

# TRANSCRIPT OF PROCEEDINGS

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IN THE MATTER OF: )  
 )  
DATA MANAGEMENT IMPROVEMENT ACT )  
(DMIA) TASK FORCE, )  
 )  
Plaintiffs, )  
 )

Pages: 1 through 121  
Place: Washington, D.C.  
Date: February 20, 2001

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UNITED STATES DEPARTMENT OF JUSTICE

IN THE MATTER OF: )  
 )  
 DATA MANAGEMENT IMPROVEMENT ACT )  
 (DMIA) TASK FORCE, )

The parties met, pursuant to notice at 1:08 p.m.

Conference Room  
 425 I Street, N.W.  
 Washington, D.C.

Wednesday,  
 February 20, 2001

ATTENDEES:

MICHAEL BECRAFT  
 Deputy Commissioner

JAMES ZIGLER  
 Commissioner

MICHAEL CRONIN  
 Executive Associate Commissioner

DOMINICA GUTIERREZ  
 Executive Director

BARBARA KOSTUK  
 Air Transport Association

NOLAN JONES  
 National Governor's Association

RON ERDMANN  
 Department of Commerce

JEFFREY ARNOLD  
 National Association of Counties

MARIAM MOSES  
 Department of Treasury

ATTENDEES: (Con't.)

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BRIAN PETERMAN  
Office of Homeland Security

RICHARD WEBSTER  
Travel Industry Association

MARTHA SARDINAS  
Department of State

RANDEL JOHNSON  
U.S. Chamber of Commerce

ROBERT MOCNY  
Inspections Programs

DON PROSNITZ  
Department of Justice

MARY BETH LONG  
American Assoc. of Port Authorities

LUIZ RAMIREZ-THOMAS  
Border Trade Alliance

DAWN LUCINI  
Airport Council International

CHRISTOPHER McMAHON  
Department of Transportation

MICHAEL CRYE  
Int'l Council of Cruise Lines

JAMES PHILLIPS  
Can/Am Border Trade Alliance

MARTIN ROJAS  
American Trucking Association

ALICE SMITH  
Not a task force member

P R O C E E D I N G S

(1:08 p.m.)

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MR. CRONIN: Good morning, ladies and gentlemen. Good afternoon. My name is Mike Cronin and I am INS' Acting Executive Commissioner for Programs and Chairman of the Data Management Improvement Act Task Force, which has been chartered under the provisions of that Act.

I'd like to first of all thank and welcome the task force members for accepting the invitation to participate in the task force. This is certainly an exciting time. We have obviously a huge job ahead of us. I know Dominica Gutierrez has briefed you on basically the requirements, the tasks set out for the task force and the quoting requirements levied on the task force by Congress.

Everyone here I presume heard the President's state of the union message and you're aware of the scope, the magnitude and the importance of the tasks that we're called upon to perform in this task force. So, once again, I want to thank you for taking this on. I know there are vital interests at stake in terms of both the security of our nation, the facilitation of commerce and the preservation of the free movement of commerce across our borders that have to play into the activities and deliberations of this task force.

I don't want to take too much time. I want to

1 certainly leave as much time as possible for Commissioner  
2 Ziglar to make his opening remarks and to perhaps personally  
3 charter the work of the task force. So before we begin for  
4 the sake of the record let me go around the table and ask  
5 each member to identify him or herself and his affiliation  
6 for the record. If you don't mind I'll start at that end of  
7 the table.

8 MR. ROJAS: Good afternoon. My name is Martin  
9 Rojas. I'm the Director for Cross Border Operations at the  
10 American Trucking Association.

11 MR. PHILLIPS: Good afternoon. My name is Jim  
12 Phillips. I'm President and Chief Executive Officer of the  
13 Canadian/American Border Trade Alliance.

14 MR. CRYE: Michael Crye. I'm the President of the  
15 International Council of Cruise Lines.

16 MS. LUCINI: Dawn Lucini. I'm with the Airport  
17 Council International of America.

18 MR. RAMIREZ: My name is Luis Ramirez-Thomas. I'm  
19 on the Board of Directors of the Border Trade Alliance.

20 MS. LONG: I'm Mary Beth Long and I'm Government  
21 Relations Representative for the American Association of  
22 Port Authorities.

23 MR. PROSNITZ: I'm Don Prosnitz. I'm the Chief  
24 Science and Technology Advisor for the Department of  
25 Justice.

1 MR. MOCNY: I'm Bob Mocny. I'm not a task force  
2 member but I'm with the INS.

3 MS. GUTIERREZ: Dominica Gutierrez, Executive  
4 Director of DMIA Task Force.

5 MR. ZIGLAR: Jim Ziglar, Commissioner of INS.

6 MR. BECRAFT: I'm Mike Becraft and I'm Deputy  
7 Commissioner.

8 MR. PETERMAN: Brian Peterman, Office of Homeland  
9 Security.

10 MS. KOSTUK: Barbara Kostuk, the Air Transport  
11 Association.

12 MR. JONES: Nolan Jones, National Governors'  
13 Association.

14 MR. ERDMANN: Ron Erdmann sitting in for Helen  
15 Moreno at the Department of Commerce.

16 MR. ARNOLD: I'm Jeff Arnold with the National  
17 Association of Counties.

18 MS. MOSES: Mariam Moses, Senior Advisor to the  
19 Undersecretary of Enforcement, Department of the Treasury.

20 MR. WEBSTER: Rick Webster, Travel Industry  
21 Association of America or TIA.

22 MS. SARDINAS: My name is Martha Sardinas. I'm  
23 from the Department of State.

24 MR. JOHNSON: Randel Johnson, U.S. Chamber of  
25 Commerce.

1 MR. CRONIN: Thank you very much, ladies and  
2 gentlemen. With no further ado, I'm pleased and proud to  
3 turn it over to Commissioner Ziglar.

4 COMMISSIONER ZIGLAR: Thank you, Mike. First let  
5 me welcome all of the task force members and to extend my  
6 thanks to you for your willingness to serve on this task  
7 force. It is a very important function that you have and  
8 we're going to be calling on you for a lot of advice and  
9 assistance so again I appreciate it.

10 I also want to welcome everyone who has shown up  
11 here today to watch the proceedings of the task force. I  
12 think it's important that the public know that we're in  
13 business and that we're doing our business.

14 A couple of things, (1) we invited Governor Ridge  
15 to be here today but unfortunately he's out of town but  
16 would have liked to have been here. We also have with us  
17 though from the Office of Homeland Security ADM Brian  
18 Peterman, who is the Deputy Senior Director for Protection  
19 and Prevention. Welcome, Brian, we appreciate it.

20 The Office of Homeland Security -- Homeland  
21 Security Council, I guess, in the statute has a consulting  
22 role with this task force and so you will be seeing a lot of  
23 Brian and probably Bruce Lawlor, who is the Director of that  
24 group. Also, Debra Bond, who is the Program Examiner from  
25 OMB is here and she has oversight on the entry/exit system.

1 Welcome, Debra.

2 We have Bill Sheppard, the Counselor for  
3 Immigration from the Canadian Embassy with us and Carlos  
4 Feliz-Corona, who I've had the pleasure of spending most of  
5 the morning with. So good seeing you, Carlos.

6 I might note that we have a great working  
7 relationship with Canada and Mexico on a number of security  
8 issues going well beyond the entry/exit system and we are  
9 looking forward to your input and your help as we go about  
10 fashioning an entry/exit system since it will have clearly  
11 an impact on both of your countries. So we appreciate your  
12 input very much.

13 I don't need to tell you that an entry/exit  
14 system, an effective and efficient entry/exit system is  
15 extremely important to the INS and to this administration.  
16 Since September 11th there's been no question in anyone's  
17 mind that the level of security at our borders has gone up  
18 and will continue to be up and will have to be looked at  
19 constantly as we go forward in the future.

20 This task force which is, of course, advisory in  
21 nature by its very charter -- to assess or look at the  
22 options to make recommendations to us not only about the  
23 system itself, the technology part of it if you will, but  
24 also it will have a much broader mandate, a much broader  
25 role if you will -- I think at least from my point of view

1 and I think from everyone's point of view, and that is to  
2 help us figure out while we're fashioning this system a way  
3 to facilitate the flow of people and commerce across our  
4 borders.

5 I am particularly personally very interested in  
6 that issue. I came out of the private sector and have a  
7 great sensitivity to economic impacts of most anything. The  
8 last thing I think that we want to do is to create an  
9 entry/exit system that impedes the flow, unnecessarily  
10 impedes the flow, of commerce and people across our borders.

11 It's the life blood of our economy and we are very, very  
12 concerned that this system work to both ensure security and  
13 keep our economies healthy and growing.

14 We also in this process want to increase our  
15 cooperation and have cooperation with state and local  
16 governments that have impacted -- and that is represented by  
17 some of the members of the task force as well as foreign  
18 governments that are impacted. So we need everybody's  
19 input, anybody who has a somewhat different perspective on  
20 this and how it will affect them.

21 If we only have one perspective, if that's only  
22 the INS perspective the Administration's perspective on how  
23 to develop an entry/exit system. We can do it. I mean we  
24 can come up with a system. It would be my greatest fear  
25 that we would come up with a system that would not reflect

1 an issue or issues that are important to one of the many  
2 sectors represented in this task force.

3           So I urge you to give us as much time as you  
4 possibly can and give us a lot of very intense, honest,  
5 straightforward, thorough feedback and analysis on what the  
6 impacts are on your area of the country or your industry or  
7 whatever it is.

8           The challenge that you've got is one that's also  
9 something that has a great deal of intensity about it in  
10 terms of moving the process along. I don't think there's  
11 any question in anyone's mind whether it's the Homeland  
12 Security Council or it's the Congress or it's the President  
13 or the Attorney General or myself or anybody else we are all  
14 dedicated to developing an entry/exit system that's  
15 effective and efficient and we want to do it as soon as it  
16 is reasonably possible to do that.

17           We've got a long way to go from here to there in  
18 terms of sorting out all of the issues that need to be  
19 sorted out, designing a system that will work. So we not  
20 only are going to ask a lot of you in terms of your advice  
21 and assistance but we are also going to ask you to do it in  
22 as an expedient manner as possible. There is a certain  
23 urgency about it in getting it up and running and so we're  
24 going to be asking you to work overtime, if you will.

25           I want again to thank you all for your

1 participation in this and to welcome you and everyone else  
2 here. I would now like to turn it over to Dominica  
3 Gutierrez, who is the Executive Director of the task force.

4 I might add that Mike is just a figurehead.

5 She's the one that really does the work.

6 MR. CRONIN: That's true. That's true.

7 MS. GUTIERREZ: Well, what a fine figurehead he  
8 is.

9 Thank you, Commissioner. Thank you, Mike. When I  
10 was first asked to consider the position of Executive  
11 Director of this task force I realized it was not going to  
12 be an easy challenge but after talking with all of you, and  
13 I have gone around and talked to either personally or on the  
14 phone virtually every person sitting at this table, I think  
15 it's a challenge we can do justice to.

16 As the Commissioner and Mike have alluded to it's  
17 not going to be easy and there is going to be a lot of work  
18 and a lot of it is going to need to happen yesterday.

19 But, also, as I was going around talking to you  
20 the message about how we were going to piece this together a  
21 lot of it was developmental still in nature but the thing  
22 that I kept hearing over and over and over again from each  
23 and every one of you really came down to this message, how  
24 can we address the commercial facilitation needs on one hand  
25 in conjunction with increased security concerns on the

1 other? That's really been the crux of the situation here,  
2 as the Commissioner talked about 9/11, the security is the  
3 way it is on the border, we'll see it that way for a long  
4 time.

5           What we would like to do is try and effect a  
6 balance and ask everybody at the table to be part of the  
7 solution -- to come to the table to see what we can work out  
8 in terms of joint solutions to these challenges that we  
9 have.

10           The Commissioner mentioned that the task force  
11 itself is an advisory group, that is correct. Bob Mocny  
12 here, who is actually not part of the task force, is a very  
13 important person in that he is the Director of the  
14 Entry/exit Project Office that has been charged by the  
15 Commissioner to actually build these systems. Bob and his  
16 staff, a lot of whom are here in the room today, are an  
17 integral part of some of the folks that we are going to be  
18 working with, but their charge is to build the systems.

19           Our charge is to look at what's out there, what  
20 can we do? What are we doing good now that we can improve  
21 upon? What are we not doing good that needs to also be  
22 improved upon?

23           Mike talked about the tremendous interest these  
24 days in the issue of entry/exit and that's one of the key  
25 areas that the task force needs to focus on, but it is not

1 the only area. The task force has a broader mandate in  
2 terms of looking at ports of entry, the flow of traffic.  
3 I'll talk about that more in a minute, but that's one of the  
4 key areas that we're going to have to address initially and  
5 we'll discuss that a little further in the meeting.

6 Right now I'd like to briefly highlight some of  
7 the responsibilities, but first I also want to make a couple  
8 of acknowledgements. My staff, some of them are sitting  
9 around the room here who worked with half the staff and half  
10 the time needed really to make this meeting happen today and  
11 to bring everybody here. It's no easy feat, I assure you.

12 Debbie Hemmes, Sheila Logan. Patrice Ward is in  
13 Salt Lake City. I think she's on the phone. She will be  
14 joining us when she's done with her security assignment at  
15 the Salt Lake City Olympics.

