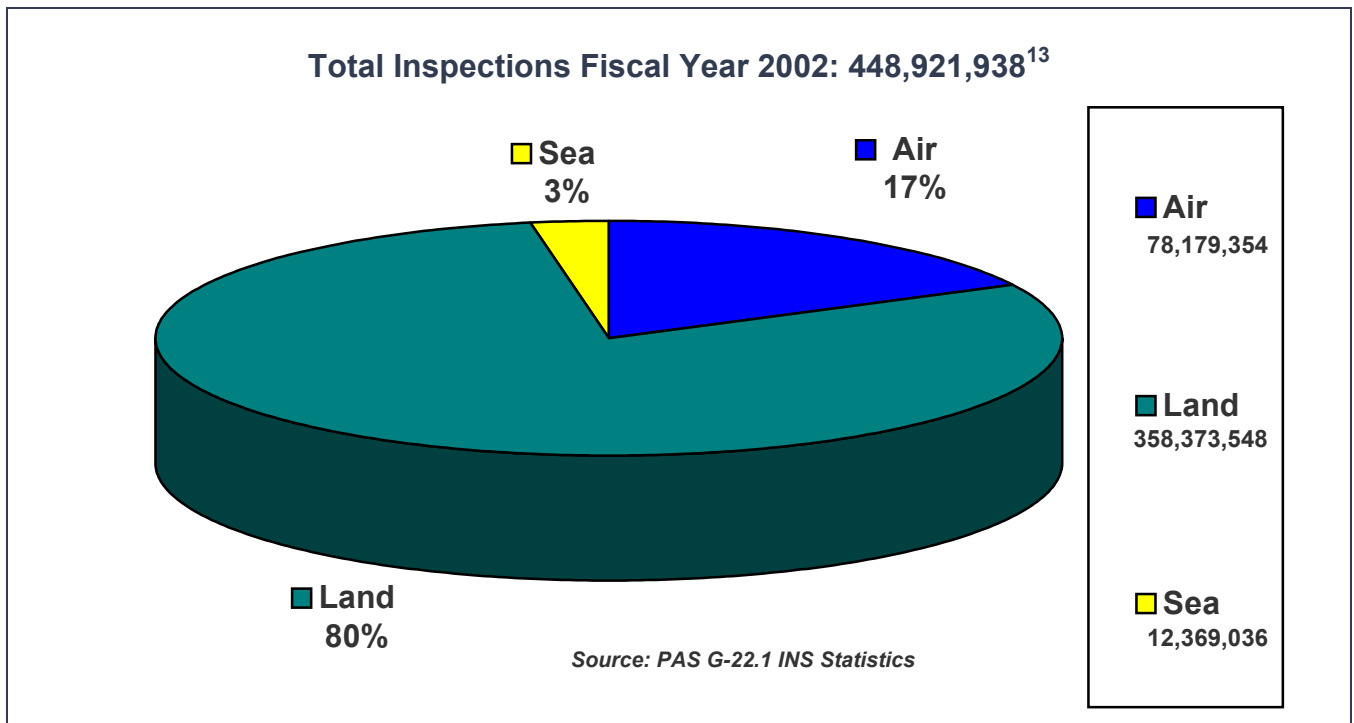


A. Overview

The DMIA mandates that this Task Force evaluate how the U.S. can improve the traffic flow at air, sea, and land POEs. One of the most critical considerations in doing this is port facilities and infrastructure. Data from CBP indicate significant deficiencies in port infrastructure at all three types of POEs to support current levels of traffic and processes. The Task Force saw many positive attributes and efforts while on site visits to multiple locations at air, sea, and land POEs but also identified both port-specific and common issues, which may result in operational and facilitation delays and inhibit the potential for future growth. Port-specific issues are discussed throughout this chapter and are particularly important because, while POEs do have certain commonalities, each POE is unique. Some of the common issues include: space, design and environmental constraints, insufficient resources, and the need to consolidate federal inspection services (FIS) requirements to reflect the new DHS structure at the POEs.

To understand the facilities and infrastructure issues, it is important to first consider the volume and types of traffic passing through POEs. The following chart depicts the total inspections by type of POE.

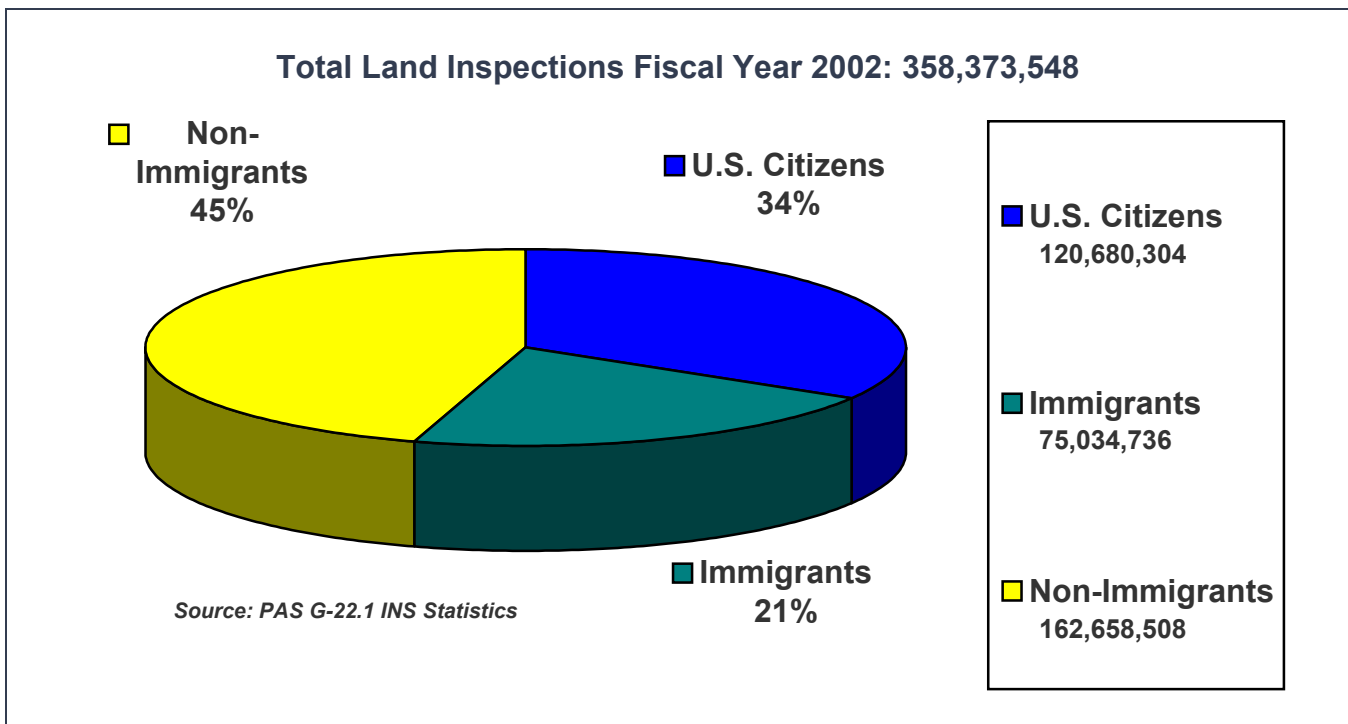


As the preceding chart clearly shows, the vast majority of inspections take place at land border POEs. On our land borders, the advent of the Canada-U.S. Free Trade Agreement (in 1989) and NAFTA have caused the volume of traffic at our land borders to increase significantly. From 1994 to 2001, total U.S./Canada surface trade increased more than 55 percent from \$223 billion to \$347 billion, while U.S./Mexico surface trade increased more than 127 percent

¹³ Air numbers include 4,250,082 departure inspections from Guam, the U.S. Virgin Islands, and Puerto Rico.

from \$88 billion to \$201 billion.¹⁴ 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 increased delays and wait times over the last decades). Internal federal agencies report deficiencies in facilities to support increasing personnel needs. FHWA is presently undertaking studies of trade and passenger flows, capacity, and investment requirements of POEs and their connections to the rest of the country.



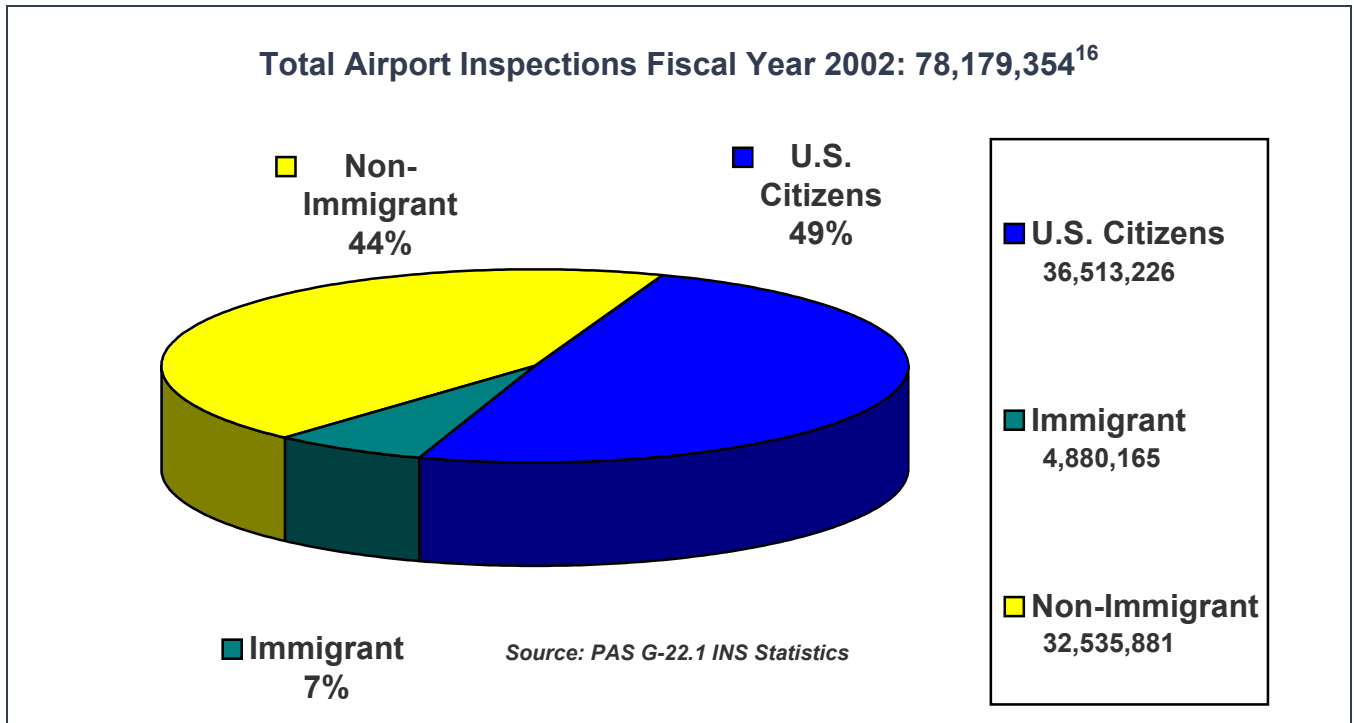
As at land POEs, facilities at airports have not kept up with growth in traffic. According to ACI-NA, total U.S. passenger system activity (domestic and international enplanements) is scheduled to increase 46 percent in the next 12 years. International passenger traffic on U.S. air carriers is expected 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 those in Los Angeles or Dallas/Forth Worth, or the equivalent of the combined total activity of the top 16 U.S. large hub airports.¹⁵

The CBP has over 130 active projects in various stages of planning and design, of which 46 airports and 21 seaports are actively engaged in final design, construction bidding, or nearing construction completion for final inspections and acceptance. The Air and Sea Ports-of-Entry Program assists in the strategic planning and programming efforts, determines facility and security requirements, inspects and assesses current facilities for compliance, does technical

¹⁴ U.S. Bureau of Transportation Statistics. Includes imports and exports for all surface modes.

¹⁵ Airports Council International-North America, *The Economic Impact of U.S. Airports*, 2002 at http://www.aci-na.org/docs/US_Econ_Impact.pdf.

reviews of proposed construction documents, provides on-site construction progress monitoring, and reports to the Director, Field Operations for the specific POE.

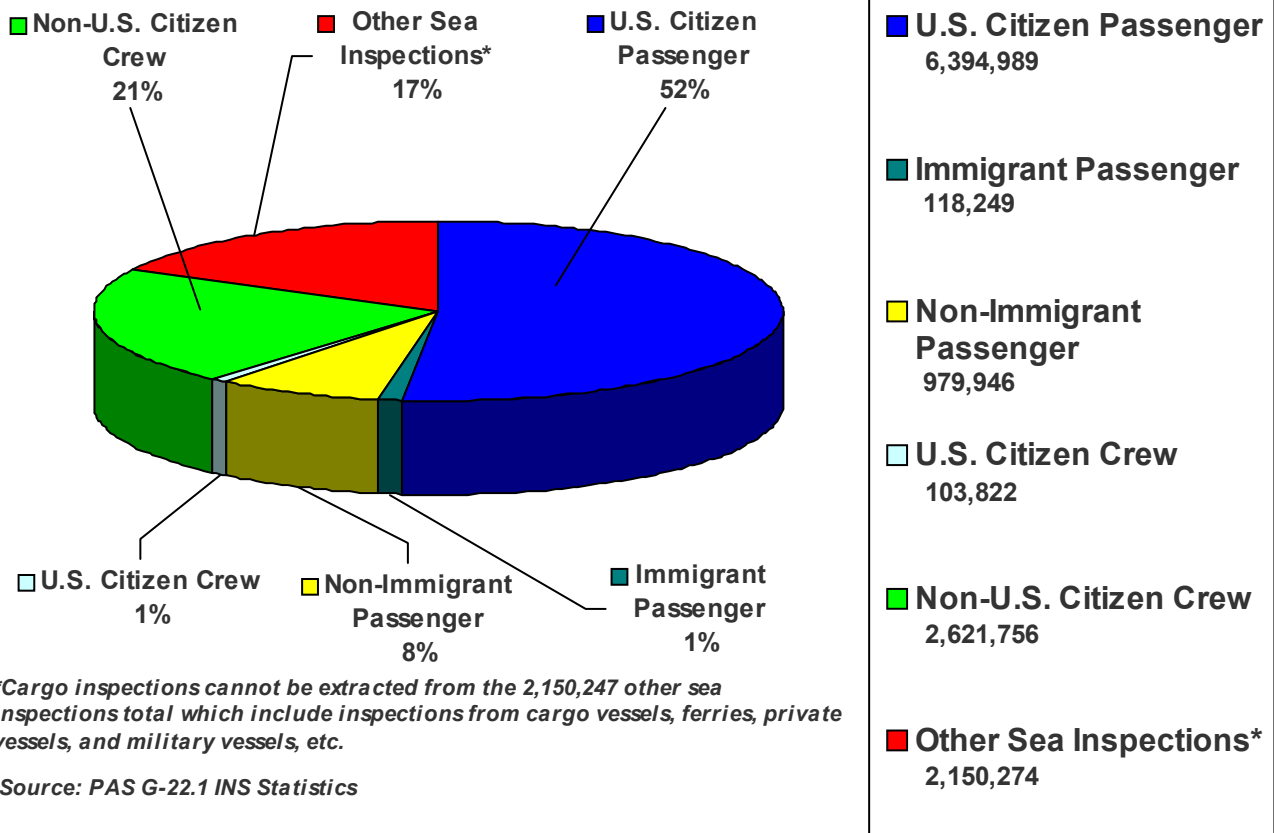


Like land POEs and airports, seaports also require infrastructure improvements. According to AAPA, U.S. seaports expect to spend just over \$9 billion in infrastructure investment between 1999 and 2003 to meet growing cargo and cruise traffic.¹⁷

¹⁶ Includes 4,250,082 departure inspections from Guam, the U.S. Virgin Islands, and Puerto Rico.

¹⁷ American Association of Port Authorities, "Port Fact" at <http://www.aapa-ports.org/industryinfo/portfact.htm>.

Total Sea Inspections Fiscal Year 2002: 12,369,036



Clearly facilities and infrastructure is an area of major concern for anyone studying border management issues. In addition to increases in volume, the incorporation of the US-VISIT program into the standard processes at POEs must provide for adequate infrastructure and facilities so that it will not adversely impact the flow of traffic in and out of facilities (recommended in the Task Force’s 2002 DMIA Report to Congress).¹⁸ This chapter describes in general terms what the facilities at air, land and sea POEs consist of, shortfalls in facilities and infrastructure given current and projected traffic, specific issues observed on site visits to various POEs, and, in some areas, suggested process, flow, or traffic management changes to facilitate the entry of legitimate persons and goods through the ports.

B. Land Border Facilities

People crossing the borders at land POEs differ from those people passing through airports and seaports in that almost all of the border crossers at land POEs are either from the U.S or the neighboring country, they cross the border frequently, and they are usually familiar with

¹⁸ Recommendation 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 increase 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.

requirements concerning their entry into the U.S. Traffic at land borders consists of pedestrians, bicycles, cars, rails, buses, trucks, and other vehicles.

