

**Supporting Statement
Biometric Identity
1651-0138**

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

In order to enhance national security, the Department of Homeland Security developed a biometric based entry and exit system capable of improving the information resources available to immigration and border management decision-makers. These biometrics include: digital fingerprint scans, photographs, facial images and iris images, or other biometric identifiers. Biometrics are collected from those aliens specified in 8 CFR 215.8 and 8 CFR 235.1(f). Non-exempt, non-U.S. citizens will have their facial and iris images captured upon entry to and exit from the United States. The information collected is used to provide assurance of identity and determine admissibility of those seeking entry into the United States.

The federal statutes that mandate DHS to create a biometric entry and exit system include: Section 2(a) of the Immigration and Naturalization Service Data Management Improvement Act of 2000 (DMIA), Public Law 106-215, 114 Stat. 337 (2000); Section 205 of the Visa Waiver Permanent Program Act of 2000, Public Law 106-396, 114 Stat. 1637, 1641 (2000); Section 414 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Public Law 107-56, 115 Stat. 272, 353 (2001); Section 302 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), Public Law 107-173, 116 Stat. 543, 552, (2002); Section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Public Law 108-458, 118 Stat. 3638, 3817 (2004); and Section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-52, 121 Stat. 266 (2007).

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

This information is used to: 1) determine admissibility 2) provide assurance of identity, 3) identify aliens who overstay their period of admission (biometric exit collection), 4) determine eligibility to immigration benefits, and 5) inform VWP eligibility. Currently, biometrics are captured on in-scope passengers at the air environment. However, the collection of biometrics at land ports of entry are very limited. No biometrics are collected for visitors traveling by private vehicles.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

CBP has deployed equipment and software so that CBP Officers can biometrically compare and authenticate travel documents that the Departments of State and Homeland Security issue to non-US persons. Digital cameras are used to collect photos and digital fingerprint scanners collect fingerprint images from aliens seeking entry into the United States through our ports of entry. CBP also is testing the collection of fingerprints using a mobile device.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This information is not duplicated elsewhere. Government agencies that collect biometric information from non-US persons are: Department of State (DoS), U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), Federal Bureau of Investigations (FBI-CJIS), Department of Defense (DoD).

However, these biometrics taken by other agencies are not collected at the ports of entry. CBP must collect biometrics from travelers to record entry and exit, and verify their identities (by comparing it to biometrics found in IDENT).

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize.

The collection of information does not have an impact on small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection of information is not conducted, or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

It is crucial to border security decision makers and law enforcement officials that they have access to timely and accurate information on the biometric-based identification of individuals. Without this biometric information, there is an increased risk of mis-identifying non-citizens entering the United States or receiving other immigration benefits. Also, there is an increased risk that CBP, or other agencies, will not realize

that an individual seeking entry or other immigration benefits poses a security risk or is an individual with an active want or warrant.

7. Explain any special circumstances.

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(c)(2).

8. Federal Register Notice:

Public comments were solicited through two Federal Register notices dated August 18, 2015 (Volume 80, Page 50020) on which one comment was received, and on December 21, 2015 (Volume 80, Page 79352) on which no comments have been received.

The U.S. Travel Association submitted comments in response to the August 18, 2015 Federal Register Notice inviting stakeholder comments on the proposed continuing information collection of biometric information. The commenter emphasized the importance of international visitors to the nation's economy and that deployment of a biometric exit system should only proceed without interfering legitimate travel. Lastly, the commenter discussed their concerns on the costs, practicality, and logistics of biometric exit.

Issues & CBP's Response

Concerns on Biometric Exit in General

Issue: The commenter discusses concerns on biometric exit processing, such as: costs incurred by the travel industry and the economic costs of potential disruptions to passenger flow through airport security screening checkpoints. It was also pointed out that the scale of biometric exit system should be reevaluated due to improvements in the collection of biographic data upon departure from the United States.

