

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 is developing 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. 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.

Proposed Changes: CBP is proposing to revise this collection of information, coinciding with the publication of the interim final rule "Collection of Biometric Data from Noncitizens Upon Entry to and Departure from the United States". This revision will expand the information collection to include the collection of biometrics from travelers upon entry to and departure from the United States.

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 noncitizens 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 noncitizens who have overstayed their visa or are otherwise illegally present in the United States, 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, along with cooperating air travel industry and sea travel industry members have deployed facial comparison technology equipment and software so that CBP can biometrically compare and authenticate travel documents that the Departments of State and Homeland Security issue to travelers arriving to and/or departing from the United States. Digital cameras are used to collect photos from travelers at entry and exit and where/when facial comparison technology is not accessible, digital fingerprint scanners collect fingerprint images from noncitizens seeking entry into the United States through our ports of entry, and digital cameras from travelers departing the United States.

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 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 through a Notice of Proposed Rulemaking (NPRM) published on November 19, 2020 (85 FR 74162).

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.

CBP has issued several Privacy Impact Assessments (PIAs) that cover the collection of biometric data from noncitizens upon entry to the United States, available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>. However, the overarching PIA that covers the collection of biometric data from noncitizens upon entry and exit to the United States is the DHS/CBP/PIA-056 Traveler Verification Service. CBP is currently in the process of updating and reissuing this PIA to more accurately describe TVS. Furthermore, the following System of Records Notices cover the collection, maintenance, and use biometric entry/exit data: DHS/CBP-006 Automated Targeting System, May 22, 2012, 77 FR 30297; DHS/CBP-007 Border Crossing Information (BCI), December 13, 2016, 81 FR 89957; and, DHS/CBP-011 U.S. Customs and Border Protection TECS, December 19, 2008, 73 FR 77778.

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	TOTALRESPONSES	TIME PER RESPONSE
Biometric Data, Noncitizen Fingerprint at Entry	160,899	16,587,550	1	16,587,550	0.0097 (35 seconds)
Biometric Exit Air Passengers**	94,034	98,982,807	1	98,982,807	0.00095 (3.42 seconds)
Biometric Exit Air Travel Industry	94,034	98,982,807	1	98,982,807	0.00095 (3.42 seconds)
Simplified Arrival Air	110,513	116,329,615	1	116,329,615	0.00095 (3.42 seconds)
Simplified Arrival Sea Passengers	900	947,878	1	947,878	0.00095 (3.42 seconds)
Simplified Arrival Sea Crew Members	347	365,479	1	365,479	0.00095 (3.42 seconds)
Facial Biometric Debarkation**	9,618	10,124,005	1	10,124,005	0.00095 (3.42 seconds)
Facial Biometric Debarkation Sea Travel Industry	9,618	10,124,005	1	10,124,005	0.00095 (3.42 seconds)
Mobile Primary Face Crewmembers	360	378,782	1	378,782	0.00095 (3.42 seconds)
Pedestrian Entry	56,260	59,221,120	1	59,221,120	0.00095 (3.42 seconds)
Vehicle*	0	2,000,000	1	2,000,000	0.000
Total	536,583	414,044,049		414,044,049	

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

** Facial images collected for biometric identity verification in these environments are not conducted by CBP but rather by the air travel industry or sea travel industry.

Annual Public Cost

The estimated total cost to the respondents is \$32,882,964. This is based on the accumulation of time burdens and associated opportunity costs including the estimated burden hours to air and sea passengers (375,964) multiplied by the average hourly wage

rate for all-purpose air travelers (\$65.69) = \$24,697,097.^{1, 2} The cost to pedestrian travelers was calculated by multiplying the estimated time burden to pedestrian travelers (56,260) by the average hourly loaded wage rate for all-purpose land travelers (\$28.75) = \$1,617,477.^{3, 4} The estimated time burden to inbound sea crew members (707) was multiplied by the average hourly wage rate for vessel operators (\$64.30) = \$45,463 to estimate the costs to inbound sea crewmembers.^{5,6} This information collection would also result in time burden hours to air travel industry (94,034) and CBP expects the cost to the air travel industry was calculated by multiplying the time burden hours by the average

¹ U.S. Department of Transportation, Office of Transportation Policy. *Benefit-Cost Analysis Guidance for Discretionary Grant Programs*, “Table A-2: Recommended Hourly Values of Travel Time Savings for Intercity, All-Purpose Travel by Surface.” December 2022. Available at: <https://www.transportation.gov/sites/dot.gov/files/2023-12/Benefit%20Cost%20Analysis%20Guidance%202024%20Update.pdf>. Original DOT policy is available at <https://www.transportation.gov/sites/dot.gov/files/docs/2016%20Revised%20Value%20of%20Travel%20Time%20Guidance.pdf>. Accessed June 17, 2024.

