FULFILLING A KEY 9/11 COMMISSION RECOMMENDATION: IMPLEMENTING BIOMETRIC EXIT

HEARING

BEFORE THE

SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

SEPTEMBER 26, 2013

Serial No. 113–37

Printed for the use of the Committee on Homeland Security

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CONTENTS

FULFILLING A KEY 9/11 COMMISSION RECOMMENDATION: IMPLEMENTING BIOMETRIC EXIT

Thursday, September 26, 2013

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON BORDER AND MARITIME SECURITY,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The subcommittee met, pursuant to call, at 10:31 a.m., in Room 311, Cannon House Office Building, Hon. Candice S. Miller [Chairwoman of the subcommittee] presiding.

Present: Representatives Miller, Duncan, Palazzo, Stewart, Jackson Lee, and O'Rourke.

Also present: Representative Smith.

Mrs. MILLER. We are going to start on time here this morning. So the Committee on Homeland Security, the Subcommittee on Border and Maritime Security will come to order. The subcommittee is meeting today to examine the proper path forward in establishing a viable biometric exit system.

We are so pleased to be joined by a very distinguished panel of witnesses today: John Wagner is the acting deputy assistant commissioner of the Office of Field Operations, U.S. Customs and Border Protection; John Woods, who is the assistant director of Immigration and Customs Enforcement; and Rebecca Gambler, director of homeland security and justice issues with the Governmental Accountability Office, the GAO.

Thank you all so much for coming. I will give a more formal introduction in just a moment.

Twelve years ago this month 19 terrorists successfully penetrated our border and visa security defenses. They hijacked four airplanes and conducted a terrible, terrible attack that took the lives of almost 3,000 innocent Americans.

That act of terrorism is the very reason the Department of Homeland Security exists, and really why this committee was created as well, subsequently, to prevent another terrorist attack on the homeland. Along the walls we see photographs of the aftermath of those attacks to remind us each and every day of why we are here and, most importantly, what the cost of failure is.

We should never forget what happened on that Tuesday in September to so many of our fellow Americans or fail to remember the victims and the heroes of the first responders during that tragedy. I think one of the ways that we can honor those who lost their lives

is to harden our defenses and to act on the lessons learned from that horrible day.

Congress established the 9/11 Commission to identify ways that we could do that, and the report issued by that commission identified the vulnerabilities that we need to address, and Congress has taken substantive actions on the majority of their recommendations. However, the recommendation to establish a biometric entry-exit system stands out as one of the largest unfinished border security challenges that DHS has yet to tackle in a really meaningful way.

This is a challenge that falls squarely within the jurisdiction of this committee. It is a challenge that this subcommittee will confront through proper oversight as well as legislation.

According to the 9/11 Commission Report, a biometric exit capability could have assisted law enforcement and intelligence office officials in August and September of 2001 in conducting a search for two of the 9/11 hijackers that were in the United States on expired visas. We will not be able to fully close the holes exploited by the 9/11 hijackers or curtail the ability of terrorists to travel to the United States without the ability to know with some degree of certainty if visa holders leave, if they leave our country in accordance with the terms of their visa.

We have pushed our border out by conducting more checks overseas before passengers obtain a visa, before they board an airplane or present themselves to a CBP officer at a port of entry, a layered approach that increases our chances of preventing terrorists from every coming to America. Today we collect more information on foreign travelers than ever before. This allows CBP, through the National Targeting Center, to use complex targeting rules which examine travel patterns, allowing agents to discern problems with travel documents that might raise red flags.

That, however, is only one side of the issue. Without a viable biometric exit system, visa holders can overstay their visa and disappear into the United States, just as four of the 9/11 hijackers were able to do.

In this committee we have worked very hard to come up with a common-sense solution to secure the Southwest Border, but that is only part of the problem. If as high as 40 percent of all illegal aliens come in through the proverbial front door then securing the border means having a biometric system that gives the Nation the ability to identify overstays. Once we identify overstays we must dedicate the resources necessary to promptly remove those in the country illegally; otherwise we could put our citizens at risk.

Last week we introduced H.R. 3141, the Biometric Exit Improvement Act. I introduced that along with Ms. Sanchez of California; and our Ranking Member Jackson Lee; former Chairman Peter King; our Chairman of our full committee, Mr. McCaul, of Texas; and Ranking Member Thompson, as well. So we had a very bipartisan introduction of this bill, which we hope to address the challenge of visa overstays. Under this bill, biometric exit would be required for all pedestrians who cross a border within 3 years and at all air and sea ports of entry within 5 years.

I want to be very clear up front that the goal of this legislation is to make sure that we can identify foreigners who overstay their

visas, and this legislation does not allow the Government to collect biometrics on any United States citizens. Now I guess I am going to repeat that because we are using this legislation to make sure we can identify foreigners who overstay their visas. This legislation does not allow the Government to collect biometrics on any U.S. citizens.

So I am very confident that this bipartisan bill will put the Nation on the right path to establishing a viable biometric exit system that is certainly long overdue by establishing tight but achievable time lines. The 9/11 Commission understood that the establishment of an exit system was an ambitious task, but they also called it an essential investment in our National security.

The Biometric Exit Improvement Act leaves no doubt that Congress expects the investment to be made which will increase the Department's ability to promptly identify those who overstay their visa, strengthening our border security efforts in the process. Unlike several of this subcommittee's previous hearings on this topic, this hearing is focused on how we as a Nation can best establish a viable biometric exit system, one that serves our National security interests as a tool to strengthen our border security efforts, enhance our transportation security interests, fight terrorism, and toughen our immigration control efforts.

So I will certainly commend the work that the DHS has done over the last few years to focus their efforts on preventing terrorists from coming into the country in the first place. Pushing our borders out is a very smart policy. Adding a reliable biometric exit system reduces the chance that visitors can stay in the country beyond their period of admission and reduces the terrorist threat in the process.

While I certainly understand that this effort is not going to be easy, today we would like to explore how this Nation can fulfill the recommendation of the 9/11 Commission and establish a biometric exit system. So I certainly look forward to hearing from our very excellent panel of witnesses for their testimony today.

I would like to recognize the Ranking Member for her opening statement, as well.

Ms. JACKSON LEE. Let me thank Chairwoman Miller for holding this hearing and reminding us of the tragedy and the journey that we have taken since 9/11. As one of the Members who was here and here in the United States Capitol, one of the first Members to travel to ground zero in the midst of the recovery stage, there is nothing more compelling, potent to be able to see that most unbelievable and devastating, mind-boggling, mind-changing, and the ending of the naiveté of the United States than to be standing on that very ground.

I remain humbled and respectful of the lives lost, the lives sacrificed, and those first responders, which makes this hearing and legislation even more vital. As we look currently in the backdrop of first to recall Mumbai, which did not have a border instance because people just literally came out of the water, but Kenya reminds us that terrorism is both franchised and surprising. Anything we can do to ensure that individuals in this country leave timely, but also to know the individuals, hopefully, that may be

overstays on purpose of doing harm I think is a vital effort for this committee.

So holding this hearing today to examine the issue of deploying a biometric exit system in our Nation's ports of entry I believe is vital.

We had a very active bipartisan discussion about this issue during the subcommittee markup of H.R. 1417, the Border Security Results Act of 2013, earlier this year. That bill, having passed out of the full committee in a bipartisan manner, is now being viewed as a major, major component to any aspect of comprehensive immigration reform. Homeland Security has often been at the leadership helm of bringing together Republicans and Democrats around important issues of securing the homeland.

I was pleased at that time to support an amendment at the full committee mark-up to require the Department of Homeland Security to develop an implementation plan for a biometric exit capability. Most recently I joined the gentlelady from Michigan, Mrs. Miller, as an original cosponsor of H.R. 3141, a bill to require DHS to deploy a biometric exit system to record foreign travelers' departure from the United States.

I applaud Mrs. Miller, No. 1, for capturing the discussion during our mark-up of H.R. 1417, but more importantly, as a senior Member on the House Judiciary Committee, working closely with, looking at various reform measures for the National Security Agency and assessing the overreach of addressing surveillance of Americans. I am very glad that she pointedly made the point that this would not be an oversight or a collecting of data on American citizens.

I want to say that again, as she did: This would not be a collection of data on American citizens. The bill points specifically and pointedly to foreign travelers.

I remain committed to working with my colleagues on a bipartisan basis on this very important issue. While this subcommittee frequently focuses on the need to better secure our land borders, addressing visa overstays, in part by employing biometric exit, is equally important. Indeed, the importance of this issue is underscored by the fact that several of the border security immigration reform bills introduced this Congress require progress on a biometric exit system.

There is a strong bipartisan support in Congress for biometric exit, although the approaches and time lines for deployment differ. Achieving this mandate is already long overdue.

While DHS has made significant progress by implementing a biometric entry system, a solution for biometric exit has been far more difficult to come by. According to the Government Accountability Office, DHS currently has over a million unmatched records representing potential overstays in this country. Many of these individuals have overstayed but others have likely departed the country, and we are left with no information, no ability to track, and no way of providing assurance that our homeland is secured.

We need to know with certainty who has overstayed in the United States so that DHS is not wasting scarce resource attempting to locate visitors who have, in fact, returned home. I want to

hear from our witnesses today about how DHS can finally make progress on implementing a biometric exit.

At the same time, as a Member from a border State I am well aware of the importance of maintaining the flow of legitimate trade and travel as DHS implements this mandate. I notice that the legislation proceeds with our border ports, and then goes on to airports and then goes on to pedestrian and land and vehicle lanes, as well. Having been to the Southern Border and watched that effort, I know how important it is to get a system that works; that works to secure us but does not impede trade and traffic, particularly legitimate trade and traffic here to do good in the United States.

I am confident that with the right approach and appropriate support from Congress DHS can do just that. I look forward to a productive discussion and hearing today on this important issue, and I also look forward to working with my colleagues on both sides of the aisle on H.R. 3141 as it moves through the committee process, subjects itself to, or is subjected to the amendment process, which I know will be done, as well, in a bipartisan manner.

I remain committed to advocating for common-sense enforcement measures as part of a broader immigration reform package that will not only secure our borders but also uphold our values as a Nation of immigrants.

Madam Chairwoman, I say it often and will say it again: We are long overdue for a comprehensive approach to immigration reform, and I challenge this committee that has already done its work, I challenge this House and our speaker that we put on the floor of the House a comprehensive immigration reform bill post-haste, immediately, as we make and do our work here on Homeland Security.

I thank the witnesses for being here today, and I yield back the balance of my time.

I do want to acknowledge Beto O'Rourke, a Member of the subcommittee.

Mrs. MILLER. I thank the gentlelady for her comments and I thank her for her comments in regards to the Border Security Act. In regards to comprehensive immigration reform, I think many of us think that Federal Government perhaps does not do comprehensive particularly well, particularly when we look at health care issues and other kinds of things.

But certainly border security first and foremost is a renumerated responsibility of the Federal Government, and I think certainly our Border Security Act, as it came out of this subcommittee and the full committee in a bipartisan way, is evidence that both parties are very focused on border security, and a big component of that is interior enforcement, and so that is the purpose of the hearing today.

I will remind other Members that their opening statements could be submitted for the record if they would like to do so.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

SEPTEMBER 26, 2013

I am pleased the subcommittee is meeting today to examine the Department of Homeland Security's efforts to deploy a biometric exit system to record the departure of visitors to this country.

