

Statement Of
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on Behalf of
Airports Council International –North America
and the
American Association of Airport Executives
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Chairman Davis, Ranking Member Waxman and members of the Government Reform Committee, thank you for inviting me to appear before your Committee to discuss the ongoing implementation of the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT). I am testifying today on behalf of the Airports Council International-North America (ACI-NA) and the American Association of Airport Executives (AAAE).

Airports Council International - North America (ACI-NA) represents local, regional and state governing bodies that own and operate commercial airports in the United States and Canada. ACI-NA member airports enplane more than 98 percent of the domestic and virtually all the international airline passenger and cargo traffic in North America. Over 370 aviation-related businesses are also members of the association, which is the largest of the six worldwide regions of Airports Council International, which concurs with this testimony.

AAAE represents the men and women who manage the primary, commercial service, reliever and general aviation airports.

On behalf of the men and women who operate and manage America's airports, we appreciate the opportunity to offer our observations on the current progress of the US-VISIT program and outline some of the challenges faced by airports across the country. While much remains to be done, it is clear that a great deal of progress has been made in recent months and that our nation's aviation system is more secure than it has ever been.

GENERAL COMMENTS

ACI and AAAE and our member airports fully support the goals of the Enhanced Border Security and Visa Entry Reform Act of 2002 to ensure that the United States knows whom it is welcoming and whether or not they have overstayed their welcome. As part of the implementing effort, the Department of Homeland Security (DHS) issued the US-VISIT interim final rule on January 5, 2004, requiring that most visitors traveling on visas will have two fingerprints scanned and a digital photograph taken upon arriving at airports and seaports for entry into the U.S. Upon exit from these airports and seaports, the plan is for visitors to have their travel documents scanned and photograph compared and to provide fingerprints again.

But, we also believe that the US-VISIT program must be implemented with great care in order to facilitate travel and trade, while we ensure that the security and immigration objectives are met. It would be hugely detrimental to passengers, airports, airlines and local and national economies if US-VISIT became an ironic term rather than an effective entry/exit program that welcomes foreign visitors, the vast majority of whom pose no threat to the United States.

ACI and AAAE and our member airports very much appreciate that the Department of Homeland Security, particularly Under Secretary Hutchinson, the Office of Border and Transportation Security, US-VISIT Program Office and the Bureau of Customs and Border Protection (CBP) took our concerns and those of our members into account by moving the effective date of the entry aspects of US-VISIT from January 1 to 5, 2004, thus avoiding a peak holiday travel period and working toward implementation during an historically low traffic time of the year. We commend Under Secretary Hutchinson, the Office of Border and Transportation Security, the US-VISIT Program Office and CBP on the generally smooth implementation of the US-VISIT entry program at 115 airports.

We also support the Department's postponement of full implementation of the much more complex exit elements at airports so that they can be the subject of thorough consultation, preparation and pilot programs.

However, we cannot afford to let the relatively trouble free beginning of US-VISIT during a light travel season make us complacent about how well the system will cope with the increased number of passengers trying to enter and later exit the U.S. at airports during peak travel periods. DHS needs to consult extensively with airports and airlines and avoid artificial deadlines to ensure that US-VISIT will be a successful entry/exit program. The U.S. Government must provide the human, technological and financial resources necessary for the efficient functioning of US-VISIT so that business people and tourists do not decide that it simply takes too much time, effort, confusion and dislocation to travel to and from the U.S. We all know the important contribution that business and tourist travel make to U.S. businesses, jobs, taxes, and local and national economies.

ACI and AAAE also maintain that it is critical that US-VISIT attend to all points of entry and reach some broader arrangements with our neighbors for handling travelers. US-VISIT cannot be an effective program until it is implemented beyond just airports and seaports, which represent a minority of international trips. Unless and until that is accomplished, US-VISIT will fail in its goal of identifying, comprehensively, who has entered and left the country.

And, as a matter of procedure, we recommend that whenever the DHS uses an expedited rulemaking process as it did in adopting the interim final rule on US-VISIT, it is very important that it include a provision mandating a review after a reasonable period of time and have a specific sunset date so that the rule must be affirmatively renewed. This is important because rules adopted on an expedited basis are implemented without the usual opportunity for fully considered input from interested and affected parties.

