

Action Taken Quick View					
Report Number:	(b)(7)(E)	Recommendation #:	1	ECD Count:	1
Action Taken Date	Resource Name	Action Taken			

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

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Supporting Statement
Collection of Advance Information from Certain
Undocumented Individuals on the Land Border
1651-NEW

A. Justification

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

The Department of Homeland Security (DHS), in consultation with U.S. Customs and Border Protection (CBP), is working to establish a process to streamline the processing of undocumented noncitizens under Title 8 at certain ports of entry (POEs), as these individuals require secondary processing upon their arrival, which takes longer than when individuals arrive with sufficient travel documentation.

CBP is proposing this new data collection, which expands upon the existing collection process for persons who may warrant an exception to the CDC Order, to include undocumented noncitizens who will be processed under Title 8 at the time they arrive at the port of entry after the CDC order is rescinded, in whole or in part. The purpose is to continue to achieve efficiencies to process undocumented noncitizens under Title 8 upon their arrival at the POE, consistent with public health protocols, space limitations, and other restrictions.

CBP plans to collect certain biographic and biometric information from undocumented noncitizens prior to their arrival at a POE, to streamline their processing at the POE. The requested information is that which CBP would otherwise collect from these individuals during primary and/or secondary processing. This information will be voluntarily provided by undocumented noncitizens, directly or through non-governmental organizations (NGOs) and international organizations (IOs). Providing this information will not be a prerequisite for processing under Title 8, but will reduce the amount of data entered by CBP Officers (CBPOs) and the length of time an undocumented noncitizen remains in CBP custody.

The biographic and biometric information being collected in advance, that would otherwise be collected during primary and/or secondary processing at the POEs includes, but is not limited to, descriptive information such as: Name, Date of birth, Country of Birth, City of Birth, Country of Residence, Contact Information, Addresses, Nationality, Employment history (optional), Travel history, Emergency Contact (optional), U.S. and foreign addresses, Familial Information (optional), Marital Status (optional), Identity Document (not a WHTI compliant document) (optional), Gender, Preferred Language, Height, Weight, Eye color and Photograph.

This information collection is being changed to require the submission of the photograph – previously it was optional – for all who choose to provide advance information. The submission of a photograph in advance will provide CBPOs with a mechanism to match a noncitizen who arrives at the port with the photograph submitted in advance, therefore identifying those individuals, and verifying their identity. The photograph is particularly important for identity verification once NGOs/IOs are no longer facilitating the presentation of all individuals for CBP processing (NGOs/IOs will be able to continue assisting for some individuals but others will be able to participate on their own).

CBP will also allow individuals to request to present themselves for processing at a specific POE on a specific day and time, although such a request does not guarantee that an individual will be processed at a given time. Individuals will have the opportunity to modify their requests within the CBP One™ application to an alternate day or time. In all cases, CBP will inspect and process individuals based on available capacity at the POE. This new functionality does not require the collection of new PII data elements.

This information will be submitted to CBP by undocumented noncitizens on a voluntary basis, for the purpose of facilitating and implementing CBP's mission. This collection is consistent with DHS' and CBP's authorities, including under 6 U.S.C. §§ 202 and 211(c). Pursuant to these sections, DHS and CBP are generally charged with "securing the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States," and "implement[ing] screening and targeting capabilities, including the screening, reviewing, identifying, and prioritizing of passengers and cargo across all international modes of transportation, both inbound and outbound."

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

Individuals directly, or through IOs/NGOs, will use the CBP One mobile or desktop application to voluntarily submit biographic information, as well as a photograph, prior to their arrival at a CBP POE for processing. Collecting this information in advance will significantly streamline processing of undocumented noncitizens upon their arrival at the POE. Typically, once an undocumented noncitizen arrives at the POE, CBPOs spend significant time collecting and verifying basic biographic data about the noncitizen during the inspection process. One at a time, the CBPOs interview and collect information from these individuals during secondary inspection. The CBPOs manually enter the information into the Unified Secondary System (USEC). To facilitate processing upon arrival and reduce the amount of manual

data entry into secondary processing systems, CBP One data will be used to populate the fields in secondary processing systems, which can then be verified by the CBPO.

Undocumented noncitizens, or IOs/NGOs on their behalf, will submit the biographic information and a photograph to CBP via the CBP One Application prior to the individual's arrival at the POE. While no information is stored locally in the CBP One Application or on a user's device, this data is stored in a segregated backend database within the Automated Targeting System (ATS). The information will be tagged as coming from CBP One. CBP will store a templated copy of the photograph in a standalone Traveler Verification Service (TVS) gallery to be matched against a photograph taken by a CBPO once the individual arrives at the POE using Simplified Arrival. The TVS gallery will be populated by the new backend dataset ingesting into ATS specifically for the non-MPP population. When photographs are submitted to ATS from CBP One, the new TVS gallery will stage those photographs until the individual arrives at the POE.

Using Simplified Arrival, once an undocumented noncitizen arrives at the POE for processing, CBP will take a new photograph to search against the new gallery within TVS. If no match is made, CBPOs will manually query ATS based on biographic data to populate Simplified Arrival for processing in primary or query by CBP One confirmation numbers, which are provided to the individual after they submit their advance information through CBP One. As with any undocumented noncitizen who arrives at the POE, the CBPO will use Simplified Arrival to create a referral to secondary for further processing, which will include the confirmation number received from CBP One. Once referred to secondary, CBPOs may import the information captured through the CBP One application into USEC, the secondary processing system. This will reduce the time spent by CBPOs manually entering data in secondary. In secondary, the officers will review the advanced data collected for accuracy, edit the data, and save the information in USEC.

The overall goal of the advance information collection is to achieve efficiencies to process undocumented noncitizens under Title 8, consistent with public health protocols, space limitations, and other restrictions. When data is collected in advance, it helps expedite secondary processing because it will reduce manual data entry into USEC. Such processing will significantly reduce the time these individuals spend in congregate settings, which may contribute to the spread of communicable diseases such as SARS-CoV-2, the virus that causes COVID-19.

3. Describe whether, and to what extent, the collection of information involves the

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

CBP will begin collecting this information through a mobile or computer application. CBP will collect this information electronically, directly from individuals or from IOs/NGOs on behalf of these individuals, via the CBP One application. The CBP One application is currently available as a mobile app on both Google and Apple play stores, as well as a website (<https://cbpone.cbp.dhs.gov/#/home>) accessible from any browser.

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

This information is not duplicated for this population in any other place or any other form.

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

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

- 6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

Not collecting information in advance would lead to longer processing times for undocumented individuals at POEs, as well as increase the time these individuals will remain in a congregate setting, increasing the risk of transmission of communicable diseases such as COVID-19 among these individuals and CBP employees.

- 7. Explain any special circumstances.**

This information is collected in a manner consistent with the guidelines of 5 CFR 1320.5(d)(2).

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

(b)(5)

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

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

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

CBP is publishing a new Privacy Impact Assessment (PIA) for this information collection entitled "Advance Information Collection from Undocumented Individuals." The collection is generally covered by the PIA for the DHS/CBP/PIA-068 CBP One™ Mobile Application (originally published February 2021); b) the PIA for the DHS/CBP/PIA-067 U.S. Customs and Border Protection Unified Secondary (originally published December 2020); and c) and the PIA for the DHS/CBP/PIA-056 Traveler Verification Service (originally published November 2018).