As Chairman of this committee, I held hearings and conducted oversight of DHS's activities on this important matter, and have long believed that we must do more to address the issue of immigration overstays.

Deploying a biometric exit system—as recommended by the 9/11 Commission and mandated repeatedly on a bi-partisan basis by Congress—is an important part of that effort.

Much of the focus in the immigration reform and border security debate is on our Nation's Southwest Border, but an estimated 40 percent of individuals unlawfully present in the United States entered this country legally and overstayed.

Yet a dozen years after September 11, 2001, DHS is still without a biometric entry-exit system to positively identify those who failed to depart this country as they were required to do.

That is why I am an original cosponsor of H.R. 3141, a bill authored by Rep. Candice Miller, to again require DHS to deploy a biometric exit data system at ports of entry.

I believe the bill takes a very reasonable, phased approach to deploying the system.

DHS should have sufficient time to put in place the necessary technology, infrastructure, and personnel without causing undue delays to legitimate travel and commerce.

Indeed, Congress first mandated an entry-exit system for visitors to this country in 1996, and required that the system be biometric as early as 2001, so this requirement does not come as a surprise to DHS.

I look forward to hearing from our Customs and Border Protection (CBP) witness today about what substantive steps the agency is taking to deploy biometric exit at ports of entry.

I specifically want to hear what CBP's schedule and benchmarks are for achieving this mandate.

I also hope to hear from our GAO witness about whether DHS is on track to make timely progress on exit, based on the work GAO conducted for its July report on overstays.

I recognize that deploying a biometric exit system will not be an easy task, but continue to believe it is essential for our homeland security.

The time has long since passed for excuses about why it cannot or should not be done.

Instead, DHS—with support and resources from Congress—needs to find a way to make it happen.

I thank the witnesses for being here today, and I yield back the balance of my time.

Mrs. MILLER. We are pleased today to have three very distinguished witnesses before us on this important topic.

First of all, Mr. John Wagner is the acting deputy assistant commissioner from the U.S. Customs and Border Protection. Mr. Wagner formerly served as the executive director of admissibility and passenger programs with responsibility for all traveler admissibility-related policies and programs.

Mr. John Woods is an assistant director at the United States Immigration and Customs Enforcement, ICE, where he oversees the National security investigations division within homeland security investigations. He oversees programs targeting transnational security threats arising from illicit travel, trade, and financial enterprises.

Ms. Rebecca Gambler, a return visit again to our subcommittee; we appreciate that, is an acting director in the U.S. Government Accountability Offices for homeland security and justice team. Ms.

Gambler leads GAO's work on border security and immigration issues.

Certainly the witnesses' full statements will appear in the record.

The Chairwoman now recognizes Mr. Wagner.

STATEMENT OF JOHN WAGNER, ACTING DEPUTY ASSISTANT COMMISSIONER, OFFICE OF FIELD OPERATIONS, CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. WAGNER. Thank you.

Chairwoman Miller and Ranking Member Jackson Lee, distinguished Members of the committee, thank you for the opportunity to appear today to discuss the role of U.S. Customs and Border Protection in entry-exit operations. We appreciate the opportunity to speak on this very important issue which supports the core mission functions of our organization.

The 2013 DHS appropriations law signed this past spring transferred the responsibility for entry-exit policy to CBP. We embrace this new direction and this new challenge. We have already established an entry-exit transformation office within the Office of Field Operations who is actively moving forward on several initiatives that we will discuss today.

I would like to begin today by discussing how we collect arrival information from foreign nationals seeking to enter the United States. CBP receives passenger manifests from air and sea carriers in advance of departure to the United States. These manifests indicate who is on-board the aircraft or vessel. This information is vetted against a number of law enforcement databases and automated targeting systems prior to departure from the foreign location and it enables CBP to address potential risk factors and admissibility issues prior to boarding the aircraft.

Upon arrival in the United States, the CBP officers interview every traveler to determine the purpose and intent of travel. CBP officers also confirm the accuracy of the biographic manifest data that has been provided by the carriers, who are subject to fines for any missing or inaccurate data. For foreign nationals the person's fingerprint biometrics and digital photograph are collected and additional database checks are done to ensure there are no previous violations or any other risk factors that would warrant further inspection.

Once determining a visitor is admissible to the United States and there are no risk factors to indicate the person does not intend to comply with the terms of their admission, CBP will stamp the passport and indicate the duration of the allowable visit on the passport page. At the land border CBP officers also interview every traveler arriving in the United States for purpose and intent of travel. Fingerprint biometrics and digital photographs are collected from all visitors except for those exempt, which are most Canadians and Mexican citizens only traveling within the border economic zone.

CBP has reduced the number of acceptable identity documents from more than 8,000 a few years ago to a core set of six, allowing CBP to increase the percentage of documents verified and queried

through criminal and National security bases from 5 percent in 2005 to over 97 percent today.

Now that I have described our arrival processing I will outline the process for departing passengers and how we match the entry and exit information together. Air and sea carriers provide biographic manifest data for all departing travelers prior to leaving the United States. The carriers are required to provide specific sets of data, which include the name and passport number, and they are subject, again, to fines for missing or inaccurate data.

As you will remember, it is through this process that CBP apprehended the Times Square bomber, Faisal Shahzad, who was attempting to depart JFK Airport in 2010.

The biographic departure data is then able to be matched against arrival data to determine who has overstayed their period of admission. DHS maintains a separate system specifically for this purpose.

It is important to point out that determining lawful status is more complicated than simply matching entry and exit data. For example, a person may receive a 6-month admission period at a time at a port of entry but then apply to receive an extension of that 6 months, which is relevant to determining if that person truly overstayed or not.

The land borders environment is considerably different than that of air and sea. First, the traveler volume is significantly higher and includes various modes of transportation. There is also major infrastructure obstacles to the collection of an individual's data upon departure at the land border. There are a limited number of vehicle and pedestrian lanes upon departure and vehicles can depart the United States traveling at 50 miles an hour in some locations.

In order to begin to address these challenges CBP has developed innovative ways to collect exit information in the land environment on the Northern Border. CBP and the Canada Border Services Agencies have partnered to create a biographic entry-exit system on the shared land border by exchanging entry information so that information collected on an entry in one country is automatically recorded as an exit from another. This began on June 30, 2013, and CBP has collected over 1 million records from Canada and receive about 10,000 to 15,000 per day at a matching rate of over 98 percent. We are currently exchanging data on all third-country nationals but we will expand to include all citizens in June of next year.

Unfortunately, it is not feasible to simply replicate this on the Southern Border. Mexico does not have fixed physical structures at ports of entry to process travelers entering Mexico for immigration purposes, nor does it have data collection procedures similar to the United States and Canada. But we will continue to work with Mexico to explore ways to do this.

As CBP is advancing aggressively to enhance our existing capabilities and progressing our thoughtful and responsible path to deploy a biometric exit system, we are working in partnership with Science and Technology, part of DHS, to determine operational and technical concepts for a biometric air exit program. We are focusing on technology currently available that can seamlessly and transparently fit into the existing traveler process upon departure and eliminate major disruptions to travel and keep costs low.

We are building a facility to test biometrics with S&T by February 2014 and we do plan on testing the various biometric technologies throughout the course of the next calendar year. We do plan to implement a biometric exit test in a live airport in mid-2015.

But it is really important to point out that it is not so much the technology itself but it is where you place it in that process. If you place it too far in advance of departure what you are going to end up doing is really defaulting back to relying on a biographic system where we are just using the APIS closeout manifest to determine whether a person really or not traveled.

We want to be careful we don't create a system where we put biometrics into the process and we collect the biometrics and then the person leaves the airport and never boards the aircraft. So we want some assurances that that person actually got on-board that aircraft and really not just put biometrics into place just to say we did so but to do it in a thoughtful, deliberate, and meaningful way.

So thank you.

[The joint prepared statement of Mr. Heyman, Mr. Wagner, and Mr. Woods follows:]

JOINT PREPARED STATEMENT OF DAVID F. HEYMAN, JOHN P. WAGNER, AND JOHN P. WOODS

SEPTEMBER 25, 2013

INTRODUCTION

Chairman Miller, Ranking Member Jackson Lee, and other distinguished Members, thank you for the opportunity to appear before the committee to highlight the Department of Homeland Security's (DHS) critical work on implementing a biometric entry/exit system. Today, DHS manages a fully-functioning entry/exit system in the air and sea environments using biometric and biographic components. To illustrate the progress the Department has made, 10 years ago, screening of passengers coming to the United States was limited to the Department of State's (DOS) visa process, if applicable, for those individuals requiring a visa; passenger information provided voluntarily by air carriers; and the inspection of a person by an immigration officer upon their arrival at a United States port of entry. There was no biometric collection for visa applicants beyond photographs, nor for individuals seeking admission to the United States. There was very limited pre-departure screening of passengers seeking to fly to the United States and there was virtually no screening of any kind for domestic flights beyond passing through metal detectors at airport checkpoints. There was no advance screening of passengers seeking admission under the Visa Waiver Program (VWP), and interagency sharing of information on terrorist threats was minimal.

In the last decade, with the support of Congress, and by working with our international partners, DHS has significantly adapted and enhanced its ability to detect and interdict threats at the earliest opportunity. Individuals intending to travel to the United States under the VWP must now obtain authorization through the Electronic System for Travel Authorization (ESTA) program before boarding an air or sea carrier for travel to the United States. ESTA screens passengers against various Government databases and has virtually digitized the Form I–94W (Arrival/Departure Record) for authorized travelers from participating VWP countries. Additionally, all passengers seeking to fly to, from, or within the United States are similarly screened prior to boarding an aircraft under the Secure Flight program. For non-citizens, passengers' biometrics are collected and checked against terrorist watch lists prior to being issued a visa or being permitted to enter the United States, and agencies share information on known or suspected terrorists with each other. Further, we have developed new capabilities and systems (such as our Advanced Targeting System and Behavioral Detection program) to help identify possible terrorists and others who seek to travel to or within the United States to do harm.

It has long been a goal of the Federal Government to obtain accurate and timely data on those who overstay[1] their period of admission to the United States. Congress enacted legislation on implementing an entry/exit system to help achieve that goal. As part of a 2004 section of the legislation, such a system would require some form of biometric (i.e., fingerprints) to be collected when a foreign national enters and leaves the United States. The purpose would be to match entry and exit records and determine who is complying with their period of admission to the United States and sanction those who have not.

As you know, many countries use biographic data, which is essentially text data that is commonly included on a data page of a traveler's passport, such as name, date of birth, document information, and country of citizenship. A biographic system is an entry/exit system that matches the information on an individual's passport or other travel document when he or she arrives to and departs the country. By contrast, a biometric system matches data of a biometric or physical component from a person that is unique to an individual (i.e., fingerprints, a facial image, or iris scan) collected when a foreign national enters and leaves the United States.

While the United States did not build its border, aviation, or immigration infrastructure with exit processing in mind, the Department of Homeland Security piloted various biometric exit programs in 15 ports of entry to try to find a way to achieve such a system.[2] Through these pilots, we found that the limitations of existing technology plus the lack of infrastructure for departing passengers would require more than $3 billion in investments as well as significant disruptions to passengers and airlines for a biometric exit program in the air environment alone.[3] The Department has since worked to bring the existing biographic system to a level of fidelity equal to, or nearly equal to, a biometric system while continuing to pursue a more cost-effective biometric solution.[4]

Today, the Department manages a fully-functioning entry/exit system that tracks and identifies overstays. Specifically, the Department is now able, on a daily basis, to identify and target for enforcement action those who have overstayed their period of admission and who represent a public safety and/or National security threat. Moreover, we continue to move forward in building a biometric air exit system that can be integrated in the current architecture once it is cost-effective and feasible to do so.

