

113TH CONGRESS
1ST SESSION

H. R. 3141

To require the Secretary of Homeland Security to establish a biometric exit data system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2013

Mrs. MILLER of Michigan (for herself, Ms. LORETTA SANCHEZ of California, Mr. MCCAUL, Mr. THOMPSON of Mississippi, Ms. JACKSON LEE, and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To require the Secretary of Homeland Security to establish a biometric exit data system, 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 The Act may be cited as the “Biometric Exit Im-
5 provement Act of 2013”.

6 **SEC. 2. BIOMETRIC EXIT DATA SYSTEM.**

7 (a) ESTABLISHMENT.—The Secretary of Homeland
8 Security shall—

1 (1) not later than 180 days after the date of
2 the enactment of this Act, submit to the Committee
3 on Homeland Security of the House of Representa-
4 tives and the Committee on Homeland Security and
5 Governmental Affairs of the Senate an implementa-
6 tion plan to establish a biometric exit data system
7 in accordance with section 7208 of the Intelligence
8 Reform and Terrorism Prevention Act of 2004 (8
9 U.S.C. 1365b), including—

10 (A) an estimate of the time needed to es-
11 tablish such a system;

12 (B) an estimate of operational and mainte-
13 nance costs of such a system;

14 (C) staffing and personnel requirements of
15 such a system;

16 (D) an assessment of the training pro-
17 grams necessary to establish such a system;

18 (E) an assessment of how such a system
19 will affect wait times; and

20 (F) information received after consultation
21 with private sector stakeholders;

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

1 (A) the ten United States airports that
2 support the highest volume of international air
3 travel, as determined by available Federal flight
4 data; and

5 (B) the ten United States seaports that
6 support the highest volume of international sea
7 travel, as determined by available Federal travel
8 data; and

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

19 (b) IMPLEMENTATION.—

20 (1) PILOT PROGRAM FOR NON-PEDESTRIAN
21 OUTBOUND TRAFFIC.—

22 (A) IN GENERAL.—Not later than 18
23 months after the date of the enactment of this
24 Act, the Secretary of Homeland Security shall
25 establish a six-month pilot program to test the

1 biometric exit data system referred to in sub-
2 section (a)(2) on non-pedestrian outbound traf-
3 fic at not fewer than three land ports of entry
4 with significant cross-border traffic, including
5 at not fewer than two land ports of entry on the
6 southern border and at at least one land port
7 of entry on the northern border. Such pilot pro-
8 gram may include a consideration of more than
9 one biometric mode, and shall be implemented
10 to determine the following:

11 (i) The feasibility of implementing bi-
12 ometric exit data systems at land ports of
13 entry nationwide.

14 (ii) The infrastructure required to
15 carry out clause (i).

16 (iii) The effects of such pilot program
17 on legitimate travel and trade.

18 (iv) The effects of such pilot program
19 on wait times for such non-pedestrian traf-
20 fic.

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

1 paragraph to the Government Accountability
2 Office for review. Not later than 90 days after
3 the Government Accountability Office receives
4 such results, the Comptroller General of the
5 United States shall submit to the Secretary of
6 Homeland Security and the Committee on
7 Homeland Security of the House of Representa-
8 tives and the Committee on Homeland Security
9 and Governmental Affairs of the Senate a re-
10 view of such results.

11 (C) OPERATION.—Not later than 90 days
12 after receiving the GAO review referred to in
13 subparagraph (B), the Secretary of Homeland
14 Security shall, based on such review and the re-
15 sults of the determinations under subparagraph
16 (A), submit to the Committee on Homeland Se-
17 curity of the House of Representatives and the
18 Committee on Homeland Security and Govern-
19 mental Affairs of the Senate a plan to imple-
20 ment a biometric exit data system at all land
21 ports of entry for non-pedestrian outbound traf-
22 fic.

23 (2) AT LAND PORTS OF ENTRY FOR PEDES-
24 TRIANS.—Not later than three years after the date
25 of the enactment of this Act, the Secretary of Home-

1 land Security shall expand the biometric exit data
2 system referred to in subsection (a)(2) to all land
3 ports of entry, and such system shall apply only in
4 the case of pedestrians.

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

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

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

1 (e) TERMINATION OF PROCEEDING.—Notwith-
2 standing any other provision of law, the Secretary of
3 Homeland Security shall, on the date of the enactment
4 of this Act, terminate the proceeding entitled “Collection
5 of Alien Biometric Data Upon Exit From the United
6 States at Air and Sea Ports of Departure”, issued on
7 April 24, 2008 (73 C.F.R. 22065; DHS Docket No. 2008–
8 0039).

9 (f) SCOPE.—The biometric exit data system estab-
10 lished under this section shall include a requirement for
11 the collection of biometric exit data for all categories of
12 individuals who are required to provide biometric entry
13 data.

14 (g) COLLECTION OF DATA.—The Secretary of Home-
15 land Security may not require any non-Federal person to
16 collect biometric data pursuant to the biometric exit data
17 system established under this section, except through a
18 contractual agreement.

○