The Systems of Records Notices (SORNs) that will be included in this ICR include the ATS SORN (DHS/CBP-006 Automated Targeting System, May 22, 2012, 77 FR 30297), which pertains to the collection of information in advance of travel. All information collected at the time of inspection and processing is covered by the DHS/CBP-016 Nonimmigrant Information System (March 13, 2015, 80 FR 13398) and DHS/CBP-011 U.S. Customs and Border Protection TECS (December 19, 2008, 73 FR 77778) SORNs.

There are no assurances of confidentiality provided to the respondents of this information collection.

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

There are no questions of a sensitive nature.

12. **Provide estimates of the hour burden of the collection of information.**

INFORMATION	TOTAL ANNUAL	NO. OF RESPONDENTS	NO. OF RESPONSES	TOTAL	TIME PER
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COLLECTION	BURDEN HOURS		PER RESPONDENT	RESPONSES	RESPONSE
Advance Information on Undocumented Travelers	24,333	91,250	1	91,250	16 minutes

Public Cost

The estimated cost to the respondents is \$496,393. This is based on the estimated burden hours (24,333) multiplied by (\$20.40). CBP used the U.S. Department of Transportation’s guidance on value of travel time for value of time estimates (\$20.40)¹ for travel by land.

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

There are no record keeping, capital, start-up or maintenance costs associated with this information collection. Use of the CBP One app is free of charge. CBP assumes that basic internet access is a customary cost of doing business and will not additionally burden any NGO/IO assisting individuals in submitting this form.

14. Provide estimates of annualized cost to the Federal Government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The estimated annual cost to the Federal Government associated with the review of these records is \$298,935. This is based on the number of responses (91,250) multiplied by the time to review and process each response (3 minutes) = 4,562.50 hours multiplied by the average hourly rate (\$65.52) = \$298,935. The previous review time of 4 hours was adjusted to reflect the time spent on reviewing the CBP One data in primary and secondary processing systems only, 3 minutes. The 4-hour estimate included the entire case processing time.

15. Explain the reasons for any program changes or adjustments reported in Items 12 or 13.

This information collection is being extended beyond persons who may warrant an exception to the CDC order to undocumented noncitizens who will be processed

¹ 2016 Revised Value of Travel Time Guidance.pdf (transportation.gov)

under Title 8 at the time of arrival to a POE. Collection of this information will reduce the amount of data manually entered by CBPOs, which is expected to expedite secondary process and thus reduce the length of time an undocumented noncitizen remains in CBP custody. It is also being changed to incorporate a scheduling component. CBP is implementing the ability for individuals, directly or through NGOs/IOs, to request to present at a specific POE on a specific date and time. This will automate the manual process that is currently being utilized for those individuals who may warrant an exception to the CDC Order, which requires the exchange of numerous phone calls and emails. This will reduce the amount of time CBP, individuals, and NGOs/IOs spend on this activity. Providing undocumented noncitizens a prescribed process to request processing at a specific POE and day/time may reduce the number of individuals attempting to enter between the POEs. Finally, the collection is being changed to require those individuals who choose to submit advance information to submit photographs, rather than leaving them as optional. This will provide CBPOs with a mechanism to match a noncitizen who arrives at the port with the photograph submitted in advance, thereby facilitating identify verification and matching to data previously submitted.

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

This information collection will not be published for statistical purposes.

17. If seeking approval to not display the expiration date, explain the reasons that displaying the expiration date would be inappropriate.

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

18. “Certification for Paperwork Reduction Act Submissions.”

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

B. Collection of Information Employing Statistical Methods

No statistical methods were employed.

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U.S. Customs and
Border Protection

PLANNING, PROGRAM ANALYSIS, AND EVALUATION
Biometric Exit: Evaluating Bias and Performance Metrics



Biometric Bias | Problem Statement and Overview

Problem statement

- Various biometric facial recognition algorithms have been known to be biased against Race/Ethnicity, Age and/or Gender. CBP run Biometrics facial recognition needs to be evaluated for potential bias.

Results

- Our analysis suggests that currently there is no detectable bias (or effects are negligible) in regards to biometric matching based on Race/Ethnicity, Age or Gender.
- 3rd party review would help independently verify results, and provide a more in depth study controlling for various factors.
- CBP is participating in a joint DHS, NIST initiative to evaluate facial recognition performance using operationally relevant face image sets.
- Over 80 million DHS face images including 60 million from CBP are being provided to NIST for independent algorithm and performance bias evaluations.

Biometric Bias | Citiznships by Region Over time



Matching improves over time

- Updated through October 2018 (last full month of data. November 14 moved to sampling)
- Matching has improved over time
- Regions are converging on match rates.
- USC matches worse due to less photos on average and having older photos.

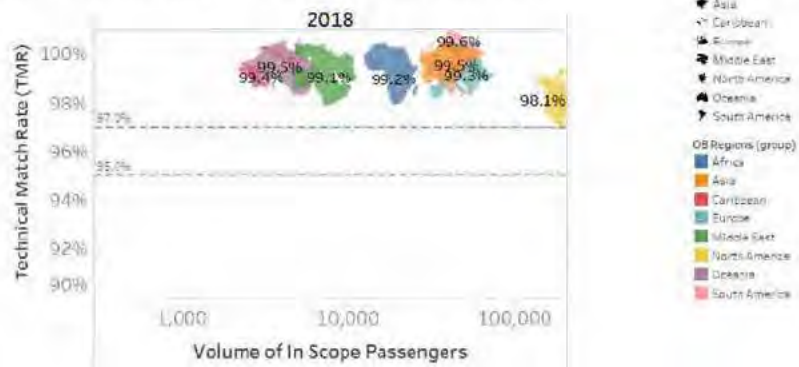


Match rates are improving over time, all regions are now above 97% match.

Biometric Bias | Citizenships by Region



- Updated through first half of November 2018
- Match Rates by Citizenship (clustered by region) were reviewed
- No major differences by region
- USCs tend to match worse (Less photos and older photos on average)



Match rates continue to improve. Since 2018, all regions are performing relatively equally.

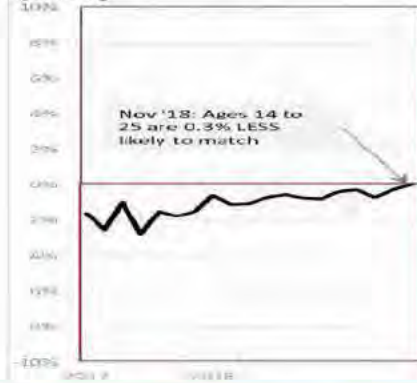
Biometric Bias by month | Age



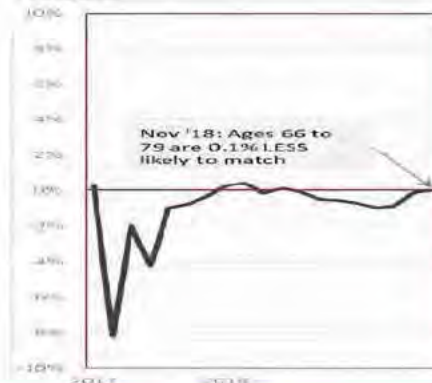
Age bias- initially there was a large difference 2.8% for young individuals and 8% of old individuals relative to middle aged people, travelers between 26 and 65 match slightly better than "young" travelers (0.3%) and "old" travelers (0.1%).

