DMIA Task Force

DATA MANAGEMENT IMPROVEMENT ACT (DMIA) TASK FORCE
FIRST ANNUAL REPORT TO CONGRESS

December 2002

U.S. Department of Justice
Immigration and Naturalization Service

Office of the Commissioner

425 I Street NW
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A MESSAGE FROM THE COMMISSIONER
November 2002

The Data Management Improvement Act Task Force was created by Congress to evaluate how data-collection and data-sharing systems can be deployed to improve the flow of traffic at U.S. airports, seaports and land border Ports-of-Entry (POEs) while enhancing security. It is a formidable challenge that has direct and far-reaching implications in terms of maintaining America's economic well-being and strengthening our national security. The Task Force's first annual Report to Congress demonstrates that it can meet this challenge with great success.

During its initial year of operation, the Task Force focused on the development of an electronic entry/exit system. The Administration has made addressing this enormously complex issue a priority, and I firmly believe that the recommendations the Task Force presents in its inaugural report support this effort.

On behalf of the Immigration and Naturalization Service, I commend the members of this broad coalition, which brings together federal, state, and local government officials with representatives of private-sector organizations, and thank them for their tireless efforts and dedication. Undaunted by the scope and complexity of their original Congressional mandate, the Task Force also had to consider subsequent legislation and initiatives in the post-September 11, 2001, environment in their deliberations. The Task Force tackled the issues head-on and persevered.

Over the next 2 years, the Task Force will address other issues affecting POEs and related border management concerns. These include improving the flow of traffic at POEs, facilities and infrastructure concerns, enhancing the interoperability of information technology systems, and expanding cooperation between the public and private sectors and among federal, state, and local agencies and affected foreign governments. The expertise and dedication members demonstrated throughout this year make me confident that the Task Force will continue to succeed in addressing our Nation's commercial facilitation needs and desire for increased security.

It is my pleasure and honor to deliver this Report to Congress.

James W. Ziglar
Commissioner

The enactment of the Immigration and Naturalization Service (INS) Data Management Improvement Act (DMIA) in June of 2000 led to the creation of an Attorney General's Task Force. After being chartered, the DMIA Task Force officially began work with the first meeting on February 20, 2002, and has taken the mandate of the DMIA very seriously. Each member organization of the Task Force was chosen to represent those agencies and organizations with the expertise necessary to find solutions to ensure the continued free flow of goods and people across our borders while addressing increased security concerns.

The DMIA Task Force is comprised of 17 representatives from six Federal agencies, two state and local government groups, and nine private industry trade and travel organizations (see Appendix A, Task Force Components). The Task Force was created to evaluate how the flow of traffic at U.S. airports, seaports and land border Ports-of-Entry (POEs) can be improved while enhancing security, improving coordination among agencies and governments, and implementing systems for data collection and data sharing.

Some of the Task Force activities since the inaugural meeting in February include the following:

- Discussed issues facing the airport, land border, and seaport environments, including the effective implementation of an entry/exit system.
- Conducted fact-finding site visits at different POEs to view facilities and operations, receive briefings and demonstrations of port operations and automated inspections projects, and participate in stakeholder meetings.
- Provided updates and fostered ongoing coordination efforts with Congress, other federal agencies, state and local government representatives, and members of business and private organizations.

The Task Force is required to report to Congress on its findings, conclusions, and recommendations in accordance with statutory mandates of the DMIA 2000. This year's report to Congress focuses primarily on recommendations for an entry/exit system. The Task Force will further address the other areas mandated in the statute (improving the flow of traffic; enhancing systems for data collection/data sharing; better use of technology, resource and personnel issues; facilities and infrastructure issues; and increasing cooperation between public and private sectors, among federal and state and local agencies, and with affected foreign governments). Baseline information on these subjects is provided in this report and will be expanded in 2003/2004 (see Chapter 7).

To address issues of the entry/entry system effectively, the Task Force members divided into four subcommittees to examine the different environments at sea, air, and northern and southern land border POEs. The Task Force subcommittees each examined the processes for entry/exit in their respective environments and prepared reports detailing their findings and proposals.[1] In addition to the government and industry expertise provided by the Task Force members, the Task Force contracted with an independent information technology (IT) consultant group to provide technical expertise. The IT consultants have focused this year primarily on the current IT systems used in the visa issuance and inspection processes and the concept of how an entry/exit system could work (see Appendix G, IT Summary). They will continue their efforts addressing data sharing, interoperability, and related IT issues in 2003/2004.

Many issues and questions arose while the Task Force explored the complex issue of entry/exit. Some of these issues and questions are a continuation of the problems that plagued the original entry/exit mandates of the Section 110 legislation. Other issues gained prominence in the post-September 11, 2001, environment. Many of the same issues are presently confronting the U.S. Government in its effort to implement an entry/exit system.

The Task Force considered such issues as:

- Whether exit should be interpreted as a full mirror image of the current entry process and infrastructure, a simple matching of data in a database, or a point on the continuum between the two;

- What kind of infrastructure can be built in a land border environment where different entities own the land and different countries control the access;

- Infrastructure issues at air and sea ports where, in most instances, the existing space for arrival/entry is inadequate. Airports are also struggling to absorb the newly mandated Transportation Security Administration requirements for security;

- The issue of current documentary requirements for U.S. citizens as well as non-citizens, which presents a myriad of challenges, not only from a technical perspective, but also from security, facilitation, and diplomatic perspectives;

- Integration of multiple diverse IT systems currently in use by government and industry; and finally

- The importance of outreach and a proactive message from government and industry to explain any new procedures so as not to hamper travel and commerce to the U.S.

The development of the entry/exit system requires the coordination and systematic review of the relationships with the other laws recently enacted that impact national security data

[1]Chapter 2, Task Force Recommendations, contains the 39 proposals of the subcommittees and the nine recommendations of the Task Force. Chapters 3 through 6 contain the complete subcommittee reports and findings.

systems and functions. Additionally, though not focused on in great detail, the Task Force also recognizes new challenges that a successful entry/exit system would create. These include how enforcement entities will handle overstays once they are identified by the new system, and whether they have the resources to do so; the inter-relationship between entry/exit and stay activities related to benefits while in the U.S.; and the closing of the information loop in providing the Department of State with departure and related information for use in the visa issuance processes.

The Task Force engaged in thoughtful and extensive debate on these and related issues to address entry/exit challenges. The Task Force members dedicated a considerable amount of time and effort to addressing these important national issues at this critical time in order to provide the recommendations to the Congress in a timely manner.

The Task Force as a whole discussed the 39 proposals put forth by the subcommittees and synthesized them into nine general recommendations for an entry/exit system. The Task Force members agreed in principle and reached consensus on all nine general recommendations, although there are some areas in the 39 supporting subcommittee proposals where there are differing opinions.

The nine general recommendations on which the Task Force reached consensus follow:

1. **Appropriate funding levels should be established and adequate funding provided for the facilities and infrastructure necessary for development of an entry/exit system and to address increased growth in traffic across the nation's borders.**

   Where applicable, the use of existing space and infrastructure both domestic and foreign, should be maximized, including the sharing of facilities among agencies. All possible Port-of-Entry (POE) scenarios and configurations should be employed.

2. **Provide adequate staffing to effectively operate POEs and efficiently implement and manage entry/exit systems and processes.**

3. **The entry/exit system should be developed and implemented in cooperation and coordination with foreign governments and other stakeholders.**

   The U.S. government must uniformly apply inspection policy such that inspection procedures are consistent in their respective POE environment.

4. **The U.S. Government should expand the use of initiatives to facilitate the entry/exit of known low-risk traffic.**

5. **The U.S. government must identify information technology, including biometrics, to enhance border security systems and facilitate cross border traffic. The technology should be interoperable with all federal, state, and local law enforcement agencies.**

6. **The development and the implementation of the entry/exit system should enhance the quality of life in affected communities in such areas as the environment, trade and tourism.**

7. **The entry/exit system should include and enhance current inspection processes so that required arrival and departure data is collected only once by the U.S. government and disseminated to appropriate users.**

   As part of the entry/exit development process the U.S. government, in coordination with stakeholders, must conduct pilot programs prior to full deployment to determine their impacts measured against pre-established benchmarks.

8. **If changes to documentary requirements are proposed, the U.S. government must consult with affected stakeholders, in particular local communities, state and local governments and the private sector, concerning the impact of such changes on the environment; security; legitimate trade, commerce, travel; and foreign relations.**

   The U.S. government should continue to work in conjunction with industry and other governments to develop more secure documents which facilitate travel, particularly as technology evolves and biometrics play a larger role.

9. **As the entry/exit requirements develop into an electronic collection format, it is imperative to ensure compliance with current data collection requirements and continue to provide necessary travel statistics.**

   As the entry/exit requirements change for the U.S., it is imperative that an effective coordinated communications outreach program be developed to ensure not only the compliance of the traveler but also a proactive message from government and industry to explain any new procedures so as not to hamper travel and commerce to the U.S.

Several government agencies received additional appropriations through the fiscal year 2002 Emergency Supplemental Appropriations Act that was passed shortly after the events of September 11. Both INS and the U.S. Customs Service received an influx of positions and funding to support and strengthen northern border operations. These resources provided an immediate but interim response to the much larger issue of improving traffic flow and strengthening border security at all POEs. The recommendations presented by the Task Force provide a comprehensive overview of the enormity of these issues and begin to identify the resources needed for their implementation.

The Task Force has identified the remaining issues that will need to be explored in order to fulfill the statutory mandates. These include facilities and infrastructure, resources, coordination and cooperation, additional port processes/operations, interoperability and related IT issues, and how the U.S. can improve the flow of traffic at airports, seaports, and land border ports. The Task Force anticipates that it can complete this work in 2003/2004.

Michael D. Cronin
Chairperson
DMIA Task Force

Dominica Gutierrez
Executive Director
DMIA Task Force

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A. BACKGROUND

The U.S. shares a 5,525-mile border with Canada and a 1,989-mile border with Mexico. Our maritime border includes 95,000 miles of shoreline and navigable waterways as well as a 3.4 million square mile exclusive economic zone. Additionally, there are many international airports throughout the country. All people and goods entering the U.S. legally must enter through one of over 300 land, air, or sea Ports-of-Entry (POEs), which are controlled points of entry into the U.S. from foreign countries. A POE is a geographical location, such as an airport, seaport, or a land or river crossing that is the inspection point for various agencies for enforcement of immigration laws, customs regulations, and agricultural import restrictions. According to U.S. Government statistics, over 510 million people passed through POEs into the U.S. in 2001, as well as an enormous volume of trade: $1.35 trillion in imports and $1 trillion in exports.

The Immigration and Naturalization Service (INS) and the U.S. Customs Service (USCS) manage the borders of the U.S. Their responsibilities include:

- Enforcing immigration and customs laws;
- Promoting the legitimate flow of people and goods that fuel our economy; and
- Protecting the U.S. and its territories from threats to national security.

Current U.S. border management programs cannot consistently detect the unlawful entry of all terrorist threats, illegal aliens, or contraband. Specifically, the current program is unable to:

- Adequately establish the identity and status of international travelers who are not required to present travel documents;
- Share all vital border management information to alert immigration officials of unauthorized aliens, including National Security Threats (NSTs), in a timely fashion; and
- Coordinate the enforcement of all immigration laws.

Problems with border management have gained increased national attention in the aftermath of September 11, 2001. The President's Budget for Fiscal Year 2003, which was finalized in the weeks immediately following September 11, 2001, and submitted to Congress in February of 2002, proposed to increase spending on border security by $2.2 billion (to total $11 billion) in 2003 in order to increase the number of inspectors at POEs, purchase equipment to expand inspections of containers and cargo, design and test an entry/exit system, and improve the U.S. Coast Guard's (USCG) ability to track maritime activity. In addition, the 2003 budget proposed a $722 million spending increase on programs that will use information technology to more effectively share information and intelligence horizontally (among federal agencies) and vertically (among federal, state, and local governments). In efforts to improve the situation at our POEs, Congress has passed several pieces of legislation that affect border management and shape the role of this Task Force.

Legislative Mandates

In Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Congress directed the Attorney General to develop an automated entry/exit system to collect records of arrival and departure from every alien entering and leaving the U.S. The provisions of IIRIRA were aimed at adopting stronger penalties against illegal immigration, streamlining deportation processes by curtailing the legal appeal process, and curbing the ability of terrorists to use the immigration process to enter and operate in the U.S. IIRIRA also imposed stricter requirements for Affidavits of Support filed by sponsors of certain new immigrants in order to limit their access to means-tested federal public benefits.

Congress amended Section 110 on June 15, 2000, with the Data Management Improvement Act (DMIA). The DMIA included a provision to establish a Task Force to make recommendations concerning the implementation of an entry/exit system and other measures to improve legitimate cross-border traffic, security, and coordination. The DMIA details the actions the Task Force is to take. At a minimum, the DMIA requires that the system must integrate the arrival and departure information on certain aliens that is in an electronic form and in the databases of the Department of Justice (DOJ), including INS, and the Department of State (DOS). The DMIA contains further requirements for matching arrival and departure information and for reports to Congress, using the available data, on alien overstays. The DMIA (Pub. L. 106-215) can be found in its entirety in Appendix B.

The Visa Waiver Permanent Program Act (VWPPA) passed by Congress on October 30, 2000, also affected DMIA Task Force activities. The VWPPA lays out specific procedures for the approval of a country for the Visa Waiver Program (VWP) and for country removals. A major provision in the VWPPA requires the Attorney General to develop and implement an entry/exit system that will collect a record of arrival and departure for every alien provided a waiver who arrives and departs by sea or air. President Bush requested, and Congress appropriated, $13 million in the Counter Terrorism Supplemental, as well as $16 million in the Fiscal Year 2002 Commerce, Justice, State Appropriations Bill, to fund the entry/exit system.

On October 26, 2001, Congress passed additional legislation affecting entry/exit control. In Sections 414 and 415 of the USA Patriot Act, Congress respectively addressed visa integrity and security and participation by the Office of Homeland Security in the entry/exit development and implementation process. Section 414 specifically states that the Attorney General should:

- Fully implement the integrated entry/exit system for airports, seaports, and land border POEs with all deliberate speed; and
- Begin immediately establishing the private and public membership task force required by DMIA to study and make recommendations on an entry/exit system and related border matters.

Most important, this legislation added two new considerations: the “utilization of biometric technology” and “the development of tamper-resistant documents readable at POEs.” The requirement for biometric technology significantly raises the bar on the development and cost for a viable entry/exit system.

On November 19, 2001, Congress passed the Aviation and Transportation Security Act of 2001, which substantially enhances the security of the aviation and transportation industries. The statute established the Transportation Security Administration (TSA) within the Department of Transportation (DOT) to be responsible for security in all modes of transportation, including:

- Civil aviation security, and related research and development activities;
- Security responsibilities over other modes of transportation that are exercised by DOT;
- Day-to-day federal security screening operations for passenger air transportation and intrastate air transportation;
- Policies, strategies, and plans for dealing with threats to transportation;
- Domestic transportation during a national emergency, including aviation, rail and other surface transportation, maritime transportation, and port security; and
- Management of security information, including notifying airport or airline security officers of the identity of individuals known to pose a risk of air piracy or terrorism or threat to an airline.

Specifically relevant for purposes of the entry/exit system, Section 115 required that within 60 days of the passage of the law, passenger-carrying air carriers must electronically transmit passenger and crew manifest data, with specific data elements, to the USCS via the Advance Passenger Information System (APIS).

The most recent legislation affecting border controls, the Enhanced Border Security and Visa Entry Reform Act of 2002 (BSA), was enacted on May 14, 2002. The major provisions of the BSA that pertain to the Task Force work are:

- Authorization for the appropriation of $150 million to INS for improvements, expansion, and utilization of technology for border security and facilitating the flow of commerce and people at POEs;
- Development of an interoperable law enforcement and intelligence data system;
- Mandate that all visas and travel and entry documents issued by the Attorney General and the Secretary of State must be machine readable, tamper resistant, and use biometric identifiers by October 26, 2004;
- Requirement that readers and scanners that allow biometric comparison and authentication of all travel and entry documents be installed at all U.S. POEs;
- Requirement that manifest requirements be clarified and enhanced to include mandatory address while in the U.S. and electronic submission; and

- Mandatory transmission of electronic manifests to an immigration officer by all commercial vessels or aircraft transporting any person arriving or departing the U.S.

Proposed Legislation: To better address the issues of border and transportation security, the President proposed the establishment of the Department of Homeland Security on June 6, 2002. The Department will manage who and what enters the U.S. to prevent the entry of terrorists while facilitating the legal flow of people, goods, and services on which our economy depends. Major initiatives of the proposal include the following:

- Ensure accountability in border and transportation security by consolidating the current border and transportation security agencies (INS, USCS, USCG, TSA, and the Animal and Plant Health Inspection Service [APHIS]) under the Department of Homeland Security. The Department would also control the issuance of visas through the DOS and coordinate the border control activities of all federal agencies not incorporated within the new Department.

- Create "smart borders" that provide better security through better intelligence, coordinated national efforts, and international cooperation against the threats posed by terrorists and criminal activities. At the same time, the future border will be increasingly transparent to the efficient flow of people, goods, and conveyances engaged in legitimate economic and social activities.

- Reform immigration services by separating INS enforcement and service functions within the new Department. This reform aims to ensure full enforcement of the laws regulating admissions and to improve benefits to applicants.

The DMIA Task Force: The DMIA Task Force was established under the auspices of the Data Management Improvement Act to evaluate the following:

1. How the Attorney General can carry out section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 as amended;

2. How the U.S. can improve the flow of traffic at airports, seaports, and land border POEs through: A) enhancing systems for data collection and data sharing, including the integrated entry/exit data system, by better use of technology, resources, and personnel; B) increasing cooperation between the public and private sectors; C) increasing cooperation among federal agencies and among federal and state agencies; and D) modifying information technology systems while taking into account the different data systems, infrastructure, and processing procedures of airports, seaports, and land border POEs; and

3. The cost of each of its recommendations.

The DMIA also specifies that "the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation."

The DMIA Task Force is comprised of 17 members, including nine from the private sector, two representing state and local governments, five from federal departments, and the Chairperson, acting on behalf of the Attorney General. DMIA Task Force members were chosen to represent the broad spectrum of interests related to immigration and naturalization, travel and tourism, transportation, trade, law enforcement, national security, and the environment. (Members are shown in Appendix A, Task Force Components).

The Task Force is required to submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate containing the findings, conclusions, and recommendations of the Task Force by December 31, 2002, and by December 31 every year thereafter that the Task Force is in existence. Each report will also measure and evaluate how much progress the Task Force has made, how much work remains, how long the remaining work will take to complete, and the cost of completing the remaining work.

Task Force Activities in 2002: Despite initial delays in getting the Task Force started[2], the members all convened in February of 2002 to begin evaluating the issues mandated. The DMIA Task Force agreed to begin its work with a focus on recommendations for an entry/exit system. The Task Force will focus primarily on broader issues affecting POE security and facilitation in 2003/2004. The Task Force formed four subcommittees to better address the entry/exit issue in their respective business environments: airport, northern land border, southern land border, and seaport. This report reflects the findings of these subcommittees and the recommendations of the Task Force as a whole concerning entry/exit issues and related information technology systems. Additionally, this report outlines other issues pertaining to all POEs and the Task Force's proposed timeline for addressing these issues.

The IIRIRA, the DMIA, the VWPPA, the USA Patriot Act, and the BSA mandate specific actions regarding the development and implementation of an entry/exit system. The Entry Exit Project Team (a multi-agency group led by the INS that is developing the integrated entry/exit system), the DMIA Task Force, and Homeland Security must meet the following deadlines:

[2] The DMIA required the establishment of the Task Force within 6 months of enactment (December 2000). That was achieved by the publication of a Federal Register notice establishing the Task Force and soliciting membership and the signing of the Task Force charter by then-Attorney General Reno. Following the change in Administration in early 2001, the new leadership opted to review several issues, including the Task Force. The INS received approval to proceed with the Task Force in late fall of 2001 and immediately launched this effort.

Legislative Requirements for Entry/Exit

Deadline	Task	Legislation
12/15/00	The Attorney General will establish a task force.	DMIA
10/01/01	The Entry/Exit Project Team will develop and implement entry/exit control system for aliens entering under VWP at air and sea POEs.	VWPPA
10/01/02	Air and sea carriers must electronically transmit data on VWP aliens to entry/exit control system Entry/Exit Project Team will develop and implement an automated data sharing system so inspectors can access VWP information.	VWPPA
10/26/02	Homeland Security will report to Congress on the information needed to screen visa applicants and applicants for admission. The Entry/Exit Project Team must integrate all databases and data systems that process and contain information on non-citizens.	USA Patriot Act BSA
10/30/02	The Entry/Exit Project Team will report on the effectiveness of the VWPPA.	VWPPA
12/31/02	The Entry/Exit Project Team will submit a report providing immigration data and analysis. The DMIA Task Force will report on findings and recommendations for 2002.	DMIA DMIA
01/01/03	Commercial vessels and aircraft must submit arrival and departure manifest information electronically.	BSA
12/31/03	The Entry/Exit Project Team will implement an entry/exit control system that includes biometrics and tamper-resistant documents at sea and air POEs and submit a report on VWP analysis. The DMIA Task Force will submit a report on findings and recommendations for 2003.	DMIA, USA Patriot Act, and VWPPA DMIA
12/31/04	Entry/Exit Project Team will implement an entry/exit control system that includes biometrics and tamper-resistant documents at the 50 busiest land border POEs and submit a report on VWP analysis. The DMIA Task Force will submit a report on findings and recommendations for 2004. The Attorney General will submit a report on the effectiveness of the entry/exit control system and recommendations for the VWP.	DMIA, USA Patriot Act, and VWPPA DMIA VWPPA
12/31/05	The Entry/Exit Project Team will implement an entry/exit control system that includes biometrics and tamper-resistant documents at the remaining POEs and again submit a report on VWP analysis. The DMIA Task Force will submit a report on the findings and recommendations for 2005.	DMIA, USA Patriot Act, and VWPPA DMIA

B. CURRENT INSPECTIONS/OPERATIONS PROCESS AND SCOPE

Overview: In order to understand the scope of the Task Force recommendations, it is important to have a basic understanding of the current inspections and operations processes, including the deficiencies that necessitate the development and implementation of an improved entry/exit system. Therefore, this chapter begins with a basic summary of the current processes for entry and exit to and from the U.S., including documentary requirements, inspections processes and scope, growth projections, and the current entry/exit process.

The first step for entry to the U.S. for many travelers begins in their country of origin where they apply for the proper travel documents. Upon arrival at a POE, travelers are inspected and either admitted or determined inadmissible, requiring further action. There is a need for a system to capture and use the data collected during the inspection process, referred to as an entry/exit system. This entry/exit system has been the focus of the DMIA Task Force this year. The four subcommittees (air, sea, northern border, and southern border) have concentrated their efforts on studying issues surrounding entry/exit in their respective environments and developed proposals for improving the current system while allowing for the implementation of a new system.

The subcommittees paid particular attention to the flow of persons into and out of the U.S. beginning with the visa process overseas, boarding a carrier to the U.S. (where applicable), the inspection at a POE (entry), the proposed exit, and the interaction of stay management data, when related. Each individual subcommittee developed findings and proposals from the information gathered. The DMIA Task Force as a whole considered the proposals of each subcommittee and developed general recommendations for implementing an entry/exit system and improving current systems. The recommendations of the Task Force address the following areas:

- Facilities and infrastructure;
- Resources, personnel, and equipment;
- Cooperation and coordination;
- Enrolled low risk facilitation initiatives;
- Information technology systems;
- Quality of life, environmental, local impact;
- Entry and exit ;
- Documentary requirements; and
- Miscellaneous.

The specific recommendations appear in Chapter Two along with the supporting proposals from the subcommittees that led to the overall recommendations.

Documentary Requirements for Entry into the U.S.: For millions of aliens, entry into the U.S. must be preceded by the issuance of travel documents at U.S. Foreign Service posts abroad (see Appendix C, Minimum Documentary Requirements for Entry to U.S.). The principal travel documents issued are immigrant visas (IV), nonimmigrant visas (NIV), and Border Crossing Cards/B-1 and B-2 NIV, also referred to as laser visas.

The first step in the process of issuance of most immigrant visas (IV) is the filing of an IV petition with INS. If INS approves the petition, the approved IV petition is forwarded to the National Visa Center (NVC) in Portsmouth, New Hampshire, for further processing. All immigrant visa applicants must appear personally at U.S. Foreign Service posts to be interviewed by a consular officer prior to issuance of their visas. Visa applicants also must go through health screening, security, and criminal background checks prior to receiving a visa. Through IV data share, the issued immigrant visa information is sent electronically to INS at POEs so that it will be available when the immigrants arrive for entry processing.

The first step in the process of issuance of some non-immigrant visas (NIV), such as visas for temporary workers, is the filing of an NIV petition with INS. If INS approves the petition, the approved NIV petition is forwarded to the National Visa Center (NVC) for further processing. The beneficiary of the petition and the Foreign Service post at which the beneficiary will apply for the NIV are informed of the approved petition. The beneficiary can then pay the visa fee and submit a valid passport, NIV application, and any other required supporting documentation to the Foreign Service post.

Under the Immigration and Nationality Act (INA), full authority to issue or refuse visas is vested in consular officers. Consular officers also have the authority under the INA to require an interview of every applicant for an NIV. The consular officer may waive the interview depending upon the individual circumstances of each case. For example, the interview is often waived for persons who have had previous visas. The consular officer may waive the interview for persons who submit convincing documentary evidence of strong ties to their countries of residence with their applications, establishing to the satisfaction of the consular officer that they have a residence outside the U.S. that they have no intention of abandoning. Such evidence would vary from country to country. In some countries where visa fraud is prevalent, the policy of the Foreign Service posts may be to interview all NIV applicants.

There are many types of NIVs, with type B-2, or tourist visas, being the most common (see Appendix D, Classes of Nonimmigrant and Immigrant Visas). The basic requirements for application for a tourist visa are a valid passport, payment of the fee, and submission to a Foreign Service post of the visa application form with a photo attached.

NIV applications with digitized photos are sent electronically to Washington to be entered into the Consular Consolidated Database (CCD) and also to be shared with inspectors at POEs. Transmission of this NIV data is done on a real-time basis; with the database being updated every few minutes and the NIV data being shared with INS at the same time. This datashare process ensures that INS inspectors have NIV data available at POEs for all arriving non-immigrants with NIVs. This NIV datashare system has been in effect since December 2001, and DOS has shared with INS the database of NIVs dating back to 1998 NIV issuances. DOS extended this NIV datashare to USCS in July 2002.

In addition to NIV datashare, DOS is also now sending information on all IV issuances to INS at POEs. This IV datashare can effectively combat immigrant visa fraud.

Since 1998 DOS and INS have been engaged in a joint project to issue Border Crossing Cards (BCCs), or laser visas, to Mexican citizens. Applications for the BCCs, which include the live capture of photographs and fingerprints of the two index fingers, are taken at Foreign Service posts in Mexico. The captured data is then transferred electronically to INS in the U.S., where the BCCs are produced. The BCCs are then shipped back to the Foreign Service posts for issuance to the Mexican applicants. The BCC may be used for brief entries across the southern land border or to apply for entry into the U.S. by any mode of travel provided the bearer is also in possession of a valid Mexican passport.

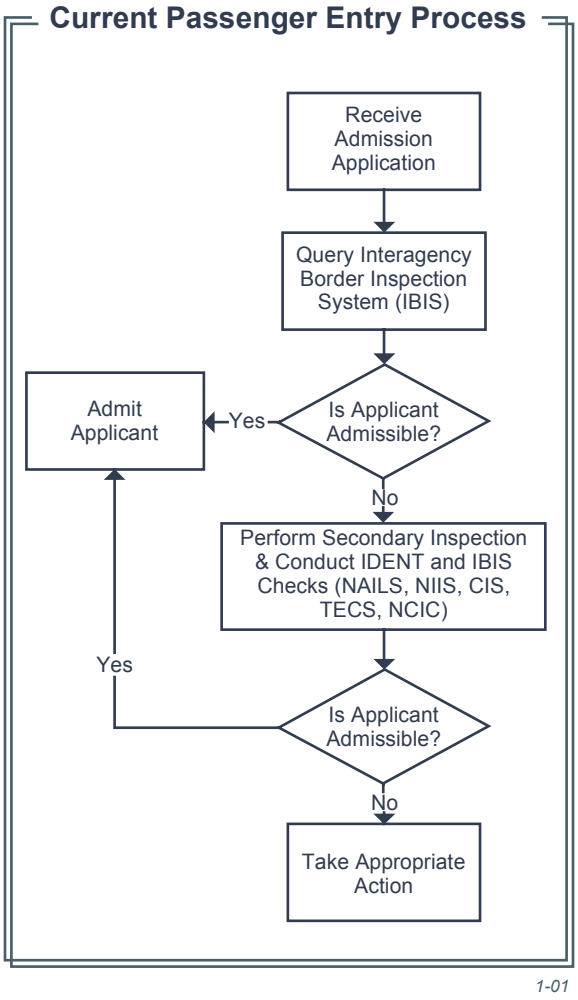
Visa refusals are entered into the Consular Lookout and Support System (CLASS), and forwarded to the Interagency Border Inspection System (IBIS). The IBIS is the computer lookout system that is queried.

Visa Waiver Program (VWP): Aside from persons who enter the U.S. with visas, the Visa Waiver Program (VWP), originally created by the Immigration Reform and Control Act in 1986, allows nationals from 28 countries to enter the U.S. as temporary visitors for business or pleasure without first obtaining a visa (see Appendix C, Minimum Documentary Requirements for Entry to U.S.). Foreign nationals from participating countries can stay in the U.S. for a maximum of 90 days under the VWP.

The names of VWP travelers are provided to POEs by airlines and cruise lines via APIS. These names are normally cleared through IBIS, the computer lookout system, prior to the travelers' arrivals at POEs. Upon arrival, VWP applicants present their passports and completed green Form I-94W, *Nonimmigrant Visa Waiver Arrival/Departure,* to inspectors, who determine their eligibility for admission.

To be eligible for participation in the VWP, countries must comply with criteria established by statute. For example, countries must have a low nonimmigrant visa refusal rate and must produce or be in the process of developing a machine-readable passport. Also, the law enforcement and security interests of the U.S. must not be compromised by the participation of such countries in the visa waiver program, as determined by the Attorney General. The Visa Waiver Program was originally operated as a pilot program but became permanent with the signing on October 30, 2000, of the Visa Waiver Permanent Program Act.

Inspection Process: Persons seeking entry into the U.S. are currently inspected at POEs and certain pre-inspection locations overseas by INS inspectors who determine the nationality and identity of each applicant, as well as his/her admissibility. USCS inspectors focus on the inspection of legitimate merchandise and the interdiction of illegal goods such as undeclared currency, weapons of mass destruction, and narcotics. INS and USCS inspectors assigned to land border POEs are cross-designated in primary functions of both agencies.



The vast majority of all travelers are granted entry after a primary inspection performed in less than 1 minute (ranging from a few seconds on up). In typical primary inspections, an inspector examines a traveler's entry documents, briefly interviews him/her to ascertain the validity of the purpose for entering the U.S, and verifies the traveler's identity with the documentation presented. Inspectors must review documents for accuracy and potential fraud as well as observe verbal and non-verbal responses to determine admissibility. Inspectors are trained to utilize interview questions and other techniques to determine whether a person is eligible for entry into the U.S. and whether or not there are any conditions associated with that entry. The inspector also queries IBIS, which retrieves and stores law enforcement lookout data from participating agencies, to determine whether there is a "lookout" for a person or vehicle.

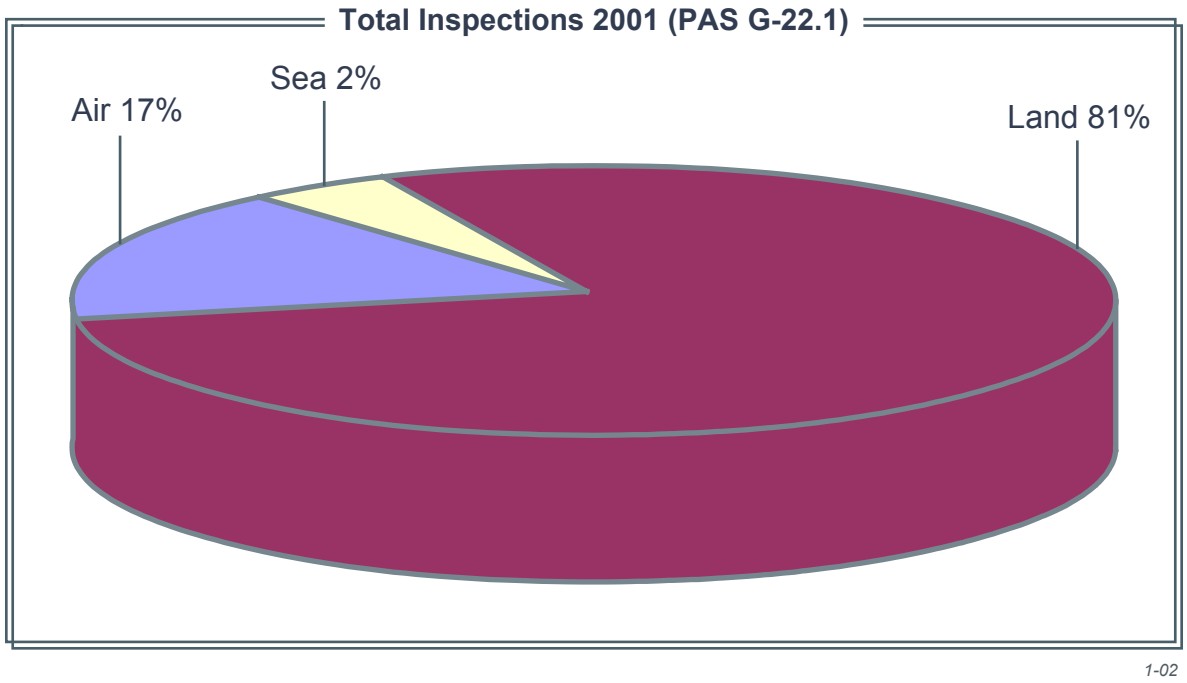
When an inspector has all the information available, a decision is made to admit the traveler into the U.S. or to refer the person for further inspection. If the inspector determines that the traveler may be inadmissible based on results of the IBIS query, behavioral observations, documentation, or responses to questions, the person is referred to a secondary inspection process for further inspection. Secondary inspection can consist of a thorough search of documentation, personal belongings, in-depth interviews, and multiple system queries including Non-immigrant Information System (NIIS), Central Index System (CIS), Computer Linked Application Information Management System (CLAIMS), National Automated Immigration Lookout System (NAILS), the National Crime Information Center (NCIC), Treasury Enforcement Communications System (TECS), and the Automated Biometric Identification System (IDENT), among others.

Travelers who are determined inadmissible are detained and are subject to enforcement actions as required. A total of 60,493 individuals were found inadmissible in June 2002, an increase of 8 percent from June of 2001.

People found inadmissible include aliens referred to secondary inspection who withdraw their application for admission and return, are refused entry, are paroled in, or are referred to an immigration judge for a removal hearing. Also included are expedited removal cases where an alien can withdraw, or receives an expedited removal order, or is referred for a credible fear interview.

To make decisions about admissibility, inspectors must be familiar with various documents, including passports from multiple countries, birth certificates, Border Crossing Cards, Alien Registration Cards, re-entry permits, refugee travel documents, advance parole (one page document with photo), and other U.S. documents, some of which are machine-readable. DOS issues numerous classes of visas to aliens applying for entry into the U.S. However, not all aliens require a visa. Travelers coming from one of the 28 countries involved in the VWP are exempt from having to acquire special visa documentation. Various other travelers are granted exemptions from documentary requirements; for example, Mexicans may cross a land border with a Border Crossing Card, and Canadians entering the U.S. require neither a visa nor a passport. Travelers who are not exempt must complete and submit a Form I-94, *Arrival Departure Record,* at entry (See Appendix C, Minimum Documentary Requirements for Entry to U.S.).

Inspections at Land Border POEs: There is a marked difference between an inspection conducted at an air or sea POE and one conducted at a land border. Because of their varied status, divergent points of origin, unfamiliarity with requirements and regulations, and the increased risk to the U.S., most applicants for admission at seaports and airports receive a comprehensive inspection that includes mandatory data systems checks. In contrast, the great majority of persons arriving at land border POEs are residents of the border area who cross frequently and are familiar with requirements concerning their entry into the U.S. and receive an inspection that may include data systems checks. The vast majority of all border crossings into the U.S. occur at land border POEs (see chart below). Border traffic includes U.S. citizens who leave and reenter the U.S. multiple times daily, permanent residents who make multiple entries, and aliens who hold non-immigrant visas or border crossing cards and commute back and forth daily or weekly from Canada or Mexico. Individuals can cross land borders as pedestrians, on bicycles, in cars, rails, buses, trucks, or other vehicles.



Adding to the already large numbers of land border crossings, agreements such as the North American Free Trade Agreement (NAFTA) have promoted substantial growth in trade and tourism between countries. New agreements such as the 30-point Smart Border Action Plan with Canada and the 22-point Plan with Mexico also strive to improve border processes. At the same time, in the aftermath of September 11, 2001, the Bush Administration directed the closing of all unmanned POEs and called for increased scrutiny at land borders, requiring more intense screening in all aspects of the inspection process.

To achieve heightened border security after September 11, all POEs were placed on a Level 1 security alert. Since then, the inspections of border crossers, their belongings, and their vehicles have been more detailed. Security operations include: special roving teams to open more vehicle trunks and hoods; placement of magnetometers and X-ray machines in pedestrian walkways; after-hours officer presence at non-24-hour POEs; photo identification required of all applicants for entry, including U.S. citizens; and extensive computer queries on IBIS during the primary inspection of pedestrians.

This heightened border security has had noticeable and significant effects. Wait times have increased because inspection procedures have been intensified, resulting in a lower number of legal crossings, especially in the pedestrian walkways. However, the current delays are not as long as in the immediate aftermath of September 11.

Historically, to ensure enforcement while facilitating inspections and expediting the flow of commerce, screening procedures had been established at land border POEs to rapidly inspect applicants for admission, passing through those found readily admissible and referring for further action those requiring more detailed inspections. A primary INS or USCS inspector conducts a single inspection for several federal agencies (INS, APHIS, USCS, and the U.S. Public Health Service [USPHS]).

Vehicles entering at Canadian or Mexican border POEs must come to a complete stop and the license plate reader unit (LPR) enters the license plate number into the IBIS system or, if the system is unavailable or inoperable, the inspector enters the number manually. The inspector must then determine the nationality and admissibility of each applicant for admission as well as obtain an oral customs declaration from the operator of each vehicle and other persons as appropriate. Based on the answers to questions asked and observations of the occupants of the vehicle, the inspector must determine immediately whether an in-depth inspection is required. If he/she is satisfied that the requirements for all federal agencies have been met, the inspector will admit the vehicle and/or persons. If not, they will be referred to the appropriate agency for secondary inspection and further determinations.

Land border inspectors rely on data checks, their powers of observation, and their familiarity with various documents in making the determination to admit travelers. At northern land border crossings, most travelers give an oral declaration of nationality because of the waived visa and passport requirements for U.S. and Canadian citizens. Inspectors must be alert for aliens attempting fraudulent entry due to the perceived notion that the success rate for illegal entry is higher at these busier POEs.

The land POEs can be segregated into northern and southern border areas, because of major differences in infrastructure, operating environment, and types of traffic and documents. Specific differences between the northern and southern land borders are illustrated on the following chart.

Land POEs: Northern and Southern Border Differences

Northern Border	Southern Border
Number and Infrastructure	
123 POEs, most small, remote with low volume of traffic Locations near tunnels and bridges do not always allow for the infrastructure to expedite inspections for travelers using Automated Inspection Systems	43 POEs, most are large with high volume of traffic Different road infrastructure (dedicated bridges, multiple travel lanes) encourage travelers to use Automated Inspection Systems to speed inspection process Infrastructure (e.g., sidewalks) available for pedestrian and bicycle traffic
Volume and Variations	
Mostly vehicular traffic Unmanned, remote POEs have been closed in the aftermath of 9-11 Pre-enrollment system with machine readable card is being used at several POEs Surface trade worth over $365 billion in 2000 (Bureau of Transportation Statistics)	High volume of both vehicular and pedestrian traffic Many POEs use automated inspection systems to quickly screen pre-enrolled travelers Pre-enrollment system with vehicle transponder is being used at several POEs Surface trade worth over $210 billion in 2000 (Bureau of Transportation Statistics)
Types of Traffic and Documents	
Majority of travelers are U.S. or Canadian citizens No visa or passport is required for U.S. or Canadian citizens	Majority of travelers are citizens of the U.S. or Mexico Border Crossing Cards (BCC), Alien Registration Cards, multi-type non-immigrant visas (NIV), and other documents are regularly inspected. Visa and I-94 form are required if entering U.S. for more than 72 hours or going farther than 26 miles past the border

Pre-entry Screening at Southern Border: At U.S./Mexico land border crossings, all aliens (except those specifically exempt from passport and/or visa requirements) seeking admission into the U.S. are required to present documentary proof of their citizenship. Mexican nationals can apply for a Border Crossing Card/laser visa that can be used in lieu of a passport and visa for entry into the U.S. The Border Crossing Card is managed jointly by the INS and DOS. Individuals applying for a Border Crossing Card are prescreened and their entry is expedited.

The Secure Electronic Network for Traveler's Rapid Inspection (SENTRI) program is an electronic, dedicated commuter lane that expedites the flow of low-risk, frequent border crossers through a POE while maintaining the security of our borders. SENTRI users are pre-enrolled; extensive background checks are conducted through a network of law enforcement databases. Each time a participant enters through the SENTRI lane, the system automatically accesses the SENTRI database and displays all persons who are authorized to be in the vehicle. SENTRI is currently operational at Otay Mesa and San Ysidro, California and El Paso, Texas. There are over 45,000 participants in these locations. Since September 11, SENTRI enrollment applications have increased by more than 100 percent.

Pre-entry Screening at Northern Border: SENTRI technology used at Detroit, Michigan and Buffalo, New York is scheduled to be replaced by NEXUS technology by the spring of 2003. NEXUS is currently in place at Port Huron/Sarnia, Michigan, and Blaine, Washington, POEs. NEXUS uses a pre-enrollment process to screen applicants and then issues a proximity card that can be read as the car moves past the inspection station. The inspecting officer makes a positive identification of each participant based on the picture and personal information on screen. There is also a small boat permit program in place to facilitate the entry of small craft making frequent entries from Canada to the U.S. Applicants complete a Form I-68, and if approved, the permit is valid for 1 year. Northern land border POEs also use Outlying Area Reporting Stations (OARS) to facilitate remote inspections (typically at marinas), for those wishing to enter the U.S. This system relies on videophone technology and interfaces with the Global Enrollment System (GES); it is primarily deployed in remote areas on the northern border.

Inspections at Air POEs: Like inspections at land POEs, airport inspections require a balance between security and the expeditious entry of travelers. Delays at airport POEs have impacts aside from the slowing of commerce, such as travelers missing connecting flights. In the first and second quarters of Fiscal Year 2002, a total of 180,668 flights were inspected, with only 8,454 flights taking more than 45 minutes for processing (PAS G-22.1, INS Statistics). Inspectors at airports often must review several different types of forms and documentation from countries all over the world. Inspectors at air POEs must also coordinate closely with aviation industry organizations and other agencies that conduct inspections, such as USCS, USPHS, and APHIS. These considerations make the process at air POEs substantially different than at land POEs. Furthermore, there are significantly fewer inspections at air POEs than at land POEs: in Fiscal Year 2001, over 84 million citizens and aliens were examined or inspected at air POEs; almost 31 million inspections were conducted in the first 6 months of 2002.

Air POEs have an INS-staffed primary inspection area with IBIS terminals located in front of the baggage claim area. The immigration officer completes a primary inspection, including an IBIS query, for all agencies and refers any secondary cases to each agency, according to agreed-upon criteria. The primary inspector generally communicates with the secondary officer via IBIS concerning the basis for referrals, although other methods are sometimes utilized.

At most air POEs, a separate booth is designated solely for inspection of crewmembers. Each arriving alien crewmember must present a completed Form 1304, *Crew Customs Declaration*, a valid passport with a D-1 visa, and a Form I-95, *Crewman's Landing Permit*. U.S. citizen crewmembers must show a passport if arriving from travel outside the western hemisphere. Resident alien crewmembers may travel on Form I-551, *Alien Registration Card*.

Pre-entry Screening at Air POEs: Pre-inspection services are currently provided at several foreign air POEs and in some U.S. territories and possessions. At these locations travelers and crewmembers are inspected before boarding an aircraft that will enter the U.S. There are currently two forms of pre-entry screening: pre-clearance, which clears a traveler for both INS and USCS processing, and pre-inspection, which clears a traveler for INS processing only.

Pre-clearance (INS and USCS) at foreign locations is currently available at the following sites: Vancouver, Edmonton, Winnipeg, Calgary, Toronto, Ottawa, and Montreal, Canada; Aruba; Freeport and Nassau, the Bahamas; and Bermuda. Pre-inspection (INS only) at foreign locations is available at Shannon and Dublin, Ireland. The IIRIRA calls for the establishment and maintenance of five pre-inspection sites at foreign airports that are the last points of departure for the greatest numbers of inadmissible alien passengers and five additional airports to be determined in order to most effectively reduce the number of aliens who are inadmissible.

The INS also pre-inspects all persons traveling to the U.S. mainland from the U.S. Virgin Islands, Guam, and Puerto Rico. USCS is also located for inspection purposes in the U.S. Virgin Islands and Puerto Rico.

The process for pre-inspection is basically the same as at a POE, but there may be some variations due to port policy and routines established at those stations. One major exception is that expedited removal procedures may not be applied at pre-inspection or pre-clearance stations, and inspectors have no authority to make arrests. Travelers who are determined to be inadmissible are advised of this determination and are given the option of not traveling. Referrals to host country law enforcement authorities present on-site are used in certain cases as well.

International-to-International Transit Passenger Inspections: International-to-international passengers are inspected in the in-transit lounge. Carriers using the in-transit lounge are required to provide APIS information on 100 percent of passengers and crew. The inspection consists of a visual examination during the transfer process at the POE. This does not require an examination of each passenger and his or her travel documents. Questioning of these passengers and examination of their travel documents is done selectively and on a random basis to avoid interfering with the overall operation.

Transit Without Visa (TWOV): TWOV applicants are aliens in continuous and immediate transit through the U.S. They are exempt from the requirement for a passport and visa valid for entry into the U.S., but must be in possession of a travel document or documents establishing their identity, nationality, and ability (including any required visa) to enter the country to which they are destined, other than the U.S. Each TWOV passenger must have a confirmed transportation ticket to depart from the U.S. within 8 hours or on the first available transportation. A maximum of two stopovers en route is permitted.

Each arriving TWOV passenger should present a blue I-94T, *Transit Without Visa (TWOV),* along with the other required documents stated above. The departure I-94T is stapled to the outbound ticket coupon and the POE retains the arrival I-94T. The passenger and documents are turned over to the arrival carrier, in accordance with local port procedures.

Private Aircraft/General Aviation: All private aircraft entering the U.S. are required to notify USCS or INS, generally one hour before anticipated arrival, to request the presence of an inspector. All persons on board are inspected in the same manner as those on commercial flights, although often these inspections are conducted at smaller designated general aviation POEs.

Inspections at Sea POEs: Certain aspects of seaport inspections are similar to airport inspections; for example, incoming vessels must provide advance manifest data. Seaport inspections require close cooperation with other federal inspection agencies and the USCG and consist mainly of primary inspections with secondary inspections as needed. Unlike land and airport inspections, however, seaport inspections often require the capability to perform inspections remotely, either at the dock or on board a ship or vessel. Seaport traffic volumes are low in comparison to land and air POEs: in Fiscal Year 2001, the INS conducted about 9.6 million total inspections on cruise ship passengers and crew and 2.3 million inspections on other than cruise vessels, compared to 414 million at land POEs and 84 million at air POEs (PAS G-22.1, INS Statistics).

Other aspects of the inspection procedures in a seaport environment differ significantly from those at airports or land borders. Many of the procedures have been only slightly modified from those developed many years ago. Most vessels inspected today are cargo vessels with only crewmembers on board. Passenger vessels are predominantly cruise ships, with most passengers beginning and ending their trips in the U.S. Cruise ship inspection, involving a large volume of U.S. citizen passengers and crewmembers who may have made several entries in just a few weeks, is handled upon arrival, through pre-inspection, or en route, using a relatively small inspection staff. Because of the large volume of passengers and crew on many cruise vessels and the rapid turnaround time required for unloading passengers from one cruise and loading for the next, cruise lines often request that INS conduct the immigration inspection while the ship is en route from the last foreign port back to the U.S. However, in the wake of September 11, en route inspections are conducted at the discretion of the district or POE.

Cargo vessels are inspected in port or "in-stream," based on arrangements made by the vessel's agent. In-stream boardings can be hazardous and time-consuming. They are typically used when a ship will be at anchor for a prolonged period prior to docking or will proceed to a docking facility that is distant from the major port area. Such boardings are generally arranged to accommodate the needs of the vessel's operator, at the convenience of the inspection agency. The shipping agent also arranges for dockside inspection of vessels. Inspection must be complete before any other activities commence, such as unloading cargo. Ordinarily, the INS and USCS inspectors are at the dock when the ship's gangway is lowered and are the first to board.

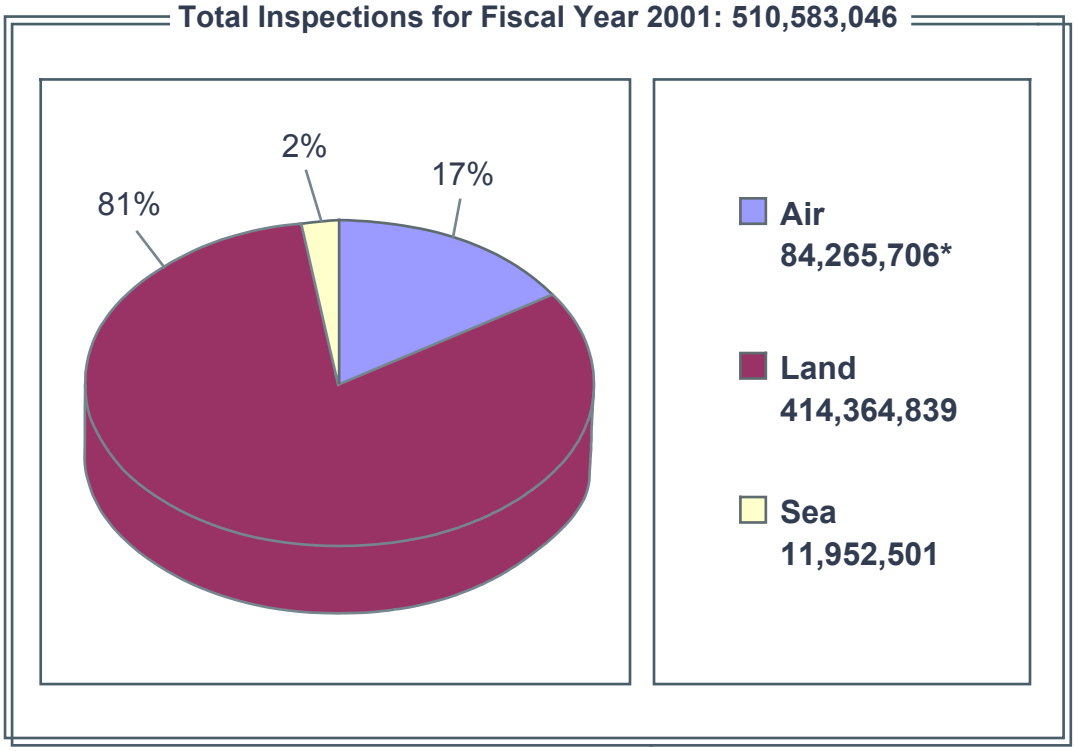
Most seaport inspections are conducted using the Portable Automated Lookout System (PALS) laptops. PALS utilizes data from a CD-ROM that is updated monthly and contains "lookout" information on individuals who should be denied admittance. Inspectors usually take the PALS laptop onto the ship or vessel to conduct the inspection. The master or purser of the vessel will provide a manifest, usually on Form I-418, *Passenger List-Crew List*, of all the passengers. A lookout query on APIS is required of all passengers, either at the time of arrival or in advance. When inspectors receive manifest information in advance, they have access to other real-time inspections systems, and more advanced checks can be conducted in IBIS, NAILS, and NIIS.

Passenger Inspection: Unless a vessel is pre-inspected or an en route inspection has been arranged, passengers will be inspected after docking. Some port facilities have a passenger terminal with inspection booths similar to those at airports. The manifest, usually on Form I-418, is used to query all passengers on APIS. U.S. citizen passengers who departed on the same cruise vessel are not generally required to report for inspection, but may be examined briefly upon disembarkation. Along with previously provided manifests, data checks, and positive access controls to the ships, an oral declaration of citizenship is usually accepted for U.S. citizens. All other passengers appear with necessary documentation for inspection by an immigration officer. Any passengers who arrive on a cargo vessel are handled in the same manner.

Crew Inspection: Inspectors first review the Form I-418 with the names and biographic data of the crewmembers for both cargo vessels and cruise ships. Each crewmember must appear for inspection, and every non-immigrant must present a passport or seaman's book, if required, and Form I-95, *Crewman's Landing Permit*, or Form I-184, *Crewman's Landing Permit and Identification Card*.

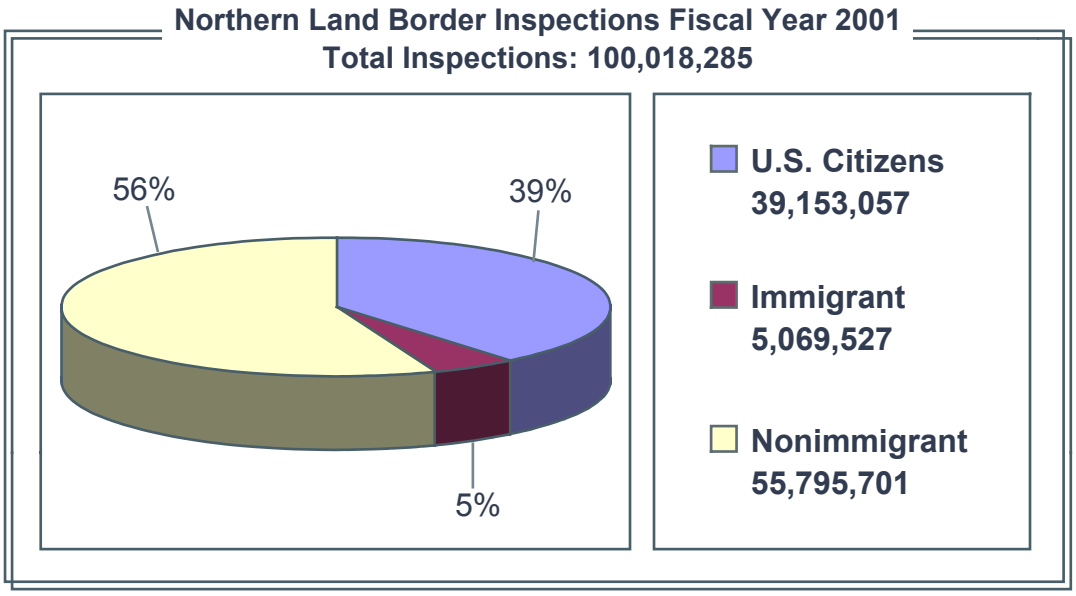
Private Vessels: As with private aircraft, a single inspector, notified upon arrival, generally inspects private vessels. People operating vessels that do not regularly transport goods or passengers are not considered crewmembers, but are inspected as any other traveler.

Volume and Modes of Transportation at POEs: Clearly there are similarities in inspection processes at all types of POEs. At every type of POE, inspectors must conduct a primary inspection quickly and determine if the applicant must be recommended for a more in-depth secondary inspection. The land border POEs have a much higher volume of traffic than air or sea POEs, making the necessity for efficient primary inspections imperative. Furthermore, land POEs must handle multiple modes of transportation including commercial and private vehicles, buses, trains, and pedestrians.