16 We've also had some volunteers from other offices  
17 that have helped us, Chuck Montgomery, Jennifer Sava,  
18 Colleen Manaher from Inspections, Alice Smith from the  
19 Office of General Counsel and Paul Morris, who is actually  
20 the Deputy District Director in Portland, Maine. He came  
21 down here for a couple of weeks to make this happen today  
22 for you folks. So if we can just give him a hand.

23 We're going to go to the presentation here shortly  
24 for a moment. For those of you who were sitting at the  
25 table it's Tab 8 of your books. Bob and I are sharing the

1 laptop. We had it prompted but technical difficulties  
2 being what they are --

3 If you don't mind I'll stand for this if that's  
4 okay with you, folks. For those of you who don't have this  
5 handout it's nothing new, it's just generally a summary for  
6 discussion points here at the meeting so don't feel like  
7 you're being left out.

8 The Data Management Improvement Act was enacted in  
9 June of 2000. It said a lot of things but one of them is  
10 that we had to establish this task force by six months from  
11 the date of enactment. We did that. The Office of  
12 Inspections published a notice in the Federal Register in  
13 December of 2000 and we had a charter signed by then  
14 Attorney General Janet Reno in December of 2000.

15 Part of the task force requirements talked about  
16 the Attorney General, Mike Cronin is his designee in  
17 consultation with the Secretaries of State, Commerce,  
18 Treasury, and just recently the Patriot Act added Homeland  
19 Security. Their representatives are here at the table  
20 today. Our next due date, if you will, is December 31st of  
21 this year, 2002. Our charge is a report to the Congress,  
22 the House and Senate subcommittees of the Judiciary that is  
23 due December 31st and we will make that.

24 In between we have quite a bit of work as the  
25 Commissioner and Mike and I have been talking about and you

1 all know, frankly. Part of it is how to implement the  
2 revised Section 110, which the statute talked about which is  
3 essentially known as entry/exit, but we also will look at  
4 how to improve the flow of traffic at airports, seaports  
5 other than in an entry/exit capacity. We need to look at  
6 costs.

7           Some of the things that we're going to look at as  
8 part of that broader picture is increasing cooperation  
9 between public and private sectors, between Federal and  
10 other government agencies and also working in conjunction  
11 with effective foreign governments. In addition to  
12 entry/exit and some of the other data systems, we also will  
13 look at resources, personnel -- everything that goes into  
14 operations at a port of entry.

15           That's essentially the charter that we all have  
16 and it's part of the handout there in the Task Force  
17 composition and the structure that we're operating in today  
18 so we'll go from that. There are some subsequent things in  
19 legislation that were enacted after DMIA, before the Patriot  
20 Act -- we'll talk more about that later.

21           In summary, what these pieces of legislation do is  
22 they add other milestones in for Mr. Mocny's office, but  
23 certainly that we on the task force will have to be  
24 sensitive to and they also add some requirements for  
25 biometric capabilities and security of the documents,

1 tamper-resistant features.

2 We could probably take questions now or defer them  
3 to later when we get more into the substance of this.

4 MR. CRONIN: Let me address a few administrative  
5 issues first. I'll take on the boring part of this. I had  
6 a cribsheet actually on things that I had to accomplish as  
7 the Chairperson before we really rolled into the operation  
8 of the task force.

9 One of the first is that the statute provides that  
10 the employment or termination of the Executive Director  
11 shall be according to a majority vote of the task force.  
12 There was a certain chicken and egg aspect to this.

13 I can assure that if we hadn't appointed an  
14 Executive Director we wouldn't be sitting here right now  
15 having our first task force meeting, but it is certainly the  
16 prerogative of the task force to affirm Dominica's  
17 appointment as Executive Director. I know she's met most of  
18 you but if there are any concerns or issues please make them  
19 known and we'll address them, but can I assume that the task  
20 force approves Dominica's continued performance as Executive  
21 Director?

22 ALL: Yes.

23 MR. CRONIN: Again, that's a requirement. I see  
24 nods all around the table so that will be on the record.

25 Secondly, as under the Federal Advisory Committee

1 Act the members will be subject to certain rules of ethics.

2 We'll be providing briefing material on the ethics  
3 requirements arising from FACA and we'll be arranging for  
4 briefings of the task force members by the INS Officer.

5 It is important to note that members are the  
6 specific individual appointed members of the task force.  
7 You basically cannot assign persons to act in your stead.  
8 Your organizations are not the members, you the individuals  
9 are the members. Clearly if there's some issue with  
10 succession, if someone moves on, we can work with the  
11 organization to assign a new member.

12 For example, Helen Moreno unfortunately from  
13 Commerce is away today because of a death in the family.  
14 Ron Erdmann from Commerce is here representing Helen and  
15 certainly to bring back any notes from the meeting but Ron  
16 would not be a voting member in Helen's stead.

17 Finally, and I'll try to handle this as delicately  
18 as possible, I assume that all task force members are U.S.  
19 citizens. If any member of the task force is not, please  
20 get with Alice Smith after the meeting, as there is a  
21 requirement to register with the Department of Justice and  
22 Alice can explain that to you. I think that's the extent of  
23 my task at this point.

24 MS. GUTIERREZ: A few other things that folks are  
25 interested in -- the agenda does not have times but I assure

1 that we have breaks built into it. There will be  
2 appropriate pauses in the conversation but you can figure  
3 about 2:30 and then again at 3:30; there are refreshments  
4 available.

5 For those of you who have not spent a lot of time  
6 at the illustrious INS camp headquarters building the  
7 restrooms are down the hall just behind where I'm sitting  
8 here. Cell phones work in most places in the building so  
9 you shouldn't have a problem there. However, there are a  
10 couple of phones just outside in the foyer here.

11 I guess we're skipping past the questions part  
12 now. We're going to leave that for later. So it would be  
13 my great honor to introduce Bob Mocny. Bob and I have  
14 worked together a long time as Inspectors in the Executive  
15 Office of the Commissioner, when Bob worked for the Deputy  
16 and I worked in Field Operations. I think you'll be very  
17 excited about Bob. He's certainly got a lot of energy and  
18 enthusiasm about his work.

19 So without further ado, I've asked Bob to give us  
20 a presentation on what the Entry/Exit Project Office has  
21 been up to.

22 MR. MOCNY: Thank you, Dominica. I'm going to  
23 walk up front here and Florence is going to flip the slides  
24 for me.

25

1           What I hope to do today is basically give everyone  
2 an overview of where we are today. It's basically a status  
3 of the Entry/Exit Project Office -- which was set up by our  
4 Commissioner approximately one month ago. We have a couple  
5 of more members that we're looking for and we'll be adding.  
6 I'll get to that point.

7           As a starting point, this was presented by the  
8 Office of Inspections and many more people on the task force  
9 than just the Office of Inspections.

10           In coming up with the entry/exist system as the  
11 Commissioner mentioned, we had to come up with a vision of  
12 what it will do. We tried to make this as simple as  
13 possible, understanding that there are many, many pieces to  
14 an entry/exit system.

15           The vision is pretty much exactly what the  
16 crafters of Section 110 and DMIA had in mind as we have  
17 interpreted it. We can embellish and we can add to this.  
18 This document will be our living document - that piece of  
19 the project that we will be using to brief on a regular  
20 basis, whether it be Hill members, members of the Department  
21 of Justice, or other members of the federal government.

22           The entry/exit system will enable the U.S.  
23 Government to determine those aliens who re present in legal  
24 status and those who are present but have violated their  
25 status.

1 [This portion of the audiotape could not be transcribed due  
2 to poor quality.]

3           What we have laid out in very basic terms here is  
4 what the system should be able to function as, and it should  
5 function as the record of the arrival of an alien. Every  
6 time an alien comes into the United States that event should  
7 be reported.

8           Obviously we're going to want to record the stay  
9 activity, as we call it. If someone comes into the United  
10 States and they adjust their status or they change their  
11 status we're going to have to know that because if the  
12 person is, in fact, supposed to be here for 30 days and is  
13 here longer than 30 days we're going to want to know the  
14 fact that person had adjusted status as a student and will  
15 be here for much longer. So that stay activity will need to  
16 be reported.

17           Obviously they'll have to record the departure of  
18 that particular alien and then match that record of the  
19 departure with the record of that arrival. Now the  
20 challenge for the technicians basically is finding that  
21 unique identifier that will say that John Smith arrived and  
22 John Smith departs. That's something that we're wrestling  
23 with here and it's going to be part of the whole process  
24 involved in the system, but that matching is a very  
25 important piece obviously to determine who went back.

1           The system will be integrated with the appropriate  
2 law enforcement agencies. It will also focus on some of the  
3 ongoing issues that we have and actually successfully  
4 deployed just recently in DataShare within the Department of  
5 State. We're very proud of that figure. Everybody's  
6 inspected at a port of entry in the secondary area and we  
7 are able to bring up the photograph of the person who was  
8 issued a visa.

9           There is an effort right now to try and get those  
10 visas that aren't in the system downloaded so that we have  
11 every single visa that was issued under the MRV process  
12 available to the Inspector. We've already caught several  
13 people with photo substituted visas in their passports. So  
14 it is a system up and running and working now.

15           The system will also integrate arrival and  
16 departure systems already in existence. This is an  
17 important piece to illustrate here. In the DMIA, it's very  
18 clear that Congress wanted to take a look at what we  
19 currently have out, whether we have it in Department of  
20 Justice databases and whether it does exist in the Treasury  
21 or U.S. Customs Service databases as we partner with them on  
22 a day-to-day basis at ports of entry.

23           So we'll take that existing database information  
24 and integrate that into the DataShare system. It doesn't  
25 mean we're not going to create new systems or embellish that

1 which is missing, but we'll certainly take a look at what  
2 exists today.

3           The usual biometric is one that is going to be a  
4 challenge for us and it's certainly one that has come about  
5 as a result of 9/11. The INS is not new to biometrics or I  
6 should say that biometrics are not new to the INS. We have  
7 been using biometrics in our database for many years, the  
8 INSPASS system is one, BCC is another one, the IDENT  
9 another. The idea of capturing biometrics and partnering it  
10 into that system is a new requirement that has come because  
11 of the events of 9/11.

12           So we've got part of the original planning and  
13 it's not really reflected in the initial data as we have  
14 laid it out. We're going to have to readjust and we're  
15 going to need your input and the input of a lot of other  
16 people in order to make that happen.

17 [This portion of the audiotape could not be transcribed due  
18 to poor quality.]

19           One of the important things for us to deal with is  
20 going to be integrating with the appropriate law enforcement  
21 and intelligence systems and making sure we're doing ongoing  
22 reviews of what that traveler's history is and what they do  
23 while they're here.

24           This is just a little bit of status here on what  
25 we've done so far. We did over the last few years conduct a

1 pilot test which many of you might know as automated I-94.

2 That system we have learned a lot from.

3 [This portion of the audiotape could not be transcribed due  
4 to poor quality.]

5 We've conducted land border feasibility studies.

6 We'll be using computer simulation models on a regular  
7 basis. Basically this is a very valuable tool and a very  
8 powerful tool that allows us to change our virtual world.

9 It lets us go to a particular airport of entry or  
10 land port of entry and manipulate that environment to see  
11 what happens when you now add exit booths to that land  
12 border. What happens to the traffic on I-5? This is a  
13 great tool for us to be able to do an analysis about some of  
14 the decisions we're going to be making.

15 We did some radio frequency testing down in  
16 Glynco, Georgia and we're now coming up with a solution  
17 before we have to devise requirements. The whole concept of  
18 entry/exit is not slowing traffic at all and doing that  
19 while ensuring a secure environment. Radio frequency is  
20 certainly a technology that we're looking at heavily [This  
21 portion of the audiotape could not be transcribed due to  
22 poor quality.] We've got a white paper developed. We've  
23 established a Project Office and many of them are here  
24 today. We do have up at the INS with the U.S. Customs  
25 Service our partner at the border along with some of the

1 others, but a very strong partner with the Immigration  
2 Service.

3           It is the U.S. Customs Service IBIS system, the  
4 interagency border inspection system, it is the backbone of  
5 the particular planning of a particular phase-in approach to  
6 entry/exit. IBIS is a system that currently is in use right  
7 now and it's that basic lookout database that exists at all  
8 ports of entry. The Department of State plays an integral  
9 part.

10           We talk about developing new ways of looking at  
11 the borders which many of you probably understand by now  
12 aren't just past the perimeter of the United States, our  
13 borders go beyond that and our borders actually start at the  
14 visa office in Carachi. They start in the visa office in  
15 other posts throughout the world.

16           The Department of Transportation plays a huge role  
17 in this with both the FAA and the Air Travel side to the  
18 Federal Highways Administration what you have to put through  
19 on I-5 in San Diego so you're not backing traffic.

20 [This portion of the audiotape could not be transcribed due  
21 to poor quality.]

22           One of the pieces I mentioned earlier is that we  
23 have to know if someone changes status or adjusts status.  
24 The enforcement side of the house, in which the inspection  
25 side is at this point, will have to communicate with the

1 benefits side of the house [This portion of the audiotape  
2 could not be transcribed due to poor quality.]

3

4           Again more administrative issues. We're going to  
5 have the project support contractor within the next 30 days  
6 or so. At that time DOT is going to help us get up and  
7 running and get some of the more technical documents  
8 written.