A land border POE may consist of a number of facilities depending on the size and type of traffic inspected. Ports are organized into three main areas: a main building, non-commercial vehicle inspection areas, and commercial vehicle inspection areas. Facilities are designed to maintain operational efficiency and inspector safety.

Main Building

The main building houses the pedestrian processing area, office areas, public counter areas, and enforcement/detainment areas for FIS agencies and support for the port. In addition to the inspections areas for vehicles, land border POEs must also have inspection areas for pedestrian and/or bicycle traffic, which are usually processed together (although San Ysidro has a separate lane for bicycles and the El Paso POEs allow bicycle traffic in non-commercial vehicle lanes). In some cases there is a building with areas for travelers to line up to wait for an inspection. At some locations, as pedestrians enter the inspection area, they pass through screening devices (metal detectors) and are directed to the primary inspection area, which usually consists of counters or booths. A pedestrian inspection is very similar to one conducted in an air- or seaport.

In typical primary inspections, a CBP officer 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. If the officer determines that the traveler may be inadmissible based on results of the data queries, behavioral observations, documentation, or responses to questions, the person is referred to a secondary inspection process for further inspection.

Separate areas/rooms must be available to conduct secondary inspections. A secondary inspection of individuals can consist of a thorough search of the person, documentation, personal belongings, in-depth interviews, and multiple system queries. At southern land borders, a consular official from Mexico may be present in the secondary area.

General areas within the main building may also include:

- CBP counter/work areas for the collecting of fines and duties, processing of permit applications and fees, and inspection of animal and plant items;
- CBP office areas for vehicle seizure processing; intelligence activities; administrative functions; and training;
- Separate enrollment centers for dedicated commuter lane programs, like the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) and NEXUS;
- CBP Agriculture Plant, Protection, and Quarantine (PPQ) lab and office areas for quarantine and analysis of animal and plant items carried by pedestrians;

- Detainment/enforcement/violator areas for holding detained individuals and processing for removal or prosecution;
- Staff support spaces; and
- GSA areas for management offices for the port and building maintenance support.

Non-Commercial Vehicle Inspection Areas

The non-commercial vehicle inspection area at a land border POE is comprised of primary and secondary non-commercial vehicle inspection areas along with a command center. The non-commercial vehicle primary inspection is normally located next to the main building and consists of several vehicle lanes including DCLs for programs such as SENTRI and NEXUS.

Vehicles approaching the POE enter a primary inspection area that consists of booths staffed by CBP officers who determine admissibility. If the officer determines that a more in-depth inspection is required, the vehicle is directed to the secondary area, which is usually located behind the primary booths.

At most land border POEs, license plate readers have been installed. As the vehicle is in line near the primary inspection booth, the license plate is scanned and read by the computer. The computer then runs an Interagency Border Inspection System (IBIS) check on the plate number. If license plate readers have not been installed, or if the license plate cannot be read, the inspector has to manually input the information as the vehicle approaches the booth.

Once the vehicle arrives at the booth, the plate number and any IBIS results are shown on the primary officer's computer screen. After a check of the screen, the officer conducts their inspection of the occupants and visually assesses the vehicle. If any irregularities are noticed, the vehicle is referred for secondary inspection.

A command center provides support and services for the CBP secondary inspection area, as well as supervision and visual monitoring of primary and secondary. Where there is no command center, the main building serves this function.

The secondary inspection area is located on the U.S. side of the border behind the primary inspection lanes. The primary CBP officer directs vehicles to either enter into the U.S. from the primary inspection area (if they are readily admissible), or to proceed to secondary inspection for further processing or inspection. All vehicle referrals for secondary inspection are sent to the same area. In the secondary area, officers conduct a more thorough inspection of the individual(s) and/or vehicle to determine admissibility and to detect possible smuggling. There may be a small building in the secondary area containing separate restroom facilities for the staff and visitors and office space.

Other secondary facilities may include:

- A permit booth (in larger ports) for those entering the U.S. in a vehicle;
- Vehicle lifts for inspection of the undercarriage of vehicle to search for concealed contraband;
- CBP Agriculture office;
- Booths in secondary area for use by all agencies operating in secondary to perform paperwork and access computer terminals;
- Short stay kennel for holding agency working dogs temporarily; and
- Exit control booth (at larger ports) should be at the exit end of the secondary inspection area to verify that vehicles have cleared inspection.

The following photographs depict various land border POEs and the wide range of access roadways, traffic plazas, buildings, physical layouts, and constraints. Variations in these areas are dependent on the volume and type of traffic typically inspected.



Land Border Points of Entry





The main building at the Crane Lake POE. Crane Lake, MN.



Non-commercial vehicles entering the U.S. from Mexico through the primary inspection booths at Otay Mesa POE. May 2003



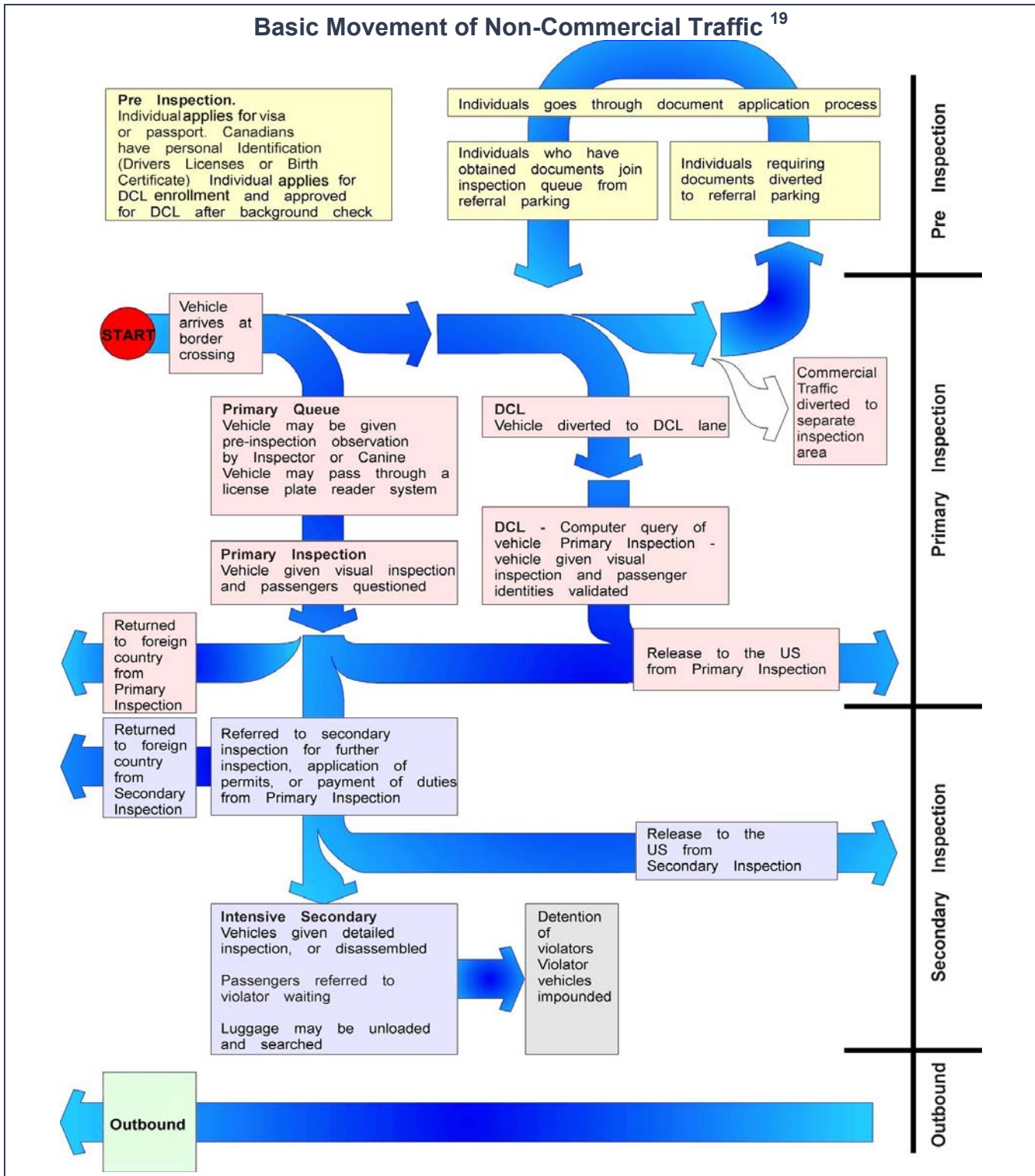
DMIA Task Force members among the produce and the commercial vehicles awaiting inspection at the secondary inspection area. Mariposa POE. June 2003

The following aerial photograph of the Bridge of the Americas (BOTA) in El Paso depicts traffic entering the POE from Mexico. Non-commercial vehicles are separated from commercial vehicles, both in access lanes and inspection areas; access lanes flow into larger plazas, and outbound traffic moves in the opposite direction from the U.S. into Mexico.



The following aerial photograph of Peace Bridge in Buffalo, New York, depicts traffic entering the POE from Canada. Non-commercial vehicles are separated from commercial vehicles, both in access lanes and inspection areas; access lanes flow into larger plazas, and outbound traffic moves in the opposite direction from the U.S. into Canada.





¹⁹ Legacy INS Office of Administration, Facilities Division. Note: When possible, charts, graphics, and inserts have been changed to reflect new process titles resulting from the formation of the Department of Homeland Security and its various Directorates and Bureaus.

Commercial Vehicle Inspection Areas

In addition to pedestrian and non-commercial vehicles, land POEs must accommodate trucks, buses, trains, and other modes of transport. Some POEs have separate lanes for these types of conveyances; at others, these types of traffic are directed to neighboring areas or dedicated commercial POEs for inspection.

Commercial inspection includes the inspection of cargo imported to, exported from, or transiting through the U.S. Commercial vehicle inspection facilities are provided when a significant number of commercial cargo vehicles cross a particular border location.

Commercial inspection areas consist of primary inspection lanes; a secondary inspection area that includes a commercial lot, staged parking, and commercial docks; and export inspection facilities. Commercial inspection areas should be well defined with fencing and other security measures preventing general access by the public.

Commercial Primary Inspection Lanes

The primary inspection area for commercial vehicles includes the lanes, booths, and a canopy for performing the initial screening of commercial traffic entering the U.S. With the exception of the smallest ports, trucks are routed to a separate primary inspection area from the non-commercial vehicle traffic prior to inspection.

Once the commercial vehicles pass through a primary inspection, those requiring further inspection are sent to the dock or specialty inspection facilities. Upon completion of inspection, they rejoin the rest of the traffic before exiting the port. Commercial traffic should flow in a counter-clockwise direction around the commercial dock to avoid the truck's right-side blind spots.

Commercial Secondary Inspection Area

For secondary inspection, a commercial facility can be located to the right of the primary inspection canopy, with commercial docks on the U.S. side of the building. This allows commercial vehicles to pass through primary, then back up to the dock without turning around. This area normally contains part of the commercial inspection dock to house staff and operations. It includes a supervisor's office, a reception area, a duty-collection counter and a "general order" storage warehouse for detained goods. Larger ports have more specialized areas for performing inspections, including separate offices for the legacy agencies. The building may also contain a CBP Agriculture PPQ laboratory.

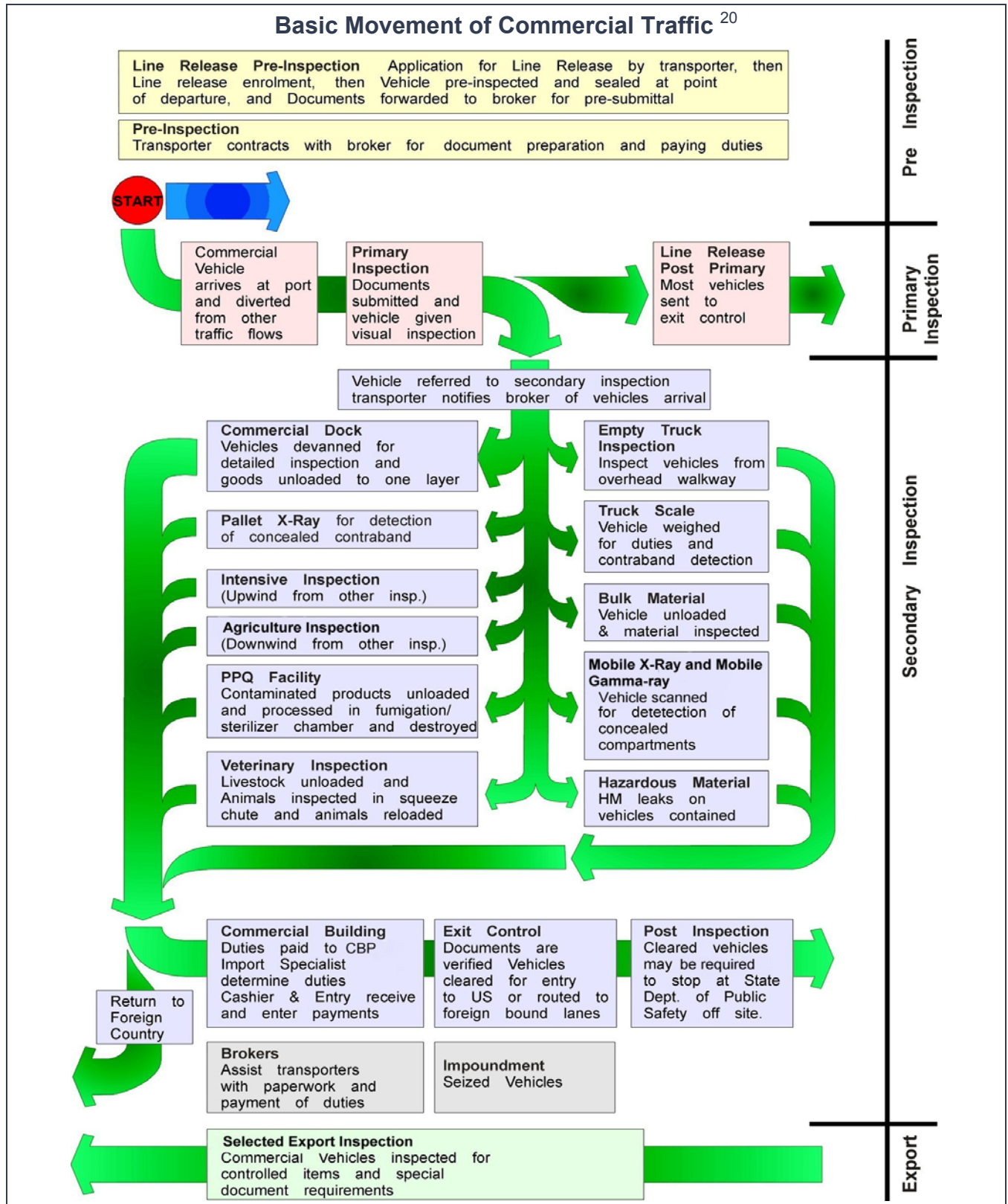
The following are functions and facilities in the commercial secondary area:

- **Commercial lot and staging parking:** This area is for vehicles that require only regulatory inspection, document processing, and payment of duties and tariffs, or for those waiting for available dock space.

- **Commercial dock:** Physical cargo inspection is performed at the commercial dock. This dock is a raised platform where trucks unload their goods for viewing by the inspectors. The commercial dock is normally attached directly to the commercial building, allowing inspectors on the dock to have direct access. The dock and commercial building are often arranged in a linear or pinwheel formation. The dock can be attached directly to the main building with commercial building functions located within the main building.
- **Truck Scales:** Truck scales are used to determine the weight of cargo and to determine if the vehicles are within the DOT weight limits for vehicles on U.S. roadways.
- **Bulk Materials Inspection:** Any dry cargo shipped in bulk is unloaded into a concrete bin and inspected.
- **Hazardous Materials Containment Facility**
- **Empty Truck Inspection:** Commercial vehicles without cargo may be inspected for contraband or foreign national smuggling.
- **Vehicle and Cargo Inspection System (VACIS) Truck Inspection:** At some large ports, gamma ray technology is used by CBP to produce x-ray-type images of vehicles and containers. VACIS technology uses a moving source and a moving detector that move along parallel tracks on either side of a stationary vehicle.
- **Pallet X-ray Inspection:** The X-ray machines are located on the dock, in a building, and pallets of cargo are placed by forklift into the machine for an x-ray scan of contents.
- **Plant Protection and Quarantine Facility:** Designated ports provide specialized facilities for the inspection, testing, and fumigation of plant material imported into the U.S.
- **Exit Control Booth:** A booth may be located at the exit point of the commercial inspection area to ensure vehicles leaving have cleared inspection.

Export Inspection Facilities

While vehicles exiting the U.S. are not generally inspected, some commercial vehicles do require inspection. Such facilities, where they exist, are smaller versions of the commercial inspection facilities, with primary booths, a canopied inspection dock, office structure, and exit control booths. Minor export inspection can be done at the general commercial inspection facilities, though this often represents a problem with traffic flow and control of the vehicle en-route to the border crossing.



²⁰ Legacy INS Office of Administration, Facilities Division. Note: When possible, charts, graphics, and inserts have been changed to reflect new process titles resulting from the formation of the Department of Homeland Security and its various Directorates and Bureaus.