ENTRY STAFFING ISSUES

Airports have concerns going back many years about insufficient staffing by CBP (and some of its prior, legacy agencies) to facilitate travel through airports, particularly during peak hours and seasons. We have a concern that the addition of the US-VISIT toolbox to the existing clearance process will exacerbate the underlying, historically inadequate staffing at airports. We believe that one of the reasons US-VISIT has performed well thus far is that additional CBP personnel appear to have been assigned during the initial period. Even if US-VISIT takes only 15 seconds per visa holder (an ambitious goal), international airport Arrivals Halls typically process thousands of arriving passengers per hour during their daily processing periods. For example, Dulles International Airport estimates that 800-1000 passengers are going through US-VISIT now, but that 2000 passengers will have to do so during the summer--- at least doubling in the number of passengers that will undergo US-VISIT procedures. Unless we add significant numbers of CBP staff, an additional 15 seconds per transaction and these kinds of volumes of targeted passengers, will produce cumulative strain on the inspection system and airport facilities that will result in long lines and overcrowded facilities for all arriving passengers. Unfortunately, it is our understanding that there are no plans to add CBP officers at airports. While CBP should intensify its efforts to train new staff to assume positions at airports that are currently vacant, we also maintain that CBP needs to add new positions, especially positions that are flexible in hours of the day, days of the week, and seasons of the year.

ACI and AAEE endorse the indications in the US-VISIT interim final rule that there is flexibility for dealing with different mixes of traffic and delays. We recommend, for example, that the question of whether or not there should be separate lines for different types of traffic be determined on an airport-by-airport basis, depending on the design of facilities and mix and patterns of traffic, to better facilitate the optimal flow of passengers. In addition, the interim final rule refers to mitigation strategies to deal with delays. We believe that the local CBP and US-VISIT officials must have the authority and must be encouraged to respond quickly to changing traffic mixes and volumes throughout the day, computer glitches, diversions due to weather, and emergencies and other causes of delay, in order to avoid unacceptably long lines and missed connections.

Finally in this regard, we are very concerned that the interim final rule seems to imply that the US-VISIT requirements might be extended to additional foreign nationals, such as passengers from Visa Waiver Program (VWP) countries and Canada, who currently are not subject to US-VISIT requirements. Any expansion must be considered very carefully in terms of its usefulness and risk, impact on relations with other countries and the potential burden on the US-VISIT program, CBP, U.S. embassies and consulates, passengers, airports, and airlines. Adding such an enormous volume of passengers subject to US-VISIT would totally overwhelm the resources of CBP and the facilities at many airports, with consequential negative impacts on tourism, travel and trade if our ports of entry become bottlenecks, and with little positive benefit for national security.

It seems clear, at this point, that most countries in the VWP may not be able to meet the statutory requirement to have a program in place on October 26, 2004 for issuing machine-readable passports containing a biometric identifier that meets the standards set by the International Civil Aviation Organization. We see little evidence that the U.S. Government has such a plan for the passports it will be issuing, either. If this problem is not resolved by amending the law or other means, it could wreak havoc on the US-VISIT process and on airport facilities because there would be an exponential increase in the number of passengers traveling on visas and that therefore would have to undergo all the elements of the expanded US-VISIT procedures. If the U.S. Government plans to extend the program to additional foreign nationals, it should not do so without providing ample opportunity for Congressional input and public comment in advance of the action.

PERFORMANCE STANDARDS

ACI and AAAE believe it is important that the entry and exit procedures each have published performance standards for the clearance of individual passenger and aircraft, without which there can be no assessment of customer service, productivity, or cost-effectiveness of the entry/exit system. US-VISIT and CBP must be able to provide timely information on actual passenger and aircraft processing times to travelers, airports, airlines, and to Congress, so that Government and industry can gauge how the systems are functioning and

whether and what improvements should be made. This is important just as airports are no longer provided with even the most basic information about how many inspector positions or inspectors are assigned to their individual airports, as that information has now been deemed classified.

CONSULTATION WITH AIRPORTS

ACI and AAAE recommend that US-VISIT and CBP consult with airports about the continuing implementation of the entry elements of US-VISIT because CBP staff, airports and airlines will be dealing with the increasing number of passengers that are known to be returning to the system and the growth we know to be coming as we move into what is, historically, the busiest of travel seasons.

With respect to the design of the exit elements of the US-VISIT program, we strongly urge that US-VISIT involve airports early and intensively in designing the basic building blocks of the process, because this will be a much greater challenge than the entry process. During the entry phase, US-VISIT has been able to build on existing CBP facilities and staff at airports. The exit phase presents a host of issues of a different order of magnitude because it will insert a new process, equipment, and staff into airports, where previously there were no governmental requirements or personnel. Space for such functions is already at a premium at many airports. Unlike arriving passengers, departing travelers do not all appear for their departure in the same place, in the same way, at the same time. Unlike airports in most other parts of the world, U.S. airports have not been designed or built to accommodate passenger departure controls and most U.S. international gateway airports also have substantial domestic traffic.