9           We have a very ambitious timeframe here, frankly.  
10 [This portion of the audiotape could not be transcribed due  
11 to poor quality.] For that larger contract we have an  
12 approach that we're taking now to develop all of the  
13 requirements and go through the actual requirements  
14 definition phase and then let that contract out to a larger  
15 contractor, a larger integrator, to design it and then  
16 implement it.

17           Here's our plan for the Phase I testing at the  
18 airports in August 2002. So this August -- this July-August  
19 timeframe, we should be able to begin the testing of the  
20 phase that accounts for the visa waiver program only. This  
21 is the point that we made earlier, there's some data  
22 conflicting or perhaps ancillary data to the Data Management  
23 Improvement Act-- there is the Visa Waiver Permanent Program  
24 Act which is set for October 1, 2002. We have to begin  
25 reporting the data coming in, and if we cannot record that

1 data then no visa can be granted. It can be waived based on  
2 that lack of data.

3 [This portion of the audiotape could not be  
4 transcribed due to poor quality.]

5 We have about 170 land ports of entry. We have  
6 the big ones that do 45,000 a day and those that do 20 a  
7 day. What happens in Alaska in the middle of the winter?  
8 What happens in the dead of the summer in El Paso [This  
9 portion of the audiotape could not be transcribed due to  
10 poor quality.] We actually put on the ground an exit system  
11 that we hadn't have before. So there are some issues with  
12 the land borders that we're going to have to grapple with.  
13 [This portion of the audiotape could not be transcribed due  
14 to poor quality.]

15

16 We are on target to meet the October 1st deadline;  
17 we've conducted some preliminary studies on API. The  
18 concept of operations was completed. We've got the business  
19 case completed and we're actually now in the functional  
20 requirements design phase for the entry/exit program.

21 Obviously again this is for administrative things,  
22 but obviously are very necessary pieces. They are, in fact  
23 Arrival and Departure manifest regulations called Section  
24 231, which of course are in the Immigration Nationality Act.

25 Our plan is to get the proposed rule out in March 2002 and

1 the final rule out in August 2002.

2           The creation of Phase I of the system will accept  
3 information on all travelers. We may very well be ahead of  
4 the December 31, 2002 timeframe. I say that as we may  
5 because there are a lot of other things that happen in  
6 cooperation with the airlines and obviously cruise ships.  
7 We have to make sure that they're able to actually send the  
8 information, but because the system will be designed as we  
9 receive this information, other than the arrival/departure  
10 information, it's possible that they would also be able to  
11 send us additional information.

12           On the land borders we're not just waiting for  
13 other things happening there. We have our office of  
14 facilities stepping forward and we're making a lot of  
15 progress on land borders as part of that. The first thing  
16 we have to do is obviously in the planning stages. [This  
17 portion of the audiotape could not be transcribed due to  
18 poor quality.]

19           We have initiated imaging analysis. Basically  
20 what that does is take a snapshot of the port of entry, of  
21 the various ports of entry, and see what the environmental  
22 impacts may be. What we're going to have to do is a full  
23 blown environmental impact study of many places. There may  
24 be Indian burial grounds in that area. [This portion of the  
25 audiotape could not be transcribed due to poor quality.]

1 That's basically it. This really is just to let you know  
2 that we have made I think significant progress and we have  
3 part of this thing up and running and haven't been waiting.  
4 [This portion of the audiotape could not be transcribed due  
5 to poor quality.] Are there any questions of me?

6 MR. JOHNSON: Yes.

7 MR. MOCNY: Any questions?

8 MR. CRONIN: The constant review of travelers,  
9 does that just mean when they're leaving and that technology  
10 or is that while they're still in the country? What does  
11 that mean?

12 MR. MOCNY: It basically is that any time someone  
13 comes in, they may overstay a certain amount of time or not.  
14 The issue of whether we have to stop and speak to each  
15 traveler, obviously these decisions haven't been made. We  
16 would do a review to say that this person who was here  
17 supposedly by a certain date in that 10 days -- next time it  
18 will be five days. It's kind of a constant review of stay  
19 information to say, you know, this individual is probably in  
20 violation, maybe in violation. Maybe it's something we need  
21 to spend more time on.

22 I think it also from an intelligence standpoint -  
23 behavior -- you know, you have four people going to the same  
24 address coming in at four different airports at three  
25 different times during the year. [This portion of the

1 audiotape could not be transcribed due to poor quality.]

2 Thank you very much.

3 MR. CRONIN: The next section basically permits us  
4 to go around the table for member comments, requests and  
5 observations concerning the Task Force and the Task Force's  
6 role. Let me make a few observations before we do that.

7 Let me first of all note that Dominica Gutierrez  
8 was very, very carefully selected for the Executive Director  
9 position based on work she's done in the past with various  
10 trade organizations. She's certainly shown the ability to  
11 network, to synthesize information and to compromise, not to  
12 jam INS positions or stint INS positions or to pull those  
13 off in terms of moving forward in a setting like this.

14 I think you'll find in working with Dominica for  
15 members of the task force that she is quite open and will  
16 certainly be extremely sensitive to the needs, to the views,  
17 of every member of the task force, every segment of the  
18 economy that's represented by the task force. I just wanted  
19 to affirm and let you know that that was a very, very  
20 deliberate selection of Dominica for this role.

21 Let me also note very, very strongly that it is my  
22 role and Dominica's role to facilitate the work of this  
23 group. At a later point in the program though it may be  
24 difficult to process task force work in this setting today  
25 we will discuss organization and the setting up of working

1 groups, the roles of working groups.

2           We've done some strawman work on that but really  
3 it's going to be the consensus of the task force in terms of  
4 how the task force proceeds, how it's organized, what it  
5 looks at, what particular aspects of the entry/exit system  
6 of INS operations in the field require the task force's  
7 review. It will be the consensus of the task force that  
8 drives those particular aspects of the task force's  
9 operations. I just wanted to really affirm our commitment  
10 to that principle as we move through that process.

11           With that, again let me throw it open to the task  
12 force and perhaps moving around once again starting at the  
13 back of the room for any comments, any questions, any  
14 statements about the work of the task force?

15           MR. ROJAS: On behalf of the trucking industry we  
16 certainly are happy to participate on the task force and  
17 we've been as so many of these other groups around the table  
18 from the inception of Section 110 we've been working on this  
19 issue closely with you and with representatives up on the  
20 Hill.

21           Certainly our major concern is, as always, is the  
22 increase in time of inspection or whatever requirement that  
23 increases time for the passage of cargo as well as people.  
24 We want to just -- I just want to really underline that the  
25 issue of moving cargo and moving people should not be

1 delayed in any way and is certainly a critical element.

2 As much as technology can help us as usual the --  
3 infrastructure that needs to be developed as you move  
4 forward with this program and that needs to be thought  
5 through also very carefully with some of the other agencies,  
6 perhaps one of the representatives of VGS, regarding really  
7 the installation of the facility for such -- at least as it  
8 relates to -- that would be my key comment for now. Thank  
9 you.

10 MR. PHILLIPS: Mike, I would just say that I think  
11 the task force hopefully might think of this process as an  
12 identification system as opposed to an inspection system.  
13 By that I mean that there are certain exclusions at the  
14 borders of people that are not going to be under the DMIA  
15 regulations or legislation.

16 It's a matter at the land borders predominately of  
17 identifying those who are excluded and those that it effects  
18 so that we don't stop millions applying of the 200,000 that  
19 we know we have to identify them as visa and visa waiver  
20 country carriers.

21 [This portion of the audiotape could not be transcribed due  
22 to poor quality.]

23 In other words, I envision the system where we  
24 don't have to erect any exit booths at any exit point at any  
25 port of entry there. Starting from that process, how we can

1 do this? Be they with radio frequency or proximity-type  
2 magnetic identification cards that don't require that every  
3 single vehicle should be stopped. It's a little bit  
4 different approach than what I read in the LA Times - about  
5 installing thousands of exit booths.

6 We've got to be careful about thinking the process  
7 we think about before we start down the road of that  
8 physical inspection.

9 MR. CRONIN: Thank you.

10 MR. CRYE: Michael Crye with the International  
11 Council of Cruise Lines. Mike Cronin, on behalf of the  
12 cruise industry we applaud the effort. We, as you know,  
13 have been working very closely with your different ports of  
14 entry and then at the seaports since September 11th and I  
15 think we've made some great strides for the ends of this  
16 task force in sharing of information, electronic sharing of  
17 information -- electronic sharing of information and the  
18 processing of our task force.

19 We clearly wish to participate and are willing to  
20 assume additional responsibilities and I would recommend  
21 that we all keep in mind the deputization of commercial  
22 interests to assist the Federal agencies in the process of  
23 accomplishing their mission. I think that industry has  
24 every bit as much an interest in accomplishing the goals of  
25 this Task Force as do the agencies concerned. Thank you.

1           MR. CRONIN: Thank you very much. Let me break in  
2 at this point just to respond to your remarks and just  
3 mention to you that I think it really bears mentioning, the  
4 transportation industry as a whole, the cruise lines and the  
5 airlines, have I think responded magnificently in the period  
6 since September 11th in terms of cooperation with the  
7 inspection agencies and in responding to our requirements  
8 for additional data, for data control in terms of the  
9 heightened threat level at our borders.

10           It's been a pleasure to work with the airlines and  
11 the cruise lines and you have been remarkably responsive to  
12 our requirements.

13           MR. CRYE: I have one more question about the  
14 provisions of the FACA. Are the discussions of this  
15 particular group going to be recoreded verbatim and reported?

16           MR. CRONIN: There is an exception. Alice, can  
17 you address that issue?

18           MS. SMITH: -- with the exception of --

19           MR. CRYE: Under the provisions of FACA are the  
20 discussions and communications conveyed in the context of  
21 this task force going to be recorded and reported verbatim,  
22 summarized, or will there be certain things that are held  
23 back from the public?

24           MS. SMITH: The Federal Advisory Committee  
25 meetings are by and large public meetings and have to be

1 noted in the Federal Register. I'm getting to your question  
2 but I'm starting with that. There are limited circumstances  
3 where they can be closed and there are a number of hoops  
4 that you have to jump through to close them.

5 Minutes will be prepared. Are we doing a  
6 transcript right now?

7 MR. CRONIN: Yes, ma'am.

8 MS. SMITH: That would be a public document, yes.

9 So those are the operating principles. In order to go  
10 further as far as what could be closed we'd have to look  
11 closely at the regulations under FACA and the reasons why  
12 anything would have to be closed and work with GSA.

13 MS. GUTIERREZ: Actually, Alice, I can add to  
14 that. I talked with Janet Dobbs over at DOJ particularly  
15 because some of you have raised these concerns as we have  
16 talked. The group is under the Federal Advisory Committee  
17 Act and it is our intention to follow all of those rules and  
18 regulations.

19 That issue aside, there clearly needs to be a  
20 mechanism for the group to be also able to get the work  
21 done. Some of the areas that we're going to look at involve  
22 national security issues. So there is some flexibility in  
23 terms of these larger plenary meetings, certain portions of  
24 them in advance can be closed to the public. I have talked  
25 to the Deputy Attorney General's Office in terms of criteria

1 and conditions that exist where we could offer that  
2 flexibility.

3 Also, we can break into smaller working subgroups  
4 to start addressing issues, the caveat there being that as  
5 long as decisions are not made in those smaller groups then  
6 those are not subject to the FACA requirements and that's  
7 been confirmed by the Department of Justice. So I think  
8 that answers your question, Michael, I hope.

9 MR. CRYE: Okay.

10 MR. CRONIN: Question? Dawn?

11 MS. LUCINI: Dawn Lucini with the Airport Council.

12 I just want to reaffirm the need for customer service,  
13 passing facilitation and a balance of security. Now more  
14 than ever, especially with the Aviation and Transportation  
15 Security Act and the incoming Transportation Security  
16 Administration through the large workforce tentatively in  
17 the near future, this need for facilitation balancing with  
18 security is at the forefront of the Airport's Act.

19 That's what we're looking for from the government  
20 is some balance - taking these considerations on a  
21 reasonable basis and maintain not only the enforcement side  
22 of INS but passenger facilitation.

23 MR. RAMIREZ: Excuse me. I'm Luis Ramirez with  
24 Border Trade Alliance. We second pretty much everything  
25 that has been said even including the presentations and I am

1 quite encouraged to see that even in the presentation it is  
2 stated that we need to find a balance between enforcement  
3 versus the facilitation of trade and the flow of goods and  
4 people.

5           A couple of our concerns that go beyond that --  
6 what has already been discussed is (1) I think one of the  
7 biggest lessons we learned on September 11th was the lack of  
8 coordination between agencies and the sharing of  
9 information. That's one of the things we're going to be  
10 looking at extensively.

11           Second, related to that is we just came back from  
12 Mexico City and saw a presentation by the Mexican Institute  
13 of Immigration. They're moving forward in the  
14 implementation of having a card for frequent travelers to  
15 Mexico. You and I briefly discussed that.

16           Well, they're already in the process. They are  
17 very selective at technology. They're already doing a pilot  
18 program in Mexico City and one of the things that we asked  
19 was what type of coordination and outreach has there been to  
20 both the United States and Canada in terms of similar  
21 technologies in user-friendliness? What information is that  
22 going to be recording? It's going to be a biometric data  
23 housing and they're looking at a proximity type of reading  
24 of the card and the fingerprint, which is then read as you  
25 walk in.