Current Land Exit Procedures

Most applicants at the Mexican and Canadian land borders are exempt from issuance of the I-94, *Arrival/Departure Record*; therefore, no entry or exit information is collected from the vast majority crossing at land borders. Those non-immigrants who are required to complete a form I-94 complete the form at entry, pay the \$6 fee, and have the form adjudicated by a CBP officer. The applicant is given the departure portion of the form I-94 as proof of status while in the U.S.

The Form I-94 may be issued for a single entry, or, at land border POEs, it may be valid for multiple entries for frequent border crossers. A multiple entry Form I-94 can be issued to any alien who is otherwise admissible and has a need to frequently cross at land border POEs, such as Canadian landed immigrants and Mexican citizens or residents with a valid visa. In addition, nonimmigrant aliens reentering after short trips to Canada or Mexico with an unexpired Form I-94 will get an automatic revalidation and can be admitted for the time remaining.

Currently, the only exit procedure at a land border POE is the collection of the form I-94. The exit information is collected when a traveler returns the departure portion of the I-94. Individuals who are required to submit a form I-94 at entry do not always turn in the departure portion upon exiting the U.S., resulting in inaccurate records in the legacy INS Nonimmigrant Information System (NIIS). Canadian immigration officials collect some departure documents for CBP, and collection boxes for depositing departure form I-94 are in place at some border crossings.

Since October 1, 2002, National Security Entry/Exit Registration System (NSEERS) registrants have been required to report to legacy INS (now CBP) prior to departing the U.S. to enable the agency to verify their departure. Registrants are told where to report and what ports of departure are available to them.²¹ Failure to have their departure verified or to meet other registration requirements could render the aliens inadmissible in the future or could preclude them from obtaining another visa in the future.

Current Deficiencies at Land Borders

The following data from CBP illustrate some of the current deficiencies at the land borders.

In FY 2002, 358 million land border entry inspections of people and 11 million inspections of incoming commercial vehicles were conducted at northern and southern land border inspection facilities. Land POE inspection facilities are owned or leased by GSA or other government agencies, 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.

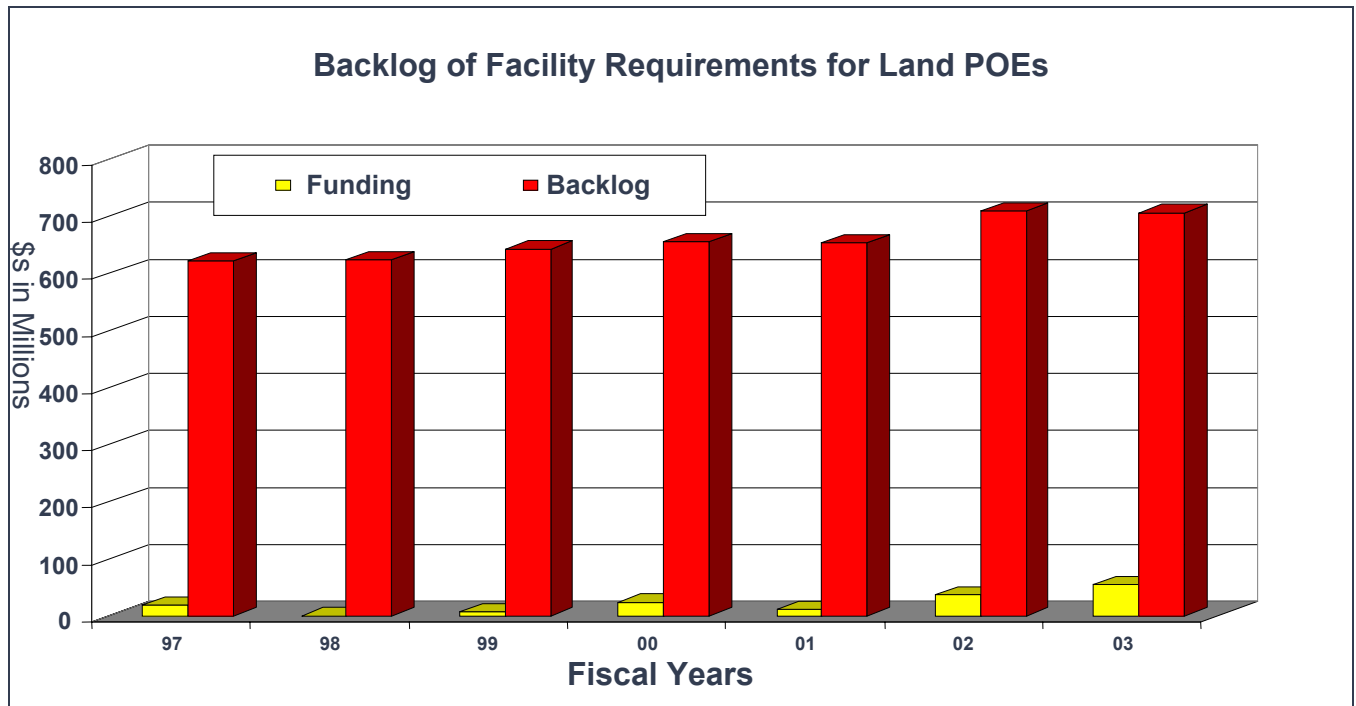
²¹ There are 51 land border, 37 air, and 16 sea ports of departure.

The legacy INS Office of Administration reports the following shortages in space for the federal inspection area (that includes pre-primary, primary, secondary, secondary processing, and post-secondary until exit) 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. CBP reports that there are no updates or changes in these statistics since 2001.

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.



Task Force Observations of Land Border POEs

This section includes descriptions of issues, innovative concepts, and facilities that the Task Force observed at land borders during the site visits made this year. The following are some of the issues observed that are generally applicable to all of the land border POEs visited.

Space, Design, and Environmental Constraints: The majority of land border facilities are severely constrained due to space and design limitations. The U.S. is unable to expand existing facilities, as the federal government does not own the majority of adjacent land and property. The U.S. Environmental Protection Agency (EPA) environmental impact and review

processes can make build-out lengthy, expensive, and burdensome. Streamlining the EPA environmental impact and review process would save time and money.

Inadequate Infrastructure at POEs: Ingress and egress infrastructure for land border POEs are often inadequate for expedient processing of travel and trade. Deficiencies in infrastructure are based on current inspection models and methods at most POEs and do not factor in new processes, such as US-VISIT, and any new requirements for additional technology and infrastructure.

The make-up of a land border port is comprised of a number of individual, yet integrated elements, each having its own characteristics and capacity limitations. Those elements needing to be individually considered are:

- Transportation routes feeding a port (normally a road or highway), are usually limited each direction. Capacity constraints are governed by the posted speed limit conditions and volume at peak.
- Approach roadways can vary in the number of lanes in each direction. Capacity constraints are the number of lanes, access ease, traffic lights, presence of cross streets, and entry/exit points along the roadway,(i.e., commercial, duty free) and signage.
- Plaza physical layout, space, the number of booths, the number of lanes can limit capacity. Capacity constraints are layout, traffic patterns, inspection staff available, and capability of processing systems/elements.
- Border crossing lanes, bridges, tunnels, and highways also have varying numbers of lanes. Capacity constraints are the number of lanes, traffic mix and volume, and hours of operation.

Along with the infrastructure, the capacity of a facility also depends on resources, staff, technology, and procedures. To achieve the optimum flow at a port, the use of traffic management, adequate signage, and maximized use of pre-designation processes, such as the Free and Secure Trade Program (FAST), Border Release Advanced Selectivity System (BRASS), Prearrival Processing System (PAPS), etc., for low-risk goods and NEXUS and SENTRI for travelers, will provide for a facilitated entry process (see Chapter 3 for more information on these processes). As of August 2003, approximately 81 percent of vehicles crossing the northern border were passenger cars.²² An effective way to enhance both economic and physical security is to promote greater participation in these types of voluntary enrollment programs to help the inspection agencies secure valid, safe, and reliable pre-arrival information on both travelers and cargo whenever feasible and cost-effective.

Lack of Space for Facilitation of Pre-enrolled Travelers: Dedicated lanes for the facilitated inspections of known travelers/goods are not proportionate to other POE lanes of traffic. The number of dedicated lanes needed at a POE is contingent on the volume of traffic that consists

²² Bridge and Tunnel Operators Association Traffic Report 2002-2003.

of known travelers/goods; some POEs need more dedicated lanes or the capability to convert regular lanes back and forth to dedicated lanes as traffic warrants.

Insufficient Roadways: Public highways and roads leading to the POEs, on the U.S. northern and southern land borders, are insufficient on both sides of the border. Some POEs have insufficient pre-arrival work areas to post technology and equipment, which would aid in the facilitation of traffic. An annual time-phased program could be used to systematically provide appropriate approach road upgrades to improve access, conditions, and capacity for passenger and commercial vehicles. FHWA²³ estimates that connections between the National Highway System and intermodal freight facilities such as ports are in need of \$2.6 billion and \$4.2 billion to maintain physical condition and accommodate expected traffic growth.

Environmental/Safety Issues: The backlogs in traffic as a result of the increased traffic demands at POEs are creating environmental hazards to the traveler waiting in long lines, the officer on the line, and quality of life on both sides of the border. The increased use of new technology sometimes causes concerns for those subjected to the processes. CBP radiation safety officers have addressed concerns regarding large-scale, non-intrusive technology raised by the public.

Need for Improved Coordination with Some Agencies: Commercial travel includes many types of inspections that, if not coordinated, require numerous stops at different locations prior to release into the U.S. There are some federal agencies not merged into DHS that impact certain commercial inspections and need to be better coordinated for the release of goods. Those POEs that worked with the state/local inspection agencies to streamline inspection stops have facilitated entry and saved on space.

DHS should engage with state and local transportation planning organizations and FHWA on long-term border infrastructure needs. It is critical to coordinate the long-range transportation planning that is necessary, not only to receive federal funds, but also to ensure adequate capacity and continuity of the infrastructure beyond the border and port areas.

Insufficient or Ineffective Use of Resources: Many of the known traveler/goods initiatives, which provide for traffic facilitation and increased security, are under-funded and rely on periodic infusions of capital. This undermines the programs' effectiveness and management.

²³ U.S. Department of Transportation, 2002 Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance, Report to Congress, January 2003, chapter 25.

Inadequate Technology: Technology could be leveraged and applied for more effective targeting, resulting in quicker unloading, lessening inspection time for commercial vehicles. Likewise, if some screening equipment were mobile, inspections could be done more efficiently.



Non-commercial vehicles entering the U.S. from Mexico await their turn to go through the primary inspection area at the world's busiest land border crossing, San Ysidro POE. May 2003

The following are examples of innovative concepts for facility design and construction projects at POEs that the Task Force observed.

“Turn-Key” Approach: Task Force members visited the Otay Mesa POE on May 1, 2003. The tour included an overview of the primary and secondary processing for vehicles and trucks, the use of SENTRI, and the SENTRI enrollment center. The SENTRI enrollment center was of particular interest, especially the use of a “turn-key” approach to building the new center, which saved time and money. Task Force members also were impressed with the processing center for trucks. While in the vehicle secondary area, Task Force members saw CBP officers conduct a search that resulted in a narcotics seizure.



CBP K-9 team in the background aided in the discovery of marijuana in a non-commercial vehicle attempting to enter the U.S. from Mexico. Otay Mesa POE. April 2003

Otay Mesa, the SENTRI enrollment center, has worked to minimize the backlog of applicants and to make the enrollment process more efficient through improvements in facilities and technology. A senior field manager gave Task Force members an overview of the enrollment center. The center uses 24 contract personnel, an improved telephonic appointment system, and state-of-the-art technology and facilities, which have improved the enrollment process immensely. At one point, there were 15,000 people waiting for an appointment to enroll in the program; currently, the number has been reduced to 1,800. The average time a potential enrollee spends at the enrollment center has been reduced from over an hour to less than 10

minutes. The number of admissions using SENTRI has doubled. The facility itself was remodeled completely in 90 days due to the use of a “turn-key” approach that used an outside contractor in addition to GSA. Although this center is hugely successful, there are still concerns. Among them is the need for support staff (which often is not authorized), constraints due to land capacity, and lack of a regular funding stream for SENTRI.

The Otay Mesa POE is also the closest truck crossing port into the San Diego region. The truck inspection area handles 6,000 trucks a day, up from 1,600 in 1998. There are seven entry gates and BRASS is available with 400-500 trucks a day using it. The facility includes a VACIS system to conduct a non-intrusive inspection on a percentage of the trucks passing through the POE.

Joint Facilities with Canada: The U.S./Canada Accord provided that the two nations would share inspection facilities at numerous locations along the northern border. The result is a more efficient process for the traveler and cost savings for both nations. There are currently two locations that are joint facilities: Oroville, Washington, and Sweetgrass, Montana.



Non-commercial vehicles entering the U.S. from Canada via the shared facility at Sweetgrass, MT. The enclosed walkway above the road marks the international border between the U.S. and Canada. Sweetgrass POE.

The Sweetgrass facility is situated to take advantage of the topography so that the two-level building straddles the U.S./Canada border and has ground access on both stories. Northbound traffic approaches the facility on the east side of the building where Canadian officers conduct inspections at ground level. Southbound traffic approaches the west side of the building, where the second story of the building is also at ground level. There are shared rooms on both the U.S. and Canadian sides. There is a separate cargo building for Canada because of the traffic pattern, and the U.S. cargo area is attached to the main structure. The layout allows for a unique sunken bay for the forklifts to approach the truck from both sides and the rear. A wire mesh fence with electronic gates marks the border across the interior of the building, which prohibits unauthorized access to the other country.