- Updated through November 2018

Age: Young



Age: Old

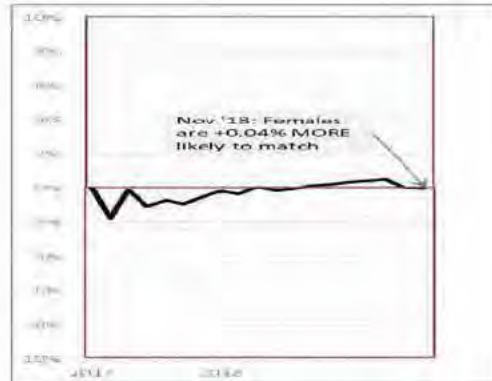


Age bias has decreased over time and now is negligible.

Biometric Bias | Gender

Gender Bias Initial gaps (bias) in matching for genders and ages have reduced substantially. In the latest month (Nov '18), women match slightly better than men (0.2%)

- Updated through November 2018



Gender bias has reduced over time and is now negligible.

Biometric Performance | Metrics and Statistics



Technical match rate (TMR) is a ratio of in-scope passengers that matched divided by all in-scope passengers with both gallery and encounter photo. TMR only applies to Air Exit, Entry, Preclearance, and Land. TSA and Sea are ratio of in-scope passengers that matched divided by all passengers/crew, which is considered a biometric confirmation rate (BCR).

TSA BCR is lower due to the inclusion of domestic travelers and TSO daily test photos at each camera (increases the TMR denominator). The duplicates and non-travelers are not being removed/ground-truth because we don't know their identify. Additionally, TSA is not making travelers remove hats, sunglasses etc.

Sea BCR is lower SEA is greatly impacted by the fact that travelers do not need WHTI compliant documents. A driver's license is fine. Getting gallery photos is less successful for a population which may have a drivers license but not a passport.

- Statistical tests performed to optimize matching threshold
- NEC (matching algorithm) version updated
- OIT improved gallery photo retrieval which increased number of traveler photos for matching and gallery quality
- Camera enhancements such as “selfie-mode” improves the quality of the photo

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CBP is proposing this new data collection, which expands upon the existing collection process for persons who may warrant an exception to the CDC Order, to include undocumented noncitizens who will be processed under Title 8 at the time they arrive at the port of entry after the CDC order is rescinded, in whole or in part. The purpose is to continue to achieve efficiencies to process undocumented noncitizens under Title 8 upon their arrival at the POE, consistent with public health protocols, space limitations, and other restrictions.

CBP plans to collect certain biographic and biometric information from undocumented noncitizens prior to their arrival at a POE, to streamline their processing at the POE. The requested information is that which CBP would otherwise collect from these individuals during primary and/or secondary processing. This information will be voluntarily provided by undocumented noncitizens, directly or through non-governmental organizations (NGOs) and international organizations (IOs). Providing this information will not be a prerequisite for processing under Title 8, but will reduce the amount of data entered by CBP Officers (CBPOs) and the length of time an undocumented noncitizen remains in CBP custody.

The biographic and biometric information being collected in advance, that would otherwise be collected during primary and/or secondary processing at the POEs includes, but is not limited to, descriptive information such as: Name, Date of birth, Country of Birth, City of Birth, Country of Residence, Contact Information, Addresses, Nationality, Employment history (optional), Travel history, Emergency Contact (optional), U.S. and foreign addresses, Familial Information (optional), Marital Status (optional), Identity Document (not a WHTI compliant document) (optional), Gender, Preferred Language, Height, Weight, Eye color and Photograph.

This information collection is being changed to require the submission of the photograph – previously it was optional – for all who choose to provide advance information. The submission of a photograph in advance will provide CBPOs with a mechanism to match a noncitizen who arrives at the port with the photograph submitted in advance, therefore identifying those individuals, and verifying their identity. The photograph is particularly important for identity verification once NGOs/IOs are no longer facilitating the presentation of all individuals for CBP processing (NGOs/IOs will be able to continue assisting for some individuals but others will be able to participate on their own).

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This information will be submitted to CBP by undocumented noncitizens on a voluntary basis, for the purpose of facilitating and implementing CBP's mission. This collection is consistent with DHS' and CBP's authorities, including under 6 U.S.C. §§ 202 and 211(c). Pursuant to these sections, DHS and CBP are generally charged with "securing the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States," and "implement[ing] screening and targeting capabilities, including the screening, reviewing, identifying, and prioritizing of passengers and cargo across all international modes of transportation, both inbound and outbound."

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Using Simplified Arrival, once an undocumented noncitizen arrives at the POE for processing, CBP will take a new photograph to search against the new gallery within TVS. If no match is made, CBPOs will manually query ATS based on biographic data to populate Simplified Arrival for processing in primary or query by CBP One confirmation numbers, which are provided to the individual after they submit their advance information through CBP One. As with any undocumented noncitizen who arrives at the POE, the CBPO will use Simplified Arrival to create a referral to secondary for further processing, which will include the confirmation number received from CBP One. Once referred to secondary, CBPOs may import the information captured through the CBP One application into USEC, the secondary processing system. This will reduce the time spent by CBPOs manually entering data in secondary. In secondary, the officers will review the advanced data collected for accuracy, edit the data, and save the information in USEC.

The overall goal of the advance information collection is to achieve efficiencies to process undocumented noncitizens under Title 8, consistent with public health protocols, space limitations, and other restrictions. When data is collected in advance, it helps expedite secondary processing because it will reduce manual data entry into USEC. Such processing will significantly reduce the time these individuals spend in congregate settings, which may contribute to the spread of communicable diseases such as SARS-CoV-2, the virus that causes COVID-19.

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This information is not duplicated for this population in any other place or any other form.

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

- 6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

Not collecting information in advance would lead to longer processing times for undocumented individuals at POEs, as well as increase the time these individuals will remain in a congregate setting, increasing the risk of transmission of communicable diseases such as COVID-19 among these individuals and CBP employees.

- 7. Explain any special circumstances.**

This information is collected in a manner consistent with the guidelines of 5 CFR 1320.5(d)(2).

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

(b)(5)

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

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

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

CBP is publishing a new Privacy Impact Assessment (PIA) for this information collection entitled "Advance Information Collection from Undocumented Individuals." The collection is generally covered by the PIA for the DHS/CBP/PIA-068 CBP One™ Mobile Application (originally published February 2021); b) the PIA for the DHS/CBP/PIA-067 U.S. Customs and Border Protection Unified Secondary (originally published December 2020); and c) and the PIA for the DHS/CBP/PIA-056 Traveler Verification Service (originally published November 2018).