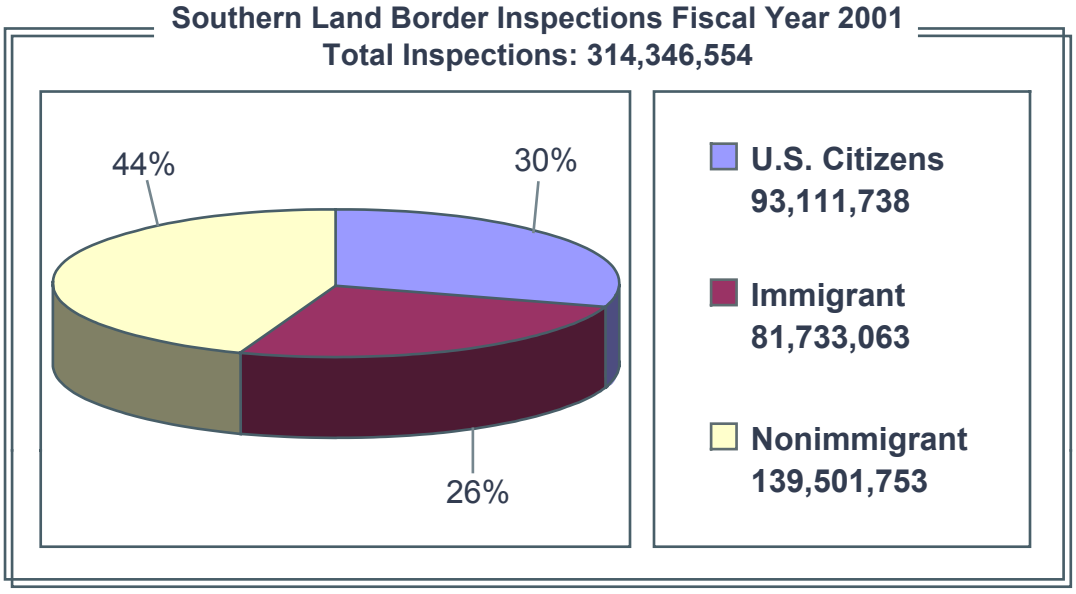
Source: PAS G-22.1 INS Statistics 1-03

*Includes 4,651,037 departure inspections from Guam, the U.S. Virgin Islands, and Puerto Rico



Source: PAS G-22.1 INS Statistics

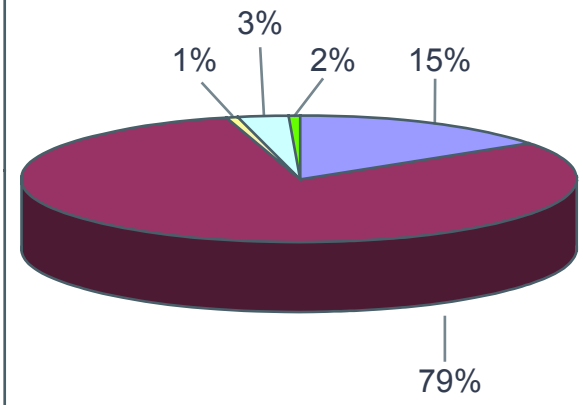
1-04



Source: PAS G-22.1 INS Statistics

1-05

Northern Land Border Inspections Fiscal Year 2001
Mode of Transportation

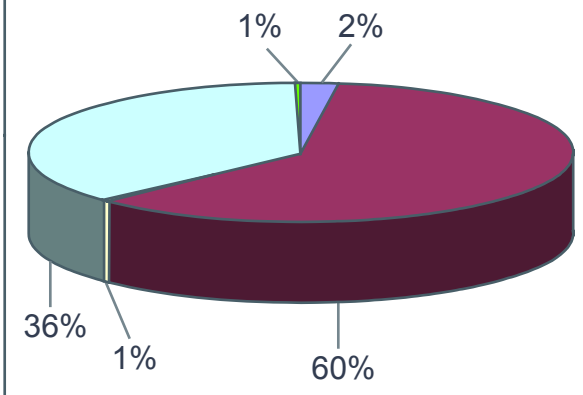


- **Commercial Vehicles 6,888,631**
- **Non-Commercial Vehicles 35,976,796**
- **Buses 241,510**
- **Pedestrians 1,311,518**
- **Trains/Taxis/Tour Vans 260,235**

Source: PAS G-22.1 INS Statistics

1-06

Southern Land Border Inspections Fiscal Year 2001
Mode of Transportation

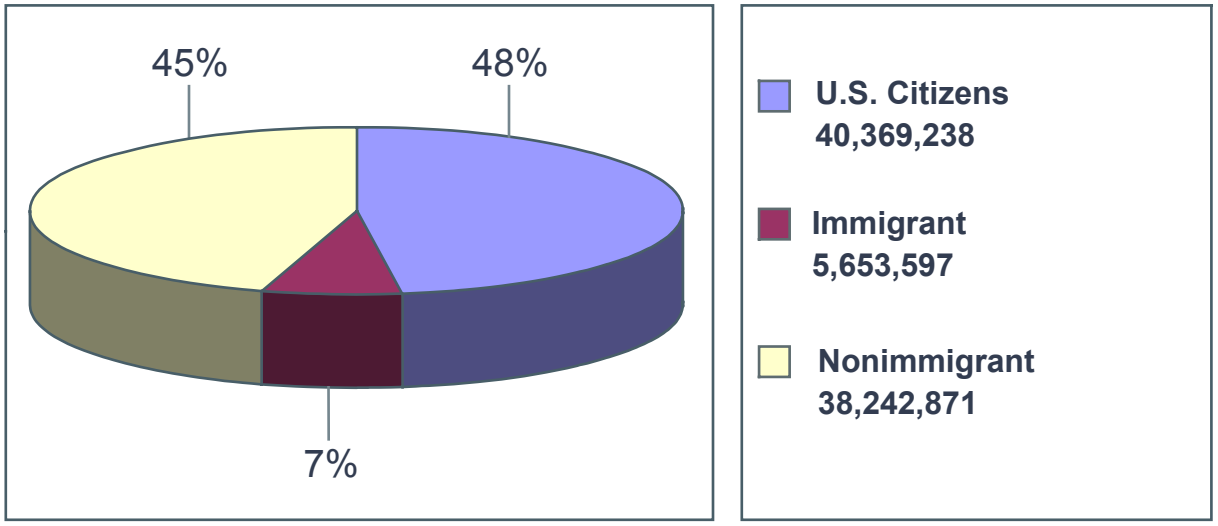


- **Commercial Vehicles 3,329,372**
- **Non-Commercial Vehicles 92,441,792**
- **Buses 263,178**
- **Pedestrians 55,613,753**
- **Trains/Taxis/Tour Vans 219,803**

Source: PAS G-22.1 INS Statistics

1-07

Airport Inspections Fiscal Year 2001
Total Inspections: 84,265,706*

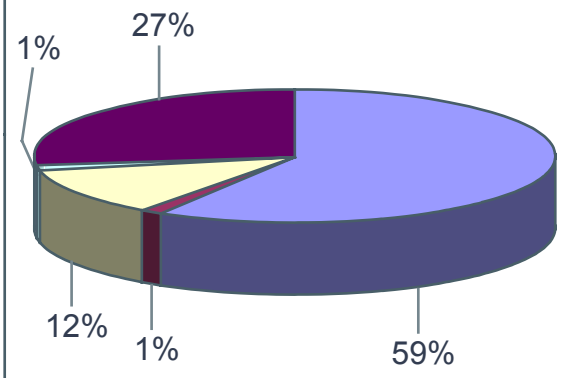


Source: PAS G-22.1 INS Statistics

1-08

*Includes 4,651,037 departure inspections from Guam, the U.S. Virgin Islands, and Puerto Rico

Cruise Inspections Fiscal Year 2001
Total Cruise Inspections: 9,625,105



- **U.S. Citizen Passenger 5,650,009**
- **Immigrant Passenger 113,127**
- **Nonimmigrant Passenger 1,135,882**
- **U.S. Citizen Crew 100,073**
- **Non-U.S. Citizen Crew 2,626,014**

Source: PAS G-22.1 INS Statistics

1-09

Other Sea Inspections Fiscal Year 2001
Total Other Sea Inspections: 2, 237,396

Cargo inspections cannot be delineated from the 2,327,396 other sea inspections total, which include inspections from cargo vessels, ferries, private vessels, military vessels, etc.

Source: PAS G-22.1 INS Statistics

1-09b

C. GROWTH PROJECTIONS

Land Border Growth Projections: Southern and northern land border inspections combined comprise 80 to 85 percent of the total inspections performed at all POEs. The largest increase in inspections (11.3 percent over one year) was seen on the southern border in Fiscal Year 1994, due perhaps to the NAFTA. However, in Fiscal Year 1995, the number of inspections on the southern border dropped by over 8 percent. With that one exception, the number of southern land border inspections fluctuated between a maximum decrease in one year of 3 percent, and a maximum increase in one year of 4 percent.

Inspections on the northern border have been on the decline over the past 8 years–from approximately 153 million in Fiscal Year 1992 to almost 114 million in Fiscal Year 2000. Northern land border inspections once comprised over 36 percent of all land border inspections; however, that percentage dropped to about 24 percent in Fiscal Year 2001. The number of northern land border inspections decreased a total of 12 percent from Fiscal Year 2000 to Fiscal Year 2001, with total inspections dropping to about 100 million. The events of September 11 have had a significant impact on northern land border crossing activities. Traffic literally stopped immediately following the attacks, and the number of people crossing the border decreased precipitously in the following weeks.

Prior to September 11, the gradual decline in the number of people crossing the northern border can be attributed for the most part to the fluctuating value of the Canadian dollar and the world economy overall. The Canadian dollar peaked at U.S. $0.8934 in November 1991, fell sharply through 1992, and then continued a gradual decline throughout 1993 and 1994. In 1995 and 1996, a degree of stability in the Canadian dollar was temporarily re-established; however, in 1998 it hit another low of US $0.6311. These fluctuations are primarily the result of lowering interest rates, budgetary problems at the federal and provincial levels, and large current account deficits. Other factors, such as the international environment, the Mexican peso crisis, and rising U.S. interest rates, precipitated a generalized flight into holding U.S. dollar assets.

The Canadian dollar began dropping again in November 2001 and continued to do so into 2002, hitting an all-time low of just under U.S. $0.6260. There are indications that the Canadian dollar is beginning to gain in valuation and this trend is projected to continue over the next 6 to 8 years, barring any further catastrophic events. It is anticipated that as the Canadian dollar and overall economy grow stronger, the number of people traveling across the northern border will increase.

The growth projections developed by the Task Force are based, for the most part, on historical inspections information, trend analyses, and various historical events, all of which contributed to the development of an algorithmic pattern. While the projections fluctuate from year to year, the number of northern land border inspections is projected to increase by approximately 8.6 percent over the next 4 to 5 years, reaching its pre-September 11 levels of about 110 million in Fiscal Year 2006. This is approximately 25 percent of the total inspections performed at all land border POEs. Should the Canadian dollar increase in value beyond current projections, traffic volume would increase as well.

The projected number of inspections on the southern border ranges from about 309 million in Fiscal Year 2003 to an estimated 331 million in Fiscal Year 2010, with year-to-year fluctuations ranging from -2.5 to +3.8 percent, consistent with the aforementioned algorithm.

Commercial traffic and trade along both the northern and southern borders has been steadily increasing. The advent of commercial traffic facilitation initiatives such as the USCS Trade Partnership Against Terrorism (CTPAT), the Automated Commercial Environment (ACE), the Border Release Advanced Selectivity System (BRASS), and the International Trade Data System (ITDS) will help to address the anticipated increased traffic flow. The success of these initiatives could be augmented with the appropriate infrastructure improvements.

It is anticipated that the deployment of the entry/exit system along with the new technologies that are being developed will have an impact on the number of persons crossing our borders. That impact is, for now, not clear. However, as has been done in the past, statistical information will continue to be captured and analyzed in an effort to determine what that impact will be.

Airport Growth Projections: The aviation industry experienced steady growth from Fiscal Year 1992 through Fiscal Year 2000–between 4 and 7 percent per year. Understandably, the events of September 11 have resulted in a decline in air passengers of almost 8 percent during Fiscal Year 2002. The most recent projections indicate that the industry would reach its pre-September 11 passenger levels–an estimated 83 million passengers–during Fiscal Year 2005.

Passenger volume through the year 2010 is projected to reach approximately 106 million, based on the aviation industry's projected growth, and assuming no further catastrophic events occur.

As the number of airline passengers increases, so does the level of revenue collected. The resources required to perform inspections and related activities increase as well. Additional inspectors, space, equipment, and infrastructure are required to manage the increased workload.

Seaport Growth Projections: The cruise line/cargo industry represents just over 2 percent of the total inspections workload. In Fiscal Year 2001, almost 12 million inspections were performed on passengers and crewmembers, and that number is projected to grow steadily. As mentioned previously, under the current process, a cruise line passenger can be inspected several times during a single cruise, depending on each ship's itinerary. Should the proposal to implement Automated Personnel Assisted Security Screening System (APASS) or a similar process be accepted, the inspections workload would decrease, even though passenger volume would continue to rise.

The North American cruise industry continues to grow and expand. During 2001, 6.8 million U.S. residents took cruise vacations throughout the world, accounting for 81 percent of the industry's global passengers. U.S. POEs handled 5.9 million cruise embarkations during 2001–70 percent of all global embarkations[3].

[3] Source: Business Research and Economic Advisors Report, "The Contribution of the North American Cruise Industry to the U.S. Economy in 2001."

The cruise industry plans to add additional cruise ships to the North American fleet that will significantly increase the capacity of the industry over the next 3 to 5 years. Based on past history and the prospective new growth in the cruise line industry, the Task Force projects the number of passengers to increase by over 17 percent between 2003 and 2006. By the year 2010, the Task Force projects the number of cruise passengers will increase by more than 62 percent over the 2002 level.

Again, while the number of passengers is projected to increase steadily, the number of inspections should decrease based on the proposal to implement more advanced technology and the requisite changes in policy and regulation. With the advent of APASS and enhanced biometrics, both the cruise lines and inspectors will be better equipped to perform their duties.

It is envisioned that by the year 2010, the number of cruise line inspections will be almost equal to the number of passengers. The Task Force does not envision a one-to-one ratio (i.e., one inspection per passenger), as there may be a need to inspect certain individuals more than once, based on an inspector's determination of need.

Office of Travel and Tourism Industries Forecast: The U.S. Department of Commerce, Office of Travel and Tourism Industries' (OTTI) forecast for international travel to the U.S. has just been revised. OTTI issues a forecast in May and October each year. The forecast is based upon information provided by the U.S., Canada, and Mexico and a model that was developed to determine the relationship between the changes in arrival patterns and what is happening economically in a country[4]. This relationship is used to forecast arrivals to the U.S. for the next several years. The current forecast period is for annual arrivals for 2002-2006.

The OTTI forecast data is extracted from the total overall number of persons crossing the U.S. borders. This data is based on those tourist and business non-immigrant travelers that are not categorized as daily commuters or frequent border crossers (i.e. couriers, truck drivers, etc.), persons in-transit through the U.S., diplomats, and military personnel, to name a few.

The forecast shows that in 2002, the U.S. will see similar arrivals totals as it did in 2001. Canada and Mexico are the top two arrival markets, posting a one and three percent growth rate for 2002. Overseas travel, which excludes Canada and Mexico, will be down two percent. The forecast also shows that travel will increase by eight percent in 2003 and 2004. The forecast for 2005-2006 indicates a seven percent overall growth rate to reach 60 million visitors by calendar year 2006.

[4] U.S. - INS statistics regarding only those non-immigrant travelers that are documented by the INS Form I-94, arrival and departure information, excluding the diplomatic and military categories.

Canada - Statistics Canada provides the statistical data for residents of Canada that are traveling to the U.S., but excluding daily commuters, truck drivers, those individuals not staying at least one night, diplomats, and military, to name a few.

Mexico – Survey information from the Banco de Mexico for residents of Mexico that are traveling to the U.S., but excluding daily commuters or shoppers, truck drivers, those individuals not staying at least one night, diplomats, and military, to name a few.

Forecast of International Travel to the United States
(Estimates in Thousands)

		Change		Change		Change		Change		Change		Change		Change	Change	Change
ORIGIN	2000	00/99	2001e	0/10	2002p	02/01	2003p	03/02	2004p	04/03	2004p	05/04	2006p	06/05	06/00	06/01
Mexico	10,322	4%	3,558	-7%	9,807	3%	10,621	8%	11,506	8%	12,415	8%	13,409	8%	30%	40%
Canada	14,648	3%	13,507	-8%	13,622	1%	14,739	8%	15,730	7%	16,814	7%	17,839	6%	22%	32%
Overseas	25,975	6%	22,425	-14%	22,007	-2%	23,720	8%	25,557	8%	27,103	6%	28,752	6%	11%	28%
Europe	11,537	3%	3,185	-15%	9,840	0%	10,747	9%	11,575	8%	12,281	6%	13,001	6%	12%	32%
Asia	7,554	9%	6,378	-16%	6,238	-2%	6,683	7%	7,228	8%	7,636	6%	8,056	5%	7%	26%
South America	2,942	8%	2,605	-11%	2,342	-10%	2,415	3%	2,601	8%	2,775	7%	2,954	6%	0%	13%
Carribean	1,331	6%	1,257	-6%	1,274	1%	1,374	8%	1,448	5%	1,513	5%	1,615	7%	21%	28%
Central America	822	12%	807	-2%	826	2%	904	10%	970	7%	1,013	4%	1,085	7%	32%	35%
Ocearia	731	10%	622	-15%	658	6%	719	9%	779	8%	830	7%	882	6%	21%	42%
Middle East	702	12%	652	-7%	552	-15%	580	5%	633	9%	716	14%	808	12%	15%	24%
Africa	295	8%	290	-2%	277	-5%	299	8%	321	7%	337	5%	352	5%	19%	21%
Grand Total	**50,945**	**5%**	**45,491**	**-11%**	**45,436**	**0%**	**49,080**	**8%**	**52,793**	**8%**	**56,332**	**7%**	**60,000**	**7%**	18%	32%

P=projection; e = preliminary estimate
Some variance in data may occur due to rounding.
Source U.S. Department of Commerce, ITA, Office of Travel & Tourism Industries

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D. ENTRY/EXIT PROCESS

Effective border management encompasses more than the inspections conducted at POEs; there is also a need to collect, maintain, and share information on individuals who enter and exit the U.S. Legislation requires the implementation of an entry/exit system that does the following:

- Provides access to and integrates alien arrival and departure information that is in an electronic format in DOJ and DOS databases;
- Records the arrival and departure of aliens required to be tracked, allowing the identification of people who have overstayed the period authorized;
- Facilitates the identification of lawfully admitted non-U.S. citizens;
- Records the entry/exit of VWP applicants traveling through air and sea POEs; and
- Interfaces with other law enforcement and intelligence agencies as appropriate.

The following describes the current process for entry/exit.

Entry/Exit at Land Border POEs: Currently, all legal and statistical information that is recorded for the entry/exit of travelers crossing the borders of the U.S. comes from the Form I-94, *Arrival/Departure Record.* Most applicants at Mexican and Canadian land borders are exempt from issuance of a Form I-94, so no entry information is collected on the vast majority of travelers who enter the U.S. through land border POEs. Mexican non-immigrants who are otherwise admissible, but who are entering for more than 72 hours and/or traveling beyond 25 miles of the border, or who are entering for other than business or pleasure, are issued a Form I-94. Applicants complete the form at entry and an inspector adjudicates it. The alien is given the departure portion of the form for proof of status while in the U.S. The arrival portion is kept by the INS and submitted for manual entry into NIIS.

Exit information is collected when a traveler returns the departure portion of the Form I-94. Individuals who are required to submit a Form I-94 at entry do not always turn in the departure portion of the form when they exit, resulting in inaccurate NIIS records. Canadian immigration officials collect some departure documents for INS; other I-94s are retained by the alien for reentry. Collection boxes for depositing departure I-94 forms are in place at some Mexican border crossings. Currently INS does not control or staff outbound traffic from the U.S.; other U.S. Government agencies perform certain outbound checks at select locations for law enforcement purposes.

Entry/Exit at Air POEs: Carriers electronically transmit manifests showing all passengers entering the U.S. using APIS, which is integrated with IBIS, to the POE prior to arrival. Upon arrival, all passengers except for U.S. citizens, lawful permanent resident aliens of the U.S., and immigrants to the U.S. must complete a Form I-94 which is reviewed at the primary inspection. If the alien is admissible, then the inspector stamps the date admitted on the form.

The alien is given the departure portion of the form for proof of status while in the U.S. The arrival portion is kept by the INS and submitted for manual entry into NIIS.

Once the last passenger from the flight has been cleared, citizen/alien counts must be completed on the Form I-92, *Aircraft/Vessel Report*. The alien count is the tally of all the I-94s collected for the flight. The citizen count includes U.S. citizens, alien residents, immigrants, and any non-immigrants who do not require a Form I-94. Every INS airport inspection facility is required to maintain a Form I-577, *Daily Air Passenger Inspection Log*, containing key information about each arriving aircraft.

Entry/Exit at Sea POEs: All passengers except for U.S. citizens, lawful permanent resident aliens of the U.S., and immigrants to the U.S. must complete a Form I-94, which is reviewed at the primary inspection. If the alien is admissible, then the inspector stamps the date admitted on the form. The alien is given the departure portion of the form for proof of status while in the U.S. The arrival portion is kept by the INS and submitted for manual entry into NIIS. When all passengers and crewmembers have been inspected, the inspector prepares a Form I-92 and bundles it with the I-94s collected during inspection and forwards them for data entry.

Vessels are required to submit departure manifests at the POE. Arrival manifests are kept at the port for 6 months. If no departure manifest is received within 60-90 days of the vessel's arrival, the port contacts the last scheduled port shown on the Form I-418 or the vessel's agent. Upon receipt of a departure manifest, the Form I-418 receipt number is matched with the arrival manifest to ensure accountability for all crewmembers.

Air and Sea Legislative Requirements: Legislation requires air and sea carriers to submit departure manifests as of October 2002. As a person checks in, the agent checks for the proper travel documentation, such as a valid passport and onward visa to enter another country. If the departure portion of either the Form I-94 or Form I-94W is found in the passport, the agent pulls the form and stamps the back with the departure information and the date of departure. All of the departure I-94s or I-94Ws are collected, bound together with a Form I-92 and submitted as the departure manifest. Air and sea carriers are required to submit departure manifests. The POE is responsible for reviewing and sorting the departure forms and forwarding them for data entry. In addition, POEs must also obtain departure schedules and ensure that manifests are received for all scheduled departures. Unlike arrival forms, departure I-94 forms do not have to be separated, except for Form I-94T, *Transit Without Visa (TWOV*). Departing aliens are presumed responsible for returning the Form I-94 when leaving the U.S., but there is no penalty for not returning the form in a timely manner.

Deficiencies in the Current Entry/Exit Process: The current process for recording entry/exit is paper-driven and inconsistent, relying on the use of I-94s, which are handwritten (sometimes illegibly) and the manual input of data, which allows for human error. Furthermore, effective border management includes issuing and managing visa information, sharing watchlist data among law enforcement agencies and the intelligence community, and adjudicating the status of aliens already in this country. These activities are presently performed without a unified infrastructure to integrate processes or the technology to use the available information. These gaps result in:

- Limited ability to validate (using biometrics) and record traveler identity with the documents provided;
- Limited ability to access, share, and use information; and
- Limited ability to accurately record certain alien arrivals, stay activities, and departure information.

Impact of the Current Entry/Exit Deficiencies: In general, current deficiencies lead to duplication of effort, decreased productivity, and difficulties in enforcing applicable laws. Current deficiencies may affect private individuals and commercial carriers by leading to stagnated commerce, protracted wait times, and traveler inconvenience. As a result of the current border management program:

- There is not a current system-wide differentiation between high and low risk traffic.
- Some unauthorized aliens, including possible national security threats, are able to enter, stay, and depart the U.S. undetected.
- Non-immigrants remaining beyond the period of authorized stay are not all identified.
- The flow of lawful travel and commerce crossing the border is inefficient.
- The nation is unable to accurately forecast security threats and trends.
- Some alien arrival and departure information is inaccurate.
- Records of alien activities are inconsistent, inaccurate, and delayed.
- Federal agencies are unable to meet some of the current and proposed congressional reporting requirements.
- It is a challenge to integrate stay management activities with entry/exit data.

In addition to enforcement and security issues, the data collected are necessary for calculating and forecasting trade and tourism, as there are no private sector sources for this data.

Information is reprocessed monthly by the U.S. Department of Commerce, Office of Travel and Tourism Industries, and distributed to the Bureau of Economic Analysis for configuring the balance of trade. Data are used in the calculation of the Gross Domestic Product for the country. The data are distributed and used by the travel and tourism industry as the census for travel flows in and out of the country. The monthly data is reported to the World Tourism Organization for global market share measures. The data also serves as the weights for the In-flight Survey of International Air Travelers for providing state and city estimates of travelers. Other uses for the data are for the calculation of the economic impact of travel on state economies, and for a forecast on international arrivals to the country as well as the states and cities visited. There is no private sector source for this data.

This sharing of data between agencies, although cumbersome given the current processes, is critical. As the entry/exit requirements develop into an electronic collection format, it is imperative to ensure compliance with current data-collecting requirements and continue to provide necessary travel statistics.

The Task Force recommendations that follow attempt to address these issues.

A. TASK FORCE RECOMMENDATIONS

The four Task Force subcommittees studied the issues surrounding entry/exit in their respective environments. Each subcommittee drafted a report explaining their findings and proposals for implementing an entry/exit system. The subcommittee reports are included in their entirety in Chapters Three, Four, Five, and Six of this report. Despite the differences in the environments of air, sea, southern land border, and northern land border POEs, there were common areas that each subcommittee explored and made proposals on, including the following:

- Facilities and infrastructure;
- Resources, personnel, and equipment;
- Cooperation and coordination;
- Enrolled low risk facilitation initiatives;
- Information technology systems;
- Quality of life, environmental, local impact;
- Entry and exit;
- Documentary requirements; and
- Miscellaneous.

The DMIA Task Force members agreed in principle and reached consensus on all nine general recommendations, although there are some areas in the 39 supporting subcommittee proposals where there are differing opinions. The overall recommendations of the Task Force are provided below followed by the specific supporting proposals presented by each subcommittee.

1. **<u>Facilities and Infrastructure</u>: Appropriate funding levels should be established and adequate funding provided for the facilities and infrastructure necessary for development of an entry/exit system and to address increased growth in traffic across the nation's borders.**

   Where applicable, the use of existing space and infrastructure both domestic and foreign, should be maximized, including the sharing of facilities among agencies. All possible Port-of-Entry (POE) scenarios and configurations should be employed.

2. **<u>Resources, Personnel, and Equipment</u>: Provide adequate staffing to effectively operate POEs and efficiently implement and manage entry/exit systems and processes.**

3. **Cooperation and Coordination: The entry/exit system should be developed and implemented in cooperation and coordination with foreign governments and other stakeholders.**

   U.S. government must uniformly apply inspection policy such that inspection procedures are consistent in their respective POE environment.

4. **Enrolled, Low Risk Facilitation Initiatives: The U.S. government should expand the use of initiatives to facilitate the entry/exit of known low-risk traffic.**

5. **Information Technology Systems: The U.S. government must identify information technology, including biometrics, to enhance border security systems and facilitate cross border traffic. The technology should be interoperable with all federal, state, and local law enforcement agencies.**

6. **Quality of Life, Environmental, Local Impact: The development and the implementation of the entry/exit system should enhance the quality of life in affected communities in such areas as the environment, trade and tourism.**

7. **Entry and Exit: The entry/exit system should include and enhance current inspection processes so that required arrival and departure data is collected only once by the U.S. Government and disseminated to appropriate users.**

   As part of the entry/exit development process the U.S. Government, in coordination with stakeholders, must conduct pilot programs prior to full deployment to determine their impacts measured against pre-established benchmarks.

8. **Documentary Requirements: If changes to documentary requirements are proposed, the U.S. government must consult with affected stakeholders, in particular local communities, state and local governments and the private sector, concerning the impact of such changes on the environment; security; legitimate trade, commerce, travel; and foreign relations.**

   The U.S. government should continue to work in conjunction with industry and other governments to develop more secure documents which facilitate travel, particularly as technology evolves and biometrics play a larger role.

9. **<u>Miscellaneous</u>: As the entry/exit requirements develop into an electronic collection format, it is imperative to ensure compliance with current data collection requirements and continue to provide necessary travel statistics.**

   As the entry/exit requirements change for the U.S., it is imperative that an effective coordinated communications outreach program be developed to ensure not only the compliance of the traveler but also a proactive message from government and industry to explain any new procedures so as not to hamper travel and commerce to the U.S.

B. SUPPORTING SUBCOMMITTEE PROPOSALS

Airport Subcommittee Proposals

1. Government agencies should continue to use and expand upon available electronic data sharing capabilities to capture the mandated information, thereby ensuring more accurate data as the efforts move toward the elimination of the paper I-94 arrival/departure record and development and implementation of electronic arrival/departure record.

2. Continue use of APIS and modifications necessary to meet changing entry and exit requirements.

3. Processing of travelers will continue to be done in an efficient, professional, and courteous manner.

4. As the entry/exit requirements change for the U.S., it is imperative that an effective coordinated communications outreach program be developed to ensure not only the compliance of the traveler but also a proactive message from government and industry to explain any new procedures so as not to hamper travel and commerce to the U.S.

5. As the entry/exit requirements develop into an electronic collection format, it is imperative to ensure compliance with current data requirements and continue to provide necessary travel statistics.

6. There should be a coordinated effort between INS, TSA and other FIS agencies, airports, and air carriers, to utilize existing space, technologies, equipment and resources within the airport to allow for an integrated entry/exit system.

7. The airport subcommittee proposes a “passenger entry/exit” plan that will make use of a Board or Don’t Board boarding pass.

8. A redundant and secure system should be developed for the continuation of traveler processing if databases or computer systems become inoperable.

9. U.S. Congress, through general appropriations should release funding to the INS and/or the nation's airports to allow for modifications to existing airport infrastructures, which will allow for a successful integration of the entry/exit system.

Seaport Subcommittee Proposals

10. Do not impose new visa requirements on crewmembers and continue the current policy on D-1 visa issuance wherein every crew is not required to have a visa before they embark on a vessel traveling to the U.S. **(Industry only proposal).**

11. Explore the possibility that the proposed International Seafarer Identification Documents being developed by the IMO and ILO will contain enough information to satisfy the requirements for US visa issuance.

12. All electronic transmissions of crew member and passenger information should go to a central government repository using one, single electronic data transmission system from which the various government agencies can obtain the data needed for the individual agency to fulfill its statutory and regulatory tasks and functions.

13. Advance, electronic transmission of passenger and crewmember manifest information should be a nationally applicable standardized requirement that cannot be deviated from: Timeframe, content, medium, and number of occurrences.

14. The U.S. government should work with the industry to use the crew member manifest information currently provide electronically to the Coast Guard as part of the 96 hour Notice of Arrival prior to the vessel entering its first U.S. port of call.

15. Explore modifications to the traditional one-to-one inspection.

- Lack of sufficient INS personnel, volume of paperwork, overtime constraints, limited availability of inspection resources for multiple cruise and cargo vessels arriving at port at the same time.
- Emphasize the need to allow for flexibility to differentiate between low-risk and high-risk.

16. The U.S. government will continue to consider impact of decisions on U.S. commerce.

- Both the cargo and cruise industry make business decisions based on streamlining government processes that could impact commerce.

17. The U. S. government must uniformly apply inspection policy such that inspection procedures are consistent at every U.S. seaport.

18. The U.S. government should invest in technology to ensure that it has access to the data they require during the course of inspection. With the accessibility and affordability of portable communications, including wireless database access, delays in processing should be kept to an absolute minimum.

19. Inspections should be done in a systems-oriented rather than data-oriented approach.

20. The Seaport Subcommittee proposes the continued and expanded use of APIS (Advance Passenger Information System). Using advance electronically submitted passenger and crewmember information, the U.S. government should institute an efficient and focused pre-screening of crewmembers and passengers for arrival and departure.

21. Encourage and fund the development/expansion of enrolled low-risk, high frequency traveler and cargo systems.

22. The U.S. government should continue to work with the port authority to make better use of existing facilities and share these facilities with all relevant agencies when practical. The subcommittee strongly endorses the concept of dual-use facilities where practical and to eliminate requirements for unnecessary or excessive conveniences.

Northern Land Border Subcommittee Proposals

23. Encourage and fund the development/expansion of enrolled low-risk, high frequency traveler and cargo systems.

- The subcommittee recommends expanding and moving forward with pre-enrollment and pre-clearance programs for low-risk and/or high frequency passengers and cargo in addition to any developments for an entry/exit system.
- The entry/exit system should be developed with the cooperation of all appropriate agencies and coordination with other initiatives being undertaken under the Smart Border 30-point accord with Canada including both passengers and cargo initiatives.

24. Necessity of Using Canada's Electronic Primary Inspection Entry as a U.S. Exit data Collection Tracking Point.

- The Northern Land Border Subcommittee recommends undertaking an agreement with Canada that would allow Canada's entry primary inspection to serve as our exit data collection point.
- In many places along the U.S.-Canada border, the building of "exit booths" at the actual ports would be economically infeasible due to space and other factors and would adversely impact legitimate trade, travel, and commerce.

25. Canadian Document Issues and Special Consideration.

- The Northern Land Border Subcommittee strongly believes that it is in the U.S. best interest to engage Canada as a full partner in securing our mutual border. Changing Canadian documentary requirements has the potential to undermine that partnership and should be explored only in a joint setting.
- The long standing documentary waivers for Canadian citizens should be continued in the context of the entry/exit system.

26. Consideration for Biometric Technology and Systems Integration.

- The subcommittee supports the capture of multiple biometrics in a single document as appropriate.

27. Serious consideration should also be given to developing effective data-sharing, communication and cooperation protocols to address the critically important need to fully integrate local and state officials and operations into the process.

Southern Land Border Subcommittee Proposals

28. U.S. citizens should be encouraged to voluntarily secure appropriate documentation for proof of citizenship, the best current document being a U.S. passport.

29. Explore the feasibility and effectiveness of adding additional data fields to IBIS to check the identification of individuals at the POE so that the inputting of the data will actually generate an entry record in the NIIS.

30. Continue to encourage use of bicycles, where practical and safe, to cross the border as it reduces the number of vehicles in and around the port of entry and it is an environmentally friendly mode of transportation.

31. Document readers to read machine-readable documents should be installed at every passenger and commercial primary booth.

32. The opportunity exists for the Task Force and the Entry Exit Project Team to design and implement an entry-exit system that actually enhances the entry process and establishes an effective and efficient entry/exit process.

- In the absence of a system that allows the recording of arrivals in a fast, secure and effective manner, any recording that requires the manual entry of the arrival of all visitors into the U.S. will cause tremendous delays for the passenger and commercial vehicular inspections and recording process. The lack of an entry record for a large number of visitors to the U.S. presents a significant challenge for the design and implementation of an entry/exit system.

33. The “next generation SENTRI” must be developed and deployed one that tracks individuals regardless of the vehicle they are riding.

- Encourage frequent border crossers to register in “SENTRI/NEXUS-like” programs, including the use of the card for other modes of transportation, including pedestrian traffic.
- Install touch-screen monitors at SENTRI lanes, thus when the pictures of the individuals appear on the screen, the inspector can just touch the picture on the screen and thus create an entry record for that individual.
- The necessary resources should be deployed to account for the growth in applicants in these programs from the processing of applications, the necessary background searches, interviews, inspection of vehicles, issuance of permits and tracking of permit holders and their renewals.

34. The use of “SENTRI/NEXUS-like” technology that would permit FIS personnel to clearly record the entry of drivers permitted to enter the U.S. using a particular truck should be used. Encourage and fund the development/expansion of enrolled low-risk, high-frequency traveler and cargo systems.

35. The entry/exit system must consider the quality of life for the people who live in the border regions. Further delays of traffic would be detrimental to their livelihood and their environment, i.e. fumes emitted from cars and trucks, inadequate access infrastructure, long lines and safety hazards.

36. Design and implementation of an entry/exit system should be in consultation with Mexico and Canada to the extent possible.

37. The U.S. government should establish advisory boards on a go-forward basis to ensure constant working dialogue with other agencies, state and local government and the private sector.

38. Design and implementation of an entry/exit system should address the legal requirements for privacy and data collection and include the ability for individuals to correct erroneous information.

39. Imposing controls on to our already overburdened border facilities will further choke legitimate trade and travel. This requires consideration of new approaches to the creation of POE’s, ports of exit, and even the creation of possible special purpose ports of entry and exit. Considerable amount of study must be done on a port-by-port and a community-by-community basis to make a determination of what configurations may be the most appropriate.

Conclusion

The Task Force recommendations are universally applicable to all types of POEs, while the supporting subcommittee proposals address the specific needs of their particular environment (air, sea, northern border, and southern border). Each subcommittee includes extensive background information and supporting explanations for their proposals in their reports. The subcommittee findings follow in their entirety in Chapters 3, 4, 5, and 6.

A. OVERVIEW

The Northern Land Border Subcommittee made site visits to a number of POEs this year and also conducted stakeholder sessions to benefit from direct input from users and affected organizations. The universal concern expressed by these stakeholders was that the introduction of an entry/exit system must not create further delays or congestion, or disrupt the flow of low-risk cargo and people across the border.

The Northern Land Border Subcommittee's recommendation for exit tracking is illustrated in detail by one possible method of operation wherein individuals subject to entry/exit tracking (visa and visa waiver individuals) be issued a machine-readable card upon application or arrival. The card would contain applicable data, including the required exit date, and would be color-coded to indicate authorization for single or multiple entry/exit(s). Travelers will produce the card when attempting entry to or exit from the U.S., and inspectors will use an automated reader (e.g., a magnetic stripe reader, embedded chip, or other system) to verify data and create an entry/exit record.

Upon entry to the U.S. (at secondary inspection) the identity of the presenter would be verified using biometrics, and the card would be read using a simple push-pull insertion. Upon exiting the U.S. via the Canadian land border, individuals subject to tracking would be inspected by Canadian customs inspectors. These individuals would present their machine-readable card along with the documents required for Canadian inspection. The Canadian customs officer, after verifying the identity of the individual from the passport for his own purposes, would insert the card into the reader. This input of the exit date would activate the entry/exit match and reporting process. If the card was for single entry/exit, the officer would confiscate the card into a collection box for U.S. officials. If the card is multi-entry/exit, and the reading did not indicate an expired maximum exit date, the card would be returned to the individual with their passport for further use.

The proposed exit tracking system for visa and visa waiver individuals provides the same level and quality of exit tracking data. It primarily utilizes existing infrastructure and staff, thus avoiding massive costs for construction and new staff. Most importantly, the proposal avoids creating a new exit stop at land border POEs and the associated, foreseeable delays and congestion.

The Subcommittee supports expanding and moving forward with the announced NEXUS and FAST pre-enrollment and pre-clearance programs for low-risk passengers and cargo **in addition to** any developments for an entry/exit system. The Subcommittee fully supports the announcements by the White House and Canadian Government on September 9, 2002, for implementation of NEXUS at all high-volume crossings between the two countries by December 31, 2003. Four POEs currently have NEXUS in operation. The remainder of the crossings will be implemented in phases between January 2003 and the December 31, 2003, deadline. The joint U.S./Canada NEXUS system allows approved pre-enrolled U.S. and Canadian low-risk travelers to travel through dedicated lanes, thus reserving resources for increased scrutiny of travelers not identified as low-risk. Currently, a full background check, including fingerprints, is conducted in both U.S. and Canadian databases during enrollment to ensure that there are no criminal actions/history or border infractions on that particular person.

Upon completion of the checks, travelers are placed in a low-risk category and a proximity card is issued to each individual. The cards are individually read via radio frequency upon arrival at a POE. Information, including photos, for every individual carrying a NEXUS card in the vehicle appears on the inspector's monitor for verification and processing.

The trade community has been following closely or directly involved in the development and implementation of low-risk, joint U.S./Canada traveler and cargo systems. USCS and Canada Customs and Revenue Agency have been developing various programs to help facilitate the flow of trucks and goods being transported across the border such as the Automated Commercial Environment (ACE), International Trade Data System (ITDS), Canada's Customs Self Assessment program (CSA), Canada Customs Partners in Protection program (PIP), and the USCS Trade Partnership Against Terrorism (CTPAT). Recently, President Bush and Canadian Prime Minister Chrétien announced a joint U.S./Canada low-risk cargo system known as Free And Secure Trade (FAST).

The Northern Land Border Subcommittee strongly believes that it is in the best interest of the U.S. to engage Canada as a full partner in securing our mutual border. The Subcommittee recommends (unanimously by industry, governors, and county government members) that the long-standing documentary exemption for U.S. and Canadian citizens be continued in the context of entry/exit. Changing Canadian documentary requirements has the potential to undermine that partnership and, if considered, should be explored only in a joint setting.

B. SUBCOMMITTEE REPORT

An overview of the DMIA Task Force responsibilities and relevant statements by public officials follows.

The DMIA Task Force

The Task Force was formed by Section 3 of the DMIA (P.L. 106-215) and is charged with evaluating how the Government can "efficiently and effectively carry out" the mandate of Section 110 of the IIRIRA (8 U.S.C. 1221 note), as amended by the DMIA, to create an "integrated entry/exit system" at all U.S. POEs to match available data (specifies there be no new documentation and maintains Canadian exemption) regarding entry of non-citizens with exit data.

The Task Force is also charged with evaluating how the U.S. "can improve the flow of traffic at airports, seaports and land border ports" by "enhancing systems for data collection and data sharing, including the integrated entry and exit system…by better use of technology, resources and personnel, increasing cooperation between the public and private sectors, increasing cooperation among Federal agencies and among Federal and State agencies, and modifying information technology systems while taking into account" the different situations at airports, seaports, and land POEs. The Task Force must also provide costs for each of its recommendations.

For its part, the Government, through the Attorney General, is required to "continuously update and improve" the data system "using the recommendations of the Task Force." The Task

Force is also authorized to obtain any information from the U.S. Government necessary to carry out its mission. The Attorney General is required to submit a report to Congress by December 31 of each year (beginning in 2002) containing the "findings, conclusions and recommendations of the Task Force."

Finally, the DMIA expresses the sense of Congress that the Government shall "consult with affected foreign governments to improve border management cooperation."

The Entry/Exit System

While the system contemplated by the DMIA was aimed primarily at enhancing the ability of the government to track individuals who "overstay" their visa admission period, the events of September 11, 2001, and subsequent legislation have expanded the mandate for the system to also work as a tool to prevent terrorist entry to the U.S. and to enhance the ability of the Government to follow the movements of foreign nationals into, out of, and within the U.S. In concert with other initiatives aimed at preventing the entry of terrorist weapons, these pushes for enhanced security could result in negative impacts on the flow of legitimate traffic at our POEs.

However, the Task Force firmly believes that there are two security elements, both of which must be enhanced in light of the horrific events of September 11, 2001. First, the public must be protected from terrorist acts and injuries. Second, the economic security of the U.S. and its trading partners must be preserved. The latter depends on the efficient and facilitated movement of individuals and legal trade activity. The entry/exit system must facilitate cross-border traffic (goods and people) while simultaneously enhancing national security. **The Task Force believes strongly that an entry/exit system that enhances physical security while jeopardizing economic security is an unacceptable solution to protecting our borders.**

Therefore, for this report, the Northern Land Border Subcommittee examined issues relating not only to the entry/exit system, but also to the improved functioning of the northern border POEs regardless of the new system. The Subcommittee recognized that the imposition of an entry/exit system on the northern land border without efforts to improve the current traffic flow for all vehicles would result in massive delays; thus, this report addresses many elements of traffic facilitation generally, as well as the potential integration of those efforts into the creation of an entry/exit system.

Support from Government Leaders

Members of the present administration generally share this position. In various forums, the President, the Director of Homeland Security, the Commissioner of USCS, and the Commissioner of INS have all expressed the need to balance security with the facilitation of legitimate trade and travel at our borders.

> "We must closely monitor who is coming into and out of our country to help prevent foreign terrorists from entering our country and bringing in their instruments of terror. At the same time, we must expedite the legal flow of people and goods on which our economy depends*." President George W. Bush,*

transmittal letter for legislation proposing the Department of Homeland Security, June 18, 2002.

"We must prevent foreign terrorists from entering and bringing in instruments of terror, while at the same time, facilitate the legal flow of people and goods on which our economy depends . . . . [Y] ou'll find that the enhancement of security without appropriate recognition that we also need to make sure that we have a continuous flow of goods and services and people across [our] borders wasn't the long-term solution . . . ." *Governor Tom Ridge, testimony before the House Government Reform Committee, June 20, 2002.*

"Customs and the trade community need to combine our knowledge and expertise to keep the weapons of terror out of the U.S. And we must devise ways to do this without choking off the flow of trade, so important to the U.S. and the world economy…. [W]e pledge to continue to work with our partners in the trade community to devise solutions that meet the needs of business **and** our national security." (Emphasis in the original.) *Customs Commissioner Robert C. Bonner, opening address to the Trade Symposium 2001, November 27, 2001*.

"An effective and efficient entry/exit system is of key importance. The DMIA Task Force is to advise, assess, recommend in the process of fashioning a system, which must facilitate flow of low risk goods and people. Entry/exit must not impede." *INS Commissioner, Jim Ziglar, inaugural meeting of the DMIA Task Force, February 20, 2002.*

"In addressing the global threat of terrorism we quickly concluded that national and economic security were mutually reinforcing objectives. We recognized that we could and must enhance the security of our border while facilitating the legitimate flow of people and goods upon which both of our economies depend*." Governor Tom Ridge and Deputy Prime Minister John Manley, Joint Statement at the Smart Border Declaration 6-Month Progress Report, Niagara Falls, Ontario, Canada, June 28, 2002.*

Overview of the Northern Land Border and Its Unique Considerations

Our economic security is founded on our trading relationships, especially with Canada with whom we share the world's largest trading partnership. The efficient flow of goods entering the U.S. or Canadian economies across the land border is essential to the economic security of both countries. Given that both nations must, and will achieve the required level of security for protection of the citizens of both countries, the U.S./Canada border-crossing process must also result in elimination of costly delays and contribute to productivity. In addition, the U.S./Canada region is one of the world's premiere destinations for international travelers. The tourism trade between the U.S. and Canada is a major contributor to economies on both sides of the border. Canada and the U.S. each supply the other with the largest number of travelers. Some statistics will illustrate the magnitude of the importance of this border and relationship.

Trade and Commercial Traffic U.S. Trade with Canada

Year	Exports and Imports, Goods, Services, and Income in Billions
1988	$194
1989	$207
1990	$217
1991	$219
1992	$234
1993	$259
1994	$297
1995	$331
1996	$353
1997	$387
1998	$393
1999	$437
2000	$489

Source: U.S. Department of Commerce

U.S./Canada Merchandise Trade by All Surface Modes, Year 2000

Top 10 Land POEs	Value in Billions*
Detroit, MI	$94.3
Buffalo-Niagara Falls, NY	$70.0
Port Huron, MI	$59.6
Champlain-Rouses Point, NY	$17.2
Blaine, WA	$12.3
Alexandria Bay, NY	$12.0
Pembina, ND	$10.6
Sweetgrass, MT	$7.8
Portal, ND	$6.6
Eastport, ID	$2.7

Source: U.S. Department of Transportation, Bureau of Transportation Statistics,Transborder Surface

* Value in billions of U.S. dollars not including non-goods values.

Top Twelve Land Ports for U.S./Canada

Port	Total Inspections- FY 2000
Ambassador Bridge, MI	14,704,896
Niagara Falls, NY	14,417,428
Detroit Tunnel, MI	13,854,780
Port Huron, MI	8,856,916
Peace Bridge, NY	8,679,638
Blaine, WA	5,517,084
Sault Ste Marie, MI	4,242,269
Pacific Highway, WA	3,752,965
Calais, ME	3,433,933
Massena, NY	3,112,124
Champlain, NY	2,847,152
Thousand Islands, NY	2,321,213

Source: INS G-22.1 – Inspection Dat.1

Truck Volume at U.S./Canada POEs
(In Thousands)

Crossing Name	Average Annual Growth Rate (past 10 years)	Volume in 2000	Forecasted Volume in 2020
Calais, ME	5.5%	239.5	482.0
Houlton, ME	6.6%	207.0	356.0
Jackman, ME	4.3%	121.1	169.2
Derby Line, VT	10.2%	267.0	394.7
St. Albans, VT	8.3%	307.4	408.1
Champlain, NY	5.1%	769.2	966.7
Seaway Bridge, NY	4.3%	131.2	191.4
Ogdensburg, NY	3.0%	57.8	80.9
Thousand Islands Bridge, NY	6.0%	542.7	860.7
Lewiston Bridge, NY	4.7%	1,019.5	1,416.8
Peace Bridge, NY	5.0%	1,439.8	2,227.4
Ambassador Bridge, MI	8.3%	3,486.1	5,051.2
Detroit Tunnel, MI	-4.1%	170.1	187.0
Blue Water Bridge, MI	8.2%	1,576.8	2,943.7
Sault Ste. Marie, MI	7.3%	137.8	239.6
Grand Portage, MI	5.9%	64.2	123.2
Int'l Falls, MN	3.6%	92.3	147.4
Oroville, WA	5.6%	64.8	123.9
Sumas, WA	8.4%	186.5	378.3
Lynden, WA	6.8%	120.6	232.5
Blaine, WA	8.5%	952.0	2,258.4
	Total	**11,953.4**	**19,239.2**

Source: Canadian National Roadside Study, Courtesy of Eastern Border Transportation Coalition

Passenger and Tourist Traffic

In Fiscal Year 2000, at all U.S. border crossings "people volumes" occurred as follows:

- Total 534 million inspections, of which 179 million were U.S. citizens (34 percent).
- By type of port, the number of people and percent of the total are:
  - By air, 84 million (16 percent);
  - By sea, 12 million (2 percent), cargo vessel 2.4 million and cruise 9.6 million;
  - By land border, 438 million (82 percent), U.S./Mexico 324 million and U.S./Canada 114 million.

Source: INS Inspections Statistics

Of the 50 million I-94 and visa waiver visitors (1 person in 10 crossing the U.S. borders):

- 47 million (94 percent) arrive by air and sea (mostly air);
- 2.5 million (5 percent) by the U.S./Mexico land border; and
- .5 million (1 percent) by the U.S./Canada land border.

Source: INS Inspections Statistics

People crossing the U.S./Canada land border are predominantly U.S. and Canadian citizens. Of the total 114 million people crossing, 73 million cross through Michigan or New York land border crossings accounting for 64 percent of the total.

Source: U.S. Customs, Bridge/Tunnel Operators Association Statistics

Value of Canadian Tourism in the U.S.

Canadian tourism in America is a vital component of the U.S. travel and tourism industry and an important contributor to the overall national economy. Not counting cross-border commuters, cargo traffic, or Canadian "snowbirds," over 13.5 million Canadian tourists entered the U.S. in 2001 and spent nearly $8 billion U.S. dollars here, making Canada our number one trading partner in tourism.

Any change in how Canadian tourists are processed into the country puts millions of dollars and thousands of U.S. jobs at risk. As border security is strengthened along the northern land border, attention must be paid to creating a system that is efficient, easy to use, and welcoming. Either the perception or the reality of an inefficient or unwelcoming border inspection process has the potential to cause great economic harm to states and local communities that rely on Canadian tourism.

Top 10 States Visited by Canadians in 2001

State Visited	Visits	Nights Spent	Spending in State
	In Thousands		Millions in U.S. $
New York	2,333	6,273	$418.6
Florida	1,967	33,676	$1,371.5
Washington	1,582	4,544	$168.4
Michigan	1,229	3,110	$148.2
California	1,011	7,926	$600.0
Nevada	786	3,614	$374.4
Maine	683	2,260	$102.0
Pennsylvania	662	1,643	$102.0
Vermont	610	1,728	$64.3
Ohio	513	1,246	$75.4

Source: Statistics Canada

Because of the volume of land border crossings, the level, intensity, and duration of inspections possible at land border POEs are much different than at sea or air POEs. The principal distinction is the sheer volume of inspections, the largest percentage being conducted on U.S. or Canadian citizens. Furthermore, land border crossings are the only POEs where commercial freight inspections are commingled (at most POEs) with passenger inspections. This means that at most land POEs the potential for traffic congestion is significantly heightened. Most land border POEs estimate that for adequate traffic flows, individual passenger car inspections can last no longer than 30 seconds. Delays and congestion at land border POEs also have the potential to have other severe negative impacts, aside from the effects on trade and travel. The environment, the health of inspectors and passengers/drivers, and the surrounding communities can be affected–factors that are not present, or not present to the same degree, at other types of POEs.

Finally, advance data on either approaching commercial freight or passengers is limited or non-existent at land border POEs. About 66 percent of U.S./Canada travel involves same-day

trips. (Source: North American Trade and Travel Trends, ITA, DOC). 90 percent of Canadians live within 100 miles of the border, resulting in travel times of less than 2 hours for most travelers to reach the border. Many commercial vehicles crossing the land borders also are traveling from very short distances. The location of the automotive industry in towns in Ontario close to the Detroit crossings is indicative of the short distances many trucks travel before arriving at inspection POEs. A recent, comprehensive analysis of truck freight crossing the U.S./Canada border determined that the median and mean travel distances for loaded trucks were 20 and 34 miles in southeast Michigan and 130 and 131 miles in southwest Ontario. The median and mean travel distance for empty trucks were 9 and 30 miles in southeast Michigan and 7 and 55 miles in southwest Ontario. (Source: Canadian National Roadside Study, Courtesy of Eastern Border Transportation Coalition.)

As these data clearly show, the type of inspection done at land border POEs must necessarily differ from those at other POEs. Further, the ability of inspectors to access advance information to make pre-arrival assessments is limited, and the time available for primary inspection is even more limited. Thus, documentary and inspections requirements for land borders must take these factors into account. These factors significantly complicate the design and development of systems for entry/exit tracking at the land border, particularly the Canadian border, and are characteristics that were considered in the recommendations in this report.

Specific Recommendations for the Northern Border

Development/Expansion of Low-Risk, High Frequency Traveler and Trade Systems: The President and the INS Commissioner have both stated that the entry/exit system must NOT create further backlogs or disruptions to legitimate cross-border traffic, and the Task Force is charged with looking at methods to **enhance** the facilitation of legitimate trade and travel at our borders. Therefore, we believe the development of the entry/exit system must be in conjunction with, and implementation of the system must be contingent upon, development and implementation of other measures currently under consideration for improving border management.

Proposal

Encourage and fund the development/expansion of enrolled low-risk, high frequency traveler and cargo systems.

- **The subcommittee recommends expanding and moving forward with pre-enrollment and pre-clearance programs for low-risk and/or high frequency passengers and cargo in addition to any developments for an entry/exit system.**
- **The entry/exit system should be developed with the cooperation of all appropriate agencies and in coordination with other initiatives being undertaken under the Smart Border 30-point accord with Canada including both passengers and cargo initiatives.**

Specifically, the Subcommittee recommends expanding and moving forward with pre-enrollment and pre-clearance programs for low-risk and/or high frequency passengers and cargo **in addition to** any developments for an entry/exit system. The Subcommittee

recognizes the need to ensure that any measures instituted in the near term must transition seamlessly into the final entry/exit system. The entry/exit system should be developed in cooperation and coordination with other initiatives being undertaken under the Smart Border 30-point Accord with Canada (see Exhibit 1) including both passenger screening systems and customs initiatives for pre-clearance or pre-screening of goods traveling by maritime, rail, or truck and bound for the other country.

Passengers

The passenger component of the 30-point Smart Border Action Plan is the "NEXUS" program. Misconceptions have arisen from the term "low-risk traveler system," and some have mistakenly labeled it as lowering the bar of security. NEXUS is a security system that enforces identification of low-risk individuals and facilitates border crossings of pre-approved individuals, allowing heightened focus on those not identified as low-risk. To become an approved participant in NEXUS an individual must be a citizen or a permanent resident of the U.S. or Canada or a non-permanent resident who can demonstrate a need to use the NEXUS system and successfully complete an application process that includes fingerprinting, processing through both U.S. and Canadian databases for full background checks, and being interviewed. Approved users are also subject to random and selective inspection when using the program.

The current NEXUS program is strongly supported. Expanded enrollment in this program at the busiest POEs is deemed essential for successfully facilitating the crossing of low-risk goods and people for continued economic security. NEXUS is no longer only a security system for "frequent commuters." Since approximately 85 percent of the vehicles crossing the U.S./Canada land border are cars, as many as possible of these vehicles need to be expedited to allow designated "low-risk" trucks to access border crossing plaza primary processing booths. NEXUS is the key to individuals applying for, and being approved as, "low-risk" travelers, and thus, the key to moving and processing "low-risk trucks" at high volume commercial crossings, thereby reducing congestion and increasing security. Thus, we would encourage NEXUS enrollment for infrequent but low-risk travelers along the border.

While the NEXUS program is not an entry/exit system per se, it could be redesigned to serve that function for those individuals who might enroll and who are required to have their entries and exits tracked such as Canadian citizens on work visas, Canadian landed immigrants, and third-country nationals living in border regions who travel frequently between the countries and hold visas for either or both nations.[5]

[5] Theoretically, with necessary technology upgrades, the NEXUS program could also be used to track the entries and exits of enrollees (U.S. and Canadian citizens) not required to be included in the Section 110 entry/exit system. The decision to actually do so would need to be made outside of the DMIA mandate.

Commercial Vehicle Operations

In regards to systems that capture information for commercial operations along the northern border, this Subcommittee recommends that INS officials, including those working in the Entry Exit Project Team, closely analyze and review the work already being done in other agencies to capture such information and determine the ability to integrate these systems into any proposed entry/exit system. Many of these initiatives are components of the 30-point Smart Border Action Plan signed by Homeland Security Director Tom Ridge and Deputy Prime Minister John Manley.

From a security perspective, both Canada Customs and Revenue Agency (CCRA) and USCS are developing programs to increase the security of cross-border commercial operations. Although many of these programs are being developed independently, there is close coordination between both agencies. The end goal of the coordination is to eliminate as much as possible the administrative burdens of applying for both programs and to eventually allow acceptance into either program to fulfill both agencies' requirements. Once in the system, it is envisioned that motor carriers will be able to participate in the "FAST" program, now in its infancy. The ultimate goal is to screen, identify, and rapidly clear low-risk commercial and cargo traffic at the POEs, allowing low-risk trade to move quickly while focusing resources on unknown or high risks. This equates with the Task Force's goal to "improve the flow of traffic" at land border POEs.

Following are brief descriptions of related programs that the trade community has been following closely or is directly involved in that may be relevant to the entry/exit project.

