

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Subcommittee on Immigration and the National Interest
Hearing titled “Why Is the Biometric Exit Tracking System Still Not in Place?”
January 20, 2016**

Twenty years ago, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. A vital part of this law was the establishment of a comprehensive entry and exit control system that would collect a record of departure for every person departing the United States. Today, there is still no comprehensive exit system at our land, air, or sea ports of entry.

The tragic events of September 11, 2001, should have been strong motivation to implement a full entry and exit system. In fact, in 2004, Congress went further than it had in 1996, urging the administration to develop a plan to rapidly implement a full biometric entry and exit system. The 9/11 Commission Act of 2007 reiterated this call for a biometric exit program, directing that it be in place by August 2008. Unfortunately, deadlines have come and gone.

Congress has been abundantly clear. Yet, the most we have received from the Executive Branch is an insufficient report on overstays for certain travelers who enter the U.S. for business or tourism using biographical data. Late last night, the Department of Homeland Security provided a [report to Congress](#) on overstay rates for B visa holders. This report was issued in an attempt to comply with a congressional mandate in the fiscal year 2015 appropriations bill that requires the department to report on visa overstay data that includes 1) overstays from all nonimmigrant visa categories under the immigration laws, delineated by each of the classes and sub-classes of such categories, and 2) the number as well as rates of overstays for each class and sub-class of such nonimmigrant categories on a per-country basis.

The report issued by the Department of Homeland Security is completely unsatisfactory. It fails to provide data to Congress on all visa classifications, including foreign students, those on employment based visas, fiancé visas, or those who participate in cultural exchange programs. While I appreciate the information the department provided, it only tells part of the story.

According to the report, the department estimates that 482,781 people overstayed their visas in Fiscal Year 2015 alone. The total number of visa overstays across all fiscal years must be in the millions.

The report also uses biographical information, which is information collected by airlines before such foreign nationals board an airplane to the United States. Thus, this data is completely reliant on whether the airlines fully cooperate in providing this information to the government. This report proves why biometric data is so vital. It will ensure that the government truly knows in near real time who is entering, when an individual is departing, and whether such persons have overstayed their visas. An exit program that uses biometrics rather than just biographics is a vital component of national security, ensuring that persons of interest have not falsified their exit record or stolen a person's identity to enter the country.

Congress understands that developing a biometric exit program is a daunting and expensive task. Congress has already appropriated millions of dollars for the cause. And just weeks ago, Congress directed that an additional \$1 billion collected from increased fees imposed on certain H-1B and L-1 petitioners be used for this exclusive purpose. One billion dollars in an account dedicated to biometric exit implementation should help make significant progress. We can't wait any longer. We've provided the funding, but now we need to see results.

It is my hope that this administration will have a plan in place for implementing a biometric exit system. It's time to build on pilot programs, and it's time for airlines to work hand in hand with the government to make the system a reality. Today, we want to hear from the Department and understand the challenges and the obstacles. But we must also remain determined to overcome these challenges and work hard to get it done.