

United States Senate
WASHINGTON, DC 20510

January 23, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security

Dear Secretary Mayorkas:

The Department of Homeland Security (DHS) is in the process of replacing its outdated biometric identity management service with the new Homeland Advanced Recognition Technology System (HART) within DHS's Office of Biometric Identity Management (OBIM).¹ OBIM, was established as a "large-scale biometric identification program to support immigration and border management."² HART will serve OBIM's mission partners by storing and processing biometric and associated biographic information for "national security; law enforcement; immigration and border management" and related matters, including intelligence and background investigations for national security positions.³ The HART program was originally estimated to cost roughly "\$4.2 billion and to be fully implemented in 2021."⁴

However, DHS has failed to meet this baseline multiple times. It was forced to "rebaseline" the estimated cost and schedule commitments in 2019 and in 2022.⁵ The Government Accountability Office (GAO) found in a September 2023 report titled *Biometric Identity System: DHS Needs to Address Significant Shortcomings in Program Management and Privacy*, that the 2019 rebaseline estimated the life cycle cost down to \$2.8 billion and delayed full deployment by nearly three years.⁶ Then, the 2022 rebaseline estimated an increased cost of \$354 million beyond the 2019 cost and delayed delivering initial capabilities by another 33 months.⁷ Now, DHS has

¹ HART is intended to "replace[] the legacy Automated Biometric Identification System (IDENT) as the primary...system for storage and processing of biometric and associated biographic information...." United States Department of Homeland Security, *DHS/OBIM/PIA-004 Homeland Advanced Recognition Technology System (HART) Increment 1*, (last accessed January 11, 2024) <https://www.dhs.gov/publication/dhsobimpia-004-homeland-advanced-recognition-technology-system-hart-increment-1>.

² OBIM was transitioned from the U.S. Visitor and Immigrant Status Indicator Technology (U.S. VISIT) Program in 2013. *Id.*

³ *Id.*

⁴ U.S. Government Accountability Office, GAO-23-105959 *Biometric Identity System: DHS Needs to Address Significant Shortcomings in Program Management and Privacy*, at 7, (Sep. 12, 2023), <https://www.gao.gov/assets/gao-23-105959.pdf>.

⁵ *Id.* at 2.

⁶ Program officials attributed the cause for a \$1.4 billion decrease to switching storage from DHS data centers to a cloud-based solution. *Id.* at 17.

⁷ *Id.*

failed to meet the baseline a third time, as program officials stated in April 2023 that they need to rebaseline the schedule yet again.⁸

These failures likely could have been avoided. The GAO report found that “the program’s cost estimate did not substantially or fully meet the four characteristics of a reliable cost estimate,” and its “schedule estimate did not substantially or fully meet three of the four characteristics of a reliable schedule estimate.”⁹ As one would expect, GAO warns that “[u]ntil these weaknesses are addressed, the HART cost and schedule estimates will continue to be unreliable.”¹⁰

Additionally, GAO found substantive issues with the HART program.¹¹ Specifically, the report found “DHS had gaps” in seven of the twelve Office of Management and Budget privacy requirements.¹² GAO warned that “[u]ntil DHS addresses these privacy weaknesses, the department lacks assurance that the hundreds of millions [of] individuals’ personally identifiable information that will be stored and shared by HART will be appropriately protected.”¹³ It is certainly necessary that DHS sufficiently protects this information as required by law and regulation and it must also ensure relevant law enforcement entities have access to this data. Accordingly, please explain how that balance will be met by DHS.

GAO provided nine recommendations in its report.¹⁴ Two of the open recommendations pertain to DHS’s failure to use best practices while the other seven pertain to privacy concerns.¹⁵ DHS concurred with the recommendations; however, as of January 23, 2024, none have been closed.¹⁶

When spending billions of taxpayer dollars to build a program that will house the personally identifiable information of hundreds of millions of people, DHS must incorporate best practices and appropriate privacy requirements. Accordingly, for Congress to better understand DHS’s progress in satisfying these open recommendations, by February 6, 2024, please provide a list of the steps you have taken to close each of the nine recommendations named in the GAO report accompanied by all relevant records.¹⁷ For each recommendation you have taken no steps to close, please explain why that’s the case.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ U.S. Government Accountability Office, *Biometric Identity System: DHS Needs to Address Significant Shortcomings in Program Management and Privacy*, REPORTS & TESTIMONIES, (last accessed Jan. 11, 2024), <https://www.gao.gov/products/gao-23-105959>.

¹⁶ *Id.*

¹⁷ “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether they resulted in final documents).

Thank you for your cooperation on this important matter. If you have any questions, please contact Jace Pimentel on my Committee staff at (202) 224-0642.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley
Ranking Member
Committee on the Budget