A COMPREHENSIVE ENTRY/EXIT SYSTEM

Collecting entry and exit data is one part of a comprehensive entry/exit system. If we look at the totality of an entry/exit system, it extends beyond our physical borders to include a number of steps that may occur well before a visitor enters the United States and up to the point at which that same visitor departs the United States through a land, air, or sea port of entry/port of departure.

How DHS Collects Arrival Information

In instances where the individual needs a visa to enter the United States, information is captured at the time his or her visa application is filed with DOS along with additional information developed upon an interview with a consular officer. It is important to note that if the individual is from a Visa Waiver Program country and does not require a visa, he or she may be required to apply through ESTA. Information is then collected through the ESTA application.

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[1] An individual is deemed an overstay if he or she fails to leave the country within the authorized period of admission.

[2] There are emerging biometric technologies now available in the market that were unavailable at the time of the pilots. Accordingly, there will be additional opportunities to pursue research and development into a future biometric air exit system, on which Customs and Border Protection (CBP) and the DHS Science and Technology (S&T) Directorate are currently working together.

[3] U.S. airports do not have designated and assured exit areas for out-going passengers to wait prior to departure, nor do they have specific checkpoints through which an out-going passenger's departure is recorded by an immigration officer. Air carriers also have raised objections to this requirement, and in 2008, Congress directed DHS to conduct biometric pilots prior to establishing any new system. In the land environment, there are often geographical features that prevent expansion of exit lanes to accommodate additional lanes or the addition of CBP-manned booths.

[4] Typically, most countries use biographic information, which is essentially text data that is commonly included on a data page of a traveler's passport, such as name, date of birth, and country of citizenship. Text data can be electronically read through passport features based on international standards, such as a machine-readable zone or an e-Passport chip. A biographic system is an entry/exit system based on matching the information on an individual's travel document when he or she arrives to and departs the United States.

For travelers in the air and sea environment, DHS also receives passenger manifests submitted by air and sea carriers, which indicates every individual who actually boarded the plane or ship. This information is collected in DHS's Advance Passenger Information System (APIS) and then sent to the Arrival and Departure Information System (ADIS), where it will be held for matching against departure records.

When a nonimmigrant arrives at a U.S. port of entry and applies for admission to the United States by air or sea, the traveler is interviewed by a CBP officer regarding the purpose and intent of travel. His or her document is reviewed, law enforcement checks are run, and biometrics (fingerprints and photo) are screened against and stored in the DHS systems. If admission is granted, the CBP officer will stamp the traveler's passport with a date indicating his or her authorized period of admission. Based on electronic information already in DHS's systems, a Form I–94, Arrival/Departure Record, is electronically generated for that person and can be printed remotely by the individual if the individual needs it to provide evidence of legal entry or status in the United States. The form also indicates how long the person is authorized to stay in the United States.

When an individual bearing a nonimmigrant visa arrives at a land port of entry, the individual is sent to secondary inspection where biometrics are collected (if appropriate) and CBP may issue that person a Form I–94A, Departure Record, which records their authorized period of admission.

How DHS Collects Departure Information

Similar to the way DHS gathers passenger manifests prior to entry through the air and sea environments, DHS also collects through APIS passenger manifests submitted by commercial air and sea carriers departing the United States. Since 2008, collection of this information has been mandatory and compliance is near 100 percent resulting in a fully-functioning exit system in the air and sea environments using biographic data. Carriers are required to report biographic and travel document information to DHS for those individuals who are physically on the airplane or sea vessel at the time of departure from the United States and not simply on those who have made a reservation or scheduled to be on-board. DHS monitors APIS transmissions to ensure compliance and issues fines for noncompliance on a monthly basis. CBP transfers this data (excluding data for U.S. Citizens) to ADIS, which matches arrivals and departures to and from the United States.[5]

How DHS Addresses Overstays of Authorized Period of Admission

When information reveals that an individual is a confirmed overstay, the Department takes action, including working with DOS to revoke visas and apprehending individuals. Since fiscal year 2011, DHS has made substantial improvements to maximize our ability to identify, prioritize, and sanction confirmed overstays.

As of April 9, 2013, DHS has implemented the following system updates:

- *Automation of the flow of information between ADIS and the Automated Targeting System for Passengers ATS–P.*—CBP has updated the flow of information between ADIS and ATS–P to reduce manual processes for moving data between the two systems. This update saves time, improves processing quality, increases efficiency, and better protects privacy, as the transfer of information occurs through secure electronic means instead of manually saving information on portable devices.
- *Use of ATS–P to enhance name matching for overstay vetting.*—CBP has leveraged existing ATS–P matching algorithms, previously not available to ADIS, for the purposes of better matching names in entry and exit records, thereby improving the accuracy of the overstay list. Additional matching algorithms have helped identify matches that the original ADIS system may have missed.
- *Development of Basic Immigration and Customs Enforcement (ICE) Overstay "Hot List".*—CBP created an operational dashboard for ICE agents that automatically lists and prioritizes validated records of individuals who may have overstayed and who are likely still in the United States, pursuant to National security and public safety criteria. This reduces the previous manual process in the exchange of data between NPPD/OBIM and ICE and allows ICE to allocate resources to those cases of highest priority, on a near-real-time basis.
- *Implementation of an ADIS to IDENT interface.*—This effort created an interface between IDENT (the biometric database for DHS) and ADIS, the two sys-

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[5] DHS uses this information for a variety of immigration and law enforcement reasons, including to determine which travelers have potentially stayed past their authorized period of admission (i.e., overstayed) in the United States.

tems currently housed at the Office of Biometric Identity Management (OBIM).[6] This helps reduce the number of records on the overstay list by providing additional and better-quality data to ADIS, closing information gaps between the two systems.

- *Improved ability of ADIS to match United States Citizenship and Immigration Services' (USCIS) Computer Linked Adjudication Information Management System (CLAIMS 3) data*.—The Department has worked to improve the quality, timeliness, and relevance of data sent from CLAIMS 3 to ADIS, improving the ability of ADIS to match the data accurately with other records. Many aliens enter the United States and then extend or change their status lawfully, and therefore have not overstayed even though their initial period of authorized admission has expired.

By mid-fiscal year 2014, DHS plans to develop and deploy:

- *Unified Overstay Case Management process*.—Through a data exchange interface between ADIS and ICE's LeadTrac system,[7] overstay case management work is being migrated to one analyst platform, LeadTrac, for DHS. Additionally, ADIS will receive enhanced overstay case management updates from ICE.
- *Enhanced ADIS and Transportation Security Administration (TSA) Alien Flight Student Program (AFSP) data exchange*.—TSA relies on ADIS to identify overstays who are enrolled in the AFSP and provide them to ICE for action. ADIS will utilize existing overstay vetting operations to increase efficiency and prioritization of TSA AFSP overstays within the ADIS overstay population.
- *Enhanced Overstay Hot List*.—The Enhanced Overstay Hot List will consolidate immigration data from multiple systems to enable ICE employees to more quickly and easily identify current and relevant information related to the overstay subject. DHS will expand capability, including the use of additional law enforcement and counterterrorism data in the Hot List for ICE, which will return the results from multiple database queries in a consolidated dossier, from which analysts can more easily retrieve the relevant information.
- *User-Defined Rules*.—DHS will develop a capability for ICE agents to create new or update existing rule sets within ATS–P as threats evolve, so that overstays are prioritized for review and action based on the most up-to-date threat criteria.

The measures already in place have proven to be valuable in identifying, removing, and sanctioning overstays. The above DHS implementations have strengthened data requirements through computer enhancements, identified National security overstays through increased collaboration with the intelligence community, and automated manual efforts through additional data exchange interfaces. DHS looks forward to continuing this progress in fiscal year 2014.

The ICE Overstay Analysis Unit (OAU)

To support DHS's commitment to enhance its vetting initiatives across the full mission space of homeland security. The OAU vets the system identified overstay records to confirm status and prepare the records to be sent to the ICE Counterterrorism and Criminal Exploitation Unit (CTCEU) for possible law enforcement action. Specifically, the OAU analyzes biographical entry and exit records stored in OBIM's ADIS to further support DHS's ability to identify international travelers who have remained in the United States beyond their authorized periods of admission.

The OAU analyzes and validates two types of nonimmigrant overstay records: Out-of-country overstays (OCO) and in-country overstays (ICO). OCO records pertain to visitors who stayed beyond their authorized admission period and subsequently departed the country. The OAU validates these violations based on their reported departure dates and creates biometric and biographic lookouts for these subjects, in case the subjects attempt to enter the United States in the future. The out-of-country overstay violator look-outs are posted in two separate databases: The IDENT Secondary Inspection Tool and CBP's TECS[8] to alert and notify Department

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[6] OBIM supports DHS components by providing matching services against its databases (IDENT and ADIS collectively) and returning any linked information when a match is made as they vet individuals already encountered by DHS to identify known or suspected terrorists, National security threats, criminals, and those who have previously violated U.S. immigration laws.

[7] LeadTrac is an ICE system designed to receive overstay leads to compare against other DHS systems and classified datasets to uncover potential National security or public safety concerns for referral to ICE field offices for investigation. The system employs a case management tracking mechanism to assist with analysis, quality control reviews, lead status, and field tracking.

[8] TECS (not an acronym) is the updated and modified version of the former Treasury Enforcement Communications System. It is owned and operated by CBP.

of State consular officers and CBP officers of a subject's violation before he or she is granted a visa or re-entry to the United States. In-country-overstay records pertain to visitors who remain in the United States with no evidence of departure or adjustment of status upon expiration of the terms of their admission. The OAU reviews and validates these ADIS system-identified violations based upon ICE identified categories of interest.

Typical overstay violators are addressed by nonimmigrant overstay leads, which are used to generate field investigations by identifying foreign visitors who violate the terms of their admission by remaining in the United States past the date of their required departure and who meet the Department's enforcement priorities.

VWP violators are addressed by CTCEU's Visa Waiver Enforcement Program (VWEP). Visa-free travel to the United States builds upon our close bilateral relationships and fosters commercial and personal ties among tourist and business travelers in the United States and abroad. Today, ICE regularly scrutinizes a refined list of individuals who have been identified as potential overstays who entered the United States under the VWP. One of the primary goals of this program is to identify those subjects who attempt to circumvent the U.S. immigration system by obtaining travel documents from VWP countries.

The ICE CTCEU

In 2003, DHS created CTCEU, which is the first National program dedicated to the enforcement of nonimmigrant visa violations. Each year, the CTCEU analyzes records of hundreds of thousands of potential status violators after preliminary analysis of data from the Student and Exchange Visitor Information System (SEVIS)[9] and the OAU[10] along with other information. After this analysis, CTCEU determines potential violations that warrant field investigations, (based on National security or public safety concerns) and/or establishes compliance or departure dates from the United States. Between 15,000 and 20,000 of these records are analyzed each month and over 2 million such records have been analyzed using automated and manual review techniques.