CBP Response: CBP notes that the scope of biometric exit is mandated by federal statute, but CBP is examining a variety of proposals towards development of a biometric air exit solution and that cost is a major factor as part of that evaluation.

Concerns on the Design of Biometric Exit

Issue: The commenter asserted that technology limitations and the lack of dedicated infrastructure at U.S. airports make it difficult to collect biometric data from departing air passengers without imposing significant disruptions on passengers and airlines.

CBP Response: CBP agrees that the current departure infrastructure of U.S. airports presents challenges to collecting biometric exit data that are not present in the entry process. The agency will conduct various field tests and carefully consider different alternatives before implementing any biometric exit system.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no offer of a monetary or material value for this information collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

A SORN for DHS Automated Biometric Identification System (IDENT) June 5, 2007 (Volume 72, Page 31080) and a PIA for IDENT- DHS/ NPPD/ USVISIT/ PIA-002 December 7, 2012 will be included in this ICR. No assurances of confidentiality are provided.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
Biometric Data	1,098,040	113,200,000	1	113,200,000	.0097 hours (35 seconds)

The number of total annual responses was decreased from 156,732,422 to 113,200,000 based on data from FY 2014. For CBP POEs in FY2014, there were 56,559,931 biometric transactions on entry. We doubled that number to account for biometric exit, even though biometric exit is not yet operational nation-wide.

So the statistics here can be split evenly between biometric entry and biometric exit.

The people covered are alien categories described in the US-VISIT regulations.

This covers biometric exit mobile (BE-Mobile).

We cannot break this down by biometric modality (face vs. iris). The time measurement this is based on are for the entire face + fingerprint collection process done at primary inspection.

Annual Public Cost

The estimated cost to the respondents is \$49,620,427.60. This is based on the estimated burden hours (1,098,040) multiplied by (x) the average hourly wage rate for all-purpose air travelers (\$45.19). CBP calculated this wage rate by adjusting the U.S. Department of Transportation's recommended hourly values of travel time savings for intercity, all-purpose travel by air and high-speed rail (\$44.30 in 2013 dollars) to 2015 dollars using DOT's recommended annual growth rate of 1.0 percent.ⁱ

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.

There are no recordkeeping, capitalization or start-up costs associated with this collection.

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expense that would have been incurred without this collection of information.

The estimated annual cost to the Federal Government associated with the review of these documents is \$60,545,926. This is based on the number of responses that must be reviewed (113,200,000) multiplied by (x) the time burden to review and process each response (.0097 hours) = 1,098,040 hours multiplied by (x) the average hourly loaded rate for a CBP Officer (\$55.14)ⁱⁱ = \$60,545,926.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of this Statement.

The number of respondents was decreased from 156,732,422 to 113,200,000 based on data from FY 2014. There are no changes to the information being collected. CBP requests that the name of this information collection be changed to "Biometric Identity" because the former name contains the name of an organization/agency "U.S. Visit" that no longer exists.

16. For collection of information whose results will be published, outline plans for tabulation, and publication.

This information collection will not be published for statistical purposes.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

CBP will display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement.

CBP does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods

No statistical methods were employed.

ⁱ Source: U.S. Department of Transportation, Office of Transportation Policy. *The Value of Travel Time Savings: Departmental Guidance for Conducting Economic Evaluations Revision 2 (2015 Update)*, "Table 4 (Revision 2-corrected): Recommended Hourly Values of Travel Time Savings for Intercity, All-Purpose Travel by Air and High-Speed Rail." April 29, 2015. Available at <http://www.transportation.gov/sites/dot.gov/files/docs/Revised%20Departmental%20Guidance%20on%20Valuation%20of%20Travel%20Time%20in%20Economic%20Analysis.pdf>. Accessed June 15, 2015.

ⁱⁱ CBP bases this wage on the salary and benefits of the national average of CBP Officer positions, which is equal to a GS-12, Step 4. Source: Email correspondence with CBP's Office of Administration on June 25, 2015.