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BORDER SECURITY

Additional Actions Needed to Improve Planning for a Biometric Air Exit System

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Chairman Miller, Ranking Member Jackson Lee, and Members of the Subcommittee:

I am pleased to be here today to discuss the status of the Department of Homeland Security's (DHS) efforts to implement a biometric exit system. Beginning in 1996, federal law has required the implementation of an entry and exit data system to track foreign nationals entering and leaving the United States.[1] The Intelligence Reform and Terrorism Prevention Act of 2004 required the Secretary of Homeland Security to develop a plan to accelerate implementation of a biometric entry and exit data system that matches available information provided by foreign nationals upon their arrival in and departure from the United States.[2] In 2003, DHS initiated the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program to develop a system to collect biographic data (such as name and date of birth) and biometric data (such as fingerprints) from foreign nationals at U.S. ports of entry.[3] Since 2004, DHS has tracked foreign nationals' entries into the United States as part of an effort to comply with legislative requirements, and since December 2006, a biometric entry capability has been fully operational at all air, sea, and land ports of entry.

However, we have identified a range of management challenges that DHS has faced in its effort to fully deploy a corresponding biometric exit

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[1]Pub. L. No. 104-208, div. C, § 110, 110 Stat. 3009-546, 3009-558 to 59. Additionally, the Immigration and Naturalization Service Data Management Improvement Act of 2000 required the implementation of an integrated entry and exit data system for foreign nationals that would provide access to and integrate foreign national arrival and departure data that are authorized or required to be created or collected under law and are in an electronic format in certain databases, such as those used at ports of entry and consular offices. See 8 U.S.C. § 1365a(b)(1).

[2]See 8 U.S.C. § 1365b.

[3]A port of entry is any officially designated location (seaport, airport, or land border location) where DHS officers or employees are assigned to clear passengers and merchandise, collect duties, and enforce customs laws.

capability to track foreign nationals when they depart the country.[4] For example, in November 2009, we found that DHS had not adopted an integrated approach to scheduling, executing, and tracking the work that needed to be accomplished to deliver a biometric exit system.[5] In these reports, we made recommendations intended to help ensure that a biometric exit capability was planned, designed, developed, and implemented in an effective and efficient manner. DHS generally agreed with our recommendations and has taken action to implement a number of them. Most recently, in July 2013, we reported on DHS's progress in developing and implementing a biometric exit system, as well as DHS's efforts to identify and address potential overstays—individuals who were admitted into the country legally on a temporary basis but then overstayed their authorized period of admission.[6]

Within DHS, U.S. Customs and Border Protection (CBP) is tasked with, among other duties, inspecting all people applying for entry to the United States to determine their admissibility to the country. CBP collects biographic and biometric information to document nonimmigrants' entry into the country and biographic information to document their exit. CBP is also responsible for implementing a biometric exit program. Within DHS's National Protection and Programs Directorate, the Office of Biometric Identity Management (OBIM) manages the Automated Biometric Identification System, which maintains biometric information that DHS

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[4]See GAO, *Overstay Enforcement: Additional Actions Needed to Assess DHS's Data and Improve Planning for a Biometric Air Exit Program*, GAO-13-683 (Washington, D.C.: July 30, 2013); *Homeland Security: US-VISIT Pilot Evaluations Offer Limited Understanding of Air Exit Options*, GAO-10-860 (Washington, D.C.: Aug. 10, 2010); *Homeland Security: Key US-VISIT Components at Varying Stages of Completion, but Integrated and Reliable Schedule Needed*, GAO-10-13 (Washington, D.C.: Nov. 19, 2009); *Visa Waiver Program: Actions Are Needed to Improve Management of the Expansion Process, and to Assess and Mitigate Program Risks*, GAO-08-967 (Washington, D.C.: Sept. 15, 2008); *Homeland Security: U.S. Visitor and Immigrant Status Program's Long-standing Lack of Strategic Direction and Management Controls Needs to Be Addressed*, GAO-07-1065 (Washington, D.C.: Aug. 31, 2007); *Homeland Security: Planned Expenditures for U.S. Visitor and Immigrant Status Program Need to Be Adequately Defined and Justified*, GAO-07-278 (Washington, D.C.: Feb. 14, 2007); and *Homeland Security: Some Progress Made, but Many Challenges Remain on U.S. Visitor and Immigrant Status Indicator Technology Program*, GAO-05-202 (Washington, D.C.: Feb. 23, 2005).

[5]GAO-10-13.

[6]GAO-13-683.

collects from nonimmigrants upon their entry into the United States.[7] OBIM also manages the Arrival and Departure Information System, which tracks and matches arrival and departure records for the purpose of identifying potential overstays.