1           We want to make sure that for the traveler like  
2 myself who travels throughout North America I'm not going to  
3 be stuck with a whole bunch of cards, you know, and each one  
4 is not compatible with the other systems and, secondly, that  
5 the data that has been collected by one country is different  
6 and maybe it's just in the sequence that it is being  
7 collected versus the other and, therefore, it cannot  
8 translate from one system into the next. Also, the traffic  
9 concerns that we're looking at.

10           Finally, one of the things that -- and I  
11 understand that there is a political situation with regards  
12 to this, but the perimeter approach to North America is not  
13 necessarily the same and there needs to be an accord at this  
14 point in time, but definitely an approach that we're looking  
15 at for Mexico, Canada and the United States as a perimeter.

16       Why? Because there is a special relationship between the  
17 U.S. and Mexico and between the U.S. and Canada and between  
18 Canada and Mexico.

19           We need to work in maintaining that special  
20 relationship for the citizens of those countries traveling  
21 to and forth. I'm not saying there needs to be special  
22 treatment but simply a recognition of the relationship  
23 between these countries is different than of anyone else.  
24 So that's all of our comments right now.

25           MR. CRONIN: Those are excellent points. Thank

1 you.

2 MS. LONG: Again, I'm Mary Beth Long with the  
3 AAPA. A lot of what's already been said I'll probably echo.  
4 We're sort of new to working with INS and that's for  
5 various reasons, one is that we have a very small staff and  
6 a lot of our members are public port authorities and are  
7 mostly land ports so they don't necessarily work with  
8 agencies. However, we need to be more involved and  
9 certainly have been a lot more involved since September 11th  
10 on seaport security. So we congratulate INS and other  
11 agencies for taking a close look at some of the ways that we  
12 can improve seaport security.

13 I would have to go with what some of the folks  
14 here have said, that although we need to do some things to  
15 improve security we also can't impede world trade and  
16 passengers across the borders. [This portion of the  
17 audiotape could not be transcribed due to poor quality.]

18 Again, I'd also say that coordination is very  
19 important to us, too. We found the same problem with  
20 information sharing locally. We have great relationships in  
21 some cases with the Coast Guard and sometimes we don't know  
22 who to contact in some of the other agencies and things. I  
23 think all of the agencies are doing similar things and it's  
24 good to see that we are here discussing issues but we also  
25 want to see that continue on locally -- that this

1 information is shared and that we can figure out what other  
2 agencies are doing with the information and systems already  
3 in place in some of the other agencies.

4 MR. CRONIN: Thank you very much. Don?

5 MR. PROSNITZ: I'm Don Prosnitz from Justice. As  
6 a technologist I tend to believe that technology can solve  
7 all sorts of problems. That's a soundbite--we should be  
8 able to make Congress work smoother and be more efficient  
9 and improve security at the same time. That's a soundbite.  
10 When you look at the details that's really, really hard.

11 Although I'm an optimist in the technology context  
12 [This portion of the audiotape could not be transcribed due  
13 to poor quality.] We can actually lessen security and  
14 impede traffic. So just a caution.

15 I don't think that will happen. I am an optimist,  
16 but we need to look at the technologies carefully. We need  
17 to test the technologies carefully to make sure that we know  
18 what we're doing before we do it. [This portion of the  
19 audiotape could not be transcribed due to poor quality.]

20 So I think we can do a lot here. I just think we  
21 need to be, you know, thoughtful as we go forward. There's  
22 a lot of talk about balance. I tend to think of cost  
23 benefit analysis, it's the same kind of thing. We need to  
24 look carefully before we do any of those things. I'm  
25 delighted to be here because it's an extremely important

1 problem.

2 MR. CRONIN: It is. Thank you, Don.

3 MR. BECRAFT: Well, we're not a voting member but  
4 we are here to observe. I think that if Governor Ridge  
5 could have been here today he would have echoed what the  
6 Commissioner and Mike said in their opening statements. We  
7 are both concerned with security and making sure that  
8 commerce flows.

9 When the Office of Homeland Security stood up  
10 after 9/11 there was very little time to impact the FY '03  
11 pre-budget so it was looked at the vast number of things  
12 that could be done out there and four things were chosen to  
13 focus on for the FY '03 Presidential budget. One of those  
14 was securing our borders. We've taken this very seriously.

15 The President has done a number of border events  
16 to highlight the issue and whenever he does these events the  
17 one thing that he always talks about is the entry/exit  
18 system. That I think is why there is a sense of urgency and  
19 we need a sense of resolve to get this done as quickly as  
20 possible and as quickly as technology will allow us to do  
21 it. So I'd like to echo those sentiments and I thank you  
22 for participating in this and we look forward to the  
23 results.

24 One thing I would like to add, we talk often about  
25 security and facilitation as being a balancing act and that

1 is if you increase security you decrease facilitation. We  
2 don't see it that way. We see it where you can increase  
3 security and improve facilitation of commerce. That's how  
4 we are looking at it and like to approach the problem. I  
5 hope we can be successful in accomplishing that.

6 MR. CRONIN: Thank you. Barbara?

7 MS. KOSTUK: Barbara Kostuk with the Air Transport  
8 Association and I like not going first because I can echo  
9 absolutely everybody.

10 9/11 affected the airline industry incredibly  
11 directly unfortunately. Since that time -- since actually  
12 that afternoon and beyond we have worked as closely as we  
13 could with other government agencies with regards to making  
14 sure something like that never happened again.

15 As you all know from working with us over the last  
16 10 years or so, we have had an entry system for airline  
17 passengers entering the United States. So we realized that  
18 a lot of what you're going to be doing is going to be  
19 looking back at that and how it worked and going forward.  
20 Obviously our main concern is, as Don pointed out, making  
21 sure that extra requirements are not going to hold up lines  
22 and create situations where we don't have the facilities at  
23 airports to accommodate the inflow -- the incoming traffic.

24 So I don't think it's anything you haven't heard  
25 from us before over the last 10 years, and so I look forward

1 to working with all of you.

2 MR. CRONIN: Thank you, Barbara. Mr. Jones?

3 MR. JONES: Nolan Jones, the National Governors'  
4 Association. I guess that everything that needs to be said  
5 has been said, but everyone hasn't said it.

6 So it's my turn. From the state's point of view I  
7 think that we talk about this again echoing everything but  
8 making sure that there is a balance--making sure that you  
9 have security in the nation and facilitating trade,  
10 especially on both borders. That the borders are safe -- as  
11 well as in the entrance ports, as well as in the airports.  
12 [This portion of the audiotape could not be transcribed due  
13 to poor quality.] We want to see the expedition of this  
14 traffic in all places. They were asked by the President and  
15 we provided security at our airports. [This portion of the  
16 audiotape could not be transcribed due to poor quality.]

17 Some of the things I think is that we should make sure  
18 we're working with state officials in sharing information  
19 whenever we talk about this evolution. That's one of the  
20 things we continuously hear is that the Federal Government  
21 does not share information with state and local officials,  
22 both in the cities wherever these ports and border crossings  
23 are located as well as elsewhere.

24 [This portion of the audiotape could not be  
25 transcribed due to poor quality.] It's going to be

1 necessary to integrate some of that with the local -- state  
2 and local crime information systems so that we all will be  
3 talking about that.

4 I encourage them in that vein to get the views of  
5 state and local governments, how do you want to do this?  
6 How do they think it should be done physically? I think Don  
7 said it perfectly, that we know that technology can be worse  
8 but sometimes it never works like you want it to. The best  
9 example is communications--right now I think we're talking  
10 about -- interoperability. You can have a place where the  
11 police can't talk to fire on the same radio system.

12 We know even in New York -- it's true. One  
13 building can't talk to the other because they weren't on the  
14 same radio frequency. So we will have systems where  
15 everybody will have a card for one system and that's  
16 altogether. We must avoid this if we're going to set up  
17 something and let's have it integrated and working with the  
18 state and local governments so that these kinds of things  
19 can get around.

20 Finally, I must say that in a couple of minutes or  
21 so I must leave. I have a group of Governors coming in this  
22 weekend and I need to get back to talk -- thank you.

23 MR. CRONIN: The missing task force member gets  
24 all the work.

25 Thank you very much, Ron.

1           MR. ERDMANN: [This portion of the audiotape could  
2 not be transcribed due to poor quality.]

3           Congress is going to probably get a lot of extra  
4 assignments. Thank you. We're delighted to be part of  
5 this. We have been a long time user of the INS data on the  
6 tours. Our function at the Department of Commerce is to  
7 help businesses get involved in really the international  
8 travel market to and from the U.S. We have numerous  
9 research programs that rely on the immigration data to help  
10 businesses understand why the international traveler is  
11 coming to and from the United States to stimulate the  
12 tourism side, the crowds of people coming in and the U.S.  
13 travelers who leave.

14           [This portion of the audiotape could not be  
15 transcribed due to poor quality.] We have been a strong  
16 advocate of INS and obviously understand the need for  
17 balance. We also sit on a Tourism Policy Council that is  
18 also part of the Department of Commerce that looks to again  
19 work with the Federal agencies involved with the problems of  
20 tourism. The issues that you're talking about here have  
21 come up at those meetings constantly.

22           So there's a lot of things going on. We look  
23 forward to increased cooperation and communication. I think  
24 there is a lot of information that once we get together and  
25 start meeting we're going to find sources of information

1 that exists that none of us knew really were here that can  
2 help us solve some of these problems. So it's the sharing  
3 of information that we're looking forward to that I think  
4 will resolve some of the issues that are on the table.

5 MR. CRONIN: Thank you. Jeff?

6 MR. ARNOLD: Jeff Arnold with the National  
7 Association of Counties. First of all I really appreciate  
8 the Association being included and the counties being  
9 represented at the table. Often we're forgotten. Local  
10 governments are not usually in the process.

11 When it comes to these issues we do have a special  
12 role. Often when criminal aliens come across the borders  
13 it's local jails or counties jails where they're housed and  
14 so our goal obviously, especially given some budget  
15 considerations, is to make sure we have fewer of those folks  
16 crossing the border.

17 To the extent that we can facilitate that on both  
18 borders, I mean often people think that the southern border  
19 is an issue but we have some very important issues on the  
20 Canadian border as well. We want to see that everyone's  
21 represented. We have some very rich counties and some very  
22 poor counties along the borders and, indeed, they have  
23 differing needs.

24 We already have a coalition of border counties  
25 that have been working for a number of years to address some

1 of the issues. They have already agreed to work to help  
2 bring that information to the table to share with all of  
3 you.

4 MR. CRONIN: Thank you, Jeff. Mariam?

5 MS. MOSES: I'm Mariam Moses with the Department  
6 of the Treasury, Office of Enforcement. On behalf of the  
7 Undersecretary of Enforcement we're absolutely honored to be  
8 a part of the task force.

9 As you are aware, especially working with our  
10 sister agency, with certainly INS, with sister department,  
11 the Department of Justice, Treasury has after 9/11 of course  
12 directed a lot of its resources to terrorist financing and  
13 tracking the money and disrupting and dismantling terrorist  
14 networks.

15 Equally important to that is, of course, the work  
16 that we are going to be doing on this task force and that is  
17 devoting the best and the brightest of the resources that we  
18 have. It's a natural fit to work closely with the INS and  
19 certainly in the project office.

20 Treasury stands ready to devote as necessary those  
21 resources that will interface with INS and help put together  
22 whatever interface is necessary in the entry/exit program.  
23 Treasury is also actively involved in another task force  
24 that we are devoting resources to and that's the foreign  
25 student tracking PDB directive.

1           So hopefully the work that we're doing on that  
2 task force will interface with the work that we're doing on  
3 this task force so it is a natural fit. So we're delighted.  
4 Treasury couldn't be happier to be a part of this.

5           MR. CRONIN: Thank you, Mariam. Rick?

6           MR. WEBSTER: Rick Webster with the Travel  
7 Industry Association of America. I will say on behalf of  
8 our 2,600 member organization we're pleased to be a part of  
9 the task force.

10           Travel and tourism is a \$600 billion industry.  
11 The international portion of that which obviously is where  
12 it comes into play with the DMIA, is \$100 billion dollars.  
13 Post-9/11, that went down fairly significantly all through  
14 the impact on the travel industry. The Department of  
15 Commerce has already said that their preliminary estimates  
16 are a loss of \$9 billion in spending on the international  
17 side. So it's the facilitation of people that we're  
18 concerned about.

19           I'm glad to hear about this balance between  
20 security and facilitation. I guess I would go back to the  
21 former Chairman of the House Homeland Security subcommittee  
22 that we all know well who said back during our work on  
23 Section 110, "We want a system that doesn't just not make  
24 things worse, we want a system that makes it better."

25           So I appreciate what the Commissioner, Mr. Ziglar,

1 said about having a system that truly can increase security  
2 and enhance facilitation and hearing from the Homeland  
3 Security Office. We appreciate that very much.

4 Security is a top concern for TIA, national  
5 security in terms of protecting American citizens and  
6 obviously international guests who are staying here. We  
7 worked a couple of years ago to make the visa waiver program  
8 permanent. We added a number of enhancements to that  
9 program to add to national security. We've worked with the  
10 Americans for Better Borders Coalition, as a number of other  
11 folks have here on this task force, and we've worked on  
12 Section 110 very hard.

13 I'm not sure I ever thought this day was going to  
14 happen. I'm glad we are finally here. Again I would just  
15 echo the comments that I think we can have both national  
16 security and economic security, those are not mutually  
17 exclusive goals. We look forward to working with this task  
18 force and adding our expertise on behalf of our members to  
19 make this happen by all of the deadlines as prescribed.

