



U.S. GOVERNMENT ACCOUNTABILITY OFFICE

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Washington, DC 20548

B-337894

December 10, 2025

The Honorable Rand Paul, M.D.
Chairman
The Honorable Gary C. Peters
Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate

The Honorable Jim Jordan
Chairman
The Honorable Jamie Raskin
Ranking Member
Committee on the Judiciary
House of Representatives

Subject: *Department of Homeland Security, U.S. Customs and Border Protection: Collection of Biometric Data from Aliens Upon Entry to and Departure from the United States*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Homeland Security, U.S. Customs and Border Protection (collectively, DHS) titled “Collection of Biometric Data from Aliens Upon Entry to and Departure from the United States” (RIN: 1651-AB12). We received the rule on October 23, 2025. It was published in the *Federal Register* on October 27, 2025. 90 Fed. Reg. 48604. The effective date of the rule is December 26, 2025.

According to DHS, this rule amends DHS regulations to provide that it may require all aliens to be photographed when entering or exiting the United States and may require non-exempt aliens to provide other biometrics. DHS stated that the rule also amends the regulations to remove the references to pilot programs and the port limitation to permit collection of biometrics from aliens departing from airports, land ports, seaports, or any other authorized point of departure. DHS also stated that it is requesting comments on the specific collection process as well as costs and benefits for new transportation modalities.

Enclosed is our assessment of DHS’s compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Will Shakely, Acting Assistant General Counsel, at (202) 512-3363.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Ravi T. Kambhampaty
Branch Chief, Border Security Regulations, Regulations and Rulings, Office of Trade
U.S. Customs and Border Protection

ENCLOSURE

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF HOMELAND SECURITY,
U.S. CUSTOMS AND BORDER PROTECTION
TITLED
“COLLECTION OF BIOMETRIC DATA FROM ALIENS UPON ENTRY TO
AND DEPARTURE FROM THE UNITED STATES”
(RIN: 1651-AB12)

(i) Cost-benefit analysis

The Department of Homeland Security, U.S. Customs and Border Protection (collectively, DHS) prepared an analysis of the cost and benefits of this rule. According to DHS, the rule will generate both costs and cost savings for the agency, approved partners, and travelers. 90 Fed. Reg. 48604, 48606–07 (Oct. 27, 2025). DHS estimates the total costs to be \$1.3 billion, at a three percent discount rate, to \$993 million, at a seven percent discount rate, with annualized costs of \$122 million to \$119 million, respectively. *Id.* DHS also estimates the total cost savings to be \$578 million, at a three percent discount rate, to \$406 million, at a seven percent discount rate, with corresponding annualized savings of \$54 million to \$49 million, respectively. DHS stated that the net discounted costs of the rule are expected to range from \$722 million, at a three percent discount rate, to \$587 million, at a seven percent discount rate, with corresponding annualized net costs of \$68 million to \$70 million. *Id.*

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

DHS certified that this rule will not result in a significant economic impact on a substantial number of small entities. 90 Fed. Reg. at 48642.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

DHS stated that this rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year (adjusted for inflation), and it will not significantly or uniquely affect small governments. 90 Fed. Reg. at 48642.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On November 19, 2020, DHS published a proposed rule, and it subsequently issued another notice extending the comment period for the proposed rule. See 85 Fed. Reg. 74162; 86 Fed. Reg. 8878 (Feb. 10, 2021). 90 Fed. Reg. at 48621. DHS stated that it received comments from various interested parties, and DHS responded to comments in this rule. *Id.* at 48613–36.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

DHS determined that this rule contains information collection requirements under the PRA. 90 Fed. Reg. at 48642.

Statutory authorization for the rule

DHS promulgated this rule pursuant to Public Law 104-828, 110 Stat. 3009-546, 3009-558; Public Law 106-215, 114 Stat. 337, 338; Public Law 106-396, 114 Stat. 1637, 1641; Public Law 107-56, 115 Stat. 272, 353; Public Law 107-173, 116 Stat. 543, 552; Public Law 108-458, 118 Stat. 3638, 3817; Public Law 110-53, 121 Stat. 266, 338; and Public Law 114-125, 130 Stat. 122, 199.

Executive Order No. 12866 (Regulatory Planning and Review)

DHS stated that this rule has been designated an economically significant regulatory action under section 3(f)(1) of Executive Order 12866, as amended, and was reviewed by the Office of Management and Budget. 90 Fed. Reg. at 48637.

Executive Order No. 13132 (Federalism)

In its submission to us, DHS indicated that the Order is not applicable to this rule.