Today, through the CTCEU, ICE proactively develops cases for investigation in cooperation with the Student and Exchange Visitor Program (SEVP)[11] and the OAU. These programs enable ICE agents to access information about the millions of students, tourists, and temporary workers present in the United States at any given time, and to identify those who have overstayed or otherwise violated the terms and conditions of their admission and identified as National security or public safety concerns. To ensure that the potential violators who pose the greatest threats to National security are given priority, ICE uses intelligence-based criteria, developed in close consultation with the intelligence and law enforcement communities.

ICE special agents and analysts monitor the latest threat reports and proactively address emergent issues. This practice, which is designed to detect and identify individuals exhibiting specific risk factors based on intelligence reporting, including travel patterns, and in-depth criminal research and analysis, has supported high-priority National security initiatives based on specific intelligence.

ENHANCING THE DEPARTMENT'S EXIT SYSTEM

In 2003, DHS began development of a biometric entry/exit system and, in 2004, fully implemented a biometric air entry solution into existing inspection booths that is currently in operation. Biometric land entry was deployed between 2004–2005. By contrast, implementing a biometric exit capability has been a significant challenge. The air environment afforded a single point where travelers were processed for admission to the United States and biometrics could be incorporated, whereas our airports were never architected for an exit control. DHS remains committed to maximizing the efficiency and effectiveness of the current entry/exit system, and has made progress in the last few years.

In May 2012, DHS provided a report[12] to the House and Senate Appropriations Committees that described the Department's plan for enhancing its existing biographic exit program. As part of this plan, various DHS components have been and are currently strengthening systems and processes in order to improve the accuracy of data provided to ADIS. This will enable ADIS to more accurately match entry and exit records and determine who may constitute an overstay, and whether that

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[9] SEVIS is the database used for monitoring certified schools, F, M, and J non-immigrant students, and their dependents.
[10] OAU is in ICE's National Security Division and is a "sister" unit to the CTCEU. The CTCEU and OAU work collaboratively to identify and enforce overstays.
[11] SEVP is the program that facilitates and manages SEVIS.
[12] *Comprehensive Exit Plan, Fiscal Year 2012 Report to Congress.*

person presents a National security or public safety concern. Data that is entered into ADIS comes from a variety of sources in the Department including USCIS, CBP, and ICE. In addition, DHS has also identified mechanisms to improve the "output" of ADIS, to ensure ICE investigators receive priority high-risk overstay cases for resolution in a timely fashion, and to ensure other ADIS stakeholders (such as CBP, USCIS, and DOS) receive the best possible information with which to make immigration decisions.

To continue to explore the feasibility of a cost-effective and efficient biometric exit solution, in March 2013, CBP and S&T initiated a joint Air Entry/Exit Re-Engineering (AEER) Apex project [13] to determine how and when a biometric air exit concept would be feasible. The purpose of the AEER Project is to analyze, develop, test, pilot, and evaluate integrated approaches to biometrically confirm the departure of non-U.S. citizens at U.S. airports, as well as to introduce more efficient traveler facilitation processes and effective biometric technologies to screen travelers entering the United States.

Land Entry/Exit Program

Today, as part of the Beyond the Border Action Plan,[14] the United States has a fully functioning land border exit system on its Northern Border for non-U.S. and non-Canadian citizens in addition to the existing air and sea entry/exit system. In fiscal year 2012, approximately 72 million travelers entered the United States through the border with Canada. Canada and the United States agreed to exchange land entry records at ports of entry along the U.S.-Canadian border in such a manner that land entries into one country will serve as exit records from the other. Canada and the United States began with a pilot program that exchanged data on third-country nationals at several land ports during a 4-month period that ended in January 2013.[15] During the pilot, the United States was able to match 97.4 percent of records received from Canada to existing entry records.

The second phase of the project was deployed on time on June 30, 2013.[16] During this phase, Canada and the United States are exchanging the entry data for third-country nationals, permanent residents of Canada, and U.S. lawful permanent residents in the United States, who enter through all automated common land ports. Over 1 million records have been received from the Canada Border Services Agency since Phase 2 was initiated and the match rate of exit records received from Canada against existing U.S. entry records are over 98 percent.

By June 30, 2014, Canada and the United States will implement the third phase of the project, expanding the program to include the exchange of entry data for all travelers (including U.S. and Canadian citizens) who enter through any automated common land ports on the Northern Border. Overall, this initiative is expected to enhance the ability to identify departures and successfully match entry and exit records at the land border for the first time.

Entry/Exit Going Forward

A comprehensive entry/exit system is key to supporting DHS's mission. However, the Department's continuing efforts to improve the entry/exit system a system should not be construed to mean that DHS does not already have a functioning exit/entry system in place. The Department continues to close the entry/exit gap by matching information obtained through air and sea manifests and exchanges with Canada. This year, through the fiscal year 2013 DHS appropriation, CBP was tasked with the entry/exit mission, including research and development into biometric exit programs. CBP has also established an Entry/Exit Transformation Office dedicated to managing and coordinating the entire spectrum of entry/exit efforts, including expansion of the entry/exit effort with Canada at the land border. This office is pursuing every opportunity to leverage DHS's investments in the Southwest Border and those that can be obtained in partnership with Mexico. Other projects to enhance exit management include an audit of airline manifest departure data in September and October to establish a biographic baseline to measure the success of future biographic and biometric exit solutions and improvements. In addition, the audit will allow CBP to ensure the credibility of APIS data used to calculate the overstay rates.

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[13] Apex Programs are S&T initiatives that focus on cross-cutting or multi-disciplinary efforts, which are initially requested by DHS components and are of a high-priority, high-value, and urgent nature.

[14] *United States-Canada Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness, December 2011 Action Plan.*

[15] The four locations were Peace Arch, Pacific Highway, Rainbow Bridge, and Queenstown/Lewiston.

[16] *http://www.cbp.gov/xp/cgov/newsroom/news_releases/national/07032013.xml.*

Working with S&T, the office is establishing a physical facility that mimics real-life port scenarios. This facility, which will be operational in early 2014, will be used to test the latest in technological advancements in biometrics that may be candidates for use in matching departure information to arrivals. Only through this testing can CBP and S&T identify and qualify potential solutions, as well as assess the economic impacts of such solutions. As the test facility is being built this fall, CBP will develop strategies, goals, and objectives for the biometric air exit system that will be used to inform the testing process that will begin in 2014.

DHS anticipates that these initiatives will enhance the existing entry/exit system in a myriad of ways that support our mission. The comprehensive entry/exit system will:

- Take full advantage of, and enhance the existing automated entry/exit capability that produces information on individual overstays;
- Incorporate and use biometric information as technologies mature and become more affordable;
- Improve DHS's ability to take administrative action against confirmed overstays, enhancing the Department's ability to take administrative action as quickly as possible—including visa revocation, prohibiting re-entry into the United States, and placing individuals on look-out lists, as necessary;
- Support further the administration and enforcement of our country's immigration laws—by improving DHS's ability to identify who exits the United States, thus deterring individuals from remaining in the country illegally; and
- Enable DHS to better maintain a focus on individuals who may wish to do us harm and facilitate the legitimate travel of those who do not, while protecting the privacy of U.S. citizens and legal permanent residents.

DHS will continue to consider the traveler, stakeholders, and the Department when architecting a system that is easily adapted to current physical and infrastructure limitations, minimizes disruptions to travel, proves to be cost-effective, and is flexible enough to address not only current requirements but also to anticipate future ways of conducting business.
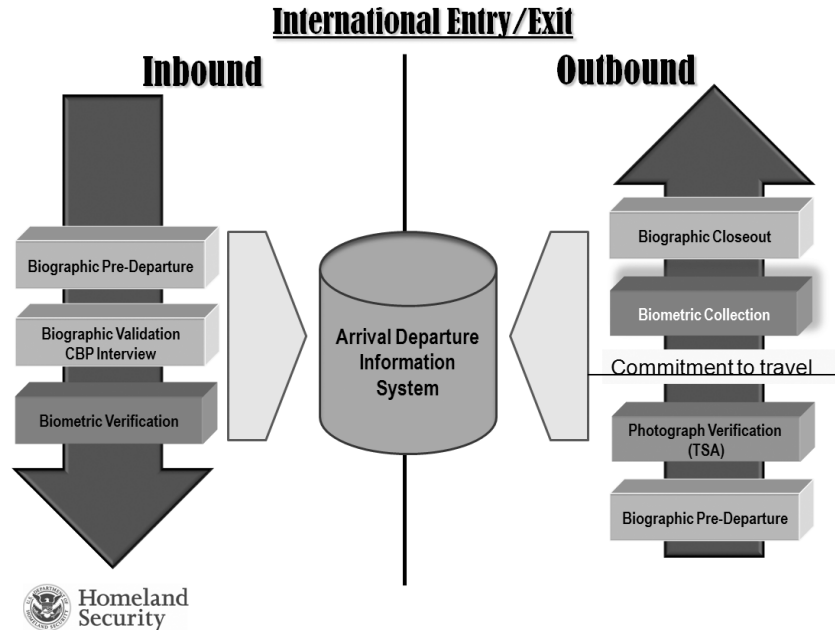
CONCLUSION

Despite significant challenges, over the past several years, DHS has implemented and now manages a fully-functioning entry/exit system in the air and sea environments, and is continuing to enhance capability for land. While the United States did not build its border, aviation, or immigration infrastructure with exit processing in mind, the Department of Homeland Security has worked to bring the existing biographic system to a level of fidelity equal to, or nearly equal to, a biometric system while continuing to pursue a more cost-effective biometric solution.

Specifically, the Department is now able, on a daily basis, to identify and target for enforcement action those who have overstayed their period of admission and who represent a public safety and/or National security threat. Moreover, we continue to move forward in building a biometric air exit system that can be integrated in the current architecture once it is cost-effective and feasible to do so.

While implementation of a robust and efficient biometric solution will take time, DHS has and will continue to take appropriate steps to evaluate emerging biometric technologies and work with appropriate public and private-sector stakeholders, such as the airlines and airports and other Federal agencies.

The Department's continuing efforts to improve the entry/exit system should not be construed to mean that DHS does not already have a functioning exit/entry system in place. Rather than wait for a time when funding or capabilities are sufficient to implement a fully biometric system, the Department has built and is improving on a system that is effective today—and one which we will continue to enhance in the future.

Thank you.

International Entry/Exit

Inbound   **Outbound**

Biographic Pre-Departure

Biographic Validation
CBP Interview

Biometric Verification

**Arrival Departure
Information
System**

Biographic Closeout

Biometric Collection

Commitment to travel

Photograph Verification
(TSA)

Biographic Pre-Departure

Homeland
Security

Mrs. MILLER. Thank you.

The Chairwoman now recognizes Mr. Woods for his testimony.

**STATEMENT OF JOHN WOODS, ASSISTANT DIRECTOR, IMMI-
GRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT
OF HOMELAND SECURITY**

Mr. WOODS. Chairwoman Miller, Ranking Member Jackson Lee, and distinguished Members of the subcommittee, it is a pleasure to be back before this subcommittee and have the opportunity to discuss ICE's Homeland Security Investigation's on-going efforts to identify and target for enforcement action those who have over-stayed their period of admission and who represent a public safety or National security threat to this country.

