

AMENDMENT TO RULES COMM. PRINT 118-36
OFFERED BY MR. DONALDS OF FLORIDA

Add at the end of subtitle C of title XVII the following:

1 **SEC. 1748. EVALUATION OF CBP'S IMPLEMENTATION OF AN**
2 **INTEGRATED BIOMETRIC ENTRY AND EXIT**
3 **DATA SYSTEM.**

4 (a) EVALUATION.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this section, the
7 Secretary of Homeland Security shall submit to the
8 Committee on Homeland Security and the Com-
9 mittee on the Judiciary of the House of Representa-
10 tives and the Committee on Homeland Security and
11 Governmental Affairs and the Committee on the Ju-
12 diciary of the Senate an evaluation of the status of
13 efforts to implement an integrated entry and exit
14 data system in accordance with section 110 of the
15 Illegal Immigration Reform and Immigrant Respon-
16 sibility Act of 1996 (8 U.S.C. 1365a; in this section
17 referred to as the “System”).

1 (2) CONTENTS.—The evaluation required under
2 paragraph (1) shall include information relating to
3 the following:

4 (A) An evaluation of the ongoing efforts to
5 implement the System, including information on
6 pre-existing requirements, design, development,
7 operational, and maintenance costs relating to
8 the System, and other information that takes
9 into account prior reports on such matters
10 issued by the Government Accountability Office
11 and the Department of Homeland Security.

12 (B) An evaluation of cost-effective staffing
13 and personnel requirements of the System that
14 leverages existing resources of the Department
15 and takes into account prior reports on such
16 matters issued by the Government Account-
17 ability Office and the Department.

18 (C) An evaluation of training programs
19 necessary to establish the System that takes
20 into account prior reports on such matters
21 issued by the Government Accountability Office
22 and the Department.

23 (D) An evaluation of how the System will
24 affect arrival and departure wait times that
25 takes into account prior reports on such mat-

1 ters issued by the Government Accountability
2 Office and the Department.

3 (E) An evaluation of audit capability for
4 systems procured in partnership with the pri-
5 vate sector.

6 (F) An evaluation of prior and ongoing
7 consultation with the private sector.

8 (G) An evaluation how trusted traveler
9 programs in existence as of the date of the en-
10 actment of this section may be impacted by, or
11 incorporated into, the System.

12 (H) An evaluation of milestones and
13 metrics of success, if any, that have occurred
14 already, and whether such milestones and
15 metrics should be updated to successfully carry
16 out the congressional directive to establish the
17 System.

18 (I) An evaluation of risks and mitigation
19 strategies to address such risks.

20 (J) An identification of statutory, regu-
21 latory, or administrative authorities, if any,
22 needed to integrate the System into the oper-
23 ations of the Transportation Security Adminis-
24 tration, and an evaluation of how the progress
25 made toward any such integration.

1 (K) The infrastructure required to imple-
2 ment the System.

3 (L) The effects of the System on the fol-
4 lowing:

5 (i) Legitimate travel and trade.

6 (ii) Combating terrorism.

7 (iii) Identifying visa holders who vio-
8 late the terms of their visas.

9 (3) REQUIREMENT.—The Secretary of Home-
10 land Security shall ensure that the collection of bio-
11 metric data under the System shall cause the least
12 possible disruption to the movement of people or
13 cargo in air, sea, or land transportation while ful-
14 filling the goals of improving counterterrorism ef-
15 forts and identifying visa holders who violate the
16 terms of their visas.