20 MR. CRONIN: Thank you. Martha?

21 MS. SARDINAS: Well, I'd like to commend you on  
22 getting the task force together and congratulate you. I  
23 think the State Department is a partner with INS and has  
24 been for a long time. In fact, over my entire career we've  
25 been trying to facilitate travel and ensure border security.

1 So for me this is not a new issue necessarily.

2 I think in this project specifically I'm not only  
3 representing the work that I do -- visa work and travel  
4 documents but also representing State Department's interests  
5 in our relations with Mexico and Canada and also our  
6 relations with the American public and the constituency that  
7 we relate to.

8 I'm just hoping that as we carry on with this work  
9 I think this task force is very well equipped to recognize  
10 the complexity of this issue. I think I'm amazed by the  
11 expertise that's in this room and I certainly think that  
12 with all of us combining what we know about our particular  
13 areas that we can certainly come up with some very good  
14 advice for the entry/exit project.

15 I think if entry/exit was easy by now we would  
16 have done it. So it is not easy and I have never witnessed  
17 in my career in the Federal Government a time that there was  
18 more earnestness, more willingness, to cooperate and the  
19 spirit of agreement really or good will towards getting  
20 something like this started.

21 So I am optimistic that there will be success for  
22 us. I certainly wish great success to the project and to  
23 all of us.

24 MR. CRONIN: Thank you, Martha. Randel?

25 MR. JOHNSON: Randel Johnson, U.S. Chamber of

1 Commerce. It's always perilous to be the last in line  
2 before a bathroom break.

3 Like others around the table the Chamber's been  
4 involved in the so-called Section 110 issue since I guess  
5 '97 and I look forward to closing the chapter out on this  
6 issue perhaps a year or two from now in a way that's in the  
7 best interest of the country both in security and  
8 efficiency.

9 You know, I think Martha's views and I'm sure a  
10 lot of other people at the table say this, it isn't going to  
11 be an easy issue. I want to join Jim's and Martin's  
12 comments about technology of bricks and mortar and just say,  
13 "You know, we're going to need a lot of investment in  
14 technology to make it work and an investment in bricks and  
15 mortar because neither of these are going to be solutions."

16 I'm sure we've all had our points go down.  
17 Scanners and facial profiling at the borders might not be a  
18 magic solution and all I see is lots of machines that  
19 probably aren't going to work. What do you do when it  
20 doesn't work and you've got a traveler there who's stuck?

21 I saw the Salt Lake games -- I saw in one of the  
22 papers where they were experimenting with facial profiling  
23 and pulled it back because, well, big surprise, it didn't  
24 work.

25 So I think we've got our work cut out for us. I

1 think the Chamber stamp that I would like to offer is that  
2 we do have local Chambers across the country, both at the  
3 northern and southern borders, and we've been in contact  
4 with those already. Already those initial surveys on the  
5 backlogs pre-9/11 and post-9/11 and I think as we come up  
6 with ideas -- and obviously you guys are already way ahead  
7 of us in some aspects -- that I'd like to offer up that we  
8 tried some of these pilot projects and I think some of these  
9 local Chambers -- I'm sure Martin's local chapter could help  
10 all of us.

11 We tried some of these ideas out before we, in  
12 fact, make a recommendation and we see how they work with  
13 some of these border crossings. Now which ones do we pick  
14 as the pilot project? Well, that's a good question for a  
15 closed session.

16 But, you know, we've got to go slowly here and I  
17 think there's lots of bumps in the road before we get to the  
18 end. [This portion of the audiotape could not be  
19 transcribed due to poor quality.]

20 MR. CRONIN: Thank you, Randel. Let me respond to  
21 one comment that you did make and that was the fact that the  
22 project office seems to be out ahead and Dominica and I were  
23 certainly quite concerned about alignment of the work of the  
24 task force with the work of the project office. Certainly  
25 we have the mandates to get the work on this system and

1 movement.

2 I think -- at least as you heard Bob mention in  
3 his presentation, he's heading into a procurement process.  
4 So I think we're going to be able to catch up to some  
5 degree. Certainly it's going to be critical for the task  
6 force's views and observations to play into that process as  
7 well.

8 I think that it is time for a break. We've been  
9 at this for almost an hour and a half. I'd suggest to get  
10 back together at about 2:45. You can find restrooms as you  
11 leave the room turn left and left or right and right.

12 (Off the record at 2:20 p.m.)

13 (On the record at 2:45 p.m.)

14 MR. CRONIN: Next is Item 6 on the agenda. We've  
15 been through it once before I think but I want to summarize  
16 exactly what the statutory framework is. We'll move into  
17 Item 7. I'm a bit dubious about processing actual work in  
18 this environment but I'll lay some things out for task force  
19 member comments and then we can move on from there. So,  
20 Dominica, if you'll take over.

21 MS. GUTIERREZ: I'm just going to go through this  
22 just very, very quickly and probably won't even hit all of  
23 the steps. For those of you at the table we have the  
24 briefing books. The information actually starts at Tab 2.

25 Basically, we talked about various statutes that

1 brought us all here together. There's the Data Management  
2 Improvement Act -- there's something about that name.

3 That should be our first thing. Anyway, DMIA and  
4 then there was the Permanent Program Act, I used to work  
5 with that, the Patriot Act and then as some of you know  
6 there's pending legislation on the Hill.

7 That essentially is what's in Tab 2 and that also  
8 is being made available to people around the room. We  
9 compressed it all and put it together in a timeline. So  
10 we're all working from the same sheet of music. You don't  
11 need to read it now. Clearly we don't have time to do that,  
12 but at least so you know you have it, it's in one central  
13 place.

14 The key dates really are also in the task force we  
15 all report to the Hill at the end of this year. We're going  
16 to make that date. Then we owe a report every year  
17 thereafter that the task force is in existence. So those  
18 are our actual dates that we need to worry about, December  
19 31st, but we can't do this in a vacuum and clearly we need  
20 to look at the things that the statute set out.

21 The DMIA sets out -- and Bob talked about this in  
22 his presentation and again it's all in the material -- air  
23 and sea by 2003, 50 high traffic -- by 2004, everywhere else  
24 by 2005. The visa waiver pushes some of that stuff off.  
25 There's an earlier timeline now in terms of folks that are

1 coming in under the visa waiver program. I guess we can't  
2 call it the pilot program any more.

3 MR. CRONIN: No.

4 MS. GUTIERREZ: So I think on that date there have  
5 been some earlier things that inspections had addressed but  
6 the next prominent is for October of this year. What we've  
7 done there is we've summarized it and we have a cover  
8 document that sort of takes you through who's got what and  
9 what folks are responsible for what. Then beyond it further  
10 in the book are copies of the actual statutes themselves. I  
11 know some of you want to go through every word and some of  
12 you do not.

13 And for those of you in the general group all of  
14 that information is active legislation and that's available  
15 in the usual sources of information there. But to recap our  
16 requirement is December 31st of this year, we owe a report.  
17 We need to get from here today, February 20th, to December  
18 31<sup>st</sup>; what are we going to put in that report and how we're  
19 going to break some of this stuff down and how we're going  
20 to start looking at addressing some of these things in a  
21 timely fashion.

22 So Mike and I and some of the staff that talked  
23 about some ideas to throw out to the task force members here  
24 to see how we can move along, so to speak.

25 MR. CRONIN: You have a question.

1 MS. GUTIERREZ: We have a question. I'm sorry.  
2 Yes, Michael?

3 MR. CRYE: In moving the agenda of our Association  
4 along and enabling people to make comments and review  
5 documents and make suggested edits we have found that the  
6 edit and comment aspects of the latest edition of Microsoft  
7 Word seems to work real well, it will actually identify the  
8 person who's suggesting the edit.

9 Might we be able to actually do some wordsmithing  
10 in the meeting of the product that this group plans to  
11 produce by December 31st and suggest an electronic means, a  
12 format?

13 MS. GUTIERREZ: Absolutely. In fact, you know,  
14 Mike's going to talk about this now. We are really going to  
15 look to everybody around the table here to start talking  
16 about how we're going to break this up and do it and be part  
17 of the various pieces, we're talking about working groups.

18 But I'm way ahead of you. We have also talked  
19 about looking at a contractor to assemble the final project,  
20 bound, signed, sealed, delivered and ready to bring to the  
21 Hill. So we can work all of that together, but at least my  
22 office will work as sort of a clearinghouse of information  
23 -- if you like the working group idea and we get that going  
24 and Mike will launch that discussion here now, but we can  
25 start collating and compressing and certainly all

1 suggestions are welcome. Does that answer your question?

2 MR. CRYE: Yeah. I was just looking for  
3 commonality of editing in versions of --

4 MS. GUTIERREZ: I think you might still find some  
5 die hard WordPerfect fans around the room.

6 But, generally speaking, here in the INS realm of  
7 things we sort of operate on Word but there are various  
8 versions of it around the building. Some are on 2000 and  
9 some are still on '97. I mean we can work it out somehow.  
10 Interoperability is key. We're not going to move it on the  
11 wordprocessing piece.

12 Any other questions? I know I went really fast  
13 through it time-wise. I just don't want to bog everybody  
14 down about it being covered. We can get into the details  
15 later. But certainly if you have a question around the  
16 table here I'll be happy to answer it. Okay, Mike?

17 MR. CRONIN: We can go on to the next item.  
18 Certainly in my experience with various commission task  
19 forces advisory committees, it's very difficult to process  
20 work in this segment really. The real work will be done in  
21 working groups, in hearings -- there is the opportunity for  
22 the group to observe operations, to hold hearings, to gather  
23 information.

24 I would assume there would be visits to ports of  
25 entry to look at the as is process and so on and so forth to

1 the extent that people are interested in doing that or feel  
2 a need to do that. But it's going to be critical I think to  
3 organize the work of the group in discrete portions in order  
4 to bring it back to a point where we would be able to enable  
5 the group to actually make progress, to formulate the report  
6 that the group is supposed to prepare each year and then to  
7 gel -- to pull together the opinions of the group.

8           It will be the consensus of the group that governs  
9 that as to how we organize that work. Dominica and I have  
10 had some discussions about that. Our initial sort of knee  
11 jerk approach I guess because this is how you do everything  
12 was to talk about airports, seaports and then perhaps a land  
13 border group or a northern border or southern border group  
14 or something like that.

15           However, the interests of a lot of members of the  
16 task force overarch the various modalities in which we work  
17 at the border. We had thought about that it might be more  
18 useful to take a more functional approach to the working  
19 groups.

20           Debbie Hemmes was good enough to do a strawman  
21 document which we can share with you to get the benefits of  
22 her thoughts, but basically breaking it up into groups that  
23 would cover -- a legislative group looking at current and  
24 proposed legislation, legislative needs that might that  
25 might arise from the entry/exit issues, looking at a process

1 operational group, a group that actually looks at how the  
2 ports operate, what inspectors do, how traffic moves through  
3 a port and what improvements or what needs, what doubts,  
4 exist in that area.

5 Certainly a technology group, an IT group to look  
6 at the technologies that will be applied to the entry/exit  
7 system and that's certainly a daunting and dizzying task.  
8 There's just so much out there and so much potential but a  
9 group that could provide advice to the project office in  
10 terms -- both in the procurement process as they're looking  
11 at various proposals. A group that might bring some  
12 expertise in this area to the table in order to best inform  
13 the INS as it moves through this process.

14 A facilities and infrastructure group. Certainly  
15 that point was made earlier about the need for bricks and  
16 mortar, the need for facilities to handle the amount of  
17 traffic in any mode of doing business. We have a new  
18 information system in the existing process and a group that  
19 might look at impacts and costs.

20 I think some of those could be compressed. I'm  
21 not sure we're large enough to break into that number of  
22 groups as I look at it, but I would welcome comments -- this  
23 is the one bit of work we'll do today. I would welcome any  
24 comments from the task force as to this approach or any  
25 other approach for organizing the work of the group.

1           My suggestion would be that Dominica's office  
2 follow up with each of you to get your input into deciding  
3 exactly how we'd break up in order to do the work that we  
4 have to do. With that, I'll throw it open for any comments,  
5 any observations.

6           MR. ARNOLD: It seems to me that some of the  
7 functional categories before you get to the legislative side  
8 -- technology telecommunications policy for the association  
9 -- it seems to me that before you get to the legislative  
10 side you're going to have to know the lay of the land, what  
11 some of the needs are, what some of the problems are. I  
12 think if you ask me that's almost a second tier, to  
13 determine the lay of the land and to access what the needs  
14 are and then we can proceed.

15           Obviously if there are things that we know right  
16 now that need to be followed we need to have someone pay  
17 attention to that, but obviously I just think we need to  
18 have the operational things under everybody's belt before we  
19 talk about that.

20           MR. CRONIN: Yeah. And I would think if there is  
21 legislative movement we want the entire group to be aware of  
22 that. That's a very good point, Jeff, I appreciate that.  
23 Any other thoughts or comments?

24           MR. PHILLIPS: Initially I would hope maybe we  
25 could define the parameters or the scope of what we're

1 looking at. For instance, I assume that among us all and  
2 among INS by the time the legislation says that we will not  
3 create any new documentation that that's all clear. So then  
4 we then know how many people we're looking at, what the  
5 potential number of visitors would fall in the category of  
6 visa and visa waiver, etcetera.