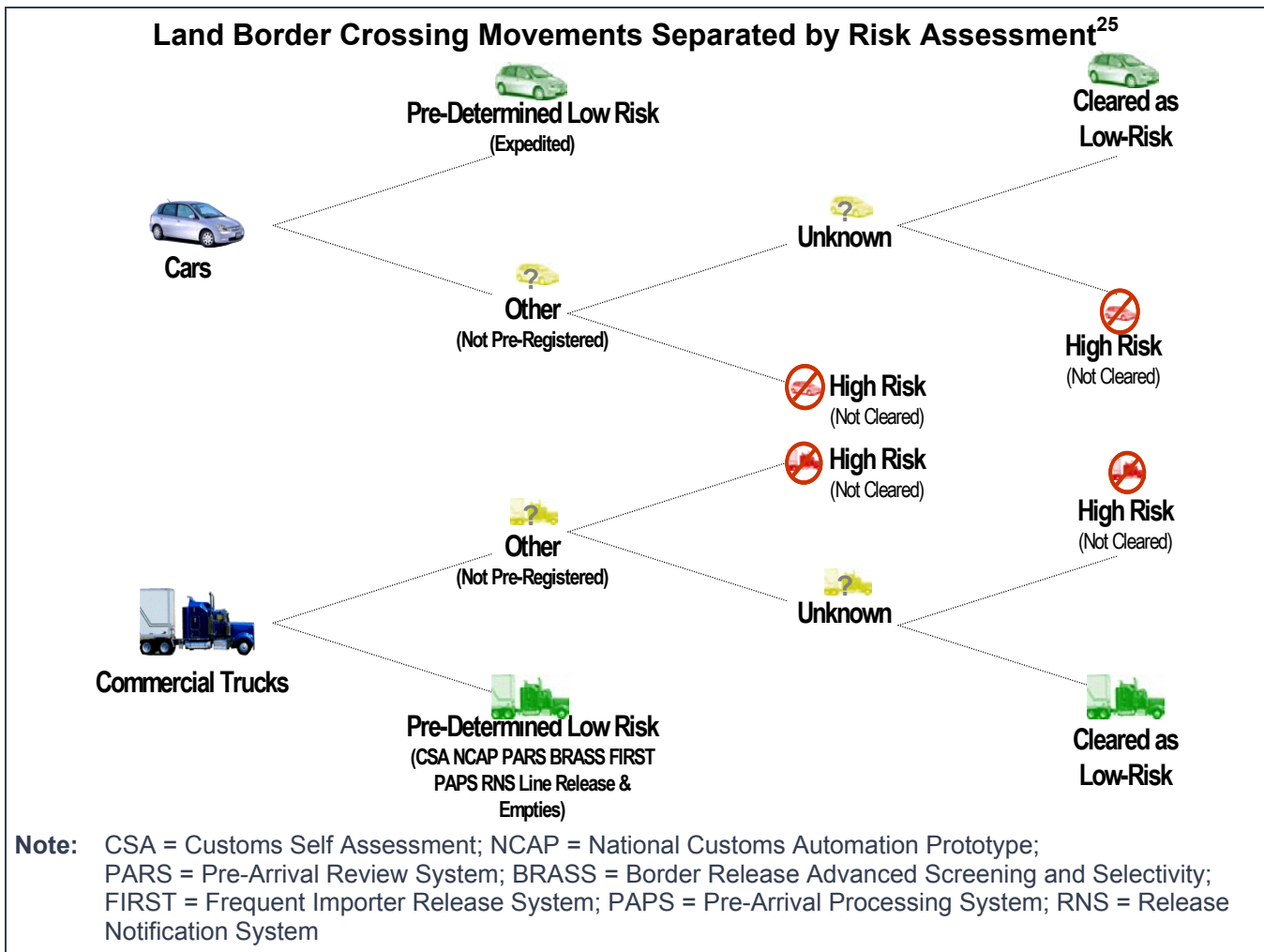
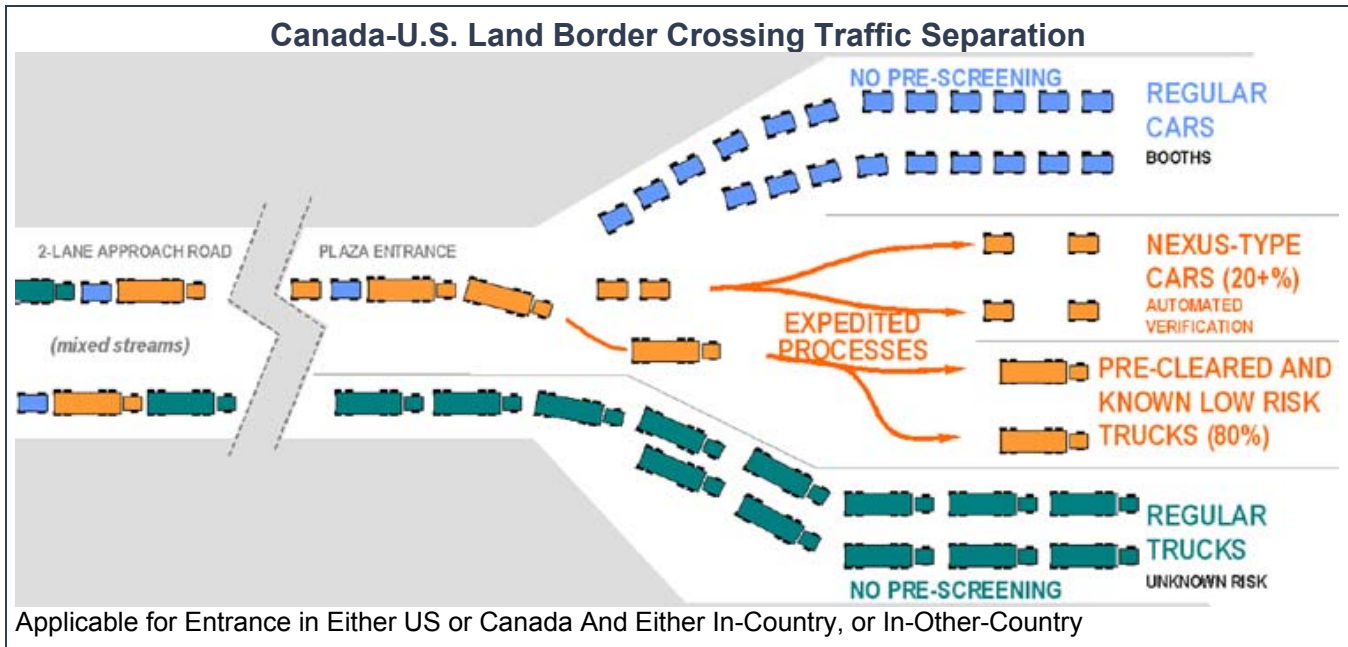
Traffic Access to Primary Booths: The management of traffic flow to provide access to the primary processing booths, especially during high-demand periods, is a crucial element in dramatically reducing congestion, costly delay, and environmental discharges of carbon monoxide, hydrocarbons, and nitrous oxide. Physical reality and constraints at the border crossings are factors that must be addressed. Trucks using the new, low-risk, commercial system FAST, other low-risk trucks, and the handling of empties are all currently impeded by the physical inability to reach the primary booth for processing. Empty trucks sitting idle is extremely costly to the shipper and the carrier and also results in wasted fuel and other negative environmental impacts.

Trucks need to be separated so those that are prepared and/or participate in programs for known travelers/goods are processed in tandem without waiting needlessly in a line. Often these trucks must wait behind vehicles that are not prepared and require additional time at the primary booth. Trucks enrolled in programs for known travelers/goods should be authorized to drive in designated lanes of the approach road with cars. The enrolled cars and trucks would then separate from other traffic when they arrive at the plaza entrance for their respective inspection areas. All other trucks should be in the non-designated lanes of the approach road queue and enter the plaza to be processed in the other truck primary booths (if two or more booths are installed) as illustrated in the graphics below.²⁴ A comparable process could be applied for cars.



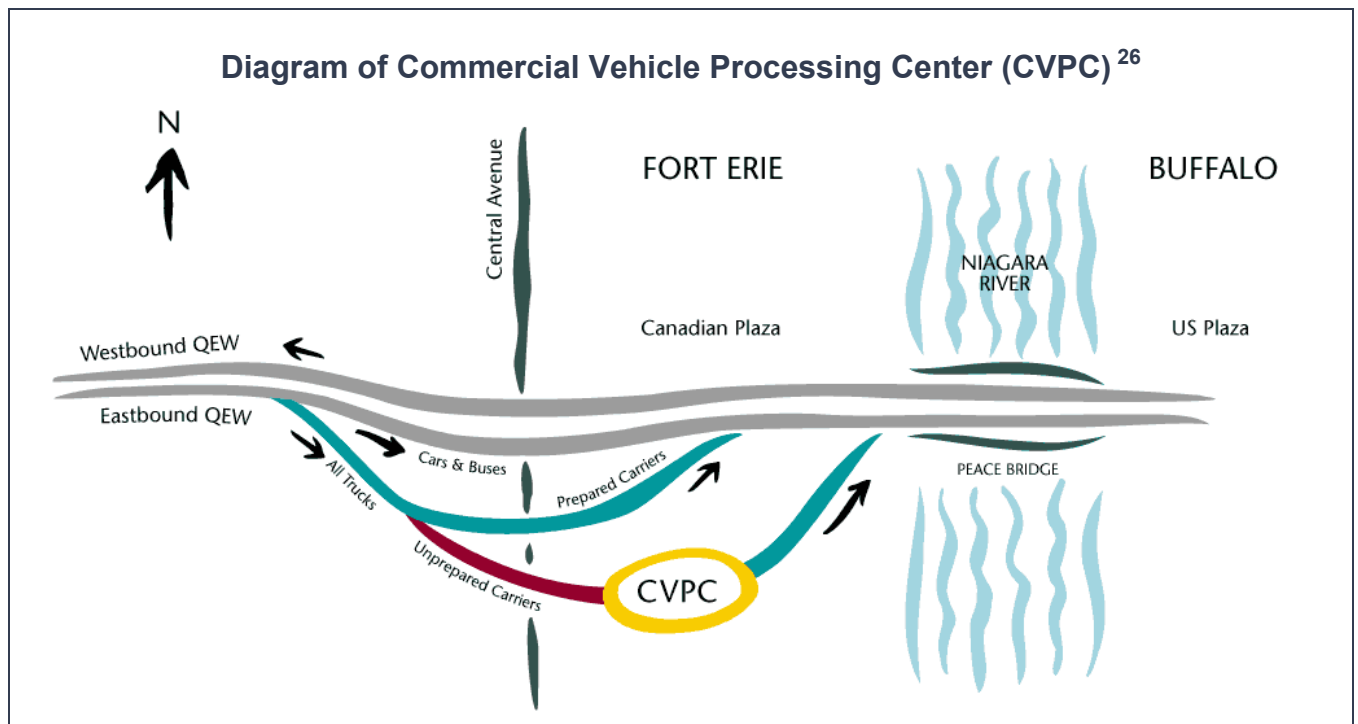
This walkway above the main road at the shared facility in Sweetgrass, MT marks the international border (red chain link fence) between the U.S. and Canada. Sweetgrass POE

²⁴Perimeter Clearance Strategy. Available at <http://www.intervistas.com/perimeterclearance/>



²⁵ Perimeter Clearance Strategy. Available at www.intervistas.com/perimeterclearance/

Commercial Vehicle Processing System: Depending on the volume of trucks using PAPS, the commercial vehicle processing center (CVPC) should be introduced on approach roads downstream where trucks would stop briefly to have their papers put in order and faxed to their broker. The broker would then transmit this data to CBP while the truck proceeds to the crossing. The truck can then be processed at the primary booth more quickly. If a truck is already participating in PAPS or FAST, it does not have to stop at the CVPC. The use of PAPS, FAST, and a CVPC system can result in more efficient use of limited lanes, bridges, and other crossings and move known travelers/goods more quickly. The CVPC system, as depicted in the diagram that follows, is currently used at the Peace Bridge crossing in Buffalo, New York, and has proved to be effective.



²⁶ <http://www.peacebridge.com/cvpc.php>

The following are observations of other land border facilities and operations that the Task Force observed.



Train tracks cut through the border (gateway) between the U.S. and Mexico and the downtown area of Nogales, Sonora and Nogales, Arizona. Nogales POE. June 2003.

Nogales: Task Force members visited the Nogales POE on the morning of June 24, 2003. CBP and DOT officials gave them a briefing on the Nogales and Mariposa POEs. During the tour of the Nogales POE, the Task Force observed that a major concern in the POE is constrained facilities and infrastructure. The town of Nogales has grown so much around the port that any type of expansion will be problematic and expensive. Another factor that inhibits any type of facilities and infrastructure expansion and modernization is that the International Boundary between the U.S. and Mexico is only 10 feet from the U.S. CBP primary inspection booths. Task Force members observed that CBP officials were still able to process the pedestrian, private vehicle, and train traffic that went through the port in a very efficient manner, given the challenges that they



Ten feet from the U.S. primary inspection area (in foreground, not shown), red and yellow raised markers on the ground indicate the international border between the U.S. and Mexico as non-commercial vehicles leave Nogales, Sonora to enter Nogales, AZ. Nogales POE June 2003.

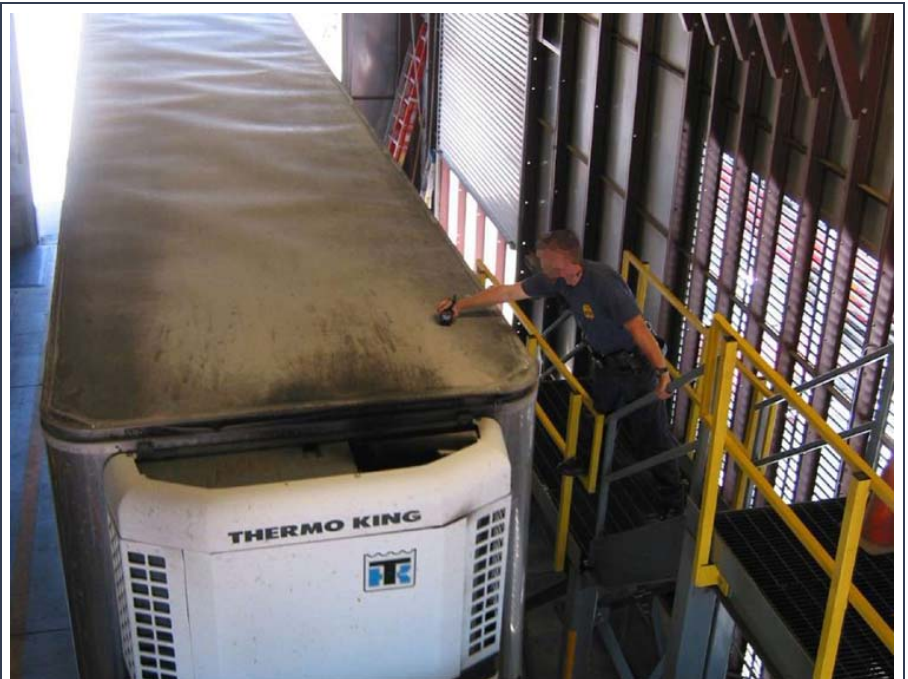
face, largely due to strong working relationships among federal, state, and local governments and private industry groups.

Mariposa: The Task Force visited the Mariposa POE on the afternoon of June 24, 2003. In the briefing earlier in the day at the CBP field office in Nogales, they were told that the Mariposa POE processes the largest amount of agricultural products in the U.S. The Mariposa POE is mainly a commercial port with some private vehicular traffic but, like the Nogales POE, Mariposa is constrained in its facilities and infrastructure. The Task Force was told that in the recent past many of the groups that worked in and around the port were very territorial and did not have good working relationships. The increasing volume of commercial traffic brought these groups together to work out an arrangement. This arrangement became the basis of the excellent working relationship that exists among these federal, state, and local governments and private industry groups today. This relationship is epitomized in the “super booths” in which CBP officials work side-by-side with Arizona DOT officials to efficiently process commercial traffic entering the U.S. from Mexico.

During the tour of the facilities at Mariposa, the Task Force members were shown some of the new processes and procedures that have been implemented since



Commercial vehicles entering the U.S. from Mexico going through the commercial primary inspection area. This area consists of the large warehouse-type building in the background, where the vehicles are weighed; receive a visual inspection; and get checked for weapons of mass destruction. They then move on to the “superbooths” to present themselves and their paperwork for inspection. Mariposa POE. June 2003



CBP officer using a portable radiation device to detect any traces of radiation on a commercial vehicle entering the U.S. from Mexico. Mariposa POE. June 2003

September 11, 2001. Foremost among them was the portable radiation detectors that all CBP inspectors were issued as part of their array of gear. Task Force members also observed mobile x-ray and VACIS machines that aid CBP officials in making more thorough, yet unobtrusive, inspections of commercial goods entering the U.S. Finally, the Task Force members witnessed first-hand the importance of the human element in the border management process when they were privy to a drug bust that was the result of a CBP officer's intuition. The officer sent a commercial vehicle for a more thorough secondary inspection based on a "hunch," resulting in the discovery of over 30 kilos of drugs that were hidden in the vehicle.



CBP mobile x-ray unit making an unintrusive inspection of a commercial vehicle in the commercial vehicle secondary inspection area. Mariposa POE. June 2003.

El Paso: The Task Force members visited the El Paso area POEs on June 25, 2003. They were briefed by a senior field manager and staff about the operations, procedures, and challenges that they face at the land borders and airport. One of the points that CBP officials emphasized during the briefing was that given all the challenges, the El Paso-Ciudad Juarez community was able to accomplish a tremendous amount because of the effective working relationships among federal, state, and local governments, private industry, and Mexican officials.

This close working relationship was evident when the Task Force was taken to Bridge of the Americas (BOTA) POE. While the Task Force members were on their way to BOTA, CBP officials were told that there was a bomb threat, and all traffic to and from the U.S. and Mexico was stopped. Bomb threats are not an uncommon occurrence in El Paso. CBP officials maintained constant communication with their Mexican counterparts.

While BOTA was devoid of pedestrian, commercial, and non-commercial vehicle traffic, the Task Force was briefed about the operations at the POE by other CBP officials in a safe area. Due to a treaty between the U.S. and Mexico, use of BOTA is free, which leads to a large volume of traffic, even though other nearby fee-based crossings are quicker. Again, the Task Force observed that the facilities were very constrained. Space was so limited, in fact, that the commercial cargo brokers' offices were in a corner of the secondary inspection area. This placement causes security problems for the POE, as they have to allow public access to those offices through secure areas of the POE. The Texas DOT owns a large, empty lot right next to the POE that commercial vehicles have to go through after leaving the FIS area. Many Task Force members noted that this coordination of process and space might be optimized.



Commercial brokers returning to their modular offices in the commercial vehicle secondary inspection area as commercial vehicles entering the U.S. from Mexico line up on the Bridge of the Americas for their turn at the commercial vehicle primary inspection area. Bridge of the Americas POE. El Paso, TX. June 2003. (This section can be seen in an aerial photo of POE at the beginning of this chapter.)



Empty Texas state Department of Transportation commercial vehicle lot which is adjacent to the Bridge of Americas POE. El Paso, TX. June 2003.

At the end of the Task Force's tour at BOTA, the bomb threat was lifted and traffic across the bridge resumed. The Task Force traveled from BOTA to the dedicated commuter lane bridge at Stanton Street for a tour of the SENTRI facilities. This location is unique as the entire bridge crossing and POE is for dedicated commuter lane traffic only. Task Force members were about to leave for the nearby Paseo Del Norte POE when CBP officials were notified of a new bomb threat. As one official remarked, "This is reality here in El Paso."

The next day Task Force members were able to visit the Paseo del Norte Bridge, through which the bulk of pedestrian traffic between El Paso and Juarez passes, although the bridge also processes vehicles. The Task Force observed immigrant and non-immigrant visa processing, Automated Biometric Identification System (IDENT) enrollment, and other secondary inspection functions.

Task Force members observed that the Paseo del Norte facility is older, and the working conditions are less than ideal. The cramped facility has semi-enclosed office areas, but a large part is open to pedestrians entering the POE through small doorways and exiting through a large open area covered with vertical strips of clear plastic, the purpose of which appeared to be to assist in temperature control. Ventilation comes from large fans that do not provide much relief from the oppressive heat. The Task Force spent time observing the pedestrian primary inspection process, and they noticed that the line seemed chaotic, with no queue management to help prepare people for primary inspection, resulting in more time spent at the inspection point rummaging through bags for documents and other items. This lack of queue management contributed to unnecessary delays and increased wait times for all. Private industry organizations that must continually move large numbers of people (for example theme park operators, stadium authorities, etc.) might be a source of assistance for facility owners and designers in addressing queue management and related facilities issues.