U.S. Customs Trade Partnership Against Terrorism (CTPAT): As part of its efforts to deter and/or detect the possible entry into the U.S. of illegal cargo, people, or weapons of mass destruction, the USCS has established the CTPAT. In essence, CTPAT incorporates the concept of increased security as goods move through the entire international supply chain, from origin to final destination. Motor carrier representatives have been participating in discussions with USCS to determine how the motor carrier industry is to participate in the CTPAT. Basing much of its CTPAT work on efforts to establish the Land Border Carrier Initiative Program (LBCIP), USCS has initiated the northern border CTPAT. This program includes a cooperative agreement to be signed between a motor carrier and USCS. The agreement delineates the responsibilities that each signing party is to comply with, such as a carrier agreeing to review the security of its operations and, if necessary, implementing and enhancing verifiable security components. Once in the program, motor carriers are to get expedited clearance as they move across borders.

Canada Customs and Revenue Agency's Partners in Protection (PIP) Program: The CCRA's PIP program is a counterpart to the USCS CTPAT program. The focus is also on efforts to enhance border security and to deter the smuggling of illegal cargo and aliens into Canada. A voluntary program, the PIP includes a memorandum of understanding to be established between CCRA and motor carriers. Along with the Self Assessment Program (see description below) and its Commercial Driver Registration Program (CDRP), the PIP encompasses Canada's higher level of security for cross-border commercial operations.

Canada's Customs Self Assessment (CSA) Program: The CSA program is designed to streamline the import process from the time goods are reported to customs through to the accounting and payment of duties. CSA is founded on the pre-approval and authorization of the carrier, driver, and importer and the use of client business systems to support the report of goods and the self-assessment of trade data, revenue amounts, and payment of duties and taxes. A key component of the CSA program has been the development of the CDRP. The CCRA and Citizenship and Immigration Canada (CIC) are cooperating in this program to streamline customs and immigration clearance at border crossings for low-risk commercial drivers. The CSA clearance process requires CSA-approved carriers to use drivers registered in the CDRP. Since registered drivers are able to carry CSA goods for a CSA-approved carrier, the customs and immigration clearance will be simplified when drivers present their photo registration card to the Customs inspector when they cross the Canadian border with commercial goods.

Free and Secure Trade (FAST) Program: Recognizing the common objectives that CTPAT and the PIP share, CCRA and USCS have started a joint effort to harmonize, to any extent possible, both programs under the FAST program. Although registration in PIP and in CTPAT independently will likely be necessary for carriers to get expedited clearance by CCRA and USCS respectively, the goal of FAST will be to minimize the burden on participants of having to register for both programs. Although still under discussion, once registered for both programs, carriers may submit information required for both programs through a single registration.

Other USCS programs that should also be reviewed closely by INS include the following:

Automated Commercial Environment (ACE): The ACE system will be the USCS's new system architecture to process goods imported into the U.S., providing an integrated and automated system. ACE is geared towards making the collection, processing, and analysis of commercial data more efficient and effective in a paperless environment. For USCS, ACE will become an essential tool for trade enforcement, improving the flow of information for risk analysis of international cargo, while facilitating the movement of legal cargo through our POEs. ATA and motor carriers are actively participating in the development of ACE through the Trade Support Network. Primary emphasis has been in developing a set of data elements within the multi-modal manifest group to develop an electronic manifest for motor carriers.

International Trade Data System (ITDS): The ITDS, which is to serve as a front-end data-collection program within the ACE architecture, will collect information from shippers, brokers, and carriers on cargo, vehicles, and drivers as they operate in cross-border operations. The goal is for the system to allow carriers to submit one single set of transaction data to ACE/ITDS instead of having to submit various transactions to different government agencies to comply with their individual requirements. ITDS eliminates the need to submit duplicate information to multiple federal trade agencies so that businesses will no longer need to maintain complex, redundant systems for reporting trade activities to the U.S. Government. From the Government's perspective, ITDS will distribute this standard data to the concerned federal trade agencies for their selectivity and risk assessment. It will also provide more current and accurate information for revenue, public health and safety, enforcement activities,

and statistical analysis and will significantly reduce data-processing, development, and maintenance costs.

The Border Release Advanced Selectivity System (BRASS): BRASS tracks and releases highly repetitive shipments at land border locations. USCS scans a bar code into a personal computer, verifies that the bar code matches the invoice data, enters the quantity, and releases the cargo. The cargo release data is transmitted to the USCS Automated Customs System (ACS), which establishes an entry and the requirement for an entry summary and provides Automated Broker Interface (ABI) participants with release information.

BRASS allows users to do the following:

- Obtain release without preparing a CF-3461 or CF-3461 ALT (the bar code replaces these forms);
- Participate in an automated release system without expensive computer or printer equipment;
- Receive approval for expedited release after one-time application per district;
- Receive detailed reports of all BRASS transactions electronically through ABI; and
- Minimize keying and processing (USCS output report creates entry records).

Characteristics of BRASS:

- Replaced the former Line Release System and remained transparent to the trade community requirements;
- Allows better system uptime;
- Maintains better data quality; and
- Runs in a Windows NT environment.

BRASS operates both on the northern and southern borders. In order for motor carriers with cross-border operations on the southern border to participate in BRASS, it is presently a requirement that they first participate in the Land Border Carrier Initiative Program.

The Federal Highway Administration (FHWA) published a newsletter regarding wait times for freight traffic at northern and southern land border POEs. FHWA did a review of seven POEs (those most heavily traveled) on both borders to document the time it takes for inspection, both inbound and outbound. The article cites wait times at the seven POEs and suggests ways to improve vehicle processing and reduce travel delays.[6]

Bus and Ferry Traffic

The Subcommittee discussed the possibility of expanding pre-clearance operations to cover the entry of bus and ferry traffic into the U.S. across the northern land border.[7] The U.S. and Canada have already created a legal framework that allows INS and USCS inspectors to operate at seven Canadian airports. These existing pre-clearance operations allow travelers

[6] http://www.ops.fhwa.dot.gov/freight/pp/Travel%20Time%20and%20Delay.pdf

[7] Although ferry traffic is technically within the jurisdiction of the Seaport Subcommittee, many ferries, particularly those involving automobiles, are processed in the same manner as land border inspections, thus the reference in this report.

headed to the U.S. to go through the U.S. inspection process at the Canadian airport before boarding the plane. When travelers arrive in the U.S., they exit the plane and terminal without going through a second inspection. Moving the U.S. inspection process into major Canadian bus and ferry terminals has the potential to alleviate bottlenecks at the land border. With bus and ferry-based pre-clearance, travelers will have already been inspected and their information recorded before they board the bus or ferry. Buses and ferries can then cross the border unimpeded, presuming they do not stop between their initial departure and the border.

The Subcommittee recommends that land-based pre-clearance be explored as a component of the entry/exit system. Such operations could cost less then airport pre-clearance operations, as the U.S. inspectors might be able to simply commute across the border.

Proposal

Necessity of Using Canada's Electronic Primary Inspection Entry as a U.S. Exit data Collection Tracking Point.

- **The Northern Land Border Subcommittee recommends undertaking an agreement with Canada that would allow Canada's entry primary inspection to serve as our exit data-collection point.**
- **In many places along the U.S.-Canada border, the building of "exit booths" at the actual ports would be economically infeasible due to space and other factors and would adversely impact legitimate trade, travel, and commerce.**

Perhaps the greatest challenge to implementing an effective entry/exit system at the land border is the **complete absence of exit infrastructure** at land border POEs. The U.S. currently does not have any infrastructure in place to engage in exit data collection at the northern land border. At present, periodic, temporary U.S. traffic stops at exit for law enforcement or other purposes are achieved by ad hoc use of cones, barriers, and other traffic management devices in existing exit traffic lanes at the port plazas before the approach to the international boundary. Absent any alternative consideration, implementation of the entry/exit system mandated by law could require construction of "exit booths" at every lane at every POE. The cost of building new infrastructure to support a full U.S. exit booth stop system would likely be prohibitive. In many places along the U.S./Canada border, the building of "exit booths" at the actual POEs would be economically infeasible due to space and other factors.[8] Furthermore, the addition of U.S.-staffed inspection stations preceding the existing Canadian entry inspection booths is almost certain to create major delays for northbound traffic. U.S. exit booth stops would negatively impact the efficient movement of known low-risk goods and people, including U.S. citizens, seriously disrupting and unnecessarily hampering essential economic activity and relations at great cost in terms of capital investment and operating expense.[9]

[8] The infrastructure investment needed also would be geometrically larger for both infrastructure and massive land acquisition for expanded plaza space. In many cases contiguous land is "not available" at current border crossing plazas. The dangerous reality of exit queues and back-up is different at each crossing. For instance at Thousand Island Bridge, Lewiston Queenston Bridge, and Champlain Highway 87 crossings, traffic delay push-back occurs directly on a 55 m.p.h. approach highway with potential for very serious "rear ender fatalities." At the Rainbow Bridge, Ambassador Bridge, Detroit Canada Tunnel, Peace Bridge, and the Blue Water Bridge, delay push-back occurs directly onto heavily traveled city streets, causing immediate gridlock and serious traffic snarls.

[9] At the northern land border POEs, exit roadways have only two lanes of traffic expanding to 6 to 20 primary booth lanes at most crossings entering Canadian Customs primary inspection. U.S. exit booth placement initially would be limited to 2 booths at each land POE, while most

The Subcommittee strongly believes that the entry/exit system development process must examine alternatives to U.S. exit booths at every POE. Because of the tight entry/exit project timelines and the importance of meeting them, it is imperative that alternative solutions be simultaneously compared against, and considered along with, the base case of a U.S. exit booth being constructed at every lane at every POE.

Therefore, the Subcommittee recommends undertaking an agreement with Canada that would allow Canada's entry primary inspection to serve as our exit data-collection point. With this approach, the financial cost is substantially less than unilateral creation of U.S. exit booth stops, and substantial increased delays are essentially avoided, facilitating economic security and achieving a viable entry/exit system. The benefits, cost avoidance, potential data-sharing benefits, and, especially, the protection of economic security merits that **most serious consideration must be given to this option.**

The Subcommittee understands that there are ongoing discussions between the U.S. and Canadian governments on border issues, and we encourage and support the introduction of this recommendation to those discussions. **At this point the Subcommittee sees no viable alternative for exit inspection at the northern border that would not severely harm legitimate travel, trade, and commerce as well as U.S./Canada economic security and amity.** While we understand there may be policy and other specifics to be worked out, such agreements have been successful in the past, and we believe that there are no potential obstacles that cannot be overcome in the interests of both countries.

The Subcommittee has not examined the operation of such a system in detail; however, it is envisioned that all individuals exiting by the U.S./Canada land border, having entered the U.S. in a category requiring entry/exit tracking, will have their exit validated at the existing Canadian Customs primary entry process. Verification of these individuals is already required for entry into Canada. In fact, just as in the U.S., all visitors to Canada must stop and present themselves for inspection. The Canadian entry process would actuate the U.S. exit process.

The operation of such a system would require all individuals to be included in the entry/exit system to have a machine-readable document, the deployment of data readers for those documents to the Canadian entry inspection to validate U.S. entry/exit documents (or the development of shared technologies), and additional communications equipment to transmit relevant data back to the U.S. side. The U.S. would fund the purchase and installation of the readers in the Canadian primary booths in place of doing the same in the U.S. The reader unit would automatically send date, time, and location along with the variable information from each transaction. Although the acceptance of an automated card-reading system should place only a minimal extension of time and effort at the existing Canadian primary booths, it is expected that the U.S. will provide funds for added officers if required. This is far less expensive than constructing and staffing exit booths on the U.S. side of every crossing.

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have 6 to 20 primary booths for entry. Currently, delays entering the U.S. generally exceed those entering Canada (in spite of opening all or almost all U.S. primary booths to handle the given traffic demand). With the ability to have only 2 lanes of traffic exiting the U.S. POEs, the immediate delay queues, with the same traffic volumes would be 10 times as long as a crossing that currently had 20 booths entering Canada and 3 times as long for a crossing with 6 booths. Thus, an exit system that would require each vehicle to stop would require at least 6 to 20 exit booths to maintain current peak delay/congestion queues entering Canada. Additional U.S. exit booths would be required at each POE to offset the delay time caused by the exit booth stop query process.

For the purposes of the entry/exit system envisioned by the DMIA, this process would not significantly inhibit traffic flows into Canada, given the small percentage of travelers who would require tracking in that system. According to INS inspection statistics, while one in ten of the total visitors entering the U.S. in the year 2000 at all POEs were visa or visa waiver foreign visitors requiring tracking, it is important to note that only one in 250 of those entering on the northern land border fall into those categories. Thus, if the entry/exit data-capture requirement were limited to those travelers included in the DMIA, little additional delay in Canadian primary inspection would result. If the entry/exit system were integrated with the NEXUS program (or next-generation programs), theoretically no additional delay at all would result, since the automatic transmission of NEXUS data to the inspector could include the necessary entry/exit data. The proposed system could provide the same level and quality of exit tracking data as U.S. exit booths.

Possible Operation of U.S./Canadian Entry/Exit System Using Canadian Entry Inspection for U.S. Exit Validation

The following is an outline of one possible method of operation of a system meeting the recommendations above. It is presented as an illustration only.

1. Individuals subject to entry/exit tracking (i.e. visa and visa waiver individuals) would be issued a machine-readable document upon application or arrival. The card would contain applicable data including required exit date. Cards could be encoded for single entry/exit and multiple entry/exit-authorized individuals. (An option is to have that record entered into the computer as a notification of issue and pending visit to the U.S. for documents issued before arrival. This would allow monitoring of all records issued for which no use occurred. When the individual actually enters, their status would be activated in the entry/exit tracking and reporting system.)

2. Upon entry to the U.S. (at secondary inspection) the card would be read after identity of the presenter was biometrically determined and the entry/exit tracking system record activated. The process would be facilitated by an automated reader (e.g., a magnetic stripe reader, embedded chip/proximity card or other system).

3. Upon exiting the U.S. via the Canada land border, the categories of individuals to be tracked are already required to present their passport for identification to Canada Customs primary inspectors. Those doing so would be required to **also** present their machine-readable card document.

4. The Canadian Customs officer, after verifying the identity of the individual from the passport for his own purposes, would scan the machine-readable card, which contains the authorized exit maximum date. This input of the exit date would activate the entry/exit match and reporting process.
   - If the card was encoded for single entry/exit, the officer, after inserting into reader, would confiscate the card into a collection box for U.S. officials.

- If the card is for multiple entry/exits and the reading did not indicate an expired maximum exit date, the card would be returned to the individual with the passport for further entry and exit use.
- If an individual presents a passport at Canadian Customs primary and does not have the machine-readable card, the traveler would be turned around to be queried by U.S. officers at the U.S. inspection port.
- If a multi-entry/exit colored card is presented which when read indicates an expired maximum exit date, the card would be confiscated. (U.S. authorities would then need to specify what action should be taken). The individual could also be turned around to be queried by U.S. officers at the U.S. entry primary.

While both countries benefit from this proposed approach, which essentially avoids creation of extensive delays and congestion (threatening economic security) when entering and exiting the U.S. and/or Canada, it is especially important to Canada's economic vitality. Eighty-seven percent of Canada's exports and a majority of citizen travel are destined for the U.S., so delay and congestion cause economic havoc. (Source: Canadian Department of Foreign Affairs and International Trade). The impact of impediments to cross-border traffic on the U.S. is substantial as well, since 38 states trade more with Canada than with any other country in the world and approximately 25 percent of total U.S. exports are destined for Canada (U.S. Dept. of Commerce).

Proposal

Canadian Document Issues and Special Consideration.

- **The Northern Land Border Subcommittee strongly believes that it is in the U.S. best interest to engage Canada as a full partner in securing our mutual border. Changing Canadian documentary requirements has the potential to undermine that partnership and should be explored only in a joint setting.**
- **The long-standing documentary waivers for Canadian citizens should be continued in the context of the entry/exit system.**

Heightened security concerns since September 11, 2001, have led some to question the wisdom of continuing to offer documentary waivers to some entrants from the Western Hemisphere via our land borders, specifically Canadian visitors. While this is a valid area of examination in the new environment, specific consideration must be given to the Canadian documentary waivers. The U.S./Canada relationship is a unique one in the world. The U.S. has the greatest extent of intergovernmental cooperation, at the widest range of levels, with Canada. Canada has been a solid partner in joint law enforcement, intelligence, and defense and border operations for a century and a half, and most Americans and Canadians agree that document-free travel is a boon to both countries.

The security value of requiring, at a minimum, specific identity documents of all U.S. and Canadian passengers traveling across the land borders might seem obvious, but to do so would be a dramatic shift in the relationship of the two countries that could have impacts, not only on the border, but on reciprocal agreements for trade, travel, law enforcement, etc. **The Northern Land Border Subcommittee strongly believes that it is in the best interest of**

the U.S. to engage Canada as a full partner in securing our mutual border. Changing Canadian documentary requirements has the potential to undermine that partnership and should be explored only in a joint setting.

The Subcommittee reiterates its belief that the entry/exit system as mandated by statute waives the majority of Canadian visitors from being subject to tracking by the system. The Subcommittee also strongly urges (with a single dissenting opinion[10]), in the interest of the efficiency of low-risk, cross-border commerce and trade, and in consideration of our work with Canada on our mutual security (embodied in the 30-point Smart Border Action Plan), that the documentary waivers for Canadian citizens be continued in the context of the entry/exit system.

In addition to the diplomatic considerations, should documentation and identity verification ever be imposed universally on U.S. and Canadian citizens attempting entry/exit, traffic at major passenger traffic crossings in Michigan and New York could be impacted. Fifty percent of the individual crossings occur through Michigan land border crossings (the Detroit Canada Tunnel, Blue Water Bridge, and Ambassador Bridge) and New York land border crossings (the Peace Bridge, Rainbow Bridge, Lewiston Queenston Bridge, Thousand Island Bridge, and I-87/15 highway at Champlain/LaColle). (Source: U.S. Customs, Bridge/Tunnel Operators Association statistics.) Of essential importance is that approximately 60 percent of the total trade between the two countries also moves through these same land border crossings. Documentary inspection requirements since September 11, 2001, at these crossings have already resulted in significant delays. Whether automated processes and low-risk programs could completely counterbalance these additional delays remains to be seen.

Proposal

Consideration for Biometric Technology and Systems Integration.

- **The subcommittee supports the capture of multiple biometrics in a single document as appropriate.**

The Enhanced Border Security and Visa Entry Reform Act of 2002 (P.L. 107-173) mandates that biometrics be used upon entry by specified individuals and be integrated into the entry/exit system mandated by DMIA. The Subcommittee has not examined biometric technologies in detail. However, given the differences in the land border environment from other types of POEs, **the Subcommittee would strongly argue that the appropriate biometric for the land border may not be, nor does it need to be, the same as the biometric for other POEs (e.g. air and sea) as the practicality of use for entry at the land border may differ (e.g. the ease of validation for an eye scan of vehicle occupants versus a photographic scan).**

[10] One member of the Subcommittee believes that although entry/exit tracking of certain classes of individuals is certainly unwarranted, requiring uniform documentation and authentication of all individuals entering the U.S. may be the only method of simultaneously facilitating cross-border traffic and enhancing physical security. Uniform documents do not equate to universal tracking. Partial implementation of automated systems leaves partial implementation of the old, inefficient systems. Depending on enrollment in the new system, a partial implementation may do very little to either enhance security or facilitate commerce.

The Subcommittee further recommends that every effort should be made to use biometric standards that have been developed and adopted by the U.S. National Institute of Standards and Technology (NIST) and the International Civil Aviation Organization (ICAO). Use of non-standard biometrics will require duplicative documentation and could cause confusion for travelers.

The Northern Land Border Subcommittee recognizes that when the U.S. Government finalizes its plan for an entry/exit system, there will be a large workload issue with regards to the capture of biometric information for international visitors entering the U.S. Whether these biometrics are taken overseas by the DOS during the visa process, at entry by the INS at the POE, or other alternatives are developed, we urge that such increases in workload be matched with required increased resources to ensure that this is accomplished in the most expeditious and secure manner so as not to impose unnecessary burdens on the public.

The Subcommittee also recommends that development of the required biometric documentation for use with the entry/exit system, and the embedded biometrics result in only **one card** for travelers to use at all POEs (land, sea, and air). The document may contain multiple personal biometric identifiers for each participant should land, sea, and air programs have different biometrics.

Finally, the Subcommittee strongly believes that registered border-crossers should have to **enroll only once, carry only one card, and have that card usable at all POEs: land, sea, or air.** The entry/exit system should be capable of recording, reading, and matching multiple biometrics. It should be able to read biometrics from passports, U.S.-issued visas and other travel documents, federal government identification cards, and pre-enrollment low-risk traveler programs such as NEXUS. The Subcommittee would also suggest that current and proposed USCS programs for registering truck drivers be integrated with the NEXUS programs and the entry/exit system, with the goal of using common technology in the cards and the readers, and allowing integration of the databases.

Other Recommendations

In assessing the costs of any entry/exit system, the Subcommittee urges policy makers to consider the direct and indirect costs to local communities. The costs of delays at the border are especially significant on local border communities that rely on cross-border visitors for retail sales and workforce. Delays also result in environmental pollution from vehicle exhausts, traffic delays in locations where the border crosses through urban centers, and deterioration in quality of life for those who live near the border.

Proposal

Serious consideration should also be given to developing effective data-sharing, communication and cooperation protocols to address the critically important need to fully integrate local and state officials and operations into the process.

For example, the new USCS Port Security Program in Florida, “Operation Borderlords,” allows USCS to deputize local and state law enforcement personnel. Whether and how entry/exit data

would be shared with state and local officials, and whether state and local law enforcement or other requests could be accommodated by the system are other considerations to be examined in the future development of the system.

Outstanding Issues Requiring Further Exploration by the Task Force

While the Subcommittee has devoted a great deal of time and energy to its assignments to review and make recommendations regarding entry/exit at the northern border, the scope of the task and the myriad of detailed issues made it impossible to issue complete recommendations in the short period of time available. Several very important issues simply have not been explored in adequate detail to make recommendations. In this section, the Subcommittee summarizes some of those issues and offers areas for further study and possible inclusion in the next Congressional report.

However, the Subcommittee would like to recommend that the Task Force continue having stakeholders meetings on these and many other issues at several POEs over the next year to include community input to the process. While the representatives on the Task Force have their own resources to bring to bear, these open forums often provide useful additional context and ideas for the discussion.

Traffic Streaming at U.S./Canada Land POEs: While the previous discussion offers some insight into the issues of facilitating the flow of traffic at U.S./Canada POEs, the Subcommittee would like to continue to study this issue. We understand that the INS has purchased software for modeling traffic flows at POEs that will be very useful in visualizing the impact of various scenarios. A variation of this software has been used by a private sector coalition to develop a commercial recommendation of traffic streaming that contains compelling evidence of the need for pre-enrollment and pre-screening of low-risk passenger and commercial traffic included in the Subcommittee's recommendations. Without segregating this traffic and expediting its processing, increases in cross-border traffic predicted in the near future will, on their own, create gridlock. Due to the mixed nature of traffic on the northern border (passenger and commercial) any programs aimed at speeding commercial freight traffic will falter unless a large percentage of passenger traffic is also expedited and vice versa. With only two-lane access to inspection plazas at many POEs, pre-cleared traffic simply would not be able to get to their dedicated lanes (see Exhibit 2).

Further modeling for different POEs will provide additional details regarding the need for additional dedicated lanes for low-risk traffic, infrastructure improvements, and options for exit streaming as well. In any case, it is obvious that the current traffic flows at the northern border are inadequate to support normal trade and commerce and must be changed to support any additional inspection processes envisioned in an entry/exit system.

Perimeter Clearance: The DMIA and the Enhanced Border Security and Visa Entry Reform Act both explicitly call on the U.S. to work with Canada and Mexico on ways to improve land border security and traffic flows. The Subcommittee reaffirms this instruction–the borders are "shared" between these neighbors and should not be unilaterally managed.

Since September 11, 2001, many policy makers, academics, and others have advocated the need for a "perimeter strategy" for North American security. This concept suggests that the U.S. and Canada work together to secure our joint landmass from outside terrorism. It suggests the need to coordinate and, where possible, harmonize border policies with regard to extraterritorial nationals and trade and to facilitate traffic between the nations. This concept would preserve the economic benefits of our shared trade and travel and enhance our own resources to protect against external threats.

The perimeter approach deals with clearing goods at the point of first arrival to North America. It is here that the customs authority in the first country (e.g. Canada Customs) would transmit data to the destination country (e.g. USCS) for instructions on the level of inspection desired, and/or approval for shipment to proceed. Upon completion of inspection, cargo would be conditionally released and sealed for transport to the land border, where the shipment would proceed via an expedited transborder lane, subject to random and selected check (see Exhibit 3).

The perimeter approach for passengers would need to differ, since immigration requirements for the countries differ in some aspects, but it is conceived that where an individual is admissible to both nations, initial admission would grant permission to travel in either country, and would be facilitated by electronic sharing of passenger arrival information by both countries.

Of course this approach requires a great deal of joint cooperation, information-sharing, and policy-making and many of the issues relating to this concept have yet to be developed.[11] But the potential benefits of enhanced security and intelligence, increased positive identification of individuals, and expedited processing for a large portion of the cross-border traffic make it worth exploring. Thus, the Subcommittee calls for further study of this concept and how this approach may be the best way to facilitate land border operations by essentially "moving the border outward."

Technologies

The success or failure of the entry/exit system, and most of the other initiatives outlined in this document, will be determined by the implementation of reliable and efficient technologies. However, the Subcommittee has not had the opportunity to study the relevant technologies adequately to make recommendations in this report. The following are areas suggested for further study and inclusion in subsequent reports.

Biometrics: Of specific concern for the Task Force is the mandate to incorporate biometric technologies in the entry/exit system. As stated above, the Subcommittee has not had the opportunity to review in detail the specific biometric technology options being discussed for use in the entry/exit system or in U.S. travel documents. While we do acknowledge that the operating environment for inspections at the land border is significantly different from more controlled (and usually indoor) environments at airports and seaports and, thus, could require a different biometric technology be used to ensure accuracy and reliability, we do not at this

[11] The U.S./Canada 30-Point Smart Border Action Plan includes many projects that could be incorporated into a Perimeter Clearance process. The agreement to station customs inspectors at each other's seaports for targeting inspections is a step toward this type of accord.

time have recommendations as to which technology that should be. The Subcommittee proposes to investigate this issue in the coming year, preferably with demonstrations of available biometric technologies in order to make a reasonable evaluation in the next report.

Cargo Seals: An important aspect of pre-clearance programs for commercial traffic is the requirement to ensure that once inspected, cargo is not tampered with before crossing the POE. This requires the use of technology to seal inspected cargo and track it from point of inspection through the POE. The use of electronic seals for this requirement is currently under discussion and evaluation by various government agencies and the private sector. However, the Subcommittee has not had an opportunity to evaluate these technologies. This also will be an area for further study in the coming year.

Outputs of Entry/Exit System: As stated in the first section, the design of an entry/exit system to meet the (primarily) statistical and reporting requirements of the DMIA is not the same as the entry/exit system concept currently being explored by the Government. Consideration needs to be given to the output from the entry/exit system and what is to be done with it. If the output were simply a statistical report of non-matches, it would argue for one type of system. If the output is expected to be able to list individuals as an aid to finding them within the U.S. or to prevent re-entry of a particular individual (which is not necessarily required by law), a different configuration is mandated. It is extremely important to note that INS has only about 2,000 personnel for interior investigation, locating and picking up individuals for any reason (including criminal violations), and currently about 1,000 have been reassigned to other duties, including the ongoing terrorism investigations. It is imperative that the INS be appropriated the resources necessary to carry out the prescribed duties, which is not currently the reality.

Decisions regarding the following issues must be made in order to specify the database design of the system:

- Determination of the information technology system for collection of data and matching processes;
- Interoperability with all processes and databases at POEs and other government departments/agencies, etc. to allow data comparison/checking at entry inspection;
- Recovery and input of the exit-reporting document and data from Canadian primary;
- Data to be included in record;
- Interoperability with databases at exit and level of exit inspection required or immediate matching on departure;
- Reporting output of system:
  - Matches by mode, by country;
  - Non-matches both for entry and exit or exit only and frequency.

Summary of Available Cost Analyses: The Task Force is mandated to include costs for its recommendations. However, as described above, the entry/exit process for land borders is in the early stages and many decisions must still be made before specific costs can be attached. The DMIA Task Force Office at INS, with assistance from USCS and various Subcommittee members, has developed some estimates for those specific recommendations in this report for which a cost estimate can be determined—such as costs for expansion of NEXUS programs. Those estimates are contained in Chapter 7.

However, the Subcommittee wishes to emphasize that the cost savings of implementing certain types of programs over the current situation accrue not only to the Government, but also to the private sector users of the land borders and the surrounding communities.

Benefits of enhanced border traffic facilitation are widespread to numerous groups—ranging from shippers, passengers, governments, border communities—and bring about an overall positive impact for the public. The benefits accrue in major categories—timesavings, lessened environmental impacts, and the potential for the decreased expenditure of government resources (for traffic management, inspections, etc.).

With regard to timesaving, reduced border wait times for trucks and passengers act as a catalyst to produce a series of downstream impacts. The timesaving for a truck not to idle at the U.S./Canada border, for example, can lead to markedly lower logistics costs for a manufacturer. Similarly, the reduced delay for passengers leads to quicker connection times and can stimulate the growth of air services. This, in turn, has a beneficial downstream impact for business and leisure travel, particularly for bi-national travel from overseas.

Border communities are also major beneficiaries. The harmful emissions from exhaust from both cars and trucks idling in lines can be significantly reduced through expedited clearance procedures. The emissions include carbon monoxide, nitrous oxides, and hydrocarbons that have a negative effect on the air quality near POEs and on the health of port workers and drivers.[12] This, in addition to millions of gallons of fuel savings, can yield significant environmental benefits.

The benefits of streamlined, expedited transborder processing at the 49th parallel of truck shipments of low-risk goods and pre-registered people in passenger vehicles was recently examined by a private-sector coalition through a computerized Border Analysis Management Model.[13] The model determined the impact of relocating the three USCS primary inspection truck booths to the Canadian side of the Peace Bridge and the introduction of the joint, low-risk traveler system, NEXUS.[14]

[12] Recently a specific health study was completed on asthma/lung conditions in the zip code immediately encompassing a bridge border crossing and the results found incidence of problems 10 times that of the zip codes in the immediate surrounding areas. Center for Asthma, Lower West Side Project.

[13] Perimeter Clearance Strategy, May 2002 utilizing the Border Analysis Management Model, May 2001, Regal Decision Systems/Canadian/American Border Trade Alliance

[14] The Subcommittee has not discussed the concept of moving U.S. primary inspection, but the analysis of cost savings derived from improved traffic flows generally is important here to give an idea of the potential magnitude.

Regal Decision Systems, who modeled the actual traffic arrival, flow, and patterns at the bridge crossing, completed the study. Aside from the security improvements, the results quantify the benefits in environmental improvement and definitive cost savings for the U.S. side of moving the primary inspectors to the entrance point of the border crossing and implementing NEXUS:

- Elimination of 75 percent of trucks and 65 percent of cars waiting in queue;
- Reduction of average truck transit time from 44 minutes to 18;
- Reduction of average car transit time from 15 minutes to 5;
- 105,000 gallons of diesel fuel and 93,000 hours of truck delay time saved;
- 62,500 gallons of gas and 108,000 hours of driver waiting time saved;
- Reduction of over 50 percent of annual environmental discharge emissions of hydrocarbons (HC), carbon monoxide (CO) and nitrogen oxides (NOx).

The above savings were determined for just the U.S. side of the Peace Bridge. This base case is representative of the savings to be achieved for the truck and car volumes actually processed at the U.S./Canada Border in both directions. Extending this analysis for the entire common border between Canada and the U.S. yields a total of $238 million in benefits, as shown in the following table.

Annual Environmental Benefits from Perimeter Clearance Traffic Streaming

Item	Benefits
Reduction of Queues	75% of trucks 65% of cars
2 Million Gallons of Diesel Fuel Saved	$3.0 million
1.8 Million Hours of Truck Delay Saved	$81.6 million
1.6 Million Gallons of Gas (Cars) Saved	$2.0 million
2.6 Million Hours of Car Driver Delay Saved	$52.0 million
Direct Cost Savings	**$138.6 million**
1.8 Million Hours Truck Opportunity Cost	$99.0 million
TOTAL ANNUAL DIRECT BENEFITS	**$ 237.6 million**

In addition, it should be mentioned that the recommendation to negotiate with Canada for their primary inspection to serve as our exit inspection has the potential for huge cost savings over building U.S.-side exit booths, if the business case is that exit-inspections would duplicate entry inspections.[15]

Specifically the proposal avoids the environmental impacts, planning, design, engineering, construction costs, and staffing of currently nonexistent U.S. exit booths at every lane of the 128 northern land border POEs. The proposal would preclude the need to hire and train almost 1,500 exit booth inspection officers and 148 support staff for the northern border POEs alone, assuming the exit inspections duplicate entry inspection activities. Extending the exit booth option to every lane of the southern land border POEs would require another 1,400 inspectors and 141 support staff. At a current annual cost of $112,000 per inspector[16], approximately $323.8 million would be required to support the additional inspectors and over $16 million for related support staff.

Conclusion

The Subcommittee appreciates the hard work and input of all of its members in the development of this report. There are many unresolved issues relating to entry/exit at the northern border and our Subcommittee is resolved to pursue solutions. As INS and many other officials have pointed out to us many times, the land border presents the greatest challenge to implementation of any entry/exit system. We look forward to continuing to provide our input into that process.

Respectfully submitted,

Jeff Arnold, National Association of Counties
Randel Johnson, U.S. Chamber of Commerce
Nolan Jones, National Governors' Association
Don Prosnitz, Department of Justice
Rick Webster, Travel Industry Association of America
Jim Phillips, Canadian American Border Trade Alliance, Co-chair
Martin Rojas, American Trucking Association, Co-chair

[15] The option of unmanned exit inspections or remote sensing technologies would also be less expensive, but whether or not those types of inspections would be adequate for U.S. policy purposes has yet to be determined, since the relevant policy decisions have not been made. In any case, use of Canadian inspection will save over the construction of almost any conceivable exit infrastructure on the U.S. side.
[15] Estimated costs are for first-year staffing only and do not include facilities information technology equipment or other infrastructure requirements. The cost per position is based on INS' modular cost analysis for new positions, as approved by the Department of Justice and the Office of Management and Budget.

EXHIBIT 1: SMART BORDER ACTION PLAN

On December 12, 2001, Minister Manley and Governor Ridge signed a declaration for the creation of a smart border for the 21st Century between the U.S. and Canada. It outlines a 30-point action plan to collaborate in identifying and addressing security risks while efficiently and effectively expediting the legitimate flow of people and goods back and forth across the U.S./Canada border. The following are the thirty points as outlined by the declaration.

1) Biometric Identifiers
Jointly develop on an urgent basis common biometric identifiers in documentation such as permanent resident cards, NEXUS, and other travel documents to ensure greater security.
2) Permanent Resident Cards
Develop and deploy a secure card for permanent residents that includes a biometric identifier.
3) Single Alternative Inspection System
Resume NEXUS pilot project, with appropriate security measures, for two-way movement of pre-approved travelers at Sarnia-Port Huron, complete pilot project evaluation and expand a single program to other areas along the land border. Discuss expansion to air travel.
4) Refugee/Asylum Processing
Review refugee/asylum practices and procedures to ensure that applicants are thoroughly screened for security risks and take necessary steps to share information on refugee and asylum claimants.
5) Managing of Refugee/Asylum Claims
Negotiate a safe third-country agreement to enhance the managing of refugee claims.
6) Visa Policy Coordination
Initiate joint review of respective visa waiver lists and share lookout lists at visa issuing offices.
7) Air Pre-clearance
Finalize plans/authority necessary to implement the Pre-clearance Agreement signed in January 2001. Resume in-transit pre-clearance at Vancouver and expand to other airports per Annex I of the Agreement.
8) Advance Passenger Information/Passenger Name Record
Share Advance Passenger Information and agreed-to Passenger Name Records on flights between Canada and the U.S., including in-transit flights. Explore means to identify risks posed by passengers on international flights arriving in each other's territory.
9) Joint Passenger Analysis Units
Establish joint units at key international airports in Canada and the U.S.
10) Ferry Terminals
Review customs and immigration presence and practices at international ferry terminals.
11) Compatible Immigration Databases
Develop jointly an automated database, such as Canada's Support System for Intelligence, as a platform for information exchange, and enhance sharing of intelligence and trend analysis.
12) Immigration Officers Overseas
Increase number of Canadian and US immigration officers at airports overseas and enhance joint training of airline personnel.
13) International Cooperation
Undertake technical assistance to source and transit countries.

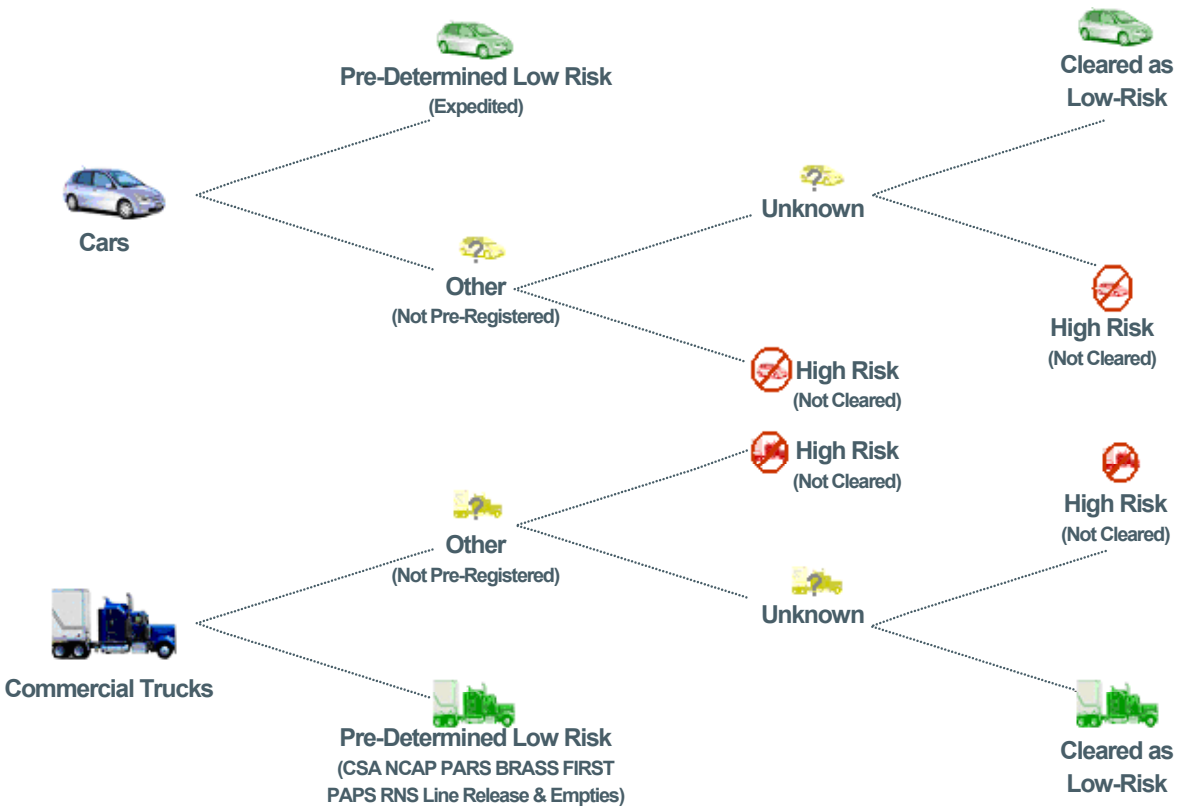
14) Harmonized Commercial Processing
Establish complementary systems for commercial processing, including audit-based programs and partnerships with industry to increase security. Explore the merits of a common program.
15) Clearance Away from the Border
Develop an integrated approach to improve security and facilitate trade through away-from-the-border processing for truck/rail cargo (and crews), including inland pre-clearance/post-clearance, international zones and pre-processing centers at the border, and maritime port in-transit pre-clearance.
16) Joint Facilities
Establish criteria, under current legislation and regulations, for the creation of small, remote joint border facilities. Examine the legal and operational issues associated with the establishment of international zones and joint facilities, including armed protection or the arming of law enforcement officers in such zones and facilities.
17) Customs Data
Sign the agreement on sharing data related to Customs fraud, exchange agreed-upon Customs data pursuant to NAFTA, and discuss what additional commercial and trade data should be shared for national security purposes.
18) In-transit Container Targeting at Seaports
Jointly target marine in-transit containers arriving in Canada and the U.S. by exchanging information and analysts. Work in partnership with the industry to develop advance electronic commercial manifest data for marine containers arriving from overseas.
19) Infrastructure Improvements
Work to secure resources for joint and coordinated physical and technological improvements to key border points and trade corridors aimed at overcoming traffic management and growth challenges, including dedicated lanes and border modeling exercises.
20) Intelligent Transportation Systems
Deploy interoperable technologies in support of other initiatives to facilitate the secure movement of goods and people, such as transponder applications and electronic container seals.
21) Critical Infrastructure Protection
Conduct bi-national threat assessments on trans-border infrastructure and identify necessary additional protection measures, and initiate assessments for transportation networks and other critical infrastructure.
22) Aviation Security
Finalize Federal Aviation Administration-Transport Canada agreement on comparability/equivalence of security and training standards.
23) Integrated Border and Marine Enforcement Teams
Expand IBET/IMET to other areas of the border and enhance communication and coordination.
24) Joint Enforcement Coordination
Work toward ensuring comprehensive and permanent coordination of law enforcement, anti-terrorism efforts and information sharing, such as by strengthening the Cross-Border Crime Forum and reinvigorating Project Northstar.
25) Integrated Intelligence
Establish joint teams to analyze and disseminate information and intelligence, and produce threat and intelligence assessments. Initiate discussions regarding a Canadian presence on the U.S. Foreign Terrorist Tracking Task Force.

26) Fingerprints
Implement the Memorandum of Understanding to supply equipment and training that will enable the RCMP to access FBI fingerprint data directly via real-time electronic link.
27) Removal of Deportees
Address legal and operational challenges to joint removals, and coordinate initiatives to encourage uncooperative countries to accept their nationals.
28) Counter-Terrorism Legislation
Bring into force legislation on terrorism, including measures for the designation of terrorist organizations.
29) Freezing of Terrorist Assets
Exchange advance information on designated individuals and organizations in a timely manner.
30) Joint Training and Exercises
Increase dialogue and commitment for the training and exercise programs needed to implement the joint response to terrorism guidelines. Joint counter-terrorism training and exercises are essential to building and sustaining effective efforts to combat terrorism and to build public confidence.

Source: http://www.dfait-maeci.gc.ca/anti-terrorism/actionplan-e.asp

EXHIBIT 2: TRAFFIC STREAMING

Figure 1: Canada-US Land Border Crossing Movements Streamed by Risk Assessment

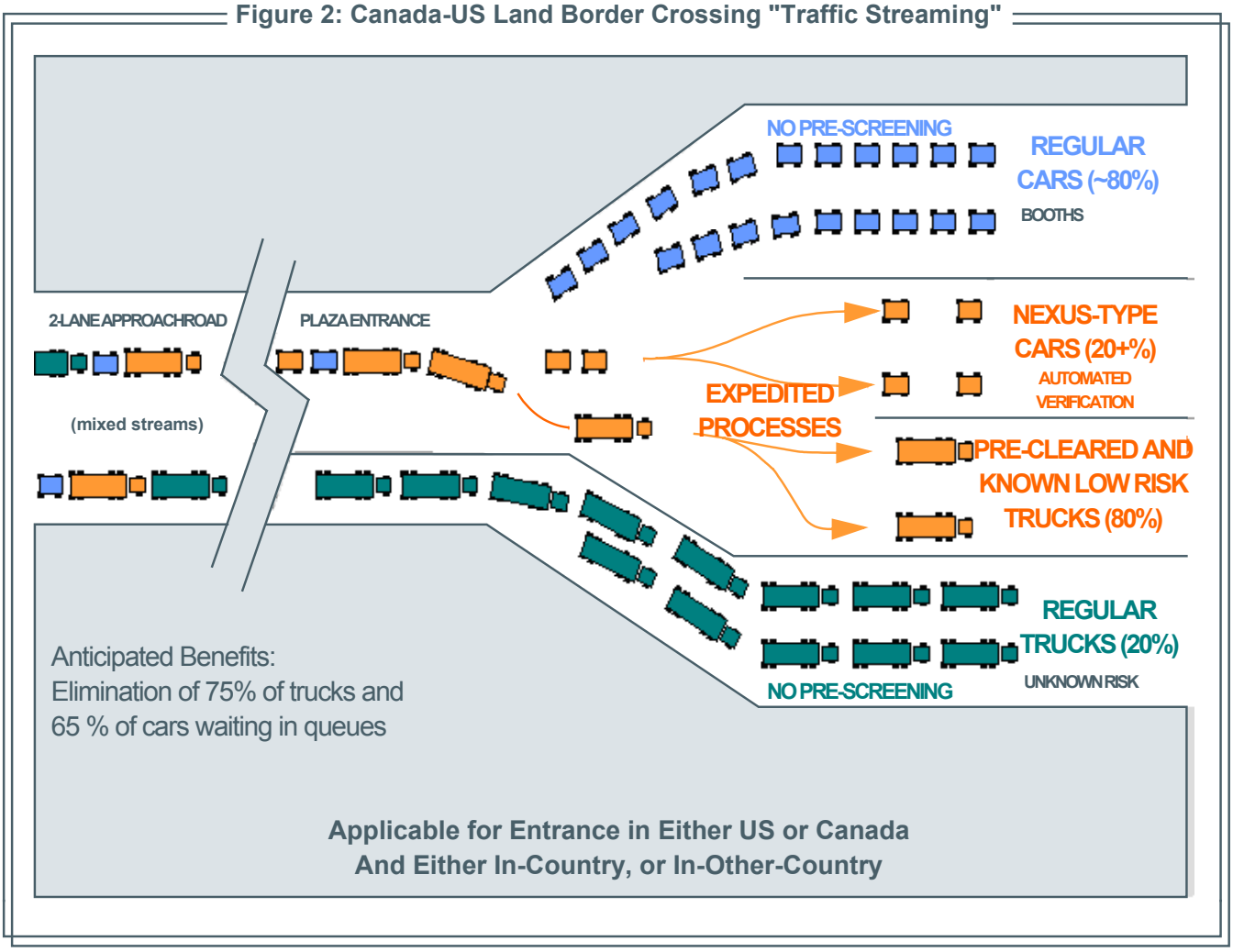


Note:

CSA = Customs Self Assessment; **NCAP =** National Customs Automation Prototype; **PARS =** Pre-Arrival Review System; **BRASS =** Border Release Advanced Screening and Selectivity; **FIRST =** Frequent Importer Release System; **PAPS =** Pre-Arrival Processing System; **RNS =** Release Notification System

3-01

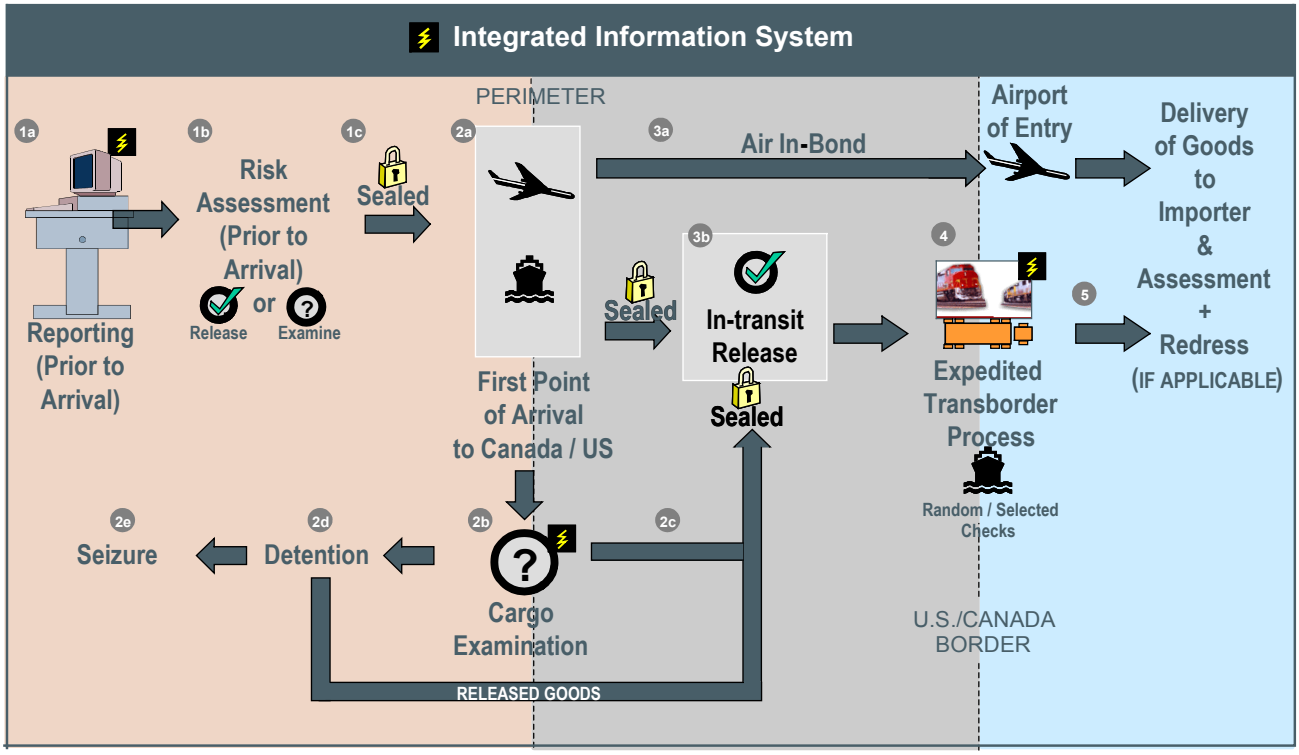
Figure 2: Canada-US Land Border Crossing "Traffic Streaming"



3-02

EXHIBIT 3: PERIMETER CLEARANCE

Figure 3: International Goods Clearance to Transborder Destinations



3-03

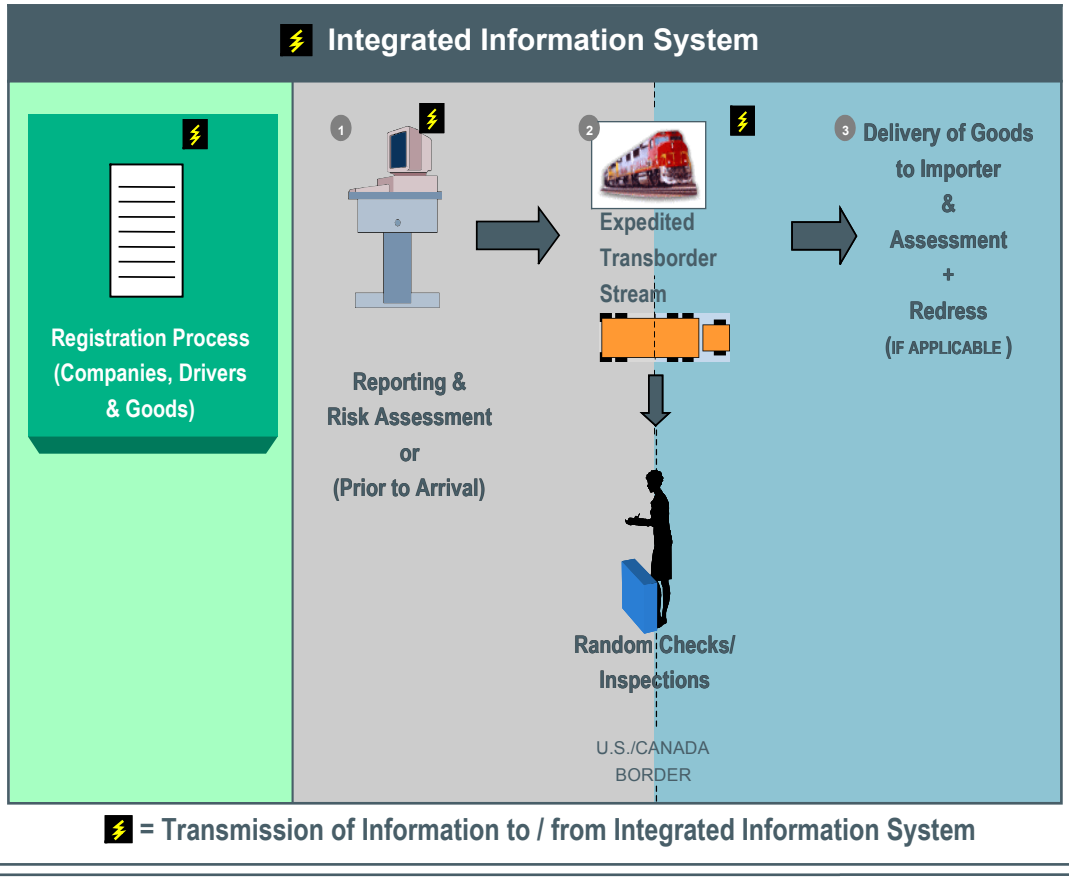
Key Benefits for Goods Transport

The proposed Perimeter Clearance concept for goods has numerous advantages, opening the door for expedited processes through pre-information. Both the existing efforts for electronic clearance and for traffic streaming are integral components of secure and effective border management.

Key benefits include:

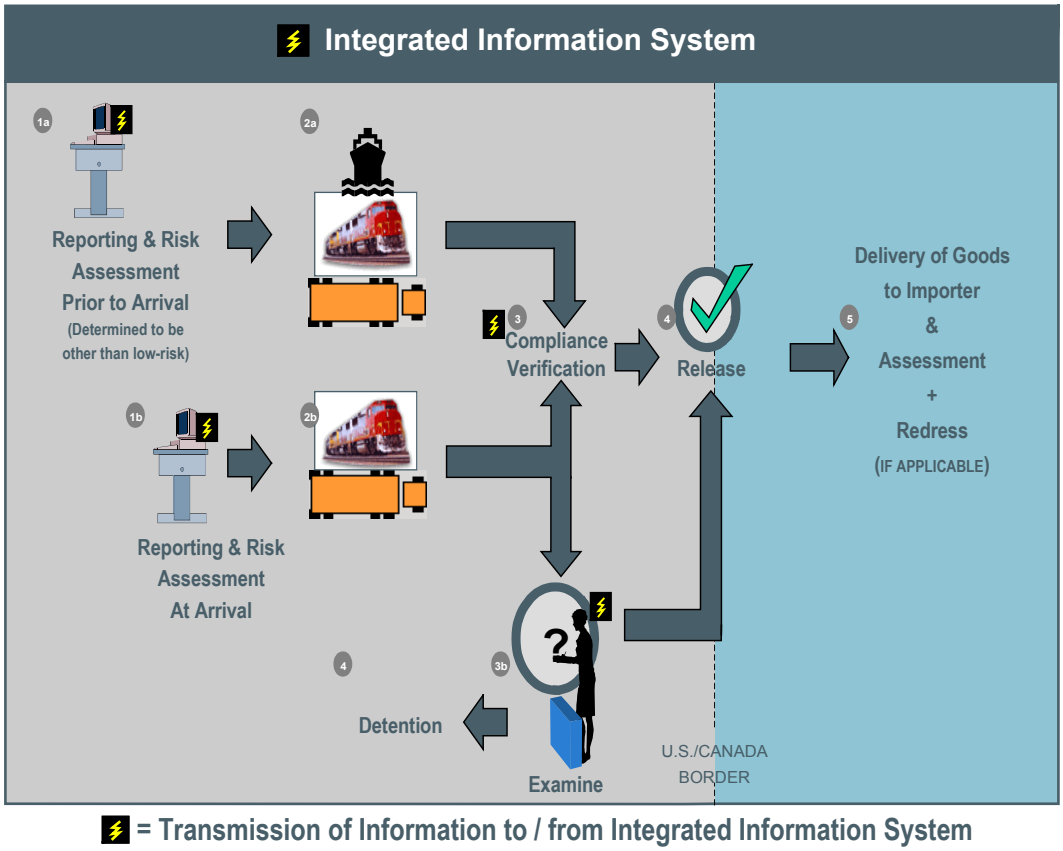
- Elimination of need for full initial customs inspection at U.S./Canada Border
- Reduction in congestion and delay at U.S./Canada border with approximately 80% of trucks clearing at primary without queuing.
- Increased security by pre-screening cargo for risk-level determination and inspection at point of first arrival or before to detect problems at the perimeter.

