

A BILL TO REQUIRE THE SECRETARY OF HOMELAND SECURITY TO CONDUCT A PROGRAM IN THE MARITIME ENVIRONMENT FOR THE MOBILE BIOMETRIC IDENTIFICATION OF SUSPECTED INDIVIDUALS, INCLUDING TERRORISTS, TO ENHANCE BORDER SECURITY

JULY 10, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 2490]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2490) to require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. MARITIME BIOMETRIC IDENTIFICATION.**

(a) IN GENERAL.—Within one year after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast

Guard, shall conduct, in the maritime environment, a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) REQUIREMENTS.—The Secretary shall ensure the program required in this section is coordinated with other biometric identification programs within the Department of Homeland Security.

(c) COST ANALYSIS.—Within 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Homeland Security of the House of Representatives and the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate an analysis of the cost of expanding the Coast Guard’s biometric identification capabilities for use by the Coast Guard’s Deployable Operations Group, cutters, stations, and other deployable maritime teams considered appropriate by the Secretary, and any other appropriate Department of Homeland Security maritime vessels and units. The analysis may include a tiered plan for the deployment of this program that gives priority to vessels and units more likely to encounter individuals suspected of making illegal border crossings through the maritime environment.

(d) DEFINITION.—For the purposes of this section, the term “biometric identification” means use of fingerprint and digital photography images.

Amend the title so as to read:

A bill to require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security.

#### PURPOSE AND SUMMARY

The purpose of H.R. 2490 is to require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States.

#### BACKGROUND AND NEED FOR LEGISLATION

This bill authorizes a program that has been successful since its launch in November 2006. The “Biometric Identification At Sea Pilot Project” has allowed the Coast Guard to collect biometrics from aliens interdicted in the Caribbean to run against terrorist and criminal databases. It has proven itself to be an effective partnership between the Coast Guard and Federal law enforcement. Under this program, the Coast Guard has collected biometric information from over 1,100 migrants, using state-of-the-art handheld scanners. As a result, 257 migrants with criminal records were identified and 72 were brought ashore for prosecution under U.S. laws. This program breaks the cycle—migrants with criminal histories are no longer being repatriated without prosecution.

#### HEARINGS

No Committee hearings were held on H.R. 2490.

#### COMMITTEE CONSIDERATION

H.R. 2490 was introduced in the House on May 24, 2007, by Mr. Bilirakis and three original co-sponsors and was referred solely to the Committee on Homeland Security. Within the Committee H.R. 2490 was referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.

On June 26, 2008, the Subcommittee on Border, Maritime, and Global Counterterrorism was discharged from further consideration of H.R. 2490.

The Full Committee considered H.R. 2490 on June 26, 2008, and ordered the measure reported to the House, amended, with a favorable recommendation.

The Committee adopted the measure, as amended, by unanimous consent.

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by Mr. Bilirakis (#1); was AGREED TO by unanimous consent.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during Committee consideration.

#### COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

#### NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 2490, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

#### CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 8, 2008.*

Hon. BENNIE G. THOMPSON,  
*Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2490, a bill to require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ROBERT A. SUNSHINE  
(For Peter R. Orszag, Director).

Enclosure.

*H.R. 2490—A bill to require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security*

H.R. 2940 would require the U.S. Coast Guard to carry out a program using mobile biometric identification tools to identify terrorists and other individuals who pose risks to border security. Biometric identification uses fingerprint and digital photography images.

Based on information provided by the Coast Guard, CBO estimates that implementing H.R. 2940 would have no effect on the federal budget because the agency has already carried out pilot projects using biometric identification and is adopting the technique for its homeland security activities.

H.R. 2940 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Assistant Secretary for Budget Analysis.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2490, contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

The legislation will ensure the continuance of this successful program by mandating it in statute. No longer are migrants with criminal histories being repatriated without prosecution. Now, they are being prosecuted and as result, the number of migrants with criminal histories attempting to enter the United States via the Mona Pass has decreased. The expansion of this program to areas outside of the Mona Pass will hopefully show similar results.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional au-

thority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Biometric Identification of Unauthorized Aliens.*

This section requires the Secretary of Homeland Security (Secretary) to conduct, in a maritime environment, a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes. The Secretary is responsible for coordinating this program with other programs within the Department. Within 90 days after the date of enactment, the Secretary is also responsible for submitting an analysis of the cost of expanding the program. The analysis may include a tiered plan for giving priority to vessels and units more likely to encounter individuals suspected of making illegal border crossing through the maritime environment. For purposes of the bill, “biometric identification” means use of fingerprint and digital photography images.