The HSI overstay analysis unit utilizes entry and exit records stored in the Arrival and Departure Information System, or ADIS, to better identify international travelers who have remained in the United States beyond their authorized period of admission. In this process HSI analysts vet the ADIS potential violators against a multitude of other DHS data sets to enhance the accuracy of the ADIS data and determine the prioritization of the potential leads. This analysis supports the Department's commitment to enhance its vetting initiatives across the full mission spectrum of Homeland Security.

HSI analysts validate two types of nonimmigrant overstay records: Out-of-country overstays and in-country overstays. The out-of-country overstay records pertain to visitors who have stayed beyond their authorized period of admission and subsequently de-part the United States. The overstay analysis unit validates these

violations based on the reported departure dates and creates a biometric and biographic look-out for these subjects.

These look-outs of the out-of-country overstay violators are posted in two separate databases: The IDENT Secondary Inspection Tool and CBP's TECS. The look-out records alert and notify the State Department consular offices and CBP offices of the violation before that individual is either: (A), granted a new visa, or (B), tries to reenter the United States.

The in-country overstay records pertain to visitors who remain in the United States without no evidence of departure nor change or adjustment of their immigration status upon expiration of their term of admission. The overstay analysis unit reviews and validates these ADIS-system-identified violations based on ICE-determined, ICE-identified categories of interest.

The overstay analysis unit makes the overstay and status violation referrals to HSI's counterterrorism and criminal exploitation unit, who in turn attempt to identify and locate leads within the United States where the overstay status violator may be located by special agents in the field for their investigation of the person's status and/or ability to remain lawfully in the United States.

The CTCEU prioritizes cases for investigations from several potential violator categories. The first, of course, is the ADIS leads that we have discussed from the overstay analysis unit that provide those non-immigrant overstay leads and potential visa waiver program overstay leads.

Another source is the admitted watch-list leads. This includes the records of individuals who, at the time of admission to the United States, were subject to a watch-listed record containing derogatory information that did not render the individual inadmissible to the United States but did warrant monitoring of their visit.

Additionally, CTCEU monitors individuals who, after the entry, have had their visas revoked by the Department of State. Although these individuals may still be within their lawful period of admission, an investigation is warranted to determine whether a violation of the terms of their admission have occurred.

Then finally, due to the duration of status admission period provided to foreign students in the F, J, and M visa categories, the CTCEU conducts recurrent vetting of the Student Exchange Visitor Information System to actively monitor whether new derogatory information is developed or obtained on an active student and which may warrant further investigation by a field special agent.

The HSI CTCEU is the only National program dedicated to enforcement of the non-immigrant visa violations and is responsible for identifying and targeting those non-immigrant visa-holders who could pose a threat to National security or public safety. Each year the unit analyzes records of hundreds of thousands of potential non-immigrant violators. The CTCEU uses an intelligence-based criteria developed in close consultation with the intelligence and law enforcement communities to ensure that the latest information is incorporated into our targeting process.

When potential threats are identified the unit refers a case for investigation to HSI field agents located throughout the United States. In all, this unit has the support of dedicated special agents

in 200-plus field offices throughout the United States to accomplish this important mission.

Again, we continue to make great progress in our ability to identify and target for enforcement action those who have overstayed their period of admission and who represent a public safety or National security threat to the country. Recent technological advances have created an unprecedented opportunity for HSI to identify and mitigate National security and public safety threats in a more efficient and expeditious manner than ever before.

I want to thank the Chairwoman for inviting me here today to discuss this important topic, and I look forward to answering any questions that you may have.

Mrs. MILLER. Thank you very much, Mr. Woods.

The Chairwoman now recognizes Ms. Gambler for her testimony.

STATEMENT OF REBECCA GAMBLER, DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Ms. GAMBLER. Good morning, Chairwoman Miller, Ranking Member Jackson Lee, and Members of the subcommittee. I appreciate the opportunity to testify at today's hearing to discuss GAO's work reviewing Department of Homeland Security efforts to plan for and implement a system to collect biometric data from foreign nationals at U.S. ports of entry. Such a system is intended to help the Department in its efforts to identify potential overstays, among other goals.

Beginning in 1996, Federal law has required the implementation of an entry and exit system, and in 2004 DHS was mandated to develop a plan to accelerate full implementation of a biometric entry-exit system. Currently DHS collects biographic information from foreign nationals entering and departing the country through airports and, on a more limited basis, at land ports.

Since 2004 DHS has collected biometric information, namely fingerprints, from foreign nationals entering the United States. However, the Department has not yet developed and implemented a biometric exit capability, as required by statute.

We have issued a number of reports on DHS's efforts to implement a biometric exit system, identifying weaknesses in the Department's planning and management. My remarks today will focus on actions DHS has taken to strengthen its biographic exit data and DHS's current planning efforts for a biometric air exit capability, which we reported on this past July.

With regard to collecting biographic exit data, we found that DHS has taken action to improve both its collection and use of such data. For example, DHS is working to address weaknesses in collecting exit data at land borders by implementing the Beyond the Border Initiative, through which the United States and Canada exchange data on travelers crossing the Northern Border. Because an entry into Canada constitutes a departure from the United States, DHS will be able to use Canadian exit-entry data as proxies for U.S. departure records.

DHS has also taken steps to strengthen its use of biographic data to identify potential overstays by, for example, enhancing the

connections among components' databases to reduce the need for manual exchanges of data.

While these are positive steps, DHS has faced significant challenges in developing and implementing a biometric exit capability. Some of these challenges include determining efficient mechanisms for collecting biometric data that do not disrupt passenger flows through airports and capturing biometric data at the point of departure.

In May 2012 DHS reported internally on the results of its analysis, researching long-term options for a biometric air exit capability. In that report DHS concluded that the building blocks for implementing an effective system were available but that significant questions remained regarding, for example, the additional value biometric air exit would provide over the current biographic air exit process and the overall value and cost of a biometric capability.

That report made recommendations to support the planning and development of a biometric air exit capability, such as for DHS to develop goals and objectives for its efforts and an evaluation framework to assess whether biometric air exit is economically justified. DHS initially planned to address those recommendations by May 2014 but now it does not plan to meet that date. Rather, DHS plans to develop options for biometric air exit and report to Congress regarding benefits and costs in time for the fiscal year 2016 budget cycle.

DHS has also developed a high-level plan for its biometric air exit efforts but this plan does not identify the tasks needed to be completed for an evaluation framework. Further, the time frames in the plan are outdated.

We recommended that the Department set time frames and milestones for developing and implementing an evaluation framework for assessing biometric air exit options. DHS concurred with this recommendation and stated that it plans to finalize goals and objectives by January 2014 and an evaluation framework by June 2014.

We will continue to monitor DHS's efforts in response to our recommendation.

In closing, DHS has faced long-standing challenges in making progress toward meeting the statutory requirement for biometric exit capabilities. While DHS has planning efforts underway to assess options for a biometric air exit system, any delays on the part of DHS in providing the planned assessment to the Congress could further affect implementation of a biometric air exit system.

This concludes my oral statement, and I would be pleased to answer any questions that Members may have.

[The prepared statement of Ms. Gambler follows:]

PREPARED STATEMENT OF REBECCA GAMBLER

SEPTEMBER 26, 2013

BORDER SECURITY.—ADDITIONAL ACTIONS NEEDED TO IMPROVE PLANNING FOR A
BIOMETRIC AIR EXIT SYSTEM

GAO–13–853T

Chairwoman Miller, Ranking Member Jackson Lee, and Members of the sub-committee: 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 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

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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.

[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, DC: July 30, 2013); *Homeland Security: US–VISIT Pilot Evaluations Offer Limited Understanding of Air Exit Options,* GAO–10–860 (Washington, DC: Aug. 10, 2010); *Homeland Security: Key US–VISIT Components at Varying Stages of Completion, but Integrated and Reliable Schedule Needed,* GAO–10–13 (Washington, DC: 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, DC: 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, DC: 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, DC: 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, DC: Feb. 23, 2005).

[5] GAO–10–13.

[6] GAO–13–683.

Identification System, which maintains biometric information that DHS 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 on-going 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.

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 time line 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 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]

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

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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, DC: 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, DC: Apr. 15, 2011).

[14] GAO–13–683.

[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, DC: May 2012).

[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.

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 cross-cutting, multi-disciplinary 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 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 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

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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, DC: Nov. 30, 2012).

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

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.

Chairwoman 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.

Mrs. MILLER. Thank you very much, Ms. Gambler.

I would ask unanimous consent that the gentleman from Texas, Mr. Smith, is permitted to sit on the dais and participate in the hearing.

Without objection, so ordered.

You know, we always hear, just, I guess for my own clarification—we are always hearing about how many folks are here illegally in the country. I just would ask the question, I guess, any of you: How many people actually are here, your best guess, how many people are actually in the country illegally as a result of visa overstays?

Mr. Wagner, what is your—if somebody asked you that, what would you say?

Mr. WAGNER. I am really not sure of what that number would be. I would be hesitant to even guess. I think, you know, we have committed to publishing the overstay rates by the end of the calendar year and, you know, we look forward to being able to do that. But can't give you a number today on what that would be.

About a million people a day arrive in the United States. You know, roughly 40 percent of them are U.S. citizens so figure about 60 percent are visitors, but it is, you know, it is a high volume of people coming in every day at the different ports of entry.

Mrs. MILLER. Yes.

Either of the other two have any number that they want to put forward as their best guess?

Mr. WOODS. Chairwoman, I think it would be premature to state a number at this time. I think, like Mr. Wagner said, the Office of Immigration Statistics is supposed to publish numbers by the end of this calendar year. That comes out of DHS Office of Policy.

We report those numbers that we get out of the ADIS system to them. Historically, those numbers could not be validated correctly.

Through the last 3 years we have made major investments into enhancing our technological capability to cross systems and cross data through the DHS spectrum. In doing that we feel we are getting better numbers and being able to validate those numbers, and I think once the statistics come out they will speak for themselves.

Mrs. MILLER. Ms. Gambler.

Ms. GAMBLER. I would just add to that that since 1994 DHS or its predecessor has had a statutory requirement to report annual overstay estimates. The Department has not done that historically because of concerns about the reliability of the data they have on potential overstays.

As the two gentlemen to my right mentioned, DHS is planning to report overstay estimates by the end of the year. I think it will be important for us to look at what those estimates are. I think it will also be important, as we reported, for DHS to disclose what any of the limitations are of that data and the methodology and methodologies they used to calculate that data so that we can assess what the estimates are and what they show.

Mrs. MILLER. I appreciate you making that—and very important to note that.

So just sort of a follow-on question. I guess I am going to get the same answers. Could you give us your best guess of how many actually leave annually and are noted by our current systems and then how many we think are sort of lost into the system? You have any comment on that or are you going to wait till the end of the year again?

Mr. WAGNER. I think that is going to tie into the overstay rates that, you know, we will be publishing by the end of the year.

Mrs. MILLER. Mr. Woods, same answer?

Mr. WOODS. I would agree with him, yes.

Mrs. MILLER. Yes.

Ms. Gambler, you have anything about that?

Ms. GAMBLER. Again, I would just add that in our July 2013 report we did identify that there were over 1 million unmatched arrival records in DHS's system. Those are records for which DHS has data on entry but not a corresponding record that the person either departed the country or applied for a change in status. Some number of those are potentially overstays or are overstays and some number may have departed or changed status without a record. So there is at least a million for which we have an entry record but don't have a corresponding record of departure or change in status.