We appreciate that US-VISIT staff recently indicated that they are resuming regular conference calls with airport and airline trade associations and hope this also signals closer contacts with individual airports as well. Many of our members report that they have had little or no contact with US-VISIT regarding the exit process since site assessment visits by US-VISIT personnel were conducted during winter 2003. US-VISIT should provide all airports with regular and timely feedback on their site assessment visits and on how the exit pilot at Baltimore Washington International Airport (BWI) is progressing. We recognize that US-VISIT staff is

extremely busy, but we strongly recommend that they not try to craft exit pilot programs and procedures in a vacuum. We recommend that they consult with the airport trade associations and with individual airports on an ongoing basis. Our members have a wealth of experience to share, particularly with their difficult experiences incorporating TSA into their facilities and traffic flows. We believe that an ongoing exchange of information and ideas between US-VISIT and airports and other stakeholders is crucial to the successful rollout of the exit elements of US-VISIT.

FINANCIAL ISSUES

ACI and AAAE welcome the statement in the US-VISIT interim final rule that “there will be no additional costs to the traveling public, airlines or airports resulting from the implementation of this rule”. The U.S. Congress and DHS need to ensure that the US-VISIT program is fully funded before the exit portion is implemented. US-VISIT not only needs funds to test and implement the program at airports, but also to expand staff if necessary, oversee contracts including liability, and service and maintain its equipment. Our experience with the TSA (with screening machines crowding terminal lobbies, lack of funding for in-line baggage solutions and rolling deadlines) clearly demonstrates the peril of forging ahead with inadequately conceived and inadequately funded solutions.

We strongly urge US-VISIT to design its exit procedures to be conducted at the aircraft departure gates (or where determined most effective in each airport) and share offices and other space with CBP officers. If US-VISIT activities result in a taking of space at the airport or it wants its own offices, needs the use of airport services, such as power lines or other utilities, or imposes other costs on airports, it should pay or reimburse the airports at the going rate at that airport for those facilities and services.

EXIT ELEMENTS OF US-VISIT

The exit process is particularly complicated, raising many questions, which need to be resolved including the site, technology, equipment, and staffing of the exit process, as well as how it relates to the entry process. Airports would like assurances that policy-related matters are defined and finalized before the deployment,

with the requirements specified in writing prior to implementation. It is critical that the roles, responsibility and lines of communication among stakeholders, US-VISIT, CBP, airports, local law enforcement, and airlines be clearly delineated.

This also makes the test pilot programs critical to working out the best solutions on an airport-by-airport basis. ACI and AAAE recommend that US-VISIT and CBP should not only maximize utilization of pilot programs to test exit procedures using kiosks, but also develop gate-specific solutions for success and efficiency rate comparisons. In this manner, US-VISIT will not only be able to ascertain in quantifiable ways the most successful implementation of the proposed exit alternatives, but will solidify flexible and responsive approaches to a broad roll-out of exit procedures. Airport-by-airport, gate-specific approaches continue to emerge as the best path to successful exit program implementation.

Airport Selection for Test Pilots

ACI and AAAE welcome implementation of the US-VISIT exit test pilot at BWI on January 5, 2004 and we understand that the test is going well. We also welcome the plans to conduct additional pilots at up to 15 airport and seaports. We strongly recommend that US-VISIT select for its pilot programs airports that cover a wide range of differences in physical configuration and traffic mix. US-VISIT should test its concepts and technologies at airports where international departures occur at multiple terminals, are co-mingled with domestic arriving passengers, and have many connecting passengers, many passengers subject to US-VISIT requirements, and many non-English speaking passengers, subject to US-VISIT requirements. In this way the full range of challenges are evident and prior to full implementation.

Placement of US-VISIT Exit Process

We also believe US-VISIT must plan to test different site alternatives to see which work best for the exit process not just utilization of kiosks. We believe that the most effective placement in almost every case will be at the departure gate. Given the inherent mixing of departing international and arriving domestic passengers at many U.S. airports, it will be extremely difficult to assure that an exiting US-VISIT passenger actually departs the country unless the exit processing is located at the aircraft jetway and the exit process is integrated with the airlines' gate boarding pass readers. US-VISIT staff could make sure that there are

announcements and signs about US-VISIT in the gate area and could approach passengers who may be unsure as to whether or not they need to go through the process. By placing the process at the gate, it should be easier to prevent passengers from simply getting on the plane without being processed or, alternatively, leaving the airport without taking their flight. It is also likely to be the easiest alternative from the passengers' point of view because they can go through the US-VISIT process while they are waiting in the gate area. US-VISIT must also be responsible for conducting some type of reconciliation with the airlines' electronic departure manifests so that it will have confirmation that individual passengers actually boarded and departed.

