreign country enters into force, the Secretary shall pro-
 11 vide the Committee on Homeland Security of the House
 12 of Representatives and the Committee on Homeland Secu-
 13 rity and Governmental Affairs of the Senate with a copy
 14 of the agreement to establish such operations, which shall
 15 include—

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

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

21 “(3) *goals for BITMAP operations in the foreign*
 22 *country; and*

23 “~~(3)~~(4) the terms and conditions for Depart-
 24 ment personnel operating at such location. ”.

1 “(f) *CAPTURED INFORMATION OF UNITED STATES*
 2 *CITIZENS.—The Secretary shall ensure that any biometric*
 3 *and biographic identification data of United States citizens*
 4 *that is captured by BITMAP operations is expunged from*
 5 *all databases to which such data was uploaded, unless the*
 6 *information is retained for specific law enforcement or in-*
 7 *telligence purposes.”.*

8 (b) *REPORT.—Not later than 180 days after the date*
 9 *on which the Biometric Identification Transnational Mi-*
 10 *gration Alert Program (BITMAP) is established under*
 11 *section 447 of the Homeland Security Act of 2002 (as*
 12 *added by subsection (a) of this section) and annually*
 13 *thereafter for the following five years, the Secretary of*
 14 *Homeland Security shall submit to the Committee on*
 15 *Homeland Security of the House of Representatives and*
 16 *the Committee on Homeland Security and Governmental*
 17 *Affairs of the Senate a report that details the effectiveness*
 18 *of BITMAP operations in enhancing national security,*
 19 *border security, and counterterrorism operations. that—*
 20 *(1) outlines the strategic goals and operational*
 21 *plans for BITMAP;*
 22 *(2) outlines key efforts and the progress made*
 23 *with each partner country;*

1 (3) provides a description of the agreement or
2 arrangement with the government of each partner
3 country, if practicable;

4 (4) provides budget information related to ex-
5 penditures in support of BITMAP, including the
6 source of funding and the anticipated expenditures;

7 (5) sets forth the department personnel, equip-
8 ment, and infrastructure support to be used by
9 BITMAP, broken down by country and number;

10 (6) includes the number of individuals each part-
11 ner country enrolled into BITMAP during the report-
12 ing period, broken down by key categories, as deter-
13 mined by U.S. Immigration and Customs Enforce-
14 ment;

15 (7) includes the training, guidance, and best
16 practices recommendations provided pursuant to sec-
17 tion 447(b)(4) of the Homeland Security Act of 2002,
18 as added by subsection (a);

19 (8) includes a review of the redress process for
20 BITMAP; and

21 (9) details the effectiveness of BITMAP oper-
22 ations in enhancing national security, border secu-
23 rity, and counterterrorism operations.

24 (c) BRIEFINGS.—Shortly after each report is submitted
25 pursuant to subsection (b), the Secretary of Homeland Se-

1 *curity shall brief the Committee on Homeland Security and*
 2 *Governmental Affairs of the Senate and the Committee on*
 3 *Homeland Security of the House of Representatives regard-*
 4 *ing—*

5 (1) *individuals enrolled in BITMAP who have*
 6 *been apprehended at the United States border or in*
 7 *the interior of the United States; and*

8 (2) *asylum claims that were submitted by indi-*
 9 *viduals who are enrolled in BITMAP;*

10 (d) *GAO AUDIT.—Not later than 6 months after the*
 11 *date of the enactment of this Act, and every 3 years there-*
 12 *after, the Comptroller General of the United States shall—*

13 (1) *conduct an audit that analyzes the effective-*
 14 *ness of BITMAP operations; and*

15 (2) *submit a report containing the results of such*
 16 *audit to the Committee on Homeland Security and*
 17 *Governmental Affairs of the Senate and the Com-*
 18 *mittee on Homeland Security of the House of Rep-*
 19 *resentatives.*

20 (e) *SUNSET.—Section 447 of the Homeland Security*
 21 *Act of 2002, as added by subsection (a) shall be repealed*
 22 *on the date that is 6 years after the date of the enactment*
 23 *of this Act.*

24 ~~(e)~~(f) *CLERICAL AMENDMENT.—The table of con-*
 25 *tents in section 1(b) of the Homeland Security Act of*

- 1 2002 is amended by inserting after the item relating to
- 2 section 446 the following new item:

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

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