



TESTIMONY OF

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ON

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## Introduction

Chairman Thompson, Ranking Member Katko, and distinguished Members of the Committee, thank you for the opportunity to appear today to discuss U.S. Customs and Border Protection's (CBP) efforts to facilitate post-pandemic international travel.

CBP's mission of protecting the borders of the United States and facilitating safe and legitimate trade and travel is not only a critical component of national security, but also a significant driving force of the country's economic prosperity. The Office of Field Operations (OFO) is the law enforcement entity within CBP responsible for carrying out CBP's complex and demanding mission at 328 ports of entry (POE) nationwide and 16 Preclearance locations internationally.

The global coronavirus pandemic (COVID-19) caused significant damage to multiple private industries and government entities that depend on international travel. The United States and other countries around the world took swift and deliberate actions to limit travel. These actions were essential to minimize the risk of COVID-19 transmission; however, because of these restrictions along with traveler fears caused by the pandemic, international travel volume decreased for two consecutive years. In Fiscal Year 2020, international travel to the United States in all modes decreased 42 percent from FY 2019 levels. In the air environment, the decrease was 54 percent compared to the previous year.<sup>1</sup> In FY 2021, international travel to the United States decreased 25 percent overall, and decreased 29 percent in the air environment, compared to the previous fiscal year.<sup>2</sup> As of May 1, 2022, travel in the air environment remains 29 percent lower than this same time in 2019.

Revenue from user fees, 94 percent of which are paid for by international air passengers, support budgets for multiple offices across CBP. The pandemic caused a reduction of more than a \$1.5 billion in CBP user fee collections for FY 2021 and a projected \$669 million reduction for FY 2022, impacting multiple offices across CBP. This had a significant impact on OFO, for which user fees make up 40 percent of its \$6.5 billion budget. Travel and associated user fee collections are gradually recovering but are not projected to return to pre-pandemic levels in FY 2023. CBP is closely monitoring travel and its impact on fee collections as traveler volumes continue to increase.

In October 2021, President Biden ended the United States' country-based travel restrictions<sup>3</sup> and replaced them with a global vaccination requirement for non-U.S. citizen, nonimmigrant travelers. Today, as vaccines are more widely available and travel restrictions continue to ease, CBP stands ready to welcome visitors back to the United States. As part of our preparation efforts, CBP has been accelerating the implementation of several initiatives to maintain the highest standards of security while transforming the international arrivals process to attract visitors, increase traveler confidence and safety, and provide a streamlined travel experience.

In anticipation of increased travel, CBP is leveraging pre-departure travel programs, expanding Trusted Traveler Programs, streamlining processes, and integrating advanced technologies that

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<sup>1</sup> <https://www.cbp.gov/sites/default/files/assets/documents/2021-Feb/CBP-FY2020-Trade-and-Travel-Report.pdf>

<sup>2</sup> <https://www.cbp.gov/document/annual-report/cbp-trade-and-travel-fiscal-year-2021-report>

<sup>3</sup> On October 25, 2021, President Biden announced PP 10294, effective November 8, 2021, ending the travel restrictions under Presidential Proclamations 9984, 9992, 10143, and 10199 as they relate to the suspension of entry into the U.S. of persons recently physically present in Brazil, China, India, Iran, Ireland, the Schengen Area, South Africa, and the United Kingdom.

support CBP’s dual responsibilities of moving low-risk, vetted travelers through the arrivals inspection process quickly while increasing security measures.

### **Pre-Departure Travel Operations**

For CBP, the activities involved with international air traveler screening and processing often begin long before the traveler physically arrives at a POE. They start when an individual applies for U.S. travel documents and continue as the individual reserves or purchases an airline ticket, checks-in at an airport, and is en route to their destination. Traveler screening at the earliest moments of potential travel is important for CBP to identify and prevent dangerous persons from obtaining visas, travel authorizations, and boarding passes.

### ***Visas and Travel Authorization Security***

Before boarding a flight destined for the United States, most foreign nationals must obtain a visa issued by a U.S. embassy or consulate, or, if they are eligible to travel under the Visa Waiver Program (VWP),<sup>4</sup> they must apply for a travel authorization through CBP’s Electronic System for Travel Authorization (ESTA).

