

**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 and facilitate legitimate travel, 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 may include: digital fingerprint scans, facial images, iris images or other biometrics. Biometrics may be collected from travelers entering or exiting the United States, including the collection of biometrics from vehicles upon entry. CBP continues to test and evaluate different technological and operational changes to improve the accuracy and speed of biometric collection.

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); Section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-53, 121 Stat. 266 (2007), Consolidated Appropriations Act, 2016, Public Law 114-113, 129 Stat. 2242, 2493 (2016), Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208, 110 Stat. 3009-546 (1997), Section 802 of the Trade Facilitation and Trade Enforcement Act of 2015, Public Law 114-125, 130 Stat. 122, 199 (2015), and Sections 214, 215(a), 235(a), 262(a), 263(a) and 264(c) of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. 1184, 1185(a), 1225(a), 1302(a) (1303(a), 1304(c) and 1365b.

New Change:

This revision submission will increase the number of respondents whose biometrics are collected in vehicles, and to seek an exemption from PRA citation requirements on biometric/privacy signage.

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.

CBP will store and use biometric data from those aliens specified in 8 CFR 215.8 and 235.1. This information collected is used to provide assurance of identity, determine admissibility of those seeking entry into the United States, confirm exit from the United States for the purpose of tracking aliens who have overstayed their visa or are otherwise illegally present in the United States, to prevent visa fraud, and identify known or suspected criminals or terrorists.

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's facial recognition technology, the Traveler Verification Service (TVS) is used as a backend matching service for identity verification and biometric confirmation of a traveler's border crossing. The collection process is that a live facial image is captured by either a CBP Officer or airline/cruise line agent using a camera, at entry into or exit from the United States. The captured photograph is templated into a unique identifier and transmitted to CBP's TVS for comparison against those images within holdings by the Department of Homeland Security, State Department, and previously captured encounters with CBP. The image is matched for identity verification, border crossing confirmation, and allows the airlines to onboard travelers within their Departure Control System without passing PII. The process greatly reduces the burden for the traveler to identify him/herself by handing their passport or identity document to a CBP Officer or gate agent. Fingerprint scanners collect fingerprint images from aliens seeking entry into the United States through our ports of entry.

Usability Testing:

CBP posts privacy signage at locations where biometrics are collected. The signage clearly states CBP's authorities, collection method (facial image capture), photo storage, and procedures to request manual identity verification. CBP is studying the feasibility of updating the current signage to include the Office of Management and Budget (OMB) number on the top right of the current privacy signage. CBP conducted usability testing at the Austin International Airport by surveying international passengers arriving into

and departing from the United States regarding biometrics and the privacy signage. CBP surveyed a total of approximately 25 travelers departing the United States and 10 arriving into the United States. CBP explained that the OMB number references CBP's authority to collect this information, i.e., photograph of the traveler for identity verification and to record the traveler's border crossing in CBP's systems. CBP further explained that verifying identity is not a new process for CBP for those travelers arriving and departing the United States, simply that the biometric process streamlines the entry/exit process so the traveler can be attempted to be matched through CBP's TVS service by taking their photograph versus providing the passport to the CBP Officer or gate agent for manual identity verification.

This collection process is not completed via form; the privacy signage serves as the notice that biometrics are collected through image capture and electronic submission to CBP's systems.

All the participants were international travelers; all were asked to read the posted privacy signage; CBP ensured the travelers understood the signage; understood CBP's authorities; and the travelers were asked if they had any questions prior to encountering the camera or iPad that would capture their image. CBP then explained the proposed update to include the OMB number at the top right of the signage. CBP then asked the travelers if they would answer a few questions after encountering the biometric capture device. None of the travelers had any questions and all agreed to questions following the experience. The travelers commented that CBP's biometric processing on entry and boarding the international outbound aircraft using biometrics was simple, fast, and non-invasive. Those polled stated that CBP already has their information as they have passports to travel and felt it was easier to be verified through biometrics than having their passport ready or digging to find it to show CBP Officers or the boarding gate agents. The travelers stated the signage was clear, had no questions on CBP's authority for identity verification, had no recommendations, and the only comments regarding the signage were that some inquired as to why CBP needed to add more words to the privacy signage since the website is listed but understood adding the OMB number. Several of the travelers had encountered biometric processing on entry and exit previously and for some this was a first encounter but stated they would use biometrics to facilitate their travel continuum.

