

This administration can and should take strong measures to make China accountable for cheating our global trade system and ripping off American companies and workers. On that, we can agree.

But what is confusing right now is the fact that, while the administration continues to move forward with tariffs that will cover nearly half of all imported products from China, the MTB will reduce or remove tariffs on many of the same products. That is a little confusing. To me, it is.

For the \$50 billion in Chinese imports currently subject to Section 301 tariffs, there are up to 150 products that are covered by today's bill. For the list of proposed goods valued at \$200 billion in Chinese imports that the administration is currently considering subjecting to additional tariffs, the overlap with today's bill could be as high as 1,000 products.

Now, it is true that the MTB reduces or suspends tariffs on products imported from any and all countries, not just China. But let me remind everyone of this: While the administration has been imposing tariffs, our trading partners have been responding in kind by hitting our exports with retaliatory tariffs. As we consider suspending some 1,600 tariffs on imports from China and other countries, I haven't heard that any of those countries is about to reciprocate and do us any similar favors.

Because the administration is relying so heavily on the use of tariffs as a trade enforcement tool—remember, a tool, yes, not a weapon—the majority's push to move MTB, which reduces and suspends tariffs, with a minimal amount of process, seems like a concerted effort to contradict the administration's own trade agenda.

So, how does the MTB fit with this administration's trade agenda? Well, we have been asking that question for many months.

Several months ago, the administration reached out to the Ways and Means Trade Subcommittee to express concerns with the MTB, especially as it will apply to import duties on goods from China, including finished goods. In response, I expressed my strong interest in working with the administration to address and resolve those concerns.

In May, as the administration turned up the heat on tariffs on China, I asked the chairman of the Ways and Means Committee to convene a hearing with administration representatives on these China trade policies.

My Democratic colleagues and I were also open to marking up the MTB in committee and considering the legislation under regular order. In no case did we find willing partners.

Tomorrow, the Ways and Means Committee will hold a markup on my resolution of inquiry, seeking information about the administration's tariffs policy, and I expect to revisit the question.

Today, I will support the Miscellaneous Tariff Bill Act of 2018. I want to

commend the chairman. I don't say that blindly. I think he has asked many good questions when we have had tariff issues and trade issues before the entire body as well as the subcommittee. I think that this is good. I think that this is important.

But we are talking about a specific bill here today, and it is in contradiction to what the administration has proffered.

I have also, on behalf of my fellow Democrats, extended every effort to work toward bringing coherence to the policies. To my Republican colleagues, the question I ask you is: What have you done to do that?

As we look to the future, in conclusion, I am committed to working to improve the MTB process, to pursue a broader global economic strategy that supports U.S. workers and firms.

Imposing or suspending tariffs is not enough. We need trade policies that are strong, effective, and coherent.

□ 1630

We must remember what the purpose of the miscellaneous tariff process is. If we don't produce it in the United States, then we will not place a tariff on anything. That helps us and our manufacturers, who might need those products from other countries. I think it is a wise process, and I commend the chairman for pursuing this and sticking to it.

Madam Speaker, I think that this is important legislation. No one can deny that. This is not frivolous legislation by any stretch, but it cannot be in contradiction with the general agenda for trade universally. This is what I am very concerned about. I have given specific examples as to what I am talking about.

This is going to help my State; it is going to help a lot of States throughout the union. I sincerely do commend the chairman for making sure that we get this done before November.

Madam Speaker, I yield back the balance of my time.

Mr. BRADY of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4318 will deliver much-needed temporary tariff relief to American manufacturers of all sizes, helping them to grow and create jobs. The bill will also help American consumers by reducing prices and not forcing families to pay unnecessary taxes on products that aren't made here.

Madam Speaker, I urge my colleagues to join here in a bipartisan way concurring with the Senate amendments to H.R. 4318.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4318.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

BIOMETRIC IDENTIFICATION
TRANSNATIONAL MIGRATION
ALERT PROGRAM AUTHORIZATION
ACT OF 2018

Mr. MCCAUL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6439) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biometric Identification Transnational Migration Alert Program Authorization Act of 2018".