Pedestrians at the Paseo del Norte POE line up and present themselves for primary inspection. El Paso, TX. June 2003.

U.S. Consulate General, Ciudad Juarez: While visiting the El Paso area on June 25, 2003, Task Force members were invited to visit the Consulate General, Ciudad Juarez, Chihuahua, Mexico, which is the largest Immigrant Visa (IV) processing center in the world. The Task Force was impressed with the efforts the staff makes and the handling of an immense workload in facilities that are inadequate. The Task Force observed that much of the paper-based process, and the extra space it requires, could benefit by leveraging more technology. The consulate in Juarez services American citizens and foreign nationals. Non-immigrant Visa (NIV) issuance increased from FY 99-FY 01 due to a mandate to replace Border Crossing Cards. During that time, this post issued about 1.5 million replacements, in contrast to 2002 when about 250,000 were issued.

The Consulate General has the largest IV processing center in the world, with an FY 02 caseload of over 70,000, as compared with the second highest IV processing post, Manila, which had an FY 02 IV caseload of over 51,000.

Facilities are a major issue at the Consulate in Juarez. There are several separate buildings in the compound that have been gradually added to accommodate growth over the years. There is no longer any room to expand within the compound, and there are no buildings nearby that meet DOS security requirements. The result is a lack of administrative, office, and storage space (for storing files and paperwork). Hundreds of applicants are forced to wait for long periods of time outdoors. The post has made every effort to install awnings, fans, water-cooling systems, and seating to make these areas as comfortable as possible. Changes in the law have required the DOS to take on additional functions to the visa process, such as fingerprinting, compounding the space shortage situation.

The Consulate is also impressive in terms of cooperation and coordination. As a member of the Border Liaison Mechanism, they help develop agendas for regularly scheduled meetings between Mexican and U.S. officials. Border Liaison Mechanism members have been able to respond quickly to developing problematic situations. The Consulate also works with CBP, other U.S. government entities, and Mexican government counterparts to facilitate cross-border initiatives.



Applicants awaiting to be called for the interview portion of the immigrant visa process. U.S. Consulate, Ciudad Juarez, Mexico. June 2003.



Applicants awaiting their interview with a Consular Officer. U.S. Consulate General, Ciudad Juarez, Mexico. June 2003.

U.S. Border Patrol, El Paso Sector: On June 25, the Task Force members joined members of the USBP El Paso Sector for a nighttime border tour. The El Paso sector consists of 180 miles of border, 109 miles of which are river. The sector is responsible for a total of 125,000 square miles, has 12 stations, six permanent checkpoints, and 1100 agents. The agents take part in a variety of operations such as traffic checks, K-9 patrols, train checks, horse patrols, among others.

The first part of the tour took the Task Force along a portion of the Rio Grande River that splits El Paso and Juarez. Here the Task Force observed the El Paso sector's line watch duties. As the agents drove along the riverbank, USBP vehicles were strategically and prominently placed along the route to deter the smuggling operators in the area. Much of smuggling and the crime generated by it has become more manageable due to various USBP operations and initiatives with the local community, enforcement authorities, and industry.

The Task Force was then taken into the hilly regions to see firsthand some of the rough terrain that may slow, but does not deter smuggling. At the top of the canyon, the Task Force saw a

truck-mounted infrared camera system that aids in detecting illegal entry across the border. The agent manning the unit that night remarked how much this system has aided in apprehensions of people illegally crossing the border even though this particular unit was an older model. The Task Force members also witnessed a USBP helicopter unit making a routine patrol along the border.

The Task Force then traveled to the Santa Theresa Border Patrol Station to tour the facility and get an overview of the horse patrol. En route to the USBP station, the Task Force members viewed the Santa Theresa POE, a small, yet very modern facility. At the USBP station, the agents showed the Task Force the different equipment that they use, including night vision aides, camera surveillance equipment and monitors, etc. There were many types of equipment that were broken or being “cannibalized” for parts all over the compound. The Task Force was told that this situation existed because much of the equipment cannot stand the rigors of the terrain and replacement equipment does not come down the pipeline fast enough to replace it; this applied to helicopters, four-wheel drive utility vehicles, and some all-terrain vehicles.

Task Force members were very impressed with what they saw and experienced on the border tour with the USBP El Paso sector. The agents maximize their skills and whatever equipment they have at hand to do their jobs the best way possible, but the Task Force also noted that newer, more reliable equipment would significantly help these agents.



A U.S. Border Patrol helicopter near the U.S.-Mexican international border which cuts through these peaks near El Paso, TX. U.S. Border Patrol, El Paso Sector.



U.S. Border Patrol agents on horse patrol. Courtesy of the U.S. Border Patrol.



U.S. Border Patrol sport utility vehicle out on routine patrol. Courtesy of the U.S. Border Patrol.



A U.S. Border Patrol Truck mounted infrared camera system. U.S. Border Patrol, El Paso Sector.

C. Airport Facilities

Aircraft arriving from foreign territories are inspected at POEs designated by legacy INS and USCS (now CBP). Carriers may disembark international passengers only at the 115 designated airports. Although the total volume of passengers is small in comparison to that at land borders, the inspection process is considerably more complex, reflecting the diverse nature of the people seeking admission to the U.S. at these types ports.

CBP officers process international passengers through inspection processing areas contained within a FIS area, which accommodates federal agencies and operates as the functional equivalent of a border. At air POEs in the U.S., the FIS area includes arrival gate vestibules, a secure corridor system, in-transit 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 inspection 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 until admitted into the U.S.

The CBP processing area must include areas for customs and immigration inspections, but is currently undergoing review to reflect the new CBP "one face at the border" concept. Facilities are often constrained due to space and design limitations, as only a small percentage of U.S. international airports were constructed in recent years. Passenger processing during peak hours of operation can be delayed due, in part, to an insufficient number of CBP officers, additional security procedures required after September 11, 2001, and to the seemingly unavoidable scheduling of flight arrivals during the peak times preferred by travelers and therefore the aviation industry.

In addition to processing areas, airports must accommodate a command and control facility known as the joint agency coordination center (JACC), which is located directly beyond immigration inspection areas. The JACC, which could remain as a CBP command center, is where officers monitor and control the movement of international passengers and baggage, oversee processing, and coordinate law enforcement activities.

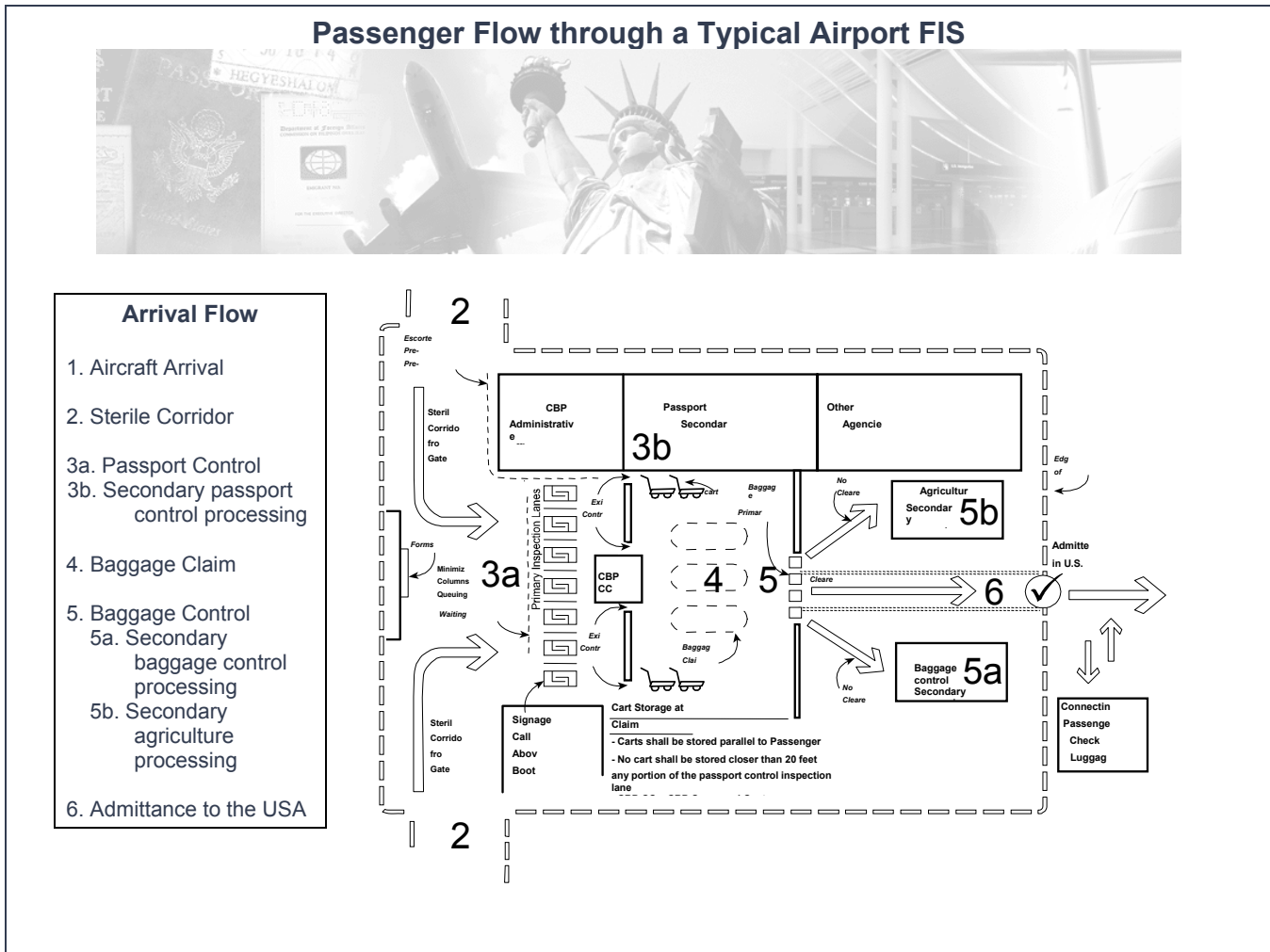


Primary inspection area at Bradley Terminal. Los Angeles International Airport. April 2003.



CBP (legacy) U.S. Customs Service) K-9 unit making their rounds at the baggage carousels at the Miami International Airport. August 2003.

Airport authorities are the airport property owners who lease space to tenants, including air carriers. At the majority of U.S. international airports, planning, design, and construction (including associated costs) are borne by the airport operator and air carriers. The carriers bear these costs through lease agreements and other rates and charges from the airport authority. Also, FIS facilities must be built to CBP requirements as provided by the legacy INS and Customs Airport Technical Requirements (ATRs). These requirements are currently undergoing review as mentioned above to reflect the new CBP paradigm. The following graphic illustrates the passenger flow through a typical airport FIS.²⁷



Arrival and Disembarking

Upon arrival of the aircraft, the passengers and crew disembark via the sterile corridor system that connects the aircraft exit door to the primary inspection lanes. The term “sterile” indicates that the design and security measures prevent the possibility of a crewmember or passenger circumventing inspection or the entry of an unauthorized commodity or prohibited items to the U.S.

²⁷Legacy INS Office of Administration, Facilities Division. Note: When possible, charts, graphics, and inserts have been changed to reflect new process titles resulting from the formation of the Department of Homeland Security and its various Directorates and Bureaus.

The in-transit lounge is a sterile area located at airports where international-to-international (ITI) passengers arriving from a foreign country await their departure to another foreign country. ITI passengers are not admitted into the U.S. and must be secured in the in-transit lounge. ITI passengers access connecting aircraft via sterile, secure corridors. On August 2, 2003, the Transit Without Visa (TWOV) and ITI program were suspended for reasons of national security.²⁸

Joint Agency Coordination Center (JACC): FIS agencies must be able to monitor and control the movement of international passengers and baggage, oversee processing, and coordinate law enforcement activities in a centralized JACC. The JACC position must afford the FIS agencies a clear view of passengers being processed at the primary inspection area and baggage claim area. There should be a 360-degree view of the baggage claim and primary inspection areas from the JACC. The JACC is part of the FIS areas previously mentioned undergoing review as part of the new CBP paradigm and could remain a CBP command center.

Passport Control Inspection Area: The passport control inspection area is where officers examine and screen arriving international passengers to determine nationality and/or admissibility to the U.S. and consists of primary and secondary inspection areas. The passenger areas consist of a forms counter, queuing area, primary inspection lanes (PILs) with booths, and support areas/offices. Queuing refers to the flow and direction of passengers in line for inspection; for example, there may be multiple lines of passengers in front of each set of primary inspection booths or multiple serpentine lines.

All passengers must appear for inspection by a CBP officer with any required passport, visa, or Form I-94. Primary inspection booths are equipped with the inspection tools including: enforcement computers and printers, telephone communications capability, passport readers, and enforcement databases including IBIS and National Automated Immigration Lookout System (NAILS), among others. Travelers approach the booth and their passport is scanned and information is searched through enforcement databases. The primary officer questions the applicant as to the purpose of application for admission, length of planned stay in the U.S., and other questions that the officer deems necessary. The applicant presents a completed admissions form that is signed and dated. If the primary officer approves the admission, the admission form is stamped, indicating the classification of applicant, date, and length of permissible stay. CBP officers must also determine if the traveler has any reporting requirements for merchandise, commercial cargo, currency, or agriculture, or if the traveler is a potential violator of any of these requirements.

If a primary inspection results in questions concerning the admissibility of applicants, they will be directed to either the passport control or baggage control secondary inspection areas, dependent upon their immigration status and type of potential violation. The secondary officers conduct certain types of secondary inspections in interview rooms, when available, so

²⁸ An interim rule published in the Federal Register August 7, 2003, provided that there is credible intelligence information concerning use of the programs by terrorist organizations. The comment period has ended and, at the time of this writing, the CBP is reviewing the comments and coordinating with other federal agencies as to a final ruling on the re-instatement, modification, or termination of the programs.

detainees are not commingled with the traveling public. The secondary inspection areas include a waiting area, interview rooms, search rooms, passenger processing areas, passenger detention rooms, and support spaces. The secondary inspection determines if applicants are admissible; required to pay duty and/or report currency transmissions; if they are in violation of any laws or regulations; or if they are wanted for arrest or further questioning by any other law enforcement agency.

Baggage Control: When the passenger has been successfully admitted into the U.S. through passport control, they continue to the baggage control area. The baggage delivery system is located between the primary inspection area and the baggage inspections areas. This helps reduce travelers' wait times by allowing time for the bags to be delivered to the terminal while the traveler is being processed for admittance. In the baggage control area, a determination is made by the officers to allow passengers to exit the inspection area with their baggage or to refer them to a secondary area for an agriculture or customs inspection. Once again, officers need adequate counters, inspection booths, interview rooms, search rooms, and support space. With the reorganization of the primary border inspection agencies, there may be a need to reconfigure the traffic flow and the multiple inspection areas to allow for a more unified process; however, as previously stated, the current configuration allows for inspection for immigration purposes while baggage is being transported from the plane to the inspection area. TSA requirements for rechecking connecting international to domestic flight passengers and their baggage has required additional space and, in many cases, impeded already overburdened FIS space and operations.

Current Air Exit Procedures

Air carriers were mandated to provide outbound electronic advance passenger information (API) on all visa waiver passengers and crew by January 1, 2003. The API regulation mandating outbound electronic API on all passengers and crew traveling on commercial aircraft is expected to be published in November 2003 for implementation in January 2004. The use of electronic API 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 latter 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. All I-94 forms are entered manually into NIIS and are not matched in an efficient and cost effective manner.

As travelers check in at a counter, ticket agents check 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 information and the date of departure. All of the departure form I-94s and I-94Ws are collected, bound together with the form I-92, and submitted as the departure manifest. Air carriers are required to submit departure manifests electronically, ordinarily right after the time of departure. The POE is responsible for reviewing and sorting the departure forms and forwarding them for manual data entry. In addition, POEs must obtain departure schedules and ensure manifests are received for all scheduled departing flights/ships. Those persons registered in the NSEERS program, must report to a port of departure prior to exiting the U.S. as discussed earlier this chapter in current land exit procedures.

Preclearance at Airports

Preinspection is when the immigration inspection of travelers is conducted at the foreign point of departure rather than upon arrival at a U.S. POE. When both the legacy immigration and customs inspection processes are performed jointly at the foreign point of departure, the process is called preclearance. Preinspection and preclearance permit agencies to intercept inadmissible aliens and contraband prior to their arrival in the U.S. Preinspection operations exist in Shannon and Dublin, Ireland. Preclearance operations exist in Aruba, the Bahamas, Bermuda, and at seven sites in Canada.

All preinspection operations exist under bilateral agreements between the U.S. and the host country. These agreements are negotiated by DOS on behalf of the inspection agencies and contain the terms under which the U.S. agencies operate in the host country and the protection afforded to agency employees at these locations. The first agreements date from 1974. Legacy INS developed site criteria for the establishment of any new operations. Preclearance operations are funded by the CBP user fee accounts and are subject to the same constrictions as the expansion of stateside operations. Though IIRIRA directed the expansion of preinspection operations, expansion of the program to additional countries is not currently planned due to numerous issues, including reluctance on the part of the host country, cost considerations, and lack of adequate staffing for existing domestic operations.