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 to verify their identities (by comparing it to biometrics found in DHS holdings) as mandated by the federal statutes directing DHS to create a biometric entry and exit system.

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 or exiting 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. DHS is under a statutory mandate to deploy a biometric entry/exit system pursuant to the statutes listed in (1) above.

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 with a 60-day notice published on March 25, 2024 (89 FR 20674) and a 30-day notice published on September 26, 2024 (89 FR 78884) on which no public comments were received.

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), Border Crossing Information (BCI) December 13, 2016 (81

FR 89957) and a PIA for Traveler Verification DHS/NPPD/USVISIT/PIA-002 Traveler Verification Service 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, Fingerprint Modality	568,981	58,657,882	1	58,657,882	.0097 hours (35 seconds)
Facial/Iris Modality	136,355	54,542,118	1	54,542,118	.0025 hours (9 seconds)
Vehicle*	0	2,000,000	1	2,000,000	0
Total	705,336	115,200,000		115,200,000	

*Biometrics collected from vehicles will not require any physical response from those respondents and as such the time per response is zero.

Annual Public Cost

The estimated cost to the respondents is \$33,221,326. This is based on the estimated burden hours (705,336) multiplied by the average hourly wage rate for all-purpose air travelers (\$47.10). CBP used the U.S. Department of Transportation's (DOT) recommended hourly value of travel time savings for intercity, all-purpose travel by air and high-speed rail, which is provided in 2015 U.S. dollars. CBP assumes an annual growth rate of 0 percent; the 2015 U.S. dollar value is equal to the 2020 U.S. dollar value.¹

¹ Source: U.S. Department of Transportation, Office of Transportation Policy. *The Value of Travel Time Savings: Departmental Guidance for Conducting Economic Evaluations Revision 2 (2016 Update)*, "Table 4 (Revision 2 - 2016 Update): Recommended Hourly Values of Travel Time Savings for Intercity, All-Purpose Travel by Air and High-Speed Rail." September 27, 2016. Available at <https://www.transportation.gov/sites/dot.gov/files/docs/2016%20Revised%20Value%20of%20Travel%20Time%20Guidance.pdf>. Accessed June 12, 2020.

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 records is \$73,214,669. This is based on the number of responses that must be reviewed (115,200,000) multiplied by the time burden to review and process each response (.0097 hours) = 1,117,440 hours multiplied by the average hourly loaded rate for a CBP Officer ($\$65.52$)² = \$73,214,669.

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

There was an increase in the number of overall respondents previously reported for this collection based on current CBP estimates, and not due to a change in the program; the increase is from 300,000 to 2,000,000 respondents from biometrics collected from vehicles, with no change to its annual burden because the photograph is taken without any delay to the respondent.

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 ports of entry and external partners such as airports and seaports post biometric entry-exit privacy signage at those locations where facial recognition technology is in use by or on behalf of CBP. Privacy signage varies in size based on location and may be displayed in print or electronic format. The OMB number has a 3-year recertification date. Reprinting the privacy signage every 3 years to only update the expiration date will be prohibitively expensive to the U.S. government as well as CBP's external partners. CBP requests that in lieu of placing the OMB number's expiration date on the privacy signage, CBP will link/reference the OMB number, expiration date, and PRA language

² CBP bases this wage on the FY 2020 salary and benefits of the national average of CBP Officer Positions, which is equal to a GS-11, Step 7. Source: Email correspondence with CBP's Office of Finance on July 2, 2020.

on CBP's biometric website: www.cbp.gov/travel/biometrics. In lieu of displaying the PRA language on the signage, it will be listed on the website along with the current expiration date. This exception reduces the reprint cost to the U.S. government and the external stakeholders and allows the current privacy signage to remain 508 compliant and Publications and Branding Review Board (PBRB) approved.

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.