Mrs. MILLER. Well, I appreciate all the answers, and we are all very well aware of the situation and are looking forward to the report at the end of the year.

I just asked that basic question because I think it points out how vulnerable the United States of America is. We can't even figure out how many are here, how many are lost in the system. Evidence of why we need to do something much more structurally about pushing to make sure that we have a very robust exit system. This is not a good security posture for the United States to be in, in my opinion.

I was just taking some notes, Mr. Wagner, as you were speaking about—and maybe I got my numbers here wrong—you were saying there were 10,000 to 15,000 per day leaving through the Northern Border, some of them going, as you mentioned 50 miles an hour, so they are just passing through without anyone being able to check of who they are, what they are leaving, et cetera, et cetera.

But I think it is of note that what is happening with the Beyond the Border agreement between the United States and Canada is

such an important document, really, a historic document, and the relationship that we have with Canada, who is our closest ally, our best friend, our biggest trading partner, as well. I always remind people, particularly when we are doing free trade agreements, Canada is—I mean, I come from Michigan; that is our biggest trading partner—but Canada is the United States' biggest trading partner, as well.

So when you think about the ability to be able to exchange information between our two nations but then you subsequently said we had nothing really similar with the Mexican government, could you expand on that a little bit? Did I get my numbers right? We are getting 10,000 to 15,000 people per day going into that?

Just as a follow-up, you have any idea, again, of percentages; how many people are leaving on the visas that are going through the Northern Border as opposed to the Southern Border?

Mr. WAGNER. We developed a very practical and cost-efficient process with our partners in Canada, the Canada Border Services Agency. You know, we are exchanging that biographic information so the entry into Canada serves as the exit from the United States.

Right now we are just doing a third-country national, so non-U.S., non-Canadian travelers, and it is about 10,000 to 15,000 records per day. We are matching that at about a 98 percent rate to their entry record into the United States.

Next year we will be expanding that to include all travelers going back and forth from the border. So it is a very cost-effective and practical way to do it.

Canada, unlike the comparison to Mexico, Canada does do, you know, almost 100 percent of recording and querying of travelers entering Canada at the land border, much like we do. Mexico, not so much. They just don't have the infrastructure or the procedures or policy in place to query every single traveler going into Mexico, much like we did 10 years ago. We were only querying about 5 percent of land border travelers through our databases and our watch lists and our National security files and recording that entry.

Thanks to a lot of the actions of Congress to be able to fund us to implement the Western Hemisphere Travel Initiative, you know, that number is over 98, 97 percent now of travel held to query at the land border. So Canada implemented a similar process to query travelers so we can exchange that information.

So the path forward with Mexico, we need to sit down and discuss with them and the choices are, do we build an exit infrastructure on our side of the border or do we work with Mexico to help them build their capacity entry into the land border? You know, I think there is—it is going to be huge cost either way we do it. You know, we will have to look at the pros and cons and the discussions with Mexico on, you know, what the feasibility is for them to be able to do it to replicate what we have done with Canada.

Absent that, we would have to build a similar, you know, process as we have inbound on the U.S.-Mexico border to replicate southbounds, but, you know, you are talking just if you just put technology in at the existing footprint I believe it is over a $500 million price tag to replicate that.

The land border footprint for exit would nowhere near have the capacity to mimic an in-bound process. You are looking at tremen-

dous amounts of capital improvement, expansion of the exit lanes, and when we talk about the 50 miles an hour, you know, cars will just take on the highway across the border. They will stop in Mexico but they are not stopping in the United States and then stopping again at a lot of the places.

So there are some very, very significant challenges I think we need to address with Mexico to draw the same comparison to what we have got with Canada.

Mrs. MILLER. I appreciate that.

Chairwoman now recognizes our Ranking Member, Ms. Jackson Lee.

Ms. JACKSON LEE. Let me thank the Chairwoman.

Let me also thank all of the panelists, witnesses, for your service. It is much appreciated.

This is a time that Members raise questions but also engage in our reason for being and doing this work, and I value my Chairperson's comments and input because we work so well together. I agree that our responsibility and why we are joining in on this bipartisan bill that we have just introduced this week is the idea of securing the border. That means to keep the persons in the United States safe and to know who is in the United States. I take that as a given.

As I listen to the numbers of returning persons, some 60 percent would be foreign individuals or noncitizens. Maybe in those noncitizens would be returning U.S. military personnel, many of whom are not yet citizens but are willing to sacrifice their lives for this Nation.

So my earlier point stands: We are long overdue with a comprehensive approach to immigration reform, which means that we would have such elements as a strong border security effort. I think what we passed in Homeland Security makes that statement, and so I hope that we will see comprehensive immigration reform moving forward because people are concerned, lives are concerned, and this Congress has fiddled around too long with comprehensive immigration reform. Piecemeal approach may not be the most effective approach because it does not answer some of the concerns that have been expressed by the very groups that we and people that we represent.

So I am just hoping that as we move this legislation, very forward-thinking legislation, along that I make it very clear that I am not stepping away from the responsibility of this body to have comprehensive immigration reform now, now, and now.

Mr. Wagner, let me ask you, you have been given this mandate or your other entities have now moved into your agency in the Department of Homeland Security—it was somewhere else before in the Citizens Services—this issue of a biometric effort. What is your honest opinion as to how long it will take for CBP to identify a cost-effective biometric and how long it would take you to get it in process?

As the Chairwoman said, we are about 12 years or I know 2004, it is about 8 years—12 years away from 2001 but 8 years away from the mandate in 2004. Help us understand whether any legislation that we pass here in the Congress is going to move CBP, now handed this responsibility, any faster along.

Mr. WAGNER. Thank you for the question. You know, we are working with the Science and Technology branch, a part of DHS. We are building a test facility in January or February 2014 that we will spend calendar year 2014 evaluating different biometric approaches to doing this and, more importantly, also where is the right part in the process to put those biometrics. You know, we want——

Ms. JACKSON LEE. Can I stop you for a moment?

Mr. WAGNER. Yes.

Ms. JACKSON LEE. Mr. Wagner, you know I appreciate your service very much. Didn't you already have a pilot process previously?

Mr. WAGNER. We have piloted, along with DHS, some different approaches to doing this. We had officers with hand-held devices collecting fingerprints. You know, that is about a $3 billion solution to be able to do that. That is something, yes, we could do, you know, provided we had the funds and the staffing to do that.

But we really want to make sure we have got a process in place that gives us the assurances the person got on-board the plane and left the country. When we looked at the old pilots we had done years ago with just the kiosk, you know, a traveler can go up there, register their fingerprints, and then leave the airport. Then you are defaulting back to the biographic system of relying on the APIS manifest from the airline to determine whether or not the person actually got on-board the plane and didn't swap boarding passes with someone else, which is a real risk.

You know, we don't want to just, you know, spend all this money and create a process that at the end of the day it is really only marginally better than the biographic system we have in place today. So we want to take a very deliberate and structured approach to testing the different technologies and coming up with the concept of operations on where do you put this right; what is the right technology and where do you put it at the right place in the process that give us the assurances that this is a meaningful and deliberate effort that we can do it? That is really where the challenge with us lies.

So we will spend next calendar year looking at and developing these things. We do want to run a pilot. We are projecting the middle of 2015 to be live at a mid-size airport and piloting some type of biometric exit.

I would think later on, then, in 2015 we will be able to come back to you with an implementation plan and schedule and, most importantly, what are the costs to be able to do——

Ms. JACKSON LEE. I don't want you to use what does not work, but can you state for the record that DHS and your particular sector in particular, is there a sense of urgency, and so when you talk about the piloting process and testing, is there that sense of urgency, No. 1, to get the best product, which is what you are telling me and we appreciate your expertise, but that this is really urgent and that Congress really wants you to engage in this?

Mr. WAGNER. There is absolutely a sense of urgency for us to do this. We want the biometrics. As law enforcement officers we want these biometrics. We want as many sources of data as we can run people through to support our law enforcement and National security mission.

Make no mistake about that. We want to get it. But we want to do it in a way that we don't shut down or gridlock air travel and end up risking losing that authority down the road because we didn't implement it properly.

So we want to be very deliberate about how we do this and do it in a structured approach. But yes, absolutely. There is a sense of urgency for——

Ms. JACKSON LEE. If Congress added to this initiative, border security, a comprehensive approach to immigration reform, would that help you as well?

Mr. WAGNER. How so? Not quite sure I understand——

Ms. JACKSON LEE. If we passed a comprehensive immigration approach legislation along with what we are discussing today, along with border security, would that help as well?

Mr. WAGNER. Well, it would certainly help for us to look at what would the costs be and the structure be to be able to do this and some clarity on what, you know, a new comprehensive immigration system would look like, what changes would be. But it certainly would—it could help—us.

Ms. JACKSON LEE. Mr. Woods, how many people have you—ICE has deported?

Mr. WOODS. Annually we deport about 400,000 individuals.

Ms. JACKSON LEE. Is that a higher number than you have had in the past?

Mr. WOODS. Yes.

Ms. JACKSON LEE. How would this system improve the ability to be fair in your system? As you well know, there are certainly concerns of deportations, but how would this help your system?

Mr. WOODS. The biometric exiting?

Ms. JACKSON LEE. Yes.

Mr. WOODS. Yes. Biometric exits, like Mr. Wagner said, would give us more data to look at and determine and identify those individuals who have overstayed their terms of admission so we can better find out the individuals we want to look for and to apprehend and deport from the United States, as opposed to, as the Chairwoman said in her opening statement, chasing, using our scarce resources to chase people that are ghosts that may have already departed, so with a system attaining more data but not necessarily reduce the number of overstays.

Ms. JACKSON LEE. I thank the Chairwoman.

Mrs. MILLER. Thank you very much.

Chairwoman now recognizes gentleman from Pennsylvania, Mr. Barletta.

Mr. BARLETTA. Thank you, Madam Chairwoman. I want to thank you for calling this hearing. This has been something that has been very important to me since I was a mayor back in 2006, dealing with the problem in my city, which really shined a light on the fact that our problem with illegal immigration isn't just people crossing the Mexican border. We saw that first-hand.

In 1996, I am going to direct this to Mr. Wagner, in 1996 Congress passed a law calling on Congress to collect biometric data. DHS now maintains that they have a plan underway by 2016 to report to Congress on the cost and benefits. That is 20 years to come up with a report on the costs and benefits.

Fourteen other nations have already done this. In fact, New Zealand is on their second generation of technology.

You know, back in 1961 John F. Kennedy challenged America by saying that we would set a goal to send a man to the moon safely before the end of the decade. Today it is going to take us 20 years to report to Congress a plan on the costs and benefits. I just wonder what John F. Kennedy would say today if he was sitting on this committee.

Could you tell me why it has taken so long when we know for a fact that visa overstays is the preferred entry into this country by terrorists?

Mr. WAGNER. Well, thank you for the question. The responsibility for this was assigned to Customs and Border Protection this past April, you know, and we are pursuing a plan to be able to do that. It is a very complicated system.

We have worked and implemented the biometric inbound part of that. We have supported that with the biographic capability to know who is leaving via commercial air and sea. We have made great progress on the Northern Border with the biographic approach for travelers, you know, leaving the United States into Canada, which I talked about earlier.

But it is a very complicated system. You know, we have run pilots in the past, we have looked at, okay, you know—I have no doubt we can set up a system to collect biometrics and match them from a previous encounter. We do it every day today.