SEC. 2. BIOMETRIC IDENTIFICATION TRANSNATIONAL MIGRATION ALERT PROGRAM.

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

"SEC. 447. BIOMETRIC IDENTIFICATION TRANSNATIONAL MIGRATION ALERT PROGRAM.

"(a) ESTABLISHMENT.—There is established in the Department a program to be known as the Biometric Identification Transnational Migration Alert Program (referred to in this section as 'BITMAP') to address and reduce national security, border security, and terrorist threats before such threats reach the international border of the United States.

"(b) DUTIES.—In carrying out BITMAP operations, the Secretary, acting through the Director of U.S. Immigration and Customs Enforcement, shall—

"(1) coordinate, in consultation with the Secretary of State, appropriate representatives of foreign governments, and the heads of other Federal agencies, as appropriate, to facilitate the voluntary sharing of biometric and biographic information collected from foreign nationals for the purpose of identifying and screening such nationals to identify those nationals who may pose a terrorist threat or a threat to national security or border security;

"(2) provide capabilities, including training and equipment, to partner countries to voluntarily collect biometric and biographic identification data from individuals to identify, prevent, detect, and interdict high risk individuals identified as national security, border security, or terrorist threats who may attempt to enter the United States utilizing illicit pathways;

"(3) provide capabilities, including training and equipment, to partner countries to compare foreign data against appropriate United States national security, border security, terrorist, immigration, and counter-terrorism data, including—

"(A) the Federal Bureau of Investigation's Terrorist Screening Database, or successor database;

"(B) the Federal Bureau of Investigation's Next Generation Identification database, or successor database;

"(C) the Department of Defense Automated Biometric Identification System (commonly known as 'ABIS'), or successor database;

“(D) the Department’s Automated Biometric Identification System (commonly known as ‘IDENT’), or successor database; and

“(E) any other database, notice, or means that the Secretary, in consultation with the heads of other Federal departments and agencies responsible for such databases, notices, or means, designates; and

“(4) ensure biometric and biographic identification data collected pursuant to BITMAP are incorporated into appropriate United States Government databases, in compliance with the policies and procedures established by the Privacy Officer appointed under section 222.

“(C) COLLABORATION.—The Secretary shall ensure that BITMAP operations include participation from relevant components of the Department, and request participation from other Federal agencies, as appropriate.

“(d) AGREEMENTS.—Before carrying out BITMAP operations in a foreign country that, as of the date of the enactment of this section, was not a partner country described in this section, the Secretary, in consultation with the Secretary of State, shall enter into agreement or arrangement with the government of such country that outlines such operations in such country, including related departmental operations. Such country shall be a partner country described in this section pursuant to and for purposes of such agreement or arrangement.

“(e) NOTIFICATION TO CONGRESS.—Not later than 60 days before an agreement with the government of a foreign country to carry out BITMAP operations in such foreign country enters into force, the Secretary shall provide the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate with a copy of the agreement to establish such operations, which shall include—

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

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

“(3) the terms and conditions for Department personnel operating at such location.”.

(b) REPORT.—Not later than 180 days after the date on which the Biometric Identification Transnational Migration Alert Program (BITMAP) is established under section 447 of the Homeland Security Act of 2002 (as added by subsection (a) of this section) and annually thereafter for the following five years, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that details the effectiveness of BITMAP operations in enhancing national security, border security, and counterterrorism operations.

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

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MCCAUL) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. MCCAUL. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and in-

clude any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MCCAUL. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in strong support of my legislation to help protect the American people and keep our homeland safe.

We are only 1 week out from the 17th anniversary of 9/11, and a lot has changed since those four horrifying attacks, but one thing remains the same: America’s enemies are always looking for new ways to sneak into our country.

Today, many special interest aliens and other nefarious actors, including potential terrorists, are exploiting illicit pathways throughout Central and South America, racing towards the border.