The preclearance site in Vancouver, British Columbia, Canada, is responsible for the preinspection of all trains and cruise ships departing for the U.S. from Canada in that region. Currently only the legacy immigration process is completed for these modes of transportation, which impacts the traveler with a two-stop clearance process. The advent of the “one face at the border” inspection process is intended to provide for a one-stop approach, saving time for both travelers and officers.

Transportation Security Administration (TSA) Facilities

The Aviation Transportation and Security Act of 2001 (ATSA), which established the TSA, also provided for the transfer of screening equipment from air carriers to TSA. It did not provide for the TSA space requirements such as break rooms for screeners and office space for managers. On October 1, 2002, TSA published the TSA Field Office Program Requirements to outline TSA space needs. The TSA requirements are similar to the FIS Guidelines and Technical Standards used by legacy INS and USCS. Unlike these other agencies though, TSA has no regulatory authority to impose these requirements on an airport, so a real estate office was established which, through GSA, leases the required space. The requirements are currently being revised.

TSA is working with the airlines and cruise lines to streamline the inspection processes through programs such as the Miami Synergy Project (which is detailed later in this chapter). It is of considerable interest for those cruise ship passengers and connecting airlines using the airport in that program as each passenger averages 1.4 pieces of checked baggage, and this program facilitates the transport and screening of baggage.

TSA screeners are now going through cross training for both baggage and passenger screening, since each process requires substantially different techniques and equipment. This initiative is commended, as it will beneficially increase the flexibility and capability of screeners.

Task Force Observations of Airports

During the various site visits the Task Force made this year, the Task Force observations of issues that are generally applicable to all of the airports visited. These issues are explained below along with specific observations from MIA.

Constraints due to Design and Space Limitations: Most FIS facilities at U.S. international airports were not designed and constructed to keep up with current levels of commercial passenger and cargo traffic. Further, new inspection processes introduced after September 11, 2001 require additional space, which is not readily available. The nation's airports have limited ability to expand due to space, structural, and funding constraints. The airlines and airport authorities are concerned that many of the policies and designs from the federal agencies developed at a high level often use a "cookie-cutter" approach to airports, without considering the individual differences of airports. Airport owners and operators and government entities should work cooperatively to incorporate innovative solutions, including leveraging automated technologies, to allow maximum use of constrained facilities.

Increased Inspections: With the implementation of enhanced U.S. Visa Waiver requirements and the introduction of US-VISIT at airports, existing infrastructure will not likely support increased queue lengths and processing times. U.S. international airports are currently designed to function only as POEs, not ports of exit. The design of airports must be considered when developing and implementing US-VISIT exit processes. US-VISIT must consider a combination of options, such as increased use of automated technologies in the inspection process, versus the assumption that airport facilities must be redesigned and/or expanded as those options are severely limited. (See Chapter 6 for a more in-depth discussion of US-VISIT.) The mandated baggage inspections conducted by TSA also significantly impact amount of available space.

Consolidating Federal Inspection Services (FIS): Current FIS facilities at U.S. international airports are already constrained to accommodate increased inspection processes and are not designed to meet changes as a result of the "one face at the border" concept. CBP is in the process of developing a unified inspection process, to every extent possible. These changes could result in unknown facilities and infrastructure needs at airports, but hopefully, will also result in efficiencies in use of space. As airport FIS areas are designed for multiple and independent inspection processes, future consideration must focus on streamlining the existing process, optimizing use of existing space, and increasing use of automated technologies in the inspection process.

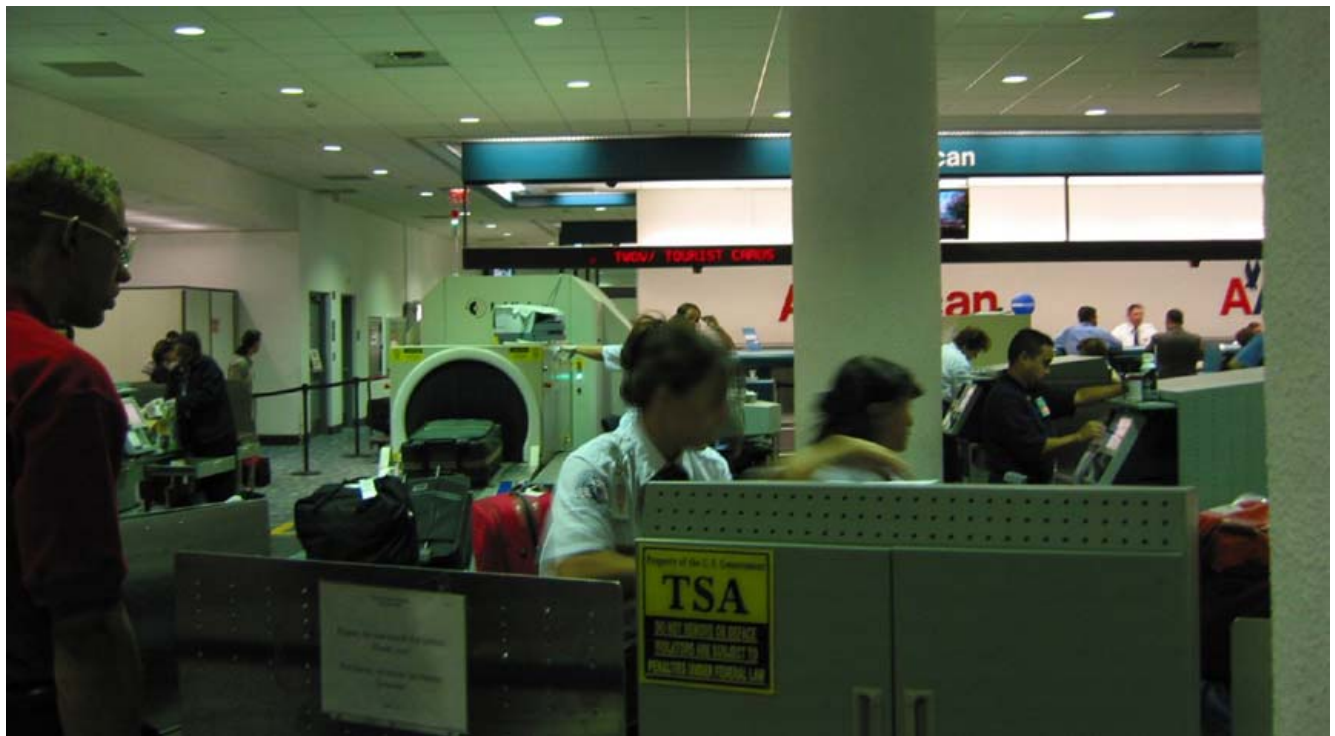
Use of Resources: U.S. international airports provide space to the Federal Inspection Services under approved FIS design requirements. Airports fund, design, construct and maintain facilities, with regular adjustments to meet the needs of the Federal Inspection Services. Airports secure funding for these facilities through rates and charges to the air carriers.

The Role of the Transportation Security Administration (TSA): The baggage mission of TSA has not been allocated sufficient resources and is understaffed. These staffing shortages in certain locations are compounded by inefficient placement of some detection equipment and contribute to ineffective use of already limited space. There is an increasing nexus to the role of TSA in determining the appropriate level and types of security programs related to the transportation of goods and people in and out of the U.S. Though such efforts, such as the Synergy project, are still in the initial phases, there is the possibility of impacts on the future designs of POEs, not just land borders, but at air and sea ports as well.

When the Task Force visited MIA, senior TSA personnel, local airport authorities, and select industry officials gave members an overview and a comprehensive tour. TSA screeners appeared to be effective, but plagued by shortages of resources including staff and space in which to work.

Over 51 million bags a year are checked at MIA by approximately 1,400 screeners, a reduced number as of September 2003. The screeners work passenger screening checkpoints and baggage screening locations (both indoors and out). The screening locations are severely constrained by the physical design of the airport, a circa 1950s core facility. The Task Force observed long lines of passengers waiting to have their baggage inspected by TSA next to the ticket counters; although the screening itself was done efficiently, there was no place for the passengers to line up to wait. Even more startling than the indoor screening areas were the baggage screeners working outside of the airport: some outdoors, others in an underground facility resembling a parking garage. The underground facility had vehicles moving the baggage in and out, creating exhaust fumes, moving belts and equipment were directly overhead, and lighting was insufficient. Outdoor screeners were working in the heat and humidity with inadequate fans; TSA personnel explained that the screening machines couldn't be placed outdoors because they frequently overheat and otherwise break down in the severe outdoor conditions, so screeners were doing mostly manual searches. In both instances, the noise and heat levels made working conditions uncomfortable and difficult.

The Task Force members observed that for reasons of security and increased efficiency, this "in-line" process is preferred; however, significant improvements are warranted. Officials stated that if equipment were more mobile or if passengers could be better routed, some of the problems would be eased. Officials also emphatically stated that airports need unique considerations, not "cookie-cutter" mandates and directives and that airports and airlines need to be included in the decision-making process.



TSA screeners in front of the American Airlines check-in area. Miami International Airport. August 2003.



TSA screeners underneath the Miami International Airport terminal screening checked luggage. Miami International Airport. August 2003.

D. 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.

AAPA commissioned a study, independent of the Task Force work, that provides for various recommendations on passenger/baggage flow, consolidation of function and space and design solutions in the seaport environment. According to this study, the North American passenger cruise industry is a rapidly expanding global industry. With an average growth of 8.4 percent during the last decade, it is playing a major role in the facilitation of passengers to destinations around the world. With capacity projected to increase each year, the future offers extraordinary opportunities and challenges. This increase in capacity is driven by a number of new ships coming into service. Between 2003 and 2006, ICCL member lines are expected to bring over 22 new ships into service. Among these will be mega-liners that can accommodate more than 3,000 passengers as well as smaller, more intimate luxury vessels. These new ships will create a greater demand for North American ports to build a number of new facilities, including mega-terminals that can accommodate the embarkation and disembarkation of thousands of passengers and provide the facilities for passenger and baggage inspections.²⁹

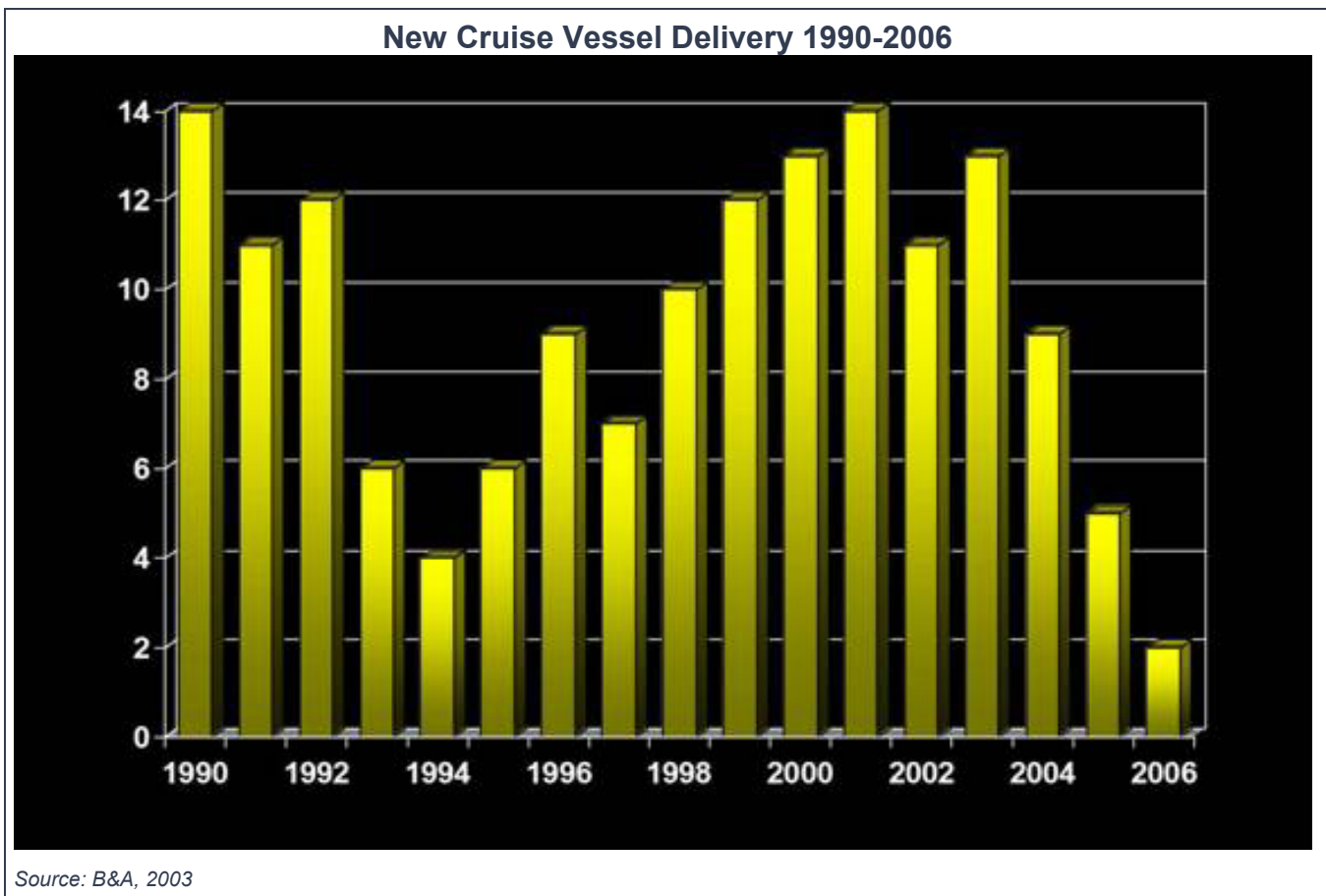
Historically, passenger cruise terminals had no immigration processing facilities and only a small area for customs processing. The immigration process was traditionally performed by legacy INS inspectors directly on the vessel at dockside or, in some instances, onboard the ship prior to its return to the U.S. Requirements for customs processing were decided locally by legacy USCS. Both legacy agencies utilized this system until the mid 1990s when legacy USCS published new technical guidelines. At the same time, legacy INS centralized its decision-making process for design approvals to its main headquarters in Washington D.C. Currently, the CBP agriculture inspection requirements are set forth in the Technical Standards for legacy USCS.

In late 1990, as the size of the cruise ships grew and the passenger numbers increased, legacy INS implemented land-based passenger processing at a limited number of cruise terminals. The limited resources, primarily staffing shortages, of the legacy INS and the need of the cruise industry to quickly turn these large ships around for the next outbound voyage were also factors in trying new processes to speed the inspections. The land-based or airport-style inspection flows were built in some locations for this purpose, allowing the inspectors to have a direct connection to the inspection databases to aid in the inspection process.

²⁹ Bermello, Ajamil & Partners, Inc. for the American Association of Port Authorities. *The Impact of Federal Inspection Service Facilities at Cruise Terminals*. Available at www.aapa-ports.org

As the maritime industry continues to grow, cruise lines continue building increasingly large vessels. Over the past several years many new coastal cities have begun hosting cruise ship operations, creating the necessity for more and more airports to temporarily transfer staff to handle new seaport demands. CBP is seeking to integrate the inspection process to realize the greatest utilization of their workforce.

New cruise vessel delivery is the industry indicator of both worldwide and North American demand. The projected delivery of vessels shows a decrease in the next few years, but cruise lines expect to continue to order new vessels in the foreseeable future. The graphic that follows depicts new vessel delivery.³⁰



Facility space for cruise terminals is extremely limited in most areas, yet demand for space continues to increase. Since the creation of one border inspection agency, the future development, retrofitting, or construction of these facilities may require a variety of changes. In the past the requirements were interpreted differently from port to port, but now CBP is looking to create one unified seaport facility requirement with flexibility to meet local needs. The U.S. Government entities and industry must look at creative ways to make use of existing space, including sharing facilities with other agencies where possible.

³⁰Bermello, Ajamil & Partners, Inc. for the American Association of Port Authorities. *The Impact of Federal Inspection Service Facilities at Cruise Terminals*. Available at www.aapa-ports.org

The current requirements for processing passengers cost port authorities and the cruise industry millions of dollars. The placement of a cruise terminal is crucial in that it must accommodate vessel size, which dictates berth size, channel/harbor depth, turning radius, size of shore-side facility. The capability of moving people to transportation, security needs, and the assets required to be deployed by the inspection agencies are also considerations in the placement of a cruise terminal.

Some cruise industry representatives and seaport operators report that the result of the spatial and technical programmatic requirements mandated by the FIS agencies has had a dramatic impact on cruise terminal design and operation and has cost the ports and the cruise industry millions of dollars without adequately addressing the issues or achieving long-term solutions. Instead, it has created a number of problems including:

- Inconsistencies in FIS design standards due to excessive latitude given to staff for interpretation;
- Challenges with existing facilities that lack physical space to increase;
- Increase in construction costs and unexpected change orders, creating a financial strain on many ports; and
- Conflicts between agencies and ports due to under-utilized and under-staffed federal inspection stations in some locations.

