

OFFICE OF BIOMETRIC IDENTITY MANAGEMENT
AUTHORIZATION ACT OF 2018

JUNE 21, 2018.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,
submitted the following

R E P O R T

[To accompany H.R. 5206]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5206) to amend the Homeland Security Act of 2002 to establish the Office of Biometric Identity Management, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Office of Biometric Identity Management Authorization Act of 2018” or the “OBIM Authorization Act of 2018”.

SEC. 2. ESTABLISHMENT OF THE OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et. seq.) is amended by adding at the end the following new section:

“SEC. 710. OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.

“(a) ESTABLISHMENT.—The Office of Biometric Identity Management is established within the Management Directorate of the Department.

“(b) DIRECTOR.—

“(1) IN GENERAL.—The Office of Biometric Identity Management shall be administered by the Director of the Office of Biometric Identity Management (in this section referred to as the ‘Director’) who shall report to the Secretary, or to another official of the Department, as the Secretary may direct.

“(2) QUALIFICATIONS AND DUTIES.—The Director shall—

“(A) have significant professional management experience, as well as experience in the field of biometrics and identity management;

“(B) lead the Department’s biometric identity services to support anti-terrorism, counter-terrorism, border security, credentialing, national security, and public safety;

“(C) enable operational missions across the Department by receiving, matching, storing, sharing, and analyzing biometric and associated biographic and encounter data;

“(D) deliver biometric identity information and analysis capabilities to—

“(i) the Department and its components;

“(ii) appropriate Federal, State, local, and tribal agencies;

“(iii) appropriate foreign governments; and

“(iv) appropriate private sector entities;

“(E) support the law enforcement, public safety, national security, and homeland security missions of other Federal, State, local, and tribal agencies, as appropriate;

“(F) manage the operation of the Department’s primary biometric repository and identification system;

“(G) manage Biometric Support Centers to provide biometric identification and verification analysis and services to the Department, appropriate Federal, State, local, and tribal agencies, appropriate foreign governments, and appropriate private sector entities;

“(H) oversee the implementation of Department-wide standards for biometric conformity, and work to make such standards Government-wide;

“(I) in coordination with the Department’s Office of Policy, and in consultation with relevant component offices and headquarters offices, enter into data sharing agreements with appropriate Federal, State, local, and foreign agencies to support immigration, law enforcement, national security, and public safety missions;

“(J) maximize interoperability with other Federal, State, local, and foreign biometric systems, as appropriate;

“(K) ensure the activities of the Office of Biometric Identity Management are carried out in compliance with the policies and procedures established by the Privacy Officer appointed under section 222; and

“(L) carry out other duties and powers prescribed by law or delegated by the Secretary.

“(c) DEPUTY DIRECTOR.—There shall be in the Office of Biometric Identity Management a Deputy Director, who shall assist the Director in the management of the Office.

“(d) OTHER AUTHORITIES.—

“(1) IN GENERAL.—The Director may establish such other offices within the Office of Biometric Identity Management as the Director determines necessary to carry out the missions, duties, functions, and authorities of the Office.

“(2) NOTIFICATION.—If the Director exercises the authority provided by paragraph (1), the Director shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate not later than 30 days before exercising such authority.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding after the item relating to section 709 the following new item:

“Sec. 710. Office of Biometric Identity Management.”.

PURPOSE AND SUMMARY

H.R. 5206 authorizes the Office of Biometric Identity Management (OBIM) within the Department of Homeland Security (DHS). OBIM manages the Department's primary biometric repository and provides biometric identity services to DHS components and other Federal agencies in support of anti-terrorism, counterterrorism, border security, credentialing, national security, and public safety efforts.

OBIM's biometric matching capabilities support the storing, sharing, and analyzing of biometric data, such as fingerprint, facial and iris records.

BACKGROUND AND NEED FOR LEGISLATION

OBIM provides the Department of Homeland Security and other Federal agencies with biometric identity services that enable national security and public safety decision making across the U.S. Government.

The office also supports the Department's efforts to complete a biometric exit system, which is one of the recommendations of the 9/11 Commission. The completion of the biometric exit system is vital in order to prevent visa overstays and assist with investigations of visa overstays.