17 (b) DATA MATCHING ASSESSMENT.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this section, the
20 Secretary of Homeland Security shall submit to the
21 Committee on Homeland Security and the Com-
22 mittee on the Judiciary of the House of Representa-
23 tives and the Committee on Homeland Security and
24 Governmental Affairs and the Committee on the Ju-

1 diciary of the Senate an assessment of how the Sys-
2 tem is currently—

3 (A) matching biometric information for an
4 individual, regardless of nationality, citizenship,
5 or immigration status, who is departing the
6 United States against biometric data previously
7 provided to the United States Government by
8 such individual for the purposes of international
9 travel;

10 (B) leveraging the infrastructure and data-
11 bases of the current biometric entry and exit
12 system established pursuant to section 7208 of
13 the Intelligence Reform and Terrorism Preven-
14 tion Act of 2004 (8 U.S.C. 1365b) for the pur-
15 pose described in paragraph (1); and

16 (C) being interoperable with, and allow
17 matching against, other Federal databases
18 that—

19 (i) store biometrics of known or sus-
20 pected terrorists; and

21 (ii) identify visa holders who violate
22 the terms of their visas.

23 (2) PROHIBITION.—The assessment required
24 under paragraph (1) shall not include any informa-
25 tion relating to citizens of the United States.

1 (c) EXCEPTIONS FOR CERTAIN INDIVIDUALS AND
2 CERTAIN PORTS OF ENTRY.—An evaluation of whether
3 certain individuals, as described as an individual who exits
4 and then enters the United States on a passenger vessel
5 (as such term is defined in section 2101 of title 46, United
6 States Code) the itinerary of which originates and termi-
7 nates in the United States, in addition to an evaluation
8 of considerations relating to not collecting biometric infor-
9 mation in the case of a United States or Canadian citizen
10 who exits the United States through a land port of entry.

11 (d) FURTHER EVALUATIONS.—Not later than 180
12 days after the date of the enactment of this section, the
13 Secretary of Homeland Security shall submit to the Com-
14 mittee on Homeland Security and the Committee on the
15 Judiciary of the House of Representatives and the Com-
16 mittee on Homeland Security and Governmental Affairs
17 and the Committee on the Judiciary of the Senate the fol-
18 lowing evaluations:

19 (1) MULTIMODAL COLLECTION.—An evaluation
20 of whether the Secretary has made every effort to
21 collect biometric data using multiple modes of bio-
22 metrics, and how the Secretary can improve, mod-
23 ernize, and take advantage of innovation relating to
24 using multiple modes of biometrics.

1 (2) NORTHERN LAND BORDER.—With respect
2 to the northern land border, an evaluation of wheth-
3 er the sharing of biometric data provided to the De-
4 partment of Homeland Security by the Canadian
5 Border Services Agency pursuant to the 2011 Be-
6 yond the Border agreement has occurred and the
7 impacts of such data sharing agreement.

8 (3) FULL AND OPEN COMPETITION.—An eval-
9 uation of whether the procurement of goods and
10 services to implement the System has been through
11 full and open competition in accordance with the
12 Federal Acquisition Regulation.

13 (4) FACILITIES.—An evaluation of whether fa-
14 cilities at which the System is implemented has pro-
15 vided and maintained space for Federal use that is
16 adequate to support biometric data collection and
17 other inspection-related activity.

18 (e) SPECIAL RULES RELATING TO CERTAIN FACILI-
19 TIES.—

20 (1) NON-FEDERAL FACILITIES.—With respect
21 to each non-Federal facility at which the System is
22 implemented, the space required for such implemen-
23 tation shall be provided and maintained at no cost
24 to the Federal Government.

1 (2) LAND PORTS OF ENTRY.—With respect to
2 each facility at a land port of entry at which the
3 System is implemented, the space required for such
4 implementation shall be coordinated with the Admin-
5 istrator of General Services.

6 (f) OTHER BIOMETRIC INITIATIVES.—Nothing in
7 this section may be construed as limiting the authority of
8 the Secretary of Homeland Security to collect biometric
9 information in circumstances other than as specified in
10 this section.

11 (g) SAVINGS CLAUSE.—Nothing in this section may
12 prohibit the collection of user fees permitted by section
13 13031 of the Consolidated Omnibus Budget Reconciliation
14 Act of 1985 (19 U.S.C. 58c).