The Systems of Records Notices (SORNs) that will be included in this ICR include the ATS SORN (DHS/CBP-006 Automated Targeting System, May 22, 2012, 77 FR 30297), which pertains to the collection of information in advance of travel. All information collected at the time of inspection and processing is covered by the DHS/CBP-016 Nonimmigrant Information System (March 13, 2015, 80 FR 13398) and DHS/CBP-011 U.S. Customs and Border Protection TECS (December 19, 2008, 73 FR 77778) SORNs.

There are no assurances of confidentiality provided to the respondents of this information collection.

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

There are no questions of a sensitive nature.

12. **Provide estimates of the hour burden of the collection of information.**

INFORMATION	TOTAL ANNUAL	NO. OF RESPONDENTS	NO. OF RESPONSES	TOTAL	TIME PER
-------------	--------------	--------------------	------------------	-------	----------

COLLECTION	BURDEN HOURS		PER RESPONDENT	RESPONSES	RESPONSE
Advance Information on Undocumented Travelers	24,333	91,250	1	91,250	16 minutes

Public Cost

The estimated cost to the respondents is \$496,393. This is based on the estimated burden hours (24,333) multiplied by (\$20.40). CBP used the U.S. Department of Transportation’s guidance on value of travel time for value of time estimates (\$20.40)¹ for travel by land.

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

There are no record keeping, capital, start-up or maintenance costs associated with this information collection. Use of the CBP One app is free of charge. CBP assumes that basic internet access is a customary cost of doing business and will not additionally burden any NGO/IO assisting individuals in submitting this form.

14. **Provide estimates of annualized cost to the Federal Government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

The estimated annual cost to the Federal Government associated with the review of these records is \$389,409. This is based on the number of responses (91,250) multiplied by the time to review and process each response (3 minutes) = 4,563 hours multiplied by the average hourly rate (\$85.35) = \$298,935. The previous review time of 4 hours was adjusted to reflect the time spent on reviewing the CBP One data in primary and secondary processing systems only, 3 minutes. The 4-hour estimate included the entire case processing time.

15. **Explain the reasons for any program changes or adjustments reported in Items 12 or 13.**

This information collection is being extended beyond persons who may warrant an exception to the CDC order to undocumented noncitizens who will be processed

¹ 2016 Revised Value of Travel Time Guidance.pdf (transportation.gov)

under Title 8 at the time of arrival to a POE. Collection of this information will reduce the amount of data manually entered by CBPOs, which is expected to expedite secondary process and thus reduce the length of time an undocumented noncitizen remains in CBP custody. It is also being changed to incorporate a scheduling component. CBP is implementing the ability for individuals, directly or through NGOs/IOs, to request to present at a specific POE on a specific date and time. This will automate the manual process that is currently being utilized for those individuals who may warrant an exception to the CDC Order, which requires the exchange of numerous phone calls and emails. This will reduce the amount of time CBP, individuals, and NGOs/IOs spend on this activity. Providing undocumented noncitizens a prescribed process to request processing at a specific POE and day/time may reduce the number of individuals attempting to enter between the POEs. Finally, the collection is being changed to require those individuals who choose to submit advance information to submit photographs, rather than leaving them as optional. This will provide CBPOs with a mechanism to match a noncitizen who arrives at the port with the photograph submitted in advance, thereby facilitating identify verification and matching to data previously submitted.

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

This information collection will not be published for statistical purposes.

17. If seeking approval to not display the expiration date, explain the reasons that displaying the expiration date would be inappropriate.

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

18. “Certification for Paperwork Reduction Act Submissions.”

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

B. Collection of Information Employing Statistical Methods

No statistical methods were employed.

Action Taken Quick View

Report Number:	(b)(7)(E)	Recommendation #:	5	ECD Count:	2
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Action Taken Date	Resource Name	Action Taken
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(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

Action Taken Quick View

Report Number:	(b)(7)(E)	Recommendation #:	5	ECD Count:	2
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Action Taken Date	Resource Name	Action Taken
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(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

Message

From: (b)(6), (b)(7)(C)
Sent: 6/1/2022 4:13:08 PM
To: (b)(6)
Subject: FW: Additional DHS Technical Comments to GAO-20-568 "Facial Recognition: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues" (103508)
Attachments: DHS Tech Comments GAO 103508 TSA additional Submission 8-17-2020.docx

From: (b)(6)
Sent: Wednesday, August 19, 2020 12:32 PM
To: (b)(6)
(b)(6)
Cc: OBIM Audit Liaison (b)(6)
(b)(6) MGMTCAL (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) PARMExecSec (b)(6)
(b)(6)
PLCYAudits (b)(6) S&T GAO Liaison (b)(6) TSA_ALDauditsmail
(b)(6)
(b)(6) GAO-OIG Liaison (b)(6)
(b)(6)

Subject: Additional DHS Technical Comments to GAO-20-568 "Facial Recognition: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues" (103508)

Good afternoon (b)(6) and all,

I am reaching out to you with the attached additional technical comments to draft report GAO-20-568 "Facial Recognition: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues" (103508).

We regret any inconvenience this may cause, and appreciate your flexibility in accepting these comments late in GAO's final report process.

Recognizing that this may impact GAO's planned date to issue the final report, please let us know if you have an update to your estimated final report date.

As always, please include our organizational mailbox, (b)(6) on the distribution of the final report to ensure proper and timely dissemination within DHS.

Thank you,

(b)(6)

Assistant Director
Departmental GAO-OIG Liaison Office
U.S. Department of Homeland Security

(b)(6) (cell)

From: (b)(6)

Sent: Friday, August 14, 2020 12:39 PM

To: (b)(6)

Subject: RE: DHS Management response to GAO-20-568 "Facial Recognition: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues" (103508)

Just as a quick follow up, we plan to issue the report on September 2, 2020. Thanks again for your help.

V/R

(b)(6)

Senior Analyst, Homeland Security & Justice
U.S. Government Accountability Office

(b)(6)

From: (b)(6)

Sent: Thursday, August 13, 2020 1:33 PM

To: (b)(6)

(b)(6)

Cc: (b)(6), (b)(7)(C)

(b)(6) MGMTCAL (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) PARMExecSec (b)(6)

(b)(6)

PLCYAudits (b)(6) S&T GAO Liaison (b)(6) TSA_ALDAuditsmail

(b)(6) GAO-OIG Liaison (b)(6)

(b)(6)

Subject: DHS Management response to GAO-20-568 "Facial Recognition: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues" (103508)

Good afternoon,

Thank you for the opportunity to review and comment on draft report GAO-20-568 "Facial Recognition: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues" (103508). DHS's formal management response to the draft report is attached. Technical comments were previously provided under separate cover. Please include our organizational mailbox, (b)(6) on the distribution of the final report to ensure proper and timely dissemination within DHS.

Our records reflect an estimated final report date on/about September 4, 2020. Please let me know if there is a more accurate estimate.

Respectfully,

(b)(6)

Assistant Director
Departmental GAO-OIG Liaison Office
U.S. Department of Homeland Security
(b)(6) (cell)

From: (b)(6)
Sent: Friday, July 31, 2020 12:41 PM
To: (b)(6)
Cc: (b)(6), (b)(7)(C)
(b)(6) MGMTCAL (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) PARMExecSec (b)(6)
(b)(6)
PLCYAudits (b)(6) S&T GAO Liaison (b)(6) TSA_ALDAuditsmail
(b)(6) GAO-OIG Liaison (b)(6)
(b)(6)

Subject: DHS Technical Comments to GAO-20-568SU "Facial Recognition: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues" (103508)

Good afternoon,

Thank you for the opportunity to review and comment on draft report GAO-20-568SU "Facial Recognition: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues" (103508). Please see the attached technical comments. DHS's formal management response letter will be sent under separate cover.

