

116TH CONGRESS  
1ST SESSION

# S. 1933

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

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IN THE SENATE OF THE UNITED STATES

JUNE 20, 2019

Ms. MCSALLY introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend the Homeland Security Act of 2002 to establish the Biometric Identification Transnational Migration Alert Program in the Department of Homeland Security, 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 2019”.

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:

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

8 “(a) ESTABLISHMENT.—There is established in the  
9 Department a program, which shall be known as the ‘Bio-  
10 metric Identification Transnational Migration Alert Pro-  
11 gram’ (referred to in this section as ‘BITMAP’) to address  
12 and reduce 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, the voluntary sharing of bi-  
22 ometric and biographic information collected from  
23 foreign nationals to screen such nationals and iden-  
24 tify those who may pose a terrorist threat or a  
25 threat 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 designates, in consultation  
3           with the heads of other Federal departments  
4           and agencies responsible for such database, no-  
5           tice, or means;

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

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

16          “(c) COLLABORATION.—The Secretary—

17               “(1) shall ensure that BITMAP operations in-  
18               clude participation from relevant components of the  
19               Department;

20               “(2) may request that other Federal agencies  
21               participate in BITMAP, as appropriate; and

22               “(3) notwithstanding any other provision of  
23               law, may enter into agreements related to such par-  
24               ticipation on a reimbursable or nonreimbursable  
25               basis, as appropriate.

1 “(d) AGREEMENTS.—

2 “(1) IN GENERAL.—Before carrying out  
3 BITMAP operations in a foreign country that, as of  
4 the date of the enactment of this section, was not  
5 a partner country referred to in subsection (b), the  
6 Secretary, in consultation with the Secretary of  
7 State, shall enter into agreement or arrangement  
8 with the government of such country that—

9 “(A) sets forth program goals for such  
10 country;

11 “(B) includes training, guidance, and best  
12 practices recommendations regarding the enroll-  
13 ment of individuals in BITMAP; and

14 “(C) outlines such operations in such coun-  
15 try, including related departmental operations.

16 “(2) EFFECT OF AGREEMENT.—A country that  
17 enters into an agreement or arrangement under  
18 paragraph (1) shall be deemed to be a partner coun-  
19 try under subsection (b) for the purpose of such  
20 agreement or arrangement.

21 “(e) CONGRESSIONAL NOTIFICATION.—Not later  
22 than 60 days before an agreement or arrangement de-  
23 scribed in subsection (d) enters into force, the Secretary  
24 shall submit a copy of such agreement or arrangement to  
25 the Committee on Homeland Security and Governmental

1 Affairs of the Senate and the Committee on Homeland  
2 Security of the House of Representatives with a copy of  
3 such agreement or arrangement to establish such oper-  
4 ations, which shall identify—

5           “(1) the foreign country with which the Sec-  
6       retary intends to enter into such an agreement or  
7       arrangement;

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

10          “(3) the goals for BITMAP operations in the  
11       foreign country; and

12          “(4) the terms and conditions for Department  
13       personnel operating at the location referred to in  
14       paragraph (2).

15       “(f) CAPTURED INFORMATION OF UNITED STATES  
16       CITIZENS.—The Secretary shall ensure that any biometric  
17       and biographic identification data of United States citi-  
18       zens that is captured by BITMAP operations is expunged  
19       from all databases to which such data was uploaded, un-  
20       less such data is retained for specific law enforcement or  
21       intelligence purposes.”.

22       (b) REPORT.—Not later than 180 days after the date  
23       on which the Biometric Identification Transnational Mi-  
24       gration Alert Program (referred to in this section as  
25       “BITMAP”) is established under section 447 of the

1 Homeland Security Act of 2002, as added by subsection  
2 (a), and annually thereafter for the following 5 years, the  
3 Secretary of Homeland Security shall submit a report to  
4 the Committee on Homeland Security and Governmental  
5 Affairs of the Senate and the Committee on Homeland  
6 Security of the House of Representatives that—

7           (1) outlines the strategic goals and operational  
8 plans for BITMAP;

9           (2) outlines key efforts and the progress made  
10 with each partner country;

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

14           (4) provides budget information relating to ex-  
15 penditures in support of BITMAP, including the  
16 source of funding and anticipated expenditures;

17           (5) identifies the Department of Homeland Se-  
18 curity personnel, equipment, and infrastructure sup-  
19 port that will be used by BITMAP, broken down by  
20 country and number;

21           (6) includes the number of individuals each  
22 partner country enrolled into BITMAP during the  
23 reporting period, broken down by key categories, as  
24 determined by U.S. Immigration and Customs En-  
25 forcement;

1           (7) includes the training, guidance, and best  
2       practices recommendations provided pursuant to  
3       subsection (b)(4) of such section 447;

4           (8) includes a review of the redress process for  
5       BITMAP; and

6           (9) details the effectiveness of BITMAP oper-  
7       ations in enhancing national security, border secu-  
8       rity, and counterterrorism operations.

9       (c) BRIEFINGS.—Not later than 30 days after each  
10   report is submitted pursuant to subsection (b), the Sec-  
11   retary of Homeland Security shall provide a briefing to  
12   the Committee on Homeland Security and Governmental  
13   Affairs of the Senate and the Committee on Homeland  
14   Security of the House of Representatives regarding—

15           (1) individuals enrolled in BITMAP who have  
16       been apprehended at the United States border or in  
17       the interior of the United States; and

18           (2) asylum claims that were submitted by indi-  
19       viduals who are enrolled in BITMAP.

20       (d) GAO AUDIT.—Not later than 6 months after the  
21   date of the enactment of this Act, and every 3 years there-  
22   after, the Comptroller General of the United States  
23   shall—

24           (1) conduct an audit that analyzes the effective-  
25       ness of BITMAP operations; and

1           (2) submit a report containing the results of  
2       such audit to the Committee on Homeland Security  
3       and Governmental Affairs of the Senate and the  
4       Committee on Homeland Security of the House of  
5       Representatives.

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

10       (f) CLERICAL AMENDMENT.—The table of contents  
11       in section 1(b) of the Homeland Security Act of 2002 is  
12       amended by inserting after the item relating to section  
13       446 the following:

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

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