My statement today is based on our July 2013 report and, like that report, discusses the extent to which DHS has made progress in developing and implementing a biometric exit system at air ports of entry, which is DHS's priority for a biometric exit capability.[8] For our report, we reviewed statutory requirements for a biometric exit system and analyzed DHS documents, including a May 2012 report on the status of efforts to implement a biometric exit capability at airports that was based on analysis that DHS's Science and Technology Directorate (S&T) conducted. We compared the status of DHS's efforts against statutory requirements and standard practices for project management. We interviewed DHS Office of Policy and S&T officials regarding DHS's plans for addressing recommendations in the department's May 2012 report and other ongoing efforts to develop a biometric exit system. We also analyzed information about the Beyond the Border initiative, which is a joint effort between the United States and Canada to exchange entry and exit data through which entry into one country is treated as exit from the other. We conducted this work in accordance with generally accepted government auditing standards. Our July 2013 report provides further details on our scope and methodology.

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[7]Pursuant to the fiscal year 2013 DHS appropriations act and its accompanying explanatory statement, DHS created OBIM effective March 27, 2013, to manage the Arrival and Departure Information System and the Automated Biometric Identification System and realigned US-VISIT's responsibility for analyzing overstay data into U.S Immigration and Customs Enforcement. See Consolidated and Further Continuing Appropriations Act, 2013, Pub. L. No. 113-6, div. D, 127 Stat. 198, 342, 346-47, 356 (2013); Explanatory Statement, Consolidated and Further Continuing Appropriations Act, 2013, 159 Cong. Rec. S1287, S1551, S1557-58 (daily ed. Mar. 11, 2013).

[8]GAO-13-683.

DHS Faces Long-Standing Challenges and Uncertain Time Frames in Planning for a Biometric Exit System at Airports

As we reported in July 2013, DHS has not yet fulfilled the 2004 statutory requirement to implement a biometric exit capability, but has planning efforts under way to report to Congress in time for the fiscal year 2016 budget cycle on the costs and benefits of such a capability at airports and seaports. Development and implementation of a biometric exit capability has been a long-standing challenge for DHS. Since 2004, we have issued a number of reports on DHS's efforts to implement a biometric entry and exit system. For example, in February and August 2007, we found that DHS had not adequately defined and justified its proposed expenditures for exit pilots and demonstration projects and that it had not developed a complete schedule for biometric exit implementation.[9] Further, in September 2008, we reported that DHS was unlikely to meet its timeline for implementing an air exit system with biometric indicators, such as fingerprints, by July 1, 2009, because of several unresolved issues, such as opposition to the department's published plan by the airline industry.[10] In 2009, DHS conducted pilot programs for biometric air exit capabilities in airport scenarios, and in August 2010 we found that there were limitations with the pilot programs—for example, the pilot programs did not operationally test about 30 percent of the air exit requirements identified in the evaluation plan for the pilot programs—that hindered DHS's ability to inform decision making for a long-term air exit solution and pointed to the need for additional sources of information on air exit's operational impacts.[11]

In an October 2010 memo, DHS identified three primary reasons why it has been unable to determine how and when to implement a biometric exit capability at airports: (1) The methods of collecting biometric data could disrupt the flow of travelers through airport terminals; (2) air carriers and airport authorities had not allowed DHS to examine mechanisms through which DHS could incorporate biometric data collection into passenger processing at the departure gate; and (3) challenges existed in capturing biometric data at the point of departure, including determining what personnel should be responsible for the capture of biometric information at airports. In July 2013, we reported that, according to DHS officials, the challenges DHS identified in October 2010 continue to affect

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[9]GAO-07-1065 and GAO-07-278.

[10]GAO-08-967.

[11]GAO-10-860.

the department's ability to implement a biometric air exit system. With regard to an exit capability at land ports of entry, in 2006, we reported that according to DHS officials, for various reasons, a biometric exit capability could not be implemented without incurring a major impact on land facilities.[12] For example, at the time of our 2006 report, DHS officials stated that implementing a biometric exit system at land ports of entry would require new infrastructure and would produce major traffic congestion because travelers would have to stop their vehicles upon exit to be processed. As a result, as of April 2013, according to DHS officials, the department's planning efforts focus on developing a biometric exit capability for airports, with the potential for a similar solution to be implemented at seaports, and DHS's planning documents, as of June 2013, do not address plans for a biometric exit capability at land ports of entry.

