

114TH CONGRESS  
1ST SESSION

# H. R. 229

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2015

Mrs. MILLER of Michigan (for herself and Mr. MCCAUL) introduced the following bill; which was referred to the Committee on Homeland Security

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## 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 2015”.

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

7       (a) ESTABLISHMENT.—The Secretary of Homeland

8       Security shall—

9               (1) not later than 180 days after the date of

10       the enactment of this Act, submit to the Committee

1 on Homeland Security of the House of Representa-  
2 tives and the Committee on Homeland Security and  
3 Governmental Affairs of the Senate an implementa-  
4 tion plan to establish a biometric exit data system  
5 to complete the integrated biometric entry and exit  
6 data system required under section 7208 of the In-  
7 telligence Reform and Terrorism Prevention Act of  
8 2004 (8 U.S.C. 1365b), including—

9 (A) an integrated master schedule and cost  
10 estimate, including requirements and design,  
11 development, operational, and maintenance  
12 costs, of such a system;

13 (B) cost-effective staffing and personnel  
14 requirements of such a system that leverages  
15 existing resources of the Department of Home-  
16 land Security;

17 (C) a consideration of training programs  
18 necessary to establish such a system;

19 (D) a consideration of how such a system  
20 will affect wait times;

21 (E) information received after consultation  
22 with private sector stakeholders, including—

23 (i) the trucking industry;

24 (ii) the airport industry;

25 (iii) the airline industry;

- 1 (iv) the seaport industry;
- 2 (v) the travel industry; and
- 3 (vi) the biometric technology industry;
- 4 (F) a consideration of how trusted traveler
- 5 programs in existence as of the date of the en-
- 6 actment of this Act may be impacted by, or in-
- 7 corporated into, such a system;
- 8 (G) defined metrics of success and mile-
- 9 stones;
- 10 (H) identified risks and mitigation strate-
- 11 gies to address such risks; and
- 12 (I) a consideration of how other countries
- 13 have implemented a biometric exit data system;
- 14 (2) not later than two years after the date of
- 15 the enactment of this Act, establish a biometric exit
- 16 data system at—
- 17 (A) the ten United States airports that
- 18 support the highest volume of international air
- 19 travel, as determined by available Federal flight
- 20 data;
- 21 (B) the ten United States seaports that
- 22 support the highest volume of international sea
- 23 travel, as determined by available Federal travel
- 24 data; and

1 (C) the ten United States land ports of  
2 entry that support the highest volume of pedes-  
3 trian crossings, as determined by available Fed-  
4 eral border crossing data; and

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

16 (b) IMPLEMENTATION.—

17 (1) PILOT PROGRAM AT LAND PORTS OF ENTRY  
18 FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—

19 (A) IN GENERAL.—Not later than 18  
20 months after the date of the enactment of this  
21 Act, the Secretary of Homeland Security, in  
22 collaboration with industry stakeholders and the  
23 head of a university-based center of excellence  
24 with prior expertise in border security and  
25 counterterrorism, shall establish a six-month

1 pilot program to test the biometric exit data  
2 system referred to in subsection (a)(2) on non-  
3 pedestrian outbound traffic at not fewer than  
4 three land ports of entry with significant cross-  
5 border traffic, including at not fewer than two  
6 land ports of entry on the southern border and  
7 at at least one land port of entry on the north-  
8 ern border, and including in at least one pas-  
9 senger vehicle lane. Such pilot program may in-  
10 clude a consideration of more than one biomet-  
11 ric mode, and shall be implemented to deter-  
12 mine the following:

13 (i) How a nationwide implementation  
14 of such biometric exit data system at land  
15 ports of entry shall be carried out.

16 (ii) The infrastructure required to  
17 carry out clause (i).

18 (iii) The effects of such pilot program  
19 on legitimate travel and trade.

20 (iv) The effects of such pilot program  
21 on wait times, including processing times,  
22 for such non-pedestrian traffic.

23 (v) Its effectiveness in combating ter-  
24 rorism.

1 (B) GAO REVIEW.—Not later than 30  
2 days after the conclusion of the pilot program  
3 under subparagraph (A), the Secretary of  
4 Homeland Security, acting through the Com-  
5 missioner of U.S. Customs and Border Protec-  
6 tion, shall submit the results of the determina-  
7 tions made pursuant to such subparagraph to  
8 the Government Accountability Office for re-  
9 view. Not later than 90 days after the Govern-  
10 ment Accountability Office receives such re-  
11 sults, the Comptroller General of the United  
12 States shall submit to the Secretary of Home-  
13 land Security and the Committee on Homeland  
14 Security of the House of Representatives and  
15 the Committee on Homeland Security and Gov-  
16 ernmental Affairs of the Senate a review of  
17 such results.

18 (C) OPERATION.—Not later than 90 days  
19 after receiving the GAO review referred to in  
20 subparagraph (B), the Secretary of Homeland  
21 Security, acting through the Commissioner of  
22 U.S. Customs and Border Protection, shall,  
23 based on such review and the results of the de-  
24 terminations under subparagraph (A), submit  
25 to the Committee on Homeland Security of the

1 House of Representatives and the Committee  
2 on Homeland Security and Governmental Af-  
3 fairs of the Senate a plan, with an integrated  
4 master schedule, to implement a biometric exit  
5 data system at all land ports of entry for non-  
6 pedestrian outbound traffic.