Figure 4: Transborder Clearance Pre-determined Low-risk U.S. or Canadian Goods



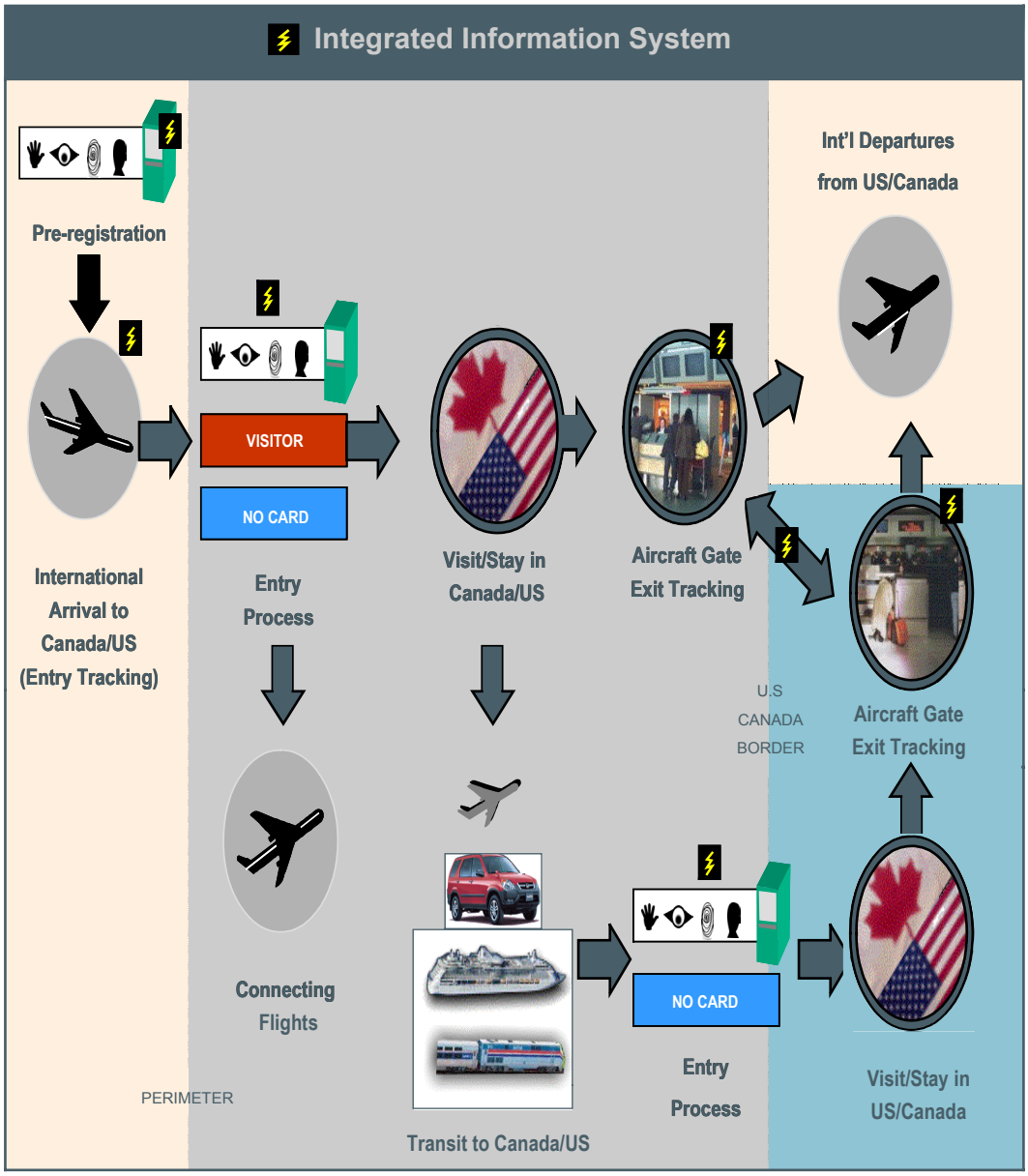
3-04

Figure 5: Transborder Clearance High or Unknown Risk US or Canadian Goods



3-05

Figure 6: Overview International Travel to Canada or the US



3-06

A. OVERVIEW

The Southern Land Border Subcommittee has taken various key points from its site visits and areas of expertise to concentrate on southern border issues extending from facilities to inspection procedures. Subcommittee members have addressed the current situation, limitations, and areas for consideration and concern for the design and implementation of an entry/exit system within the southern land border regions. Utilizing various physical scenarios to depict traffic flow, drafts of various port designs and configurations were created to show the flow of goods and people through POEs and to demonstrate what a POE may look like in the future.

Non-commercial traffic is one of the largest and most complicated modes of transportation at the land borders and could be facilitated by introducing a SENTRI-like voluntary program for vehicles and passengers arriving at land border POEs. The Subcommittee states that border crossers need some form of document to allow tracking in an entry/exit-type setting, with the possibility of biometrics being taken to provide a positive identification of each required individual. Machines to read visas or other machine-readable documents would speed up the inspection process and be of great assistance to the traveling public and inspectors.

The paper-based data collection process for commercial traffic is outmoded. The USCS is in the process of developing a system called the Automated Commercial Environment (ACE) Program that will assist in the collection of pertinent data prior to the arrival of trucks and commercial goods to the U.S. The Subcommittee recommends that a SENTRI-like system be developed to speed up the inspection process by enrolling drivers and their trucks into a system that will recognize them as low-risk passengers and expedite their screening.

In addition to interfacing systems that are needed to perform the various tasks associated with inspections, the Subcommittee recommends that new technology should be dynamic, flexible, adjustable, and upgradeable. Design and implementation of an entry/exit system should be in full consultation with Mexico and Canada, promoting a tri-national effort in securing the borders. The quality of life for the residents of the border region is of the utmost importance and must be protected.

B. SUBCOMMITTEE REPORT

A Statement of Assumptions and Constraints

Upon extensive review, it is clear that to talk about a single system is not an accurate description of the entry-exit process. There are dozens of existing systems and databases managed by a number of agencies and departments that need to be interfaced. Some of the systems in existence that need to be accessed include those in operation by the DOJ, DOS, DOT, Department of the Treasury (Treasury), and Federal Bureau of Investigation (FBI), among others.

If the purpose of the entry/exit system is just to track the arrival and departure of individuals, then the system would be, in functionality, a relatively simple one with a very large and constantly growing database. But the purpose of the entry/exit system goes beyond just an arrival and departure record. As of September 11, 2001, the purpose of an entry/exit system has expanded from simply identifying visa overstays to being an integral component of any effort to protect the homeland. It is this latter purpose that mandates the design of a sophisticated system that not only tracks arrival and departure records, but also allows for the identification of individuals, cross-referencing with other databases, and possible applications for law enforcement.

Furthermore, a process that controls the entry and exit of visitors to and from the U.S. must be part of a coordinated approach that identifies all trackable visitors, and includes the origin of the individual, point of arrival, stay activities/change of status, or departure from the U.S. As is the sense of the U.S. Congress in the DMIA Act, the U.S. must work with relevant foreign governments in the design and application of systems designed to track the visitors.

This report addresses the current situation, limitations, recommendations, and concerns for the design and implementation of an entry/exit system. This report is based on both the personal experiences of the members of the Subcommittee and the official visits to the San Ysidro and Otay Mesa POEs on June 11, 2002, and to the Hidalgo, Pharr, Los Tomates, Gateway Bridge, and Brownsville and Matamoros Bridge POEs on August 15 and 16, 2002.

Based on our observations, it is evident that the current process on the southern border is primarily focused on the inspection of individuals and their vehicles, not necessarily on the recording of the entry or departure of either. The following section of this chapter describes, in general terms, the current procedures for the processing of individuals using various modes of transportation.

The Current Process

During the visits by the Subcommittee to the ports of San Ysidro and Otay Mesa, it was evident that the inspection agencies rely heavily on intuition and training rather than factual information, as current processes at land border POEs do not conduct a systems check on all visitors. Most people who cross the border do so by non-commercial vehicle, primarily private cars and trucks; second is pedestrian traffic; and the rest is a mix of cargo trucks, bicycles, and buses. (See Exhibit 2, Volume and Statistics.)

Pedestrian Traffic: For pedestrian traffic, every event requires the presentation of some sort of document to prove identification or nationality. Differences arise based on the origin of the individual. If the traveler is a U.S. citizen, the individual is not required to present proof of citizenship when applying for entry into the U.S., but rather just some form of photo identification and establish citizenship to the satisfaction of the inspector. The inspector must then enter the necessary information manually into a computer. Thus, pedestrian traffic is essentially divided into two categories: U.S. citizens and non-U.S. citizens.

Typically, U.S. citizens present driver's licenses or other forms of government-issued identification. Although the driver's license is a widely accepted form of identification in the U.S., it is **not** proof of citizenship. When a U.S. citizen presents the driver's license, the inspector is forced to manually input the information on the individual for verification in the system. The inspector usually conducts a short interview, typically asking the purpose and duration of the trip, destination in the U.S., and other objective and subjective questions as determined appropriate by the inspector.

On the other hand, non-citizens, including residents of the U.S., usually present machine-readable documents, including Resident Alien Cards ("Green" Cards) and laser visas, that are machine-read in a matter of seconds. The process is faster for documented non-citizens than it is for the majority of U.S. citizens. In fact, reports from various POEs have been that lines at pedestrian lanes are sometimes long in terms of time and physical size mostly because U.S. citizens traveling to and from Mexico generally do not have proof of citizenship that is machine readable.

During the visits to the POEs in the Lower Rio Grande Valley, we asked the INS Port Director if the swiping of the card or the inputting of the information of U.S. citizens generates a record of the entry and/or the application for entry of the individual. The response was that the data is either manually entered or machine-read **only** to verify for "hits" against IBIS. This checking for hits on the database does **not** create an easily accessible entry record in NIIS. Rather, entry records are transmitted into TECS, which is not readily available to inspectors in primary and does not have interoperability with NIIS. Quite simply, the two systems do not talk to one another. If this type of information is to ever be made available for any mode of transportation at primary inspection, it must be available immediately. This is relevant as it pertains to identifying and tracking the behavior of individuals crossing the border. The USCS already applies this approach on cargo, as they can send a vehicle for additional secondary inspections simply based on the border-crossing behavior of the truck or the trailer (as was evidenced during our visit to the USCS inspection facility at Pharr, Texas). The only way a record of any sort of the arrival of an individual, or their application for entry into the U.S. is

created is if they are referred to secondary. **Thus, for those individuals who are entering the U.S. for less than 72 hours and staying within the immediate border region, the current inspection process does not generate any easily accessible record of their entry or their application for entry.**

For Consideration: U.S. citizens should be encouraged to voluntarily secure appropriate documentation for proof of citizenship, the best current document being a U.S. passport.

For Consideration: Explore the feasibility and effectiveness of adding additional data fields to IBIS to check the identification of individuals at the POE so that the inputting of the data will actually generate an entry record in the NIIS. (This applies to all modes of entry into the U.S.)

As we attempt to visualize the implementation of an exit system, it is clear that it needs to have the ability to marry the entry and exit records quickly and efficiently without creating additional delays at the border. An analysis of the system should include an assessment of the storage capacity requirements needed by the computer systems for the additional fields, any additional time for the processing of the data, and the ability of systems to generate reports for statistical purposes as well as for the tracking of the entry behavior of aliens. The current law does not require the tracking of behavior for U.S. citizens at this time, which is information that could prove valuable in diminishing so-called “port-shopping,” whereby individuals with illegitimate intentions vary the POEs they use to enter the U.S., as opposed to most border crossers, who tend to use the same POE every time they enter the U.S.

Bicycle Traffic: One of the impacts of the increased inspection processes at POEs in the post-September 11, 2001, world has been the emergence of significant volumes of bicycle traffic at the southern land border. For example, in San Ysidro, we saw that the INS has created a new “bike lane” for those traveling by bicycle. Immediately after September 11, people on bikes were allowed to pedal to the front of a vehicular lane and avoid long waits. This resulted in the creation of a market opportunity for people to rent bikes to cross the border, but it also created an added safety hazard for cyclists as they were at times weaving between lanes and cars. To ameliorate the situation, the INS created a bike lane with plastic dividers and yellow tape to remove cyclists from vehicular lanes. The process for inspection for the individual, once they reach the inspector is the same as for pedestrian traffic. Bike messengers are widely used to facilitate commerce on both sides of the border in Otay Mesa in order to bypass vehicular traffic and to get to the front of long lines.

For Consideration: Continue to encourage use of bicycles, where practical and safe, to cross the border as it reduces the number of vehicles in and around the port of entry and it is an environmentally friendly mode of transportation.

Non-Commercial Vehicular Traffic: This mode of transportation is by far the largest and most complicated at land-based POEs. Special purpose programs, such as SENTRI, will be addressed separately as they present unique challenges and opportunities.

Non-commercial vehicles and their passengers receive a different level of tracking than pedestrian or bicycle traffic. The vehicle's license plate information is entered into IBIS either manually or by a license plate-reader. IBIS checks against law enforcement information on the vehicle and, in some instances, owner information. Thus, at least for the vehicle, there is an attempt to read the information as the vehicle approaches the inspector at the booth. This allows the tracking of the vehicle as it enters the U.S. The same cannot be said for the driver and passengers in the vehicle.

Our observations of the primary inspection showed that the inspector inquires as to the citizenship of each person in the vehicle. Once the vehicle arrives at the booth, the inspector's initial question is usually in reference to citizenship. For vehicles that hold individuals responding only as U.S. citizens, the inspector makes an assessment based on his/her training and intuition, and decides whether additional questions should be asked, any documents provided, or the vehicle searched. The inspector has the ability to permit the vehicle and individuals to enter the U.S. without additional inspection. There is no record of the arrival of the individuals or the number of individuals in each vehicle. For those U.S. citizens who are asked to present some documentation, the typical document provided is their driver's license. If the inspector wants to verify this information, he or she must input the data manually into the system.

For vehicles carrying individuals holding non-U.S. citizens, the inspector will request and visually inspect the documents that allow the individual to apply for entry into the U.S. After an initial visual inspection of the documents and some questions, generally regarding the purpose of the trip, the duration of the visit (or if it is a returning visitor or resident, the length of stay in Mexico and the purpose of the visit), the inspector has the ability to pass the vehicle and the people it holds through and grant access to the U.S. The inspector also has the ability to manually input the information on the documents presented, but the inspector does not always do so. Thus, at times there is a record of the arrival of the individual. Furthermore, if laser visa holders seeking entry into the U.S. for less than 72 hours who are staying within the border region are granted entry by the inspector, they are **not** required to proceed into secondary inspection and are not required to obtain an I-94. Thus, there is generally no record of entry into the U.S. for these individuals.

During the visit to Otay Mesa and San Ysidro, the Subcommittee was informed that although the majority of Mexican visitors to the U.S. hold a Border Crossing Card (a machine-readable document issued by the DOS through the Embassy and Consulates in Mexico), the non-commercial vehicular inspection booths do not have document readers to electronically read the Border Crossing Card or either the machine-readable zone or the optical stripe. The Subcommittee also confirmed that this is the situation at other POEs, including those in Nogales, AZ, and Hidalgo, Pharr, Brownsville, and El Paso, TX.

For Consideration: Document readers to read machine-readable documents should be installed at every passenger and commercial primary booth.

For Consideration: The opportunity exists for the Task Force and the Entry Exit Project Team to design and implement an entry/exit system that actually enhances the entry process and establishes an effective and efficient entry/exit process.

- In the absence of a system that allows the recording of arrivals in a fast, secure and effective manner, any recording that requires the manual entry of the arrival of all visitors into the U.S. will cause tremendous delays for the passenger and commercial vehicular inspections and recording process. The lack of an entry record for a large number of visitors to the U.S. presents a significant challenge for the design and implementation of an entry/exit system**.**

SENTRI: The SENTRI system has proven to be an effective tool in pre-clearing a significant number of low-risk individuals (usually frequent border crossers) and their vehicles. The INS office in Otay Mesa reports that there are approximately 20,000 participants in this voluntary program with some 10,000 more applications.

The SENTRI program is a fee-based, voluntary program that allows applicant(s) to undergo an extensive background check that, if approved, allows the use of specially designated lane(s) at the POE. To use the lane, the individual's automobile is inspected and a transponder is installed. When approaching the border through the designated lane, the transponder's signal is read and the information on the vehicle and all the possible occupants appears on a screen for the inspector to view.

In conversations with the inspectors at the SENTRI lane, their comments were resoundingly in favor of the system. The system gives advance information on every vehicle and all the individuals who are SENTRI-approved and permitted to ride in a particular vehicle, thus allowing the inspector to make a more informed decision as to whether to allow the vehicle to proceed.

There are substantial limitations to the SENTRI system.

- The system has proven to be so successful in the Otay Mesa and San Ysidro crossings that the application process takes several months due to limited staffing and resources to process the applications.

- The Port Director in Otay Mesa suggested that if all the pending applications were processed today and the applicants were admitted into the program, the two dedicated lanes would be insufficient to handle the added SENTRI traffic. The Subcommittee understands that it is not a zero sum game: as more people register for SENTRI, the number of vehicles that use regular lanes will be reduced. But traffic volumes continue to grow each year and the current infrastructure, even with increased participation in the SENTRI program, will be overburdened, particularly during peak times. Furthermore, it is conceivable that SENTRI-registered vehicles may transport passengers who are not registered in SENTRI. These vehicles will have to use the regular lanes.

- The current SENTRI system does not allow for the tracking of the arrival of each individual, as the system offers information on all the possible passengers, not just those actually in the car at each instance.

- The approach to SENTRI at the Otay Mesa and San Ysidro crossings has been to simply designate existing lanes and part of the access infrastructure as SENTRI lanes. No new infrastructure for access or inspection has been constructed. Traffic growth patterns indicate continued growth and the existing infrastructure is already stretched. For SENTRI or any pre-clearance system to work, new infrastructure should be considered.

For Consideration: The "next-generation SENTRI" must be developed and deployed one that tracks individuals regardless of the vehicle in which they are riding.

- Encourage frequent border crossers to register in "SENTRI/NEXUS-like" programs, including the use of the card for other modes of transportation, including pedestrian traffic.

- Install touch-screen monitors at SENTRI lanes, thus when the pictures of the individuals appear on the screen, the inspector can just touch the picture on the screen and thus create an entry record for that individual.

- The necessary resources should be deployed to account for the growth in applicants in these programs from the processing of applications, the necessary background searches, interviews, inspection of vehicles, issuance of permits and tracking of permit holders and their renewals.

Commercial Traffic: During the visit of the commercial facility at Otay Mesa, USCS described the process for identifying each truck driver, their vehicle, and the cargo upon arrival into the U.S. However, most of the processing being done at land borders is still a manual, paper-based process. To replace the presently outmoded system, the USCS is in the process of developing ACE. The ACE system, which will include the International Trade Data System (ITDS) as a front-end, data-collection system, will collect information from shippers, brokers, and carriers on cargo, vehicles, and drivers as they operate in cross-border operations. The ACE system is being developed in four increments. Although in the original plans for ACE an electronic truck manifest was not envisioned until the later stages of development, this commitment has been accelerated to be included in the first increment. Such a manifest will include vehicle, cargo, and driver information, although the data elements required for clearance are still under discussion between USCS and industry representatives participating in the USCS Trade Support Network.

Clearly, INS has an important role to play within the ITDS system, being one of the primary agencies on the border. Reports from INS have indicated that joint efforts are being undertaken with other relevant government agencies. The use of IBIS has been mentioned, but there seems to be a lack of any mention regarding the ITDS program. It would be beneficial for the Entry Exit Project Team to further explore the efforts being undertaken in the development of the ITDS.

On the outbound side of cargo, currently no information is required from motor carriers identifying the cargo and/or drivers. However, under the Bureau of the Census Automated Export System (AES), all outbound cargo shipments worth $2,500 or more must be reported with a Shippers' Export Declaration (SED) for cargo identification purposes. For exports to Canada, AES is not utilized due to the electronic interchange of data that allows Canada and USCS to share information on cargo movements. Cargo bound for another country in transit through Canada does require a SED. For cargo bound for Mexico, SEDs are prepared. However, it is envisioned that AES and SEDs will be phased out in the future. There are discussions regarding the capture of such information in the ACE system, but such an effort would be in the very last stage of ACE development. It is likely that the system envisioned would not require vehicle and driver information as shipments are transported out of the U.S. across our land borders, but would simply require cargo information.

The Border Release Advanced Selectivity System (BRASS): BRASS tracks and releases highly repetitive shipments at land border locations. USCS scans a bar code into a personal computer, verifies that the bar code matches the invoice data, enters the quantity, and releases the cargo. The cargo release data is transmitted to the USCS ACS, which establishes an entry and the requirement for an entry summary, and provides ABI participants with release information.

BRASS allows users to do the following:

- Obtain release without preparing a CF-3461 or CF-3461 ALT (the barcode replaces these forms);
- Participate in an automated release system without expensive computer or printer equipment;
- Receive approval for expedited release after one-time application per district;
- Receive detailed reports of all BRASS transactions electronically through ABI; and
- Minimize keying and processing (USCS output report creates entry records).

BRASS:

- Replaced the former Line Release System and remained transparent to the trade community requirements;
- Allows better system uptime;
- Maintains better data quality; and
- Runs in a Windows NT environment.

BRASS operates both on the northern and southern borders. In order for motor carriers with cross-border operations on the southern border to participate in BRASS, it is presently a requirement that they first participate in the Land Border Carrier Initiative Program (LBCIP).

Land Border Carrier Initiative Program (LBCIP): Designed to deter drug smugglers from utilizing commercial land conveyances for their contraband, USCS developed LBCIP in 1995. In the LBCIP, USCS and a land carrier sign an agreement whereby the carrier agrees to increase the security measures at its place of business and on conveyances used to transport cargo from Mexico at locations along the southwest border. In return for this cooperation, carriers can participate in BRASS. USCS will provide training to carrier employees and drivers for improving security practices and awareness. In addition, if illegal drugs are found on a conveyance owned by a carrier participating in the LBCIP, USCS will give that carrier special consideration in applying penalties and sanctions.

In return, USCS agrees to provide training to carriers' employees in the areas of cargo security, cargo profiling, personnel security, and conveyance search. In addition, should illegal drugs be found aboard a conveyance belonging to a carrier with an agreement, the degree of compliance with the terms of the agreement would be considered as an additional positive mitigating factor in any seizure or penalty decision or recommendation. Special administrative provisions pertaining to penalty amounts and expedited processing of penalties will be available to agreement signatories.

The LBCIP was at first touted as a southern border program. However, when USCS issued its final rule for the LBCIP in 1998, the agency specified that the program could be implemented on the northern border if so desired. After the September 11 attacks on the U.S., USCS established a new industry-USCS partnership called the USCS Trade Partnership Against Terrorism (CTPAT). From the land transportation perspective, CTPAT appears to be a new version of the LBCIP, and will serve as the primary program for addressing and securing cargo transportation operations across international land borders. The CTPAT for motor carriers is presently being established only for the northern border. In the same manner as the LBCIP, the CTPAT includes a cooperative agreement between the carrier and USCS. USCS expects to eventually implement the CTPAT on the southern border, but in the meantime, the LBCIP will continue to be active.

USCS Trade Partnership Against Terrorism (CTPAT): As part of its efforts to deter and/or detect the possible entry into the U.S. of illegal cargo, people, or weapons of mass destruction, the USCS has established the CTPAT. In essence, CTPAT incorporates the concept of increasing security as goods move through the entire international supply chain, from origin to final destination. Motor carrier representatives have been participating in discussions with USCS to determine how the motor carrier industry is to participate in the CTPAT. Basing much of its CTPAT work on efforts to establish LBCIP, USCS has initiated the northern border CTPAT. This program includes a cooperative agreement to be signed between a motor carrier and USCS. The agreement delineates the responsibilities that each signing party is to comply with, such as a carrier agreeing to review the security of its operations and, if necessary, implementing and enhancing verifiable security components. Once in the program, motor carriers get expedited clearance as they move across borders.

The Federal Highway Administration (FHWA) published a newsletter regarding wait times for freight traffic at northern and southern land border POEs. FHWA did a review of seven ports (those most heavily traveled) on both borders to document the time it takes for inspection, both

inbound and outbound. The article cited wait times at the seven ports and suggests ways to improve vehicle processing and reduce travel delays.[17]

For Consideration: The use of "SENTRI/NEXUS-like" technology that would permit FIS personnel to clearly record the entry of drivers permitted to enter the U.S. using a particular truck should be used. Encourage and fund the development/expansion of enrolled low-risk, high-frequency traveler and cargo systems.

Based on all the empirical observations, it is evident that before an exit system is designed and implemented that will track the physical departure or change of status of any visitor; the entry process will need to be modified. Any modification of the entry system to the U.S. must not worsen the current situation at the border. Any additional delays to cross the border will have various direct negative impacts, including increased pollution, safety hazards, and the indirect negative impact of discouraging the crossing of the border for legal visitors.

Part of the requirement for the design and implementation of the entry/exit system is the determination of the costs associated with any system. Until a determination is made as to the operational, infrastructure, systems, and personnel requirements, any cost estimate will be a "rough estimate" at best. The Subcommittee is not prepared to provide any cost estimates at this point in time for the implementation of a fully integrated entry/exit system, but conservative estimates that have been offered exceed several billion dollars for the southern border alone. The Subcommittee recognizes that there are areas of the current inspection process that need immediate and recurring attention and resources. Some of those, including additional personnel and readers, are addressed in the cost estimates provided in Chapter 7.

Applicable Principles for an Entry/Exit System

The entry/exit system must not have any negative impacts at the land borders. Such negative impacts include those to:

- **Business:** For example, the retail sector is vitally important to all border communities. Any system that discourages shoppers from making a trip across the border detracts from prospective sales at retail outlets.

- **The Environment:** Border communities are already struggling with poor air quality caused by idling cars and trucks waiting to enter the U.S. Any additional inspection process that results in longer crossing time will generate more air pollution from idling vehicles and create safety hazards due to the sheer volume of vehicles in queue.

- **The Quality of Life for the Residents of the Border Regions:** For the residents of the border region, crossing the border is considered a part of life. The long lines, long waits, fumes from idling cars, safety hazards due to inadequate access infrastructure, little or no room for expansion, demands for reduced costs of operations, and other factors are all considerations for any policy change or recommendation that impacts the border.

[17] See Exhibit 2 for additional information

The mandate to implement an entry/exit system presents a unique opportunity to design an effective, efficient departure control that is inherently tied into an arrival control. By taking a holistic approach to the entry/exit process, the entry inspection process, enforcement efforts, trade facilitation, and the quality of life for the residents of the region in both directions and on both sides of the border can all be improved.

For Consideration: The entry/exit system must consider the quality of life for the people who live in the border regions. Further delays of traffic would be detrimental to their livelihood and their environment, i.e. fumes emitted from cars and trucks, inadequate access infrastructure, long lines and safety hazards.

An entry/exit system should be designed with a systems approach in mind to ensure that the border is not the ultimate point of verification of an individual's intent. Thus, any system must be designed and implemented to ensure full coordination with other programs at five basic points:

- **Origin:** During this stage of the application, DOS plays a critical role in the issuance of immigrant and nonimmigrant visas. The information is gathered from the applicant when he or she completes an application for a visa, after securing a valid travel document from their home country. (See Exhibit 1 for discussion of visa issuance considerations.)
- **Arrival**
- **Destination:** Inspector gathers the applicant's final destination from their I-94 Form. This information can be used for providing statistical information to the Department of Commerce, Chamber of Commerce, Border Trade Alliance, and used for law enforcement activities.
- **Departure**
- **Stay Activities:** These include interaction with INS for benefits or service-related activities and interaction with INS or other law enforcement authorities for violations-related activities.

The U.S. has the opportunity to design an entry/exit system that enhances the enforcement of applicable laws while at the same time facilitating the flow of both legitimate goods and legitimate travelers into the U.S.

Due to a clear limitation in land available for new inspection facilities, careful consideration should be given to the following:

- Remote inspection;
- Shared access to information, including consideration of scenarios that simultaneously record the departure from one country and the arrival in another; and
- Other configurations that take into consideration the efficient and effective management of traffic flows, space limitations, environmental concerns, safety of the public, the effective application and enforcement of laws, and the efficient flow of people and goods with the participation of the community in deployment.

Technology: The utilization of existing systems should be encouraged whenever possible so long as they meet the criteria necessary for the proper deployment of an entry/exit system. Technology must be programmed and proprietary, flexible, adjustable, and upgradeable. Wherever possible, off-the-shelf technology is preferred to specially designed and/or programmed technology.

Cost-effectiveness, not just "lowest bid," must be considered in system design and implementation to ensure that leading edge technology and systems are selected. Further funding for this system should not detract from existing or projected funding for other border and trade-related programs.

Data: Any data collected must be accessible to multiple agencies and meet the data-gathering requirements of all the FIS agencies. This will provide a more customer-service-oriented approach to legitimate visitors, allowing the one-time collection of data while ensuring that all pertinent agencies can draw the necessary information from the system.

- The system itself could be made up of many databases linked together or one large database to which all FIS agencies have access.

- Differences in implementation for various modes of transportation must be recognized. Nonetheless, the data collection must be consistent in the data gathered, reporting structure, etc., in order to ensure that the FIS agencies have the ability to track any possible entry/exit activities and changes in status for an individual as well as track individuals regardless of the mode of transportation selected.

- Visitors to the U.S. should have to submit information only once.

- Consideration should be given to an outreach campaign to encourage travelers who are currently exempted from certain travel document requirements to obtain valid international travel documents (e.g., a passport) in an effort to expedite their identification process upon arrival to or departure from the U.S.

- Data collection requires an investment and commitment of resources. Efforts should be made to analyze what will be done with the information collected to ensure that it is used in a beneficial manner, rather than simply to present a report to Congress.

- The entry/exit system should be developed in a manner that takes into account the lessons learned in USCS's development of ACE and ITDS.

Canada and Mexico:

- Design and implementation of an entry/exit system should be done in consultation with Mexico and Canada to the extent possible. Such an approach will allow for joint consideration of innovative ideas, particularly pertaining to POEs with serious infrastructure limitations due to a lack of room for expansion.[18]

- A tri-national perimeter approach should be taken in the development of the system, the institution of any changes in the system, and in the coordination of intelligence and other law enforcement efforts.

- Before the Request for Quote/Request for Proposal process, consultation is needed with Canadian and Mexican officials to ensure the U.S. system is able to interface with each.

Policy:

- The U.S. Government should establish advisory boards on a go-forward basis to ensure a constant working dialogue with FIS agencies, state and local governments, and the private sector.

- Recognition is needed that a fully integrated entry/exit system will require new funding and appropriations to meet implementation needs in the areas of personnel, technology impact assessments, access infrastructure, and inspection facilities as required.

- Innovative approaches must be considered in the design of the system, even if it requires legislative initiatives or international agreements, e.g., joint inspection facilities for cargo and non-commercial vehicles, expansion of programs such as NEXUS and SENTRI, and allowing a single event at a POE to constitute a record for more than one country.

- Any new exit control system should not detract from any current or projected efforts designated for entry controls. Funding streams intended to improve entry procedures should not be diverted to exit control efforts.

- The Entry Exit Project Team should define standards by which the effectiveness of any entry/exit system will be evaluated and measured.

- Performance-based benchmarks need to be established that must be used during the design and testing of any system prior to its deployment. This will ensure that a fair assessment will be made of the effectiveness and impacts at the POE.

[18] The Mexican Government is conducting a pilot program for a frequent traveler card at the Mexico City Airport. The system selected by the Mexican Government demonstrates an off-the-shelf approach in the selection of the technology with due consideration for minimal infrastructure requirements given the government's budgetary limitations. Furthermore, the approach to the technology is one that may serve multiple purposes and functions for the cardholder as well as for various governmental agencies. It is further evidence of the need for cooperation and coordination with the Mexican and Canadian governments.

For Consideration: Design and implementation of an entry/exit system should be in consultation with Mexico and Canada to the extent possible.

The U.S. government should establish advisory boards on a go-forward basis to ensure constant working dialogue with other agencies, state and local government and the private sector.

Individual Rights: While it is unquestionable that legitimate domestic security reasons exist for the tracking of overstaying aliens, for any such system to be valid, it must provide a means to protect the individual's privacy rights. Further, any such system must also provide a procedure that allows individuals to correct and/or update erroneous information that had been previously collected and/or reported.

For Consideration: Design and implementation of an entry/exit system should address the legal requirements for privacy and data collection and include the ability for individuals to correct erroneous information.

A Vision for the Future

Clearly, we must consider creating a new paradigm for our land borders. Instituting exit controls will, no doubt, have some economic impact on border communities and throughout the NAFTA marketplace at large. We have a choice, however, as to whether we choose to implement a system that has a positive or a negative impact. Imposing controls on our already overburdened border facilities will further choke legitimate trade and travel.

Recognizing the physical limitations of the existing POEs, the Subcommittee has endeavored to present some possible physical scenarios of a POE that could accommodate departure control.

The DMIA Task Force is required to provide recommendations for the U.S. Attorney General on the design and implementation of an entry/exit system. At the same time, we must explore opportunities to enhance the flow of goods and people across the border while improving the quality of life and the environment of the region. This requires the consideration of new approaches to the creation of POEs, ports of exit, and even the creation of possible special purpose POEs and ports of exit.

Considerable study must be done on a port-by-port and a community-by-community basis to make a determination of what configuration(s) may be the most appropriate.

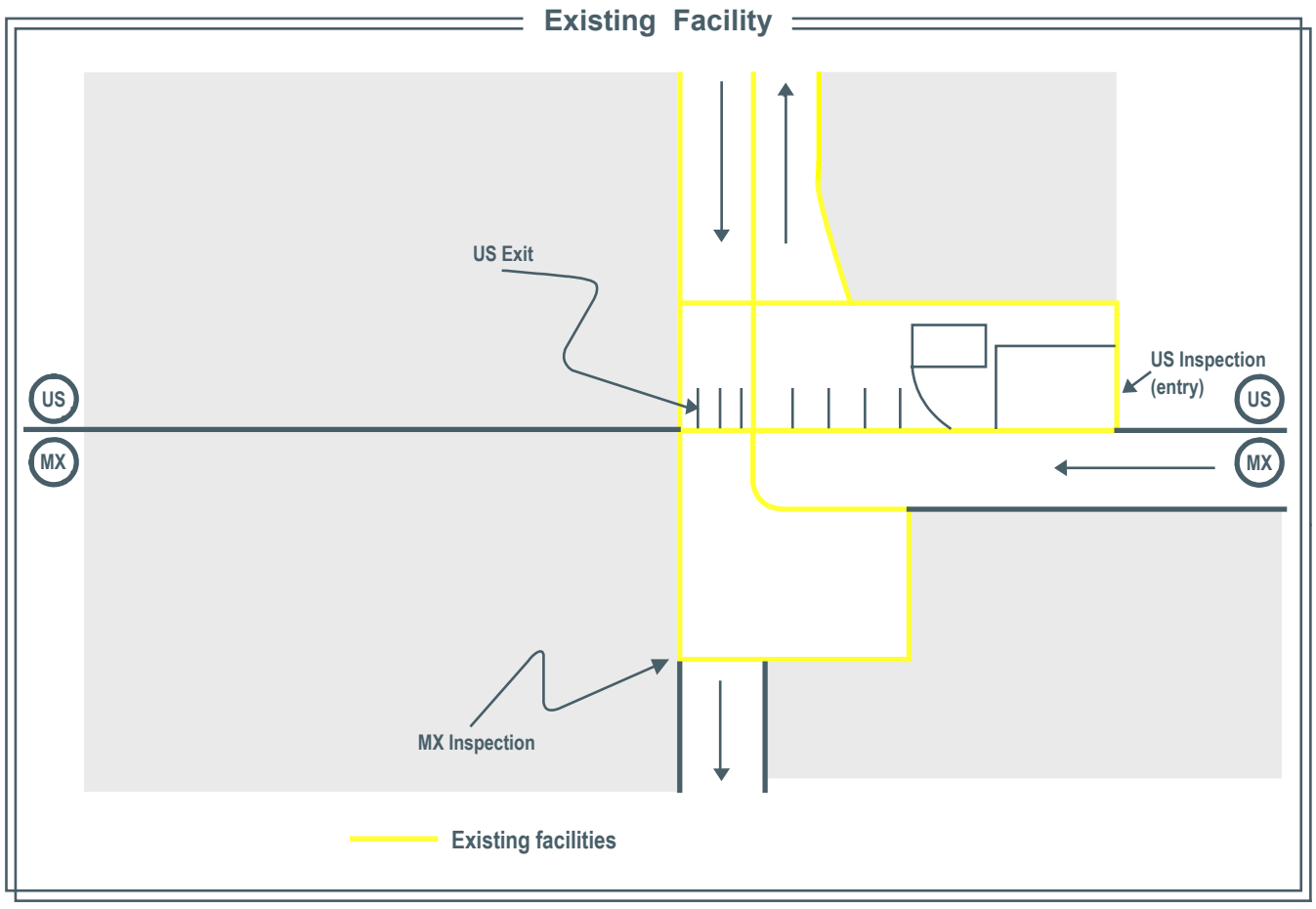
The ultimate goal is not only for the implementation of an entry/exit system, but to create a strategy that fosters economic development, promotes the welfare of the residents, and protects the environment of the U.S./Mexico border.

For Consideration: Imposing controls on to our already overburdened border facilities will further choke legitimate trade and travel. This requires consideration of new approaches to the creation of POE's, ports of exit, and even the creation of possible special purpose ports of entry and exit. Considerable amount of study must be done on

a port-by-port and a community-by-community basis to make a determination of what configurations may be the most appropriate.

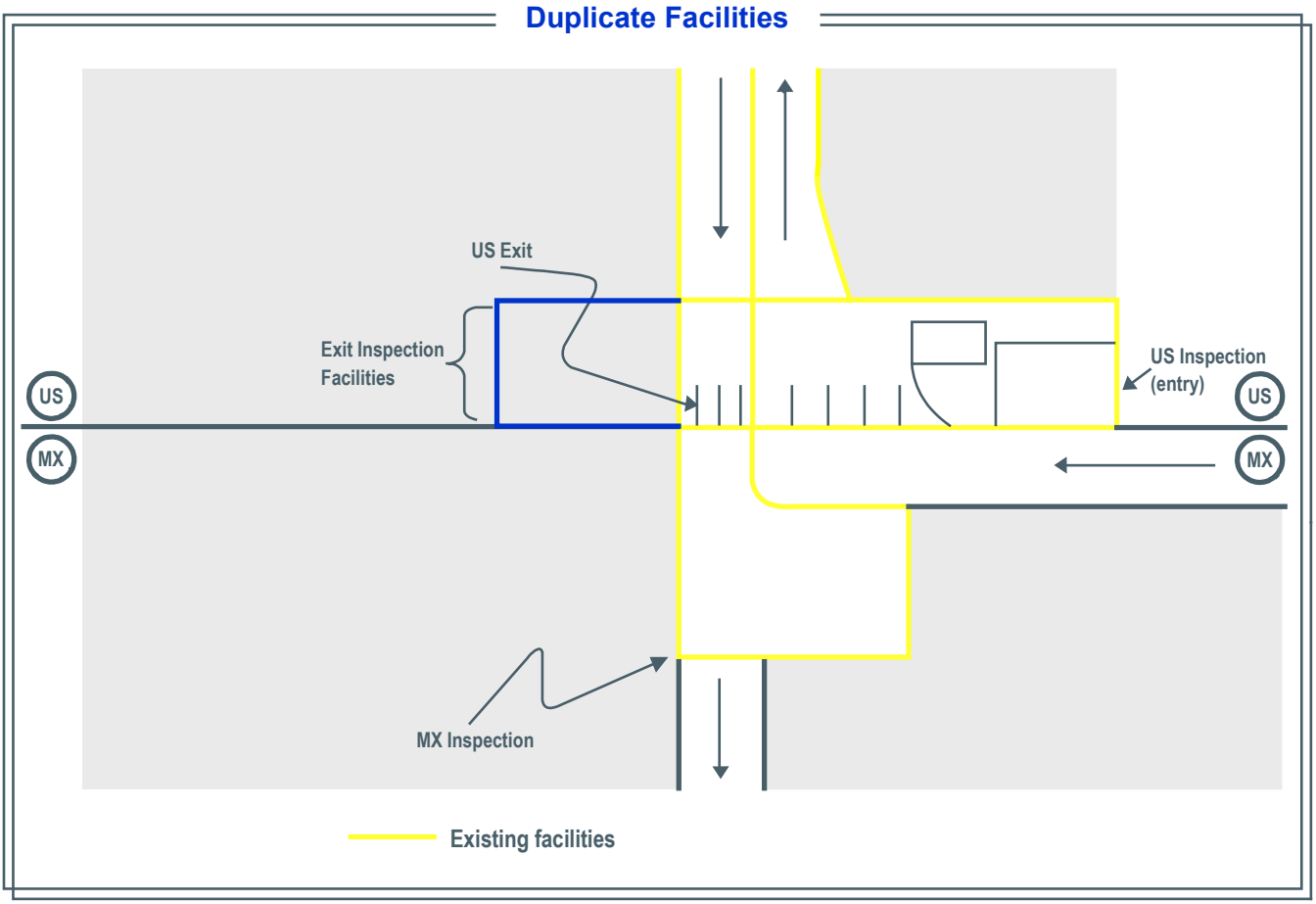
The following describes in general terms the possible configurations that the ports of the future may look like.

Slide 1: General Description of a typical POE facility on the U.S./Mexico border. Outlined in yellow is the basic infrastructure that currently exists to support the flow of goods and people across the international boundary.



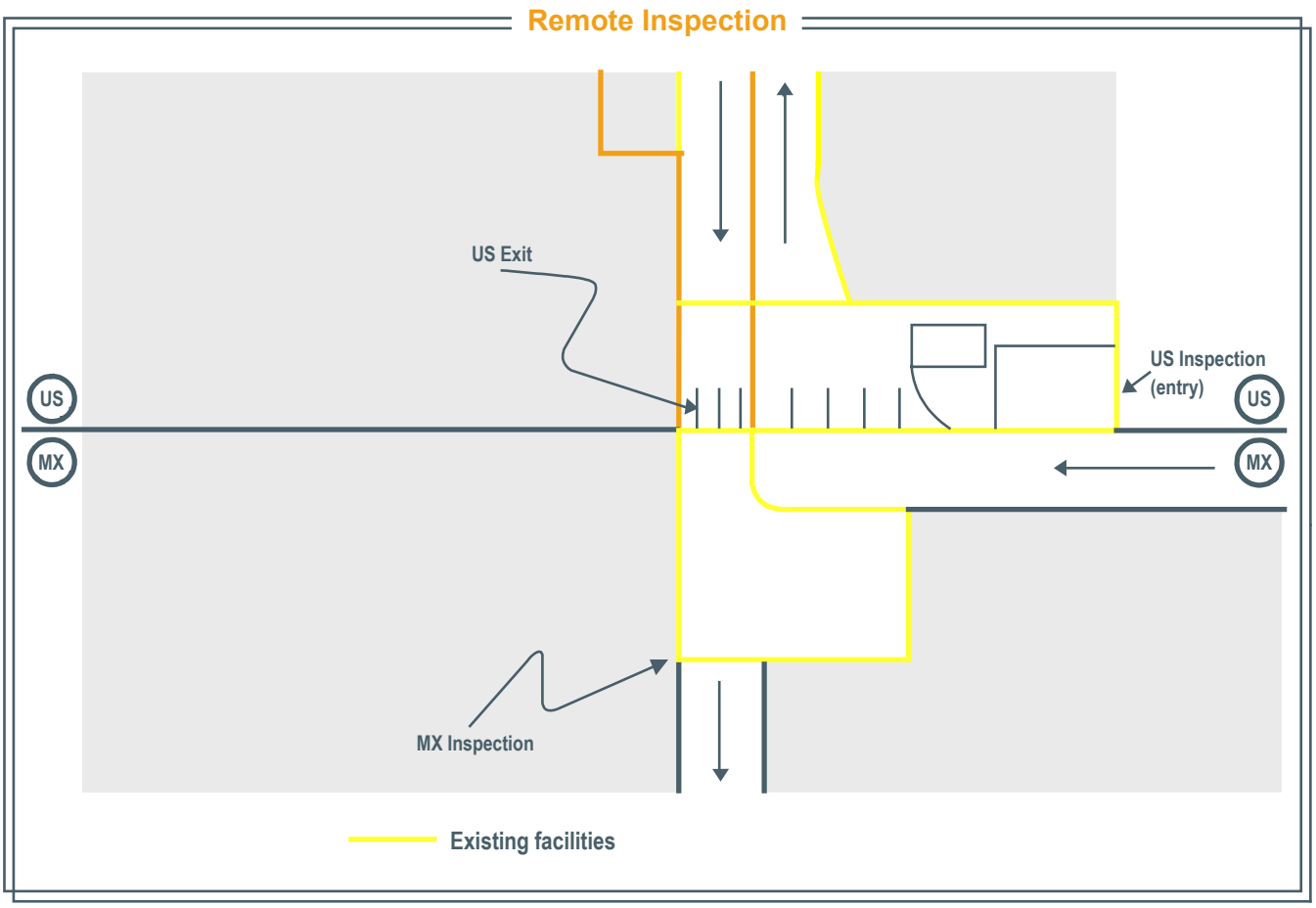
4-01

Slide 2: Option A, Duplicate Facilities: This is essentially what is considered to be the worst-case scenario in which for an exit system to be implemented, the duplication of the infrastructure for entry inspection will be necessary. This has a number of limitations, including the lack of space available at most POE facilities along the U.S./Mexico border region.



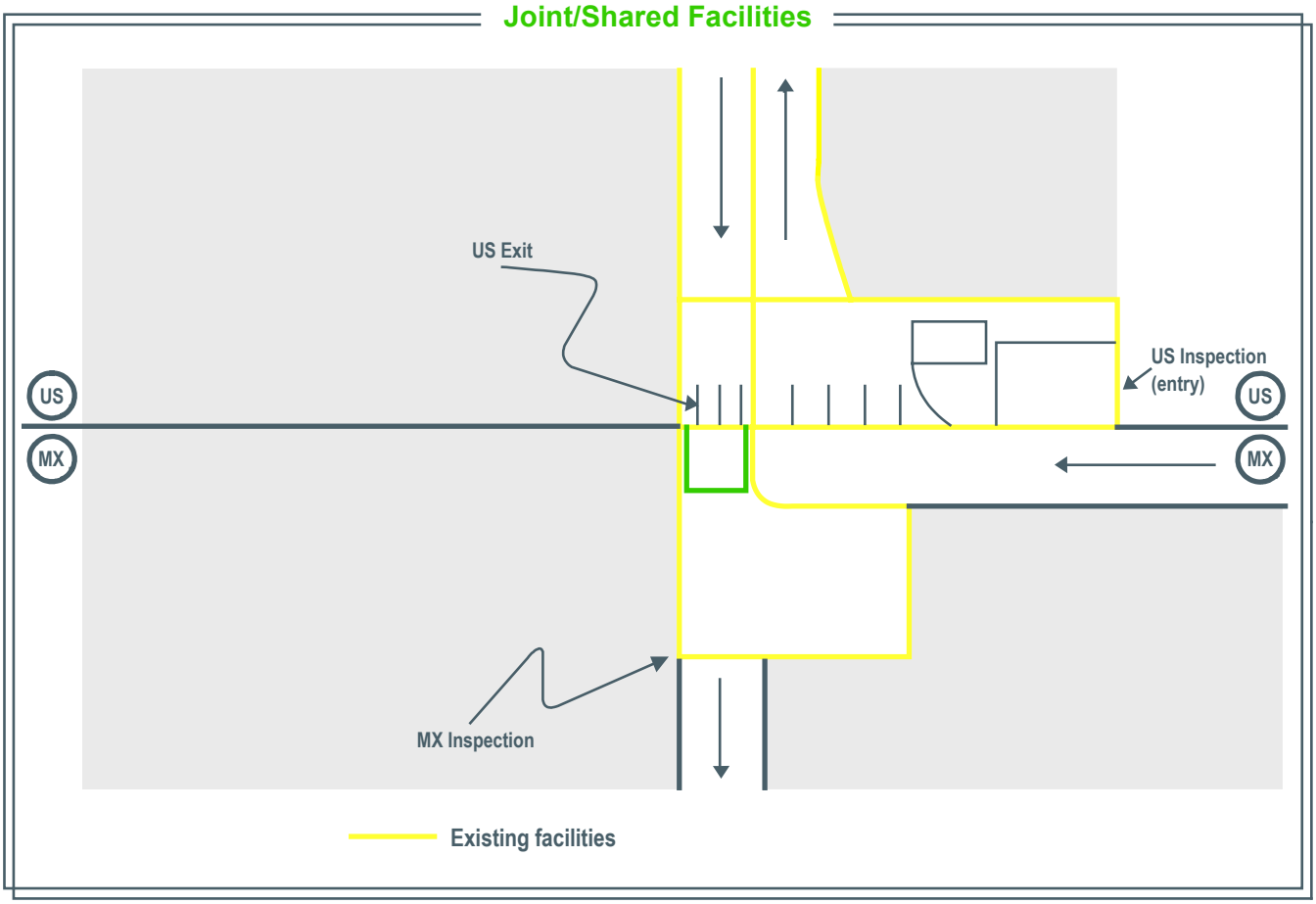
4-02

Slide 3: Option B, Remote Inspection: This is a consideration for those POEs that have lack of space but have the possibility of creating what essentially becomes a closed traffic corridor from the point of inspection to the international boundary. The Mexican government has deployed this concept for the commercial crossing at Nogales, Sonora. This option has several limitations, particularly in those areas where border retailers and commercial sections exist in very close proximity to the international boundary. Creating a special no-access zone would be an obstacle for the retail community in some instances.



4-03

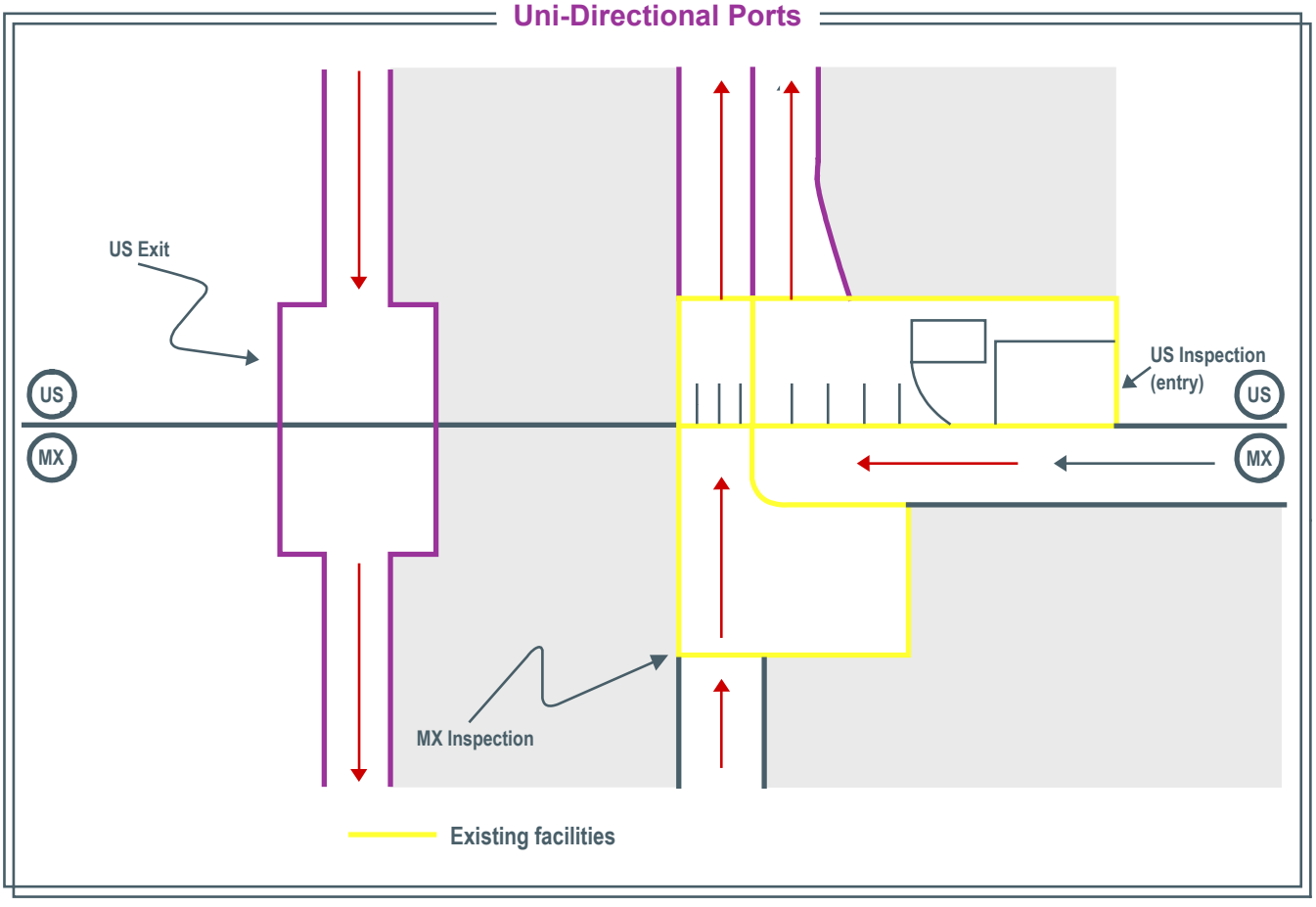
Slide 4: Option C, Joint or Shared Inspection Facilities: Recognizing the space limitations, there should be consideration for the utilization of the Mexican side of the inspection facilities in order to deploy an exit control from the U.S. This requires considerable legal review as to the possibilities for inspection on the other side of the border, but it is an option that needs to be explored as a potential alternative that maximizes the already existing infrastructure on both sides of the border before constructing any new ones.



4-04

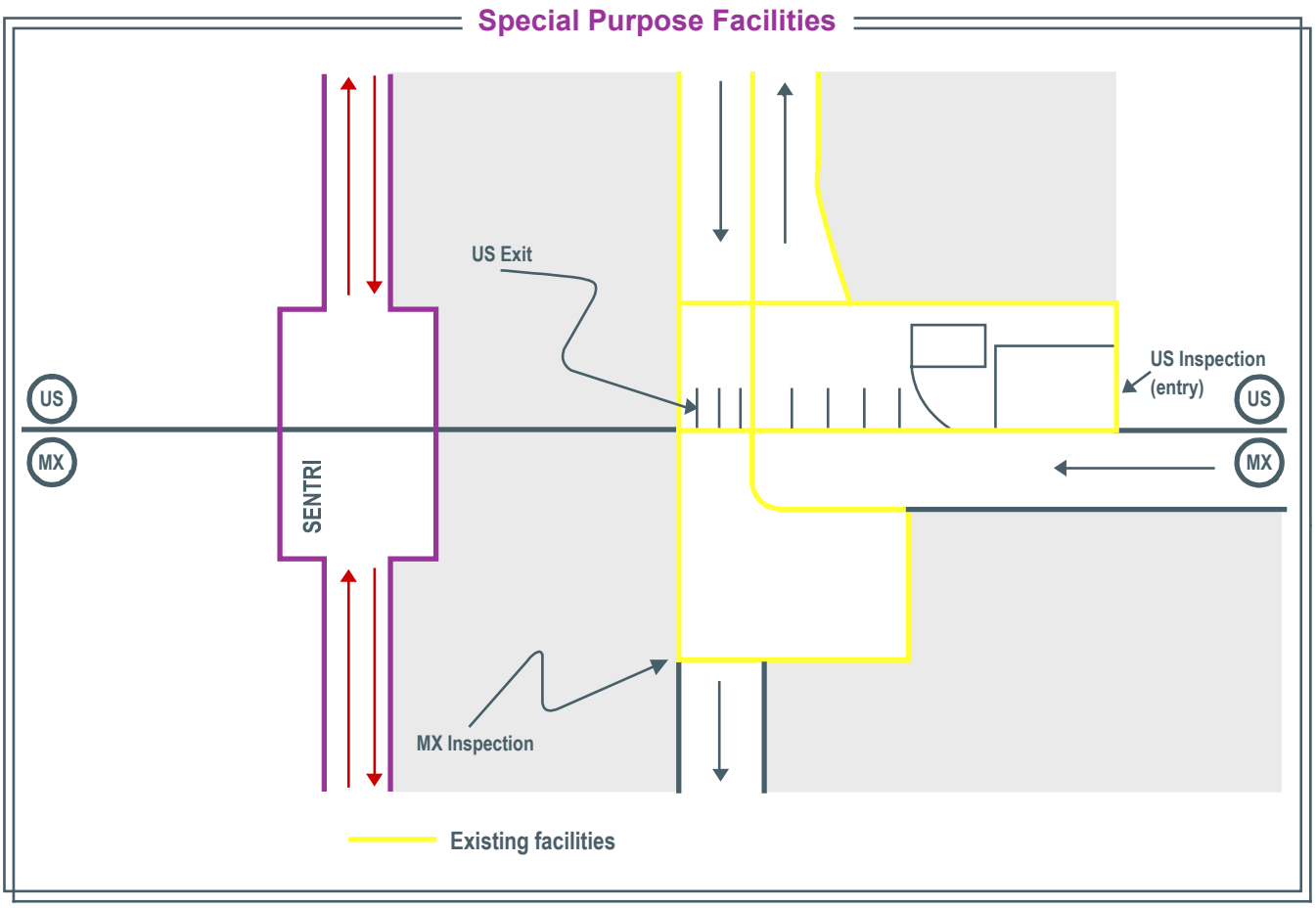
Slide 5: Option D, Uni-Directional Ports: The concept of uni-directional ports recognizes that, as originally conceived, an entry/exit system requires the imposition of an exit control on the limited infrastructure that currently exists for an entry control. Consideration should be given, where appropriate, to create a POE and a port of exit in different locations. This would allow the current infrastructure that is used for departure at the existing POE to be converted for assisting the U.S. entry inspection (converting southbound lanes into northbound access infrastructure). As a result of our various visits to POEs along the U.S.-Mexico border, we have been informed that some communities have taken the initiative to independently discuss and pursue this alternative, including:

- The conversion of existing POEs within close proximity to each other into uni-directional facilities (one dedicated to entry and the other to exit).
- The construction of a uni-directional facility in association with the conversion of an existing facility.