Through ESTA, CBP conducts advance screening of VWP applicants to determine their eligibility to travel to the United States without a visa. This includes screening through the National Vetting Center (NVC) against classified and sensitive information from intelligence community and law enforcement partners. ESTA denies tens of thousands of applications every year – an average of 0.85 percent over the past three years<sup>5</sup> – demonstrating the importance of advance traveler data and ESTA’s valuable role in CBP’s travel security operations. As expected with the overall decrease in travel, CBP processed 6.4 million ESTA applications in FY 2020 and 1.3 million applications in FY 2021, a more than 91 percent decrease from the nearly 15.3 million applications processed in FY 2019.

Through the publication of an interim rule, CBP is expanding the requirement for an approved ESTA to land POEs.<sup>6</sup> Specifically, it extends the electronic collection of the information requested on paper Form I-94W to VWP travelers who intend to travel to the United States by land. CBP is currently in the process of implementing this requirement.

ESTA personnel work closely with the National Targeting Center (NTC) and other CBP personnel to conduct screening of travelers before they depart for the United States.

### ***Pre-Departure Targeting***

When a traveler purchases a ticket for travel to, from, or through the United States, a Passenger Name Record (PNR)<sup>7</sup> is generated in the airline’s reservation system, which includes information on itineraries, co-travelers, changes to the reservation, and payment information. CBP receives

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<sup>4</sup> The VWP allows citizens from 40 designated countries to travel to the United States for business or pleasure for 90 days or less without obtaining a visa.

<sup>5</sup> In FY18, CBP denied .56% of ESTA applications; in FY19, CBP denied .80% of ESTA applications. In FY 20, CBP denied 1.18% of ESTA applications. The increase in denial rate can potentially be attributed to the decrease in total number of applications.

<sup>6</sup> <https://www.federalregister.gov/documents/2022/04/01/2022-06366/implementation-of-the-electronic-system-for-travel-authorization-esta-at-us-land-borders>

<sup>7</sup> Collection of PNR information from air carriers is authorized by 49 U.S.C. § 44909(c)(3) and its implementing regulations at 19 C.F.R. § 122.49d

PNR data from commercial air carriers at operationally determined intervals from 96 hours prior to departure to scheduled departure time to prevent, detect, investigate, and prosecute terrorist offenses and related crimes and certain other transnational crimes.

Further, Advance Passenger Information System (APIS) regulations require commercial air carriers to transmit all required passenger and crew manifest information before departure prior to securing the aircraft doors. CBP vets APIS information, which includes passenger biographic data and travel document information, on all international flights to and from the United States against terrorist screening information, criminal history information, records of lost or stolen passports, and prior immigration or customs violations and visa refusals. CBP uses APIS and PNR data to identify known or suspected threats before they arrive at U.S. POEs.

Using advance information from the NTC, CBP plainclothes officers assigned to the Immigration Advisory Program (IAP) and Joint Security Program (JSP) partner with host country law enforcement agencies at major airports to identify passengers likely to be inadmissible upon arrival in United States.<sup>8</sup> Using mobile technology, IAP and JSP officers conduct database queries and coordinate with the NTC to confirm whether or not a traveler presents a risk.

The IAP and JSP programs are based on the cooperation of the airlines and the host government. IAP and JSP officers do not have the legal authority that CBP officers have at U.S. POEs to compel air carrier or traveler compliance. Nevertheless, an IAP or JSP officer's no-board recommendations to an air carrier regarding inadmissible travelers are generally accepted and followed by airlines. Providing coverage of non-IAP airports, Regional Carrier Liaison Groups (RCLGs) are staffed by CBP officers and use established relationships with the commercial airlines to prevent passengers who may pose a security threat, have fraudulent documents, or are otherwise inadmissible from boarding flights to the United States.

CBP's use of advance information, our pre-departure targeting operations, and our overseas programs are critical parts of CBP's multi-layered security strategy to address many concerns long before inadmissible individuals, or individuals who pose a risk to the United States, reach our physical border. Upon arrival in the United States or to a preclearance facility, all travelers are subject to inspection by CBP officers. CBP officers review entry documents, query CBP and other law enforcement databases for derogatory information, collect biometrics,<sup>9</sup> and interview each traveler to determine the purpose and intent of their travel, and whether any further inspection is necessary based on, among other things, national security, admissibility, customs, or agriculture concerns.