To combat this threat, we need to leverage our international partnerships and use advanced technology to our advantage. One of the best tools we have is ICE’s Biometric Identification Transnational Migration Alert Program, otherwise known as BITMAP. BITMAP was created in 2011 by the Obama administration and is utilized on five different continents.

Through this program, trained and vetted law enforcement officers collect biometric and biographic data on potentially dangerous individuals traveling through their country. The collected data is then shared with American law enforcement, the Department of Defense, and intelligence agencies. This vital information helps us enrich our databases, map illicit pathways, exploit networks, and learn about individuals looking to bring harm.

In the last few years, BITMAP has identified several hundred known or suspected terrorists. Top national security officials from DOD and DHS have testified to its success. For example, former Acting Director of ICE, Thomas Homan, told me at a recent hearing: “People that were known terrorists had been turned around in Panama and sent back before reaching our shores. . . .” BITMAP “has already proven successful.” And that is according to the former Director of ICE.

BITMAP does not just ID suspected terrorists, however. It also identifies drug smugglers, sex offenders, murderers, child predators, gang members like MS-13, and people with active warrants and other dangerous backgrounds.

My bill will enhance American and foreign law enforcement’s ability to keep our citizens safe by identifying threats at the earliest possible stage. Simply put, it will help stop dangerous individuals who want to bring harm to the American people.

Threats to America, whether through terrorism, human trafficking, or deadly opioids, continue to grow, and we

must do everything we can to stop them.

I am proud this legislation passed out of our committee with bipartisan support, and I want to thank Congressman BILL KEATING for all of his work on this issue.

Passing this important legislation through the House is a simple step we can take to make our homeland more secure, and I urge my colleagues to support this bipartisan bill.

Madam Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in opposition to H.R. 6439, the Biometric Identification Transnational Migration Alert Program Authorization Act of 2018.

I have long supported Department of Homeland Security overseas programs aimed at preventing terrorist threats from ever arriving at our borders. In fact, over the years, I have sponsored a number of measures that specifically seek to drive greater international collaboration and expand DHS’ overseas border security footprint.

Two well-established overseas DHS programs that come to mind are:

U.S. Customs and Border Protection’s Preclearance program, in which officers are posted abroad to screen travelers prior to boarding U.S.-bound flights; and

Immigration and Customs Enforcement’s Visa Security Program, in which ICE special agents are posted at overseas consulates to assist State Department staff in visa vetting.

Earlier this Congress, Representative FILEMON VELA, the lead Democrat on our Border and Maritime Security Subcommittee, introduced two bills aimed at bolstering international border and counterterrorism cooperation:

H.R. 2218 would authorize ICE’s Border Enforcement Security Task Force, a program that has been proven to be effective at enhancing cooperation and information sharing among law enforcement along the U.S.-Mexico border.

The second bill, H.R. 4578, is targeted at expanding efforts carried out by CBP’s National Targeting Center aimed at disrupting and dismantling terrorists and other criminal networks.

When presented to the full House, both bills received unanimous support from Democrats for good reason: They are effective counterterrorism programs.

However, I am sorry to say, as of today, there is not enough data to assess whether the same can be said for ICE’s Biometric Identification Transnational Migration Alert Program, or BITMAP, pilot. As such, I cannot support permanently authorizing it, as set forth under H.R. 6439.

I would expect that some Members of this body are unfamiliar with the program, as it is largely a classified program and, as such, little information about BITMAP is in the public domain.

Since 2011, ICE's BITMAP pilot program has trained and equipped foreign law enforcement partners on collecting biographic and biometric data of foreign nationals migrating through partner countries so that such information can be checked against U.S. intelligence and law enforcement databases.

The stated goal of the program is to identify known or suspected terrorists or criminals prior to arrival at our borders. Though in operation for several years, the volume of data collected only started to be significant in the last 2 years.

Prior to considering H.R. 6439 in committee, committee members had repeatedly been presented in a classified setting with anecdotes about successes that the program has experienced. While we appreciated hearing positive news about this pilot, anecdotes are not enough to justify permanently authorizing this program. Anecdotes are no substitute for data and evidence of efficiency.