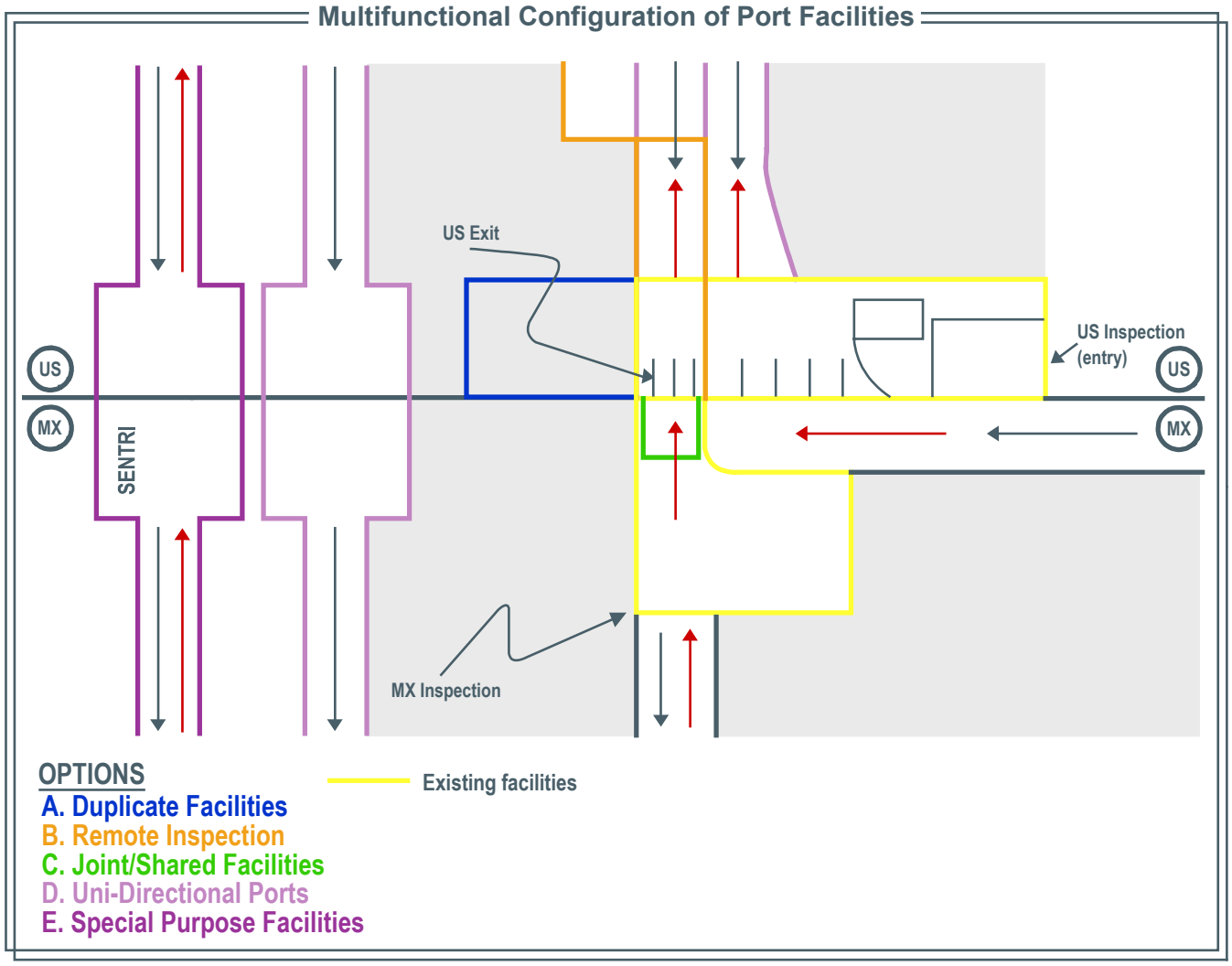
4-05

Slide 6: Option E, Special Purpose Facilities: There is also the potential creation of a special purpose facility, such as a SENTRI-only port. This is a consideration given the possible approach of separating low-risk travelers from the high-risk or no-risk associated travelers. Part of the analysis on the creation of the special purpose port would include the determination of the willingness of people who sign up for SENTRI to travel additional distances in order to cross through a special purpose facility that is dedicated only to low-risk travelers.



4-06

Slide 7: Multipurpose Configuration: This slide outlines the potential multipurpose configuration of a port facility that might include the imposition of entry/exit in an existing infrastructure, creation of uni-directional POE and port of exit, the creation of special purpose ports, as well as the possible consideration of joint or shared inspection facilities.



4-07

EXHIBIT 1: VISA ISSUANCE CONSIDERATIONS

Given the increased focus on security screening of visa applicants prior to their arrival in the U.S., it is imperative that the databases accessible by consular officers overseas be integrated with the entry/exit system. As an example, Section 222(g) of the Immigration and Nationality Act states that a visa issued by a consular post overseas is automatically rendered invalid if an individual overstays the authorized period of admission to the U.S. and is not valid for subsequent entries. Currently, there is no method for documenting these overstays and informing the traveler, inspection officers at POEs, or consular posts abroad of the automatic invalidation, leading to many individuals re-using invalid visas for entry or obtaining subsequent visas without appropriate checks. Such data sharing should be available in as close to real time as possible, but, of course, must also be integrated with databases that monitor the status-related activities of an individual while they are in the U.S. (e.g. change of status or extension of status filings that would extend the "authorized period" from that granted at admission).

Also as a result of the current security environment, much has been said about the policies of the DOS with regard to conducting in-person interviews of visa applicants at consular posts abroad. In recent years, the use of the interview waiver authority by DOS has been broad, primarily due to resource constraints and increased visa application volume, but also because additional information is made available to consular posts for background checks of applicants without personal interviews. The statutory requirement for collection of biometric data on all visa applicants will require review of the in-person interview requirement. If the biometric selected is not able to be submitted remotely (i.e., via mail or a third-party vendor) substantial new resources will be required at every visa-issuing consular post around the world to handle the additional workload to ensure that legitimate international travel is not impeded. This would most likely require a multi-year effort to increase staffing, install appropriate technologies, and ensure necessary security at embassies and consulates, which would have a large increase in visitors on premises daily. These considerations must be accounted for as the system is designed and implemented.

EXHIBIT 2: VOLUME AND STATISTICS

The level, intensity, and duration of inspections possible at land border POEs are much different than at sea or air POEs. The principal distinction is the sheer volume of inspections. Over 80 percent of all inspections of individuals are done at land border POEs, more than 400 million annually (Source: INS Inspections Statistics). Air inspections are second with just under 80 million annually, or about one-fifth the volume of land borders. Further, land borders carry a high volume of commercial freight traffic. In 2000, just 10 land border POEs accounted for 73 percent of all North American trade by land, with Detroit, MI, and Laredo, TX, combined accounting for more than 30 percent of the total. There were more than 11.5 million truck crossings across U.S. land borders in 2000 averaging over 31,000 each day. (Source: North American Trade and Travel Trends, ITA, DOC).

Furthermore, land border crossings are the only POEs where commercial freight inspections are commingled (at most POEs) with passenger inspections. This means that at most land POEs the potential for traffic congestion is significantly heightened. Most land border POEs estimate that for adequate traffic flows, individual passenger car inspections can last no longer than 30 minutes on the U.S./Mexico border. Delays and congestion at land border ports also have the potential to have more severe negative impacts, not only to trade and travel, but also to the environment, the health of inspectors and passengers/drivers, and the surrounding communities–factors that are not present, or not to the same degree, at other types of POE.

Finally, advance data on either approaching commercial freight or passengers is limited or non-existent at land border ports. About 87 percent of all U.S./Mexico travel, and 66 percent of U.S./Canada travel involves same-day trips. (North American Trade and Travel Trends, ITA, DOC). Ninety percent of Canadians live within 100 miles of the border, resulting in travel times less than 2 hours for most travelers to reach the border. About 10 million people live in the U.S.-Mexico border area, with 92 percent of these living in or near the 14 sister or twin cities along the border (U.S.-Mexico Chamber of Commerce). Many commercial vehicles crossing the land borders also are traveling from very short distances. The location of the automotive industry in towns in Ontario close to the Detroit crossings, and the location of *maquiladoras* along the Mexican border demonstrate the short distances many trucks travel before arriving at inspection POEs.

As this data clearly shows, the type of inspection done at land border POEs must necessarily differ from those at other types of POE. Further, the ability of inspectors to have access to advance information with which to make pre-arrival assessments is limited, and the available time for primary inspection is even more limited. Thus, documentary requirements and types of inspections for land borders must take these factors into account.

The following is excerpted in part from the Federal Highway Administration's (FHWA) June 2002 *FREIGHT NEWS*:[19]

In 2001, FHWA's Office of Freight Management and Operations, supported by Battelle and the Texas Transportation Institute (TTI), undertook an on-site review of seven POEs that handle

[19] http://www.ops.fhwa.dot.gov/freight/pp/Travel%20Time%20and%20Delay.pdf

over 60 percent of U.S. truck trade among the three NAFTA nations. Linked with research now under way to simulate border-crossing activity using a model called "Border Wizard," these site reviews will enable the FHWA to make informed recommendations about crossing improvements. The results also will help the agency to engage with other federal, state, and local jurisdictions in constructive dialogue about how, together, all can improve the performance, security, and mobility of commerce at these important international locations.[20]

The on-site reviews found (in-part):

- The time needed for processing commercial vehicles entering the U.S. (inbound clearances) to be significantly longer than that for departing (outbound clearances) at almost every location.
- The actual extent of delays encountered in both directions, and the reasons for them however, tended to vary by individual POE.
- The site-specific findings may not readily lend themselves to a "one size fits all" corrective action initiative.
- Increased traffic volume did not necessarily correlate with significantly increased delay.
- In total, for all seven POEs, the average inbound travel time was 26.8 minutes, while the average outbound travel time was 14.2 minutes.
- Unfortunately, average travel time does not tell the whole story, as at several crossings, many trucks took significantly longer to transit the seven POEs.
- Not surprisingly, the number of inspections and processing booths open at each POE at any given time had a significant influence on the variability of travel time and delay.
- Before September 11, 2001, U.S./Canadian POEs generally processed inbound trucks with less delay, and with less variability, than did U.S./Mexican POEs.
- A study on urban mobility, performed for FHWA by TTI, indicated that delay times along urban roadways are more predictable and not as volatile in their swings across the sample day as those witnessed at the seven POEs in 2001.

[20] The seven POEs reviewed in 2001 were: 1) Otay Mesa, California; 2) El Paso, Texas; 3) Laredo, Texas; 4) Blaine, Washington; 5) the Ambassador Bridge (Detroit), Michigan; 6) Blue Water Bridge (Port Huron), Michigan; and 7) Peace Bridge (Buffalo), New York.

EXHIBIT 3: STAKEHOLDER MEETINGS

San Diego, California

On June 11, 2002, the DMIA Task Force's Southern Border Subcommittee convened a stakeholders' meeting at the offices of the San Diego Association of Governments (SANDAG). The purpose of this meeting was to solicit ideas and solutions from the community on an entry/exit system.

San Diego-area organizations represented:

City of Tijuana
Tijuana Board of Tourism
State of Baja California
Mexico National Migration Institute
Crossborder Business Associates
San Diego Dialogue
SANDAG
San Diego Convention & Visitors Bureau
U.S. Department of Commerce
CIC Research
U.S. Immigration and Naturalization Service
U.S. Chamber of Commerce
Mexican Consulate's office in San Diego
South County Economic Development Council
Border Trade Alliance

McAllen, Texas

On August 15, 2002, the DMIA Task Force's Southern Border Subcommittee convened a stakeholders meeting at the offices of the Chamber of Commerce located in McAllen, Texas. The purpose of this meeting was to solicit ideas and solutions from the community on an entry/exit system.

McAllen-area organizations represented:

Border Trade Alliance
U.S. Chamber of Commerce
American Trucking Associations
U.S. Immigration and Naturalization Service
Renaissance
International Immigration Consultant
Progreso Bridge Company
U.S. Customs Service
U.S. Border Patrol
Pharr Bridge Company
MEDC

Aloe Vera of America
Camara de la Construccion
Reynosa
GSW MFG, Inc.
McAllen Airport
Butterfly Boutique
Consulate of America
Maqui Logistics
Municipio Reynosa
Hawthorn Suites
Four Points by Sheraton
CIS
Monroy and Asociados
City of Laredo
International Bridge-Hidalgo
Starr Camargo Bridge Company
Law Office of Tony Villeda
U.S. Consulate Matamoros
Godinez International
Zacatecas International Airport
Holiday Inn, C.C
McAllen Fire Department
FINSA/COPARMEX
Aduana Reynosa
City of McAllen
Firtz's Travel
I. Nacional McGracion
KGBT-KLWW FM
INM
Camara de Comerico Reynosa
LRGUDC
DMN
SAM
Office of Congressman Ruben Hinojosa
Club Rotario
Deg. Matamoros 84
Aduana Miguel Aleman
Oficina LELA/UFW
Centro Empresiarial Reynosa

A. OVERVIEW

Currently, arrival information pertaining to passengers entering the U.S. is collected and transmitted electronically by the aviation industry through APIS. As of October 1, 2002, all arrival and departure information pertaining to VWP travelers must be transmitted electronically through the APIS format. Beginning January 1, 2003, regulations require that the airline industry submit both the electronic arrival and departure transmission for all passengers in the APIS format.

The aviation industry would like to suggest a more coordinated effort among the INS, USCS, TSA, and other airports and carriers regarding current available resources to allow for an integrated entry/exit system. In view of the fact that all airport facilities differ, a selected entry/exit system will have a significant impact on individual airport facilities. It is essential to consider utilizing space, technology, equipment, and resources presently available within the airports as the entry/exit system is put into practice.

The Airport Subcommittee proposes a “passenger entry/exit” plan that will make use of a distinctively encoded boarding pass. This proposed exit portion of the plan would prevent restricted passengers from boarding an aircraft and departing the U.S. In addition, this proposed plan would also integrate a federal presence regarding exit from the U.S.

B. SUBCOMMITTEE REPORT

The airport entry/exit system should be a coordinated effort between government and industry stakeholders, utilize existing resources, allow for interoperability, minimize impact on aviation operations, secure our borders, and allow for the expedited facilitation of the traveling public.

The border management responsibilities of the U.S. Government are to protect the U.S. and its territories from threats to national security, and enforce immigration and customs laws. Border management responsibilities also include promoting the legitimate flow of people and goods, which fuel our economy. The U.S. has more than 300 land, air, and sea POEs where international travelers are inspected and permitted to enter the U.S. in accordance with applicable laws and regulations. Each year, there are more than 500 million entries into the U.S. through these POEs. This volume is projected to rise dramatically, intensifying the need to improve the U.S. Government’s ability to manage its borders. The U.S. Government must effectively and efficiently determine the admissibility of international travelers while maintaining our commitment to an open society.

Since 2000, the U.S. Congress has enacted many laws that require the U.S. Government to commit to improve its border management capabilities, including establishing an integrated entry/exit system. This commitment is supported by the Attorney General’s DMIA Task Force established by the DMIA of 2000, VWPPA of 2000, the USA Patriot Act of 2001, the Aviation Transportation Security Act of 2001, the Enhanced Border Security and Visa Entry Reform Act (BSA) of 2002, and other related laws that establish statutory requirements for an automated entry/exit system and enhancements to border security.

The implementation of an entry/exit system for use in border management is required by statute. The deadlines, requirements, and the pertinent statute are illustrated on the following table.

Statutory Requirements for Implementation of Entry/Exit System

Date	Requirement	Statute
12/15/2000	Establish DMIA Task Force	DMIA
10/1/2001	EE System for VWP Applicants at Air and Sea Ports-of-Entry	VWPPA
10/1/2002	No VWP For Aliens Not Electronically Transmitted	VWPPA
10/1/2002	Enable Officers to Access VWP Information	VWPPA
10/26/2002	INS fully integrate all databases and data systems that process and contain info on aliens	BSA
10/26/2002	Report to Congress - Information Needed to Screen Visa and Admission Applicants	PA
10/30/2002	Report to Congress - Effectiveness of the VWPPA Legislation	VWPPA
12/31/2002	Report to Congress - Immigration Data and Analysis	DMIA
12/31/2002	Report to Congress - Task Force Progress and Recommendations	DMIA
12/31/2002	Report to Congress - VWP Analysis	VWPPA
1/1/2003	Arrival and departure manifest must be electronically transmitted	BSA
12/31/2003	Implement EE at Air and Sea Ports-of-Entry	DMIA
12/31/2003	Report to Congress - Task Force Progress and Recommendations	DMIA
12/31/2003	Report to Congress - VWP Analysis	VWPPA
12/31/2003	Implement EE at Air and Sea Ports-of-Entry with Biometrics & Tamper-Resistant Docs	PA
12/31/2004	Implement EE at 50 Land Border Ports-of-Entry	DMIA
12/31/2004	Report to Congress - Task Force Progress and Recommendations	DMIA
12/31/2004	Report to Congress - VWP Analysis	VWPPA
12/31/2004	Report to Congress - Effectiveness of EE System, VWP Recommendations	VWPPA
12/31/2004	Implement EE at 50 Land Border Ports-of-Entry with Biometrics & Tamper-Resistant Docs	PA
12/31/2005	Implement EE at Remaining Ports-of-Entry	DMIA
12/31/2005	Report to Congress - Task Force Progress and Recommendations	DMIA
12/31/2005	Report to Congress - VWP Analysis	VWPPA
12/31/2005	Implement EE at Remaining Ports-of-Entry with Biometrics & Tamper-Resistant Docs	PA

DMIA – Data Management Improvement Act
VWPPA – Visa Waiver Permanent Program Act
PA – USA Patriot Act
BSA – Enhanced Border Security and Visa Entry Reform Act

In order to develop a comprehensive entry/exit system, all U.S. Government agencies that have responsibilities for border management should share information regarding travelers and transportation systems and integrate that information into a single system. These agencies include the DOJ, DOS, Treasury, DOT, other FIS agencies, and other stakeholders.

In order to function as a border management tool, an entry/exit system must be able to collect, maintain, and share data/information on individuals who enter and exit the U.S., yet enhance the flow of legitimate traffic across the borders, facilitate travel and commerce, respect the environment, and strengthen international cooperation.

Recently passed legislation defines fundamental requirements for achieving this improvement through recording, integrating, and sharing arrival and departure information. These laws impact each area of the process for people or commerce arriving and departing the U.S. This chapter will discuss the impacts, assumptions, contraints, and possible solutions regarding embarkation from a foreign location, entry to and exit from the U.S., and stay management issues as they affect the airport environment.

The Airport Subcommittee also proposes the use of a board/don't board card system in conjunction with the exit process. The passenger exit process, which will be a new component of U.S. international travel, must be given consideration specific to its operational impact on aviation and existing facilities.

Boarding Process (Overseas)

The overall process for travelers arriving from overseas has not changed significantly since September 11, 2001: the security and baggage checks have increased, but the federal requirements to have a valid travel document and visa (when applicable) remain the same. Since 1988, the airline industry has actively, though voluntarily, participated in submitting arrival manifests to the U.S. Government inspection agencies as part of APIS[21]. The airline agent collects the information required to be in compliance with the program at the check-in desk at the airport. In order for the airlines to collect the information from the traveler's document, the airlines have installed document readers in many locations, such as those used by FIS agencies. If the document has a magnetic swipe stripe that is compatible to the International Civil Aviation Organization (ICAO) standards, then the airline agent swipes the document through the reader, and the information is downloaded into the reservation system, which creates a manifest to be submitted through APIS to USCS. USCS has approximately 15,000 document readers in use by over 64 airlines. The airline agent also checks for validity of the travel document and for a visa, if required.

For millions of aliens, entry into the U.S. must be preceded by the issuance of travel documents at U.S. consulates or embassies abroad. The principal travel documents issued are IVs, NIVs, and BCCs (also referred to as laser visas).

[21] The USCS in 1988, in cooperation with the INS and the airline industry created APIS. APIS uses document readers to scan machine-readable zones on documents, such as passports, and transmit the information to the Newington Data Center for comparison to USCS enforcement databases.

The first step in the process of issuance of most IVs is the filing of an IV petition with INS. If INS approves the petition, it is forwarded to the National Visa Center (NVC) in Portsmouth, New Hampshire, for further processing. All immigrant visa applicants must appear personally at U.S. consulates or embassies to be interviewed by a consular officer prior to issuance of their visas. Through IV data share, the issued IV information is sent electronically to INS at POEs so that it will be available when the immigrants arrive for entry processing.

The first step in the process of issuance of some NIVs, such as visas for temporary workers, is the filing of an NIV petition with INS. If INS approves the petition, it is forwarded to the NVC for further processing. The beneficiary of the petition and the U.S. consulate or embassy at which the beneficiary will apply for the NIV are informed of the approved petition. The beneficiary can then pay the visa fee and submit a valid passport, NIV application, and any other required supporting documentation to the U.S. consulate or embassy.

All NIV applications with digitized photos are sent electronically to Washington, D.C. to be entered into the Consular Consolidated Database and also to be shared with INS at POEs. Transmission of this NIV data is on a real time basis; with the database being updated every few minutes and the NIV data being shared with INS at the same time. This NIV data share ensures that INS inspectors have NIV data available at POEs for all arriving non-immigrants with NIVs. The NIV data-share system has been in effect since December 2001, and the DOS has shared the NIV database with INS dating back to 1998 NIV issuances.

Since its implementation in 1988, the VWP has allowed more people to travel to the U.S. from 28 countries[22] for the purposes of pleasure or business without first obtaining a nonimmigrant visa from a U.S. embassy or consulate. The traveler may stay up to 90 days, then must depart the U.S. as the program does not allow for requesting an extension of stay while in the U.S.

Currently, information about a traveler that is collected at the time of check-in and submitted by APIS after the flight departs the last foreign port prior to arrival into the U.S. contains the following data elements:

[22] VWP countries include: Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, the United Kingdom, and Uruguay.

First Name
Middle Name
Last Name
Date of Birth
Nationality (of person if exempt document)
Gender
Document Type
Document Number
Document Country of Issuance
Airline IATA Code
Flight Number
Departure Location IATA Code
US Arrival Location IATA Code
Date of Flight Arrival

The enactment of the VWPPA and the BSA has mandated that commercial carriers (air and sea) provide an electronic manifest on both arrival and departure. On October 1, 2002, all VWP passengers' arrival and departure information will be submitted through transmission to the APIS system, then on January 01, 2003, all remaining passenger and crew information will be submitted electronically. The BSA mandated that these additional data fields are required to be submitted electronically for both arrival and departure:

Passport Number
Passport Country of Issuance
Visa Number (where applicable)*
Visa Place of Issuance (where applicable)*
Visa Date of Issuance (where applicable)*
Alien Registration Number (where applicable)
Country of Residence
Address in the United States
Passenger Name Record Locator

*USCS and DOS are able to capture the required visa information through IBIS when the machine-readable passport is swiped. As such, though the visa provisions are mandated, the information can be already be captured and processed by government agencies through data-share initiatives within the IBIS system.

Proposal

Government agencies should continue to use and expand upon available electronic data-sharing capabilities to capture the mandated information, thereby ensuring more accurate data as the efforts move toward the elimination of the paper I-94 arrival/departure record and development and implementation of electronic arrival/departure record.

The INS and USCS are the primary users of the APIS system. The alien traveler must complete INS form I-94 or I-94W, *Arrival/Departure Record*, to be submitted to the inspecting officer upon arrival into the U.S. All travelers returning from foreign countries must complete USCS Declaration Form 6059B to be submitted to USCS at the POE. Much of the same information that is currently submitted or will be submitted electronically beginning October 1 is also collected on the Form I-94.

Assumptions/Constraints

For the pre-entry process to work effectively under the entry/exit system, there will need to be enhanced communications and data sharing among impacted federal agencies. Information that can affect visa eligibility–such as overstays, withdrawals of applications for admission, expedited removals and deportations–should be entered immediately into the DOS Consular Lookout and Support System (CLASS) so that it will be available to consular offices should the alien apply for a visa the same day or the next day. Consular officers should have on-line access to all relevant information in the entry/exit system showing an alien's record of entries, exits, and adjustment of status as the information may affect visa eligibility. The visas issued at Foreign Service posts will be fraud-proof if INS inspectors are able to swipe them at primary inspection and immediately retrieve on their computer screens the issued visas and photographs through the visa data-share program.

An entry/exit system should be initiated at a place prior to an individual arriving at a U.S. POE. These include the collection and dissemination of information from visa or petition requests by aliens who wish to travel to the U.S., and also certain information on passengers traveling via a commercial carrier.

The process begins when a potential visitor or immigrant applies for a visa at a consular office abroad, or a petition is filed with the INS on their behalf. Once a visa application is received, it is entered into the DOS visa system ultimately residing in a central database. Petitions are received by INS and entered into their petition system.

When a visa or petition application request is granted, this event triggers the creation or update of a record in the centralized entry/exit system. A travel record should, at a minimum, contain the visitor's or immigrant's personal identification information and a connection to the visa or petition record in its originating system/database.

If a traveler does not require a visa (as is the case with returning U.S. citizens, permanent residents, or citizens of Visa Waiver countries), then the process may begin when commercial carriers collect information on passenger manifests. A travel record can be created, or

updated if a record already exists, from the mandated advance passenger information (API) generated by a commercial carrier.

The API from commercial carriers can be used to check whether any passenger's information matches records contained on integrated watchlist database(s). If a passenger is suspected to be a match to a watchlist record, then appropriate authorities will be notified. Updating the information from the watchlist will not fall to the commercial carriers, but to the agency that submitted the watchlist record.

Proposal

Continue use of APIS and modifications necessary to meet changing entry and exit requirements.

Arrival Process

Aircraft arriving from a foreign territory are inspected at POEs designated in Title 8 Code of Federal Regulations (CFR), section100.4(c)(3) under authority contained in section 234 of the INA. Although the total volume of passengers is small by comparison to that of land borders, the inspection process is considerably more complex, reflecting the diverse nature of the persons seeking admission to the U.S. Personnel assigned to airport inspection duties are generally funded by the Inspections User Fee Account, from revenue generated by a $7 per-person charge paid by each arriving passenger through a surcharge to their airline ticket price.

The airlines are responsible for submitting to the INS Form I-92, *Aircraft/Vessel Report*, listing the number of passengers in the categories of U.S. citizen, legal permanent resident, and alien. Currently, the Form I-94 is the arrival manifest for alien passengers. The crew list manifest is provided on either an ICAO General Declaration or USCS Form 7507.

Passengers queue in lines, which are often designated for specific groups such as U.S. citizens, returning residents, and students, with the remaining lines reserved for all other passengers. A different queue is designated for the inspection of crewmembers at most POEs.

A primary inspector at an airport performs a series of procedures to quickly complete the admission of readily admissible persons and to detect and refer to secondary inspection those needing further questioning or more involved processing. The primary Immigration inspector conducts an inspection for immigration purposes, including a lookout query for all agencies.

A primary officer determines identity, examines the applicant's travel documents, and completes immigration primary inspection of various categories of aliens and citizens, including adjudication of Form I-94 for admissible non-immigrants. During the primary inspection, the inspecting officer ensures that each applicant for admission is queried in IBIS/APIS as part of the primary query.

Should IBIS fail, the POEs have a backup system that uses a combination of local area networks and access to other selected systems.

If passengers cannot be admitted on primary, they are referred to the INS secondary office for further review and inspection. Once passengers are admitted to the U.S., they will retrieve their luggage and continue on to USCS and the U.S. Department of Agriculture for inspections.

Assumptions/Constraints

The entry process should leverage information gathered during the embarkation process described previously. Typical entries involve visitors from visa waiver countries who are traveling to the U.S., or a U.S. citizen or lawful permanent resident who is returning from an international journey. The FIS agencies will have access to the travel record as part of the APIS submission prior to the passenger's arrival. The information should be used to determine risk levels of the passengers onboard the aircraft.

The entry process continues with the international traveler reaching a U.S. POE and applying for admission. The traveler's documentation is reviewed for authenticity by an INS inspector to identify visa and passport fraud, machine-readable documents (when applicable) are "swiped" through a reading device, the traveler is vetted against a consolidated watchlist database, and temporary visitors are questioned regarding the purpose of their visit to the U.S. (If the traveler is a U.S. citizen or legal permanent resident, he/she is not questioned as to his/her purpose of travel to the U.S.) Once the information is matched, the information should be updated to record the appropriate entry on the travel record.

Proposal

Processing of travelers will continue to be done in an efficient, professional, and courteous manner.

Proposal

As the entry/exit requirements change for the U.S., it is imperative that an effective coordinated communications outreach program be developed to ensure not only the compliance of the traveler but also a proactive message from government and industry to explain any new procedures so as not to hamper travel and commerce to the U.S.

Proposal

As the entry/exit requirements develop into an electronic collection format, it is imperative to ensure compliance with current data requirements and continue to provide necessary travel statistics.

Exit Process

The exit process has changed significantly for the airlines and passengers since the tragic events of September 11, 2001. The airports are working diligently with the federal law changes such as prescribed in the VWPPA, BSA, DMIA, and the Aviation and Transportation Security Act of 2001 (ATSA). The changes have included infrastructure and resource impacts

on the airports and airlines. Airports expect significant modifications to their infrastructure by the end of the year in order for the TSA to meet the ATSA mandates.

Along with the changes to the boarding process and security check procedures, the carriers are mandated to provide outbound API on VWP passengers by October 1, 2002, then on all passengers and crew by January 1, 2003. The use of APIS manifest information is in addition to the current manual submission of form I-94 as a method for recording non-immigrant travelers entering and exiting the U.S. This process is manual and does not employ any advanced information technology. The handwritten I-94 forms are collected from travelers by airline agents or at seaports upon departure. I-94 forms are entered manually into the NIIS and are not matched in an efficient and cost effective manner.

To enhance and automate the electronic capture of passenger and crew manifest, the INS is currently developing the Visa Waiver Permanent Program Act Support System. The first phase of development was implemented on October 1, 2002. The computerized system will match a traveler's arrival electronic manifest information with the departure manifest information at airports and some seaports. In January 2003, it is planned for the system to interface with a student visa system called Student Exchange Visitor Information System (SEVIS).

As a person is checking in at an airline counter, the agent checks for the proper travel documentation, such as a valid passport and onward visa to enter another country. If the departure portion of the form I-94 or I-94W is found in the passport, the agent pulls the form and stamps the back with the departure flight information and the date of departure. All of the departure form I-94s or I-94Ws are collected for that flight, bound together with the form I-92, and submitted as the departure manifest. Air carriers are required to submit departure manifests, ordinarily within 2 working days of departure. The POE is responsible for reviewing and sorting the departure forms and forwarding them for data entry. In addition, POEs must obtain departure flight schedules and ensure manifests are received for all scheduled departing flights. Unlike arrival forms, departure I-94 forms do not have to be separated, except for Form I-94T, *Transit Without Visa (TWOV)*.

Assumptions/Constraints

The exit process is assumed to build on the use of an identifiable travel record that stays with the person from embarkation to exit of the country. If the traveler is leaving the U.S. via a commercial carrier, the carrier issues a ticket that generates a record in the APIS database, which will automatically create or update the travel record based on the APIS data. The traveler then proceeds to the exit inspection decision process. If the traveler does not use a commercial carrier to exit, the traveler proceeds directly to the exit inspection decision process.

In the exit inspection decision process, INS will determine the need for a complete exit inspection based on the current threat level, as well as other factors such as the need for random inspections. If an exit inspection is not required, the identity and status of a traveler is validated and, depending on the category of the traveler (e.g., U.S. citizen), the traveler is allowed to exit and this event is recorded as part of the travel record. If an exit inspection is required, the traveler's identity and status are ascertained and vetted against the travel record

and watchlist databases. If the traveler is not on the watchlist, he/she is allowed to exit and this event is recorded appropriately. If the traveler is suspected to be a match to a watchlist record, then appropriate authorities will be notified. In the case that a traveler is actually matched to a watchlist record, then the travel record will be updated based on action(s) taken by the appropriate authorities.

The data captured in the future exit process will support the effort to manage overstays and provide information for reports to Congress and other stakeholders, as appropriate. The future exit process must also be capable of accommodating more detailed process steps to account for variances in air POE exit procedures, traffic volume, and other factors.

There may be a need to change or clarify policies relating to legal grounds for preventing a traveler from exiting the U.S. and the reasons for referring the traveler to an exit inspection.

Proposals

There should be a coordinated effort between INS, TSA and other FIS agencies, airports, and air carriers to utilize existing space, technologies, equipment and resources within the airport to allow for an integrated entry/exit system.

The airport subcommittee proposes a "passenger entry/exit" plan that will make use of a Board or Don't Board boarding pass.

Board/Don't Board Exit Process

The airport subcommittee recommends the passenger entry process of the entry/exit system be integrated into existing airport FIS areas maximizing the use of existing space and resources. The passenger exit process, which will be a new component of U.S. international travel, must be given consideration specific to its operational impact on aviation and existing facilities. The subcommittee therefore offers the following proposal for the passenger exit process in the airport environment (see Exhibit 1 for process flowchart):

- Passengers proceed to the ticket counter for outbound international flights.

- At the ticket counter, passenger information is entered into government databases, via airline agents' entry using a document reader.

- Upgrade existing air carrier ticket counter technology to allow the air carrier to enter passenger information into government databases that will allow a boarding pass encoded with a BOARD/DON'T BOARD INDICATOR (that is not obvious to the passenger) to be generated and issued to the passenger. (NOTE: Boarding pass layout is governed by an industry oversight committee, and any changes to the boarding pass must be unanimously approved by same.)

- If the passenger receives a BOARD boarding pass, he/she proceeds to the security-screening checkpoint, provides proof of identification and boarding pass to the screener who enters the BOARD boarding pass into a boarding pass reader. Once the reader

electronically verifies the BOARD status of the passenger, the passenger is cleared to proceed to the flight gate and then onto the aircraft, assuming there are no other issues with the passenger.

- If the passenger receives a DON'T BOARD boarding pass, he/she proceeds to the passenger security-screening checkpoint, provides proof of identification and boarding pass to the screener who enters the DON'T BOARD boarding pass into a boarding pass reader. Once the reader electronically verifies the DON'T BOARD status of the passenger, the screener refers the passenger to the federal law enforcement presence at the checkpoint for further action.

- The passenger is then escorted by the federal law enforcement presence to a secondary inspection area and upon resolution, an INS representative stamps the boarding pass to indicate positive resolution and the passenger is cleared to proceed to the flight gate and then onto the aircraft. If there is not a positive resolution, the passenger is not allowed to proceed and may be taken into INS custody.

- INS should consult with the TSA to review the TSA security screening checkpoint design template. The template, in general, requires an expansion of existing checkpoints to allow for additional security equipment and procedures and accommodate an increased federal law enforcement presence.

- For interline passengers (passengers who travel from a non-international airport to an international airport for U.S. departure) the same procedure for passengers receiving a BOARD boarding pass, referenced above, will occur.

- Interline passengers at airports without an on-site INS presence who receive a DON'T BOARD boarding pass will proceed to the security-screening checkpoint, where proof of identification and the boarding pass are presented to the screener, then the boarding pass is entered into the boarding pass reader. Once the reader electronically verifies the DON'T BOARD indicator, the federal agency responsible for the security-screening checkpoint is directed to contact the local INS or USCS port office to validate and verify the passenger information.

- Upon communication with the INS or USCS port office, if the DON'T BOARD indicator is resolved positively, the federal security presence at the checkpoint stamps the boarding pass to verify resolution; the passenger is then cleared to proceed to the flight gate and onto the aircraft.

- If the DON'T BOARD indicator is not resolved and the passenger is not allowed to board the aircraft, the federal security presence at the checkpoint detains the individual until such time as an INS representative arrives to take custody of the passenger.

- In lieu of a stamp on the boarding pass to reflect resolution, the Airport Subcommittee discussed the alternative of having the airline issue a revised boarding pass to reflect resolution.

This system makes the most efficient use of existing airport facilities and does not allow DON'T BOARD passengers access to sterile areas of airports or the ability to board an aircraft.

Infrastructure Requirements

Surveillance equipment and other features will be required for the entry/exit system and will therefore require modifications to existing airport facilities.

The entry/exit system will only be successfully integrated into current operations if the INS and other FIS agencies recognize that available space at airports is limited at best and an airport's ability to fund new construction in the post-September 11, 2001, environment is severely restricted.

The entry/exit system may require modifications to existing airport facilities.

System Requirements

Proposal

A redundant and secure system should be developed for the continuation of traveler processing if databases or computer systems become inoperable.

The whole of the entry/exit system is dependent upon electronic transmission and storage of data. Congress' Joint Economic Committee has identified cyber security and infrastructure protection as synonymous, and both are subject to a high and immediate threat of disruption from terrorists. Predictive capabilities of IT clearance systems allow law enforcement to identify known criminals and bar their entry to the U.S. The vulnerability of the aviation industry and associated key infrastructure is heightened by their indivisibility from global communications. This seamless web could put a host of industries and facilities at risk from an information warfare attack.

Funding Requirements

Proposal

U.S. Congress, through general appropriations should release funding to the INS and/or the nation's airports to allow for modifications to existing airport infrastructures, which will allow for a successful integration of the entry/exit system.

Stay Management

The only involvement the airline industry has with the stay management process is when a law enforcement agency requests that the INS institute a prevent departure order as provided for in 8 CFR, Section 215. This provides explicit authority to limit the exit of aliens under certain provisions and U.S. citizens without a valid U.S. passport.

Managing the stay of visitors inside the borders of the U.S. includes monitoring the terms of their admission, changing their visit or immigration status, matching the entry record of each alien with their exit record, and determining if any alien has overstayed the terms of admission. This process is presently administered by the INS Immigration Services Division as one component of the overarching mission to manage the presence and adjudication of aliens in the U.S. The use of a travel record process will integrate the necessary multi-agency information to provide enhanced capabilities to monitor an alien's stay within U.S. borders and take appropriate action as required. An entry/exit system should interface with the INS's Central Index System (CIS). CIS contains case management and file location information and should be the prime repository for alien status information. An entry/exit system should update CIS with current entry and exit status information.

Other Areas Not Explored

For this report the Airport Subcommittee focused on an entry/exit system for those commercial flights that will be inspected in the U.S. Additionally, small/private aircraft and other inspection functions, such as the use of international in-transit lounges, progressive clearance, and pre-flight clearance in other countries, will be addressed in future reports.

Pre-clearance

The INS and USCS station personnel at pre-flight inspection sites in other countries to provide inspection services outside the U.S. Should a passenger be considered to be inadmissible to the U.S., the INS cannot refuse boarding. Rather, persons who are determined to be inadmissible are advised of this determination and are given the option of not traveling or of being placed in exclusion proceedings or expedited removal proceedings, as appropriate, upon arrival in the U.S.

Since INS has limited enforcement authorities overseas, violators detected are usually identified for the local law enforcement agencies, a significant benefit for the host country. Pre-inspection, therefore, provides an added layer of counter- terrorist screening. Cooperation with host country law enforcement agencies can result in the apprehension of wanted criminals or other persons engaged in criminal activities.

Small/Private Aircraft

Private aircraft are aircraft that are not regularly engaged in transporting goods or passengers on a commercial basis. INS and USCS accomplish inspection of persons on board private aircraft jointly, according to local procedures. All private aircraft entering the U.S. are required to notify USCS or INS (following established local procedures), generally at least 1 hour before anticipated arrival, to request the presence of an INS or USCS inspector. The inspection process for all persons on board is conducted in the same manner as for those on commercial flights.

All pilots complete a Form CF-178 (PAIRS) upon entry into the U.S. It is essential to add the pilot's and owner's area codes and telephone numbers to the form for informational purposes. In instances involving small commercial aircraft, the crew presents a *General Declaration Form,* CF-7507, and *Cargo Manifest* to the inspecting officer. The arrival information for these private aircraft is recorded on Form I-577. After necessary statistics and other data are recorded, the inspector submits Form CF-178 to the local USCS office. If the notice of arrival has not been reported within the specified time frame, fine proceedings are initiated.

Progressive Clearance

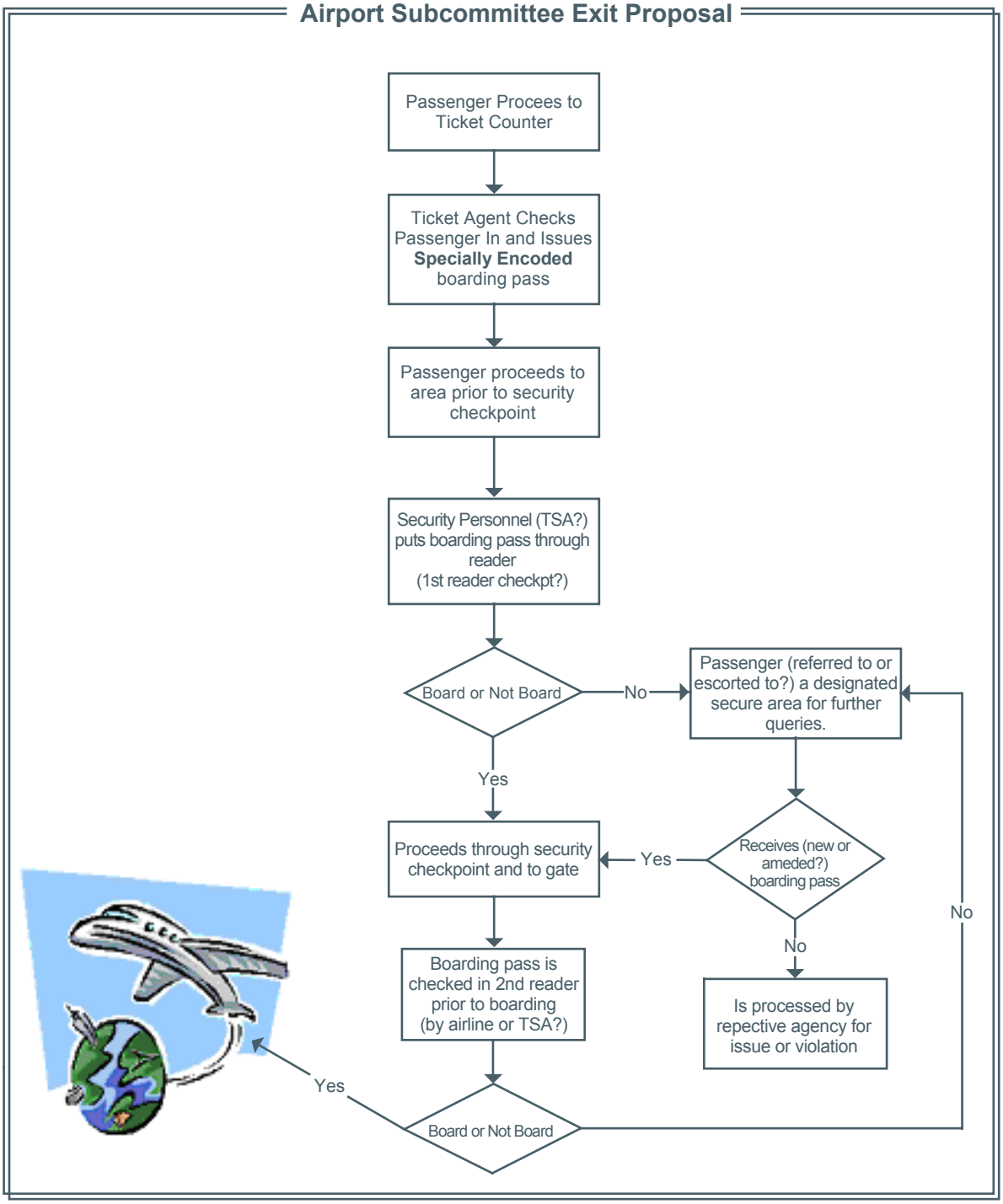
Some flights have been approved to deplane some passengers and crew at one POE and the remainder at an onward POE. In such instances, the agent delivers two Forms I-92 to the first POE. All passengers are inspected at either POE under normal inspection processes. Occasionally there may be domestic passengers who boarded at the first POE, but who are not subject to inspection at the onward POE. Such passengers should be airline employees, "deadheading" crewmembers, or their families. Such persons are not included in the flight log or I-92.

International Transit Lounges (ITL)

Changes to the INA as effected by the IIRIRA require the inspection of all international-to-international (ITI) passengers (formerly known as in-transit lounge passengers) now specify that "[a]ll aliens (including alien crewmen) who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States shall be inspected by immigration officers." International-to-international passengers shall be inspected but not admitted to the U.S. This inspection is normally conducted at the ITL.

Carriers must be signatory to the Immediate and Continuous Transit Agreements (with provisions for control of uninspected passengers and ITL use), also known as ITL, agreements in order to use this process.

EXHIBIT: SUBCOMMITTEE PROPOSED EXIT PROCESS



5-01

A. OVERVIEW

Currently, arrival information pertaining to passengers and crewmembers entering the U.S. by sea is provided to federal agencies through a mostly manual process involving either a shipping agent or the ship's purser at the time of arrival. Most of the larger cruise lines have been voluntarily providing this information through APIS. As of October 1, 2002, all arrival and departure information pertaining to VWP travelers must be transmitted electronically through the API data format, which initially will affect the cruise industry. Starting January 1, 2003, all commercial vessels will be required to submit the electronic arrival and departure information for all passengers and crew in the API format.

The electronic submission of arrival and departure information for passengers and crew begins to satisfy the requirements of an entry/exit system, but both the cruise and cargo industries are exploring proposals to enhance the security of an entry/exit system.

For example, the cruise industry would like to explore how their Automated Personnel Assisted Security Screening System (APASS), currently used on most lines, could provide the federal inspection agencies with a tool for risk assessment of the crew, passengers, and the vessel. APASS is used as a security system that records the arrival and departures from the vessel for each passenger and crewmember on each voyage. The system contains a photo and biographical information for each person. This would especially be useful in identifying those passengers who require multiple inspections at U.S. ports on a single cruise.

Along with the mandatory submission of electronic arrival and departure information for crew, the maritime industry supports the use of a single seafarers' card. A competent authority, to be determined by the International Maritime Organization (IMO) or International Labor Organization (ILO), would issue a standardized, secure card that contains biometric(s). The industry also proposes that in the future the card could have the capability of containing electronic visas, which would provide the federal inspection agencies more information on individuals prior to their arrival into the U.S. A standardized seafarer's card would also allow the industry to explore the "trusted seafarer" inspection for those crewmembers who are frequent travelers and are in compliance with the INS regulations.

B. SUBCOMMITTEE REPORT

The INS has recognized the need to improve enforcement and the processes of inspecting passengers and crewmembers in the seaport environment. Seaport operations have not changed substantially in several decades. Presently, the inspection processes are paper-driven and labor-intensive. For similar reasons, the maritime industry desires changes in the INS inspection process to decrease the paperwork burden and to more efficiently process passengers and crewmembers. This is especially evident in the cruise line environment where passengers may undergo multiple INS inspections in one voyage after short visits to foreign ports-of-call. The DMIA created a task force to look at how to balance both efficiency and security at POEs.

Since 1996, Congress has identified the need to improve the way business is conducted in the seaport environment. They have done this through the IIRIRA of 1996 (also referred to as "the Act of 1996"), the DMIA, and the VWPPA. Since September 11, 2001, recent legislation, the USA Patriot Act and the BSA, passed by Congress has addressed both the need to modernize the seaport environment and the need to enhance maritime security. Central to these efforts should be the development and implementation of a single, advance electronic transmission system for passenger and crewmember information to a single federal repository from which the INS and other federal agencies with responsibilities in regard to foreign crewmembers, the USCG, and USCS can obtain the information they need to fulfill their statutory and regulatory tasks and functions. Currently each agency has specific manifest requirements.

The major tasking to the DMIA is to streamline the inspection process of both U.S. citizens and non-U.S. citizens entering and exiting the U.S. This course of action must integrate added security measures and at the same time facilitate commerce. This course of action will promote the collaboration between several federal agencies, including the INS, USCS, DOS, and the USCG.

A concern with having different documentary requirements at the various U.S. borders is the possibility of diversion of cargo. For example, cargo may come through a port in Canada and move by truck or rail across the border to the U.S. in order to avoid overly burdensome U.S. documentary requirements on the port side.

This specific proposal is a comprehensive business plan highlighting the drivers for process and system changes. The drivers are as follows: legislative, enforcement, efficiency, management, and commerce. These drivers are explained in this chapter. This chapter will also give details regarding the current operating inspection procedures of both the cruise line and cargo industry with reference to: processes outside the U.S., embarkation to the U.S., entry into the U.S., and exit from the U.S. Subject matter throughout the chapter addressed as either "Problem Issues" or "Proposals," in many instances, applies to both the cruise line and cargo industry. These similarities have been clarified. Furthermore, this chapter will identify problems and make recommendations to improve the inspection process. The primary focus of this particular chapter, because of the complexity, will be the cruise line and cargo industry. Private vessel issues will be addressed at a later point in time.

Cruise Operations

In fiscal year 2001, the INS inspected over 6.9 million cruise passengers and 3.9 million crewmembers onboard cruise ships.[23] The average cruise vessel presents 2,100 passengers and 750 crewmembers for inspection, but the cruise industry has been introducing vessels that will hold 3,400 passengers and 1,200 crewmembers. When an aircraft arrives, holding an average of 300 passengers and 20-25 crewmembers, it is processed by a dedicated staff at an air POE. With the exception of a few locations that have dedicated seaport staff, such as Long Beach, CA, and Miami, FL, the local airport staffs the inspectors used for the seaport inspections.

The following sections describe the current passenger and crew "basic" seaport inspection processes. It is important to know the reasons for the variations so the INS will pursue a thoughtful restructure process that takes into consideration geographic and workload differences, while attempting to achieve operational consistency from port to port.

Though there are three categories of cruise ship itineraries, the "basic" inspection process for both passengers and crew are the same; it is just the itinerary and in some instances, the number of times a person is required to be inspected on the same cruise that differ. Therefore, the problems and proposals identified by the Seaport Subcommittee are relevant to all scenarios. The cruise scenarios are classified as follows:

Foreign Port-of-Origin Cruise: This type of cruise itinerary represents the most basic conditions for a foreign ship's arrival to the U.S. Cruises depart from a foreign seaport and arrive at a U.S. seaport. Cruises in this scenario may come from Europe, Asia, or the Caribbean islands and typically arrive in the North Atlantic at the ports of New York and Boston and in the Pacific/West Coast at the ports of Hawaii and Los Angeles.

Domestic Port-of-Origin to Noncontiguous Territory Cruise: For this cruise itinerary, the passengers and crew undergo an inspection each time the ship returns to a U.S. port from a foreign port. Typically, cruises begin in the U.S.; go to a foreign island (also referred to as "going foreign"), return to a U.S. port (such as Puerto Rico), go to another foreign port, and return again to a U.S. port. Cruises of this type occur most often in the Caribbean region and involve the U.S. seaports of Miami, Port Everglades, San Juan, and St. Thomas. These cruises represent the largest number of cruise inspections for the INS. (See Exhibit 1: Cruise Itinerary Schematic)

Domestic Port-of-Origin to Contiguous Territory Cruise: The inspection process for passengers and crew in this cruise category is the same as the domestic port-of-origin to noncontiguous territory cruise. Similar to cruises traveling to noncontiguous territory (adjacent islands), nonimmigrant alien passengers who take a cruise from the U.S. to contiguous territory most likely have been inspected recently at an international airport or a land border POE when they originally entered the U.S.

[23] Statistics from INS G22.1 Inspections Report

There are different immigration risks associated with each category of cruise ship itinerary. Assessment of these risks, combined with the assessment of other port risks (such as day trip cruise inspections, geographical risks, etc.) and available port resources, have resulted in variations or modifications to the basic seaport inspection process.

Current Process Outside the U.S.

Upon arrival to the U.S., all crewmembers and passengers must be in possession of the proper documents (visa, passport, seaman book, photo I.D. issued by a competent authority) for entering the U.S. All non-U.S. citizen crewmembers must be in possession of a valid/current crew non-immigrant visa and a valid/current passport. The INA requires that all aliens requesting permission to enter the U.S. be in possession of a valid travel document and visa, unless otherwise exempt. This includes foreign crewmen arriving by either air or sea, unless exempted by the INA. Should an alien arrive without proper documentation or a visa, when required, the INA provides the inspecting officer the discretion to allow for a waiver of such requirements in instances regarding emergent reasons or for public interest.

Prior to September 11, 2001, the inspecting officer could process those crewmen arriving aboard a sea-going vessel that did not have the proper documentation and were found admissible to the U.S. for a waiver at the time of arrival. The most common reason for the lack of documentation, especially nonimmigrant visas, is the logistical problem of obtaining a visa prior to embarking to the U.S. For example, a frequent occurrence on vessels in international commerce is that of a seafarer who, for medical, personal, or other reasons, has to be replaced by another mariner on very short notice, typically a day or two. Obviously, ship management and crewing agencies cooperate as closely as possible with the local U.S. diplomatic representations to plan for these situations, but in many instances the tight schedules of vessels do necessitate recruitment of seafarers who, for various reasons, may not already be in possession of a D-1 visa. These seafarers may simply not have the time to apply for a D-1 visa at the local U.S. embassy or consulate. Sometimes the relevant U.S. authorities cannot issue the visa within the very short time frame before the replacement seafarer has to take up his/her position aboard the ship.

Problem Issues

In this new post-September 11 environment, the INS changed its policy on the level of authority for granting of waivers. It is now required that all consideration of a waiver be submitted to a higher level of authority, often not on-site. Though the change in authority has not changed the requirement to have proper documentation upon arrival, it does limit the ability of the industry to be flexible when using those seafarers without the appropriate nonimmigrant visa. There are a number of potential problems with the implementation of this requirement that are unique to the cargo shipping industry. The Seaport Subcommittee would like to point out a number of factors that we believe should be carefully considered before a final decision is reached on this issue. They are:

- The USCG in its most recent submission to the IMO has clearly stated that one of the elements in the proposed internationally agreed seafarer identification documents, or in the system supporting such documents, must be “permission to enter other countries.”

Assuming that the inclusion of permission to enter (e.g. the U.S.) in such documents would be based upon some form of prior vetting of the seafarer to whom a identification document has been issued, it would appear that these international seafarer identification documents–should such a system in fact be developed and implemented–might reduce, if not eliminate, the need for additional visa issuance requirements.

- The U.S. Government supports the development of a new identity document for seafarers that would contain a biometric identifier. The proposal for such a document originated in the IMO and was transferred for consideration to the ILO. The use of the seafarer's identity document to include a nonimmigrant crew visa may be feasible when the U.S. determines that electronic visa issuance technology has been developed to satisfy security and statutory requirements such as the collection and verification of a biometric identifier.[24]

- A requirement that all seafarers on a vessel have a D-1 visa before the vessel embarks for a U.S. port could have major operational and economic implications for international shipping. A frequent occurrence on vessels in international commerce is that of a seafarer who, for medical, personal or other reasons, has to be replaced by another mariner on very short notice, typically a day or two.

- Crews are frequently on ships for extended periods of time (up to a year or more). In these situations, a mariner may not return to his home country in time to renew his visa, and the visa may expire while he is on board the vessel. Further, U.S. consuls are not always available at the seafarer's country of residence so he/she cannot get a visa readily when shipping out. In merchant shipping, a vessel may commence its voyage with an itinerary that does not include a U.S. port-of-call; however, commercial decisions made while the vessel is underway may dictate that the vessel redirect its route and enter a U.S port. Mariners serving on such a ship cannot obtain a visa initially, because they cannot show a need, and their underway status on the ship makes obtaining a U.S. visa impossible. This problem does not simply involve the individual seafarer and his leave. Owners would be restricted in making crew changes because the incoming and outgoing crew may not a have a visa.

- Careful consideration would also have to be given to which sanctions, if any, should be imposed on vessels with crewmembers that do not possess a valid visa in cases where a D-1 requirement should in fact be promulgated. Prohibiting such a vessel from calling on a U.S. port and commencing unloading would be excessive, and would have severe economic and operational consequences for the cargo owners, U.S. importers (many of whom are relying on just-in-time deliveries of critically needed products for continued production and/or operations), consignees, and ship operators and could (for the reasons stated above) significantly impact the entire international shipping industry.

- Finally, there is the issue of whether a unilateral U.S. visa requirement could result in other countries imposing a similar visa requirement on seafarers on U.S.-owned or U.S.-operated vessels. The Maritime Administration and the USCG have publicly voiced

[24] The Department of State is aware of the special needs of seamen for visa services and will work to accommodate those needs when possible.

concerns in this regard, and the Seaport Subcommittee encourages the INS to obtain the views of these agencies before a final decision is made on this important issue.

Proposal

Do not impose new visa requirements on crewmembers and continue the current policy on D-1 visa issuance wherein every crew is not required to have a visa before they embark on a vessel traveling to the U.S. (*Industry only proposal*)[25]

Explore the possibility that the proposed International Seafarer Identification Documents being developed by the IMO and ILO will contain enough information to satisfy the requirements for US visa issuance.[26]

Current Process

Embarkation: The INS receives advance notice of the ship's arrival and is prepared to conduct a complete inspection of all passengers and crew (including an examination of U.S. citizens) with an adequate number of inspectors from the seaport and/or a nearby airport. Competitions for INS resources are complicated at certain locations where multiple cruise ships are arriving at the same time. Inspectors perform pre-arrival preparations that may include determining the ship's estimated time of arrival; receiving notification of the number of passengers and crew and their nationalities; assigning the appropriate number of INS inspectors; and reviewing API, which is required. INS inspectors at the seaport receive advance notice of a ship's arrival, including complete API from the cruise lines. After October 1, 2002, all Visa Waiver passenger information must be transmitted electronically through API. As of January 1, 2003, an electronic manifest containing arrival/departure information will be required for all passengers and crew. API must contain passenger names and other information that can be run through law enforcement databases in IBIS to alert inspectors to lookout information on passengers and crew before the ship arrives. A full inspection is usually conducted on all passengers (including U.S. citizens and non-U.S. citizens) and all crewmembers upon arrival at a U.S. port.

In an effort to make the process of transmitting electronic manifest data as easy as possible, USCS has embarked on initiatives that would allow the transmission of passenger manifests via e-mail and the internet.

The e-mail process for APIS transmissions began in January 2002. The carriers are able to send the e-mail to a specific address, with a specific attachment name. When the USCS e-mail system receives these messages it automatically delivers the attachment to the Treasury Enforcement Communication System (TECS) for APIS processing.