Our July 2013 report found that since April 2011, DHS has taken various actions to improve its collection and use of biographic data to identify potential overstays. For example, DHS is working to address weaknesses in collecting exit data at land borders by implementing the Beyond the Border initiative, through which DHS and the Canada Border Services Agency exchange data on travelers crossing the border between the United States and Canada.[13] Because an entry into Canada constitutes a departure from the United States, DHS will be able to use Canadian entry data as proxies for U.S. departure records. As a result, the Beyond the Border initiative will help address those challenges by providing a new source of biographic data on travelers departing the United States at land ports on the northern border. Our July 2013 report provides more information on DHS's actions to improve its collection and use of biographic entry and exit data.[14]

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[12]GAO, *Border Security: US-VISIT Program Faces, Strategic, Operational, and Technological Challenges at Land Ports of Entry*, GAO-07-248 (Washington, D.C.: Dec. 6, 2006).

[13]We found in April 2011 that DHS faced challenges in its ability to identify overstays because of unreliable collection of departure data at land ports of entry. See GAO, *Overstay Enforcement: Additional Mechanisms for Collecting, Assessing, and Sharing Data Could Strengthen DHS's Efforts but Would Have Costs*, GAO-11-411 (Washington, D.C.: Apr. 15, 2011).

[14]GAO-13-683.

In 2011, DHS directed S&T, in coordination with other DHS component agencies, to research long-term options for biometric air exit.[15] In May 2012, DHS reported internally on the results of S&T's analysis of previous air exit pilot programs and assessment of available technologies, and the report made recommendations to support the planning and development of a biometric air exit capability.[16] In that report, DHS concluded that the building blocks to implement an effective biometric air exit system were available. In addition, DHS's report stated that new traveler facilitation tools and technologies—for example, online check-in, self-service, and paperless technology—could support more cost-effective ways to screen travelers, and that these improvements should be leveraged when developing plans for biometric air exit. However, DHS officials stated that there may be challenges to leveraging new technologies to the extent that U.S. airports and airlines rely on older, proprietary systems that may be difficult to update to incorporate new technologies. Furthermore, DHS reported in May 2012 that significant questions remained regarding (1) the effectiveness of current biographic air exit processes and the error rates in collecting or matching data, (2) methods of cost-effectively integrating biometrics into the air departure processes (e.g., collecting biometric scans as passengers enter the jetway to board a plane), (3) the additional value biometric air exit would provide compared with the current biographic air exit process, and (4) the overall value and cost of a biometric air exit capability. The report included nine recommendations to help inform DHS's planning for biometric air exit, such as directing DHS to develop explicit goals and objectives for biometric air exit and an evaluation framework that would, among other things, assess the value of

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[15]In our previous reviews of DHS's efforts to pursue a biometric exit capability, DHS's plans have approached development of a biometric exit system through a phased approach that involved conducting pilots to inform eventual planning for long-term solutions. Different pilots were created to inform solutions at air, sea, and land ports. See GAO-10-13. As of April 2013, the department's planning efforts are focused on developing a biometric exit system for airports, with the potential for a similar solution to be rolled out at seaports, according to DHS officials.

[16]DHS, *DHS Biometric Air Exit: Analysis, Recommendations and Next Steps*, (Washington, D.C.: May 2012).

collecting biometric data in addition to biographic data and determine whether biometric air exit is economically justified.[17]

DHS reported in May 2012 that it planned to take steps to address these recommendations by May 2014; however, as we reported in July 2013, according to DHS Office of Policy and S&T officials, the department does not expect to fully address these recommendations by then. In particular, DHS officials stated that it has been difficult coordinating with airlines and airports, which have expressed reluctance about biometric air exit because of concerns over its effect on operations and potential costs. To address these concerns, DHS is conducting outreach and soliciting information from airlines and airports regarding their operations. In addition, DHS officials stated that the department's efforts to date have been hindered by insufficient funding. In its fiscal year 2014 budget request for S&T, DHS requested funding for a joint S&T-CBP Air Entry/Exit Re-Engineering Apex project. Apex projects are crosscutting, multidisciplinary efforts requested by DHS components that are high-priority projects intended to solve problems of strategic operational importance. According to DHS's fiscal year 2014 budget justification, the Air Entry/Exit Re-Engineering Apex project will develop tools to model and simulate air entry and exit operational processes. Using these tools, DHS intends to develop, test, pilot, and evaluate candidate solutions. As of April 2013, DHS Policy and S&T officials stated that they expect to finalize goals and objectives for a biometric air exit system in the near future and are making plans for future scenario-based testing.