State Department collects the biometrics when they issue a visa; couple weeks or months later we see the person arrive in the United States, we take their fingerprints again and we match them up. That is the easy part of it.

It is where do you put it into that travel process that, No. 1, it is meaningful, and No. 2, we just don't shut down air travel because we backed up, you know, people—the line is so bad that the departures are delayed. Because really, if we don't put it at the right place in the process and we don't know that the person actually boarded the aircraft we have really only minimally improved the existing process we have today.

Mr. BARLETTA. If I could just interrupt you, I understand that it is complicated. I am sure President Kennedy thought it was complicated to send somebody to the moon and bring them back when we didn't have a space program like that.

We are the greatest country on earth. We can shoot missiles out of the sky. I am hearing that it is going to take us 20 years because it is complicated to come up with a way when 14 other countries have done so.

Center for Immigration Studies said that a system would cost us $400 million to $600 million in the first year, but DHS said that it could cost as much as $9 billion over 10 years. Why the discrepancy in the cost from DHS's old study that is a 5-year estimate to what Center for Immigration Studies declared?

Mr. WAGNER. Not sure what they are relying on but I think a lot of our costs were the personnel costs to have the officers out there with a hand-held biometric collection device at all departure gates to collect those biometrics from people doing. That is some-

thing, we could implement that fairly quickly and easily, but it has got a pretty tremendous price tag along with it.

I don't know that the other study you are referring to, that they have looked at where do you put that technology to have some assurances the person actually boarded the aircraft? We could put it at the TSA security point. We could put it at the airline desk. We could put kiosks out there. But somebody could register their fingerprints and walk out of the airport. So what have we really improved in the process at that——

Mr. BARLETTA. If I could ask a quick question of Ms. Gambler before my time is up. In 2012 the DHS Office of Inspector General issued a scathing report identifying potential fraud involving discrepancies between biographic information collected when a visa-holder exits and biometric information collected when they enter the United States. Yet Secretary Napolitano testified before this committee that she believed the biographic logging conducting by DHS is not the same as biometric but it is very close to the same.

Ms. Gambler, do you agree with that assessment?

Ms. GAMBLER. Congressman, I think at this point DHS doesn't have the information to be able to say what benefits they are getting out of biographic and how that compares to the benefits that could be gotten out of biometric. That is part of the process that DHS is going to be engaging in going forward with this assessment that they are planning to provide to Congress several years from now in terms of what benefits biometric would provide over biographic and at what cost. But at this point I am not sure they have the information yet to be able to say that.

Mr. BARLETTA. Thank you.

Thank you, Madam Chairwoman.

Mrs. MILLER. Thank the gentleman.

The Chairwoman now recognizes Mr. O'Rourke, of Texas.

Mr. O'ROURKE. Thank you, Madam Chairwoman.

The comments made by Ms. Gambler really struck home in terms of looking at the value of a biometric exit system versus the cost, and I think that cost can be measured in a number of ways; certainly what it costs to purchase that and maintain it and operate it, but also what costs communities like ours in El Paso, States like Texas, for whom Mexico is our largest trading partner, or our country, which has 6 million jobs tied just to U.S.-Mexico trade will endure if we increase wait times, if we waste an opportunity to capitalize on the trade that is already flowing there.

So I want to ask Mr. Wagner, from our perspective in El Paso, the country's safest city 3 years in a row despite and maybe because of the fact that we are the largest binational community on the U.S.-Mexico border, at a time when we are spending $18 billion a year to secure that border, at a time that we are doing $92 billion in trade just through the ports in El Paso and yet we have wait times at those ports that in many cases can be measured in hours not minutes, and the Department of Commerce has estimated for every minute of additional wait time at a port of entry it costs the U.S. economy $166 million.

I want to ask you: What is the best value we can expect for the limited resources that you have now? Do you want to spend that on a biometric exit system? Do you want to spend it on additional

ports officers? Do you want to spend it on other technologies, processes, or concepts? How do we answer the question of value versus cost?

Mr. WAGNER. Thank you. Very interesting question. I think, you know, you are certainly well aware of, you know, what the administration has put forth in the fiscal year 2014 budget proposal. We had the workload staffing model, which, you know, as you mentioned, indicated a need for 3,811 CBP officers just to handle our existing work today.

We are very cognizant of the wait times. We recognize the cost to the economy that wait times bring. You know, we also recognize the costs of a terrorist incident, what that is going to bring. So, you know, we take both of those issues very seriously.

You know, as we look at what is the value of adding biometrics to an entry-exit process, tremendous value on the in-bound piece. You know, I think we have to look at what value it brings on the exit piece. We absolutely want the data. We want to run our queries on that. We want the assurances it is the same person.

But if you are looking at keeping America safe linking to terrorist travel, you know, I think your biographical information is really where a lot of the basis of your National security checks are going to be. I think you have very few biometrics associated with the terrorist records that we do have.

I think it helps us identify it is a person and then the same person, but if you are looking at the National security implications of a fingerprint record, your biographicals are really where the true value is at. It is the basis of all our National security checks now, both internationally and domestic; it helps us identify the risks of who is flying internationally and domestically; it helps us draw the links between different people.

The biometrics help us confirm who that person is or, if we have seen them before, it is the same person again. But if you look at the cost of implementation in a place like El Paso, I don't know that there is a biometric technology right now that could allow us to check vehicles leaving the United States in a way that wouldn't back that traffic, you know, up even more considerably than it is now. So it would be very, very difficult for us to do. It is something we are going to look at, but it really needs careful study and probably, you know, a lot of improvements in the existing technology to be able to do it.

Mr. O'ROURKE. Thank you.

For Ms. Gambler, one of the memories that I think looms large for this committee and certainly for me in making any decision on a biometric exit system was our failure with SBInet, where we spent hundreds of millions of dollars on a border security technology boondoggle, which is really a homeland security contractors gone wild, where they were defining the scope and running the project, and it didn't make our country any safer, and it made us hundreds of millions of dollars poorer as a result.

What is your advice to us? You said that there is going to be an evaluation framework that is scheduled to be published by June 2014. Will that framework, do you think, answer the value versus cost issues and allow us to make sure that we are making an informed decision and that we are using taxpayer money wisely, pro-

tecting the homeland, and not entering into perhaps another boondoggle?

Ms. GAMBLER. Thank you. The evaluation framework should do a number of different things, but in part, lay out the methodology that the Department will use to assess the cost and benefits of the various options that it will be testing and looking at for a biometric air exit system.

I think going forward, in terms of implementation of a system, whatever comes out of that testing, it will be critically important for the Department to implement that system in an efficient and effective manner and, you know, in part they could do that by looking at some of the past recommendations we have made related to the progress they have made on biometric in the past. Those things include, for example, having reliable schedules that define what they want to accomplish in what time frames and then being held accountable to those schedules, thinking through and evaluating what the different options are and testing all of the requirements that you will have for the system.

So those types of things, those types of actions would help the Department implement any testing in an effective way, but also the system, as well.

Mr. DUNCAN [presiding]. Thank you.

Chairwoman Miller had to step out, so I will recognize myself for 5 minutes.

I appreciate her having this hearing today. I think it is very important, as the gentleman from Pennsylvania has really been beating the drum over the last 6, 8 months, even into the last Congress, about visa overstays. The statistics that I have seen show that roughly 41 to 49 percent of all illegal aliens in this country are people that did not walk across our Southern Border, our Northern Border, or hop off a merchant ship somewhere; they came into this country with a permission slip. They came with a visa. So if I use the numbers of there are 12 million illegal aliens in this country, that tells me that roughly half, or almost 6 million of those, are visa overstays.

Mr. Wagner, some of the data I showed may have come from Ms. Gambler, but ICE made 1,374 arrests in 2012; 1,374 is a far cry from 6 million. It is a huge problem. I think that is why it is so important.

When I also see that ICE is expending only 3 percent of its resources for chasing down visa overstay based on the written testimony, that raises awareness and concern from me that maybe we are not putting enough effort toward the visa overstays. So the question, the first question I have for you is: What is the process for someone to get a visa to enter this country?

Mr. WAGNER. Well, I mean, it is Department of State that issues that visa, and I would really have to defer to State Department to explain, you know, the different types of visas and the different requirements to get them. But, you know, in general they would have to show that they intend to comply with the terms of what that visa allows them to do, so if it is a, say a general tourist visa, you know, they would have to show that they are coming to visit, that, you know, they have a residence and employment they don't intend to abandon in their home country, and really that they are not a

security risk, and there are certain security things that have to be reviewed, you know, but essentially, are they going to comply with the terms of what that visa allows them to do?

Mr. DUNCAN. Do they generally have a interview in a consulate or an embassy?

Mr. WAGNER. They interview them; they collect their fingerprints. When the person arrives in the United States we will evaluate, you know, a similar set of circumstances.

We will match the fingerprints to those taken by Department of State. You know, we will ask people about the purpose and their intent of travel. We will make sure they have a return ticket that is within that time frame. You know, it is a risk assessment, at the end of the day, that the person is going to comply with the terms of that.

You know, if we see any indications that make us believe the person is going to overstay or not request a legal extension of doing that we will deny them entry into the United States and——

Mr. DUNCAN. Well, just in the essence of time, so we have gotten the correct spelling of their name, we have gotten a fingerprint, probably taken a photograph, they have had the interview at the consulate or embassy, we know a lot of data, we know what they are coming to this country to do, probably know their destination, whether it is a hotel, a family members' address, we have got an address of some sort on that person. We know the date they are entering, and we have given them terms of a visa, of what they can come to this country for. So we have given them a permission slip, correct?

Mr. WAGNER. Yes. Absolutely.

Mr. DUNCAN. Okay. This is low-hanging fruit. This is low-hanging fruit as we talk about immigration reform that we don't start pursuing some of these visa overstays and dealing with almost half of the illegals that are in this country because it is not like we are chasing a footprint in the desert trying to figure out who that was, what they look like, get a data, a name, where they were going. No, we know a lot about these folks. So why not go knock on the doors?

I think you guys have a tremendous number of resources and maybe that is something we need to look at, but 1,374 arrests in 2012 out of roughly 6 million visa overstays is abysmal.

Let me ask you this: What are other countries doing? When I travel, I have been to Japan; I have had to give a thumbprint; they knew when I left and when I entered; in Europe, as well. So you mentioned earlier it is a $3 billion program to come up with this biometric data system. Have we reached out to countries that are friendly to us in the world that are actually doing something and doing it successfully?

Mr. WAGNER. Sure. A lot of other countries set up their transportation system to have a discrete departure process, and they replicate their in-bound process with an exit process, and you will get interviewed by a border control officer before you leave that country. Our airports and transportation systems were not designed or set up that way and we certainly, you know, we have hundreds of airports in the United States that would have to be reconfigured at great cost not only to the physical footprint but to the operations of the airlines.

Yes, the airlines leave from many different departure gates. We don't control their departure locations like we do in-bounds.

You know, our system was set up to be an in-bound process but we do not have the kind of departure controls or even physical impediments or a physical footprint that would support us doing that, unlike a lot of other countries, like you correctly mentioned. They are set up and designed that way and when you do leave that country you get in line and you wait and speak to a border control officer, an immigration officer, and they stamp your passport with a departure stamp.

Some countries keep track of that; some don't. Some of them are moving towards fingerprints and other biometrics at this point, you know, so there is—but we certainly talk to a lot of different countries on different ways to do that.