Please include our organizational mailbox, (b)(6) on the distribution of the final report.

Once GAO has an opportunity to review these technical comments, please reach back to the Department to confirm whether the final report will contain restrictive markings, as well as other changes that GAO may make to the final report in response to the Technical Comments, as this information will impact the Management Response Letter.

Thank you,

Respectfully,

(b)(6)

Assistant Director
Departmental GAO-OIG Liaison Office
U.S. Department of Homeland Security
(b)(6) (cell)

Technical Comments for ("X" or highlight one):

	GAO Statement of Facts		OIG Discussion Draft/NFR
X	GAO Draft Report		OIG Draft Report

Engagement # / Report #:	(b)(7)(E)
Engagement Title:	FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues
Date:	August 17, 2020

Report Page	Line or Bullet	Comments	Component / POC	Type
<i>Use page number from the report rather than the document</i>		<i>Provide specific remarks, including suggested revised report language, as appropriate.</i>	<i>Identify the name, title, office, phone #, email address, and Component of the program official/SME submitting each comment.</i>	<i>Choose one or more options to characterize each comment:</i> 1. Accuracy 2. Sensitivity 3. Context and Perspective 4. Editorial

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

Report Page	Line or Bullet	Comments	Component / POC	Type
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(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

AFFIRM: This work product has been reviewed for sensitivity concerns which DO/**DO NOT** exist (highlight one).

Component/POC
(name, title, email
address, and
phone number)

(b)(6), (b)(7)(C), (b)(7)(E)

Report Page	Line or Bullet	Comments	Component / POC	Type
		(b)(6), (b)(7)(C), (b)(7)(E)		

Message

From: (b)(6), (b)(7)(C)
Sent: 4/20/2021 4:24:16 PM
To: (b)(6)
CC: (b)(6), (b)(7)(C)
Subject: RE: Follow-up to Request for Closure of Recommendation 5 - GAO-20-568, FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues
Attachments: GAO Document List_Rec 5.xlsx; GAO Recommendation 5 Documents.zip

Good Afternoon (b)(6) and (b)(6)

CBP's Office of Field Operations provided the attached in response to the requested additional information. I am waiting for them to provide the attachments for recommendation on a zip drive.

1. A list of all of the alerts CBP receives when there is a system problem/failure. Having a comprehensive list of the types of alerts CBP receives would allow us to further explain the system's current reporting capabilities. Examples of the system alerts CBP mentioned during the call were alerts it receives when the system is down due to a power outage, gallery failure, or a system availability issue. If you can provide examples/copies/screen shots of these reports/alerts, that would also help us further explain some of the processes in place to alert CBP during system failures. Note: Please don't limit these alerts to the what the Biometric Entry-Exit Program receives. We are also interested in reviewing what alerts OIT may receive at its Network Operations Center.
2. At least three examples that illustrate actions taken by CBP to correct/address an issue with the performance of the program identified from reviewing the weekly performance reports, such as when the biometric confirmation rate or technical match rate is significantly below expected performance for a given flight, terminal, airline, or airport. Having these examples (i.e. an email to a port director or an airline) would help us further explain how CBP actively uses the weekly performance reports to improve the performance of the program. Please provide any documentation of these examples, if available.

Thank you,
(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
Component Audit Liaison
Management Inspection Division
Office of Accountability
U.S. Customs and Border Protection
Email: (b)(6), (b)(7)(C)
Phone: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Wednesday, April 14, 2021 12:16 PM
To: (b)(6)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Follow-up to Request for Closure of Recommendation 5 - GAO-20-568, FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues

Hi (b)(6) and (b)(6)

Per (b)(6) request, I am sending this information to you as well. (b)(6) has not been receiving my emails with the attachments.

Thank you,

(b)(6), (b)(7)(C)

Component Audit Liaison
Management Inspection Division
Office of Accountability
U.S. Customs and Border Protection

Email: (b)(6), (b)(7)(C)

Phone: (b)(6), (b)(7)(C)

From: (b)(6)

Sent: Wednesday, March 24, 2021 10:06 AM

To: (b)(6), (b)(7)(C)

Cc: (b)(6), (b)(7)(C)

Subject: RE: Follow-up to Request for Closure of Recommendation 5 - GAO-20-568, FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues

Thank you (b)(6), (b)(7)(C) Let me gather the information and I'll provide you a response by the end of the week.

V/R

(b)(6)

Senior Analyst, Homeland Security & Justice
U.S. Government Accountability Office

(b)(6)

(b)(6)

From: (b)(6), (b)(7)(C)

Sent: Wednesday, March 24, 2021 9:23 AM

To: (b)(6)

Cc: (b)(6), (b)(7)(C)

Subject: Follow-up to Request for Closure of Recommendation 5 - GAO-20-568, FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues

CAUTION EXTERNAL EMAIL: Do not click on any links or open any attachments unless you trust the sender and/or know the content is safe. If you are suspicious of the e-mail, click on the Report Suspicious Emails button.

Good Morning: (b)(6)

I am following up to get the status of CBP's request for closure for recommendation 5. During the meeting on January 21, 2021, CBP/OFO explained in detail why the agency is confident that the weekly review would be more appropriate, as it is the best way to identify a daily pattern of a particular issue. GAO is suggesting daily review and CBP explained that would make it more difficult to identify the pattern. Please let me know when CBP can expect a decision from GAO.

Background

Recommendation 5: Develop a process by which Biometric Entry-Exit program officials are alerted when the performance of air exit facial recognition falls below established thresholds

Actions Taken: CBP's OFO has a suite of tools for system and operational performance management, and OFO creates three types of performance reports that are automatically generated and distributed on a weekly basis within CBP and to external stakeholders. These reports include: 1. Saturation Report: Notes the percentage of flights biometrically processed out of the total number of possible international departures segmented by airport. 2. Biometric Air Exit Overview Report: Includes a daily synopsis of operational performance data including numbers of biometrically processed flights and travelers together with biometric match rates. 3. Stakeholder Raw Data Reports: Provides Air Exit stakeholders with operational performance data by flight number, passenger counts, and biometric match rates. The OFO's Biometric Entry-Exit Air team monitors these reports for performance issues and addresses any anomalies with stakeholders as they arise. These reports are also used to promote/increase usage by stakeholders. CBP's OFO also conducts random sampling to determine the technical match rates and identify any system or equipment issues. The random sampling is conducted on a weekly basis and includes two flights per airport per week. Finally, CBP's OFO receives alert notifications if TVS experiences an outage, and has a Gallery Assembly System monitor that provides notifications when a flight gallery is not created. Depending on the severity and impact to end users, OFO generates stakeholder notifications, as appropriate.