[25] Should crewmen be required a visa prior to embarking for the U.S., careful consideration should be given to sanctions. Prohibiting such a vessel from calling a U.S. port and commence unloading would be excessive, would have severe economic and operational consequences for the cargo owners, U.S. importers – many of whom are relying on just-in-time deliveries of critically needed products for continued production and/or operations, consignees and ship operators, and could – for the reasons stated – significantly impact the entire international shipping industry.

[26] Exploring visa issuance options could include, but is not limited to, such areas as (1) the seafarer's identity document could be used as a passport submitted with a visa application overseas; (2) the seafarer's document could, when technology permits, include an electronic visa, or (3) the information collected for the seafarer's document could be shared electronically to facilitate the visa application process.

In April of 2003, the USCS web-based APIS system will be operational. Air and sea carriers will be able to submit manifest data via the internet and receive confirmation of receipt from USCS. These transmissions will also be automatically delivered to TECS for APIS processing.

Problem Issues: At the moment, all information regarding arriving foreign vessels is faxed or hand delivered to INS Inspections by the shipping agent. The Form I-418, Crew Arrival/Departure Manifest, is faxed to the POE. In most cases this information is only received one or two days prior to the arrival of the vessel. In some cases the manifest is never received.

The INS and the USCS require manifest information to be forwarded prior to arrival. The USCS will only receive API data 24 hours in advance of the arrival of a vessel. INS only requires that manifest information be forwarded electronically. Currently, USCG regulations require that all vessels greater than 300 gross tons on voyages of 96 hours or more forward a Notice of Arrival to the USCG (via fax, e-mail, or telephone) 96 hours prior to the vessel's arrival at a U.S. POE. At present there is no standardized method regarding the transmission of this information to all federal agencies that require it. If the agencies can agree on, develop, and establish an enterprise architecture, the data elements and format required for submission, the information resource infrastructure necessary for handling and processing electronic submissions, and the processes, procedures, and the equipment needs for sharing the pre-arrival submission, the Notice of Arrival (NOA) data could be transmitted once to a central federal repository that ultimately could provide the agencies with the information that they require. This system of "one-stop shopping" with a single electronic submission would alleviate the burden on industry to provide multiple notices, and it would greatly facilitate screening and inspection processes, thereby allowing both the maritime industry and the federal agencies to carry out their duties more efficiently and effectively. At this time each federal agency has its own specific manifest requirements.

Proposal

- **Advance, electronic transmission of passenger and crewmember information should be a nationally applicable standardized requirement that can not be deviated from:**
  - timeframe (when to submit the information);
  - content (what information is required);
  - medium (electronic transmission); and
  - number of occurrences (only one transmission to a single government repository).

- **All electronic transmissions of crewmember and passenger information should go to a central government repository using one, single electronic data-transmission system from which the various government agencies can obtain the data needed for the individual agency to fulfill its statutory and regulatory tasks and functions.**

The relevant government agencies, including the INS, must, as a matter of priority, coordinate closely to identify and communicate to the central government repository (which also should act as an "administrator" of the envisaged electronic data transmission system) their respective

crewmember and passenger information requirements so the electronic data transmission system can, from the outset, meet the various agencies' legitimate needs, thus avoiding subsequent ad hoc changes or additions of new data elements to the electronic data transmission system.

A determination should be made on an expedited basis as to which data system should be used as the future repository for passenger and crewmember information. APIS already appears to be able to meet USCS and INS information requirements in regard to passengers. The potential expansion of APIS should be considered a high priority. This expansion should include, at a minimum, the following:

- Crewmember information required by USCS, INS, and the USCG;
- Additional passenger information required by the USCG; and
- A workable interface with IBIS and the USCG's existing and planned databases.

Consideration should also be given to whether the USCS ACE system could become the single vehicle for transmission of crewmember information. The ACE system will be the USCS's new system architecture to process goods imported into the U.S., providing an integrated and automated system. ACE is geared towards making the collection, processing, and analysis of commercial data more efficient and effective in a paperless environment. For USCS, ACE will become an essential tool for trade enforcement, improving the flow of information for risk analysis of international cargo while facilitating the movement of legal cargo through our POEs. Currently members of the sub-committee are actively participating in the development of ACE through the Trade Support Network. Primary emphasis has been in developing a set of data elements within the multi-modal manifest group to develop an electronic manifest for motor carriers.

Each government agency, including the INS, must assure that information (data) in the central repository of crewmember and passenger information is disseminated to, or immediately accessible by, relevant underlying inspection, regulatory, and law enforcement entities (e.g., USCG Captains of the Port, USCS officers, and INS inspectors) in all U.S. ports of arrival and departure in a commercial vessel's itinerary. Similarly, and contrary to what is the case today, underlying inspection entities must be required to submit relevant passenger and crewmember information to the relevant government agency for transmission to a central government repository with a view to securing a consistent inspection regime from port to port, drawing upon immigration histories of both vessels and crews to make inspection determinations.

Proposal

The U.S. government should work with the industry to use the crew member manifest information currently provided electronically to the Coast Guard as part of the 96-hour Notice of Arrival prior to the vessel entering its first U.S. port of call.

This proposal would eliminate current duplicative reporting at different times and in different formats and would allow for pre-screening of vessels and their crews prior to arrival.

Entry Process: In the cruise line/seaport environment, there are many procedures for inspections. There are designated federal inspection service (FIS) areas at some seaports where arrival inspections are conducted. These designated facilities include inspection booths where travelers queue for an immigration inspection. In other instances, the inspections process may be conducted onboard in the lounge or auditorium of the ship. Passengers are always inspected before crewmembers. In the basic cruise scenario, U.S. citizen passengers are inspected first, followed by non-U.S. citizen passengers. The ship's staff sets up tables and chairs for the INS inspectors and organizes the passengers to arrive at different times for inspection. In the course of an onboard inspection, passengers may leave the inspection area; however, they may not leave the vessel until the following disembarkation activities are completed:

- All passengers and crew are inspected;
- Longshoremen unload passenger baggage;
- USCS completes the baggage checks; and
- The ship's captain indicates that disembarkation may occur.

In certain circumstances, INS may allow some flexibility in making exemptions to these procedures.

INS Inspection of Passengers: After the inspectors (usually two or three inspectors) arrive onboard, the passengers retrieve their travel documents from the ship's purser on their way to the inspection area. Most cruise lines request that passengers turn in their travel documents to the ship's purser during cruise check-in procedures as a security measure. This approach prevents the cruise line from incurring potential fines for the loss of passenger travel documents and ensures that all passenger documents will be ready for inspection. The passengers retrieve their documents, complete a new Form I-94, if one is needed, and approach the inspectors for the actual inspection.

The inspector takes the passenger's passport, reviews the document, and if a Form I-94 is included with the passport, removes it from the passport. The inspector conducts a brief face-to-face interview, queries the passenger's name in the Portable Automated Lookout System (PALS) (if PALS is available), verifies the passenger's travel documents, and compares passport photos with the traveler. It is important to note that PALS CD-ROMs contain only NAILS and some CLASS information.

The inspector then determines the admissibility or inadmissibility of the traveler. If the passenger is bona fide, the inspector stamps the passport in the arrival and departure portion of the I-94 Form and indicates the date until which the passenger is authorized to remain in the U.S. If required, the inspector will make other notations on the I-94 Form (such as petition number, employer, etc.) The inspector collects the arrival portion of the I-94 form and places the departure portion back into the passport. If the traveler is not admissible or there is a problem that requires further investigation (such as a problem with the traveler's documents, etc.), the traveler is held for further examination. The inspection of this traveler will be completed in a routine secondary inspection after all other passengers are inspected. After the

inspection process is completed, the inspector collects all arrival portions of the I-94 forms and mails them to the data entry contractor, where the information is entered into NIIS.

USCS Inspection of Passengers: While inspectors wait for the passenger baggage to be offloaded from the cruise ship, they are stationed in a designated area on the ship to process passengers that have exceeded their Customs allowances and may owe duty.

At the same time, other USCS inspectors may elect to perform several enforcement activities. Inspectors may decide to x-ray some or all of the baggage prior to placing it in the terminal. Once the baggage is in the terminal, USCS canine officers may have their canines inspect the baggage for contraband. Or if the Sea Passenger Analysis Teams have identified high-risk passengers through analysis of the APIS, reservation systems, and other law enforcement databases, they may perform interviews or examinations of these passengers onboard.

Once USCS is notified that the baggage is completely offloaded, the inspectors will proceed to the passenger terminal. Typically, a passenger will be processed in the same manner as in an airport environment. They will disembark the ship and either process through the INS, or if they were already processed by the INS onboard the ship, they will proceed directly to the baggage area. They will be directed by cruise ship personnel to the appropriate location to retrieve their luggage and then proceed to the designated area to be processed by a USCS inspector. A USCS inspector will either direct the passengers to the exit or a secondary area for further questioning or a baggage examination.

At some locations, USCS will process passengers with “roving” inspectors. Roving inspectors are mobile and interact with passengers while they retrieve their luggage. They utilize observational techniques and perform cursory interviews to select only those passengers that may be a high risk for illegal activity. The majority of passengers who are processed in this manner do not actually speak with a USCS inspector.

USCS is in the process of developing technology that will allow officers to have access to up-to-date law enforcement data during all inspections. They are evaluating the use of a Personal Digital Assistant (PDA) that will provide USCS inspectors with wireless PDA access to TECS and other USCS enforcement systems. This new technology, called “PocketTECS,” will allow for instant access to TECS and passenger airline reservation information. This will allow USCS inspectors to make fast, information-driven decisions when conducting enforcement operations.

The PocketTECS PDA network will also allow USCS inspectors to transmit data throughout the wireless PDA network (it can also be used with tablet PCs, cellular phones or wireless laptops). Data is defined as text and pictures. Any user on the network will have the ability to communicate with any other user, any defined group of users or all users on the network.

USCS began prototyping PocketTECS in September 2002 at four locations: JFK airport, Detroit Ambassador Bridge and tunnel, Miami Seaport, and Nogales. TECS will be accessed utilizing Samsung Nexio wireless handheld PDAs. Both wireless local area network and wide area network technologies will be employed during this prototype.

Problem Issues: Because of current INS regulations, all passengers, regardless of nationality, undergo a one-to-one inspection. Prior to September 11, 2001, most U.S. citizen passengers were not required to undergo a full examination. Longer lines of U.S. citizen passengers have had an impact on commerce.

Crew Inspection: Inspections of crewmembers occur after passenger inspections are completed. Inspection of the crew may be conducted in the same location as passenger inspections or in the crew lounge. The ship's captain usually holds all crewmembers' travel documents during the voyage, including their Form I-95, Crewman Landing Permit. The purser presents the inspector with a Form I-418, Crew Arrival/Departure Manifest, which lists the names of all crewmembers. The inspector prepares a Form I-410, Receipt for Crew List, and gives it to the purser as proof that the manifest was submitted to the inspector.

Crewmembers line up in front of the inspectors and the ship's purser hands their travel documents (seaman's book or passport) to the crewmembers. For each crewmember, the inspector runs his/her name through PALS, conducts a brief face-to-face interview, verifies travel documents, and compares document photos to the crewmember. The inspector determines admissibility or inadmissibility of the crewmember. If the crewmember is admissible, the inspector completes the proper documentation. When an I-95 form is required, the inspector line stamps the I-95 form, which contains the date, port code, and the inspector's number. If a new I-95 form is required, a D-1 stamp is placed on the I-95 form and a line stamp is placed on the first admission line. (The I-95 form is a reusable form that has 21 admission lines on the back.) Crewmembers who will go ashore at the U.S. port retain their I-95 form and travel documents. For crewmembers not going ashore, the purser collects the I-95 form along with his/her travel documents. The inspector records all D-1 statuses next to the crewmember's name on the Form I-418.

Inadmissible non-U.S. citizens who are on lookout lists, do not have D-visas, or are inadmissible for other reasons, are detained onboard and the inspector prepares a Form I-259, *Notice to Detain, Deport, Remove, or Present Alien*, and issues it to the captain. Information about inadmissible non-U.S. citizens is also recorded on the Form I-418.

Usually the last crewmembers to be inspected are those that change to D-2 status because they are being paid off, discharged, or transferred to another vessel. The inspection process includes verification of the crewmember's departure information, such as his/her airline itinerary for departing the U.S. Usually, the purser presents the crewmember's airline ticket or travel order to transfer to another ship. The inspector signs a Form I-408, *Application to Pay Off or Discharge Alien Crewman*, and gives a copy to the purser. The inspector attaches a copy to the arrival I-418 and records the crewmember's D-2 status next to his or her name on the I-418. The inspector takes the I-418 and I-95 Forms to the seaport office where the I-418 is filed and retained in the local office for one year, and the I-95 Forms are mailed to an INS records center and ultimately archived according to procedures.

Problem Issues: Seaport inspectors spend a lot of time processing paperwork associated with crew inspections. All crew inspections for cargo and cruise line vessels are processed by manual paperwork. After the ship's arrival, I-418 manifest forms are collected, filed, and held at the seaport office for 6 months. The arrival ports wait for departure manifests to be mailed

to them by the INS port of departure. The arrival and departure manifests are compared manually for accuracy, often only after very significant time delays. If the departure manifest is incorrect, the port may recommend a fine against the ship. Recommendations for fines are sent to the National Fines Office (NFO) for adjudication.

It should be noted that manually matching arrival and departure manifests is extremely time-consuming and difficult for seaport inspectors to manage. Other seaport priorities take precedence and make the mailing of departure manifests to arrival seaports of less importance. This causes problems for the NFO and for arrival seaports. For example, fines are often recommended on ships that may have submitted a departure manifest to the departure port; however, the departure port may have either lost the manifest, mailed it to the wrong arrival seaport, or did not mail it at all.

I-95 crewman landing permit forms are collected by INS inspectors when all 21 entry (or admission) lines on the form are completed, or when a crewmember is considered malafide (not admissible to the U.S.). In addition, the I-95AB portion of the form (the carbon copy that is attached to a new I-95 form) is also collected by the inspector when a new I-95 form is issued.

Proposal

Explore modifications to the traditional one-to-one inspection.

- Lack of sufficient INS personnel, volume of paperwork, overtime constraints, limited availability of inspection resources for multiple cruise and cargo vessels arriving at port at the same time.
- Emphasize the need to allow for flexibility to differentiate between low-risk and high-risk.

The U.S. Government will continue to consider impact of decisions on U.S. commerce.

- Both the cargo and cruise industry make business decisions based on streamlining government processes that could impact commerce.

The U.S. government must uniformly apply inspection policy such that inspection procedures are consistent at every U.S. seaport.

The U.S. government should invest in technology to ensure that it has access to the data they require during the course of inspection. With the accessibility and affordability of portable communications, including wireless database access, delays in processing should be kept to an absolute minimum.

Inspections should be done in a systems-oriented rather than data-oriented approach.

- Such a systems-oriented approach, which also would encompass other federal agencies and their information needs, should lead to: 1) Reducing length and number of face-to-face inspections through pre-screening procedures; 2) Enhancing communication between INS Headquarters and the district and local offices to ensure consistent application of inspection procedures at every U.S. port; and 3) Installing

flexibility within the seaport inspection system so as to treat the inspection requirements of the various cruise itineraries differently to enhance efficiency and reduce risk. Similarly, inspection requirements should be developed that appropriately reflect the characteristics of the various types of cargo vessels calling at U.S. ports, e.g., liner vessels on regular, scheduled services on fixed routes.

Current Exit Process

The vessel must submit a departure manifest, Form I-418 immediately upon departure from the U.S. Like the arrival manifest, biographical information regarding passengers and crew along with a vessel identifier and itinerary is provided to the INS. The arrival and departure manifests are manually matched to each other, and crewmember information is recorded on INS port intelligence cards. Any information pertaining to the detention or refusal of entry of any crewmember is forwarded to the next available coastwise port.

Current legislation requires that arrival departure information be matched. The IIRIRA requires that an automated entry/exit system be developed to record non-U.S. citizen arrivals to and departures from the U.S. DMIA set forth specific dates and other requirements for the Attorney General to follow in implementing an integrated entry/exit system. As of October 1, 2002, all information pertaining to Visa Waiver applicants is transmitted through APIS. As of January 1, 2003, an electronic manifest containing arrival/departure information will be required for all passengers and crew. API must contain passenger names and other information that can be run through law enforcement databases in IBIS to alert inspectors to lookout information on passengers and crew before the ship departs.

When a passenger checks in prior to departing on a cruise, along with the ticket, they must provide proof of citizenship. The information is added to their personal record that includes cabin information and pertinent identifiers. This record is then linked with the cruise line's automated security system that is incorporated into a swipe-type card. Once passengers have been given the card, they board the vessel and swipe the card into a reader on a podium-style kiosk, which prompts a security person to take a photograph that is then integrated into the system. This security system is called APASS. Each time the passenger disembarks and returns to the vessel during a particular cruise, the card is swiped, exit and entry time and information are gathered, and a security guard verifies the photo to the passenger. Once the cruise has ended, the card is no longer valid for the passenger. The information is kept in the vessel's system.

This system is used for all crewmembers on most of the large cruise lines, but not on cargo vessels at this time.

Problem Issues: When the arrival and departure manifests are manually matched to each other, crewmember information is not recorded or stored in any INS system for future retrieval. In any case, this crew information would be of minimal use because departure manifests are only required to reflect changes in crewmember status. This process lacks integrity and makes it impossible to coordinate intelligence data with other federal agencies with responsibilities in regard to foreign crewmembers. An automated system used to collect crewmember arrivals and departures cannot be based on the current, paper-based manifest process.

Proposal

The Seaport Subcommittee proposes the continued and expanded use of APIS (Advanced Passenger Information System). Using advance electronically submitted passenger and crewmember information, the U.S. government should institute an efficient and focused pre-screening of crewmembers and passengers for arrival and departure.

Cargo Ship Operations: The cargo shipping environment differs from the cruise line environment in that there are typically no passengers and fewer crewmembers on a cargo vessel. The average number of cargo vessel crewmembers is 15 to 20. In addition, there are different immigration risks associated with cruise and cargo ships related to the crew and ship itineraries. Historically, cargo ships pose a higher risk of stowaways. Stowing away on cargo ships is a common method of attempting illegal entry into the U.S. Stowaways are typically removed from the vessel and placed in an INS detention facility. Situations involving stowaways can be dangerous.

The crew inspection for both cargo and cruise vessels is conducted in essentially the same manner and includes nonautomated processes (see Exhibit 3, Cargo Crew Inspection Process). The actual inspection time of cargo ships is short because of the smaller number of crewmembers. Cargo crew inspections are typically conducted in the ship's operations room. The ship's agent provides the inspector with the I-418 and all crewmember I-95 Forms. Similar to the cruise industry's practice for passengers, crewmember travel documents are held by the ship's captain or agent during the voyage and are presented to the inspector during the inspection. The inspector conducts a PALS query on a laptop computer. Crewmembers with D-1 and D-2 statuses and those detained onboard are recorded by the inspector on the I-418 Form. The I-95 Forms are line stamped and returned to the ship's captain or pulled if new forms are required. There is often a language barrier, and inspectors are usually informed of any problems relating to a crewmember by the ship's captain or agent.

Though the cargo industry is different due to the lack of passengers, it is the same regarding crew. The problems are similar to the cruise scenarios above; therefore, the proposals are also similar to the cruise scenarios.

Private Vessels: The inspection of private vessels has historically been a challenge for the INS. Many private vessel owners are unaware of immigration and other federal inspection requirements. U.S. citizens who own or operate boats are generally unaware of the INS inspection policy and how it relates to them. In immigration law, everyone who enters a U.S. port is considered to be a non-U.S. citizen until an INS inspector determines otherwise.

When arriving from a foreign port, all travelers, including U.S. citizens, are required to report to a designated POE for inspection. However, many private vessel owners and travelers simply dock at private yacht slips along the U.S. coasts and do not report their arrival in the U.S. to the INS. The INS is typically made aware of private vessel arrivals from the USCS or when a boat owner or traveler calls the POE to request information about the INS inspection procedure. At that time, INS inspectors request the private vessel owners and passengers

report to the INS port office for an inspection. Currently, there is not an active program to notify private vessel owners of INS requirements.

As mentioned previously, the primary focus of this particular document, because of the complexity, has been the cruise line and cargo industry. Private vessel issues will be addressed at a later point in time.

En Route Inspections: Many seaports do not have dedicated seaport inspectors and must use airport inspectors to conduct cruise line inspections. At these ports, a dockside inspection of passengers and crew would require diverting INS inspectors from a nearby airport to the seaport.

Other seaports may have dedicated seaport inspectors, but are not adequately staffed to inspect several ships that may dock in a short period of time. In addition, there may not be an airport nearby from which to divert staff. Under these circumstances, the seaports may conduct en route inspections where one or two inspectors are flown to the ship's last foreign port and conduct the inspections onboard the ship while the ship sails to the U.S. port. En route inspections may occur at ports such as Honolulu, HI, and Key West, FL. Also, decisions to conduct en route inspections may be made based on the number of non-U.S. citizens on the cruise.

Because en route inspections may require inspectors to be onboard the ship for a long period of time, inspectors typically inspect all U.S. citizens, crew, and non-U.S. citizens. See Exhibit 1, Cruise Itinerary Schematic—Domestic Port-of –Origin to Noncontiguous Territory, for more information.

Pre-inspection at a Foreign Port: Another variation to the basic inspection process can be described in the example of the Alaska/Vancouver, Canada, cruises. In this scenario, there are not enough inspectors during the summer months (the peak cruise season) at two Alaska seaports to inspect all the cruise line passengers coming from Vancouver. Because of this, INS inspectors from the Vancouver airport are diverted to the Vancouver docks to conduct "pre-inspections" of cruise passengers who are destined for Alaska.

It should be noted that seaport pre-inspections are cursory because of competing demands on resources (for example, the airport inspectors are needed at the airport). In addition, there is a perception that cruise line travelers are a low risk in this scenario because the majority of the passengers boarding ships in Vancouver are U.S. citizens or Canadians. Furthermore, when the cruise returns to Vancouver, cruise passengers who depart Vancouver from the airport are pre-inspected again by airport inspectors as they board U.S.-bound flights.

When the arrival and departure manifests are manually matched to each other, crewmember information is not recorded or stored in any INS system. In any case, this crew information would be of minimal use because departure manifests are only required to reflect changes in crewmember status. This process lacks integrity and makes it impossible to coordinate with other federal agencies with responsibilities in regard to foreign crewmembers. An automated system used to collect crewmember arrivals and departures cannot be based on the current,

paper-based manifest process. As of January 1, 2003, electronic arrival and departure manifests will be mandatory.

Facilities

The seaport subcommittee of the DMIA Task Force believes that INS should continue to work with the port authority to make better use of existing facilities and share these facilities with USCS and other relevant agencies when practical. In the past, INS inspectors have cleared cruise ship passengers onboard. INS is now requiring that inspections take place at the port, and port authorities are providing inspectors with separate state-of-the-art facilities. The development, retrofitting, or construction of these facilities varies and the requirements have been interpreted differently from port to port. Further, many demands are placed on the port to provide specific enhancements, and in some cases these have never been used. Often, there are not enough inspectors to cover the seaport. It is extremely costly to provide facilities that are underutilized. For these reasons, the Seaport Subcommittee encourages INS to coordinate and share these facilities with USCS and/or other relevant agencies where possible. The Subcommittee strongly endorses the concept of dual-use facilities where practical and the elimination of requirements for unnecessary or excessive conveniences such as break rooms, workout facilities, etc. Sharing these facilities would both save money that is desperately needed right now to fund security improvements, and conserve valuable port property.

Proposal

The U.S. Government should continue to work with the port authority to make better use of existing facilities and share these facilities with all relevant agencies when practical. The Subcommittee strongly endorses the concept of dual-use facilities where practical and to eliminate requirements for unnecessary or excessive conveniences.

Port Security and Container Initiatives

In addressing the security issue, legislation or new policies must be sensitive to the unique nature and complexity of the port industry. Further, in crafting solutions, it is important to recognize the nature of the industry itself, the economic interest it represents, and how it is governed and operated. U.S. ports are diverse with a variety of security needs and concerns. Any new programs for enhancing security must allow for the efficient movement of trade into and out of the U.S.

Because of the diversity in size and types of cargo, security for individual public ports should be coordinated at the local level. America's port industry is vast, versatile and highly competitive, consisting of deep-draft commercial seaports dispersed along the Atlantic, Pacific, Gulf, and Great Lakes coasts. These ports range from huge load centers handling millions of tons of containerized, break bulk and dry and liquid bulk cargos to relatively small regional and "niche" ports serving the unique needs of particular regions, localities, or industries. Therefore, it is important that security programs be adapted to the unique needs of each port instead of a "one size fits all" approach.

Since the events of September 11, 2001, all federal agencies have put forth an intensive effort to meet the new security challenges that face our nation. Many of these federal agencies are

focused on international trade and transportation. Two such proactive programs initiated by the USCS have addressed the issue of combating the threat of terrorism without inhibiting the flow of international trade into the U.S.

Container Security Initiative (CSI): CSI is a program introduced by USCS in January 2002. CSI secures an essential, but susceptible linkage in the international trade chain: the maritime sea container. Globally, over 200 million cargo containers move through the nation's 102 seaports every year. Screening sea containers prior to arrival in the U.S. has considerably contributed to efforts to secure the borders against potential dangers introduced through commercial traffic.

CSI includes four key components: 1) creating security measures to identify high-risk containers; 2) pre-screening those containers identified as high-risk prior to docking at a U.S. POE; 3) making use of technology to immediately target high-risk containers; and 4) developing further and making use of smart and secure containers.

The primary goal of CSI is to initially link those ports that send off the highest volume of container traffic into the U.S. while enhancing the security of the world's maritime environment. These commitments will assist in the detection of likely problems at the earliest possible opportunity.

USCS-Trade Partnership Against Terrorism (C-TPAT): C-TPAT is an initiative set forth by USCS in April 2002. Through a joint effort with business, C-TPAT allows commerce the opportunity to play an active role in fighting terrorism. Under this program, businesses must conduct far-reaching self-assessments of their own particular supply chain using specific security guidelines developed in cooperation with USCS.

Businesses must apply to participate in C-TPAT and sign an agreement that commits them to following guidelines in these areas: procedural security, personnel security, physical security, access controls, manifest procedures, education and training, and conveyance security. Participating businesses must make available to USCS all relevant information about their trucks, cargo, drivers, suppliers, and routes. For those companies and the owners in the supply chain, including importers, carriers, and manufacturers, USCS will provide expedited processing of goods and conveyances at U.S. borders and POEs.

The goal of C-TPAT is to enhance the security of cargo entering the U.S. while improving the flow of trade. Both CSI and C-TPAT are affirmative plans that help protect American borders while acknowledging the need to smooth the progress of international trade.

Proposal

Encourage and fund the development/expansion of enrolled low-risk, high frequency traveler and cargo systems.

Proposed Pilot for Multiple U.S. Port Cruise Operations

The cruise industry believes that the new legislative changes that require carriers to provide additional information regarding passengers and crew can also be used to streamline portions of the inspection processes. The addition of biometrics and automated arrival and departure information submitted electronically to the federal inspection agencies can enhance the security systems currently in use by the cruise industry. Such additions would reduce the amount of low-value, manual paperwork so that inspectors can focus on higher value law enforcement tasks.

The use of electronic transmissions of API and APASS-type data will assist inspectors in analyzing information on travelers and crewmembers before ships arrive and depart U.S. seaports. The inspector would have the ability to apply risk management techniques to allow an alternative inspection method for low-risk passengers, while continuing the traditional face-to-face inspection method for higher risk individuals. With the capability to receive advance electronic crew arrival and departure manifests, the port will be able to monitor and track all changes regarding the crew.

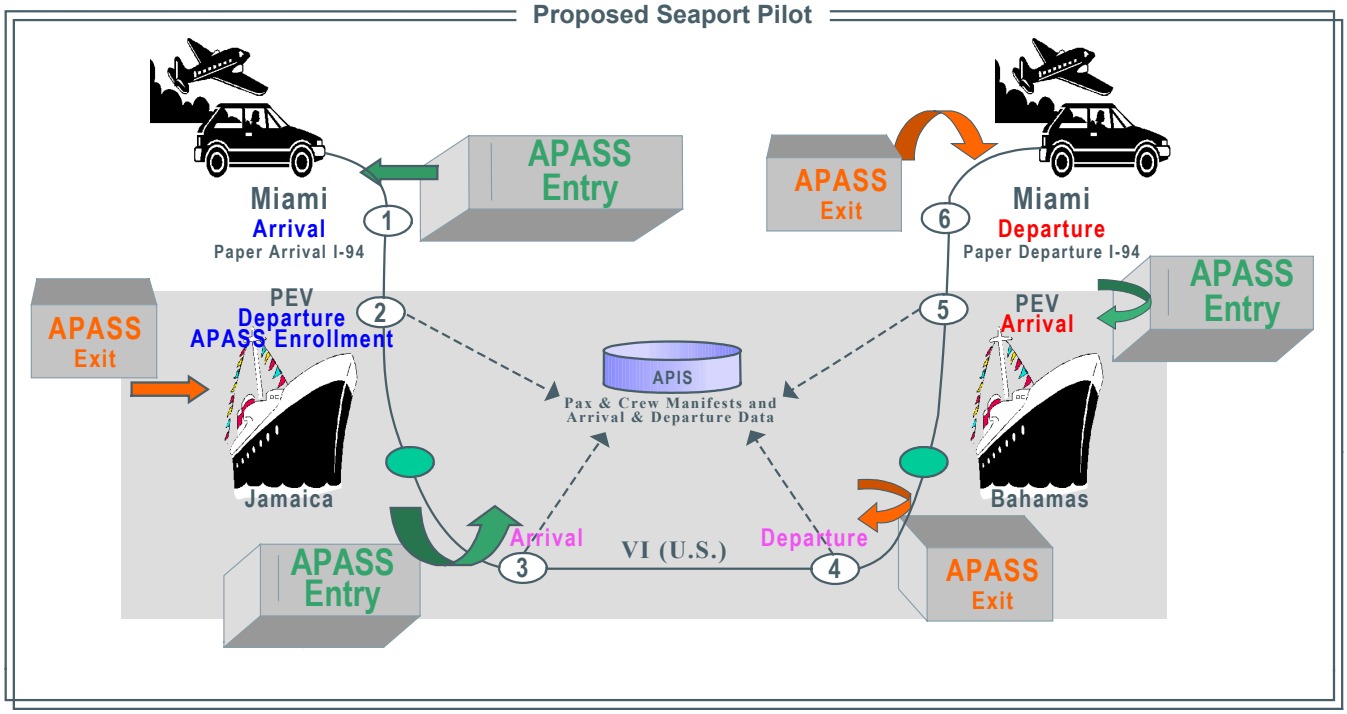
It is proposed that a pilot be developed for the Caribbean cruise itineraries where there are multiple stops at different U.S. ports. For example, a foreign traveler, who boards a vessel in the U.S., may have already been inspected. This same traveler will continue on the cruise and return back to the same U.S. port that he/she departed from originally. During these type of cruises, a face-to-face inspection is completed for each person onboard the vessel when it arrives in a U.S. port, and the vessel is often only in that port for about 8 hours. Most Caribbean itineraries include at least three U.S. port calls, including the final return to the U.S.

Arriving ships will electronically transmit information on passenger and crew manifests via APIS in advance of the ship's arrival in port. This information will be retrieved and processed by INS inspectors through state-of-the-art intelligence methods, including a query of passenger and crewmember names against lookout information; previous arrival history data; and any other pertinent information that would alert inspectors to potential high-risk situations. With complete and accurate advance information, these transmissions would be used as the passenger and crew manifests and would eliminate the need to replace the paper I-94 and I-418 forms each time the vessel arrives in another U.S. port, as well as allow inspectors to pre-screen arriving vessels with a view to identifying high-risk vessels warranting closer scrutiny upon arrival.

This electronic arrival information (for passengers and crew) should be available in real time to all seaport inspectors and used by inspectors as vessels travel coastwise. Any changes in crew status can be made and updated anywhere in the process (i.e., a "traveling crew manifest").

Additional information from APASS could be provided to the federal inspection agencies to assist in analyzing risk assessment factors for the crew, passengers, and vessel. APASS is currently used as a security system that records the arrival and departures from the vessel for each passenger and crewmember on each leg of the voyage.

Upon final departure from the U.S., electronic departure manifests for crewmembers would be automatically matched to the arrival manifest and would include all records of changes to provide the accurate and timely close-out of records. Electronic passenger information would be uploaded to the INS more quickly than the current paper I-94 form process. Under the systems-approach, the seaport system would be able to interface and exchange information with all other INS systems requiring seaport information.



6-01

1. Traveler arrives in Miami to begin cruise.
2. At check-in, the traveler provides all necessary information that will satisfy an API transmission record. The same information is used to enroll the traveler in an APASS-type system, which will generate a secure card that will be able to verify a biometric as the person arrives and departs the vessel. The biometric is collected prior to the person boarding the vessel and is stored in the ship's data system. The secure card will allow the person to board the vessel after the cruise line verifies the biometric to the person. This will happen at each leg of the voyage for arrival and departure from the vessel.
3. Prior to the ship's arrival in the next U.S. port, API arrival information will be submitted and the inspector will access it and analyze the data against all required databases. The INS at the port will determine, based on risk analysis, if the ship will be boarded for a full face-to-face inspection or if only changes to the manifest will be reviewed.
4. At the time designated by the INS, API data will be transmitted and the inspector will verify departure. Additionally, should the INS require it, reports from the APASS-like system could be provided to match departures and arrivals to the ship.
5. Step three is repeated.

The same transmission of API data for crewmembers is required at each step. All crewmembers will be provided an APASS-like card that will be kept current until the crewmember is repatriated.

Legislative Drivers

Congress enacted Section 110 of IIRIRA (the Act of 1996) because of concerns about the number of nonimmigrant alien overstays in the U.S. and the INS's difficulty in quantifying this number. Section 110 stated that the INS will develop an automated entry/exit system that collects and matches arrival and departure records for all non-U.S. citizens entering and departing the U.S. The system must have capabilities to generate statistical reports based on non-U.S. citizen nationality and to indicate the number of nonimmigrants for whom no departure record can be matched at the end of the non-U.S. citizen's authorized period of stay.

This requirement affects sea, air, and land inspections environments. The law mandates the collection of arrival and departure information for passengers and crewmembers. In October 1998, Congress amended Section 110, allowing a 30-month extension to implement the system in both the seaport and land border environments because of constraints in these environments. The primary reason the seaport environment was granted an extension was because of the lack of modernization to achieve the objective of Section 110.

A summary of legislative drivers is as follows:

- The IIRIRA requires that an automated entry/exit control system be developed to record non-U.S. citizen arrivals to and departures from the U.S. Currrently, there is no method for collecting or capturing crewmember information. In addition, there is no defined data warehouse to store this information. Also, the I-94 form used to collect passenger information requires further analysis to consider more efficient ways to collect this information and update INS systems. The efforts described in this document support compliance with this mandate.

- The Immigration and Nationality Act (INA), Title 8 U.S. Code (USC), Operational Manuals, Legal Decisions and General Counsel Opinions.
- DMIA set forth specific dates and other requirements for the Attorney General to follow in implementing an integrated entry/exit system.

- VWPPA requires the Attorney General to develop and implement an entry/exit system that will collect a record of arrival and departure for every alien who arrives and departs by sea or air who is provided a waiver.

- The USA Patriot Act added two new considerations, those of the "utilization of biometric technology" and "the development of tamper-resistant documents readable at ports of entry." The requirement for biometric technology significantly raises the bar on the development and cost for a viable entry exit control system.

- The BSA requires by October 26, 2004, that machine-readable, tamper-resistant documents with biometric identifiers be on the following documents: 1) all travel and entry documents issued to non-citizens; 2) passports issued from countries participating in the visa waiver program; and 3) passports of citizens of visa waiver countries issued on or after October 26, 2004. Similarly, the BSA requires that readers and scanners be

installed at all POEs to allow for biometric comparison and authentication of all U.S. visas and other travel and entry documents and passports required under the VWPPA. The BSA requires that by January 1, 2003, arrival and departure manifests be sent electronically.

- On October 4, 2001, USCG changed its regulations on advance Notice of Arrival from 24 hours to 96 hours.

- INS has proposed a change to the regulations on user fees for cruise ships, lifting the exemption for cruise ships going to the U.S. from the Western Hemisphere.

Enforcement Drivers

The enforcement component of the INS's mission in the seaport environment is very important. However, competing demands for inspection resources make it difficult for seaports to effectively execute this part of the mission. Coordination between federal agencies for advanced or up-to-date information is one of the greatest impediments to accomplishing this part of the mission. To be aware of or to prepare for a situation and prioritize resources according to risk assessments, accurate and up-to-date advance information is needed.

Additional Intelligence and Analysis: There is a need for additional intelligence and analysis in the seaport environment. There is currently no nationally linked intelligence information system that all seaports can access. Intelligence data are locally housed, often on paper, and cannot be accessed by all seaports. For example, one seaport does not know the actions that another seaport took when inspecting a particular vessel. In addition, the lack of a defined data warehouse to store information on crew member arrivals and departures hinders effective enforcement. The information requirements in the post-September 11 "new normalcy" environment and the need for a single, advance transmission of the crew data elements are appropriately reflected in the enhanced BSA.

Pre-arrival Screenings of Crewmembers: The current use of PALS does not support the law enforcement mission to the fullest extent possible because PALS contains only NAILS information and some CLASS lookout information. "APIS-like" transmissions with information on crewmembers would enable seaport inspectors to perform IBIS screening of crewmembers before a vessel arrives at a U.S. port.

Reduction of Nonvalue-added Tasks: Post-September 11, there is an even bigger need to focus on high-risk enforcement tasks by reducing nonvalue-added tasks. Ports have historically focused resources on areas with the highest volume of inspections rather than on those with the highest immigration risks. More time should be spent on inspection activites related to people who pose a higher risk. Current automation and advance transmission of crewmember information will assist inspectors in screening and conducting inspections on large, low-risk groups. At present, inspectors spend tremendous amounts of time manually completing, filing, sorting, stamping, and mailing forms. In addition, many data fields on various forms are redundant. If some of these manual and duplicative tasks can be eliminated, inspectors could spend more time on activities with higher enforcement value.

Efficiency Drivers

The inspection process at seaports has a significant impact on the cruise line and maritime industries and on their passengers and crewmembers. In 1996, the INS administered a survey and conducted focus groups that included passengers and cruise line representatives to obtain opinions and suggestions about the INS inspection process. The results of the survey showed that there is a significant inverse relationship between customer satisfaction with the inspection process and the amount of time travelers spend in the inspection process. Streamlining INS inspection processes and the implementation of a single federal transmission system for crewmember information would also ease the administrative burden on the shipping industry through the recution of forms while at the same time facilitating law enforcement and homeland security.

Efficiency drivers and opportunities are described below.

Reduction of Multiple Passenger Inspections on Cruise Lines: There is a need to develop a process solution to both issues of multiple passenger inspections and the use of multiple I-94 forms during a voyage. Inspectors and the cruise line industry representatives agree that this scenario requires change. The current process is not cost effective to the INS or to the cruise line industry and is cumbersome to the bonafide traveler. Alternative inspection methods should be employed in this scenario.

Development of Alternative Types of Inspection Procedures for Cargo Vessels with Histories of Compliance with INS Regulations: There is a need to develop alternative types of inspections for cargo vessels that have histories of compliance with INS regulations and which—based on advance crewmember information—have been determined to be low-risk. Currently, cargo vessels must wait for an inspector to arrive before cargo handling can commence. This procedure can be costly to the shipping industry, shippers and American importers and manufacturers. With alternative inspection methods, ships with histories of compliance or otherwise categorized as low-risk could be inspected more quickly, and inspectors could spend more time on inspection activities for higher risk cargo vessels and crew.

Growth of the Cruise Line and Cargo Shipping Industries: There is a need to address the fact that both the cruise line and the cargo shipping industries are growing. The INS must use human resources effectively to meet this challenge with the assistance of technology.

Work with Cruise Line and Cargo Industries to Improve Processes: Both the cruise line and shipping industries are supportive of INS's efforts and are willing and committed to work with the INS to enhance maritime security and protect the homeland.

Management Drivers

Some drivers related to the improvement of overall seaport management have been identified in previous sections. For example, one of the complaints commonly heard from both

inspectors and representatives of the maritime industry is that the inspection process is not consistent from port to port, which has been further exacerbated by September 11, in particularly regarding the treatment of non-visa seafarers. This management issue is primarily a result of the lack of information available to seaport inspectors. For example, because seaport intelligence information is not collected nationally, nor is it nationally accessible, each port uses only local information about a ship or crew to make inspection-related determinations. The application of technology to provide national intelligence information and the ability to search the immigration histories of crewmembers would assist seaport operations in developing consistent practices. A need also exists for INS Headquarters to formulate guidelines for a uniform implementation of existing law, in particular in regard to non-visa seafarers. The management drivers are described below.

Development of Consistent Seaport Operational Practices: There is a need to develop consistent, uniform operational practices for all seaports. The application of technology to provide more information to seaport inspectors, combined with streamlined inspection processes, would result in more operational consistency from port to port.

Effective Use of INS Monetary Resources: There is a need to effectively use INS monetary resources. Substantial amounts of money and time are used to manage seaport paperwork in various branches of the INS. The use of electronic methods to streamline the paperwork process would save resources for the INS and other agencies.

Improving Inspector Morale and Professionalism: Spending time on low-risk inspection activities and on manual paperwork processes decreases overall inspector morale. By streamlining and automating paper processes, inspectors would have more time to spend on higher risk inspection activities. As a result, this could improve inspector morale and professionalism in the seaport environment and, most importantly, lead to enhanced maritime security and better protection of the U.S.

Commerce Driver

While the INS does not typically analyze its effect on commerce, it is important to note that INS inspection processes, especially in the Caribbean region, may be discouraging commerce to the U.S. In certain circumstances, INS inspection processes affect U.S. commerce. Cruise line representatives have indicated that they purposely change cruise itineraries to avoid U.S. islands so that passengers do not have to undergo multiple INS inspections. Additionally, delays in passenger disembarkation caused by these inspections are inconvenient to the passengers and reduce the amount of time that passengers have to shop on U.S. islands.

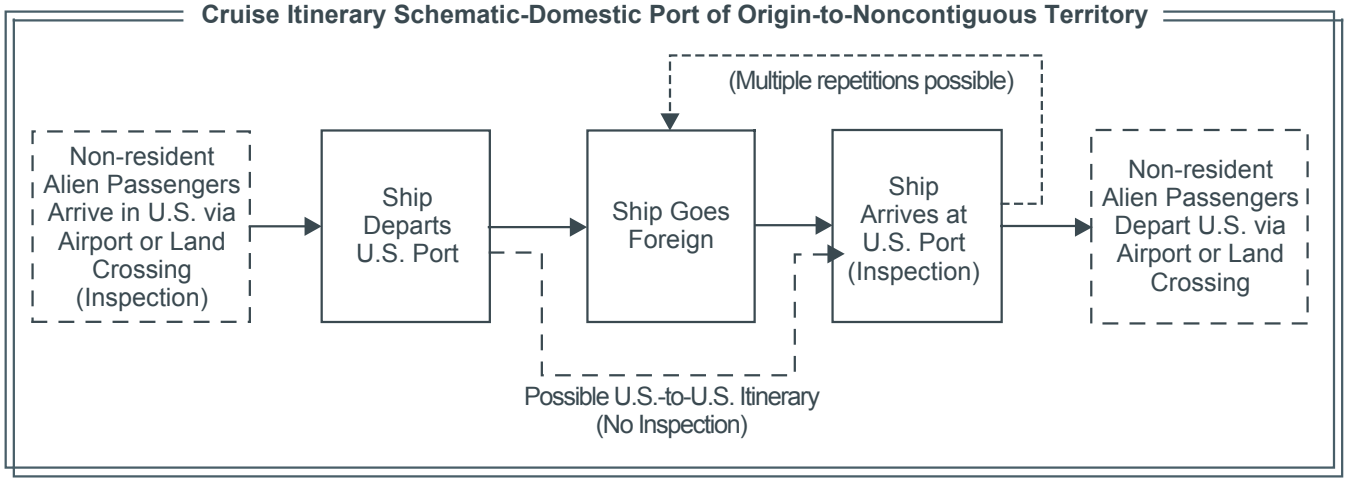
Conclusion: The Need for Change

Both the cargo and cruise line industries predict that their prospective industries will continue to grow. The cruise line industry currently has 30 new cruise ships scheduled to go into service between 2002 and 2006. New megaships will continue to be built, and the INS will be faced with an increase in inspection activities. In addition, cargo ships will continue to arrive in the U.S. more frequently, often with the same crew.

The INS must continue to evaluate the current inspection processes and move from being volume-driven to becoming risk-driven. To successfully make these changes, enhancements must be developed and applied to the seaport environment to provide seaport inspectors with the necessary tools to perform their jobs more effectively.

This is a time of unprecedented opportunity for the INS seaport environment. The cruise line industry and cargo shipping industry are prepared and committed to work with the INS to develop solutions to these issues and to enhance maritime security. With these investments, the seaport environment can reap tremendous benefits for the INS in terms of enforcement, efficiency, financial savings, and meeting legislative requirements.

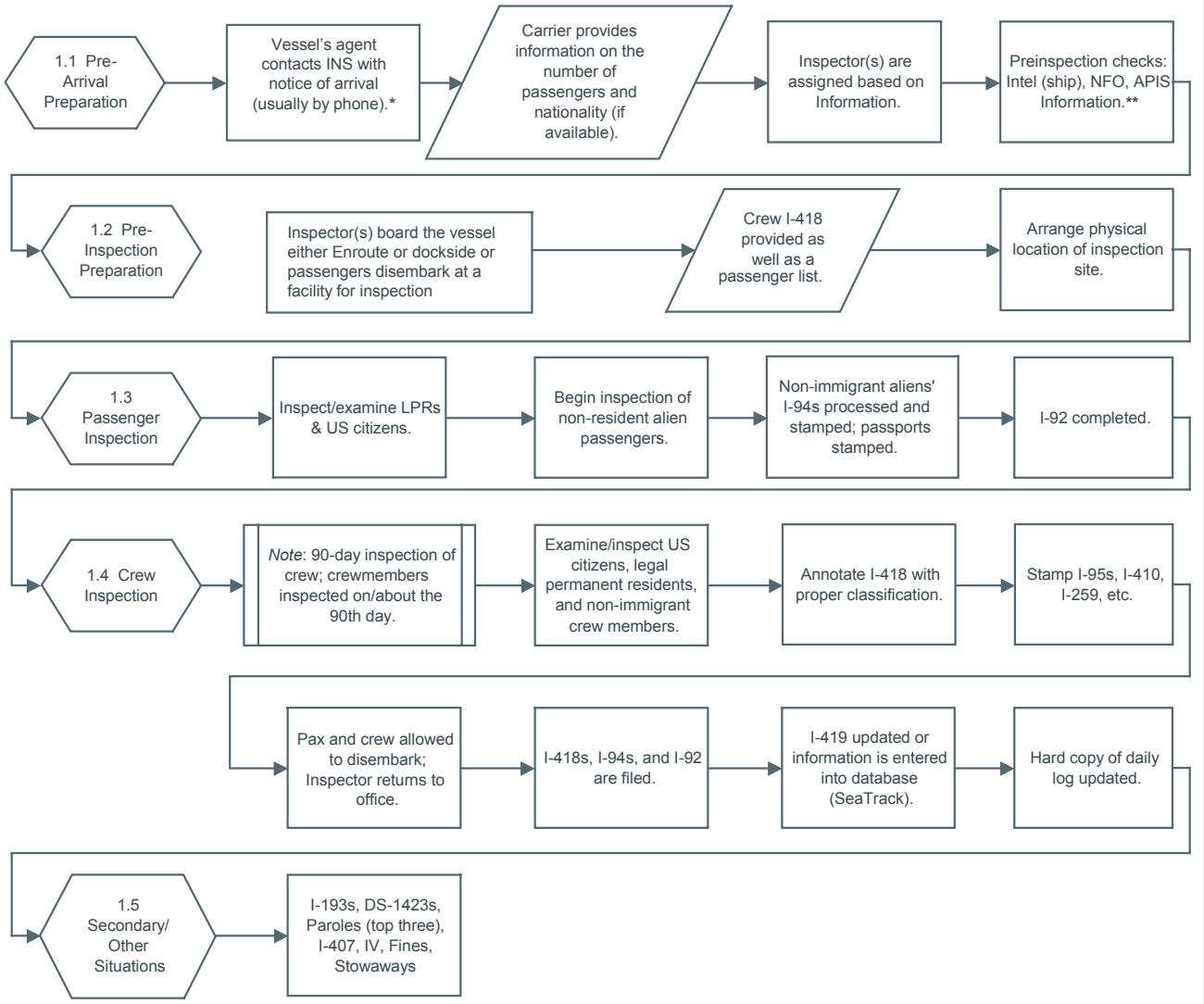
EXHIBIT 1



6-02

EXHIBIT 2

Basic Cruise Ship Inspection Processing of Passengers and Crew

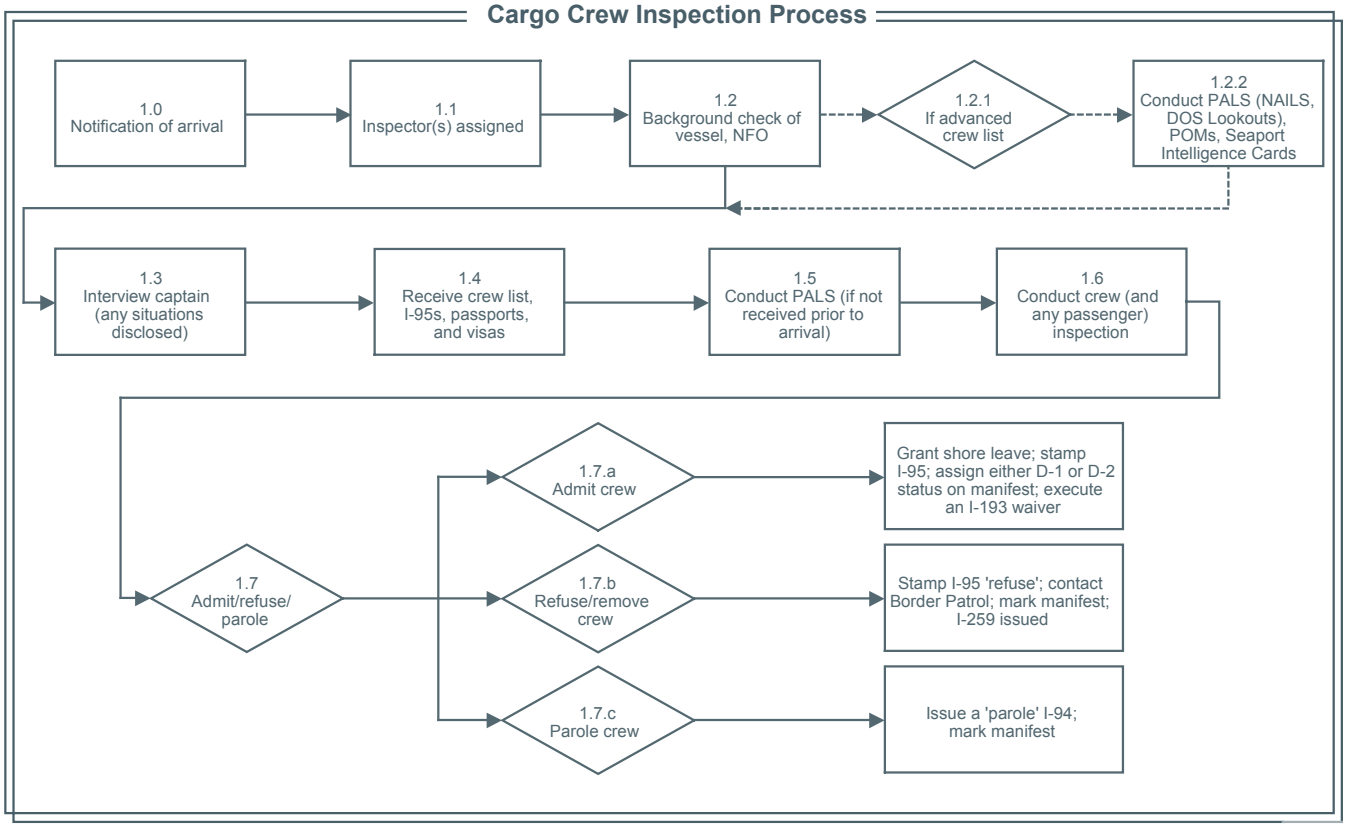


* When the agent notifies INS of the arrival, the following information is given: name of the vessel, last foreign port of call, date, time and place of arrival.

** Pre-inspection checks include, but are not limited to, the following: intelligence card (manual process at local port), NFOS (to obtain actual fines history of the vessel), and APIS (to process the passengers through law enforcement databases).

6-03

EXHIBIT 3



6-04

A. OVERVIEW

The DMIA established a Task Force to evaluate the following:

1. How the Attorney General can carry out section 110 of the IIRIRA of 1996 as amended;

2. How the U.S. can improve the flow of traffic at airports, seaports, and land border POEs through A) enhancing systems for data collection and data sharing, including the integrated entry/exit data system, by better use of technology, resources, and personnel; B) increasing cooperation between the public and private sectors; C) increasing cooperation among federal agencies and among federal and state agencies; and D) modifying information technology systems while taking into account the different data systems, infrastructure, and processing procedures of airports, seaports, and land border POEs; and

3. The cost of each of its recommendations.

It is the sense of the Congress that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation. Subsequent legislation (USA Patriot Act) also required consultation with the newly established Office of Homeland Security.

The DMIA Task Force began its work in 2002 by focusing on item number 1 (above), entry/exit issues, and developed recommendations for such a system as discussed in the preceding chapters of this report. The Task Force will further address the issues in items number 2 and 3 in 2003/2004, which include facilities and infrastructure, resources, coordination and cooperation (federal, state, and local agencies, affected foreign governments, and private and public sectors), port processes/operations, and information technology systems. Item number 3 is addressed throughout this report in appropriate areas and will continue to be updated as the Task Force works through these issues.

The following sections on cooperation and coordination, facilities and infrastructure, additional port processes/operations, interoperability and other information technology issues, and resources/costs are provided as baseline information in these areas.The Task Force will continue to research and make recommendations on these issues in 2003/2004.

B. COORDINATION AND COOPERATION

The DMIA specifies that the Task Force evaluate how the flow of traffic can be improved at POEs by increasing cooperation between the public and private sectors and increasing cooperation among federal and state agencies. The statute also states that it is the sense of Congress that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation.

It is also important to consider that although the focus is on POEs, effective border management is an integrated effort that can be impacted by activities between POEs (presently the jurisdiction of the U.S. Border Patrol), international issues that affect the movement of people and goods to the border and POEs, and state/local issues. Experience has shown that changes in any of these areas can have an impact on traffic flow and the quality of life in the communities surrounding the POEs. The Task Force will consider a wide range of issues, but for practical purposes, will likely concentrate on those areas that have an immediate impact.

Preliminary indications this year reveal that there are already various mechanisms in place among agencies and governments for coordination on a variety of issues as well as some sharing of data. Some of these mechanisms have produced specific agreements and others provide opportunities for dialogue and joint solutions to common issues. Some are on a national/international level and others are on a regional or local level. Some address enforcement issues, others facilitation, and still others a combination of both; all are part of effective border management. Preliminary indications show that more systematic mechanisms are needed to coordinate with private industry in certain areas.

The Task Force is in a unique situation to address the issues of security and facilitation since it includes representatives from federal, state, and local governments as well as representatives from a broad range of private industries (aviation, maritime, land border groups, travel and tourism, and trade and commerce). The Task Force will also be addressing these issues on the threshold of the proposed creation of a Department of Homeland Security. This new Department is intended to consolidate border security, among other areas, for the purpose of increasing coordination to provide more effective security as well as facilitate the free flow of legitimate goods and people. The federal agencies represented on the Task Force include those proposed for the new Department and therefore, are in a unique position to provide a timely assessment and recommendations on increased coordination and cooperation in key areas and in conjunction with industry.

The following is provided as baseline information regarding coordination and cooperation efforts that are currently in place and is not intended to be all- inclusive. The Task Force will examine ongoing cooperation efforts, address areas that are not currently part of these efforts, and make recommendations for increasing and improving coordination in 2003/2004.

Ongoing Coordination Efforts:

- In December 2001, Homeland Security Director Ridge and Canadian Minister of Foreign Affairs Manley signed a Smart Border Declaration, which includes 30 initiatives aimed at enhancing security along our shared border. The United States and Canada Smart Border Declaration outlines the 30-point Action Plan, based on four pillars, to collaborate in identifying and addressing security risks while efficiently and effectively expediting the legitimate flow of people and goods back and forth across the U.S./Canada border. A key element of this bi-national plan is NEXUS, technology designed to enhance security and improve traffic flow along the U.S./Canada border. NEXUS lanes reduce the wait times for low-risk, frequent border crossers, and the expanded use of automation and technology enables officers from both the U.S. and Canada to focus more attention on higher risk traffic.

- In Monterrey, Mexico, President Bush and President Fox announced a 22-point agreement to build a smart border for the 21st century. This border will embrace technology and enhanced bilateral cooperation to ensure humane, efficient, and modernized management of the border that joins our peoples and our economies. Measures for strengthening cooperation between the U.S. and Mexico were outlined in an action plan with additional measures to be agreed upon (as appropriate) in the future, to advance the following goals: infrastructure that keeps pace with travel and commerce, the secure flow of people, and the secure flow of goods.

- President Bush charged the Attorney General, the Secretary of State and, later, the Secretary of Labor to co-chair a high-level working group on migration with their Mexican counterparts.

