

118TH CONGRESS
1ST SESSION

H. R. 6138

To evaluate U.S. Customs and Border Protection’s implementation of an integrated biometric entry and exit data system in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2023

Mr. DONALDS (for himself, Mr. WEBER of Texas, Mr. NEHLS, Mr. GOSAR, and Mr. HIGGINS of Louisiana) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To evaluate U.S. Customs and Border Protection’s implementation of an integrated biometric entry and exit data system in the United States, 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 “Reform Immigration
5 Through Biometrics Act”.

1 **SEC. 2. EVALUATION OF CBP'S IMPLEMENTATION OF AN IN-**
2 **TEGRATED 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”).

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

21 (A) An evaluation of the ongoing efforts to
22 implement the System, including information on
23 pre-existing requirements, design, development,
24 operational, and maintenance costs relating to
25 the System, and other information that takes
26 into account prior reports on such matters

1 issued by the Government Accountability Office
2 and the Department of Homeland Security.

3 (B) An evaluation of cost-effective staffing
4 and personnel requirements of the System that
5 leverages existing resources of the Department
6 and takes into account prior reports on such
7 matters issued by the Government Account-
8 ability Office and the Department.

9 (C) An evaluation of training programs
10 necessary to establish the System that takes
11 into account prior reports on such matters
12 issued by the Government Accountability Office
13 and the Department.

14 (D) An evaluation of how the System will
15 affect arrival and departure wait times that
16 takes into account prior reports on such mat-
17 ters issued by the Government Accountability
18 Office and the Department.

19 (E) An evaluation of audit capability for
20 systems procured in partnership with the pri-
21 vate sector.

22 (F) An evaluation of prior and ongoing
23 consultation with the private sector.

24 (G) An evaluation how trusted traveler
25 programs in existence as of the date of the en-

1 actment of this section may be impacted by, or
2 incorporated into, the System.

3 (H) An evaluation of milestones and
4 metrics of success, if any, that have occurred
5 already, and whether such milestones and
6 metrics should be updated to successfully carry
7 out the congressional directive to establish the
8 System.

9 (I) An evaluation of risks and mitigation
10 strategies to address such risks.

11 (J) An identification of statutory, regu-
12 latory, or administrative authorities, if any,
13 needed to integrate the System into the oper-
14 ations of the Transportation Security Adminis-
15 tration, and an evaluation of how the progress
16 made toward any such integration.

17 (K) The infrastructure required to imple-
18 ment the System.

19 (L) The effects of the System on the fol-
20 lowing:

21 (i) Legitimate travel and trade.

22 (ii) Combating terrorism.

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

1 (3) REQUIREMENT.—The Secretary of Home-
2 land Security shall ensure that the collection of bio-
3 metric data under the System shall cause the least
4 possible disruption to the movement of people or
5 cargo in air, sea, or land transportation while ful-
6 filling the goals of improving counterterrorism ef-
7 forts and identifying visa holders who violate the
8 terms of their visas.

9 (b) DATA MATCHING ASSESSMENT.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this section, the
12 Secretary of Homeland Security shall submit to the
13 Committee on Homeland Security and the Com-
14 mittee on the Judiciary of the House of Representa-
15 tives and the Committee on Homeland Security and
16 Governmental Affairs and the Committee on the Ju-
17 diciary of the Senate an assessment of how the Sys-
18 tem is currently—

19 (A) matching biometric information for an
20 individual, regardless of nationality, citizenship,
21 or immigration status, who is departing the
22 United States against biometric data previously
23 provided to the United States Government by
24 such individual for the purposes of international
25 travel;

1 (B) leveraging the infrastructure and data-
2 bases of the current biometric entry and exit
3 system established pursuant to section 7208 of
4 the Intelligence Reform and Terrorism Preven-
5 tion Act of 2004 (8 U.S.C. 1365b) for the pur-
6 pose described in paragraph (1); and

7 (C) being interoperable with, and allow
8 matching against, other Federal databases
9 that—

10 (i) store biometrics of known or sus-
11 pected terrorists; and

12 (ii) identify visa holders who violate
13 the terms of their visas.

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

17 (c) EXCEPTIONS FOR CERTAIN INDIVIDUALS AND
18 CERTAIN PORTS OF ENTRY.—An evaluation of whether
19 certain individuals, as described as an individual who exits
20 and then enters the United States on a passenger vessel
21 (as such term is defined in section 2101 of title 46, United
22 States Code) the itinerary of which originates and termi-
23 nates in the United States, in addition to an evaluation
24 of considerations relating to not collecting biometric infor-

1 mation in the case of a United States or Canadian citizen
2 who exits the United States through a land port of entry.

3 (d) FURTHER EVALUATIONS.—Not later than 180
4 days after the date of the enactment of this section, the
5 Secretary of Homeland Security shall submit to the Com-
6 mittee on Homeland Security and the Committee on the
7 Judiciary of the House of Representatives and the Com-
8 mittee on Homeland Security and Governmental Affairs
9 and the Committee on the Judiciary of the Senate the fol-
10 lowing evaluations:

11 (1) MULTIMODAL COLLECTION.—An evaluation
12 of whether the Secretary has made every effort to
13 collect biometric data using multiple modes of bio-
14 metrics, and how the Secretary can improve, mod-
15 ernize, and take advantage of innovation relating to
16 using multiple modes of biometrics.

17 (2) NORTHERN LAND BORDER.—With respect
18 to the northern land border, an evaluation of wheth-
19 er the sharing of biometric data provided to the De-
20 partment of Homeland Security by the Canadian
21 Border Services Agency pursuant to the 2011 Be-
22 yond the Border agreement has occurred and the
23 impacts of such data sharing agreement.

24 (3) FULL AND OPEN COMPETITION.—An eval-
25 uation of whether the procurement of goods and

1 services to implement the System has been through
2 full and open competition in accordance with the
3 Federal Acquisition Regulation.

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

9 (e) SPECIAL RULES RELATING TO CERTAIN FACILI-
10 TIES.—

11 (1) NON-FEDERAL FACILITIES.—With respect
12 to each non-Federal facility at which the System is
13 implemented, the space required for such implemen-
14 tation shall be provided and maintained at no cost
15 to the Federal Government.

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

21 (f) OTHER BIOMETRIC INITIATIVES.—Nothing in
22 this section may be construed as limiting the authority of
23 the Secretary of Homeland Security to collect biometric
24 information in circumstances other than as specified in
25 this section.

1 (g) SAVINGS CLAUSE.—Nothing in this section may
2 prohibit the collection of user fees permitted by section
3 13031 of the Consolidated Omnibus Budget Reconciliation
4 Act of 1985 (19 U.S.C. 58e).

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