Biometric identity technology enhances the security of our citizens, facilitates legitimate travel and trade, and bolsters the integrity of our immigration system.

This important national security program has never been formally codified into law.

HEARINGS

No hearings were held on H.R. 5206 in the 115th Congress.

COMMITTEE CONSIDERATION

The Committee met on June 6, 2018, to consider H.R. 5206, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by unanimous consent. The Committee took the following actions:

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by MS. MCSALLY (#1); was AGREED TO, as amended, by unanimous consent.

An amendment by MRS. WATSON COLEMAN to the Amendment in the Nature of a Substitute (#1A); was AGREED TO by unanimous consent.

Page 4, line 3, strike "and" after the semicolon at the end.

Page 4, beginning line 4, insert the following (and make necessary conforming changes):

(K) ensure the activities of the Office of Biometric Identity Management are carried out in compliance with the policies and procedures established by the Privacy Officer appointed under section 222; and

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 consideration of H.R. 5206.

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. 5206, the Office of Biometric Identity Management Authorization Act of 2018, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

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. 5206 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The general performance goal or objective of H.R. 5206 is to codify the Office of Biometric Identity Management within the Department of Homeland Security's Management Directorate.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 4911 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

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(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 5206 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 5206 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

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

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. Short Title.

This section provides that this bill may be cited as the “Office of Biometric Identity Management Authorization Act of 2018” or the “OBIM Authorization Act of 2018”.

Section 2. Establishment of the Office of Biometric Identity Management.

This section authorizes the Office of Biometric Identity Management within the Department of Homeland Security Management Directorate. OBIM will be administered by a Director with specified qualifications and duties.

The Committee believes biometric identity records are an important national security tool and that OBIM plays a significant role in efforts to complete a biometric exit system. A mandate to electronically track entries and exits from the country has been in place for more than 20 years, and a mandate for a biometric-based entry-exit system has been a statutory requirement for 12 years.

This section authorizes the Director of OBIM to collaborate with the Under Secretary for Science and Technology to establish a Department-wide research and development program to promote innovation and updates to its biometric identity services.

This section also prevents the location or reporting structure transfer of OBIM to any component within the Department. Because of the importance of biometrics to many DHS components and other Federal agencies, the Committee believes OBIM is best suited to reside within the Management Directorate.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Homeland Security Act of 2002”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

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TITLE VII—MANAGEMENT

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Sec. 710. *Office of Biometric Identity Management.*

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(2) *QUALIFICATIONS AND DUTIES.*—*The Director shall—*

(A) *have significant professional management experience, as well as experience in the field of biometrics and identity management;*

(B) *lead the Department’s biometric identity services to support anti-terrorism, counter-terrorism, border security, credentialing, national security, and public safety;*

(C) *enable operational missions across the Department by receiving, matching, storing, sharing, and analyzing biometric and associated biographic and encounter data;*

(D) *deliver biometric identity information and analysis capabilities to—*

- (i) the Department and its components;
- (ii) appropriate Federal, State, local, and tribal agencies;
- (iii) appropriate foreign governments; and
- (iv) appropriate private sector entities;

(E) support the law enforcement, public safety, national security, and homeland security missions of other Federal, State, local, and tribal agencies, as appropriate;

(F) manage the operation of the Department's primary biometric repository and identification system;

(G) manage Biometric Support Centers to provide biometric identification and verification analysis and services to the Department, appropriate Federal, State, local, and tribal agencies, appropriate foreign governments, and appropriate private sector entities;

(H) oversee the implementation of Department-wide standards for biometric conformity, and work to make such standards Government-wide;

(I) in coordination with the Department's Office of Policy, and in consultation with relevant component offices and headquarters offices, enter into data sharing agreements with appropriate Federal, State, local, and foreign agencies to support immigration, law enforcement, national security, and public safety missions;

(J) maximize interoperability with other Federal, State, local, and foreign biometric systems, as appropriate;

(K) ensure the activities of the Office of Biometric Identity Management are carried out in compliance with the policies and procedures established by the Privacy Officer appointed under section 222; and

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(2) *NOTIFICATION.*—If the Director exercises the authority provided by paragraph (1), the Director shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate not later than 30 days before exercising such authority.

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