7           Then I would think we ought to determine what  
8 percentage of those are coming by air, to get the numbers  
9 for that. See, kind of the thing we did in '96 and '97 --  
10 sea, air and land, the ones on the land we have to look at.

11          Then essentially what the magnitude is, as I recall  
12 something like 98 and a half percent of the ones we're  
13 looking for were air or sea and then we have to worry about  
14 the ones that came by air or sea and left by car going  
15 across to Mexico or going to Canada and worry about that.

16           But essentially if we could define that 98 or 99  
17 percent of the scope of what we have to catch in the system  
18 -- I think you almost know that before we start it would  
19 help us a great deal to identify where we are and our  
20 intentions and our strengths -- to see so we don't go  
21 scattering all over trying to -- I don't know if that would  
22 help.

23           MR. CRONIN: No. That's a good point.

24           MR. PHILLIPS: When we're looking at Divisional  
25 109 and 110 we have some pretty good numbers there.

1 MR. CRONIN: I will point out that documentary  
2 requirements and the border crossing card requirements and  
3 the biometric requirements exist on the southern border. So  
4 it's an issue we're now going to have to look at.

5 MR. PHILLIPS: Exactly, exactly.

6 MR. ROJAS: Mike, I would just like to bring up  
7 the issue of what is really not seen on this document. There  
8 are so many working groups out there that don't know that  
9 we're participating.

10 So much of it relates to technology and  
11 specifically data exchange. Some of that that we're looking  
12 at is how can we eliminate redundancy in systems for  
13 entry/exit by actually sharing data and information. You  
14 know that in Canada there is a 30 point program and we're  
15 certainly going to be looking at a way of making their entry  
16 processes or exit processes part of it and we're probably  
17 dealing with the same issue with the Mexican side.

18 Is there a thought process within this -- that we  
19 can look for in Canada and Mexico and then sharing their  
20 information systems so that we cannot have to have an exit  
21 system out of the United States -- an entry system to Mexico  
22 basically eliminating that exit requirement.

23 MS. GUTIERREZ: Martin, that's exactly one of the  
24 things that we need the task force to look at. You've  
25 thrown out three or four different options. One is

1 consistency. What I've heard from a lot of the industry  
2 people as I've gone around and talked to you guys is you all  
3 make up your minds what ADA wants so we can give it to you  
4 all at once and I don't have to do something different for  
5 this organization or that organization. Luis was talking  
6 about five different cards.

7           So that's what we would propose that a working  
8 group here would look at all of the technology aspects of  
9 it, the pre-clearance stuff, the interoperability, the  
10 opportunity perhaps of exploring entry into Canada and exit  
11 and vise versa with Mexico. That kind of stuff is one of  
12 the things that we want the task force to look at.

13           What Mike is sort of proposing is to look at it in  
14 a straight structured air environment or a straight  
15 structured land border environment, the usual groups that  
16 those fall down into, or we can mix it up by functional  
17 requirements, one is the technology piece.

18           I don't think anybody's got answers today.  
19 There's a lot of recommendations that we can explore and  
20 fully vent and then to come back with. That's kind of I  
21 think where we're going.

22           MR. PHILLIPS: Dominica, just quickly. Depending  
23 on what you want to achieve for the task force -- for  
24 example, I think none of us want to be labeled as air, sea  
25 or land. That's not what we're here for. On the other

1 hand, if you want to get a preliminary scoped out document  
2 of what might best work I would suggest that the cruise and  
3 maritime people know best to do that for you as a  
4 preliminary document without excluding land and sea.

5           You get a document in place, as Martin said, we  
6 might recommend for you whatever -- and it's become entering  
7 the other countries. [This portion of the audiotape could  
8 not be transcribed due to poor quality.] Air and sea and  
9 land to give you a scoped document, I would say in a day or  
10 two a preliminary document -- not detailed, but to show you  
11 what the options are that we suggest because everybody at  
12 this table has been at this business for five or 10 years.

13           I just say maybe that's the way to develop your  
14 initial paper and then from there you have to cross this  
15 over so we have the benefit of each other. But somehow in  
16 the next -- you've got to get the first 10 pages down in  
17 writing of what we think entry and exit are. I think sea,  
18 air and land are quite different in some aspects. That's  
19 just a thought of what you want to do.

20           MS. GUTIERREZ: Let me back up just one second  
21 because I don't know that this is clear to everybody. We  
22 have to look at all of the issues before us eventually and  
23 not just entry/exit. The recommendation that Mike and I put  
24 forth to the group here, and it's up to you to adopt it or  
25 not, is that of all of the things that we have to look at in

1 order for this to be a timely and viable and effective use  
2 of everybody's time I think we have to zero in first on the  
3 entry/exit issue.

4 Now that may seem backwards in a lot of respects.  
5 I'm kind of a logical person. [This portion of the audiotape  
6 could not be transcribed due to poor quality.] Go see the  
7 lay of the land, find out what the law says, find out how to  
8 do it, what works and what doesn't work?

9 I don't know that in this political environment we  
10 really have time to start that way. We may be able to jump  
11 start some pieces of that but I think that it's critical  
12 that we focus on the entry/exit. Now that's just my view,  
13 you know, there are 16 other members here.

14 MR. PHILLIPS: Well, that's what I meant.

15 MS. GUTIERREZ: We can then come back and fill out  
16 the other.

17 MR. PHILLIPS: An APA system for sea, air and  
18 land.

19 MR. CRONIN: Martha?

20 MS. SARDINAS: Well, I think that these are good  
21 suggestions and I also very much like these groups, I think  
22 they're really good. But one thing I'm wondering is maybe  
23 we could just sort of put them together where you would form  
24 the subgroups and then have the subgroup to sort of define  
25 the concerns and issues within their specific area and

1 address it within this dimension of the problem, what are  
2 the concerns that have to be looked at and then talk about  
3 air, sea and land.

4 MS. GUTIERREZ: Right.

5 MR. SARDINAS: I think it's good for these  
6 subgroups to be presented with questions to answer and maybe  
7 divided. I think it's a good idea to divide it by air, sea  
8 and land as you enter -- they have a distinction.

9 But the other thing that struck me as I was  
10 looking at this is that the legislative group may not be as  
11 active, and other operational groups huge. In other words,  
12 I'm talking about the size of it, legislation is not as big  
13 as the task of looking at process and operations.

14 I somehow have a lot of trouble separating process  
15 and operations from technology.

16 I would absorb technology into process and  
17 operation. I think under process and operation you might  
18 need maybe one group to look at statistics. I don't know  
19 how to explain this, but what you were describing, Jim, you  
20 know, the statistics.

21 MR. PHILLIPS: Order of magnitude.

22 MS. SARDINAS: Yeah, order of magnitude of each  
23 process and operation and collect that information and then  
24 the technology would be under that, too. But then it seems  
25 to me like facilities and infrastructure and then budgeting

1 are more distinct.

2 I think process and operation would probably have  
3 to be broken down further.

4 MS. GUTIERREZ: Again, this was a strawman for the  
5 purpose of discussion versus starting from scratch right now  
6 at 2:30 this afternoon.

7 MS. SARDINAS: No, it's really good. Right.  
8 Well, I think this should continue because I just have been  
9 to too many government meetings where there is nothing to  
10 react to and it's much better to have something.

11 MR. CRONIN: All right. I think you echoed the  
12 point that Jeff made. I've already stricken legislative on  
13 my copy. I think Jeff made a very good point -- if there's  
14 a recommendation for legislation and review of legislation  
15 that would be an end of the day product that would come out  
16 of it.

17 MS. SARDINAS: Okay.

18 MR. CRONIN: But the problem I see now is, as you  
19 say, process and technology are the bulk of what's going to  
20 be done. We're almost saying there's not going to be  
21 working groups, that we're going to have one huge group,  
22 because facilities and infrastructure sort of really play  
23 into that. How you do a process mandates what you need.

24 There are certainly issues that relate to the  
25 existing infrastructure and gaps in that but I do think we

1 need to break it down. When you suggest crunching that I  
2 mean I think we need some breakdown. Do you have some  
3 smaller groups working on the various aspects of this?

4 MS. SARDINAS: Well, to me infrastructure and  
5 budget sit okay -- they are certainly interrelated but I  
6 guess what you want are distinct areas where people can work  
7 because then we'll bring it all back and integrate it. But  
8 would it be horrible to suggest that under process of  
9 operation you could divide it into air, sea and land?

10 MR. CRONIN: That's doable, I suppose.

11 MS. SARDINAS: But I don't know.

12 MR. PROSNITZ: I saw the recommendation but  
13 another way of looking at it. I mean what I am most  
14 unfamiliar with, although some of the things, the impact on  
15 trucking and things like that. So if we actually know  
16 instead of air, sea and land is by type of visitor who comes  
17 in, is it commerce? Is it long-term? Are they visitors  
18 coming in for a week's vacation?

19 Yeah, the problem is -- I know a little bit about  
20 air, sea and land, although some of them are common carriers  
21 and so perhaps a little bit easier because people don't  
22 always come in and out the same way so the minute you  
23 separate it you've got a problem.

24 MS. GUTIERREZ: In the back of the book is an  
25 overview that has been provided by the Office of Inspections

1 and it talks about the numbers that Jim was alluding to,  
2 over 500 million and it lays out a map of how many air,  
3 land, sea ports of entry north and south and then, obviously  
4 we compile all kinds of statistics, but there is a pertinent  
5 chart in there about conveyances which is what Don is  
6 looking at.

7           How many flights a day by conveyance and the  
8 numbers. These are from 2000, but it's flights, buses,  
9 vessels, trains and we get into all kinds of complications.

10           I mean I know what you're saying but I think those  
11 are sort of subsets of end issues, a subset of a land border  
12 because at a land border we could have a bus, a train,  
13 pedestrian. I guess what I'm trying to do is break it into  
14 groups but not have 16 groups. There needs to be measurable  
15 work that we sort of balance that people can get into.

16           So, anyway, I point that out to you as very macro  
17 information. Clearly, Jim, we can get to some of the fine  
18 print that you're looking for but I just wanted to point out  
19 that it was in the back and that might help you.

20           MR. PHILLIPS: Well, it's just if my memory serves  
21 me, that there's like 30 million visitors a year that have  
22 visa waivers or something like that and 98 and a half  
23 percent of them are counted for in '97 when we looked at the  
24 air, land come and go and the seaport come and go. All I'm  
25 saying is that system then requires to know we have a

1 capture and, therefore, you design a system that will work  
2 in the air and the sea.

3           So the way they come to customer service as you  
4 pointed out, plus getting the security -- I'm saying when we  
5 get down to this question Luis - [This portion of the  
6 audiotape could not be transcribed due to poor quality.]  
7 But I think we have to keep in mind that 98 and a half  
8 percent on this major flaw and maybe even a task force with  
9 a little different focus on let's say the evening crew that  
10 you're going to get there that's making identifying  
11 difficult. That's all I was trying to do.

12           If we spend all of our time worrying about the bus  
13 passengers someplace and the reality is we've got a workable  
14 system on December 31st in principle, right?

15           MR. CRONIN: Oh, the first report.

16           MS. GUTIERREZ: Oh, no. We have to deliver some  
17 recommendations, not a deliverable system. Remember, Bob  
18 Mocny's group is going to deliver a system.

19           MR. CRONIN: The Task Force is not going to  
20 deliver a system.

21           MR. PHILLIPS: That's what I meant.

22           MS. GUTIERREZ: We're going to look at  
23 recommendations, so it's not to say that we have to have one  
24 recommendation, either.

25           MS. SARDINAS: I think, too, that however you

1 divide this it will be important to not come up with sort of  
2 the one size fits all solution and I think that maybe -- I  
3 know we probably won't decide this right this minute and  
4 today, I mean it's a good idea that you draw on the  
5 expertise of the group somehow.

6           You look at how the group was formed and what have  
7 we got here? One of my strongest convictions is that one  
8 size doesn't fit all and that many different techniques work  
9 better in one place than another.

10           I mean if you end up with dividing us in a certain  
11 way you might end up with solutions that pick one  
12 environment but can't be applied to another that was  
13 forgotten. So maybe however you do it I hope that we can  
14 yield that kind of a result where you draw on the expertise  
15 of the group very well and you also get a lot of different  
16 solutions that fit different situations.

17           MR. ARNOLD: I'd like to remark on that. I think  
18 that's a very important point just clearly there are  
19 fundamental differences in the size and the scope and in the  
20 people and the goods going through one of them.

21           It strikes me, too, that to the extent that the  
22 technology and operation -- let's understand the operational  
23 aspects of the differing sizes and types of facilities  
24 whether it be sea, air or land, but the technology then  
25 really requires some sort of capacity to be able to take

1 that in and normalize the data to be able to transmit it  
2 back out in real time. That is the challenge.

3 But I think you can do that in the different sizes  
4 and scopes of facilities and still be able to correctly  
5 [This portion of the audiotape could not be transcribed due  
6 to poor quality.]

7 MR. ARNOLD: So that's really important -- I think  
8 that's an important part is to really understand those  
9 operational differences between those.

10 MR. CRONIN: Okay. Well, in fact, during the  
11 break Randy had suggested to me that there's range of  
12 experience, obviously, in the group from people that have  
13 looked at a lot of this for years to people that haven't  
14 really played in the immigration and customs environment in  
15 terms of how ports of entry operate.