### ***Uniting for Ukraine - Seeking Parole at the Port of Entry***

On April 21, 2022, President Biden announced Uniting for Ukraine,<sup>10</sup> a new streamlined process to provide certain Ukrainian citizens who have fled Russia's unprovoked war of aggression opportunities to travel to the United States. Uniting for Ukraine provides a pathway for Ukrainian

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<sup>8</sup> IAP officers are posted in Western Europe and the Middle East. JSP officers are posted in Mexico, South and Central America.

<sup>9</sup> The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (Pub. L. 104-208) authorized the U.S. Government to use an automated system to record arrivals and departures of non-U.S. citizens at all air, sea, and land ports of entry. CBP is also authorized to collect biometric entry and exit information pursuant to numerous laws, including the 2002 Enhanced Border Security and Visa Entry Reform Act (Pub. L. 107-173), the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458), and the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53).

<sup>10</sup> <https://www.dhs.gov/news/2022/04/21/president-biden-announce-uniting-ukraine-new-streamlined-process-welcome-ukrainians>

citizens and their immediate family members who are outside the United States and have a U.S.-based financial supporter to apply for advance authorization to travel to the United States and seek parole, generally for a period of up to two years. After eligibility is determined by U.S. Citizenship and Immigration Services (USCIS),<sup>11</sup> Ukrainians undergo additional screening, to include biographic vetting with the NVC. Upon their arrival at a POE, each individual is inspected by CBP. Anyone determined to pose a national security or public safety threat is referred to U.S. Immigration and Customs Enforcement. If parole is determined to be appropriate, the individual will generally be paroled for a period of up to two years and may have conditions placed on their parole.<sup>12</sup> All individuals two years of age or older will need to complete a medical screening for tuberculosis, including an Interferon-Gamma Release Assays (IGRA) test, within two weeks of arrival to the United States. Currently, Ukrainians who present at U.S. land POEs without a valid visa or without pre-authorization to travel to the United States through Uniting for Ukraine may be denied entry and referred to apply through this program.

As new requirements are added, the processing of a traveler requires an increasing amount of data entry and verifications. To balance our important safety and security mission with the facilitation of legitimate travel and trade that feed our nation's economy, CBP is exploring ways that we can work with the public and our travel industry stakeholders to modernize and improve our processes by expanding Trusted Traveler Programs and investing in automated and mobile processing technology that streamlines the arrival experience.

### **Programs to Facilitate Legitimate Travel**

Identifying and separating low-risk travelers from those who may require additional scrutiny is a key element in CBP's efforts to facilitate and secure international travel. CBP's Trusted Traveler Programs – NEXUS, SENTRI, FAST, and Global Entry – provide expedited processing upon arrival in the United States for pre-approved, low-risk participants through secure technology, exclusive lines, and automated kiosks.<sup>13</sup> Membership requires travelers complete an application, submit to a screening process, and complete an interview.

CBP's Trusted Traveler Programs membership topped 10 million in March 2022. Global Entry is CBP's largest Trusted Traveler Program with 7.7 million members and availability at 62 U.S. airports and 14 international preclearance locations. CBP also has full partnership agreements with 13 countries that allow their citizens to apply for Global Entry and experience the expedited travel benefits.<sup>14</sup> Global Entry members can also receive reciprocal benefits with several countries including Australia, Germany, New Zealand, Panama, South Korea, and Taiwan. In addition, Global Entry membership includes access to TSA PreCheck®, a Transportation Security Administration (TSA) Trusted Traveler Program that allows low-risk passengers to access expedited screening for domestic air travel.

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<sup>11</sup> <https://www.dhs.gov/ukraine>

<sup>12</sup> <https://www.dhs.gov/ukraine>

<sup>13</sup> CBP operates four risk based Trusted Traveler Programs that facilitate the entry of pre-approved travelers in the United States. The programs are Global Entry, NEXUS, SENTRI, and FAST. All of the programs improve security and provide streamlined member processing, but each program is unique in its location and mode of transportation for the traveler.

<sup>14</sup> Additionally, there are four countries [names?] participating in pilot programs with the goal of reaching full partnership agreements.