All-purpose trips are calculated using weighted averages, using distributions of travel by trip purpose on various modes. Distribution for local travel by surface modes: 88.2% personal, 11.8% business. Distribution for intercity travel by conventional surface modes: 78.6% personal, 21.4% business. Distribution for intercity travel by air or high-speed rail: 59.4% personal, 40.6% business. This follows methodology from the U.S. Department of Transportation's "Benefit-Cost Analysis Guidance for Discretionary Grant Programs". Available at: <https://www.transportation.gov/sites/dot.gov/files/2023-12/Benefit%20Cost%20Analysis%20Guidance%202024%20Update.pdf>. Accessed: June 18, 2024

² To adjust to 2024 dollars, multiply by the 2022 Q1 - 2024 Q1 percent change in the Bureau of Economic Analysis's Implicit Price Deflators for Gross Domestic Product (124.203/107.668-1). See “Table 1.1.9. Implicit Price Deflators for Gross Domestic Product,” Line 1 Gross Domestic Product, quarterly. Bureau of Economic Analysis. Updated May 30, 2024. Available at https://apps.bea.gov/iTable/?reqid=19&step=2&isuri=1&categories=survey&_gl=1*175tbc1*_ga*MTEyNTU1Nzc4Ny4xNzE3NTEyMTUw*_ga_J4698JNNFT*MTcxOTQzMDIwNS4xLjEuMTcxOTQzMDIzMi4zMy4wLjA.#eyJhcHBpZCI6MTkslnN0ZXBzIjpbMSwyLDNdLCJkYXRhIjpbWyJjYXRIZ29yaWVzIiwU3VydmV5Il0sWyJOSVBBX1RhYmxlX0xpc3QiLCIxMyJdXX0= Accessed June 4, 2024.

³ U.S. Department of Transportation, Office of Transportation Policy. *Benefit-Cost Analysis Guidance for Discretionary Grant Programs*, “Table A-2: Recommended Hourly Values of Travel Time Savings for Intercity, All-Purpose Travel by Surface.” December 2022. Available at: <https://www.transportation.gov/sites/dot.gov/files/2023-12/Benefit%20Cost%20Analysis%20Guidance%202024%20Update.pdf>. Original DOT policy is available at <https://www.transportation.gov/sites/dot.gov/files/docs/2016%20Revised%20Value%20of%20Travel%20Time%20Guidance.pdf>. Accessed June 17, 2024.

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Source for median household income: U.S. Census Bureau. *Income in the United States: 2022*, “Table A-1: Income Summary Measures by Selected Characteristics 2021 and 2022” September 12th, 2023. Annual median household income is divided by 2,080 hours per year to find hourly wage rate. Available at <https://www.census.gov/library/publications/2023/demo/p60-279.html>. Accessed June 18th, 2024.

Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment and Wage Statistics, “May 2023 National Occupational Employment and Wage Estimates United States.” Updated April 3, 2024. Available at https://www.bls.gov/oes/2023/may/oes_nat.htm. Accessed June 4, 2024. The total compensation to wages and salaries ratio (1.451582) is equal to the total compensation cost per hour worked for all

hourly wage rate for flight attendants (\$49.55) = \$6,046,365.^{7, 8} Additionally the sea travel industry will incur time burden hours (9,618) from this information collection and CBP calculated these costs to the sea travel industry by multiplying the time burden hours by the average hourly wage rate for vessel operators (\$64.30) = \$476,562. In total the public is expected to incur time burden hours of 536,583 at a cost of \$32,882,964 on an annual basis.

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

occupations (\$45.42) divided by the wages and salaries cost per hour worked for the same occupation category (\$31.29). See “Table 2. Employer Costs for Employee Compensation for civilian workers by occupational and industry group.” Bureau of Labor Statistics, “Employer Costs for Employee Compensation – December 2023.” Released March 13, 2024. Available at https://www.bls.gov/news.release/archives/ecec_03132024.pdf. Accessed June 4, 2024.