GAO's response to request for closure:

4 C.F.R. § 81.6(j) (analogous to U.S.C. § 552 (b)(5))

4 C.F.R. § 81.6(j) (analogous to U.S.C. § 552 (b)(5))

Thank you.

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Component Audit Liaison
Management Inspection Division
Office of Accountability
U.S. Customs and Border Protection

Email: (b)(6), (b)(7)(C)

Phone: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Tuesday, January 12, 2021 7:54 AM

To: (b)(6)

Cc: (b)(6), (b)(7)(C)

Subject: Follow-up to Request for Closure of Recommendation 5 - GAO-20-568, FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues

Good Morning (b)(6)

While GAO is now recommending a daily review, CBP/OFO is confident that the weekly review would be more appropriate as it is the best way to identify a daily pattern of a particular issue. A daily review would make it more difficult to identify the pattern. CBP/OFO would like to meet with GAO to provide additional clarification. CBP/OFO is available next Thursday, January 21 any time from 9:00am-12:00pm? Does that date/time work for GAO? If so, I will arrange the meeting and send a meeting invite.

BACKGROUND

Recommendation 5: Develop a process by which Biometric Entry-Exit program officials are alerted when the performance of air exit facial recognition falls below established thresholds.

Actions Taken: CBP's OFO has a suite of tools for system and operational performance management, and OFO creates three types of performance reports that are automatically generated and distributed on a weekly basis within CBP and to external stakeholders. These reports include: 1. Saturation Report: Notes the percentage of flights biometrically processed out of the total number of possible international departures segmented by airport. 2. Biometric Air Exit Overview Report: Includes a daily synopsis of operational performance data including numbers of biometrically processed flights and travelers together with biometric match rates. 3. Stakeholder Raw Data Reports: Provides Air Exit stakeholders with operational performance data by flight number, passenger counts, and biometric match rates. The OFO's Biometric Entry-Exit Air team monitors these reports for performance issues and addresses any anomalies with stakeholders as they arise. These reports are also used to promote/increase usage by stakeholders. CBP's OFO also conducts random sampling to determine the technical match rates and identify any system or equipment issues. The random sampling is conducted on a weekly basis and includes two flights per airport per week. Finally, CBP's OFO receives alert notifications if TVS experiences an outage, and has a Gallery Assembly System monitor that provides notifications when a flight gallery is not created. Depending on the severity and impact to end users, OFO generates stakeholder notifications, as appropriate.

Thank you,

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Component Audit Liaison

Management Inspection Division

Office of Accountability

U.S. Customs and Border Protection

Email: (b)(6), (b)(7)(C)

Phone: (b)(6), (b)(7)(C)

From: (b)(6)

Sent: Monday, December 7, 2020 9:32 AM

To: (b)(6), (b)(7)(C)

Cc: (b)(6), (b)(7)(C)

Subject: RE: Status of Recommendation 5 - GAO-20-568, FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues

Hello (b)(6), (b)(7)(C)

4 C.F.R. § 81.6(j) (analogous to U.S.C. § 552 (b)(5))

V/r

(b)(6)

Senior Analyst, Homeland Security & Justice
U.S. Government Accountability Office

(b)(6), (b)(7)(C)

(b)(6)

From: (b)(6), (b)(7)(C)

Sent: Thursday, November 19, 2020 3:41 PM

To: (b)(6)

Cc: (b)(6), (b)(7)(C)

Subject: Status of Recommendation 5 - GAO-20-568, FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues

CAUTION EXTERNAL EMAIL: Do not click on any links or open any attachments unless you trust the sender and/or know the content is safe. If you are suspicious of the e-mail, click on the Report Suspicious Emails button.

Good Afternoon (b)(6)

I am touching base to see if GAO made a decision on this request for closure.

Thank you,

(b)(6), (b)(7)(C)

Component Audit Liaison
Management Inspection Division
Office of Accountability
U.S. Customs and Border Protection

Email: (b)(6), (b)(7)(C)

Phone: (b)(6), (b)(7)(C)

From: (b)(6)
Sent: Thursday, September 17, 2020 8:56 AM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Recommendation 5 - GAO-20-568, FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Good morning (b)(6), (b)(7)(C)

Thank you for reaching out to us and double checking on that recommendation. Based on the timing of when CBP sent us the documentation associated with this recommendation, we were unable to fully assess the documentation and CBP's actions to determine whether the actions CBP took fully addressed our recommendation before we issued our report. As we mention towards the end of our report, in the "Agency Comments and Our Evaluation" section on pg. 73, once we have an opportunity to fully review CBP's documentation, we will determine the extent to which CBP's actions fully address the recommendation, and then determine if we can close the recommendation. We expect to finish our assessment, and provide CBP with an update within 60 days of the issuance of our final report. Expect to hear back from us on around 11/2/20. Please let us know if you have any other questions.

V/R

(b)(6)
Senior Analyst, Homeland Security & Justice
U.S. Government Accountability Office
(b)(6)
(b)(6)

From: (b)(6), (b)(7)(C)
Sent: Wednesday, September 16, 2020 4:37 PM
To: (b)(6)
Cc: (b)(6), (b)(7)(C)
Subject: Recommendation 5 - GAO-20-568, FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues

CAUTION EXTERNAL EMAIL: Do not click on any links or open any attachments unless you trust the sender and/or know the content is safe. If you are suspicious of the e-mail, click on the Report Phishing button.

Good Afternoon (b)(6)

CBP requested closure of this recommendation in the attached management response letter, but this recommendation remained in the final report. Can you provide more details regarding the additional actions or information needed for GAO to considered the below recommendation resolved and closed?

Recommendation 5: Develop a process by which Biometric Entry-Exit program officials are alerted when the performance of air exit facial recognition falls below established thresholds.

Thank you,

(b)(6), (b)(7)(C)

Component Audit Liaison
Management Inspection Division
Office of Accountability
U.S. Customs and Border Protection

Email: **(b)(6), (b)(7)(C)**

Phone: **(b)(6), (b)(7)(C)**

Document Title	Description	CBP Response/Action	Internal Notes
(b)(5), (b)(7)(E)			

Document Title	Description	CBP Response/Action	Internal Notes
(b)(5), (b)(7)(E)			

Message

From: (b)(6), (b)(7)(C)
Sent: 1/12/2021 12:54:11 PM
To: (b)(6)
CC: (b)(6), (b)(7)(C)
Subject: Follow-up to Request for Closure of Recommendation 5 - GAO-20-568, FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues

Good Morning (b)(6)

While GAO is now recommending a daily review, CBP/OFO is confident that the weekly review would be more appropriate as it is the best way to identify a daily pattern of a particular issue. A daily review would make it more difficult to identify the pattern. CBP/OFO would like to meet with GAO to provide additional clarification. CBP/OFO is available next Thursday, January 21 any time from 9:00am-12:00pm? Does that date/time work for GAO? If so, I will arrange the meeting and send a meeting invite.

BACKGROUND

Recommendation 5: Develop a process by which Biometric Entry-Exit program officials are alerted when the performance of air exit facial recognition falls below established thresholds.