### ***Improving Access to Enrollment Options***

As part of CBP's commitment to increase traveler confidence and promote visitation to the United States, CBP continues to invest in innovative efforts to improve the Global Entry membership enrollment process and member experience. Most recent enhancements include the implementation of remote interviews for renewal of Global Entry memberships and the expansion of enrollment on arrival. The Global Entry remote interview process enables certain qualified renewal applicants to complete their interview virtually with a CBP officer using a secure video connection. The enrollment on arrival processing enables conditionally approved applicants to complete the interview process with an officer upon arrival at one of 66 participating airports. Since October 1, 2021, CBP has completed 52,000 remote interviews and 160,000 enrollments on arrival interviews and is working to accommodate increased demand for these options.

### ***Biometric Facial Comparison Technology***

To better facilitate the growing volume of Global Entry travelers, and in anticipation of increasing travel volumes generally, CBP has been integrating biometric facial comparison technology into its entry and exit processes to verify identity, mitigate pathogen transmission, enhance security, and protect the privacy of all travelers.

Furthermore, CBP is leading efforts, consistent with U.S. law, to streamline the travel process by providing industry stakeholders with biometric facial comparison technology to better identify and match travelers to the gallery of biometric identifiers. This biometric technology transforms how travelers interact with CBP, airports, airlines, cruise lines, and other government agencies with security functions such as TSA, creating a seamless travel process that is both reliable and secure.

CBP is committed to its privacy obligations and has taken all available steps to safeguard the privacy of all travelers.<sup>15</sup> CBP utilizes strong technical security safeguards and reduces the amount of personally identifiable information required in the facial biometric identification process. U.S. citizens who do not wish to submit to facial photo capture pursuant to these processes may request alternative processing, which typically involves a manual review of their travel documents. Furthermore, if a traveler cannot be matched by the facial comparison process, the individual must present the appropriate travel documents to a CBP officer or airline representative for manual review or inspection.

The pandemic quickly revealed the health and safety benefits of touchless identity verification processes in the travel industry. Starting in FY 2021, CBP began accelerating the deployment of Simplified Arrival, an enhanced international arrival process that quickly and reliably verifies a traveler's identity biometrically and retrieves traveler data from CBP systems, providing a touchless experience. This process reduces multiple touch points for Trusted Traveler Program members and saves time during the traditional inspection process. To date, CBP has deployed Simplified Arrival to 199 airports, including 14 Preclearance locations.

CBP's biometric facial comparison technology has also been integrated in all CBP's legacy Global Entry kiosks, reducing kiosk processing time by 85 percent.<sup>16</sup> Furthermore, after successful testing

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<sup>15</sup> For additional information on CBP's privacy protection efforts, see the Traveler Verification Service Privacy Impact Assessment, available at: <https://www.dhs.gov/publication/dhscbppia-056-traveler-verification-service>

<sup>16</sup> When compared to CBP legacy Global Entry kiosks without biometric facial comparison technology.

at Los Angeles International Airport (LAX), CBP plans to deploy its new Global Entry Touchless Portals at other locations around the country. These new kiosks utilize secure biometric facial comparison technology, are completely touch-free, and decrease processing time by 94 percent to approximately 3.5 seconds per traveler.<sup>17</sup>

### ***Automated and Mobile Technology***

Trusted Traveler Program membership and Simplified Arrival are only two of the ways travelers can streamline CBP processes upon entry in the United States. CBP also offers Automated Passport Control (APC) and Mobile Passport Control (MPC) that allow travelers to enter their biographic information and answer travel-related questions needed prior to inspection either via a kiosk or mobile app. APC kiosks are available for use at 22 locations, including most major U.S. international airports and Preclearance locations. The MPC mobile app is available to U.S. citizens and Canadian visitors at 34 POEs (30 airports and four seaports). In FY 2021, more than 3 million travelers used APC kiosks and approximately 1.1 million trips were processed using MPC, accounting for almost 2.8 percent of all air travelers entering the United States.