In an effort to secure data prior to committee consideration, I submitted a number of basic questions about the program's efficacy and operations to ICE.

I received a response prior to the committee's markup that raised further questions about BITMAP's efficacy as well as core operational questions, such as:

After checks against databases, what does the U.S. Government do with the records it collects on migrants who are not found to have terrorist ties?

What, if any, protections exist to guard against the collection of highly personal and sensitive information from migrants with no criminal or terrorist ties who are encountered nowhere near the U.S.-Mexico border and have no intentions of coming anywhere close to it?

What, if any, audit or oversight mechanisms exist to ensure that foreign partners adhere to requirements of the program and do not use this sophisticated law enforcement tool to suppress domestic activities?

Over the recess, ICE officials briefed the committee staff about BITMAP, but fundamental questions remain.

I hope that there will be a day when I can say without reservation that, after careful review of BITMAP's operational documents and data, I fully support making it permanent. Unfortunately, today is not the day.

In the absence of evidence, I cannot support H.R. 6439, but I am supportive of the pilot continuing so that ICE can work to aggregate and assess critical data to make an evidentiary case to Congress for why the program should be permanently authorized.

□ 1645

I would note that enactment of H.R. 6439 is not necessary for BITMAP to continue to operate. With or without passage of H.R. 6439, ICE expects to continue to be able to operate the pilot.

Madam Speaker, before I close, I include in the RECORD a letter from the American Civil Liberties Union in opposition to this legislation.

SEPTEMBER 4, 2018.

Re Vote NO on H.R. 6439, the Biometric Identification Transnational Migration Alert Program (BITMAP) Authorization Act of 2018.

DEAR REPRESENTATIVE: On behalf of the American Civil Liberties Union, Immigrant Legal Resource Center, National Immigration Law Center and the National Immigration Project of the National Lawyers Guild, we urge you to oppose H.R. 6439, legislation that would permanently authorize the biometric pilot program known as "BITMAP" within the Department of Homeland Security (DHS). The House is expected to consider this bill under suspension of the rules on Tuesday, September 4, 2018. We urge you to oppose H.R. 6439.

H.R. 6439 would permanently authorize BITMAP, a program which has existed since 2010—but with no privacy or transparency protections, and with insufficient fact-finding during committee consideration of the bill. Although BITMAP would continue without enactment of this legislation, the House should not permanently authorize the BITMAP program with limited information, no information on whether DHS takes any steps to protect privacy, no studies regarding its efficacy, and no statutory privacy or transparency protections.

This bill raises significant concerns regarding the sharing of information across foreign governments related to suspicion of terrorism, gang violence, and other so-called national security concerns with very little information as to how this information is used and retained. In 2010, DHS began piloting BITMAP to collect and share biometric and biographical data on "special interest aliens, violent criminals, fugitives and confirmed or suspected terrorists." According to previous testimony by DHS officials, this also includes gang members and other persons of interest who may pose a potential national security concern.

There is no information or proof as to BITMAP's effectiveness. Despite numerous requests from Congress, including members of the House Homeland Security Committee, DHS has failed to provide information since the program's inception in 2010 that shows its effectiveness or that it is tailored to meet its needs. Given this, it is premature to permanently authorize the program, particularly given the significant privacy and civil liberties concerns.

The legislation fails to require that the program adhere to privacy protections. This program includes the sharing of extraordinarily sensitive information regarding individuals without warrant or analogous legal process. Yet, the legislation fails to include any privacy standards that DHS must follow with regards to the program. For example, what information can be collected, how long can it be stored, when can it be disseminated to other agencies, and can it be shared with foreign partners? The omission of these protections in the bill is particularly striking given that the agency has not provided any public information regarding what, if any, privacy protections currently apply to the execution of BITMAP.