7 (2) AT LAND PORTS OF ENTRY FOR NON-PE-  
8 DESTRIAN OUTBOUND TRAFFIC.—

9 (A) IN GENERAL.—Not later than three  
10 years after submitting the integrated master  
11 schedule referred to in paragraph (1)(C), the  
12 Secretary of Homeland Security shall expand  
13 the biometric exit data system referred to in  
14 subsection (a)(2) to all land ports of entry, and  
15 such system shall apply only in the case of non-  
16 pedestrian outbound traffic.

17 (B) EXTENSION.—

18 (i) COLLABORATION.—The Secretary  
19 of Homeland Security shall collaborate  
20 with the head of a university-based center  
21 of excellence with prior expertise in border  
22 security and counterterrorism and with the  
23 head of a national laboratory within the  
24 Department of Homeland Security labora-  
25 tory network with prior expertise in border

1 security and counterterrorism regarding  
2 extensions of the initial date specified in  
3 subparagraph (A) if any of the conditions  
4 described in clause (ii) exist.

5 (ii) CONDITIONS.—The Secretary of  
6 Homeland Security may extend by two  
7 years the initial date specified in subpara-  
8 graph (A), and may renew such extension  
9 in additional two year increments, if the  
10 Secretary, after the collaboration described  
11 in clause (i), certifies to the Committee on  
12 Homeland Security of the House of Rep-  
13 resentatives and the Committee on Home-  
14 land Security and Governmental Affairs of  
15 the Senate that any of the following condi-  
16 tions exist:

17 (I) Systems to collect biometric  
18 data cannot be purchased, deployed,  
19 or operated at land ports of entry by  
20 the initial deadline specified in sub-  
21 paragraph (A).

22 (II) The 15 land ports of entry  
23 that support the highest volume of  
24 international travel, as determined by  
25 available Federal data, do not have



1 the physical infrastructure or charac-  
2 teristics to install the systems referred  
3 to in subclause (I).

4 (III) Use of systems referred to  
5 in subclause (I) will substantially im-  
6 pact crossing times or the flow of  
7 cargo.

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

14 (4) AT LAND PORTS OF ENTRY FOR PEDES-  
15 TRIANS.—Not later than five years after the date of  
16 the enactment of this Act, the Secretary of Home-  
17 land Security shall expand the biometric exit data  
18 system referred to in subsection (a)(2) to all land  
19 ports of entry, and such system shall apply only in  
20 the case of pedestrians.

21 (c) EFFECTS ON AIR, SEA, AND LAND TRANSPOR-  
22 TATION.—The Secretary of Homeland Security, in con-  
23 sultation with appropriate private sector stakeholders,  
24 shall ensure that the collection of biometric data under  
25 this section causes the least possible disruption to the

1 movement of people or cargo in air, sea, or land transpor-  
2 tation.

3 (d) DETERMINATION.—In making the analysis re-  
4 quired under subsection (a)(3), the Secretary of Homeland  
5 Security shall consider the effects of the collection of bio-  
6 metric data under this section on wait times for air and  
7 sea travelers and any other significant disruption to the  
8 movement of people or cargo in air or sea transportation.

9 (e) TERMINATION OF PROCEEDING.—Notwith-  
10 standing any other provision of law, the Secretary of  
11 Homeland Security shall, on the date of the enactment  
12 of this Act, terminate the proceeding entitled “Collection  
13 of Alien Biometric Data Upon Exit From the United  
14 States at Air and Sea Ports of Departure”, issued on  
15 April 24, 2008 (73 C.F.R. 22065; DHS Docket No. 2008–  
16 0039).

17 (f) DATA-MATCHING.—The biometric exit data sys-  
18 tem established under this section shall—

19 (1) require that the biometric data that was ob-  
20 tained for a person upon entry to the United States  
21 is matched against the biometric data of such person  
22 when such person exits the United States;

23 (2) leverage the infrastructure and databases of  
24 the current entry system established pursuant to  
25 section 7208 of the Intelligence Reform and Ter-

1 terrorism Prevention Act of 2004 (8 U.S.C. 1365b) for  
2 the purpose described in paragraph (1); and

3 (3) be interoperable with, and allow matching  
4 against, other Federal databases that store bio-  
5 metrics of known or suspected terrorists.

6 (g) SCOPE.—

7 (1) IN GENERAL.—The biometric exit data sys-  
8 tem established under this section shall include a re-  
9 quirement for the collection of biometric exit data  
10 for all categories of individuals who are required to  
11 provide biometric entry data.

12 (2) EXCEPTION.—This section shall not apply  
13 in the case of a citizen of the United States.

14 (h) 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.

19 (i) MULTI-MODAL COLLECTION.—In carrying out  
20 subsections (a)(1) and (b), the Secretary of Homeland Se-  
21 curity shall make every effort to collect biometric data  
22 using additional modes of biometric technology.

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