Since its release in October 2020, the CBP One mobile application has offered several benefits for travelers. While the use of CBP One was limited while travel was limited during the pandemic, the app enables foreign travelers entering the United States via land to apply for an I-94 prior to arrival, review their past travel history, and check their I-94 expiration date on their mobile device. When travelers who use the I-94 feature arrive at most POEs, they no longer need to be referred to a secondary processing area for processing. Since the resumption of travel in the land environment in November 2021, there have been more than 140,000 provisional I-94s processed through CBP One. Additionally, CBP recently developed a bus manifest functionality that allows bus companies to submit their travel manifest to CBP electronically through the CBP One app, streamlining the entry process. In the air environment, CBP recently announced a new capability that offers air travelers the ability to provide advance information regarding the hand-carry of biological materials or live pets that require the review of permits and other documentation, as well as the need for their footwear to be sanitized. When they arrive, CBP agriculture specialists are alerted of their arrival, have already completed their review of the documentation, prepared sanitization procedures, if necessary, and can expedite their clearance.

With all traveler processing technology, CBP is committed to its privacy obligations and protecting the privacy of all travelers.<sup>18</sup> These innovations streamline the arrival experience and promote the public health of travelers by decreasing touch points in the travel continuum. These technological capabilities simultaneously advance CBP's ability to quickly and reliably identify those who may be inadmissible for entry or ineligible for expedited processing.

### **CBP Staffing to Facilitate and Secure International Travel**

Reduced travel due to COVID-19 sharply decreased CBP's collection of user fees, a key resource supporting the cost of CBP personnel at our nation's 328 POEs. Thanks to the funds provided by Congress in FY 2021 and 2022, CBP has been able to sustain our security and facilitation postures

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<sup>17</sup> When compared to CBP legacy Global Entry kiosks without biometric facial comparison technology.

<sup>18</sup> For additional information on CBP's privacy protection efforts, see the APC and MPC Privacy Impact Assessments, available at: <https://www.dhs.gov/publication/dhscbppia-051-automated-passport-control-apc-and-mobile-passport-control-mpc>, and CBP One Privacy Impact Assessment at <https://www.dhs.gov/publication/dhscbppia-068-cbp-one-mobile-application>.

at POEs across the nation and beyond at preclearance facilities, ensuring international travel processing at the highest levels of safety and security. Your support helped avoid significant damage to the U.S. economy and ensured that CBP will have adequate personnel in place to facilitate increasing volumes of international travel.

OFO's Workload Staffing Model (WSM) is a valuable data analysis tool to help calculate the estimated number of CBP officers needed to optimally carry out the CBP mission at each air, land, and sea POE in the United States, to include each Preclearance location.<sup>19</sup> The methodology captures future staffing requirements for new or enhanced facilities, technology deployments, and anticipated growth in trade and travel, and it can be adjusted according to changing priorities, risks, and threats. CBP continues to evaluate and optimize its workforce requirements and business processes and will continue to explore innovative transformation initiatives to assist our workforce in accomplishing our mission more effectively and efficiently.

## **Conclusion**

As international travel continues to return to normal, travelers will encounter new and updated technology and will be offered new opportunities to streamline and simplify their travel experience entering and exiting the United States. CBP is committed to educating the public about its new innovative technologies and initiatives so that all travelers can benefit from the multitude of ways we make the international travel experience simple, fast, and safe. CBP hosted four virtual roundtables with media partners earlier this year and continues to share programmatic and operational updates through the web, social media, and our invaluable travel industry partners. For travelers who are interested in Trusted Traveler Programs, our website has interactive tools that guide applicants to the best program for their travel needs.

CBP's biometric facial comparison technology will be a key aspect of the travel industry's ability to restore consumer confidence in the safety of travel. Through appropriate use of biometric technology, air and sea partners can streamline check-in, security and boarding processes that involve long lines, heavy personal interaction, and the handling of travel documents. Facial biometric technology encourages contactless travel that involves minimal physical contact, which increases the safety of travelers, CBP officers, and port personnel.

Security is our core mission at CBP. CBP's extensive screening standards and facial comparison technologies enhance officer ability to identify and respond to threats, while protecting traveler privacy. We leverage these initiatives to the greatest extent possible to facilitate legitimate travel while identifying those individuals who might present a risk.

Chairman Thompson, Ranking Member Katko, and Members of the Committee, thank you for the opportunity to testify today. I look forward to answering your questions.

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<sup>19</sup> The DHS Office of Inspector General audited the WSM in 2013/2014. The audit concluded that the model has a "sound methodology" for determining staffing needs and identifying staffing shortages.