⁴ To adjust to 2024 dollars, multiply by the 2022 Q1 - 2024 Q1 percent change in the Bureau of Economic Analysis's Implicit Price Deflators for Gross Domestic Product (124.203/107.668-1). See “Table 1.1.9. Implicit Price Deflators for Gross Domestic Product,” Line 1 Gross Domestic Product, quarterly. Bureau of Economic Analysis. Updated May 30, 2024. Available at https://apps.bea.gov/iTable/?reqid=19&step=2&isuri=1&categories=survey&_gl=1*175tbc1*_ga*MTEyNTU1Nzc4Ny4xNzE3NTEyMTUw*_g_a_J4698JNNFT*MTcxOTQzMDIwNS4xLjEuMTcxOTQzMDIzMi4zMy4wLjA.#eyJhcHBpZCI6MTksInN0ZXBzIjpbMSwyLDNlCjYXRhIjpbWyJjYXRlZ29yaWVzIiwuU3VydmV5Il0sWyJOSVBBX1RhYmxlX0xpc3QiLCIxMyJdXX0= Accessed June 4, 2024.

⁵ CBP calculated this loaded wage rate by first multiplying the Bureau of Labor Statistics' (BLS) 2023 median hourly wage rate for Captains, Mates, and Pilots of Water Vessels (\$42.66), which CBP assumes best represents the wage for captains, mates, and pilots of water vessels, by the ratio of BLS' Q4 2023 total compensation to wages and salaries for Transportation and Material Moving occupations (1.4544), the assumed occupational group for captains, mates, and pilots of water vessels, to account for non-salary employee benefits.

Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment and Wage Statistics, “May 2023 National Occupational Employment and Wage Estimates United States.” Updated April 3, 2024. Available at https://www.bls.gov/oes/2023/may/oes_nat.htm. Accessed June 4, 2024. The total compensation to wages and salaries ratio is equal to the total compensation cost per hour worked for Transportation and Material Moving occupations (\$34.89) divided by the wages and salaries cost per hour worked for the same occupation category (\$23.99). See “Table 2. Employer Costs for Employee Compensation for civilian workers by occupational and industry group.” Bureau of Labor Statistics, “Employer Costs for Employee Compensation – December 2023.” Released March 13, 2024. Available at https://www.bls.gov/news.release/archives/ecec_03132024.pdf. Accessed June 4, 2024.

⁶ To adjust to 2024 dollars, multiply by the 2022-2023 percent change in the Bureau of Economic Analysis's Implicit Price Deflators for Gross Domestic Product (122.273/117.973-1). See “Table 1.1.9. Implicit Price Deflators for Gross Domestic Product,” Line 1 Gross Domestic Product, annual. Bureau of Economic Analysis. Updated May 30, 2024. Available at <https://apps.bea.gov/iTable/?reqid=19&step=2&isuri=1&categories=survey#eyJhcHBpZCI6MTksInN0ZXBzIjpbMSwyLDMsM10sImRhdGEiOltbImNhdGVnb3JpZXMlCjJ0dXJ2ZXkiXSxbIk5JUEFfVGFibGVftGlzdCIsljEzIl0sWyJGaxJzdF9ZZWFyIiwuMjAxNiJdLlFsiTGfZdF9ZZWFyIiwuMjAxNiJdLlFsiU2NhbgUuIiwuU3VyJTZXJpZXMlCjBl1dfQ==>. Accessed June 4, 2024.

⁷ Because median hourly wage information was not available for Flight Attendants CBP adjusted the annual median wage for Flight Attendants (\$68,370) to an hourly estimate using the standard 2,080 hours worked per year. Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment and Wage Statistics, “May 2023 National Occupational Employment and Wage Estimates United States.” Updated April 3, 2024. Available at https://www.bls.gov/oes/2023/may/oes_nat.htm. Accessed June 4, 2024. The total compensation to wages and salaries ratio is equal to the total compensation cost per hour worked for Transportation and Material Moving occupations (\$34.89) divided by the wages and salaries cost per hour worked for the same occupation category (\$23.99). See “Table 2. Employer Costs for Employee Compensation for civilian workers by occupational and industry group.” Bureau of Labor Statistics, “Employer Costs for Employee Compensation – December 2023.”

Released March 13, 2024. Available at https://www.bls.gov/news.release/archives/ecec_03132024.pdf. Accessed June 4, 2024.

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.