With the merger of the legacy agencies into CBP, the “one face at the border” initiative is being incorporated system-wide. Implementation of “one stop” processing strategies continues on a case-by-case basis as existing facilities and passenger traffic are quantified nationwide.

CBP working groups are addressing the development of a unified set of facility design standards over the next year. The new design standards will eliminate programmatic redundancies and maximize space and operational efficiencies in the FIS facilities; they will incorporate and reflect the forward-thinking and new operational procedures of the CBP, together with the cumulative experiences and lessons learned by field agents nationwide. The new standards will also evaluate and integrate the best practices and technology standards available. However, during the interim transition period, the legacy agency facility design standards remain in effect.

Basic Movement of Traffic for Cruise Inspections

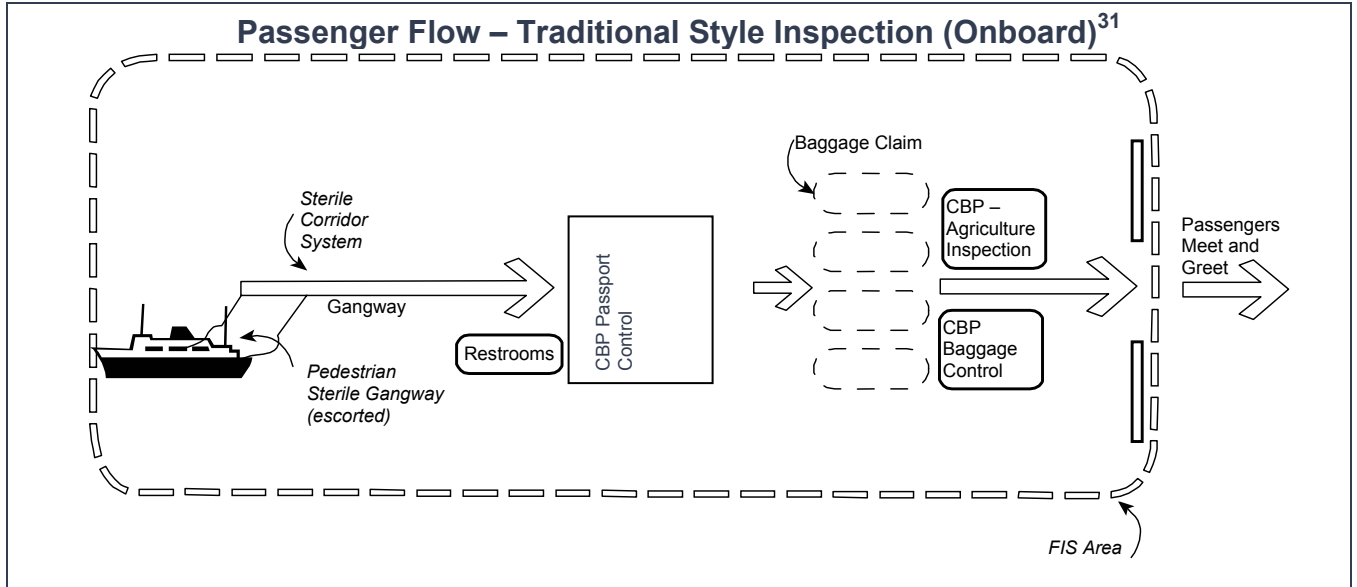
Generally, cruise passengers and crew inspection flows are similar to those of airports, but require larger queuing and luggage areas and fewer inspection counter areas, since passengers are predominantly U.S. citizens. There are currently two main designs for inspection of cruise passengers and crew: onboard (traditional style) or in a cruise terminal (airport style). Each has elements of efficiency but there are inherent challenges that go along with them. A third option, an en route inspection, is currently not operational as CBP has suspended all en route inspections due to security and resource constraints.

Traditional Inspection: Traditional or dockside inspection of vessels is arranged by the shipping agent with the local CBP office. Inspection must be complete before any other activities commence, such as cargo off-loading, conducting business with ship chandlers, etc. Ordinarily, the CBP officers are at the dock when the ship's gangway is lowered and are the first to board. Others waiting to do business are often directed to refrain from such activities until the inspection is completed to avoid interference with the clearance process. Ships are usually in port for a limited time, incurring substantial charges for stevedores and other related activities. It is critical that the federal inspection procedures are promptly and efficiently handled to avoid needless delays and increases to these costs.

Procedures for inspecting the crew of a cruise ship and a cargo ship are essentially the same, although the crews are considerably larger on a cruise ship. A typical cruise ship has 800-1,500 crewmembers, while a typical cargo vessel has 30-40. Because of the frequency of admission and the size of the crews, CBP policy (the 90-day waiver policy) provides for a modification of the ordinary inspection procedures for returning crewmembers on such vessels. A separate manifest or addendum to the manifest is provided by the master, containing the names of crew who must be inspected. Once the crew inspection has been completed, a Form I-410, Receipt of Crew List, is issued to the master of the vessel, in the same manner as for a cargo vessel. (Cargo processes are discussed in a subsequent section of this chapter.)

Some port facilities have a passenger terminal, with inspection booths provided similar to those at airports. In either case, there are often a large number of passengers requiring inspection in a relatively short period of time. The master or purser of the vessel provides a manifest, usually on Form I-418, *Crew Arrival/Departure Manifest*, of all passengers. A lookout query is required of all passengers, either at the time of arrival or in advance, using APIS. To minimize inspection time, U.S. citizen passengers who departed on the same cruise vessel are not required to report for inspection, but are briefly examined upon disembarkation. An oral declaration of citizenship is usually sufficient, unless further inquiry appears necessary. All other passengers must appear for inspection by a CBP officer at an appropriate location on the ship provided by the master, with any required passport, visa, or Form I-94. As each passenger appears, the manifest is noted with the action taken, executing Forms I-94 as necessary. Once all required passengers have appeared and been inspected, they depart the ship to collect their baggage for clearance.

Upon arrival of the vessel, the passengers and crew disembark (escorted) via sterile gangway into a sterile corridor system, defined as the corridors within the FIS area, connecting the gangway to the PILs. The term "sterile" indicates that the design and security measures prevent the possibility of a crewmember or passenger circumventing FIS agencies' inspection or the entry of unauthorized commodities or prohibited items to the U.S. This process is the same for all inspection styles.



Passengers disembarking a cruise ship go through a passport control check, part of the traditional style inspection process. Port of Miami. August 2003.

³¹ Legacy INS Office of Administration, Facilities Division. Note: When possible, charts, graphics, and inserts have been changed to reflect new process titles resulting from the formation of the Department of Homeland Security and its various Directorates and Bureaus.



Passengers going through baggage control, part of the traditional style inspection process. Port of Miami. August 2003.

Airport Style Inspection: Some port facilities have a passenger terminal, with inspection booths provided similar to those at airports. (See Passenger Flow through a Typical Airport FIS on page 54.) Similar to an airport, all passengers and those crewmembers that require an inspection are processed off the ship through primary booths. Each booth is equipped with the necessary computers, document readers, and scanners to allow the officer full inspection capability. Currently, cruise ships provide arrival manifests to CBP up to 24 hours in advance through APIS, similar to those submitted by the air carriers. In addition, manifest information is provided to the USCG 96 hours in advance. The inspectors verify the arrival of the passengers and crewmembers through this system.

After completion of the passport control inspection, the passengers collect their baggage from airport-style baggage carousels and proceed through the baggage process.



Airport style inspection process. Royal Caribbean Cruise Line Terminal. Port of Miami. August 2003.

En Route Inspection: CBP has currently suspended all en route inspection operations due to security and resource constraints. However, the process is being described below for informational and historical purposes.

Because of the large volume of passengers and crew on many cruise vessels and the rapid turnaround time required for off-loading passengers from one cruise and loading for the next, cruise lines often request that the immigration inspection be conducted while the ship is en route from the last foreign port back to the U.S. En route inspections shall not be conducted if reasonable and cost effective alternatives exist for conducting the inspection dockside. The inspection of passengers and crew on an en route is completed in the same inspection style as those done in a traditional inspection. They are typically conducted in a large room on board the vessel, during the course of the voyage back to the U.S. CBP officers would join the vessel to conduct the inspections at varying points, depending on the itinerary of the cruise and proximity to the US.

Ferry Operations

The CBP considers ferries to either be land border ferries or seaport ferries. In most cases, as with other types of inspection areas, space for inspection stations is very limited, making expansion of the processing area impossible.

Land Border Ferries: Land border ferries operate with the primary purpose of providing transportation of passengers and/or vehicles as a continuation of a highway from one side of a body of water to another; a service normally attributed to a bridge or tunnel. Since these ferries service an area where it would be reasonable to expect a bridge or tunnel to have been built, these ferry trips are short in duration and are usually near a CBP land border POE. The land border fee for services provisions for the issuance of Form I-94 apply to these ferries, and fees must be collected.

VWP signatory carrier requirements are not applicable for land border ferries. Applicants under the VWP who arrive on these ferries are subject to the issuance of I-94s and the collection of land border fees. Inspection and examination of persons on this type of ferry are conducted in the same manner as all other inspections at a land border POE.

Seaport Ferries: Seaport ferry operations go beyond a quick crossing and are more like other seaport operations. In this category, one could not reasonably expect a bridge or tunnel to be built in place of the ferry operation. These ferry trips, therefore, are usually long in duration, with some lasting several hours. Many cross the open seas and provide overnight lodging, gambling, and/or food service. These ferries often operate near a CBP seaport. All ferry operations that travel to the U.S. from foreign, adjacent islands are considered seaport operations since they meet most of the above criteria.

These ferries must be signatory to the VWP if they intend to transport aliens who will be applying for admission under this program, otherwise they are subject to fines if passengers arrive without visas (from non-contiguous territory). Carriers that choose not to participate in the VWP must ensure that non-immigrant alien passengers have valid visas. Inspection and examination of persons on this type of ferry are conducted in the same manner as all other inspections at a sea POE.

Current Sea Exit Procedures

Vessels were mandated to provide outbound electronic API on all visa waiver passengers and crew by January 1, 2003. The API regulation mandating outbound electronic API on all passengers and crew traveling on commercial vessels is expected to be published in November 2003 for implementation in January 2004. The use of electronic API 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 latter process is manual and does not employ any advanced information technology. The handwritten I-94 forms are collected from travelers at seaports upon departure. All I-94 forms are entered manually into NIS and are not matched in an efficient and cost effective manner.

As travelers check in at a counter, ticket agents check 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 information and the date of departure. All of the departure form I-94s and I-94Ws are collected, bound together with the form I-418, *Crew Arrival/Departure Manifest*, and submitted as the departure manifest. The POE is responsible for reviewing and sorting the departure forms and forwarding them for manual data entry. In addition, POEs must obtain departure schedules and ensure manifests are received for all scheduled departing ships. Those persons registered in the NSEERS program, must report to a port of departure prior to exiting the U.S. as discussed earlier this chapter in current land exit procedures.

Task Force Observations of Cruise Operations

The following are observations of issues and innovative solutions at cruise inspections facilities observed by the Task Force during various site visits.

Space Constraints for Cruise Inspections: Current FIS facilities at U.S. seaports that service commercial passenger cruise lines are often limited in expansion opportunities, as this would result in the loss of commercial property and associated revenue to the port authorities. According to a study conducted by AAPA, new FIS space accounts for 20 to 30 percent of the total construction program of a cruise facility³².

Turn-Key Approach to Design and Construction: In Seattle, the Task Force saw another example of the turn-key approach they previously had observed at the Otay Mesa SENTRI enrollment center. In this case, a terminal was constructed in just 10 months to accommodate the growing cruise industry in Seattle. Originally, an older terminal was designated to be retrofitted; however, the size of the vessels that were intended for Seattle could not dock at that terminal without extensive dredging of the bay to allow for the draft of the ship. A different location, Pier 30, could support the size of the vessel without change to the bay, but it did not have a terminal in place. The city of Seattle, Port of Seattle, federal agencies, and cruise lines worked jointly, using a turn-key approach to design, construct, and open the terminal at Pier 30. The new facility came in modular pieces and was assembled in 10 months with the gangway completed in 4 months. The Task Force members were impressed with the fast construction and professional appearance of the building, as well as the collaborative efforts of all entities involved.

³² Bermello, Ajamil & Partners, Inc. for the American Association of Port Authorities. *The Impact of Federal Inspection Service Facilities at Cruise Terminals*. www.aapa-ports.org



Primary inspection area at Pier 30 at the Port of Seattle, a “turn-key” approach facility that was constructed in 10 months with the cooperation of city, port, and cruise line officials. Port of Seattle. July 2003.

Use of Resources: CBP staffs seaport operations in accordance with cruise line and cargo scheduling and operations. As a result, FIS areas are often utilized only when the ships are scheduled, such as weekends only at some locations. At other locations, they are utilized frequently. The use of FIS spaces typically depends on the level of vessel traffic in any given location and levels of staffing.

According to the study commissioned by AAPA³³, independent of the Task Force work, many of the terminals being built do not have the appropriate staffing levels assigned by the federal agencies to best utilize the space available, leaving FIS spaces frequently unoccupied or underutilized. A review of office needs should be done at cruise facilities to determine whether offices and support spaces are necessary, especially since most cruise passengers are U.S. citizens and manifests have been provided in advance. En-route inspections help reduce the backlog at cruise terminals during peak times, but they are not currently authorized.

³³ Bermello, Ajamil & Partners, Inc. for the American Association of Port Authorities. *The Impact of Federal Inspection Service Facilities at Cruise Terminals*. www.aapa-ports.org

Consolidating FIS: The continued impact of applying the current design guidelines for FIS in new terminals will require between one and 2.1 million additional square feet of FIS spaces. The overall fiscal impact of these FIS facilities will account for \$150 to \$300 million in additional construction costs to ports in the U.S.³⁴ Discussion in Miami resulted in determining that industry uses the legacy INS and USCS Facility Manuals dated October 2002 and 2003 respectively. While these manuals provide excellent insight, it is apparent they need to be updated (for example the legacy INS manual specifies required administration space for FIS activities that now, under DHS, are housed in existing office space nearby). The end result of following the outdated manuals is design of new facilities that are oversized, with administration space that is no longer needed. This extra administration space amounts to significant square footage in the new facilities projected through 2010. These manuals are being updated to reflect the “one face at the border” concept for inspection processes, but these efforts by DHS towards consolidation will take time to fully achieve.

TSA Pilot Programs

Miami Synergy Program: This program is a collaborative effort between TSA, American Airlines, and Royal Caribbean Cruise Lines (RCCL) that was designed to alleviate overcrowding at airport screening areas when cruise ships arrive and passengers are shuttled to the airport to catch departing flights. Cruise ship passengers who are not screened as part of the Synergy program are brought to the airport where they stand in line outdoors (in the heat or rain) for an average of one hour waiting for their baggage to be inspected. Passengers who are screened as part of the Synergy Program take their baggage to a screening location at the seaport where the bags are inspected, and they are issued their airline ticket/boarding pass in an average of 12 minutes. The baggage is transported in bonded vehicles to the airport, and the passengers bypass the long baggage screening lines at the airport.

The Miami seaport off-site baggage screening program is currently running at the RCCL terminal for American Airlines passengers disembarking from one RCCL ship on Saturday and one RCCL ship on Sunday. Some additional passengers are also currently being processed through the terminal four operation after disembarking their cruise ship at terminal three. During the 29 weeks of operation, from February 1 through August 17, 2003, the Miami seaport baggage-screening program has averaged 1,000 passengers and 1,400 pieces of check-in luggage per weekend. TSA staffing limitations and screening equipment allocation/availability are currently the limiting factors to further expansion. The Task Force members were given a demonstration while in Miami of this program and also viewed the outdoor queuing area of MIA.

Vancouver Synergy Pilot: The Vancouver Synergy Pilot Program is a 3-month pilot for U.S. citizens who are passengers aboard RCCL ships who are traveling back to the U.S. aboard Air Canada flights at the end of their cruise. The program was created to enhance the processing of these passengers and their baggage upon completion of their cruise in Vancouver. This process is designed to maintain the sterility of U.S.-to-U.S. domestic baggage movements

³⁴ Bermello, Ajamil & Partners, Inc. for the American Association of Port Authorities. *The Impact of Federal Inspection Service Facilities at Cruise Terminals*. www.aapa-ports.org

between cruise ship passengers (who are U.S. citizens) arriving in Vancouver and their departing U.S. precleared flights.

Basic Procedures for Cargo Vessel Inspections

The inspection process for cargo vessels is primarily the same as for cruise lines, but the environment in which the inspections are completed can differ, depending on the vessel. There are two main styles of boardings, dockside and in-stream or at anchor. The inspection processes for both are exactly the same. A dockside inspection involves a CBP officer boarding the vessel after it ties up to a dock at a designated POE. In-stream (or at anchor) boardings are completed when the vessel is anchored away from a dock, and the inspecting officers travel out to the cargo vessel at a mooring, typically on a small launch with the shipping agent. For both security and safety reasons, CBP has suspended in-stream boardings, unless extenuating circumstances exist and the Director, Field Operation approves the boarding.