The legislation fails to place limits on how information collected under BITMAP can be used. There is little to no information regarding what actions may be triggered as a result of these database checks nor information regarding what is considered "suspicion" or a "national security concern." The terms used by officials in discussing this program such as terrorism, gang members,

and national security concern have historically been used to target Muslim, Arab, Iranian, Latinx, Middle Eastern, and South Asian populations. The failure to provide information regarding policies governing BITMAP raises significant concerns that the program may result in unjust profiling and discrimination. The existing legislation fails to include any language that would prohibit such improper uses. Moreover, insufficient information has been made public to assess whether such profiling and discrimination are current problems with the program.

Under this bill, DHS would have the authority to enter into agreements with foreign countries to carry out BITMAP operations without legislative or judicial review. Although this bill would require DHS to notify Congress before the execution of BITMAP agreements, the agreements would not be subject to congressional authorization. This legislation would significantly undermine Congress' oversight role by allowing DHS to take measures without sufficient checks or balances. Additionally, the bill fails to ensure that the public is made aware of how DHS is exercising its authority.

It is irresponsible to permanently authorize BITMAP without a full understanding of its effectiveness, policies and procedures, privacy and civil rights protections, and oversight mechanisms.

We urge you to oppose H.R. 6439.

Sincerely,

AMERICAN CIVIL LIBERTIES
UNION.
IMMIGRANT LEGAL
RESOURCE CENTER.
NATIONAL IMMIGRATION
LAW CENTER.
NATIONAL IMMIGRATION
PROJECT OF THE
NATIONAL LAWYERS
GUILD.

Mr. THOMPSON of Mississippi. Madam Speaker, it is our duty as Members of Congress to ensure that counterterrorism pilot programs are effective prior to permanently authorizing them. As I mentioned at the outset, DHS has a number of proven overseas, border, and counterterrorism programs that have strong congressional bipartisan support.

However, with all due respect to the chairman, the efficacy of BITMAP as a counterterrorism program has not been established. As such, a permanent authorization of H.R. 6439 is premature.

Given the classified nature of this program, some Members are unfamiliar with it and there are natural limitations as to what we are able to discuss on the House floor. But I understand that at an unclassified staff-level briefing during the recess on threats in the Caribbean, ICE officials stated that BITMAP is working and successful, but failed to provide data to back up the assertions.

I will concede that ICE has shared some promising anecdotes, and I do not object to ICE officials touting what they see as a successful overseas program to Congress. However, when ICE's broad-based assertions and anecdotes are not backed up with data and metrics, it falls to Congress to carry out oversight of the program, not blindly authorize it.

Let's not reward the administration for failing to provide Congress with necessary data and metrics. Let's come

together and vote down H.R. 6439. By taking such action, we will be communicating to ICE our expectations, while in no way preventing the BITMAP pilot from continuing as it has for the past 7 years.

As I said earlier, I sincerely hope that the positive aspects of BITMAP being touted by the other side of the aisle today can be backed up by reliable data and facts. Unfortunately, the little information we have on BITMAP to date simply does not justify a stand-alone authorization.

Madam Speaker, I ask my colleagues to oppose H.R. 6439, and I yield back the balance of my time.

Mr. MCCAUL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have tremendous respect for the gentleman from Mississippi, but I do have to respectfully disagree with some of his assertions. First of all, this program, BITMAP, was started 7 years ago under the Obama administration. And over the last 7 years, we have obtained sufficient data that would verify the success of the program.

In fact, I can't get into the classified nature of the program. Suffice it to say that we stopped hundreds of known or suspected terrorists from entering the United States under this tried-and-true program.

The Secretary testified before our committee that, on average, 19 known or suspected terrorists try to enter the United States every day. Our solemn obligation is to protect the American people from the threats that we see outside of the United States and do everything we can to stop them from getting into the United States.

What the 9/11 Commission talked about in its report about travel and keeping bad people and bad things out of the United States, is the reason this committee was formed in the first place. And we have heard the stories about ISIS in written materials encouraging followers to cross our southwest border. We talked about the 9/11 Commission. We talked about terrorists' travel strategies. This is one of those strategies, one of those programs that I believe the 9/11 Commission was talking about.