- INS coordinates community relations activities through the sector and district offices. Each district office has a community relations officer who handles outreach according to the needs and at the request of the local community.

- The Task Force understands the need to continue to coordinate with state and local governments. The Task Force will explore different methods for cooperation such as “cooperating agency status” for entry/exit infrastructure and facility planning.

- Currently the Secretary of Commerce leads the Tourism Policy Council consisting of over 15 federal agencies and offices for coordinating policies and issues impacting travel and tourism. Membership includes the State Department, INS, USCS, and DOT.

- The Communications Committee of the Tourism Policy Council could be used to initiate communications with industry regarding changes and consideration of changes to the entry/exit system and documentation requirements for international travel to and from the U.S. This Committee would also coordinate with the U.S. Chamber of Commerce, the Travel Industry Association of America, the Association of Counties, the International Association of Convention and Visitor Bureaus, the Conference of Mayors and any other industry-related organizations that could help ensure clear communications with the traveling public.

- The Office of Travel and Tourism Industries in the U.S. Department of Commerce serves as the Secretariat for the Tourism Policy Council and could be the central point of coordination for a proactive communication plan which would incorporate communications as federal notices are prepared, regulation guidelines are being considered, or as mandated changes are being imposed.

- The Office of Travel and Tourism Industries could use the commercial service officers located in embassies throughout the world as a key outlet, and the domestic operations commercial service officers throughout the U.S. as the second key outlet for implementing the communication plan and for making any clarifications for travelers.

- The North American trucking industry has been working to improve the efficiency, safety, and security of cross-border trucking movements for more than a decade. With the increasing trade levels among Canada, Mexico, and the U.S., the trucking industry has worked in unison to improve not only international trade operations, but also the efficacy of border facilities and government systems that clear cargo, vehicles, and drivers as they operate across North America's common borders. However, further investments in border infrastructure, both physical and technological, are greatly needed to improve the speed, safety, and security with which cargo moves throughout our three countries.

- The American Trucking Associations (ATA), the Canadian Trucking Alliance (CTA), and the Camara Nacional del Autotransporte de Carga (CANACAR) have jointly worked with our countries' respective customs, immigration, and various other federal agencies to develop not only the necessary physical infrastructure to improve the movement of trade, but also technologies that can facilitate the clearance process at land border POEs. Such projects include the North American Trade Automation Prototype (NATAP), NAFTA's access and investment trucking provisions, the easing of "cabotage" rules for the utilization of foreign equipment, and the International Trade Data System (ITDS). More recently, such an effort has focused on the "FAST" program on the northern border, which will eventually also be established on the southern border. FAST is a joint U.S./Canada program that involves the customs and immigration agencies of both countries to improve the security of the international supply chain. FAST is the motor carrier component of the USCS Trade Partnership Against Terrorism (CTPAT) and includes the use of dedicated lanes to expedite the clearance and movement of low-risk cargo of known shippers by registered carriers and drivers.

- The Aviation Security Advisory Committee (ASAC) was formed as a Federal Advisory Committee to advise and assist the FAA, since it was transferred to TSA, for similar work as described for Aviation Rulemaking Advisory Committee (ARAC). However, the Government more often briefs the committee rather than the committee advising or making recommendations to the Government. ASAC has decided to consider a restructuring once the Department of Homeland Security is operational. Airports Council International, North America (ACI-NA) and Air Transport Association (ATA) are members.

- The INS User Fee Advisory Committee is similar in concept to the ASAC, but specific to stakeholders who "benefit" from programs funded by the INS user fee. ACI-NA and ATA are members.

- USCS Consolidated Omnibus Budget Resolution Act (COBRA) Fee Advisory Committee was recently established to provide a forum, also similar in concept to the ASAC, but it is too early to report accurately on the progress and work of the committee. ATA is a member, and ACI-NA is petitioning for membership.

- Joint coordination between government and stakeholder in task forces, working groups, and committees should be encouraged in the future as the creation of the Department of Homeland Security will change government agencies' responsibilities/missions, reporting structure, and funding approval.

- International Air Transport Association/Control Authorities Working Group (IATA/CAWG) is a multi-government effort representing approximately 19 countries, primarily from Western Europe, the U.S., Canada, and Australia. IATA/CAWG is concerned with continuing an open and informal dialogue between the control authorities and the represented international air carriers. To accomplish this, IATA/CAWG holds two meetings each year in varied locations. Topics of interest to both the carriers and governments are discussed, including such issues as the transportation of inadmissible passengers by international carriers, carrier liability, fraud trends, technological developments relating to international travel and document examination, statutory and regulatory developments in member countries, and training.

- The primary objective of the Border Safety Initiative (BSI) is the reduction of injuries and the prevention of deaths in the southwest border region through the creation of a safer border environment. The BSI was implemented in June 1998, building on long-standing public safety and humanitarian measures practiced by the U.S. Border Patrol, in cooperation with state and local governments and the Government of Mexico. Over the past several years, unscrupulous alien smugglers have moved migrants into more remote areas with hazardous terrain and extreme conditions. In particular, the BSI is intended to inform potential migrants of the hazards of crossing the border illegally and to respond to those who are in a life-threatening situation.

- Border Patrol's Search Trauma and Rescue (BORSTAR) teams are elite units capable of providing emergency search and rescue responses anywhere along the Southwest border. These specialized teams are comprised of agents trained in the various disciplines of search and rescue. BORSTAR members undergo a grueling training regimen, which includes search and rescue fundamentals, land navigation, technical rescue skills, communication, and first aid. Due to the rugged and remote terrain in which BORSTAR agents operate, they are frequently the only medical or rescue response available. They must be able to locate a distressed person, provide medical assistance to stabilize patients, and transport them to areas more accessible to medical care providers.

- One of the primary ways the INS assists state and local law enforcement is through the INS Law Enforcement Support Center (LESC). The primary mission of the LESC is to help other law enforcement agencies determine if a person they have contact with, or have in custody, is an illegal, criminal, or fugitive alien. The LESC provides a continuous link between federal, state, and local officers and the databases maintained by the INS.

- During an October 8, 1999, meeting in Ottawa, then President Clinton and Prime Minister Chrétien congratulated the ministers and heads of agencies responsible for managing the border on the excellent progress since the announcement of the Shared Border Accord. The two leaders observed that the Foreign Affairs Minister and Secretary of State play a special role in facilitating the implementation of the Shared Border Accord principles. Canada's Foreign Affairs Minister and Secretary of State have agreed to establish the Canada-U.S. Partnership (CUSP) under the direction of the Assistant Deputy Minister–Americas and Assistant Secretary for Western Hemisphere Affairs. The CUSP will convene periodic meetings, including border communities to carry out the following tasks:

    - Consult with government agencies on progress in cross-border cooperation;
    - Promote high-level dialogue among federal, state/provincial/territorial, and local authorities, border communities, and stakeholders to reach a common vision for border cooperation;
    - Identify emerging issues and long-term trends in border collaboration; and
    - Report on the state of the border with input from government agencies, bi-national government groups, and other stakeholders.

- A multi-agency forum, the US/Canada Accord on Our Shared Border focuses on land border issues by improving border facilities and inspection processes. Established in 1995, the Accord focuses on three main topics: border services, a responsibility-sharing agreement on asylum seekers, and the convergence of visa requirements and processes for third country nationals. The strategy envisioned in the Accord is straightforward: to develop a customs process that supports our large trade relationship; to streamline traveler procedures; to provide high quality service through innovations and partnership; to enhance enforcement efforts jointly and at less cost; and invest in technology as a means of fulfilling this strategy.

    - Under the Accord, both countries have made significant progress in establishing similar and parallel programs to efficiently and effectively move low-risk travelers. A joint harmonized highway pilot project will create an expedited inspection process at a selected manned border crossing for pre-approved, low-risk travelers crossing in both directions. This initiative will have a joint application form, a joint enrollment process, and a common card. A participant in this program will be able to access the expedited process when entering both the U.S. and Canada. Under the Accord, there is a commitment by both countries that, to the extent possible, joint or shared facilities will be examined before any major construction or renovation is conducted on U.S. or Canadian border POEs. Under the Remote Ports initiatives, the four

agencies are committed to enhance the security, enforcement, and service for low-volume, remote POEs along the northern border.

- Border Vision addresses the development of a strategic, regional approach to migration issues between the U.S. and Canada. Both the U.S. and Canada have realized that both countries have common concerns related to issues such as international terrorism, international crime, and the smuggling of drugs and people. Both countries are working to coordinate a long-term strategy to address these concerns–an initiative that is referred to as Border Vision. It is increasingly obvious that a coordinated approach is the most efficient and cost effective way for the two countries to manage the immigration process by enhancing controls along the "external border" while improving collaboration along the "internal border" (the Canada/U.S. border).

    - Key elements of this regional approach are information sharing on illegal immigration, terrorists, and criminals; cooperation on overseas interdiction (stopping the problem at its source, before it reaches the Canada/U.S. region); harmonization of our immigration policies such as visas and waivers; and enhancing cooperation along the common land border. Rather than deal with this issue in isolation, the two countries are collaborating on a strategic approach.

- The Border Coordination Initiative (BCI) is a comprehensive border management strategy between the USCS and INS to increase cooperation among federal agencies along the southwest border to more efficiently interdict drugs, illegal aliens, and other contraband.

- Homeland Security Presidential Directive issued by President George W. Bush on October 29, 2001, established the Foreign Terrorist Tracking Task Force (FTTTF), whose mission is to keep foreign terrorists and their supporters out of the U.S. by providing critical and timely information to border control and interior enforcement agencies and officials. The border management agencies work hand-in-hand with the FTTTF to discern patterns and probabilities of terrorist activities and to ensure that data is properly shared.

- The Integrated Border Enforcement Team (IBETs) is a multi-agency law enforcement team that emphasizes a harmonized approach to Canadian and U.S. efforts to target cross-border criminal activity. The importance of IBETs has been heightened by the new reality of terrorism and the need to enhance border integrity. The model is built on the premise of partnership and on sharing information more effectively to stay at least one step ahead of criminals and terrorists. Originally developed in 1996 as an innovative method to address cross-border crimes along international land and marine borders between British Columbia and Washington State, IBETs has evolved into a major enforcement success. IBETs enables U.S. and Canadian police services and law enforcement communities to work together daily with local, state, and provincial enforcement agencies. Both countries share a common border and common objectives: to ensure that the border is open for business, but closed to crime.

- Canada is a close ally in the counter-terrorism field, and the two countries meet regularly under the Bilateral Consultative Group on Counter-Terrorism to discuss ways to enhance cooperation and improve border security. After the Ressam incident in December 1999, both countries remained concerned about the possibility of a heightened threat of terrorism in North America, and the two countries are exploring new mechanisms for exchanging information and have delineated what each country intends to do jointly in combating terrorism.

- In April 1997, Prime Minister Chrétien and then President Clinton agreed to establish a bilateral consultative mechanism to address cross-border crime issues. Led by the Solicitor General of Canada and the Attorney General of the U.S., the Cross Border Crime Forum has met annually since first convening in Ottawa in September 1997. The Forum brings together over 100 officials from Canada and the U.S. on transnational crime problems such as smuggling, organized crime, telemarketing fraud, money laundering, missing children and parental abduction, crimes using computers, and other emerging cross-border issues. As a result, the Forum has improved cooperation and information sharing between our two countries, which is a priority for both the U.S. and Canada in the fight against organized crime. The cooperation and collaboration arising from the Crime Forum also improves both countries' efforts and mutual interest in the global fight against transnational organized crime.

- Joint Working Committee (JWC): The U.S./Mexico Joint Working Committee on Transportation Planning (JWC) coordinates various planning processes for border transportation activities. The group is co-chaired by the Federal Highway Administration's (FHWA) Office of Planning and Environment and the Mexican Secretariat of Communications and Transportation (SCT). In addition to FHWA and SCT, JWC membership includes representatives from the DOS, the Mexican Secretariat of Foreign Relations, the four U.S. border state Departments of Transportation, and the six Mexican border states.

  JWC operates under a Memorandum of Understanding (MOU) signed October 12, 2000, by former Secretary of Transportation Rodney Slater and former SCT Secretary Carlos Ruiz. It states that the JWC will work on the following topics: border infrastructure needs assessment, geographic information systems, intelligent transportation systems, border technology exchange program, transborder corridor planning, innovative financing, and a coordination system for operation of border POEs.

- Trans Border Working Group (TBWG): The TBWG is co-chaired by FHWA, (Office of Intermodal and Statewide Programs) and Transport Canada and works to improve the safe, secure and efficient movement of passengers and trade across the border.

  This group is jointly assessing border infrastructure needs along the U.S./Canada border. They met in June 2002 to formalize the group's "Terms of Reference" charter and to develop tasks/activities for the action plan for the coming year. One of the main efforts will be to create a compendium study on border infrastructure needs.

- National Infrastructure Security Committee (NISC): After the events of September 11, 2001, DOT established the NISC to review security concerns across all modes of transport. The NISC is comprised of the modal administrators of DOT's operating administrations. Six initial action groups were established–maritime, surface, rail, hazardous material, pipeline, and transit to drill down to the security concerns within each mode. In order to address issues that cut across all modes–credentialing, communications and containers–three additional groups were established. All of these groups have worked extensively with other governmental departments (e.g., USCS co-chairs the container working group) and with the respective industries to develop recommendations on infrastructure and supply chain security.

- Border Wizard: The Border Station Partnership Council (BSPC), a coordinating body of the FIS agencies, needed a method to plan for future infrastructure needs at U.S. borders. After evaluating several options, the BSPC decided that a border crossing simulation-modeling tool would be most effective in meeting its objectives. The Federal Highway Administration's Office of Freight Management and Operations, in cooperation with BSPC, developed an analytical tool to assist in coordinating improvements to border POEs. Border Wizard is the name of this tool; it can simulate all current or planned federal inspection activities at any land border station to determine infrastructure, facility, and operational needs to ensure safe and secure operations. This effort is being expanded to include the transportation infrastructure leading to/from the POE.

- Cargo Handling Cooperative Program (CHCP): The CHCP, sponsored by the Maritime Administration, seeks to increase the productivity of marine freight transportation companies through cargo-handling research and development. The CHCP, conceived as a public/private partnership, was designed to foster research and technology development among its members and to actively pursue innovative cargo-handling developments to increase the productivity and cost effectiveness of cargo operations.

- Intermodal Freight Technology Working Group (IFTWG): The IFTWG works to apply Intelligent Transportation System (ITS) technologies to improve freight and equipment visibility throughout the global intermodal logistics chain and to optimize asset utilization and reduce costs. It also works to understand and plan for the behavioral, organizational, and process changes associated with intermodal technology implementation. They have established extensive partnerships through initiatives, products, and funding within the intermodal and international stakeholder community and are actively involved in prototyping solutions to efficient cargo movement. Their model deployments and programs are designed such that they can be applied to the global marketplace and can provide tangible benefits to both the public and private sectors.

C. FACILITIES AND INFRASTRUCTURE

One of the important components of the mission of "improv[ing] the flow of traffic at our airports, seaports and land border ports of entry" relates to the adequacy of the port facilities and infrastructure. The Task Force cites INS and USCS data indicating significant deficiencies in port infrastructure at all three types of POE (air, land, and sea) to support current levels of traffic and processes. There is great concern about the potential need for massive additional infrastructure investments to support an entry/exit system, particularly at the land borders.

Since 1989, with the advent of first the Canada-U.S. Free Trade Agreement and then the North American Free Trade Agreement, the volume of traffic at our land borders has increased significantly. From 1994 to 2000, total U.S./Canada surface trade increased 63 percent from $223 billion to $365 billion, while U.S./Mexico surface trade increased 139 percent from $88 billion to $210 billion.[27] Yet investment in port facilities and border and transportation infrastructure has increased only minimally relative to the growth in trade.

Transportation studies conducted by many groups show significant deficiencies in roads, rails, bridges, and tunnels connecting to POEs. Border studies show deficiencies in inspection facilities and infrastructure to support increasing traffic flows (resulting in increasing delays and wait times over the last decades). And internal federal agencies report deficiencies in facilities to support increasing personnel needs**.** The Federal Highway Administration is presently undertaking studies on freight mobility, trade corridors, and congestion at POEs on the northern and southern borders.

Facilities at airports also have not kept up with growth in traffic. According to the Airports Council International-North American, total U.S. passenger system activity (domestic and international enplanements) is scheduled to increase 46 percent in the next 12 years. International passenger traffic on U.S. air carriers only is expected to surge 73 percent, from 55 million to 95 million by 2013. To accommodate this growth, the U.S. needs the equivalent of 10 new airports similar in size to Los Angeles or Dallas/Forth Worth, or the equivalent of the combined total activity of the top 16 U.S. large hub airports.[28]

Seaports also require infrastructure improvements. According to the American Association of Port Authorities, U.S. seaports expect to spend just over $9 billion in infrastructure investment between 1999 and 2003 to meet growing cargo and cruise traffic.[29]

Given this background, the Task Force will study the current facilities and infrastructure deficiencies at land borders, as well as potential new investments needed to meet the requirements of an entry/exit system as it is further developed for implementation at POEs of all types.

[27] Source: U.S. Bureau of Transportation Statistics. Includes imports and exports for all surface modes.
[28] Source: *The Economic Impact of U.S. Airports*, Airports Council International-North America, 2002 at http://www.aci-na.org/docs/US_Econ_Impact.pdf.
[29] Source: American Association of Port Authorities, "Port Fact" at http://www.aapa-ports.org/industryinfo/portfact.htm.

The following data from INS and USCS illustrates some of the current deficiencies at the borders:

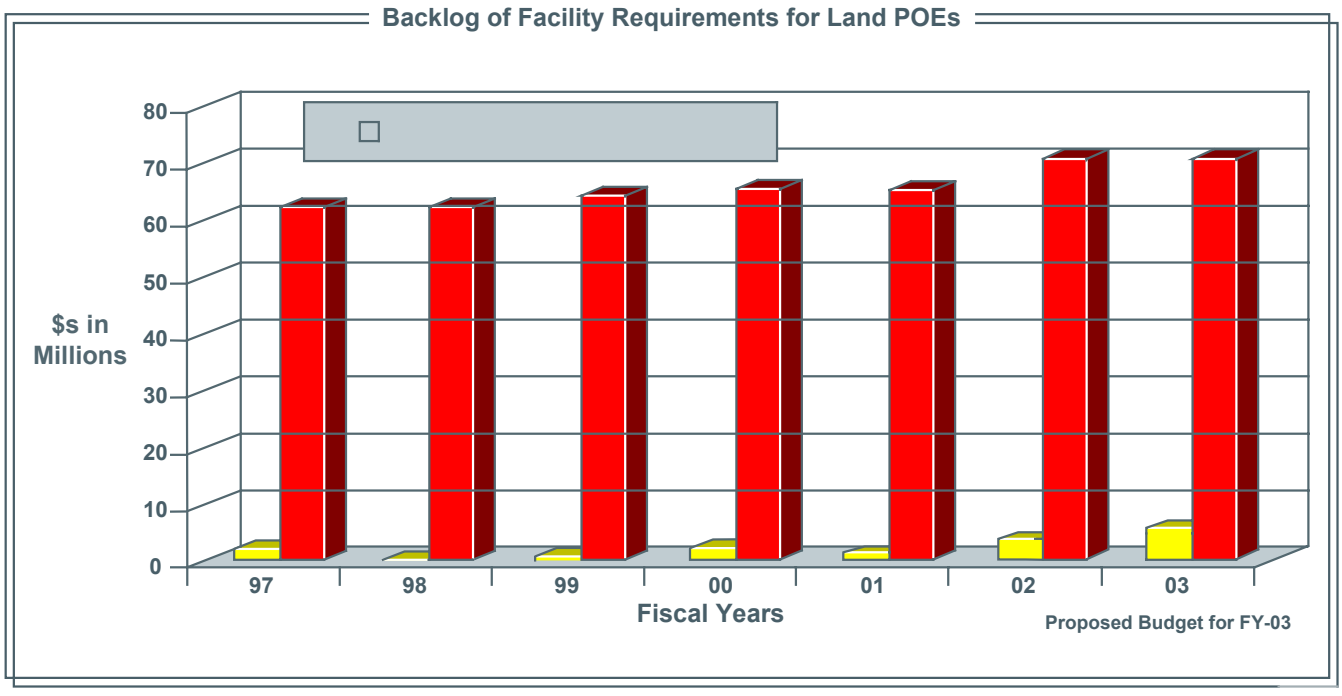
Land Border Facilities: In FY 2001, 414 million land border entry inspections were conducted at northern and southern land border inspection facilities. Land POE inspections facilities are owned by different entities: they may be owned or leased by the General Services Administration, INS, USCS, or privately owned. Each land border POE is very different due to variations in geography, location, volume, types of traffic, etc., but all land border POEs are experiencing shortfalls in terms of facilities.

The INS Office of Administration reports the following shortages at land border POEs:

- 64 ports have less than 25 percent of required space;
- 40 ports have between 25 and 50 percent of required space;
- 13 ports have between 50 and 75 percent of the space required; and
- Some existing ports lack any land for expansion.

Resources to expand and improve the infrastructure to support growth in workload and staffing have not kept pace, creating infrastructure weaknesses.

The graph below illustrates the gap between funding provided and actual space required at the land border between Fiscal Year 1997 and Fiscal Year 2003.



7-01

Commercial vehicles entering U.S. primary inspections booths, Port Huron POE, Port Huron, MI

7-02

Passenger vehicles entering the U.S. from Mexico, San Ysidro POE, San Ysidro, CA

7-03

Airport Facilities: The INS and USCS designate the airports at which carriers may disembark international passengers. INS and USCS process international passengers through inspection processing areas contained within a Federal Inspection Services (FIS) area, which accommodates other federal agencies. At air POEs in the U.S., the FIS area includes arrival gate vestibules; a secure corridor system, in-transit lounges and VIP lounges, international baggage claim, passenger processing areas, and the FIS agencies' office and support areas. The FIS area is defined as the area from the door of an international arriving aircraft to the end of the USCS area, including all international gates, corridors, in-transit lounges, and inspection areas. The facility must be separated physically and visually from the domestic passenger operations and outside areas. The FIS area is designed so that arriving passengers or crewmembers cannot bypass the inspection area or interact with the public. The INS immigration processing area is designed to accommodate the POE's peak passenger loads, but as mentioned, many facilities have outgrown the existing space, resulting in a backup of traffic and delays.

Located directly beyond INS inspection areas, passengers entering international baggage claim pass a command and control facility known as the joint agency coordination center (JACC). The JACC is where INS, USCS, and other FIS agencies monitor and control the movement of international passengers and baggage, oversee processing, and coordinate law enforcement activities.

Space for processing passengers and baggage arriving on international flights must be provided by the air carriers. Additionally, the cost of counters, conveyors, security equipment, and inspection booths must be borne by the air carriers.

Limited space at most airports, compounded by increased passenger loads and new security requirements post-September 11, are some of the challenges in the air environment.

Arriving international airline passengers awaiting INS inspection.
Los Angeles International Airport, Los Angeles, CA

7-04

INS primary inspection queues for non-U.S. citizens, U.S. citizens, and U.S. residents for international passengers arriving at Philadelphia International Airport

7-05

Seaport Facilities: The nature of the seaport environment does not lend itself to traditional inspection facilities as the majority of seaport inspections are conducted dockside or onboard the vessel. However, there are several inspection facilities that have been built for the inspection of passengers and crew arriving on cruise ships. When cruise lines or cargo vessels arrive at a seaport to which inspectors are not assigned, inspectors from a nearby airport are dispatched to perform the requisite inspection. While the inspectors are not "assigned" to these seaports, the majority of the seaports are staffed under the general airport roster. Shifts are assigned in accordance with various maritime schedules and ship itineraries to ensure inspection activities are covered within available resources. There are only a few seaports that have dedicated marine units that officers are assigned to permanently.

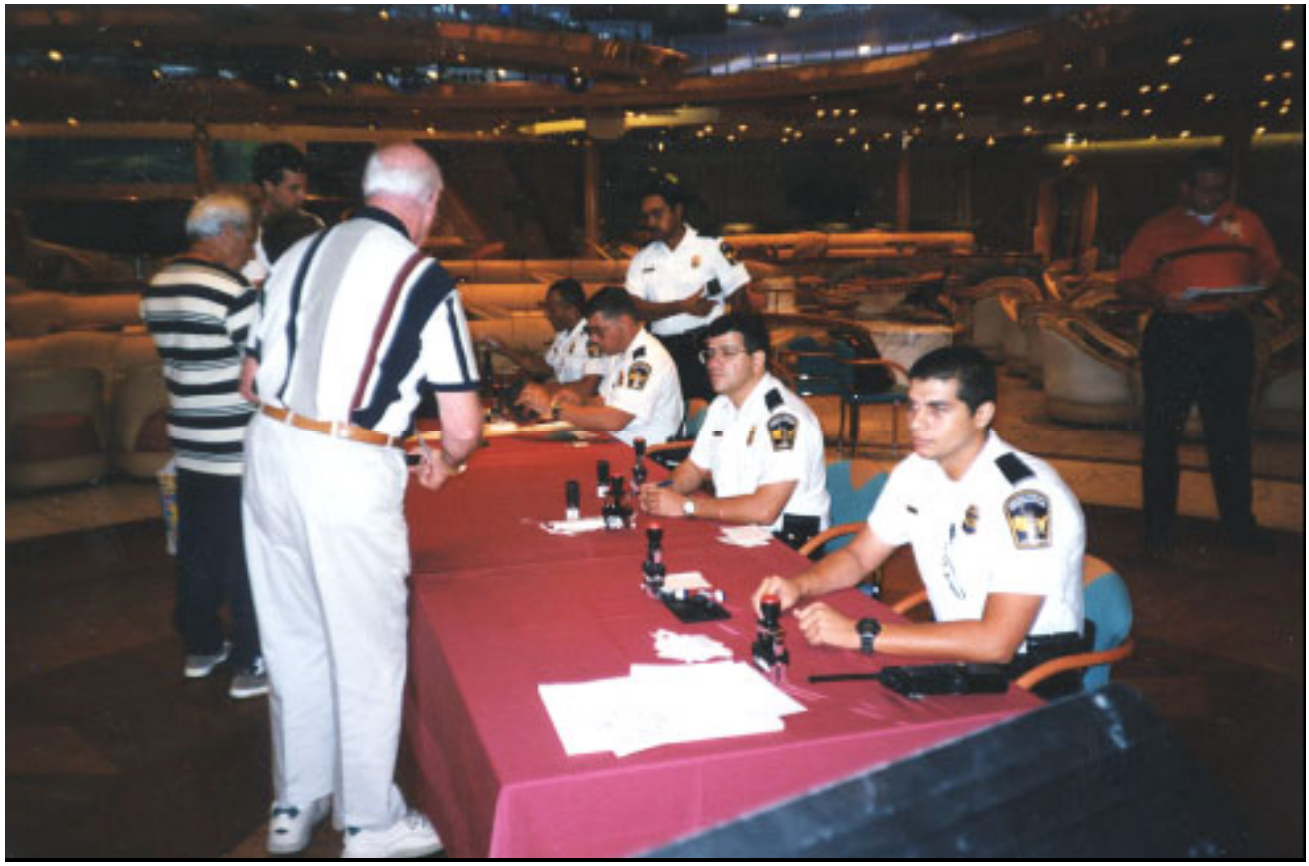
As the seaport industry continues to grow, especially in the area of the increased size of cruise vessels, the FIS agencies are seeking to centralize the inspection process to realize the greatest utilization of their respective workforces. Cargo vessel inspections will still be completed onboard the vessel.

Facilities space for cruise terminals is extremely limited in most areas, yet demand for space continues to increase. As a general concept, facilities should be shared among the FIS agencies where possible, yet it is also recognized that certain specific agency needs must be addressed. The development, retrofitting, or construction of these facilities varies and the requirements have been interpreted differently from port to port. Further, many demands are placed on the port to provide specific enhancements and in some cases these have never been used.

The U.S. Government must look at creative ways to make use of existing space including sharing facilities with other relevant agencies where possible. Issues such as the concept of dual-use facilities will be looked at in detail by the Task Force in 2003/ 2004.

Onboard Inspection, Cargo Vessel

7-06



Onboard Inspection, Cruise Vessel

7-07

D. ADDITIONAL PORT PROCESSES/OPERATIONS

The Task Force recognizes that there are processes/operations at POEs that will need to be addressed in 2003/2004.

E. INTEROPERABILITY AND OTHER INFORMATION TECHNOLOGY ISSUES

IT consultants are working with the Task Force to conduct more in-depth analyses of systems, interoperability, and other considerations that arise as the Task Force continues its work. To date, the IT consultants have been asked to perform four main tasks: analyze and evaluate current systems; make recommendations to enhance current systems; develop a concept for future IT systems; and highlight relevant technologies. These issues will be further explored in 2003/2004.

F. RESOURCES/COSTS

Overview: The Task Force recognizes that the development and implementation of an entry/exit system could require an enormous amount of resources, likely in the billions of dollars, particularly in the areas of facilities and infrastructure and information technology systems. The extent of these costs would be contingent on the degree to which the U.S. Government implements exit policies and procedures.

The Task Force fully appreciates the short- and long-term implications of the entry/exit system in terms of finances, economics, facilities, and quality of life. As a preliminary step, the Task Force believes that inspection activities should be adequately funded and maintained at a reasonable level to support current facilitation and enforcement efforts **before** imposing new demands in support of the entry/exit system and other additional workload.

Following is baseline information on existing resources as well as a preliminary assessment of the resources needed to address current deficiencies. The Task Force will further examine resource issues including those related to entry/exit system development and implementation and make additional recommendations in 2003/2004.

Background Information: INS inspection and related activities are primarily funded from direct appropriations and from revenues collected in the Immigration User Fee Account–a fee charged to each individual arriving in the U.S. aboard a commercial aircraft or vessel from foreign locations. The fee is collected by the service provider and deposited in the Treasury to be used in support of INS airport and seaport inspection operations. The Immigration User Fee was established in the 1987 Appropriations Act for the DOJ. The 1994 Appropriations Act increased the fee from $5 to $6, and in 2002, Congress approved an increase in the user fee to $7 and also approved the establishment of a $3 immigration user fee for certain commercial passenger vessels that previously were exempt.

In addition to funding air and seaport inspection operations, user fee revenues support the administration of debt collection activities, detection of fraudulent documents presented by air and sea passengers, specialized training to air carriers, detention and removal of inadmissible aliens arriving by air or sea, expedited removal and asylum proceedings at air and sea POEs, and the general costs of supporting these activities, including the operation and maintenance of certain information technology systems.

USCS activities are funded from direct appropriations and also from user fees assessed for inspection of passengers, conveyances, and merchandise. USCS appropriations are divided into two budget activities–“commercial” and “drug and other enforcement.” Commercial activities are defined as those occurring prior to a violation being confirmed or acceptance of a referral for investigation. Drug and other enforcement activities occur after confirmation of a violation or acceptance of a referral for investigation. These include drug and money laundering investigations and other investigative activities. This report focuses on USCS commercial activities as they relate to overall POE operations.

For many years, increases in the USCS annual budget were minimal and staffing remained relatively static. Unlike INS’s Immigration User Fee account, USCS user fees supplant rather

than supplement funding for USCS activities. In addition to direct appropriations and user fee revenues, USCS receives funds under the USCS general and special funds account to support the operation, maintenance, and procurement of air and marine equipment and programs.

The following information summarizes current INS and USCS resource and operational issues and identifies ways to address the deficiencies identified by the Task Force. The resources are needed to enhance the level of services that are currently provided and do not include entry/exit costs.

Staffing Requirements: The INS utilizes a "Workforce Analysis Model" (WAM), developed in the early 1990s, to determine adequate staffing levels at all of the POEs based on workload (traffic volume), port configuration, and individual port operations. The WAM is used for each of the INS inspections environments (air, land, and sea) and is recognized as a reliable tool for determining staffing requirements. The USCS is in the process of updating a similar staffing model known as the Resource Allocation Model.

There are shortfalls of both INS and USCS inspectors in all of the inspections environments. Current INS requirements based on WAM recommended levels total over 3,500 additional inspectors and $424 million. **These requirements do not consider additional needs to support the entry/exit system nor do they address current rates of staff attrition.**

A phased hiring approach to address current staffing shortages at the land border POEs is suggested, based on INS's previous experiences in recruiting, hiring, and training large numbers of officers. Recruitment and hiring of 600 to 700 inspectors per year over the next 4 to 5 years would also allow the opportunity for continued analysis and evaluation of changing requirements and the implementation of newer technologies, as well as make meeting hiring goals more feasible. It is anticipated that as more efficient and accurate technologies are identified and deployed in support of the overall entry/exit system, there would also be efficiencies and economies of scale as the system becomes fully implemented. This phased approach would allow for review and adjustments, as necessary, to ensure adequate staffing for the workload related to operations at all POEs, addressing both government and industry security and facilitation needs.

The lack of sufficient inspections staff to address the workload has resulted in steadily increasing overtime requirements. The vast majority of the INS Inspections Program's discretionary funding is used to support these overtime costs. For example in Fiscal Year 2001, approximately 68 percent, or $87 million, of the total discretionary funds available in Inspections was spent on overtime to meet peak travel times, facilitation, and enforcement demands.

Overtime requirements in support of USCS operations also have increased over the years—particularly and understandably following the events of September 11. The Congress fully recognizes these staffing issues and, in an effort to address them, provided 566 additional positions and related funds to the USCS and 500 positions and related funds to the INS in the Fiscal Year 2002 Emergency Supplemental Appropriations Bill. The USA Patriot Act of 2001 authorizes appropriations to triple the number of Border Patrol, USCS, and INS personnel (and support facilities) at POEs and along the northern border, which has received little to no

resources over the past decade. The Enhanced Border Security and Visa Entry Reform Act of 2002 authorizes an increase of at least 200 full-time INS inspectors and associated support staff over the number in the USA Patriot Act. While these authorizations are subject to the availability of appropriations, the proposed staffing increases are fully supported by the Task Force.

The Task Force has general concerns regarding the capacity to adequately handle the current workload and any new workload created by entry/exit and other legislation given current staffing levels. It should be noted that the staffing increases recommended in this document do not take into consideration additional INS inspectors that may be required in support of Visa Waiver activities, Section 231 manifest requirements, or increased travel growth projected by the aviation and cruise/cargo industries for future years. Neither do they include resource requirements for entry/exit operations. The requirement to utilize biometric technology by October 2004 could result in additional workload depending on where and to whom the biometric data is to be provided or initially captured—that decision is pending. The Task Force also recognizes that the DOS will require additional resources and technology to integrate visa processing and travel document production with entry/exit and new technology standards for biometrics.

In addition to facilitating traffic and enhancing security at the various POEs, the design and implementation of the entry/exit system will provide specific information on those travelers required to be tracked into and out of the U.S. It should be recognized that the enhanced capability to know who is in the U.S., how long they can legally stay, when they should depart, and where to find them will require resources well beyond those included in this report. It is anticipated that additional investigative resources as well as removal costs would be required to address the issue of overstays; however, related policy issues must first be addressed in this regard.

Implementation of an entry/exit system at the land border POEs could result in increased occurrences of aliens attempting to enter (and conceivably exit) the U.S. between POEs. While it is much too early to determine the full impact of the system in this regard, the INS has experienced similar results during its many Border Patrol Operations along the southwest border (Operations Gatekeeper, Hold the Line, and Crossroads). Further, as entry into the U.S. between POEs becomes more and more difficult, the Border Patrol is seeing an increase in the number of deaths and injuries among illegal migrants seeking entry into the U.S. using increasingly dangerous methods. Border Patrol activities should be routinely evaluated and monitored to ensure sufficient staffing and resources to address these issues.

Equipment/Technology Requirements: IBIS serves as a single inspection system and is accessible by the major federal agencies involved in border security. It provides automation services and access to information to enhance border control activities and is used widely by INS and USCS. The automation services component includes the hardware, software, and communication services. Access to information includes datasharing (DataShare is an application shared cooperative venture with the DOS to exchange visa processing and alien traveler information), and access to associated databases and data from different agencies.

Many of the technologies currently used at POEs are the basis for some of the Task Force recommendations regarding entry/exit. One of the most widely used technologies within the INS is the document reader–a small piece of equipment that reads information from the Optical Character Reader (OCR) machine-readable zone on certain documents (visas, Border Crossing Cards) and subsequently downloads the information into a system that creates a record for the traveler. While document readers are available and used in all three environments, their use is not consistent. For example, document readers are used at some pedestrian lanes and some secondary inspections stations at the land border POEs; they are used at primary inspection booths at the airports, but they are rarely used at airport secondary inspection stations; and they are available at those seaports that have designated FIS areas.

The INS has deployed approximately 1,500 document readers at the various POEs. In order to enhance current inspection operations, the Task Force recommends that document readers be available at all air and land border primary booths, soft secondary stations and pedestrian lanes. This would require the purchase of approximately 1,935 readers at a total estimated cost of $6.2 million. It should be noted that the readers currently in use do not read or interpret any type of biometric data nor access travel document records readily. Both the USA Patriot Act and the BSA require the use of biometric technology and the development of tamper-resistant documents that can be read at the POEs. The type(s) of biometric data to be captured and what kind of access to interoperable databases is necessary needs to be determined in order to develop some accurate cost estimates for replacing the current document readers. Regardless of the type of biometric(s) captured and interoperable databases used, the document readers used at the POEs would require replacement with upgraded readers. These costs have not yet been determined.

The INS and USCS have worked together to develop and deploy various systems to facilitate the flow of traffic at the land border POEs. SENTRI and NEXUS, both of which require designated commuter lanes (DCLs), facilitate the inspection of enrolled, low-risk, frequent border crossers and their vehicles. The expansion of SENTRI or NEXUS technology to additional high-volume POEs will require the design and construction of enrollment centers as well as adequate staffing and equipment to process the enrollees. Additional DCLs would be required to support expansion of these technologies, development of additional lanes would be dependent on the availability of existing lanes or the need to construct additional lanes, expand the access to and from or reconfigure the approach to POEs.

While the exact number and locations of additional DCLs has not yet been determined, the Task Force supports expansion of this technology at both the northern and southern borders to facilitate traffic flow. The INS and USCS have worked together to develop accurate cost estimates for additional DCLs and enrollment centers. Assuming that an existing lane is converted to a DCL utilizing NEXUS-like technology, each additional DCL would cost $760 thousand to $800 thousand. This estimate does not include application enrollment staffing requirements, which will vary based upon projected enrollment levels.

If existing lanes are not available, land acquisition, environmental assessments, design and construction, at a minimum, would be required to accommodate additional lanes. The Task Force will focus on the facility and infrastructure requirements in more detail during 2003/2004.

The Government and aviation industry's 10-plus years of partnership and experience in utilizing and enhancing APIS is recognized as the foundation for efficient and effective entry operations today at air POEs. The expanded use of APIS data throughout the industry has significantly streamlined the inspections process. Current systems, policies, and operations related to entry inspections at air POEs appear to be adequate and could be modified if needed to support more efficient operations. Modifications to entry operations could be accomplished within existing space using current technology, equipment, and other resources available to the aviation industry. Costs of developing and enhancing APIS have already been borne by both government and industry during these 10-plus years. It is possible that some additional costs could be incurred for minimal modifications, such as enhancement to the industries' system(s) for issuing boarding passes or additional carrier training, but they are not quantifiable at this point. Additional requirements such as staffing, equipment, and facility modifications would enhance existing entry operations as well as support proposed exit operations.

In the seaport environment, most of the larger cruise lines have been voluntarily providing advance passenger information using APIS. Effective October 1, 2002, all arrival and departure information pertaining to Visa Waiver Program travelers must be transmitted electronically through the APIS data format, and beginning January 1, 2003, all commercial vessels will be required to do the same.

The full expansion and use of standardized, advanced electronic transmission of passenger and crewmember information in support of entry inspections is recommended. Implementation of APIS or the USCS's ACE for all seaport inspection activities would significantly expedite the process. Full utilization of such a system would save inspector time as well as passenger and crewmember time spent awaiting completion of the necessary inspection.

Unlike the airport environment where the costs to implement APIS were borne by the government and aviation industry, the use of APIS for seaport inspections is relatively new and not readily quantifiable at this time. The cruise line industry is moving toward expanding APIS to 100 percent for its cruise inspections; the cargo industry is much farther behind, due primarily to having multiple shipping agents and a lack of IT infrastructure toward this end.

Facilities and Infrastructure Requirements: The Task Force recognizes the financial implications of the entry/exit system with regard to facility and infrastructure requirements. While the Task Force is responsible for developing the costs to implement its recommendations, the total costs of the entry/exit system also need to be determined. The Task Force recommends that appropriate funding levels be established and adequate funding be provided for the facilities and infrastructure necessary for development of an entry/exit system and to address increased growth in traffic across the nation's borders. Where applicable, the use of existing space and infrastructure, both domestic and foreign, should be maximized, including the sharing of facilities among agencies. All possible POE scenarios and configurations should be employed.

Facilities and infrastructure issues vary by port and environment: each POE has its own unique issues. Limitations to expansion or upgrade include the lack of available land, land ownership

and negotiation issues, availability of space at airports and seaports, coordination with foreign governments, construction and environmental issues, housing, etc.

The INS began preliminary work related to facility modifications and infrastructure earlier this year in preparation for some type of entry/exit system (extent to be determined). Geographic Information Systems (GIS) technologies are being utilized to collect, build, create, and inventory spatial data and maps for all land border POEs. The information will be integrated into a centralized database and shared with various FIS agencies and the GSA. The information gathered will provide sound analysis for planning, construction, and environmental efforts. A similar effort for airport facilities is currently underway with the TSA leading the study.

The TSA, created in November 2001, is now directly responsible for all transportation security activities related to all modes of travel. This includes facility modifications, purchase and installation of screening equipment, advanced technologies, staff, training, etc.

TSA's emphasis for fiscal years 2002 and 2003 is to improve security for commercial aviation; specifically, to be responsible for security operations focused on passenger and baggage screening at all U.S. airports. Current TSA proposals include the deployment of 1,100 explosive detection systems (EDS) and over 4,800 explosive trace detection (ETD) machines and hiring and deploying approximately 27,500 baggage screeners needed to operate the equipment. The Fiscal Year 2002 Emergency Supplemental Appropriations Act provides $738 million specifically for the physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems. It also includes $17 million for pilot projects to improve terminal security, $10 million for grants and contracts for security research development and pilot projects, and $23 million for replacement magnetometers at airport passenger screening locations in commercial service airports. TSA continues to develop site-specific installations for deployment and equipment delivery at 740 passenger-screening checkpoints and each baggage-screening location at the 429 airports nationally. The Act also provides funding for the recruitment and hiring of up to 45,000 full-time, permanent positions in support of TSA operations.

In addition to the aviation industry, the TSA has focused on enhancing security and facilitating the flow of commerce related to the cargo industry. The Fiscal Year 2002 Emergency Supplemental Appropriation includes $28 million for grants, contracts, and interagency agreements for the purpose of deploying Operation Safe Commerce (OSC). OSC is a unique public/private partnership developed after September 11 to respond to the potential threat to homeland security from a large number of cargo containers that are shipped into this country on a daily basis. The theory of OSC is to secure international supply chains to the U.S. for cargo container security purposes. The program goal is to provide security while not impeding international commerce.

TSA is moving forward with its recruitment and hiring efforts, equipment purchases and installation, and with the development of proposals for the screening checkpoint redesign effort. Estimated resource requirements have been provided to the extent possible; however, until the checkpoint redesign choices have been developed and actual checkpoint redesign

work is performed at various sizes and types of airports, a determination of costs is not possible.

Specific Entry/Exit Costs Developed by the Task Force

Airport Operations: The aviation industry's entry/exit system proposals, as presented in this document, do not require any significant additional increase in INS or USCS inspectors for the proposed exit process. It is envisioned that a few INS or USCS inspectors would be assigned to initial/main security checkpoints during peak departure times at major air POEs. They would otherwise leverage the federal presence at those checkpoints to notify INS or USCS locally at other times or at remote terminals or domestic terminals for interline transfers if there are any departure issues.

The proposal includes two options related to the "board/don't board" concept. One proposal requires the development and distribution of a secure stamp that would be used when a "don't board" issue has been resolved and the passenger is cleared to exit the U.S. The stamp would contain the appropriate security features and would be distributed to INS POEs (an adequate number to cover POE needs, but not necessarily one per inspector) for use at the various security checkpoints. The estimated cost per stamp is $35, which includes the cost for design, development, security features, manufacture, and related supplies. The INS estimates that approximately 1,000 stamps would be required for a total estimated cost of $35,000.

The second proposal would be to have a federal officer escort the passenger back to the ticket counter by the initial/main checkpoint to have the boarding pass reissued to reflect that the "don't board" issue has been resolved. This proposal requires the aviation industry to modify encoding on the boarding pass to update the passenger's status. The cost for this type of modification is being analyzed.

While there is a modest requirement for space in the exit portion of the "board/don't board" proposal, there are no significant new facilities requirements for entry in this proposal. When a "don't board" situation occurs, there would be space and equipment requirements to enable an INS or USCS inspector to query the system and make a final decision on whether to board or detain a prospective exiting passenger. In the latter case, appropriate space would be required to hold the passenger. These are not envisioned as significant costs, but require coordination with the TSA to share/use space near the checkpoint and for equipment such as computers or other access to systems.

Seaport Operations: The Task Force recommends that more advanced technology be used for all sea POE inspections. The use of wireless laptops or wireless personal digital assistants (PDAs) that use cellular technology would significantly expedite the inspections process and ensure that passengers' names are being queried against an up-to-date and comprehensive database. The USCS is currently evaluating the use of a PDA that would allow inspectors to access TECS and other USCS enforcement systems. The Task Force recommendation extends to the crewmembers on cargo ships and cruise lines, as well as passengers. Preliminary research indicates that the cost per unit is about $1,200. An estimated 500 units would be required to adequately support seaport inspection activities, for a total cost of

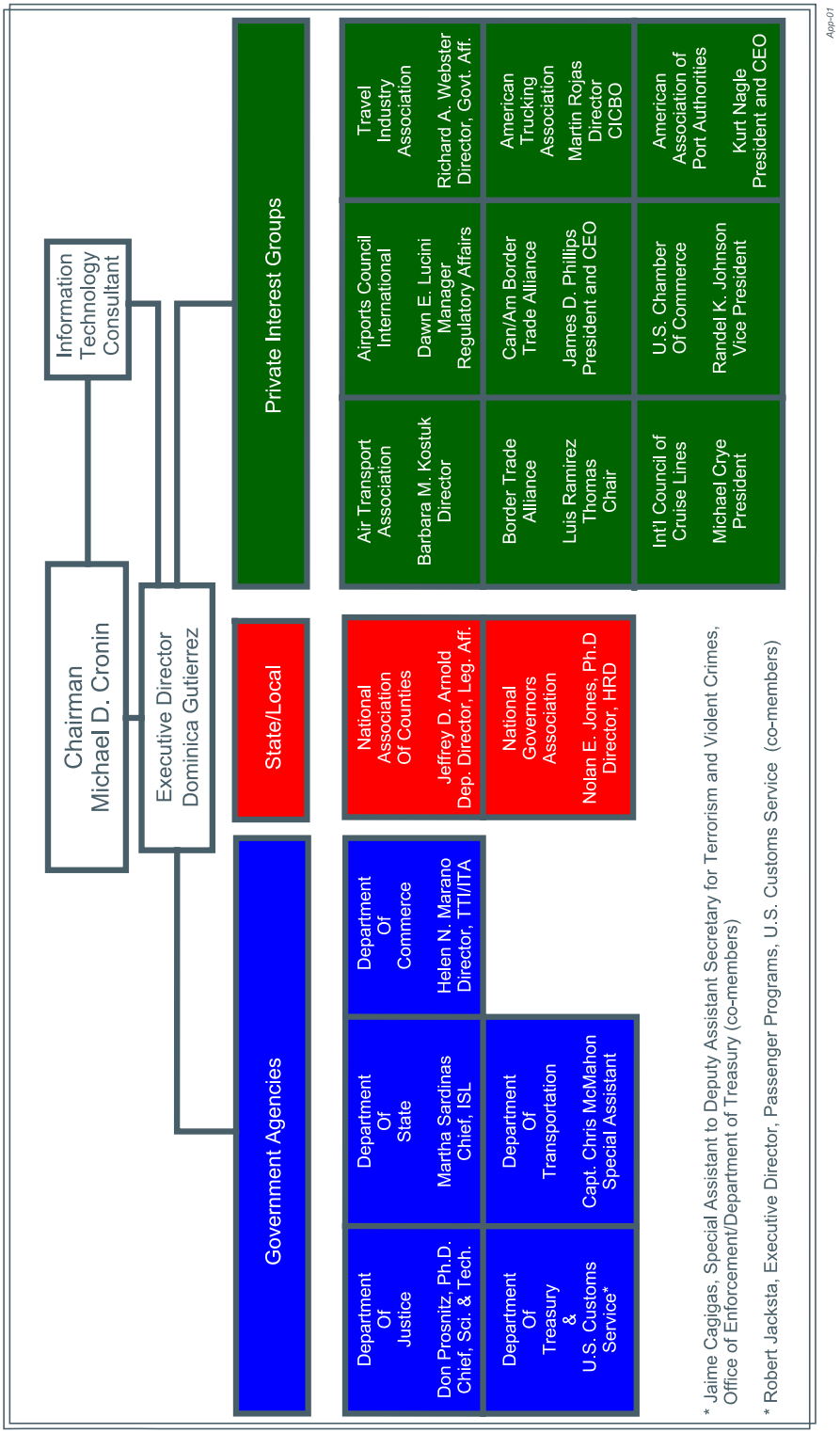
$600,000. Given that these units function using cellular technology there would be recurring operating costs for their use as well as routine maintenance costs.

The proposal to utilize the cruise industry's APASS for roundtrip cruise travel could preclude the need for multiple inspections for passengers traveling to and from various ports-of-call during a single cruise. The current system utilizes photo and biographical information for each passenger, thereby providing positive identification verification. Present technology could incorporate another biometric identifier to ensure even greater security. Use of this system with the intention of reducing the number of inspections performed on cruise passengers who remain under the control of the cruise line for the duration of the trip would require some policy and perhaps regulatory changes. It is expected that this would result in significant savings in inspections staffing as well as processing time for the passengers and crew.

Land Border Operations: There are no specific entry/exit costs identified by the Task Force at this time for land border POE operations. The key initiatives in this report include the expansion of NEXUS and SENTRI technologies and facilities and infrastructure issues as previously discussed. The Task Force has identified the estimated costs to expand the technology; however, the larger issues of where the expansion will occur and what the additional facility and infrastructure requirements are to support that expansion will be examined during 2003/2004.

Conclusion: The Task Force believes that additional personnel and funding are needed to support current inspection activities to enhance the level of service provided at the POEs; current operational deficiencies should be addressed first. The Task Force members are looking toward advanced technologies in the areas of unique identifiers, biometrics, datasharing, lookouts, facilities configuration, and a number of expedited processes to address the issues of border facilitation and security. As these recommendations evolve and the system requirements become more clearly defined, resource requirements will be more quantifiable and reflected in future reports.

APPENDIX A: TASK FORCE COMPONENTS



APPENDIX B: IMMIGRATION AND NATURALIZATION SERVICE DATA MANAGEMENT IMPROVEMENT ACT OF 2000

Pub. L. 106-215 Immigration and Naturalization Service Data Management Improvement Act of 2000

106th Congress
June 15, 2000
114 Stat. 337

_____

[H.R. 4489]

An Act

To amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Immigration and Naturalization Service Data Management Improvement Act of 2000”.

SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA.

(a) IN GENERAL- Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

“SEC. 110. INTEGRATED ENTRY AND EXIT DATA SYSTEM.

“(a) REQUIREMENT- The Attorney General shall implement an integrated entry and exit data system.

“(b) INTEGRATED ENTRY AND EXIT DATA SYSTEM DEFINED- For purposes of this section, the term `integrated entry and exit data system' means an electronic system that--

“(1) provides access to, and integrates, alien arrival and departure data that are--

“(A) authorized or required to be created or collected under law;

“(B) in an electronic format; and

"(C) in a data base of the Department of Justice or the Department of State, including those created or used at ports of entry and at consular offices;

"(2) uses available data described in paragraph (1) to produce a report of arriving and departing aliens by country of nationality, classification as an immigrant or nonimmigrant, and date of arrival in, and departure from, the United States;

"(3) matches an alien's available arrival data with the alien's available departure data;

"(4) assists the Attorney General (and the Secretary of State, to the extent necessary to carry out such Secretary's obligations under immigration law) to identify, through on-line searching procedures, lawfully admitted nonimmigrants who may have remained in the United States beyond the period authorized by the Attorney General; and

"(5) otherwise uses available alien arrival and departure data described in paragraph (1) to permit the Attorney General to make the reports required under subsection (e).

"(c) CONSTRUCTION-

"(1) NO ADDITIONAL AUTHORITY TO IMPOSE DOCUMENTARY OR DATA COLLECTION REQUIREMENTS- Nothing in this section shall be construed to permit the Attorney General or the Secretary of State to impose any new documentary or data collection requirements on any person in order to satisfy the requirements of this section, including--

"(A) requirements on any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)) have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of such Act (8 U.S.C. 1182(d)(4)(B)); or

"(B) requirements that are inconsistent with the North American Free Trade Agreement.

"(2) NO REDUCTION OF AUTHORITY- Nothing in this section shall be construed to reduce or curtail any authority of the Attorney General or the Secretary of State under any other provision of law.

"(d) DEADLINES-

"(1) AIRPORTS AND SEAPORTS- Not later than December 31, 2003, the Attorney General shall implement the integrated entry and exit data system using available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at an airport or seaport. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at an airport or seaport, are entered into the system and can be accessed by immigration officers at other airports and seaports.

"(2) HIGH-TRAFFIC LAND BORDER PORTS OF ENTRY- Not later than December 31, 2004, the Attorney General shall implement the integrated entry and exit data system using the data

described in paragraph (1) and available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry determined by the Attorney General to serve the highest numbers of arriving and departing aliens. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at such a port of entry, are entered into the system and can be accessed by immigration officers at airports, seaports, and other such land border ports of entry.

“(3) REMAINING DATA- Not later than December 31, 2005, the Attorney General shall fully implement the integrated entry and exit data system using all data described in subsection (b)(1). Such implementation shall include ensuring that all such data are available to immigration officers at all ports of entry into the United States.

“(e) REPORTS-

“(1) IN GENERAL- Not later than December 31 of each year following the commencement of implementation of the integrated entry and exit data system, the Attorney General shall use the system to prepare an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate.

“(2) INFORMATION- Each report shall include the following information with respect to the preceding fiscal year, and an analysis of that information:

“(A) The number of aliens for whom departure data was collected during the reporting period, with an accounting by country of nationality of the departing alien.

“(B) The number of departing aliens whose departure data was successfully matched to the alien's arrival data, with an accounting by the alien's country of nationality and by the alien's classification as an immigrant or nonimmigrant.

“(C) The number of aliens who arrived pursuant to a nonimmigrant visa, or as a visitor under the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), for whom no matching departure data have been obtained through the system or through other means as of the end of the alien’s authorized period of stay, with an accounting by the alien’s country of nationality and date of arrival in the United States.

“(D) The number of lawfully admitted nonimmigrants identified as having remained in the United States beyond the period authorized by the Attorney General, with an accounting by the alien's country of nationality.

“(f) AUTHORITY TO PROVIDE ACCESS TO SYSTEM-

“(1) IN GENERAL- Subject to subsection (d), the Attorney General, in consultation with the Secretary of State, shall determine which officers and employees of the Departments of Justice and State may enter data into, and have access to the data contained in, the integrated entry and exit data system.

“(2) OTHER LAW ENFORCEMENT OFFICIALS- The Attorney General, in the discretion of the Attorney General, may permit other Federal, State, and local law enforcement officials to have access to the data contained in the integrated entry and exit data system for law enforcement purposes.

“(g) USE OF TASK FORCE RECOMMENDATIONS- The Attorney General shall continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force established under section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000.

“(h) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2008.”.

(b) CLERICAL AMENDMENT- The table of contents of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by amending the item relating to section 110 to read as follows:

“Sec. 110. Integrated entry and exit data system.”.

SEC. 3. TASK FORCE.

(a) ESTABLISHMENT- Not later than 6 months after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, shall establish a task force to carry out the duties described in subsection (c) (in this section referred to as the “Task Force”).

(b) MEMBERSHIP-

(1) CHAIRPERSON; APPOINTMENT OF MEMBERS- The Task Force shall be composed of the Attorney General and 16 other members appointed in accordance with paragraph (2). The Attorney General shall be the chairperson and shall appoint the other members.

(2) APPOINTMENT REQUIREMENTS- In appointing the other members of the Task Force, the Attorney General shall include--

(A) representatives of Federal, State, and local agencies with an interest in the duties of the Task Force, including representatives of agencies with an interest in--

(i) immigration and naturalization;

(ii) travel and tourism;

(iii) transportation;

(iv) trade;

(v) law enforcement;

(vi) national security; or

(vii) the environment; and

(B) private sector representatives of affected industries and groups.

(3) TERMS- Each member shall be appointed for the life of the Task Force. Any vacancy shall be filled by the Attorney General.

(4) COMPENSATION-

(A) IN GENERAL- Each member of the Task Force shall serve without compensation, and members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES- The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Task Force.

(c) DUTIES- The Task Force shall evaluate the following:

(1) How the Attorney General can efficiently and effectively carry out section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act.

(2) How the United States can improve the flow of traffic at airports, seaports, and land border ports of entry through--

(A) enhancing systems for data collection and data sharing, including the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221note), as amended by section 2 of this Act, by better use of technology, resources, and personnel;

(B) increasing cooperation between the public and private sectors;

(C) increasing cooperation among Federal agencies and among Federal and State agencies; and

(D) modifying information technology systems while taking into account the different data systems, infrastructure, and processing procedures of airports, seaports, and land border ports of entry.