Large container vessel dockside at the Port of Los Angeles. April 2003.

Prior to a vessel's arrival, a manifest is forwarded to the local CBP office. This manifest must contain the names, dates of birth, citizenship, and travel document information of all crew

and/or passengers, plus the name of the vessel, estimated arrival date, and last three ports of call. The manner of forwarding may be through APIS, e-mail, or fax. Current regulations do not specify transmittal method, although this is expected to change with pending CBP regulations, which require APIS transmissions. Upon receipt of the non-APIS manifest, an IBIS query is conducted. If the vessel is in APIS, a review of the APIS for the vessel is made.

The ship's agent is responsible for contacting the CBP office to arrange for a date, time, and place for the inspection. This is to be done at the earliest opportunity to give sufficient time for scheduling purposes.

CBP takes several factors into consideration when arranging the schedule. The primary factors are the ship's last port(s) of call and/or route, nationality of the crew, prior experiences with the vessel, time and place of arrival, and the results of the APIS query. This information and port policy will dictate the number of inspectors that are assigned for the inspection.

Upon boarding, an I-418, *Crew Arrival/Departure Manifest*, is to be presented by the Master or agent for immigration purposes. This I-418 is then compared with the information that was forwarded and queried earlier. If there are any discrepancies, port policy dictates what action is to be taken. If there are no changes, the inspector will ask the Master to have the crew mustered for the inspection. The crew presents themselves with their documents and completed I-95, *Crewman Landing Permit*, to the inspector. The document information is checked against the I-418 to verify accuracy. If there are any differences, port policy will again dictate the course of action the officer takes. The D-1 (crew non-immigrant visa category) status form I-95 is generally given back to the crewmember with the travel documents returned to the Master.

Upon completion of the inspection, the officer completes the I-418 per regulations, and a copy of the I-418 is made and left on board to be used as a traveling/departure manifest. If there are any crewmembers whose landing has been refused by the officer, an I-259, *Notice to Detain, Deport, Remove of Present Alien*, is completed, ordering that the crewmember is to be detained on board. The ship's Master or agent signs acknowledging receipt of the order. A copy of the I-259 is made with the original given to the Master/agent. Upon return to their office, the CBP officers will fax the I-418 and I-259 to any ongoing U.S. port.

Simultaneous to the inspection for immigration purposes, CBP is also conducting inspections of the cargo for customs and agriculture purposes. As with the crew manifests, the cargo manifest has been previewed prior to arrival and selected for enforcement examinations or release. Physical inspections of the vessel are conducted at this time. Congruent to the CBP inspections, the USCG has also previewed an advance manifest of both the crew and cargo and made their independent decisions for enforcement prior to the ship's arrival in port.

Instream/Anchor Inspections: The overall inspection process onboard does not differ from one done dockside. However, the process in getting to a vessel varies greatly depending on the location of the vessel (Alaska-Pacific Northwest, Great Lakes, Southern California, Florida, etc). In some instances the officer will go out on a "water taxi" with the agent to board the vessel. In others, they will board with the port pilot and ride the ship into the port. In other

areas they may actually take aircraft. As previously mentioned, CBP has suspended instream boardings at this time.

Enforcement Actions: Depending on local port policy and/or staffing abilities, officers will do follow-up visits to vessels that have crewmembers that have been ordered detained on board. These re-inspections serve to verify that the Master has complied with the detention order and none of the crew have deserted or absconded. If a crewmember is found to be off of the vessel, fine proceedings may be initiated.

At some POEs, the officers may patrol areas of the port looking for irregularities or for gathering information. The patrol is conducted in vehicles or watercraft, depending on the equipment available to the local CBP office.

Occasionally, officers will do enforcement boardings with other agencies, primarily the USCG. These joint operations may be conducted at sea or while the vessel is at berth. With the USCG it is almost entirely done while the vessel is at anchor. The main function of the officers during these boardings is to use their expertise in crew documentation and interviewing techniques to detect any irregularities such as stowaways, fraud, and contraband.

The CBP/Immigration canine team is new to seaports. Although the initial training is identical to the land border teams, these dogs and handlers have additional training suited for the seaport environment. There are also CBP canine teams utilized for both customs and agriculture purposes.



CBP (legacy INS) K-9 team inspects some suspicious containers on board a ship.

Task Force Observations of Cargo Operations

The following are observations the Task Force made in the course of various site visits regarding cargo operations and USCG operations.

The Task Force members visited the Ports of Los Angeles and Long Beach on April 30, 2003. The Task Force members were immediately struck by the sheer size of the ports and overwhelming volume. This was evident in a tour of one of the cargo container inspections areas and became even more visible on the USCG cutter tour of both ports.

The Port of Long Beach is one of the world's busiest seaports, a leading gateway for trade between the U.S. and Asia. Long Beach is the U.S.'s second busiest port. Long Beach is the world's 12th busiest container cargo port. If combined, the ports of Long Beach and Los Angeles would be the world's third-busiest port complex, after Hong Kong and Singapore. The value of cargo through the port was \$88.8 billion in 2002. 4,526,365 TEUs (twenty-foot-long cargo container units) moved through the port in 2002. The Port of Los Angeles encompasses 43 miles of waterfront, 7,500 (4,200 land and 3,300 water) acres, 27 cargo terminals, 80 shipping lines; 5.6 million TEUs in 2002, 12 cruise lines, and a cargo value of \$104.2 billion in 2001.

In briefings by senior CBP and USCG officials, Task force members learned that facility space is a major issue, much has been created by land fill, and all operations are viewed through the paradigm of volume and logistics. Officials indicated that cooperation and coordination is paramount for all the government and industry entities at these ports, otherwise the port simply could not function.

A major concern for government and industry entities involved in port operations is how to identify high-risk cargo and separate it from other cargo that can be moved through quickly. Technology is employed by CBP and other agencies to identify high-risk or suspect cargo. Partnerships such as Operation Safe Commerce and the Container Security Initiative discussed at length in Chapter 3, are effective tools to “push back the border.” Both are designed to enhance security and facilitate legitimate trade.

Environmental/Safety Concerns: At the Seattle seaport, the use of VACIS is not maximized, since the longshoremen union does not allow the utilization of a fixed location, as they are concerned over the use of radiation to inspect the containers. CBP has completed a detailed independent study to demonstrate the safety of the VACIS system. The continued use of the VACIS in mobile format is not as efficient and it takes longer and results in greater wear and tear on the vehicle. DHS will also conduct an independent study by a Nuclear Specialist.

Space Constraints for Cargo Inspections: The volume and logistics impact every aspect of cargo inspections. The scarcity of land at a seaport to build a facility to handle high-risk containers is a problem. In order to benefit trade, there is a need to be able to unload as quickly as possible.

Need to Leverage Technology: Lack of an explicit onboard location of manifested containers and available timetables for off-loading of targeted containers for examination is required for facilitation and staffing management considerations. Technology could be leveraged and applied for more effective targeting, resulting in quicker unloading.



Mobile VACIS unit. The arm with the gamma ray sensor overhangs on the opposite side of the container and transmits images as the truck moves along the length of the containers waiting to be screened. Port of Long Beach. April 2003.



The Arm of a mobile VACIS unit. Port of Long Beach. April 2003.

U.S. Coast Guard Operations

During the course of its work in the past year, the Task Force met with USCG officials at the ports of Los Angeles/Long Beach, Miami, and Seattle. The USCG briefed the Task Force members on responsibilities of the USCG, the challenges that each port presented and how they were able to address them. The Task Force boarded USCG vessels in the ports of Los Angeles/Long Beach and Miami and toured the some of the areas in the ports that the USCG monitors and protects. On these tours the Task Force saw firsthand the enormity of the USCG's responsibilities, which in most cases, begins 12 miles out from the U.S.

Los Angeles and Long Beach: In April 2003, Task Force members boarded the USCG cutter *Blacktip* with senior USCG officials for a tour of the Ports of Los Angeles/Long Beach. This USCG tour provided insight into the immense scale of the operational challenges that the USCG faces. The tour covered a portion of the massive port complex and was lined with large container and bulk vessels filled with cargo being off/on loaded to their final destinations. It was also noted to the Task Force that port security is only part of the responsibilities of the USCG, which also includes for search and rescue, law enforcement, marine safety, environmental protection, and mobility on the water. Cargo and port security operations are a

major part of the work for the USCG at the Ports of Los Angeles/Long Beach. They work closely with CBP and others in maritime operations and inspections, including working closely with partners in industry and foreign governments by participating in Operation Safe Commerce and other initiatives to help “secure the supply chain” and be able to clear cargo and vessels further out, before they come to the port.



Leaving the narrow Miami River and some of the tall buildings of downtown Miami behind them, U.S. Coast Guard boats with their guests, The DMIA Task Force, head into the open waters of Miami Bay (foreground not shown) to end the day’s tour of the Miami river at the U.S. Coast Guard headquarters at MacArthur Causeway. August 2003.

Port of Miami: The Port of Miami, where the world’s busiest cruise operations typically serves 3.4 million people annually in addition to cargo operations; the Task Force saw a different challenge for the USCG when they boarded USCG vessels for a tour on the Miami River in August 2003. The Miami River cuts through the city of Miami and spills into the open waters of Miami Bay. It is narrow and all types of private and commercial vessels compete for space along its banks. The USCG pointed out that the State of Florida and the City of Miami do not classify and consider the river area an actual port and therefore it is not regulated as such. This presents additional challenges for the USCG, in that it tends to be the primary enforcement authority on the waterway, but many of the standard requirements for actual ports are not observed here. One of these challenges was the unregulated traffic along the river. The Task Force members saw plenty of old rusty ships docked alongside small marinas or private property, which the USCG pointed out as needing repairs or abandoned for indefinite periods of time. In fact, the USCG maintains a website listing vessels that are in and out of service. Other types of vessels included

small barge-type craft packed to capacity with used cars, mattresses, bicycles, plastic buckets and other goods intended for sale in other countries and small ocean going luxury yachts. Facilities were minimal if any, virtually all are shore-side with vessels often simply docked at back yards of residences, others at small fish markets, others at small marinas or repair facilities. All this traffic and activity went on without any central regulating body in a space that at times was not more than 100 feet wide. CBP officers must regularly conduct inspections of vessels along the narrow waterway, presenting security and safety issues, among others.



DMIA Task Force members are given a tour of the Miami River by the U.S. Coast Guard, where private and commercial vessels compete for space along the narrow and winding waterway that cuts through the city of Miami. August 2003.

Though the Task Force did not go on a tour of USCG operations in Seattle during the site visit there in July 2003, the briefing that they received on port security was consistent with many of the challenges and concerns at Los Angeles/Long Beach and Miami.

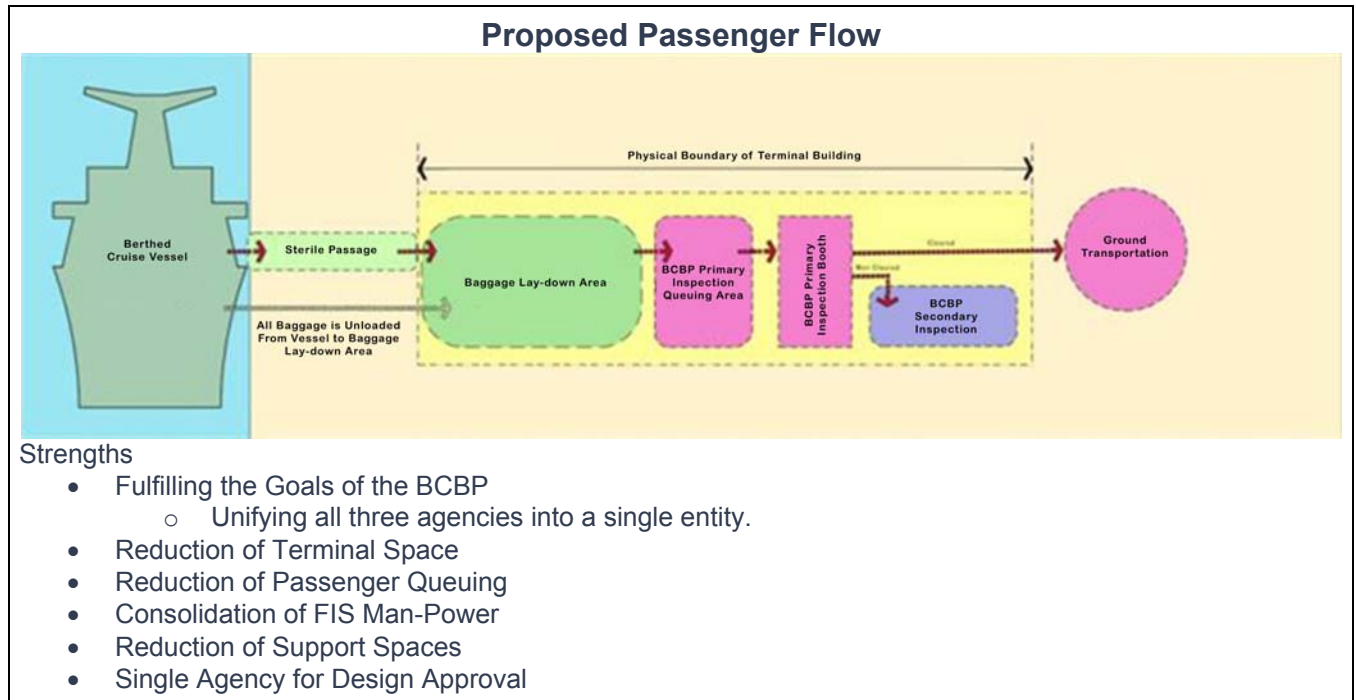
General Observations about Coast Guard: General observations from the site visits and briefings include the significant need for better technology to maximize efforts. Traditional landside work (like clearing cargo and supplies bound for cruise ships) could possibly be shifted from USCG to other parts of DHS to allow USCG personnel to focus on waterside activities. USCG could also benefit from a joint operations center for all law enforcement and first responders to effectively coordinate in certain locations. Resources, particularly staffing, technology and other equipment are significant issues for the USCG, particularly in high-risk/high-volume areas.

General Task Force Facilities Observations

The following observations were made by Task Force members during various site visits and apply, in general, to all types of ports (air, land, and sea).

- The expertise of private industry could be used to help optimize the flow of people and goods through facilities. Such areas of expertise can include queuing efficiencies, use of signage, behavioral patterns, communications, and security.
- Facilities that have potential for expansion need to be identified and funding provided to upgrade and enhance current facilities.
- Current facilities manuals need to be updated to reflect the integrated organization of DHS. A national strategy and standards for facilities should be developed in consultation with state and local government and industry partners along with key stakeholders. Such standards should allow for differences at each POE and designs should provide for future needs.
- Decisions about facilities at POEs should be collaborative and include government, owners, users, and stakeholders.
- Public/private partnerships could be used for new and/or expanded facilities.
- The consolidation of legacy inspection agencies into CBP supports the integration of passenger processing into a single area, reducing processing time and the need for separate inspection areas. The consolidation of agencies and spaces in facilities can reduce square footage needed at ports, saving money. For example, the AAPA commissioned a study that found that such consolidation could lead to increased efficiencies in many areas.
- CBP is also looking at these issues through its “one face at the border” concept. CBP working groups are addressing the development of a unified set of facility design standards over the next year. The new design standards will eliminate programmatic redundancies and maximize space and operational efficiencies in the FIS facilities; they will incorporate and reflect the forward-thinking and new operational procedures of the CBP, together with the cumulative experiences and lessons learned by field agents nationwide. The new standards will also evaluate and integrate the best practices and technology standards available. However, during the interim transition period, the legacy agency facility design standards remain in effect.

The flowchart below, from the AAPA-commissioned study illustrates a proposed passenger flow in such a consolidated port.³⁵



E. Conclusion

The Task Force considered all of the issues and ideas presented during the various site visits, meetings, and briefings regarding facilities, infrastructure, and access to them, and agreed upon the following recommendations:

Recommendation #1

National and economic security require that appropriate funding levels be established and adequate funding provided for the facilities and infrastructure. This is critical to handle current and anticipated increases in growth in traffic and to address proposed changes in inspection procedures at the nation's borders.

Fund and develop mechanisms among federal, state, local, and private industry partners for the innovative planning and implementation of facilities and infrastructure.

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 scenarios and configurations should be employed.

³⁵ Bermello, Ajamil & Partners, Inc. for the American Association of Port Authorities. *The Impact of Federal Inspection Service Facilities at Cruise Terminals*. www.aapa-ports.com.

Recommendation #5

Promote, expand, and improve initiatives that identify, enroll, and expedite known, low-risk travelers and cargo. These programs should maximize enrollment and minimize cost to the participant while still ensuring security and the vitality of the programs.

Recommendation #11

Fund an analysis to optimize the best mix of relevant technology and properly trained staff in order to maximize resources and use of facilities.

- **Develop a staffing “maximum wait” formula and fund personnel to meet optimum inspections staffing requirements.**
- **Provide flexibility into the design of FIS processing to allow for future implementation of the latest advances in security technology and electronic information capture, including biometrics, that will speed up processing time and re-evaluate the size of FIS areas within POEs.**