Why not use the best technology we have and use biometrics to identify known or suspected terrorists, MS-13 gang members, child predators, opioid traffickers, all of the bad stuff that can come into this country. When Border Patrol tells me we only know 50 percent of what is coming into the country, why would we not want to use the most innovative technology so that when someone enters this hemisphere under one name and gets up to the Mexico border under another name—just like in the Mollie Tibbetts' killing, slaying, where someone came into the country and changed their identity. This stops the changing of identity up the road into the United States.

Why? Biometrics don't lie. You are who you are. And we know who they

are through the great, best technology we have available today. So I believe that being opposed to this legislation really puts the American people at harm.

I hope I am wrong in saying this, because I never want politics to enter this committee: National security should never be political. The terrorists don't check our partisan affiliation. But my concern is that because ICE is in this bill, we are drawing opposition.

Madam Speaker, this is one of the best programs that ICE administers, created under the Obama administration. It deserves and it has earned to be fully authorized by the United States Congress, and I ask that all of my colleagues support this measure.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 6439.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. MCCAUL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

TSA OPPORTUNITIES TO PURSUE EXPANDED NETWORKS FOR BUSINESS ACT

Mr. MCCAUL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6459) to amend the Homeland Security Act of 2002 to require a strategy to diversify the technology stakeholder marketplace regarding the acquisition by the Transportation Security Administration of security screening technologies, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "TSA Opportunities to Pursue Expanded Networks for Business Act" or the "TSA OPEN for Business Act".

SEC. 2. STRATEGY.

(a) IN GENERAL.—Subtitle B of title XVI of the Homeland Security Act of 2002 (6 U.S.C. 563 et seq.) is amended by adding at the end following new section:

"SEC. 1617. DIVERSIFIED TECHNOLOGY STAKEHOLDER MARKETPLACE.

"(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this section, the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a strategy to diversify the technology stakeholder marketplace that

the Administrator relies upon to acquire security screening technologies, including by increased participation of small business innovators.

"(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

"(1) Information on how Administration solicitation, testing, evaluation, piloting, acquisition, and procurement processes impact the Administrator's ability to acquire from a technology stakeholder, including a small business innovator, that has not previously provided technology to the Administration, an innovative technology or capability with the potential to enhance transportation security.

"(2) Specific actions that the Administrator will take, including modifications to the processes described in paragraph (1), to foster diversification within the technology stakeholder marketplace, together with information on projected timelines for such actions.

"(3) Plans for how the Administrator may, to the extent practicable, assist a small business innovator at certain points in such processes, including when such an innovator lacks adequate resources to participate in such processes, to help ensure that an advanced technology or capability can be developed and acquired by the Administrator.

"(4) A feasibility assessment of partnering with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code to help provide venture capital to businesses, particularly small business innovators, for commercialization of innovative homeland security technologies that are expected to be ready for commercialization in the near term and within 36 months. In conducting such feasibility assessment, the Administrator shall consider the following:

"(A) Establishing an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, modeled after the In-Q-tel program, as a venture capital partnership between the private sector and the intelligence community to help businesses, particularly small business innovators, commercialize innovative security-related technologies.

"(B) Enhanced engagement, either through the Science and Technology Directorate of the Department of Homeland Security or directly, with the In-Q-tel program described in subparagraph (A).

"(C) RULE OF CONSTRUCTION.—Nothing in this section may be construed as requiring changes to the Transportation Security Administration standards for security technology.

"(d) DEFINITIONS.—In this section:

"(1) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

"(2) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning described under section 3 of the Small Business Act (15 U.S.C. 632).

"(3) SMALL BUSINESS INNOVATOR.—The term 'small business innovator' means a stakeholder that is a small business concern that has an advanced transportation security technology or capability."

(b) COMPTROLLER GENERAL REVIEW.—Not later than one year after the submission of the strategy required under section 1617 of the Homeland Security Act of 2002 (as added by subsection (a)), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of the extent to which