16 I think what I'm hearing, and correct me if I'm  
17 wrong, is that there's probably an initial need for some  
18 familiarization from fact gathering. Perhaps for those  
19 members of the group that needed or wanted to we would be  
20 able to arrange briefings, some familiarization process, so  
21 we have more of a shared sense of what is, of what exists.  
22 Does that make any sense to the group?

23 MS. SARDINAS: Well, you're proposing that we  
24 don't have the recommendation before we make some findings.

25 MR. CRONIN: No.

1 MS. GUTIERREZ: What Mike is trying to say is that  
2 we can arrange briefings in conjunction with the Office of  
3 Inspections. Mike is here, I don't know about Bonnie. We  
4 could do a briefing to fill in some of the statistical stuff  
5 that Jim is talking about in terms of narrowing the scope of  
6 the known and the unknown.

7 I mean we assume that some of you will want to go  
8 to significant or key ports of entry, whether they're air,  
9 land or sea. Some of you are very, very familiar with it  
10 and you don't want to go on another tour. Other people  
11 might benefit from certain parts of that or not but  
12 certainly I think in terms of an orientation we talk about  
13 that in there and have considered that.

14 MR. JOHNSON: Let me just say that another  
15 commission I was on on a totally different subject, but it  
16 had to do with job training issues across the country. Let  
17 me just talk a little bit about how that was handled, which  
18 was, although it sounds like a lot of work what I've  
19 described, in fact, it wasn't.

20 The staff did set up what were called field  
21 hearings across the country in various areas where there was  
22 a storage of workers where this case seems to be the  
23 employer community had stepped forth with novel ideas in the  
24 area and there were on-site visits but also people in the  
25 area concerned with that issue came to these -- and talked

1 about what they were doing, what their ideas for a solution  
2 were.

3 Invariably not everybody from the commission  
4 showed up. I mean there was always a mix of people.

5 MR. CRONIN: Right.

6 MR. JOHNSON: Depending on what struck there, what  
7 was on their agenda back at the office but was this an area  
8 they needed some briefings on.

9 In the end -- that's all I'm saying, there were  
10 probably 10 hearings across the entire country and in the  
11 end the staff, which was literally only three people, kind  
12 of pulled together all of these various ideas and presented  
13 a report to the Commissioners who then came up with a  
14 consensus with regard to what should be included in a draft  
15 kind of final set of recommendations.

16 Now does this lead to staff driving the process  
17 and those who do the paperwork during the process? Well, it  
18 does but it's part of our job to see that that's not the  
19 entire report. On the other hand, that's also how things  
20 get done.

21 MR. CRONIN: Right.

22 MR. JOHNSON: In that way the group had  
23 commonality of knowledge, also. I mean everybody had their  
24 various expertise but they had a lot of exposure to areas.

25 I guess what troubles me about subgroups at least

1 this early on is we kind of all go off on our separate  
2 directions but I'm a little troubled by the fact that we're  
3 also a lot different in our areas of expertise.

4 MR. CRONIN: Right.

5 MR. JOHNSON: And I think Martha's point about  
6 there is a lot of interplay between these groups is obvious.  
7 This group is not so huge, it's not 50 people. [This  
8 portion of the audiotape could not be transcribed due to  
9 poor quality.] This is a manageable group, I think. It's  
10 manageable in the sense of reacting to a draft report and  
11 attending whatever it may be. That's just I guess my only  
12 technical question, also and if you go this subgroup way are  
13 you contemplating that the subgroups would be doing their  
14 own kind of investigations and travel?

15 MS. GUTIERREZ: Yes. I know what you're saying.  
16 You're saying that 16 people is not a large group. Well,  
17 relatively speaking it's not but I know if I call you all  
18 next week and say, "Can we meet on such-and-such a day" it's  
19 going to take two months to have the meeting.

20 I mean I hear what you're saying. What we were  
21 kind of envisioning was seeing if the group could break off  
22 into whatever, two, three or four subgroups or however that  
23 works out.

24 Some of you would offer to Chair some of those  
25 subgroups and that you would be working but starting to

1 explore whatever issue we decide it's going to be that  
2 you're working on, whether it's air, land or some  
3 functionality or whatever it is, but that you would be  
4 starting to work, starting to look at things, and that you  
5 would be in communication with us here. Certainly we would  
6 then be the coordinating mechanism keeping everybody going,  
7 providing access to the field, doing whatever back and forth  
8 and are we on the right track if we need to convene again,  
9 that kind of stuff.

10 So it's not that you're sort of off on your own  
11 and that kind of thing. We certainly would be involved and  
12 available also as a resource and as a central point.

13 MR. JOHNSON: One other point. I think to me I'm  
14 still not quite getting why separated out between air, sea  
15 and land doesn't make some sense -- we have short deadlines  
16 and there is various areas of expertise in those areas  
17 already. We know how it breaks out. When we break out into  
18 groups I don't necessarily say I support it, but to me that  
19 makes a little more sense of breaking it up.

20 [This portion of the audiotape could not be  
21 transcribed due to poor quality.]

22 MR. ROJAS: Yeah. I mean I'm not quite sure even  
23 if the subgroups would work in the sense of the size -- and  
24 we just bring up another thing where we come to a straight  
25 partnership program and these things started in mid-

1 December. I mean we finished that three weeks ago, the  
2 work, and they did break us into subgroups because that was  
3 so specific on the overall supply chain issue--  
4 manufacturing is a very different classification -- very  
5 different from import/export issues.

6 We need to also come up with the guidelines.  
7 You'd be amazed at the number of issues that exist when you  
8 combine things into a single document. I think that we're  
9 all going to have specific issues that are going to impact  
10 us -- so I couldn't be in two specific places at the same  
11 time or that would increase the amount of work that would  
12 have to be done by each individual looking at the other  
13 things we would do.

14 MR. CRONIN: Barbara?

15 MS. KOSTUK: I don't mean to be so parochial but I  
16 realize that there's not an entry/exit system in place for  
17 everybody. There is one at the borders and I'm assuming  
18 that we're talking to recreate the wheel. There's just no  
19 way to do that.

20 MS. GUTIERREZ: We have 10 years of history.

21 MS. KOSTUK: Right. So I guess I'm trying to  
22 figure out where that fits. I understand it has to be  
23 married up with the other ports. I totally understand that.  
24 But I'm trying to figure out how something that's already up  
25 and running and for the most part it's created and done.

1 The exit part I'm envisioning can be added fairly easily,  
2 whether they'll like it or not is a whole other issue. But  
3 so how does that marry up with how we go down the road?

4 MR. CRONIN: I think there are several issues that  
5 come into it. I mean you're absolutely correct in what  
6 you're saying. In terms of meeting the statutory deadlines  
7 for the visa waiver program, for example.

8 MS. KOSTUK: We're there.

9 MR. CRONIN: We're there. I mean with some  
10 modifications to the existing systems we're working off  
11 advanced passenger information, which exists. We're working  
12 on moving that data into the arrival and departure  
13 information system, which exists.

14 In terms of departure, we're looking at the same  
15 process in reverse, data from the airlines, arrival and  
16 departure information system. Done electronically, or they  
17 probably were not departing from the land end card process  
18 quite yet, but basically that process will be electronic.

19 But, as Bob mentioned in his presentation, you're  
20 now seeing statutory mandates about biometric checks on  
21 entry and exit and that's a whole new dimension in terms of  
22 how we do that on arrival and departure and I think if  
23 that's done on departure there are process implications that  
24 are quite large for airlines and airports and for everybody  
25 if we're starting to check a biometric.

1           This is Mike Cronin talking and not INS, but it  
2 strikes me that if you're doing a biometric check on  
3 departure you're talking about a Federal presence on  
4 departure. I mean how do you respond to it? How do you  
5 respond to a mismatch on a biometric, somebody using  
6 somebody else's document? It's a lot different from simply  
7 gathering data on individuals who depart.

8           MS. KOSTUK: Right.

9           MR. CRONIN: So I think that as you phase in the  
10 new statutory requirements the implications get larger.

11          MS. GUTIERREZ: So you're not off the hook  
12 entirely. There are still issues.

13          MS. KOSTUK: Yeah.

14          MS. GUTIERREZ: Now, granted, most of the work has  
15 been done. I remember as an Inspector in Kennedy Airport  
16 the API pilot -- I mean there's been a long history.

17          MS. KOSTUK: Oh, no. I didn't think we were off  
18 the hook. I was trying to figure out how you are  
19 envisioning the up and running system to marry up with  
20 everything else.

21          MR. CRONIN: I'm sorry. And that was where I was  
22 going with that. I mean you're talking about basically a  
23 single system where whoever is being tracked in the system,  
24 whoever is required to be tracked in the system, is going  
25 through the same process in any mode of travel.

1 MS. KOSTUK: Right.

2 MR. CRONIN: Right. And when you talk about  
3 marrying up, as you talk about moving into a biometric check  
4 environment you're talking about the same technology, the  
5 same the same processes.

6 MS. KOSTUK: Okay.

7 MR. CRYE: I suggest that we take a look at some  
8 of the strengths and weaknesses of existing systems --  
9 across the different modes that we're looking at. Obviously  
10 the airlines, the airport mode, is the most mature of the  
11 processes. Then just take our complaints and move them  
12 across and then try to resolve at the end of the day all of  
13 the different modalities and concerns in the final report  
14 building from the airline/airport model as it is today.

15 I think that in the seaport context we're pretty  
16 comfortable with what the airlines are doing and I guess I  
17 can say that, but I think that we can model after what  
18 they're doing so long as we can maintain consistency from  
19 seaport to seaport to seaport and not have one standard that  
20 applies to only one location and a different standard  
21 applies to a different one.

22 But then if you take that and you take a good  
23 experience at the airport and say, "Okay. Well, how do you  
24 apply that to seaports? What are the strengths there and  
25 what are the weaknesses there?" Then you go, "Okay. Well,

1    how about the land borders?"  Then you at the end of the day  
2    have something that you can say, "Okay.  Well, how are we  
3    going to resolve this weakness or how are we going to build  
4    on that strength?"

5               MR. CRONIN:  Sure, sure.  So basically what you're  
6    saying is a gaps analysis moving on to work with the group  
7    in terms of what's required.

8               MR. CRYE:  Yeah.  Yeah, I think if you build on  
9    what Barbara was saying, build on the airport experience and  
10   go from there and then just keep building up.

11              MR. JOHNSON:  You're saying what is the baseline  
12   now that we're working from?  What works and what doesn't  
13   work?

14              MR. CRYE:  But you've got cards now as opposed to  
15   electronics.

16              MS. GUTIERREZ:  That's what we were hoping that  
17   the groups would come to.  Now whether we conformed as air,  
18   land and sea or we do this altogether or they're conformed  
19   along functional lines those are exactly the things that  
20   need to be identified.  What's working?  Great.  That's  
21   good.  Put it down.  What's causing a problem?  This is.  Do  
22   we have recommendations?  What ideas can we fix whatever  
23   this is?  So all of those things that we're talking about  
24   sort of come together.

25              I think everybody's going the same direction, we

1 all need to get there. It's sort of how are we going to  
2 break up the pieces to put it altogether.

3 MS. GUTIERREZ: Some of the folks here who haven't  
4 talked, do you have some thoughts? Luis? Dawn? Don?

5 MR. PROSNITZ: I'm trying to learn from this.

6 MR. CRONIN: Sure.

7 MR. PROSNITZ: We've spent a lot of time looking  
8 at these problems that are out there. I was hoping I would  
9 learn something from them.

10 The land borders are so different from the  
11 airports that -- I mean I would love to take lessons from  
12 the airports but I'm not sure how much of them are  
13 applicable.

14 MS. GUTIERREZ: I agree.

15 MR. PROSNITZ: We have tickets to manifests and  
16 all of these other things. [This portion of the audiotape  
17 could not be transcribed due to poor quality.] There's  
18 numbers for land borders, what is it? 400 million plus  
19 events a year on the land borders. The Inspectors have  
20 seconds to make decisions. I mean it's just a very, very  
21 different situation.

22 So how we split it up, we need to understand the  
23 process. We certainly need to understand the state as it is  
24 now. I'm not sure everybody has a common knowledge. I  
25 think that a briefing as to what goes on at the different

1 ports of entry and making decisions would have everybody  
2 working from the same foundation.

3 MR. PROSNITZ: I was staggered when I first  
4 understood how it actually works right now in many places.  
5 I guess I'm leaning towards the fact that we have a small  
6 group and several people will want to be on multiple things.  
7 I'm not absolutely convinced we can divide it up into a  
8 whole bunch of separate elements without people feeling torn  
9 if they want to be on different ones.

10 Maybe we start as a group as a whole and then some  
11 of the interests will naturally allow us to separate out. I  
12 know that's copping out but that might be the way it's going  
13 to happen, I think.

14 MR. CRONIN: No. I think what I'm hearing is  
15 we're going to need to phase this in in terms of the  
16 approach. I think there is a need for some additional  
17 information and briefing as you suggest, either a field  
18 hearing or some kind of actual orientation at the port of  
19 entry at least for those that feel that they need more  
20 information or want to review the process more closely to  
21 get a better understanding of exactly how the process works.  
22 I would suggest we can take that on as a next step in terms  
23 of arranging that.

24 MS. GUTIERREZ: I think we need to have an idea  
25 though because if we're going to break into functional

1 groups or air, land, sea and whatever other things that we  
2 fit around that, then that makes the difference whether 16  
3 people need to go to San Ysidro versus three people need to  
4 go.