Although DHS's May 2012 report stated that DHS would take steps to address the report's recommendations by May 2014, DHS officials told us that the department's current goal is to develop information about options for biometric air exit and to report to Congress in time for the fiscal year 2016 budget cycle regarding (1) the additional benefits that a biometric air

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[17]The report recommended that DHS take the following actions: (1) develop explicit goals and objectives for biometric air exit, (2) leverage improvements in passenger facilitation and biometric technology to support a concept of operations, (3) use developmental scenario testing instead of pilot programs to validate a concept of operations, (4) establish collaborative relationships with airports and airlines, (5) use operational tests to validate performance and cost estimates, (6) develop an evaluation framework for biometric air exit, (7) employ a holistic approach to assess the costs and benefits of comprehensive biometric entry and exit processes, (8) determine whether biometric air exit is economically justified, and (9) incrementally deploy biometric air exit to airports where it is cost-effective to do so.

exit system provides beyond an enhanced biographic exit system and (2) costs associated with biometric air exit. However, as we reported in July 2013, DHS has not yet developed an evaluation framework, as recommended in its May 2012 report, to determine how the department will evaluate the benefits and costs of a biometric air exit system and compare it with a biographic exit system. According to DHS officials, the department needs to finalize goals and objectives for biometric air exit before it can develop such a framework, and in April 2013 these officials told us that the department plans to finalize these elements in the near future. However, DHS does not have time frames for when it will subsequently be able to develop and implement an evaluation framework to support the assessment it plans to provide to Congress.

According to *A Guide to the Project Management Body of Knowledge*, which provides standards for project managers, specific goals and objectives should be conceptualized, defined, and documented in the planning process, along with the appropriate steps, time frames, and milestones needed to achieve those results.[18] In fall 2012, DHS developed a high-level plan for its biometric air exit efforts, which it updated in May 2013, but this plan does not clearly identify the tasks needed to develop and implement an evaluation framework. For example, the plan does not include a step for developing the methodology for comparing the costs and benefits of biometric data against those for collecting biographic data, as recommended in DHS's May 2012 report. Furthermore, the time frames in this plan are not accurate as of June 2013 because DHS is behind schedule on some of the tasks and has not updated the time frames in the plan accordingly. For example, DHS had planned to begin scenario-based testing for biometric air exit options in August 2013; however, according to DHS officials, the department now plans to begin such testing in early 2014. A senior official from DHS's Office of Policy told us that DHS has not kept the plan up to date because of the transition of responsibilities within DHS; specifically, in March 2013, pursuant to the explanatory statement for DHS's 2013 appropriation, DHS established an office within CBP that is responsible for coordinating

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[18]Project Management Institute, *A Guide to the Project Management Body of Knowledge* (PMBOK® Guide), Fifth Edition, (Newton Square, Pennsylvania: 2013). We have used *A Guide to the Project Management Body of Knowledge* to provide criteria in previous reports, including GAO, *Nonproliferation and Disarmament Fund: State Should Better Assure the Effective Use of Program Authorities*, GAO-13-83 (Washington, D.C.: Nov. 30, 2012).

DHS's entry and exit policies and operations.[19] This transition was in process as of June 2013, and CBP told us that it planned to establish an integrated project team in July 2013 that will be responsible for more detailed planning for the department's biometric air exit efforts. DHS Policy and S&T officials agreed that setting time frames and milestones is important to ensure timely development and implementation of the evaluation framework in accordance with DHS's May 2012 recommendations. According to DHS officials, implementation of a biometric air exit system will depend on the results of discussions between the department and Congress after the department provides this assessment of options for biometric air exit.

In summary, we concluded in our July 2013 report that without robust planning that includes time frames and milestones to develop and implement an evaluation framework for this assessment, DHS lacks reasonable assurance that it will be able to provide this assessment to Congress for the fiscal year 2016 budget cycle as planned. Furthermore, any delays in providing this information to Congress could further affect possible implementation of a biometric exit system to address statutory requirements. Therefore, we recommended that the Secretary of Homeland Security establish time frames and milestones for developing and implementing an evaluation framework to be used in conducting the department's assessment of biometric exit options. DHS concurred with this recommendation and indicated that its component agencies plan to finalize the goals and objectives for biometric air exit by January 31, 2014, and that these goals and objectives will be used in the development of an evaluation framework that DHS expects to have completed by June 30, 2014.

Chairman Miller, Ranking Member Jackson Lee, and members of the subcommittee, this completes my prepared statement. I would be happy to respond to any questions you may have at this time.

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[19]See Explanatory Statement, Consolidated and Further Continuing Appropriations Act, 2013, 159 Cong. Rec. S1287, S1550 (daily ed. Mar. 11, 2013).

GAO Contact and Staff Acknowledgments

For information about this statement, please contact Rebecca Gambler, Director, Homeland Security and Justice, at (202) 512-8777 or gamblerr@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Other individuals making key contributions include Kathryn Bernet, Assistant Director; Frances A. Cook; Alana Finley; and Ashley D. Vaughan.