Placing US-VISIT at security checkpoints will result in long lines for all passengers waiting to go through TSA security, while visa holders add the US-VISIT procedures to their screening process. In addition, connecting visa holders will have no need to go through security lines again and thus may not know or forget that they need to go through the US-VISIT process. It may also be more difficult to make sure affected passengers comply with the procedures and that they actually get on their flight, as opposed to just walking out of the terminal. Some of these problems will also affect placing US-VISIT kiosks at various points in the departure area beyond the security checkpoints.

Most importantly, the success of US-VISIT's exit procedures will depend on the proper placement of the exit process in the context of the unique physical and traffic characteristics of and on meaningful consultation with each individual airport.

Technology/Equipment

ACI and AAAE recommend that US-VISIT test various types of kiosks, including wireless mobile kiosks, and handheld devices to make the exit process as flexible as possible. Maximum mobility and flexibility is critical in US-VISIT's equipment so that the program does not undermine airports' efforts to maintain their flexibility in order to achieve maximum efficiency and customer satisfaction in airport and airline operations. Airlines may change their flight schedules, types of service and code share and alliance partners on very short notice, which means that they may need to shift their operations to other parts of the airport.

It is important that US-VISIT consider its equipment needs in terms of peak processing times and numbers. In addition, US-VISIT should not focus only on the number of peak-time visa holders at an airport when determining the number of kiosks required to conduct the exit process. The layout of the airport, particularly if there are multiple concourses or terminals, will also have a significant influence on the number of kiosks or other mechanisms necessary to conduct the exit process.

Staffing

ACI and AAAE strongly urge that US-VISIT hire sufficient staff to inform and assist affected visa holders expeditiously and courteously. In addition, it needs to hire individuals who speak the foreign languages that many passengers are likely to speak at a given airport, and staff who are trained in dealing with diverse cultures. It is unclear what role CBP will play in the exit process, but, with chronic shortages of trained CBP officers, we would strenuously object should they be pulled from primary and secondary entry inspection to staff the exit process. Again, US-VISIT needs to take account of the physical layout of and traffic mix at each airport. Multiple concourses and terminals at an airport and a significant number of non-English speakers are likely to require more staffing than the number of peak time visa holders might suggest.

Re-entry into the U.S.

Because perfect implementation will not be possible in the initial stages of the program, ACI and AAAE urge that visa holders, airlines and airports should not be penalized by denial of entry, fines, or termination of service etc. because of confusion about the entry/exit process, because of inadequate preparation and signage, or because passengers may depart from an airport or seaport which does not have an exit process yet or because they enter or depart over a land border. This has some very serious implications that must be addressed before the program is widely implemented

IMPACT OF CUMMULATIVE CHANGES

There have been numerous changes in how U.S. security and facilitation functions are conducted at airports since September 11, 2001. Many of these changes contribute to increased security. However, the continued layering of numerous procedures is creating a hodge-podge approach undermining the efficiency, economic viability and customer service aspects of airport facilities. DHS needs to work with airports on developing

new facility guidelines incorporating effective security and facilitation procedures and taking cumulative account of their physical and financial implications.

GOVERNMENT AND PUBLIC OUTREACH

We note that US-VISIT has attracted some criticism and lack of understanding in a number of foreign countries, especially those that are not members of VWP, and whose nationals are subject to the new entry and exit processes of US-VISIT. As needed, the U.S. Government should consult with affected governments to explain the program. We are concerned that if other countries (particularly those with inadequate technological resources) introduce similar programs, there could be a further, cumulative negative effect on the important travel and tourism industry, which has already been so severely affected since 2001. Airports are concerned that, without proper planning and consultation, adding more and more procedures will, inevitably, decrease travel demand and stifle the industry's present slow recovery.

ACI and AAAE believe that US-VISIT needs to continue its efforts in educating the traveling public on the requirements and procedures involved in US-VISIT, to minimize disruption and increase passenger cooperation with the program at points of entry and, eventually, points of departure. These efforts could include handing out information cards at point of embarkation, showing videos at airports and on board international flights, and briefing foreign media. US-VISIT should assist airports in responding to questions and concerns raised by the local media and communities.

CONCLUSION

ACI, AAAE and our member airports look forward to working closely with US-VISIT and CBP to ensure that the entry and exit elements of US-VISIT actually enhance U.S. security and travel to and from the U.S. We appreciate the Committee's continued interest in this topic and we look forward to working with you and with the DHS to accomplish our mutual goals.