We certainly, by and large, have the largest amount of travelers coming and going, and probably the largest amount of airports. If we were only going to do this at two or three airports like a lot of countries only have, it be a lot easier task than doing it at couple——

Mr. DUNCAN. I agree with you that it is a monumental task but I also understand that international terminals are actually segregated or separate or you have to go in a certain area. So I don't believe the task is quite as immense as you may think.

Mr. WAGNER. But that is only for in-bounds. Departures are not leaving from the international terminals.

Mr. DUNCAN. Okay. I will give you that one.

Mr. WAGNER. They are leaving from domestic gates and you don't go through a specific process at the airport through the international terminal to do that. You know, you can——

Mr. DUNCAN. If your flight is originating from an international terminal like Atlanta and you are getting on an international flight it is a little different but I am not going to speak for the entire country and all airports. If you are going from one domestic city to the next and then getting on an international flight in another terminal, I understand that.

I agree with you, it is an immense task. But I think it is something that we need to continue talking about, and I think that has been brought up several times here today.

So my time is expired and I believe I will recognize the gentleman from Utah, Mr. Stewart, for 5 minutes.

Oh, he is gone?

So, Mr. Smith, Chairman, you are welcome to ask questions for 5 minutes.

Mr. SMITH. Thank you, Mr. Chairman. I will thank you and the other——

Mr. DUNCAN. I apologize. I am going on Candice Miller's list and Palazzo was next on the list and she has him marked off, so I am going to recognize the gentleman from——

Mr. SMITH. Be happy to defer to Mr. Palazzo.

Mr. PALAZZO. Chairman Duncan, you put me in a precarious position. He is the Chairman of my other committee, which I serve as his subcommittee Chairman——

Mr. DUNCAN. I am going to let you guys work that out. You have got 5 minutes.

Mr. PALAZZO. Sure. Okay. Fantastic.

Ms. Gambler, quick question: In 2012 the DHS inspector general issued a report which showed that there were significant discrepancies in the different ICE databases. Would a fully implemented biometric system, compared to the biographical exit system we have now, reduce the number of fraud cases?

Ms. GAMBLER. A biometric exit system would help confirm the identity of individuals leaving the country. It would help, most likely help on ICE's data matching, as well, and could help reduce the risk of fraud that someone could make it appear fraudulently that they left the country when they really did not.

Mr. PALAZZO. Twelve years after 9/11 what seems to be the problem coordinating these databases? Have we gotten to the point to where we can overcome that? What are the plans to do that?

Ms. GAMBLER. ICE has made some changes to some of the connections and integrations between its different databases in the spring earlier this year, and while those are positive steps, what we have reported is that DHS hasn't assessed the improvements that it has gotten out of those enhanced connections between the databases in terms of being able to identify potential overstays and report overstay rates, as required by statute.

Mr. PALAZZO. Thank you.

I was hearing some numbers tossed around and I can't remember if it came from up here or if it was down there. What is the estimated cost over the next 10 years if we were to fully implement an exit biometric system? Did you all provide that?

Mr. WAGNER. I think we were discussing the $3 billion figure for airports departure based on some of the previous pilots that we ran. It is not inclusive of land border.

Mr. PALAZZO. Okay, so, because Secretary Napolitano said $3 billion would be the low end and like $9 billion would be the high end.

Mr. WAGNER. Right. I believe that was just for air and sea. I don't believe that included the land border, but I will have to verify that.

Mr. PALAZZO. All right. Because I am curious, does anybody out here have a statistic—we know—I mean, there are a lot of numbers when it comes to immigration that are tossed around. But it is estimated that 11 million to 12 million illegal immigrants are in the United States at any one time; 40 percent of those are visa overstays, which the Chairman was pointing out, I mean, we are basically giving them a permission slip and we should be able to go find them readily, easily.

So if 4.5 million of those overstay, well I guess my question is: Do you all have a statistic on how much those 11 million or 12 million illegals cost the United States Government annually? Surely you all read the papers or you have internal reports that you could share with us that, you know, or just what you think.

Okay. Well fortunately we do try to research that. They say it is $100 billion a year that those 11 million or 12 million illegal immigrants cost the United States taxpayer a year—$100 billion.

When I saw—when I look at your request for anywhere from $3 billion to $9 billion and you are looking at 40 percent of those illegals are actually visa overstays, that means almost $40 billion

to $45 billion a year is the cost to the U.S. taxpayer. So I do think this is a good investment. Now I know that we are talking and I think Congressman O'Rourke was asking, you know, what are your priorities; port security, you know, land, and all this? We have got to make some choices.

But I do think, 10—you know, anywhere from $3 billion to $9 billion to fix a $40 billion problem is a good business decision.

So I would also like to just ask you, you mentioned something about our relationship with Mexico, Mr. Wagner. Can you kind of, I am running out of time, but kind of describe it? Are they cooperating with our efforts on the border, or what can we do to, you know, try to improve that?

Mr. WAGNER. We have an excellent relationship with the government of Mexico. We have done a lot of great work with them over the years.

I think it is assessing what their current process is and what their current infrastructure and footprint is and, you know, what would be even a reasonable, rational ask for them to work with us on. But we have an excellent working relationship with them and exchange of information and cooperation.

Mr. PALAZZO. That is good to hear. I also hear that Mexico is actually increasing border security on their Southern Border, you know, because they recognize that once drugs or weapons or human trafficking is actually in Mexico it is going to find its way to the United States. It is just the element; I guess the criminal element there is just so well-organized. Are we doing anything to help Mexico enforce their southern borders?

Mr. WAGNER. We have got a lot of work going on with them. We got a, you know, similar agreement that was mentioned earlier with Canada, Beyond the Border. We have got a similar arrangement with the government of Mexico that we are working through a lot of different areas, that being, yes, being one of them.

Mr. PALAZZO. Thank you. I yield back.

Mr. DUNCAN. All right. The Chairman will recognize the gentleman from Texas, Mr. Smith, for 5 minutes.

Mr. SMITH. Thank you, Mr. Chairman. I am going to try to make Mr. Palazzo feel a little bit better on the cost to start with.

Your pages of the DHS testimony are not numbered but as I read on Page 3 you mention the $3 billion for the air and sea ports. Then you say correctly in the footnote, No. 2, there are emerging biometric technologies now available in the market that were unavailable at the time of the pilot.

The $3 billion figure is from 5 years ago. There have been a lot of technological breakthroughs since then and the most recent estimate I have seen on the cost brings it down from $3 billion to $500 million to $600 million, a considerable difference. Part of that is because the time spent per person has been reduced from about 66 seconds to 20 seconds, and that might account for some of the reduced cost, so it is a lot less than we might have thought.

A question that DHS has been asked during the course of this hearing repeatedly is: Why don't we know the number of visa overstayers? In point of fact, the DHS is supposed to have been reporting those, as Ms. Gambler reminded us, every year. During this administration I don't believe they have reported it one time.

To me, the fact that you all haven't bothered to make the estimates, haven't tried to make the estimates but we hear they may get our first estimate in 4 years at the end of this year, it may be the best reason I have heard so far for implementing an entry-exit system as soon as possible.

I guess the first question I have, and I am a little frustrated because it was my 1996 bill that includes the entry-exit system and that is the reference to a lot of what we are talking about here today; but what has this administration been doing in the last 4 years, and Mr. Woods, we will start with you, to implement an entry-exit system? I know in 2009 the Appropriations Committee gave you $2.5 billion to implement an entry-exit system and to my knowledge those funds were not used fully to do that. So what have you been doing in the last 4 years?

Mr. WOODS. Over the last couple years we have been making many technological enhancements to our integration between DHS systems. There are varied systems within DHS, you know, but do not speak to each other for many years, and getting over that hill was very arduous. But we had to bring together CBP, CIS, ICE, and the main department and US–VISIT to come to the table and put out all our money on the table that we got from the Congress for each individual component to make these systems——

Mr. SMITH. I understand that, but you have had, not only have you had 4 years to do that, today I hear you all say, "We are going to study it for another 3 years." Thank goodness for Ms. Gambler who said she would like to move up that deadline from 2016 to 2014, and I totally concur with that.

But 7 years of studies to try to fully implement this program, I know it is complicated but we have also heard testimony today about other countries having successfully done things. I heard today about the problems at the airports, but now we have hand-held boarding pass, passport readers, mobile biometric devices, and so forth that have been used in the European Union, United Kingdom, Ireland, France, and Australia. I don't know why we can't use those same kind of biometrics. You have got London's Heathrow incorporates the biometric self-boarding technologies now.

It seems to me we might actually want to try to catch up with other countries and perhaps even lead the pack when we have so much at stake and so many individuals in this country we can't keep track of and don't know who they are.

I am going to jump ahead to Ms. Gambler.

I just mentioned, I thank you for saying that we could and that we should expedite the entry-exit system and try to start implementing it by 2014. I want to go to the difference real quickly about biometrics and biographics. I know you are not prepared to issue sort of a final study on that, but as I understand it with biographics, is it not true, as I see it, that it is almost an open invitation to fraud because with biographics alone you don't know if the same person who came in is actually exiting. Somebody could pass on the paperwork and someone else could use that paperwork and therefore you end up with both ID theft and fraud.

Is that not a, without coming to too many conclusions, is that not a problem with biographics?

Ms. GAMBLER. It is a vulnerability that someone could make it look as if they departed the country when they hadn't——

Mr. SMITH. Correct.

Ms. GAMBLER [continuing]. Through fraud. For example, somebody could pass through screening process at an airport and be on a passenger manifest and then when they get into the secure area of the airport, give their boarding pass to someone else and then they could leave the airport. Now, the magnitude of that problem is unknown but it has been identified as a vulnerability certainly by CBP.

Mr. SMITH. Okay. Thank you very much.

I know, Mr. Chairman, my time is up, but let me just say that it doesn't appear to me that the Department of Homeland Security is really engaging in a serious or sincere effort to implement the entry-exit system. In one sense, and I am sorry about this, it is no surprise. The administration has either not enforced or undermined any number of immigration laws, and as far as I am concerned, this is just another one.

I yield back.

Mr. DUNCAN. I thank the Chairman of the Science Committee.

I want to thank the witnesses for their valuable testimony today and the Members for their questions.

Members of the committee may have some additional questions for the witnesses and we will ask you——

Ms. JACKSON LEE. Chairman?

Mr. DUNCAN [continuing]. To respond to these in writing.

Yes, ma'am.

Ms. JACKSON LEE. Mr. Chairman, let me add my appreciation— I didn't want you to gavel down before it. I think Mr. Palazzo asked a very important question. It may not be the topic of these individuals, but let me reframe his question, and I think it is appropriate to answer for this committee.

Is the amount of money that would be generated by the documenting of the perceived number of 11 million which will come about from comprehensive immigration reform? So I am going to put that on the record because I think that to balance what these undocumented may be costing, there are great documentation as to what the investment would be on the basis of their work, taxation, and their overall input into the consumer economy, which would be in the trillions of dollars. I stand corrected if it is not, but I want them to answer: What would be the return to the Government if that was to occur?

I yield back to the gentleman.

I thank the witnesses for their testimony.

Mr. DUNCAN. Pursuant to rule 7(e), the hearing record will be held open for 10 days. Without objection, the committee will stand adjourned.

[Whereupon, at 11:52 a.m., the subcommittee was adjourned.]

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