Actions Taken: CBP's OFO has a suite of tools for system and operational performance management, and OFO creates three types of performance reports that are automatically generated and distributed on a weekly basis within CBP and to external stakeholders. These reports include: 1. Saturation Report: Notes the percentage of flights biometrically processed out of the total number of possible international departures segmented by airport. 2. Biometric Air Exit Overview Report: Includes a daily synopsis of operational performance data including numbers of biometrically processed flights and travelers together with biometric match rates. 3. Stakeholder Raw Data Reports: Provides Air Exit stakeholders with operational performance data by flight number, passenger counts, and biometric match rates. The OFO's Biometric Entry-Exit Air team monitors these reports for performance issues and addresses any anomalies with stakeholders as they arise. These reports are also used to promote/increase usage by stakeholders. CBP's OFO also conducts random sampling to determine the technical match rates and identify any system or equipment issues. The random sampling is conducted on a weekly basis and includes two flights per airport per week. Finally, CBP's OFO receives alert notifications if TVS experiences an outage, and has a Gallery Assembly System monitor that provides notifications when a flight gallery is not created. Depending on the severity and impact to end users, OFO generates stakeholder notifications, as appropriate.

Thank you,

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Component Audit Liaison
Management Inspection Division
Office of Accountability
U.S. Customs and Border Protection

Email: (b)(6), (b)(7)(C)

Phone: (b)(6), (b)(7)(C)

From: (b)(6)
Sent: Monday, December 7, 2020 9:32 AM
To: (b)(6), (b)(7)(C)

Cc: (b)(6), (b)(7)(C)

Subject: RE: Status of Recommendation 5 - GAO-20-568, FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues

Hello (b)(6), (b)(7)(C)

4 C.F.R. § 81.6(j) (analogous to U.S.C. § 552 (b)(5))

V/r

(b)(6)

Senior Analyst, Homeland Security & Justice
U.S. Government Accountability Office

(b)(6)

(b)(6)

From: (b)(6), (b)(7)(C)

Sent: Thursday, November 19, 2020 3:41 PM

To: (b)(6)

Cc: (b)(6), (b)(7)(C)

Subject: Status of Recommendation 5 - GAO-20-568, FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues

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Good Afternoon (b)(6)

I am touching base to see if GAO made a decision on this request for closure.

Thank you,

(b)(6), (b)(7)(C)

Component Audit Liaison

Management Inspection Division
Office of Accountability
U.S. Customs and Border Protection

Email: (b)(6), (b)(7)(C)

Phone: (b)(6), (b)(7)(C)

From: (b)(6)

Sent: Thursday, September 17, 2020 8:56 AM

To: (b)(6), (b)(7)(C)

Cc: (b)(6), (b)(7)(C)

(b)(6)

Subject: RE: Recommendation 5 - GAO-20-568, FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues

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Good morning (b)(6), (b)(7)(C)

Thank you for reaching out to us and double checking on that recommendation. Based on the timing of when CBP sent us the documentation associated with this recommendation, we were unable to fully assess the documentation and CBP's actions to determine whether the actions CBP took fully addressed our recommendation before we issued our report. As we mention towards the end of our report, in the "Agency Comments and Our Evaluation" section on pg. 73, once we have an opportunity to fully review CBP's documentation, we will determine the extent to which CBP's actions fully address the recommendation, and then determine if we can close the recommendation. We expect to finish our assessment, and provide CBP with an update within 60 days of the issuance of our final report. Expect to hear back from us on around 11/2/20. Please let us know if you have any other questions.

V/R

(b)(6)

Senior Analyst, Homeland Security & Justice
U.S. Government Accountability Office

(b)(6)

(b)(6)

From: (b)(6), (b)(7)(C)

Sent: Wednesday, September 16, 2020 4:37 PM

To: (b)(6)

Cc: (b)(6), (b)(7)(C)

Subject: Recommendation 5 - GAO-20-568, FACIAL RECOGNITION: CBP and TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy and System Performance Issues

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Good Afternoon: (b)(6)

CBP requested closure of this recommendation in the attached management response letter, but this recommendation remained in the final report. Can you provide more details regarding the additional actions or information needed for GAO to consider the below recommendation resolved and closed?

Recommendation 5: Develop a process by which Biometric Entry-Exit program officials are alerted when the performance of air exit facial recognition falls below established thresholds.

Thank you,

(b)(6), (b)(7)(C)

Component Audit Liaison
Management Inspection Division
Office of Accountability
U.S. Customs and Border Protection

Email: (b)(6), (b)(7)(C)

Phone: (b)(6), (b)(7)(C)

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Homeland
Security

August 13, 2020

Rebecca Gambler
Director, Homeland Security and Justice
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Re: Management Response to Draft Report GAO-20-568, "FACIAL RECOGNITION: CBP & TSA are Taking Steps to Implement Programs, but CBP Should Address Privacy & System Performance Issues"

Dear Ms. Gambler,

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS or the Department) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

The Department is pleased to note GAO's recognition of progress made by U.S. Customs and Border Protection (CBP) with testing and deploying facial recognition technology (FRT) at ports of entry to create entry-exit records for foreign nationals, as part of its Biometric Entry-Exit Program, and on the Transportation Security Administration's (TSA) pilot tests to assess the feasibility of using FRT. DHS remains committed to facilitating legitimate travel and securing U.S. borders through expanded use of facial recognition matching that sustains privacy protections, while also maintaining high standards of transparency and accountability.

For example, in 2017, CBP developed and implemented the Traveler Verification Service (TVS) as its facial recognition matching service as part of the congressional mandate to implement a biometric entry-exit system. TVS is an efficient, accurate, and secure manner to verify identity. As acknowledged in the draft report, CBP, in partnership with airlines, deployed FRT to 27 airports to biometrically confirm travelers' identities when they depart the United States (air exit) and was in the early stages of assessing FRT at sea and land ports of entry during field work for this report. CBP is currently working to

implement TVS for biometric air exit for 97 percent of in-scope¹ departing commercial air travelers from the United States, by the end of Fiscal Year 2021.

To monitor the progress towards meeting the 97 percent goal, CBP's Office of Field Operations (OFO) generates weekly-automated reports that track usage and biometric confirmation rates, as well as weekly performance reports for each stakeholder to encourage increased TVS usage. As this effort involves usage by airlines, airport authorities, sea cruise lines, and seaport authorities, and other stakeholders, CBP's increase of availability of TVS at all air, land, and sea ports of entry will encourage an increase in the operational use of TVS.

In addition to ensuring the accuracy of TVS, CBP remains committed to ensuring that the use of technology sustains, and does not erode, privacy protections. CBP takes privacy very seriously, and is dedicated to protecting the privacy of all travelers. For example, CBP provides notice to individuals regarding the collection, use, dissemination, and maintenance of personally identifiable information as part of efforts to promote transparency.

To ensure that CBP and its stakeholders take appropriate measures to mitigate privacy and security risks associated with biometric data collection, CBP developed a comprehensive audit plan, which was provided to the GAO in April 2020. The audit plan includes security interviews with partner information technology departments, security scans of biometric processing systems, and penetration tests of those systems. CBP uses the totality of this information to determine whether a system is secure and subsequently, if the information exchanged in the system is equally safeguarded.

