

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 LESCE 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 LESCE 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:

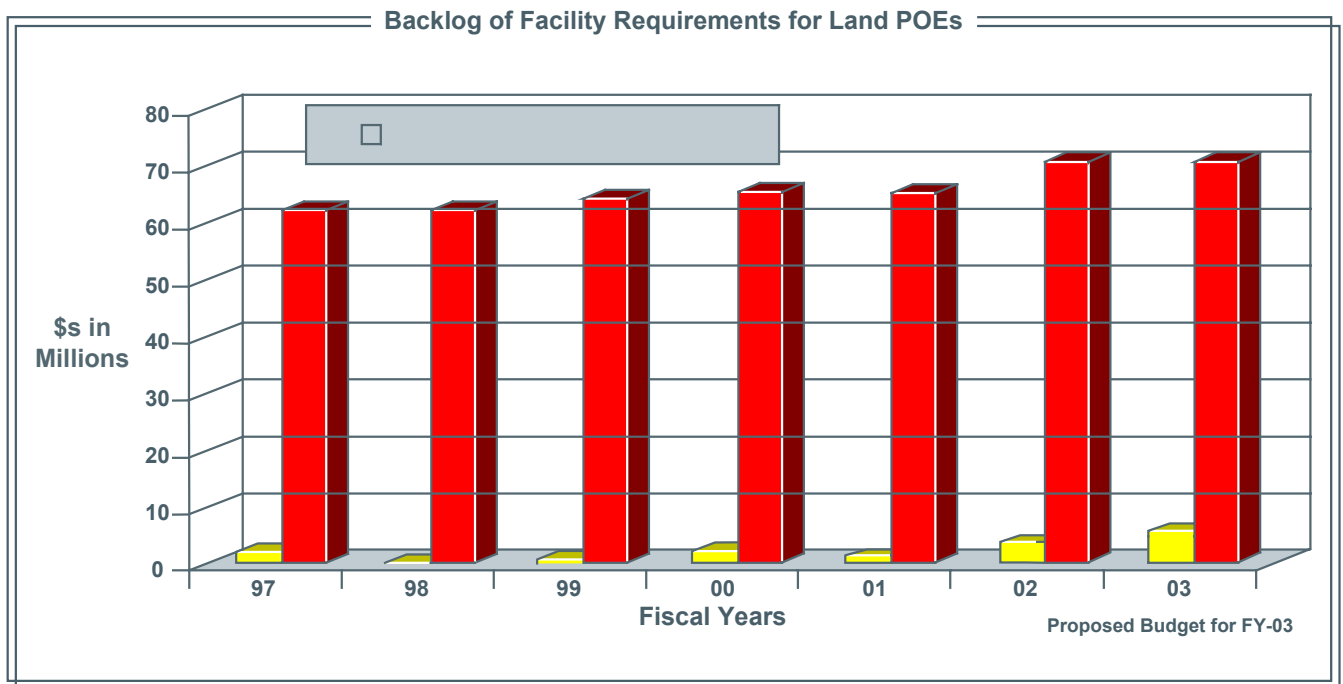
Land Border Facilities: In FY 2001, 414 million land border entry inspections were conducted at northern and southern land border inspection facilities. Land POE inspections facilities are owned by different entities: they may be owned or leased by the General Services Administration, INS, USCS, or privately 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.

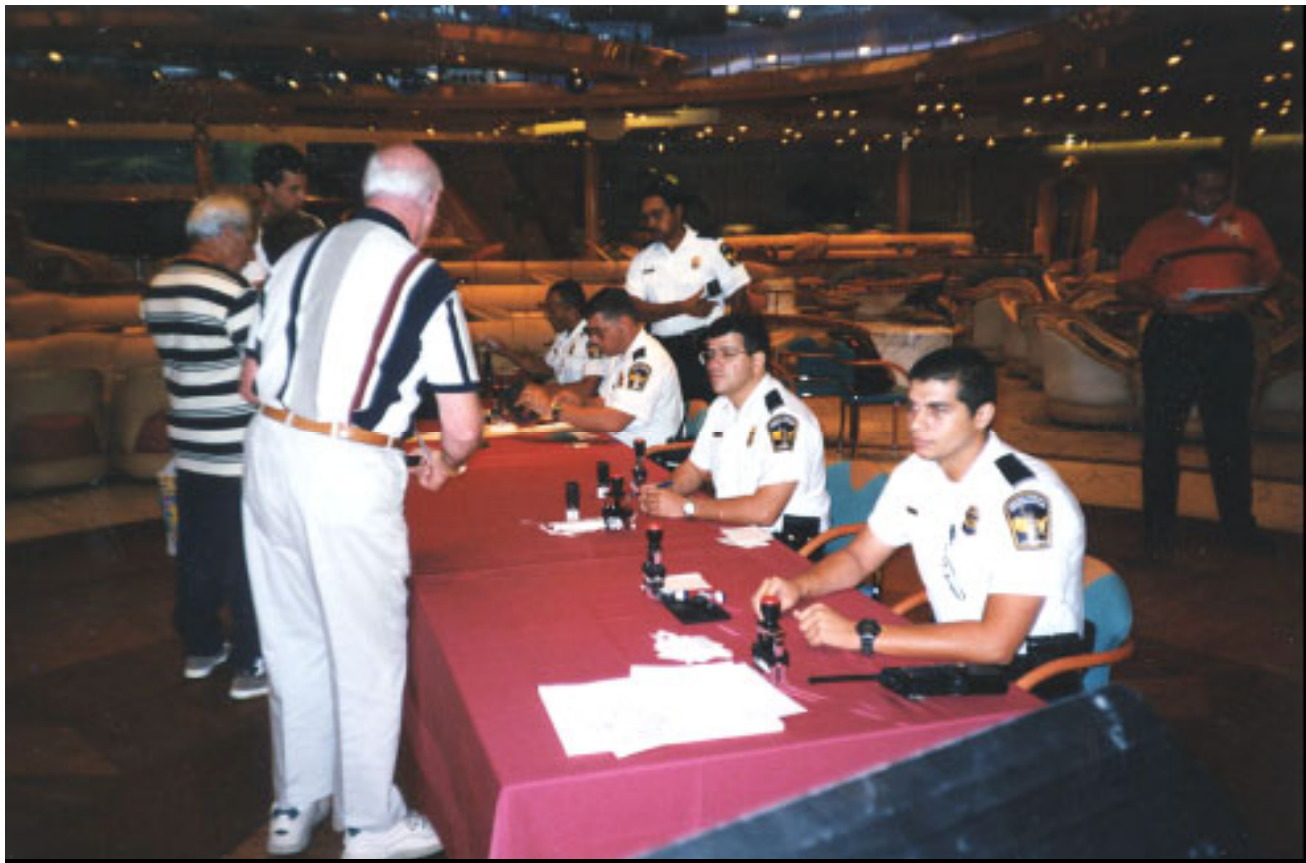
Facilities space for cruise terminals is extremely limited in most areas, yet demand for space continues to increase. As a general concept, facilities should be shared among the FIS agencies where possible, yet it is also recognized that certain specific agency needs must be addressed. The development, 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.