(3) The cost of implementing each of its recommendations.

(d) STAFF AND SUPPORT SERVICES-

(1) IN GENERAL- The Attorney General may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Task Force to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Task Force.

(2) COMPENSATION- The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Attorney General may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES- Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Task Force without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES- The Attorney General may procure temporary and intermittent services for the Task Force under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(5) ADMINISTRATIVE SUPPORT SERVICES- Upon the request of the Attorney General, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section.

(e) HEARINGS AND SESSIONS- The Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Task Force considers appropriate.

(f) OBTAINING OFFICIAL DATA- The Task Force may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Attorney General, the head of that department or agency shall furnish that information to the Task Force.

(g) REPORTS-

(1) DEADLINE- Not later than December 31, 2002, and not later than December 31 of each year thereafter in which the Task Force is in existence, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate containing the findings, conclusions, and recommendations of the Task Force. Each report shall also measure and evaluate how much progress the Task Force has made, how much

work remains, how long the remaining work will take to complete, and the cost of completing the remaining work.

(2) DELEGATION- The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such report.

(h) LEGISLATIVE RECOMMENDATIONS-

(1) IN GENERAL- The Attorney General shall make such legislative recommendations as the Attorney General deems appropriate--

(A) to implement the recommendations of the Task Force; and

(B) to obtain authorization for the appropriation of funds, the expenditure of receipts, or the reprogramming of existing funds to implement such recommendations.

(2) DELEGATION- The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such legislative recommendations.

(i) TERMINATION- The Task Force shall terminate on a date designated by the Attorney General as the date on which the work of the Task Force has been completed.

(j) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2003.

SEC. 4. SENSE OF THE CONGRESS REGARDING INTERNATIONAL BORDER MANAGEMENT COOPERATION.

It is the sense of the Congress that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation.

Approved June 15, 2000.

APPENDIX C: MINIMUM DOCUMENTARY REQUIREMENTS FOR ENTRY TO U.S.

DOCUMENTARY REQUIREMENTS (Minimum)			
APPLICANT	**COMING FROM CONTIGUOUS TERRITORY**[30]	**COMING FROM WESTERN HEMISPHERE**[31]	**COMING FROM EASTERN HEMISPHERE**[32]
US CITIZENS[33]	• Verbal declaration or • Proof of citizenship.	• Verbal declaration or • Proof of citizenship.	• Valid passport
Lawful Permanent Residents (passport and visa not required) **Outside the US for less than 1 year.**	• Permanent Resident Card, I-551; or • Expired I-551 with Notice of Action, I-797, indicating card has been extended; or • Expired I-551 presented by USG employee if 1) is a civilian or military employee in possession of official orders; or 2) is the spouse or child of the employee and is preceding or accompanying, or following to join employee or serviceperson within four months of his return to the US; or • Temporary Residence Stamp (ADIT stamp) in passport or I-94; or • Reentry permit, I-327; or • Refugee Travel Document, I-571.	• Permanent Resident Card, I-551; or • Expired I-551 with Notice of Action, I-797, indicating card has been extended; or • Expired I-551 presented by USG employee if 1) is a civilian or military employee in possession of official orders; or 2) is the spouse or child of the employee and is preceding or accompanying, or following to join employee or serviceperson within four months of his return to the US; or • Temporary Residence Stamp (ADIT stamp) in passport or I-94; or • Reentry permit, I-327; or • Refugee Travel Document, I-571.	• Permanent Resident Card, I-551; or • Expired I-551 with Notice of Action, I-797, indicating card has been extended; or • Expired I-551 presented by USG employee if 1) is a civilian or military employee in possession of official orders; or 2) is the spouse or child of the employee and is preceding or accompanying, or following to join employee or serviceperson within four months of his return to the US; or • Temporary Residence Stamp (ADIT stamp) in passport or I-94; or • Reentry permit, I-327; or • Refugee Travel Document, I-571.
Lawful Permanent Residents (passport and visa not required) **Outside the US for less than 2 years.**	• Reentry permit, I-327; or • Refugee Travel Document, I-571; or • Immigrant visa (SB-1 IV)	• Reentry permit, I-327; or • Refugee Travel Document, I-571; or • Immigrant visa (SB-1 IV)	• Reentry permit, I-327; or • Refugee Travel Document, I-571; or • Immigrant visa (SB-1 IV)

[30] Canada and/or Mexico
[31] North America, Central America, South America
[32] Europe, Asia, Australia, Africa, Oceania.
[33] No US Passport required when subject is traveling:
- With a Valid Merchant Marine ID or Air Crewman ID card.
- Member of the US Armed Forces on active duty.
- Under twelve years old, with evidence of U.S.C. at time of entering, and included in the foreign passport of parent.
- Has been authorized by the Secretary of State with waiver of passport requirement.

DOCUMENTARY REQUIREMENTS (Minimum)			
APPLICANT	**COMING FROM CONTIGUOUS TERRITORY**[34]	**COMING FROM WESTERN HEMISPHERE**[35]	**COMING FROM EASTERN HEMISPHERE**[36]
Lawful Permanent Residents **Outside the US for more than 2 years. (*Passport Required unless otherwise noted.)***	• Immigrant Visa (SB-1)	• Immigrant Visa (SB-1)	• Immigrant Visa (SB-1)
American Indian born in Canada with 50%[37] American Indian Blood	• Must be able to prove status. • Exempt from all passport and visa requirements. • Exempt from all grounds of inadmissibility.		
NATO	Armed services personnel entering under NATO STATUS OF FORCES AGREEMENT (SOFA) and armed services personnel attached to NATO allied headquarters in the US are *visa and passport exempt.*		
Canadian Citizen or British Subjects with Residence in Bermuda or Canada.	• Oral declaration and ID; or • Proof of citizenship and residence in Bermuda or Canada	• Oral declaration and ID; or • Proof of citizenship and residence in Bermuda or Canada • Crewmembers: no I-95	• Valid passport • Crewmembers: I-95
Canadian Landed Immigrant **<u>with</u>** British Common Nationality[38]	• ID; and • Proof of Landed Immigrant Status	• ID and Proof of Landed Immigrant Status • Crewmembers: I-95	• Valid Passport • Crewmember: I-95

[34] Canada and/or Mexico
[35] North America, Central America, South America
[36] Europe, Asia, Australia, Africa, Oceania.
[37] Tribal card without % is unacceptable.
[38] The following nationals are considered to have *common nationality* with citizens of Britain and are exempt from nonimmigrant visa requirement if they reside in Canada: Antigua-Barbuda, Australia, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei, Cameroon, Canada, Cyprus, Dominica, Gambia, Ghana, Grenada, Guyana, Hong Kong (ONLY UK or British National passport holders), India, Ireland, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Maldives, Malta, Mauritius, Namibia, Nauru, New Zealand, Nigeria, Pakistan, Papua New Guinea, St. Kitts & Nevis, St. Lucia, Seychelles, St. Vincent/Grenadines, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom (Including colonies, territories, and dependencies), Vanuatu, Western Samoa, Zambia, and Zimbabwe.

DOCUMENTARY REQUIREMENTS (Minimum)			
APPLICANT	**COMING FROM CONTIGUOUS TERRITORY**[39]	**COMING FROM WESTERN HEMISPHERE**[40]	**COMING FROM EASTERN HEMISPHERE**[41]
Canadian Landed Immigrant **without** Common Nationality	Passport with non-immigrant visa (NIV)	Passport with NIV with I-94 Crewmember: I-95	Passport with NIV with I-94 Crewmember: I-95
Mexican Citizen	Border Crossing Card (DSP-150), No I-94 required if in US < 72 hours and/or within 25 miles of the southern land border; or Passport with NIV.	Passport and Border Crossing Card (DSP-150) as B1/B2 lieu visa, I-94 required. PP with NIV.	Passport and Border Crossing Card (DSP-150) as B1/B2 lieu visa, I-94 required; or PP with NIV.
Mexican (citizen) Crewmember on a commercial airplane belonging to a Mexican company	Visa not required if crewmember is employed on an aircraft belonging to a Mexican company authorized to engage in commercial transportation in the US. Passport is required.		
Mexican with diplomatic or official passport	No visa requirements as long as bearer is entering the US for 6 months as a visitor in the US. Spouse and dependents under 19 years old who have the same documents and accompany official at the time of entry are also visa and I-94 exempt.		
Mexican citizen entering the US pursuant to **International Boundary & Water Commission Treaty**	No visa and No passport requirement as long as individual is working directly or indirectly on construction, operation, and maintenance of works in the US in accordance with the Treaty.		
Citizens of Freely Associated States (Marshall Islands and Federated States of Micronesia), formerly the Trust Territory of the Pacific Islands.	Proof of citizenship required. Exempt passport and visa requirements.		
Transit Without Visa[42]	Passport and US NIV are not required as long as individual is being transported in immediate and continuous transit through the US in accordance with INA 238(D). Individual **must be admissible under immigration laws** and meet qualifications.		
Visa Waiver Program[43]	Passport requirement with return/onward ticket or proof of economic solvency.		

[39] Canada and/or Mexico
[40] North America, Central America, South America
[41] Europe, Asia, Australia, Africa, Oceania.
[42] Citizens from the following countries **MUST** HAVE A VISA: Afghanistan, Angola, Bangladesh, Belarus, Bosnia-Herzegovina, Burma, Burundi, Central African Republic, China, Colombia, Congo, Cuba, India, Iran, Iraq, Libya, Nigeria, North Korea, Pakistan, Sierra Leone, Somalia, Sri Lanka, Sudan, and Yugoslavia.
The following citizens may use the in-transit lounge if their carrier has an approved in-transit lounge agreement in approved POE: Bangladesh, India, Pakistan, and Sri Lanka.
[43] Nationals of the following countries are in the VWP: Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, United Kingdom, and Uruguay.

DOCUMENTARY REQUIREMENTS (Minimum)
SPECIAL CLASSES
Adjacent Islands[44]: Passport requirement, but no visa requirement for nationals and residents under the following conditions: 1. **Bahamian National or British subject residents of the Bahamas**: A visa is not required if, prior to boarding a carrier to the US, the passenger is pre-inspected in the Bahamas and determined to be admissible by the INS. 2. **British subject residents of the Cayman Islands or of the Turks and Caicos Islands**: A visa is not required is they come directly from the above islands to a US POE and present a current certificate from the Clerk of the Court showing no criminal record. 3. **National of Great Britain, France, the Netherlands, and nationals of adjacent Caribbean Islands that are independent countries**: A visa is not required if passenger is national of Great Britain, France, the Netherlands, Antigua, Barbados, Grenada, Jamaica, or Trinidad &Tobago; resides in British, French, or Dutch territories located in the adjacent islands; and is proceeding to the US as an agricultural worker or has a valid certificate from the Department of Labor granting employment in the US Virgin Islands. 4. **Nationals and residents of the British Virgin Islands traveling to the US Virgin Islands**: A visa is not required. 5. **Nationals and residents of the British Virgin Islands traveling to the US**: A visa is not required as long as individual is pre-inspected in St. Thomas and determined to be admissible by the INS.
Guam Visa Waiver Program[45]**:** No visa requirement as long as: • Possess a valid, unexpired passport • Entry into Guam is for 15 days or less • Is a visitor for business or pleasure • Arrives in a signatory carrier • Holds a round trip ticket with a confirmed departure date not exceeding 15 days from date of admission • Possess a completed and signed Guam Visa Waiver Information Form (I-736) and I-94.

[44] Anguilla, Antigua, Aruba, Bahamas, Barbados, Barbuda, Bermuda, Bonaire, British Virgin Islands, Cayman Islands, Curacao, Dominica, Dominican Republic, Grenada, Guadeloupe, Haiti, Jamaica, Marie-Galante, Martinique, Miquelon, Montserrat, Saba, St. Barthelemy, St. Christopher, St. Eustatius, St. Kitts-Nevis, St. Maarten, St. Pierre, St. Vincent and the Grenadines, Trinidad and Tobago, Turks and Caicos and the other British, French, and Netherlands territories or possessions bordering on the Caribbean Sea.

[45] Citizens of the following countries participate in the GVWP: Australia, Brunei, Indonesia, Japan, Malaysia, Nauru, New Zealand, Papua New Guinea, Singapore, Solomon Islands, South Korea, Taiwan (Applies to travel that begin in Taiwan to Guam with no layovers except in a US territory enroute **AND** are in possession of a Taiwan National Identity Card and a valid Taiwan passport with a valid reentry issued by the Taiwan Foreign Ministry of Foreign Affairs.

APPENDIX D: CLASSES OF NONIMMIGRANT AND IMMIGRANT VISAS

NONIMMIGRANTS

Symbol	Class
A-1	Ambassador, Public Minister, Career Diplomat or Consular Officer, or Immediate Family
A-2	Other Foreign Government Official or Employee, or Immediate Family
A-3	Attendant, Servant, or Personal Employee of A-1 or A-2, or Immediate Family
B-1	Temporary Visitor for Business
B-2	Temporary Visitor for Pleasure
B-1/2	Temporary Visitor for Business
C-1	Alien in Transit
C-1/D	Combined Transit and Crewman Visa
C-2	Alien In Transit to United Nations Headquarters District Under Section 11.(3), (4), or (5) of the Headquarters Agreement
C-3	Foreign Government Official, Immediate Family, Attendant, Servant, or Personal Employee, in Transit
D	Crewmember (Sea or Air)
E-1	Treaty Trader, Spouse or Child
E-2	Treaty Investor, Spouse or Child
F-1	Student
F-2	Spouse or Child of F-1
G-1	Principal Resident Representative of Recognized Foreign Government to International Organization, Staff, or Immediate Family
G-2	Other Representative of Recognized Foreign Member Government to International Organization, or Immediate Family
G-3	Representative of Nonrecognized Nonmember Foreign Government to International Organization, or Immediate Family
G-4	International Organization Officer or Employee, or Immediate Family
G-5	Attendant, Servant, or Personal Employee of G-1, through G-4 or Immediate Family
H-1A	Registered Nurse
H-1B	Alien in a Specialty Occupation (Profession)
H-1C	Registered Nurse Serving in Underserved Location

H-2A	Temporary Worker Performing Agricultural Services Unavailable in the United States (Petition Filed on or After June 1, 1987)
H-2B	Temporary Worker Performing Other Services Unavailable in the United States Petition Filed on or After June 1, 1987)
H-3	Trainee
H-4	Spouse or Child of Alien Classified H-1A/B, H-2A/B or H-3
I	Representative of Foreign Information Media, Spouse or Child
J-1	Exchange Visitor
J-2	Spouse or Child of J-1
K-1	Fiance(e) of United States Citizen
K-2	Child of Fiance(e) of U.S. Citizen
K-3	Spouse of U.S. citizen
K-4	Child of a K3
L-1	Intracompany Transferee (Executive, Managerial, and Specialized Personnel Continuing Employment with International Firm or Corp)
L-2	Spouse or Child of Intracompany Transferee
M-1	Vocational Student or Other Nonacademic Student
M-2	Spouse or Child of M-1
N-8	Parent of an Alien Classified SK-3 Special Immigrant
N-9	Child of N-8 or of an SK-1; SK-2; or SK-4 Special Immigrant
NATO-1	Principal Permanent Representative of Member State to NATO (including any of its Subsidiary Bodies) or Immediate Family
NATO-2	Other Representatives of Member State to NATO (including any of Art. 1, 4 UST 1794Subsidiary Bodies) including immediate Family
NATO-3	Official Clerical Staff Accompanying Representative of Member State to NATO (including any of its Subsidiary Bodies) or Immediate Family
NATO-4	Official of NATO (Other Than Those Classifiable as NATO-1) or Immediate Family
NATO-5	Expert, Other Than NATO Officials Classifiable under the NATO-4, Employed in Missions on Behalf of NATO, and Their Dependents
NATO-6	Member of a Civilian Component Accompanying a Force Entering in Accordance with the Provisions of the NATO Status-of-Forces Agreement
NATO-7	Attendant, Servant, or Personal Employee of NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, and NATO-6 Classes, or Immediate Family
O-1	Aliens with Extraordinary Ability in Sciences, Arts, Education, Business, or Athletics

O-2	Accompany Alien.
O-3	Spouse or Child of O-1 or O-2.
P-1	Internationally Recognized Athlete or Member of Internationally Recognized Entertainment Group
P-2	Artist or Entertainer in a Reciprocal Exchange Program
P-3	Artist or Entertainer in a Culturally Unique Program
P-4	Spouse or Child of P-1, P-2, or P-3
Q-1	Participant in an International Cultural Exchange Program
Q-2	Irish Peace Process Program Participant
Q-3	Spouse or Child of Q-2
R-1	Alien in a Religious Occupation
R-2	Spouse or Child of R-1
S-5	Certain Aliens Supplying Critical Information Relating to a Criminal Organization or Enterprise
S-6	Certain Aliens Supplying Critical Information Relating to Terrorism
S-7	Qualified Family Member of S-5 or S-6
T1	Victim of a severe form of trafficking in persons
T2	Spouse, child or parent of a T1
TN	NAFTA Professional
TD	Spouse or Child of NAFTA Professional
U1	Victim of criminal activity
U2	Spouse, child or parent of a U1
V1	Spouse of Legal Permanent Resident Alien
V2	Child of a Legal Permanent Resident Alien
V3	Child of a V1 or V2

IMMIGRANTS

Symbol	Class
IR1	Spouse of U.S. Citizen
IR2	Child of U.S. Citizen
IR3	Orphan Adopted Abroad by U.S. Citizen
IR4	Orphan to be Adopted In the U.S. by U.S. Citizen
IR5	Parent of U.S. Citizen at Least 21 Years of Age
CR1	Spouse of U.S. Citizen (Conditional Status)
CR2	Child of U.S. Citizen (Conditional Status)
IW1	Certain Spouses of Deceased U.S. Citizens
IW2	Child of IW1
IB1	Self-petition Spouse of U.S. Citizen
IB2	Self-petition child of U.S. Citizen
IB3	Child of IB1
VI5	Parent of U.S. Citizen Who Acquired Permanent Resident Status Under the Virgin Islands Adjustment Act
AM1	Vietnam Amerasian Principal
AM2	Spouse or Child of AM1
AM3	Natural Mother of Unmarried AM1 (Spouse or Child of Such Mother)
SB1	Returning Resident
SC1	Person Who Lost U.S. Citizenship by Marriage
SC2	Person Who Lost U.S. Citizenship by Serving in Foreign Armed Forces
F11	Unmarried Son or Daughter of U.S. Citizen
F12	Child of F11

B11	Self-petition Unmarried Son or Daughter of U.S. Citizen
B12	Child of B11
F21	Spouse of Alien Resident
F22	Child of Alien Resident
F23	Child of F21 or F22
F24	Unmarried Son or Daughter of Alien Resident
F25	Child of F24
C21	Spouse of Alien Resident (Conditional)
C22	Child of C21 or C22 (Conditional)
C24	Unmarried Son or Daughter of Alien Resident (Conditional)
C25	Child of F24 (Conditional)
B21	Self-petition Spouse of LPR
B22	Self-petition Child of LPR
B23	Child of B21 or B22
B24	Self-petition Unmarried Son or Daughter of LPR
B25	Child of B24
FX1	Spouse of Alien Resident
FX2	Child of Alien Resident
FX3	Child of FX1 and FX2
CX1	Spouse of Alien Resident (Conditional)
CX2	Child of Alien Resident (Conditional)
CX3	Child of CX1 & CX2 (Conditional)
BX1	Self-petition Spouse of LPR
BX2	Self-petition Child of LPR

BX3	Child of BX1 or BX2
F31	Married Son or Daughter of U.S. Citizen
F32	Spouse of F31
F33	Child of F31
C31	Married Son or Daughter of U.S. Citizen (Conditional)
C32	Spouse of C31 (Conditional)
C33	Child of C31 (Conditional)
B31	Self-petition Married Son or Daughter of U.S.C.
B32	Spouse of B31
B33	Child of B31
F41	Brother or Sister of U.S. Citizen
F42	Spouse of F41
F43	Child of F41
E11	Alien with Extraordinary Ability
E12	Outstanding Professor or Researcher
E13	Multinational Executive or Manager
E14	Spouse of E11, E12, or E13
E15	Child of E11, E12, or E13
E21	Professional Holding Advanced Degree or of Exceptional Ability
E22	Spouse of E21
E23	Child of E21
E31	Skilled Worker
E32	Professional Holding Baccalaureate Degree
E34	Spouse of E31 or E32

E35	Child of E31 or E32
EW3	Other Worker (Subgroup Numerical Limit)
EW4	Spouse of EW3
EW5	Child of EW3
BC1	Broadcaster in the U.S. employed by the International Broadcasting Bureau of the Broadcasting Board of Governors
BC2	Accompanying spouse of a BC1
BC3	Accompanying child of a BC1
SD1	Minister of Religion
SD2	Spouse of SD1
SD3	Child of SD1
SE1	Certain Employees or Former Employees of the U.S. Government Abroad
SE2	Spouse of SE1
SE3	Child of SE1
SEH	Employee of the U.S. Mission in Hong Kong or Immediate Family Section 152 of the INA of 1990
SF1	Certain Former Employees of the Panama Canal Company or Canal Zone Government
SF2	Spouse or Child of SF1
SG1	Certain Former Employees of the U.S. Government in the Panama Canal Zone
SG2	Spouse or Child of SG1
SH1	Certain Former Employees of the Panama Canal Company or Canal Zone Government on April 1,1979
SH2	Spouse or Child of SH1
SJ1	Certain Foreign Medical Graduates (Adjustments Only)
SJ2	Accompanying Spouse or Child of SJ1

SK1	Certain Retired International Organization Employees
SK2	Spouse of SK1
SK3	Certain Unmarried Son or Daughter of International Organization Employee
SK4	Certain Surviving Spouses of Deceased International Organization Employee
SL1	Juvenile Court Dependent
SM1	Alien Recruited Outside the United States Who Has Served or is Enlisted to Serve in The U.S. Armed Forces for 12 Years
SM2	Spouse of SM1
SM3	Child of SM1
SM4	Alien Recruited Outside the United States Serve in the U.S. Armed Forces for 12 Years
SM5	Spouse or Child of SM4
SN1	Certain retired NATO6 civilians
SN2	Spouse of an immigrant classified SN1
SN3	Certain unmarried sons or daughters of NATO6 civilian employees
SN4	Certain surviving spouses of deceased NATO-6 civilian employees
SR1	Certain Religious Workers
SR2	Spouse of SR1
SR3	Child of SR1
C51	Employment Creation OUTSIDE Targeted Area
C52	Spouse of C51
C53	Child of C51
T51	Employment Creation IN Targeted Rural/High Unemployment Area
T52	Spouse of T51
T53	Child of T51

R51	Investor Pilot Program, OUTSIDE Targeted Area
R52	Spouse of R51
R53	Child of R51 & State, the Judiciary & Related
I51	Investor Pilot Program IN Targeted Area Agencies Appropriations Act,
I52	Spouse of I51
I53	Child of I51
DV1	Diversity Immigrant
DV2	Spouse of DV1
DV3	Child of DV1
HK1	Employee of U.S. Business in Hong Kong §124 of the INA of 1990
HK2	Spouse of HK1
HK3	Child of HK1

APPENDIX E: ACRONYMS

ACRONYM	DESCRIPTION
ACS	Automated Commercial System
ADA	Americans with Disabilities Act
ADIS	Arrival Departure Information System
AES	Automated Export System
AMS	Automated Manifest System
APIS	Advance Passenger Information System
BPI	Business Performance Improvement
BRASS	Border Release Advanced Selectivity System
CLAIMS	Computer-Linked Application Information System
CLASS	State Lookout database information
CODIS	Combined DNA Index System
COTS	Commercial-Off-The-Shelf
DMIA	INS Data Management Improvement Act of 2000
DOJ	Department of Justice
DOS	U.S. Department of State
DOT	U.S. Department of Transportation
EAI	Enterprise Application Integration
EEPT	Entry Exit Program Team
EID	Enforcement Integrated Database
EVM	Earned Value Management
FBI	Federal Bureau of Investigation
GPRA	Government Performance and Results Act
IAFIS	Integrated Automated Fingerprint Identification System
IBIS	Interagency Border Inspection System
ICPS	Integrated Card Production System
IDENT	Automated Biometric Identification System
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Service
INSINC	Immigration and Naturalization Service International Communications Network
INSPASS	Immigration and Naturalization Service Passenger Accelerated Service System
ISO	International Organization for Standardization
IT	Information Technology
ITIM	Information Technology Investment Management
IV&V	Independent Verification and Validation
JCN	Justice Consolidated Network
NAILS	National Automated Immigration Lookout System
NCIC	National Crime Information Center
NIIS	Non-Immigrant Information System
NIST	National Institute for Standards and Technology
NST	National Security Threat
POE	Port of Entry
PRISM	Permanent image repository of passport applications and supporting documentation.
SDLC	System Development Life Cycle
SEI	Software Engineering Institute
SEVIS	Student Exchange Visitor Information System
SW-CMM	Software Capability Maturity Model
TECS	Treasury Enforcement Communications System
UML	Unified Modeling Language
VWPASS	Visa Waiver Program Act Support System
VWPPA	Visa Waiver Permanent Program Act

APPENDIX F: FEDERAL AGENCIES WITH BORDER MANAGEMENT ROLES

Federal Agencies: The joint responsibility for border management rests with the DOT, DOS, Treasury, DOJ, TSA, and federal inspections services, including the INS, USCS, U.S. Public Health Service, Department of Agriculture, and USCG.

The Department of Transportation (DOT) serves the U.S. by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets our vital national interests and enhances the quality of life of the American people, today and into the future. The newly formed TSA is part of the DOT.

The Department of State (DOS) is the lead U.S. foreign affairs agency. DOS advances U.S. objectives and interests in shaping a freer, more secure, and more prosperous world through its primary role in developing and implementing the President's foreign policy. DOS also supports the foreign affairs activities of other U.S. Government entities including the Department of Commerce and the Agency for International Development. It also provides an array of important services to U.S. citizens and to foreigners seeking to visit or immigrate to the U.S.

The Department of the Treasury (Treasury) has several functions, among them advising on domestic and international financial, monetary, economic, trade and tax policy and investigating and prosecuting tax evaders, counterfeiters, forgers, smugglers, illicit spirits distillers, and gun law violators.

The Department of Commerce (DOC) promotes job creation, economic growth, sustainable development and improved living standards for all Americans by promoting U.S. competitiveness in the global marketplace by strengthening and safeguarding the nation's economic infrastructure and keeping America competitive with cutting-edge science and technology and an unrivaled information base.

The Department of Justice (DOJ) represents the citizens of the U.S. in enforcing the law in the public interest and plays a key role in protection against criminals; ensuring healthy competition of business; safeguarding the consumer; enforcing drug, immigration, and naturalization laws; and protecting citizens through effective law enforcement.

Transportation Safety Administration (TSA) protects the nation's transportation systems to ensure freedom of movement for people and commerce. TSA is an administration of the Department of Transportation.

The U.S. Immigration and Naturalization Service (INS), an agency of the DOJ, is responsible for enforcing the laws regulating the admission of foreign-born persons (i.e., aliens) to the U.S. and for administering various immigration benefits, including the naturalization of qualified applicants for U.S. citizenship. INS also works with DOS, the Department of Health and Human Services and the United Nations in the admission and resettlement of refugees. INS is responsible for administering immigration-related services and enforcing immigration laws and regulations.

INS and USCS inspectors staff the primary line at land border POEs, and they conduct inspections for their agency as well as for the USPHS and APHIS.

The U.S. Customs Service (USCS) cross-trains with INS the officers of both services working at POEs using the dual inspection process. USCS is charged with ensuring that all goods and persons entering the U.S. comply with all U.S. laws and regulations. Officers of USCS inspect persons, baggage, vehicles, aircraft, vessels, merchandise, and commercial cargo entering the U.S. at POEs to ensure compliance with U.S. entry requirements.

The U.S. Coast Guard (USCG) helps maintain maritime border security by enforcing U.S. laws and treaties. Between 1980 and 2000, the USCG interdicted more than 290,000 illegal migrants from 44 countries. From September 11, 2001, to June 7, 2002, they:

- Conducted over 35,000 port security patrols;
- Conducted over 3,500 air patrols;
- Conducted over 2,000 boardings of high-interest vessels;
- Escorted 6,000 vessels in and out of port;
- Interdicted 2,995 illegal migrants; and
- Maintained over 115 security zones.

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), places limits on agricultural items brought into the U.S. from foreign countries because many items can harbor foreign animal or plant pests and diseases that could seriously damage America's crops, livestock, pets, and the environment.

The U.S. Public Health Service (USPHS) assigns commissioned officers to the Division of Immigration Health Services (DIHS), part of the Bureau of Primary Health Care under Health Resources and Services Administration (HRSA). DIHS supports the mission of the INS by providing or arranging cost-effective health service for the delivery of direct primary healthcare at INS processing centers or at locations throughout the nation where INS detainees are being held. DIHS also provides medical consultation, technical assistance to INS on detainee's healthcare, provides medical escorts for international and domestic air transport operations, and deploys medical teams with INS on domestic and international missions. Aliens applying for NIVs(temporary admission) may be required to undergo a medical examination at the discretion of the consular officer overseas or immigration officer at the U.S. POE, if there is reason to suspect that an inadmissible health-related condition exists.

APPENDIX G: IT REPORT

The DMIA Task Force contracted with independent IT consultants to provide a full report outlining how the automated systems currently function in relation to the border management processes and recommendations for a future border management system. The full report also outlines recommended enhancements to current systems that address the various needs of the INS and other relevant agencies.

Due to the sensitive nature of the information and findings in the full IT report, an IT Report Summary is included as an Appendix in this report. As necessary, the Task Force will brief appropriate officials on the full IT report.

IT Report Summary
An Information Technology Analysis of Border Management Functions and Related Systems

LA-CP-02-384

And

Border Management: Defining Future IT Concepts

LA-CP-02-392

Prepared by

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Abstract

The processing of non-immigrant foreign visitors traveling to and from the United States has come under question many times over the last few years. The terrorist attacks of September 11, 2001 has elevated this concern to the national security level, as all of the terrorists involved in the attacks were foreign visitors.

The Immigration and Naturalization Service (INS) has asked the Los Alamos National Laboratory (LANL) to work with the Data Management Improvement Act (DMIA) Task Force as an un-biased Information Technology consultant.

The purpose of this report to the DMIA Task Force is to outline how the automated systems currently function in relation to the border management processes and to propose recommendations for a future border management system.

Introduction

The processing of foreign visitors traveling to and from the United States (U.S.) has come under question many times over the last few years. The terrorist attacks of September 11, 2001, has elevated this concern to the national security level, as all of the terrorists involved in the attacks were foreign visitors.

The Department of Justice (DOJ), the Department of State (DOS), the Department of Transportation (DOT), the Department of the Treasury (Treasury), and other Federal Inspections Services (FIS) agencies are jointly responsible for border management. Within each Federal department, responsibilities are further divided among various individual agencies.

Most of these agencies have their own databases with very little integration across border management information technology (IT) systems and have been developed over time with little or no coordination. Systems were developed to meet legislative requirements and/or perform specific functions. This led to data entry and storage being redundant and segregated. In some cases, this is in accordance with various privacy laws. In other cases, the situation arose over time due to a lack of central coordination and funding.

This development trend led to duplication of functions and routines within systems, often referred to as the “stove piping” of systems. In turn, this led to the lack of coherent integration inherent in the systems studied within this project.

The project began when the Immigration and Naturalization Service (INS) asked the Los Alamos National Laboratory (LANL) to work with the Data Management Improvement Act (DMIA) Task Force as an un-biased IT consultant.

As the IT consultant, LANL was asked to perform four (4) main tasks. They are:
1. Current system analysis and evaluation (see figure 1)
2. Recommendations to enhance current systems
3. Development of a concept for future IT systems (see figure 2)
4. Highlight relevant technologies

A fifth task was to lend expertise to the four (4) DMIA Task Force subcommittees to consider their entry/exit recommendations from an IT perspective. A summary of these IT observations is included in this report. The observations were based on the content of the subcommittees overall recommendations and the IT systems in use. The IT systems were studied for their potential and their current state.

Disclaimer: The IT Summary contains independent observations of the subcommittees’ recommendations and does not necessarily reflect the views of each Task Force member.

This IT report summary is a public version and general overview of the issues covered in the full IT report. LANL's preliminary findings and recommendations can be found in the full IT report, which for security reasons, is not a public document.

Both the IT full report and report summary touch on recommendations for interfaces between an entry/exit system and the visa issuance process, adjustments in country and benefits, and interfaces to lookout or intelligence systems. These systems are inter-related although there are varying degrees of IT system integration. Through it all, the inspection and enforcement systems are key to the entry and the exit security functions. The report goes on to outline a recommended conceptual system that addresses the various needs of the respective agencies and seeks to satisfy the requirements of other Acts enacted by Congress. It also identifies and highlights relevant new and emerging technologies.

Entry/Exit Functions by Port-of-Entry (POE) Type

Ports-of-Entry

The most heavily automated POE process revolves around air travel. The POE process with the largest volume of traffic and the least automated processes revolves around land travel. Sea POEs process the least number of people and are semi-automated. The following describes the general process and details that are unique at some POEs:

Air POEs: Key issues that revolve around expediting passenger processing, while maintaining a high-level of security are important considerations. Airports use pre-arrival screening of passengers based on data provided by the airlines. Airports have regulated maximum lengths of time for disembarking aircraft and for making admittance decisions. This gives inspectors at air POEs additional constraints under which they must work. Some existing systems are powerful tools for inspectors at the arrival POEs. They are invaluable for their role in security and promptness of processing.

IT consultant's observation for this subcommittee

The airline industry currently collects and transmits electronically arrival information pertaining to passengers through the Advance Passenger Information System (APIS). Given that APIS has proven to be a reliable entry collection system, an EETR (Entry/Exit Travel Record) propagated by APIS information is a practical basis for recording both entry and exit data. It therefore could be use to evaluate travelers against a lookout database. A system such as this would be useful for stay management and could interface with the Central Index System (CIS).

In an endeavor to streamline the inspection process and facilitate those passengers who are frequent travelers to the U.S., the airport subcommittee recommends creating a POE "express lane" as an incentive for voluntary enrollment in a frequent traveler program. The addition of a biometric identifier for those passengers enrolled would both simplify and secure the inspection process.

A proposed “passenger entry/exit plan” that will make use of a distinctively encoded boarding pass which would indicate whether a passenger can *board/don’t board* an aircraft would prevent restricted passengers the ability to depart the United States. In order to be secure, this exit portion of the plan must physically prohibit the traveler from exchanging boarding passes and include a biometric identifier as a part of the process.

To provide for an overall secure entry program at airports it is imperative to provide a functional system that is not vulnerable to a cyber attack. In the event of a system failure, the system must have the capability of a reliable back up program that is immediate and unproblematic.

Sea POEs: There are many similarities to the air POEs. For example, they can perform pre-arrival screening of passengers using an advance passenger manifest. Seaports differ in their remoteness. At dockside or at sea, IT access is limited. On-board lookout queries are run against a portable version of the INS lookout system. Another on-board system currently used by most cruise lines, does an excellent job of tracking passengers and crew as they disembark and re-board at the various ports of call. This system is not currently used by INS. However, it can be improved to meet the requirements to be part of entry/exit systems, and is described in more detail below.

IT consultant’s observation for this subcommittee

The cruise line industry currently makes use of the Automated Personnel Assisted Security Screening system (APASS) on the majority of their vessels. This safety measure enables the capturing of specific information on a card that pertains to each passenger and crew for the extent of the voyage. The system currently requires both photo and biographical data for each person on the vessel, however present technology could take account of incorporating a biometric identifier to ensure even greater security. Although procedural, the APASS system could allow the instantaneous verification of a photograph to the travel document of each person. At present the APASS system has several positive aspects that could be put into practice in both the cruise line industry and the cargo industry. The APASS system can be modified to create and send Advanced Passenger Information (API) data, which would include one electronic Notice of Arrival (NOA) to all federal agencies 96 hours prior to the arrival of a vessel entering the first U.S. port of entry. This not only promotes data integrity, but also provides an exit record that could be uploaded electronically to capture all exits and entries during the entire voyage.

Wireless technologies are rapidly improving and are well suitable for the seaport environment. Both line-of-site and satellite system applications are an important topic that should be explored more thoroughly. The requirements of necessary data for wireless technology will no doubt determine whether the information needs to be encrypted. The current APASS system has the accessibility of being networked, while several companies have explored the possibility of encrypted wireless transmissions. IT systems are easier to implement, integrate, and maintain when the essential requirements are kept straightforward. Streamlining these requirements will improve the likelihood of a successful entry/exit system. From an IT perspective, the continued and expanded use of APASS could restructure the seaport inspection process and address the current workload issues that impact commerce.

An International Seafarer Identification Document (ISID), which the cargo and cruise industry supports, is a practical method of identification for crewmembers, which would make available an unvarying, detailed secure card. From an IT position, the ISID must be comprised of a controlled card, which includes a machine-readable zone, a photo, and a digital photo, which includes another biometric parameter, such as a fingerprint. The ISID, which would be issued by a competent authority, to be agreed upon by the International Maritime Organization (IMO) or the International Labor Organization (ILO) could for all intents and purposes be used as an electronic visa. Swiping the machine-readable card and verifying the bearer through biometric identifiers could perform lookout checks immediately in real time. Furthermore, incorporating a machine-readable card reduces data entry errors through human intervention and significantly improves the consistency if data input. In the future, if put into use, the ISID could replace the current crew travel document (passport/seaman's book, visa) which would benefit both the individual crewman and the maritime industry.

Northern Land Border POEs: Crossings (high volume) occur mainly across bridges and tunnels near large metropolitan areas and consist mainly of vehicle traffic. These POE sites are generally limited in size and easily congested. Other Northern Border POE sites are remote, traffic volume is low, and some only operate seasonally. These low volume POEs used unmanned inspection tools before September 11, 2001. Additional entry or exit requirements must address both types of POEs and not unduly hinder traffic.

The majority of the Northern Land Border travelers are Canadians or U.S. citizens. They tend to cross often, for business or pleasure. Regulations limit the documentation needed to cross the border, however queries may be performed.

IT consultant's observation for this subcommittee

NEXUS is the IT system to be used by low risk travelers, utilizing smart card technology and dedicated commuter lanes at selected POEs. The NEXUS enrollment process captures photographs and fingerprints. It also performs a background check on enrollment. The photographs are used at every NEXUS crossing by inspectors to verify the identity of an individual. Greater integration with other INS systems would further enhance the system.

Southern Land Border POEs: The largest volume of traffic and inspections occur along the Southern Land Border. Like the Northern Land Border, some POEs are heavily used by regular commuter traffic and easily backed up. The Southern Border must also contend with pedestrian and bicycle traffic.

The majority of the Southern Land Border travelers are Mexican nationals and U.S. citizens. They tend to cross on a daily basis. Regulations require documentation, of which there are various types. The Border Crossing Card (BCC) is a commonly used document.

IT consultant's observation for this subcommittee

The Southern Land Border Subcommittee advocates the use of machine-readable documents with respect to land border traffic. It is essential that readers are operable at all border crossings and are capable of capturing biometric identification to benefit the additional improved documentation. The readers should comply with any mode of traffic and all machine-

readable documents issued by Departments of State and Justice crossing the border, which would facilitate automating the inspection process.

In an endeavor to encourage vehicular traffic passengers to register in an expedited inspection program, the Southern Land Border Subcommittee recommends that the current radio frequency system, Secure Electronic Network for Travelers Rapid Inspection (SENTRI), be modified. These modifications would allow the inspector to touch the screen and record the crossing of all occupants in the vehicle.

From the FASTPASS system documentation (the next generation APASS system, which will include fingerprint storage and reader), information is extracted from an individual's driver's license via the magnetic strip and/or barcode and is authenticated. The software necessary for the extraction and authentication of this information is supported by data templates, and encoding algorithms. In the U.S., the support ID data encoding are easily updated regularly when, and if, a state issues a new driver's license data encoding algorithms. Passports are scanned on a scanning/imaging device and the data is extracted and authenticated from the Machine Readable Zone (MRZ) of the passport and downloaded or verified against an existing database record in the same manner.

Current documentary requirements and exemptions should be streamlined and consistent to assist in a system design, which includes development and training. The proposed system has potential but must allow for additional critical elements in order to be effective to secure the border. The system must incorporate a biometric identifier to verify each individual, might utilize smart card documents and the necessary equipment to read them, expedite the inspection process by eliminating the manual input of data as much as possible, which also reduces the incident of human errors, and the ability to screen against the Interagency Border Inspection System (IBIS)/National Automated Immigration Lookout System (NAILS) in real time.

Current Systems

The current systems have evolved over time based on changing requirements. The requirements for the current systems are driven by significant and often time conflicting goals. The goals are to satisfy needs at different types of POEs, at different functional areas in the process, and/or different government departments. Another goal is to satisfy laws and mandates and a final goal is to meet budgetary constraints. The outcome is a set of systems that excel in some functional areas but lack overall connectivity and consistency.

Some detailed observations are: for POE categories, commercial air and sea entries are best tracked, but only comprise about 16% of all border crossings, the most automated is the air, followed by sea and last are the land POEs. However, the traveler flow is highest at land, a distant second at air, and the least by sea POEs. The process at each POE is different, in that in the case of commercial sea and air you have pre-arrival information to prescreen travelers. For most of them you have a presentation of documents, an inspection, and finally an I-94 for visaed and Visa Waiver Program (VWP) foreign visitors. Land ports rely on use of pre-enrollment systems, Border Crossing Cards, visas and proximity cards (like NEXUS) to identify foreign citizens. Air POEs have regulated maximum times to disembark and process travelers

from an aircraft. Most seaports require on-board inspections, which have limited electronic connectivity.

The functional areas of the systems are: visa issuance, inspection and enforcement, lookout and intelligence, benefits, and data analysis. Visa issuance is a DOS function and employs replicated information, centralized data warehousing, datasharing and automated background checks. Depending on the category of the POE, the inspection and enforcement process differs. Lookout and intelligence is constrained by the sensitivity and privacy of the information. Benefits processing relies mostly on paper-based input that can have long lag time from request to adjudication. Data analysis systems are tools used to analyze electronic data to understand the flow of people and address other reporting requirements.

Future IT Systems Concept

A conceptual system can be broken into four functional areas: Document issuance, POE event, Benefits/Stay Management, and Lookout systems. For each of these areas unique functionality is needed, but can use similar technology.

Document Issuance

Most travelers require a document to enter or exit the U.S. and must perform the following three basic steps to complete the document issuance process.

- Initial data collection—to gather biographical information electronically.
- In-person interview—where biometric information is collected and an identity established.
- Request adjudication—to determine to grant or deny a request. In either case, information is retained.

Upon the completion of this process, a document with the following four characteristics should be generated:

- Tamper resistant—to make the generation of fake documents more difficult.
- Machine readable—to allow consistent data entry into systems.
- Human readable—as backup to be used by human inspectors.
- Uses biometric identifiers.

Sample documents issued by this process are:

- for some foreign nationals a visa or a Border Crossing Card,
- for frequent travelers a card that is required to participate in a Dedicated Commuter Lane program, and
- for U.S. citizens a passport (where required).

POE Events

This is where a person is present at a POE. An event at a POE would be handled in four steps:

- Pre-arrival analysis—for commercial carriers this is an advanced passenger list for prescreening.
- Document inspection—actual validation of documents and positive identification of an individual.
- Adjudication—determination to allow or deny a request to enter or exit the country.
- Event data capture—retain all information of event and outcome.

Benefits/Stay Management

An individual might require benefits or trigger stay management events while in the country. These requests are change of status, extend stay in country, and other similar events. They could be handled in two ways:

- Automated self-service—for any self-service station, using biometrics would be required to establish an identity.
- In-person caseworker interview—alleviate the paper processing load by handling all data in electronic form as much as possible.

Lookout Systems

Lookout systems are a collection of systems comprised of data collected in many of the current lookout databases. To streamline the current process, one-stop-shopping is required so that all of the information is searched automatically. The information should be available on a real-time query basis so that timely information about threats can be disseminated quickly to all agencies with access to this system. IBIS currently affords integrated lookout support at the POE.

The steps taken in generating and maintaining lookout information are significantly different from agency to agency. It is sufficient to say that the type of information collected by other law enforcement agencies can differ from the information collected concerning immigration violators. Therefore, lookout systems should be used by the entry/exit system but could function alone for use by others agencies.

Biometric Identifiers

Security is based on controlling and authorizing access to information (such as within a computer system) or into a physical location. There are three methods of giving individuals access to secure areas or information:

- Using what they know,
- Using what they have, and/or
- Using who they *are*.

Using biometric identifiers is the only confirmed means of "freezing" the identity of an individual. Freezing an identity means locking information, such as a name, and its identifying documentation to an individual. The first time a person presents documentation saying they are John Q. Public, that fact cannot truly be established. However, by capturing a biometric identifier that links that individual to that name/information, the identity of that person is now permanently frozen. This also prevents a person with a frozen identity to claim to be someone else. If this person does truly have a second name the information can be handled as an alias of the first identity.

New and Emerging Technologies

Smart Documents: Smart documents reduce or eliminate manual data entry, with its associated error rates and delays in inputting data.

XML: The eXtensible Markup Language (XML) is a nonproprietary language that is an excellent format for the interchange of data between different applications. Self-describing records can be generated using XML. These are records that have information about the fields it contains, so that the receiving process needs to know little about the sending process.

Advanced Indexing: Traditional indexing relies on unique identifiable key elements. Based on these elements, an index is built. The index is used to quickly determine if a piece of information is present on a dataset. Advanced indexing has the same functionality in mind. Where it differs significantly is by how it generates a unique identifier for information. For example, traditional indexing for textual documents built elaborate indices on words contained within the document. This process works fine if the content is known. However it breaks down if similar content is searched, but is not an exact match. In advanced indexing, these issues are overcome by extracting the knowledge out of the documents and using it as an index for searching.

Federated Systems: The ability to use information located at different data centers, in real-time, is imperative. A federated system approach is a way to make distributed databases seem like one. This way one search brings all the relevant information together.

Knowledge Modeling: Knowledge modeling is a tool to perform systematic analysis of complex problems to estimate performance and reliability. The process steps are:

1. Break down the complex problem into its components
2. Weigh the performance and reliability of each component.
3. Successively aggregate weights of components to the next level to achieve an overall estimate of performance and reliability.

Automated Prioritization Tool: This is a network based analysis tool to prioritize sites for the INS, or other relevant agencies, to place resources. Fundamentally this technique would use information about transportation to create a network. Then attributes to the network would be assigned based on other relevant information. This technique is flexible to changing priorities and information as well as to world events.

Leveraging Existing Systems

No one system dominates the entry/exit problem domain. There are several centralized systems that contain a lot of core information. In more specific areas there are several systems that perform similar types of functions for expedited admission. And finally there are other systems that maintain unique information, which should not be replicated for privacy reasons yet they need to have wide access. The challenge is to get to a future system using current functionality where appropriate, and enhance and replace other systems, as needed. Current systems must still be maintained, analogous to a service road, while the new super highway is under construction.

For a longer-term solution, systems will have to be upgraded, replaced, centralized, and federated as appropriate. Two key functional areas require a centralized approach to generate uniform and consistent data. If Personal Identification (PID) and biometrics are functions needed by most applications, it would not be efficient to distribute this functionality across all systems that need it.

These centralized systems would use either a biometric identifier (see figure 2) or some other electronic information to uniquely identify an individual. These systems would contain all the functions to manage this kind of information. They would also be protected accordingly. The results of either system would then be used to access information for that individual in one of the other sub systems.

Summation and Recommendations

This section summarizes key findings and recommendations:

1. Near-term Crucial Systems

The Entry/Exit Project Team (EEPT) has a deadline of December 31, 2003 to implement procedures to capture entry and exit information at all air and sea POEs.

To meet this date, the EEPT is considering using an existing system as the platform for collecting arrival and departure data. Since carriers are going to be required to send all arrival and departure data for all passengers, we agree that this system is the most appropriate system to leverage as a collection vehicle to satisfy the December 31, 2003 deadline.

2. Exit Information

There is only one system of the 30+ systems reviewed thus far that contains exit information. Some functions of the current system work well, others can be improved. The elements of a secure entry/exit system that are distinctly missing or under-utilized are the use of biometrics (discussed below), any exit procedures and integrated systems (like visa datasharing).

We recommend that upon departure, the information that is generated by the airlines and cruise lines would be sent to create a departure record. Centralizing the records would allow INS to track the arrival and departure of all foreign visitors.

3. Biometrics

Biometric identifiers are under-utilized in the current systems.

To alleviate this issue, we recommend collection of at least two biometric identifiers, preferably a photograph and fingerprints. The human eye can verify identity of a person using photographs effectively and face recognition software will improve in the future. Photographs would also be used as backup in case the automated systems fail. Fingerprint technology is mature enough to be used in production for automated self-service inspection stations. Also, it is less intrusive than other biometric collection methods.

4. Low-risk Automated Inspections

The use of Automated Inspection systems is a powerful concept that will require more consistent and widespread use in the future. It depends on biometrics and machine-readable documents.

We recommend taking advantage of existing documents that are Optical Character Reader-ready for the fast and accurate data entry, and use biometrics, as previously recommended.

5. IT Infrastructure

Existing automated inspection systems need to optimize their databases and be integrated. Their current infrastructure is fragmented. On the other hand, some of the large centralized systems serve a wide set of users and provide useful functionality to a distributed set of users. Some of these systems are using up-to-date technology, and others use up-to-date concepts such as federated systems.

To take advantage of infrastructure improvements, we recommend establishing a standard set of communications mechanisms. With it, a higher level of system interoperability could be achieved. Federated systems and XML technologies would work well here.

6. Global issues of concern within the current environment

- Functions are stove-piped within systems despite procedural interrelationships.
- Batch processing delays the rapid access to real-time data that is essential for tight security and timely processing, for example, the Form I-94 paper process.
- IT architecture is not standardized.
- IT users are not adequately trained and training is not updated as changes take place.

To overcome these issues, we recommend following what large IT centers in industry are doing. Where possible, move toward the following industry standards:

- Automate paper-based and manual processing.
- Build a network of IT expertise under a consolidated Chief Information Officer.
- Develop long-term strategic IT goals by function rather than department.
- Standardize IT architectures, platforms, and practices.

We also recommend the use of industry standards to leverage technology developments. Industries are investing millions of dollars on improving these standards. Also, by using and developing by these standards the INS, and other relevant agencies, would be able to use commercial off the shelf packages and/or develop applications that are easily maintained.

Conclusion

Technology by itself will not address all the issues, but if applied at the right places, with strong business practices and in an incremental fashion, it will help.

The conceptual system does not significantly change the current procedure. What changes is the technology used behind the scenes, the tools, the systems and information management. The outcome of implementing such a system is:

- Automation,
- Comprehensive data gathering,
- Secure data transmissions, and
- Higher reliability and integration of the information and systems in use.

Biometric information is essential. Automated inspection stations can very effectively verify the identity of the traveler with some biometric identifier.

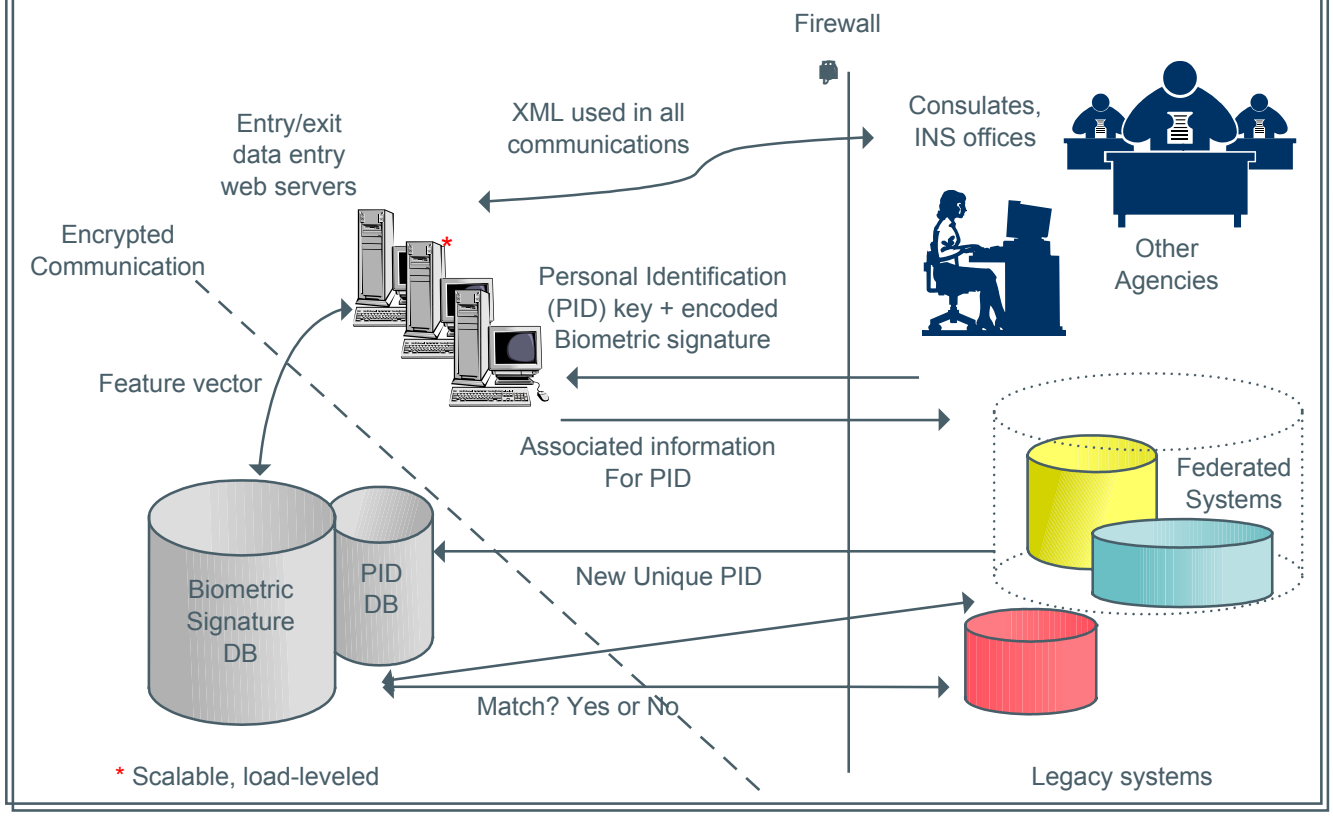
Finally, select key systems for further investigation. The real test of future usability rests with end users and how maintainable the systems are. Some systems look very promising as corner stones for future development. They should be studied in more detail in the next phase of this study. Also, individual technologies should be studied in greater detail before final system design and implementation recommendations are made.

We will continue to work with the INS and DMIA Task Force on these and related IT interoperability issues as they continue their work in 2003/2004.

Figure 1: Current System List by Category

Category	System Id	System Name	Owner
Visa Processing	Datashare	Visa datasharing	DOS
	CCD	Consulate Consolidated DB	DOS
	NIV	Nonimmigrant visa	DOS
	NIV/BCC	Nonimmigrant Visa/Border Crossing Card	DOS
	IV	Immigrant Visas	DOS
	IV/DV	Immigrant Visa/Diversity Visa Modernized systems for visa processing	DOS
Lookout and Intelligence	IAFIS	Integrated Automated Fingerprint Identification System	FBI (DOJ)
	IBIS	Interagency Border Inspection System	USCS (Treasury)
	IDENT	ID System used in processing BCCs and for enforcement	INS (DOJ)
	CLASS	Consular Lookout and Support System	DOS
	NADDIS	Narcotic and Dangerous Drugs Information System	DEA (DOJ)
	NCIC	National Crime Information Center	FBI (DOJ)
Benefits	CIS	Central Index System	INS (DOJ)
	CLAIMS	Computer-Linked Application Information Management System	INS (DOJ)
	RAPS	Refugee, Asylum, and Parole System	INS (DOJ)
	SEVIS	Student Exchange Visitor Information System	INS (DOJ)
Inspection and Enforcement	ENFORCE	Enforcement Case Tracking System	INS (DOJ)
	BCC	Border Crossing Card	INS (DOJ)
	DATASHARE	Visa datasharing	INS (DOJ)
	DMS	Detention Management System	INS (DOJ)
	EID	Enforcement Integrated Database	INS (DOJ)
	NAILS	National Automated Immigration Lookout System	INS (DOJ)
	PALS	Portable Automated Lookout System	INS (DOJ)
	DACS	Deportable Alien Control System DB	INS (DOJ)
	APIS	Advanced Passenger Information System	USCS (Treasury)
	SENTRI	Secure Electronic Network for Travelers Rapid Inspection	INS (DOJ)
	NEXUS	Dedicated Commuter Lane program	INS (DOJ)
	RVIS	Remote Video Inspection System	INS (DOJ)
	INSPASS	INS Passenger Accelerated Service System	INS (DOJ)
	IDENT	Automated Biometric Identification System	INS (DOJ)
	ADIS	Arrival Departure Information System	INS (DOJ)
	NIIS	Non-Immigrant Information System	INS (DOJ)
	GES	Global Enrollment System	INS (DOJ)
	OARS	Outlying Area Reporting Station	INS (DOJ)
Data Analysis Tools	RIPS/RIPCON	Record of Inadmissible Passenger System DB/RIP Consolidated System	INS (DOJ)
	VIS	Verification Information System	INS (DOJ)
	POMS	POE Office Management System	INS (DOJ)
	WAM	Workforce Analysis Model	INS (DOJ)

Figure 2: Future IT Systems Concept



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