Further, TSA's participation in this audit is consistent with its commitment to transparency and accountability regarding the use of biometric technology for identity verification at the TSA checkpoint. As acknowledged in the draft report, it is too early to fully assess TSA's compliance with privacy protection principles. We reiterate, however, our commitment that DHS' Fair Information Practice Principle will continue to guide TSA as it seeks to protect passenger privacy while achieving the operational and security benefits of biometric technology and improving the passenger experience.

It is important to note, however, that DHS believes that many of the performance rates for face recognition algorithms outlined in the National Institute of Standards and Technology (NIST) December 2019 report are not acceptable for use in CBP operations. For example, CBP uses an algorithm evaluated by NIST and confirmed to be high-performing, ranking first or second in most categories evaluated, including match performance in galleries that are much bigger than those used by CBP, calling the

¹ An "in-scope" traveler is any person who is required by law to provide biometrics upon exit from the United States pursuant to 8 CFR 235.1(f)(ii).

demographic differential for “undetectable.”² The performance metrics described by NIST are consistent with CBP operational performance metrics for entry-exit, and CBP’s operational data continues to show there is no measurable differential performance in matching based on demographic factors. Moreover, the NIST FRVT report shows a wide range in accuracy across algorithm developers, with the most accurate algorithms producing many “fewer errors” and “undetectable false positive” differentials.

Since many of the performance rates specified in the NIST report are not acceptable for use in CBP operations, CBP does not use them. CBP believes the only relevant parts of the report, for the purposes of GAO’s draft report, are the specific sections on algorithm performance for algorithms that CBP actually uses.

The draft report contained five recommendations, with which the Department concurs. Attached find our detailed response to each recommendation. DHS previously submitted technical comments under a separate cover for GAO’s consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,

JIM H

CRUMPACKER

Digitally signed by JIM H
CRUMPACKER
Date: 2020.08.13 08:56:03
-0400

JIM H. CRUMPACKER, CIA, CFE

Director

Departmental GAO-OIG Liaison Office

Attachment

² Face Recognition Vendor Test (FRVT), Part 3: Demographic Effects, National Institute of Standards and Technology, U.S. Department of Commerce (December 2019), p.8.

**Attachment: Management Response to Recommendations
Contained in GAO-20-568**

GAO recommended that the Commissioner of CBP:

Recommendation 1: Ensure that the Biometric Entry-Exit Program's privacy notices contain complete and current information, including all of the locations where facial recognition is used and how travelers can request to opt out as appropriate.

Response: Concur. CBP's OFO will collaborate with the CBP Office of Public Affairs to publish: 1) Biometric Entry-Exit privacy information; 2) locations where facial recognition is used; and 3) traveler opt-out procedures on CBP's public-facing website, as well as to review and update that information on a monthly basis. CBP's OFO will also ensure that information provided in response to inquiries via the CBP Call Center is also reviewed and updated monthly. Estimated Completion Date (ECD): December 31, 2020.

Recommendation 2: Ensure that the Biometric Entry-Exit Program's privacy signage is consistently available at all locations where CBP is using facial recognition.

Response: Concur. It is important to note that, unlike Federal Inspection Services areas, the airport departure areas are not managed by CBP personnel. However, CBP OFO will continue to work with its airlines/airport partners to ensure that privacy signage is available, on display, and reflective of current privacy messaging for travelers. For example, CBP provides notice to individuals regarding the collection, use, dissemination, and maintenance of personally identifiable information as part of efforts to promote transparency. While CBP acknowledges that operational constraints may affect the placement of signs or the timely posting of updated signage, the overall public is informed that stakeholders are taking photos in coordination with CBP. Further, CBP's OFO regularly conducts periodic signage audits that include local CBP personnel to ensure signs are accurate and placed appropriately.

In addition, CBP notifies travelers at these ports using verbal announcements, signs, and message boards, as appropriate, that CBP takes these photos for identity verification purposes. Travelers are also informed of their ability to request alternative identity verification procedures. Also publicly stated are notifications that, should a traveler decide to request alternative identity verification procedures, the airline would conduct manual identity verification using his/her travel document, and may notify CBP to collect biometrics, such as fingerprints, if applicable. CBP's OFO will also continue to work with airline and airport partners to identify other methods to communicate the use of facial recognition and travelers' privacy rights. ECD: June 30, 2021.

Recommendation 3: Direct the Biometric Entry-Exit Program to develop and implement a plan to conduct privacy audits of its commercial partners', contractors', and vendors' use of personally identifiable information.

Response: Concur. In the air exit environment, CBP OFO will continue to conduct security reviews on partner biometric capture equipment and all interfaces with CBP's TVS, as detailed in the Biometric Entry-Exit Program audit plan, provided to GAO in April 2020. This audit plan enables a comprehensive review of compliance with security and privacy requirements on the part of CBP and CBP's partners. As mentioned in the draft report, CBP completed one partner audit thus far. Although, CBP planned additional audits for 2020, due to the COVID-19 global health pandemic and subsequent travel restrictions, CBP paused the planned audit activities. Once pandemic travel restrictions are lifted, CBP's OFO and Office of Information Technology (OIT) will resume conducting audits. Further, CBP's Privacy and Diversity Office is finalizing its CBP Privacy Evaluation of TVS, which evaluates TVS program protections identified in previously issued compliance documentation, such as Privacy Impact Assessments.

CBP's OFO and OIT plan to conduct four to six reviews per year that will begin after COVID-19 travel restrictions are lifted. ECD: June 30, 2021.

Recommendation 4: Develop and implement a plan to ensure that the biometric air exit capability meets its established photo capture requirement.

Response: Concur. The CBP's Biometric Entry-Exit Program's Air Exit Segment was granted Acquisition Decision Event 3 in December 2019. One of the action items from this decision was to complete an update to the Operational Requirements Document (ORD). CBP's OFO will update the ORD by removing the photo capture requirement, as this requirement is not applicable to current air exit operations. ECD: June 30, 2021.

Recommendation 5: Develop a process by which Biometric Entry-Exit program officials are alerted when the performance of air exit facial recognition falls below established thresholds.

Response: Concur. CBP's OFO has a suite of tools for system and operational performance management, and OFO creates three types of performance reports that are automatically generated and distributed on a weekly basis within CBP and to external stakeholders. These reports include:

1. Saturation Report: Notes the percentage of flights biometrically processed out of the total number of possible international departures segmented by airport.
2. Biometric Air Exit Overview Report: Includes a daily synopsis of operational performance data including numbers of biometrically processed flights and travelers together with biometric match rates.

3. Stakeholder Raw Data Reports: Provides Air Exit stakeholders with operational performance data by flight number, passenger counts, and biometric match rates.

The OFO's Biometric Entry-Exit Air team monitors these reports for performance issues and addresses any anomalies with stakeholders as they arise. These reports are also used to promote/increase usage by stakeholders.

CBP's OFO also conducts random sampling to determine the technical match rates and identify any system or equipment issues. The random sampling is conducted on a weekly basis and includes two flights per airport per week.

Finally, CBP's OFO receives alert notifications if TVS experiences an outage, and has a Gallery Assembly System monitor that provides notifications when a flight gallery is not created. Depending on the severity and impact to end users, OFO generates stakeholder notifications, as appropriate.

We request that GAO consider this recommendation resolved and closed, as implemented.