5 MR. CRONIN: All 16 won't show up, I guarantee  
6 you. There will be a self-selection.

7 MS. GUTIERREZ: Well, that's my point. Maybe it  
8 should have been explained, but we assumed that not  
9 everybody is working with the same level of knowledge and  
10 level of detail about the environment, about the ports.

11 Barbara and Dawn clearly know a lot about air. I  
12 don't know how much they know about the land borders so  
13 maybe they want to go.

14 MS. LUCINI: Zero.

15 MS. GUTIERREZ: So somebody like Barbara -- not to  
16 pick on Barbara, but would want to go to the land border.  
17 Let me just offer it this way, we assumed built into this  
18 process that there would be the necessity to go to the  
19 ports.

20 In fact, Chris Hess is here. He's our Assistant  
21 Regional Director for Inspectors from Eastern Region. We  
22 have the other two regions on the phone. So clearly we have  
23 had some preliminary conversation with them about that.

24 We need to figure out how we're going to structure  
25 the work and what kinds of people can move it along so we

1 can respond to the type of briefings and access you really  
2 need.

3 MS. LONG: I would agree with the folks here that  
4 not breaking into groups right away is probably the best  
5 approach, but if you did, I see a little bit of a problem  
6 with going this route only because I'd have to be part of  
7 every subgroup to be able to comment.

8 I mean I represent the American Association of  
9 Port Authorities and other groups that are maritime are not  
10 going to have the same interests in mind that I do or some  
11 type of membership and that type of thing and so to get  
12 really enough of the knowledge or the information that  
13 you're going to need from all of these folks you're going to  
14 need to either break it down into air, land, sea or take  
15 that sort of approach and then kind of work it that way and  
16 then be able to focus on these issues.

17 MR. CRONIN: Michael.

18 MR. CRYE: Not that I would want to spoil  
19 anybody's opportunity to go down to beautiful downtown  
20 Laredo, but I think one of the reasons why we have all of  
21 these various groups in the task force is because each one  
22 of us has a specific expertise that you want us to provide  
23 to the task force overall. We don't expect everybody to  
24 learn everybody else's business in the coming year.

25 It might be a better way of doing this and

1 actually save a bunch of money, to arrange for specific  
2 presentations. I could give you information as to trucks  
3 moving right now down the southern border, for example,  
4 compared to any other border. This could be done through a  
5 15 or 20 minute presentation. Maybe that's one way of  
6 eliminating an entire group trip.

7 One of the specific issues that we're facing right  
8 now is borders. When you go to downtown Laredo or even  
9 better Piedras Negras or any one of those exciting movie  
10 towns.

11 MR. CRONIN: That's a good point.

12 MS. LUCINI: I was going to suggest on an alliance  
13 because we have functional outlines here and they're being  
14 repeated in this conversation. We have three different  
15 areas of expertise. In my opinion a good first set would be  
16 if you take technology -- IT you have established a working  
17 group made up of the different interests.

18 For example, if I do technology from the airport  
19 side I could provide the history of technology for the last  
20 10 years that was proven effective, that has worked, that's  
21 coming down the pipeline. Just get a quick synopsis  
22 analysis about that for the working group and it could be  
23 distributed to the task force for their knowledge and you  
24 can refer back to someone else on the task force for more  
25 information and work through the office if we need some

1 more. That would be provided through the task force office.

2 I mean as a start measure for the different facts  
3 and the different things outlined here, all of us have  
4 expertise and can contribute to the knowledge and work of  
5 this team.

6 MR. CRONIN: Okay. Martha?

7 MS. SARDINAS: I'm trying to listen to what  
8 everybody's saying and I hope this is in agreement with  
9 what's being said here. But, you know, when I'm looking at  
10 this separate thing I notice that the person who prepared  
11 this was very logical. What I noticed was that it's really  
12 kind of chronological.

13 In other words, what has prompted us into this is  
14 legislation and so I think what they were really getting at  
15 was to establish the objective admission of legislation and  
16 then they went into understanding the process and then  
17 you've got to look at the technology that supports that  
18 underlying it. Then you've got to look at, okay, where do  
19 you do it? Because it does take longer to build something  
20 than to understand, you know -- how the computer works.  
21 Then finally once you get to kind of the end of this process  
22 you're doing support.

23 So another way that you could do all of this with  
24 all of the suggestions that are being made drawing on the  
25 expertise of the group and having study groups and all that

1 is maybe if we were going to do it together as 16 people is  
2 to kind of tackle it chronologically. I'm just throwing this  
3 out.

4 I know there are approaches to consider to cover  
5 all of this material. I mean this kind of just defines --  
6 in a way what we have to cover.

7 MS. GUTIERREZ: Right. If you broke it out into  
8 air, land, sea and those kinds of things these are subsets  
9 of the issues you would have to look at and then various  
10 expertise around the table we'll be able to fill in various  
11 pieces and then we'd have to look at the gaps that Michael  
12 was referring to earlier.

13 MS. SARDINAS: And they're all interrelated but  
14 they're kind of in the order that you have to think about.

15 MS. MOSES: I have a question, whether the task  
16 force would have access to any unclassified threat  
17 assessments that have been done on entry/exit that would  
18 serve as baseline knowledge for performance?

19 MR. CRONIN: I'm not aware of any that are  
20 generally releasable. That's a problem. Almost all of that  
21 is classified or at least law enforcement sensitive.

22 MS. GUTIERREZ: That's a good point, Mariam,  
23 because in terms of the issue's out there, that's probably  
24 something that we need to figure out how to factor in or if  
25 there's a way to address it.

1 MR. CRONIN: Okay. Don?

2 MR. PROSNITZ: That always comes up, about threat  
3 assessments. We're doing something that's not going to be  
4 in place for, I don't know, 2003 or 2005. We need to make  
5 sure we're not sort of fighting the last generation's war.

6 So I think we can be pretty creative and decide  
7 what's going to happen -- even if we had it I don't think it  
8 would help us particularly, I mean any sort of threat  
9 assessment. I mean we're trying to -- I won't say balance --  
10 but improve security and commerce at the same time. We can  
11 sort of make the assessment -- who are bad guys and how --  
12 and that's as good a threat assessment as anybody else is  
13 going to come up with.

14 We lock down -- that's the problem. If we lock  
15 down the airports it doesn't take the CIA to tell us that --  
16 I can come up with that. So I'm not sure that's critical.

17 MR. PHILLIPS: I just would add since September  
18 we've changed the view of our borders essentially in  
19 thinking that what we ought to do is find the good guys,  
20 instead we always try to find the bad guys for years. The  
21 reality now is the bad guys are pretty tough to find if they  
22 want to be.

23 So our philosophy now has been let's identify  
24 clearly with the good guys and eliminate them from the  
25 haystack, if you will, by going through background checks.

1           Again, I want to come back -- the reason I keep  
2 talking about air and sea and land being different the live  
3 example here is that for the land, to do entry/exit for  
4 classes of visitors that we've identified isn't a balance,  
5 it's a question of we cannot afford to impede trucks, which  
6 is the commerce. We can't afford to impede the excluded  
7 people, American citizens.

8           Americans are very edgy about being kept in line.  
9 [This portion of the audiotape could not be transcribed due  
10 to poor quality.]

11 So all I'm coming back to is back to my earlier point,  
12 that's why land is a little bit different than air. Air  
13 needs to service the people if you can identify we want to  
14 check and the Americans and the residents are kept out of  
15 that mix. At the land border we're not able to do that,  
16 trucks and cars are intermixed and the low-risk and the  
17 high-risk are intermixed.

18           So that was my point about trying to find out  
19 where we are today and we know where we have to go and then  
20 how do you identify and isolate without holding up the  
21 biggest critical areas at the land border. That's why I was  
22 trying to think that maybe a base position paper of where we  
23 are at the moment as we sit down at the table.

24           We know where we have to go and I think if we had  
25 an outlook of where we are and where the numbers are and

1 then maybe we'll know from that basic position paper what we  
2 need to avoid and what we need to achieve.

3 I mean I sit here at many, many meetings in many  
4 places and the answer is you've got to isolate the trucks  
5 and the people. You can't do this, you have an exit group  
6 or an entrance group, either way, looking for certain things  
7 like everybody else. That's what we have to try to come up  
8 with a technology that will separate, isolate, streamline --

9 MR. CRONIN: Thanks.

10 MS. GUTIERREZ: Okay. Is there any more  
11 discussion? Anybody around the table that has not talked  
12 that wants to add something?

13 MR. CRONIN: Why don't we introduce CPT McMahon?

14 MS. GUTIERREZ: CPT Chris McMahon is here. He's  
15 got a lot of titles but actually he's functioning as the  
16 Special Assistant to the Secretary of Transportation. There  
17 was a conflict with the schedule earlier, but he's now here.  
18 He's going to be working with us on the task force in  
19 conjunction with a gentleman that I spoke to by the name of  
20 Chris Gobel.

21 MR. McMAHON: And I just want to get clear in my  
22 mind that what we're primarily talking about here is people  
23 and not necessarily cargo.

24 MR. CRONIN: That's correct, but the issue that  
25 always bleeds over is the driver. You're talking about data

1 on people and as far as INS is concerned it's an extremely  
2 minimal part of what we do but yet any data collection in  
3 the entry/exit system contemplates that as well.

4 MR. McMAHON: Great. Also, for the meetings that  
5 I can't attend, I will try to get somebody from our  
6 Transportation Security Administration.

7 MR. CRONIN: Right.

8 MR. McMAHON: Most of you probably know that DOT  
9 is standing up TSA, which I understand it is the largest  
10 government entity to be stood up since World War II. When  
11 all is said and done we'll have some 40,000 to 50,000  
12 employees, 500 of which will be in the U.S. -- excuse me, in  
13 the capitol here in D.C. and the rest will be spread out  
14 around the country in regions.

15 TSA is responsible not just for airport security,  
16 which is what we're meeting about in the press, but it is  
17 also responsible for the flow of goods and people -- to  
18 secure the flow of goods and people through the entire  
19 transportation system. So it should be very much a part of  
20 this effort.

21 Unfortunately, TSA -- well, the numbers changed.  
22 Last week they had 12 employees and I think this week they  
23 have 1,600.

24 It's going to take them a while to ramp up but I  
25 will immediately start trying to share this with the CSA

1 folks.

2 MR. CRONIN: I think there's going to be a real  
3 synergy there. We're certainly at the staff level at INS  
4 been doing those discussions.

5 MS. GUTIERREZ: Now, Barbara thought she had the  
6 air piece licked. Now there's this new dimension.

7 MS. KOSTUK: I never thought it was licked. We're  
8 just very happy that DOT is at the table and I know Dawn is,  
9 too.

10 MS. LUCINI: Right.

11 MS. KOSTUK: This is what we're dealing with  
12 daily.

13 MR. CRYE: That brings up another point. On the  
14 security issue we've got multiple agencies as well as  
15 Congressional committees that are all looking at problems  
16 from different aspects and it's consuming lots and lots of  
17 my office's resources to be able to try to participate and  
18 work with and move forward internationally as well.

19 [This portion of the audiotape could not be  
20 transcribed due to poor quality.] Are we going to move to  
21 sort of a common approach, we have the Transportation  
22 Security Administration now talking about 50,000 people? )

23 MS. GUTIERREZ: Homeland security, right?  
24 Michael, we don't have any easy answers for you. We're in a  
25 similar predicament. If you hear from Bob Mocny how many

1 people think they can build a network. Don can tell you.  
2 To build an entry/exit system they're knocking on our door  
3 every day. The stream of vendors is just phenomenal.

4 So there's a lot of overlap; there is more overlap  
5 than there used to be because people are running around  
6 trying to do whatever. So we here at the table represent at  
7 least a collective group.

8 MR. CRONIN: Let me respond to something also. I  
9 mean the fact is that, yes, Homeland Security is looking at  
10 the border process and looking at options for rationalizing  
11 the border concepts. Obviously it's a very difficult issue  
12 in terms of departmental jurisdiction, in terms of  
13 Congressional kinds of jurisdiction, so on and so forth.

14 Whether at the end of the day there's a  
15 recommendation for simply better coordination or some sort  
16 of reorganization the fact is that, yes, the issue is being  
17 looked at. In terms of security and the border agencies,  
18 obviously Transportation Security is a new player on the  
19 block but those discussions are beginning and I think there  
20 is a strong sense that there has to be an integration  
21 between border security and transportation security.

22 We certainly have to be aware of what each other  
23 are doing and I think that there are probably far larger  
24 opportunities for synthesis, for integration, for working  
25 together and for developing -- I won't say a single system,

1 but an interlocking system of activities in relation to  
2 security.

3 But, yes, a holistic view is being taken. There's  
4 a strong sense of that I think in D.C. in terms of what we  
5 have to do.

6 MR. McMAHON: Yeah, I have to agree with you. I  
7 know that Mike has spent time over in DOT already on some of  
8 our security efforts. The good news is that we are trying  
9 to do just this, bring it together.

10 It seems to me when you're talking about the flow  
11 of people it's sort of an immigration needs issue and I  
12 think INS to be a part of it. In terms of when you look at  
13 freight and cargo, what we have done recently in the last  
14 couple of months is team up with Customs. We have co-shared  
15 with Customs a continued working group and just divided it  
16 into four subgroups; IT systems, which is data bases;  
17 security technology, which is security in a box itself;  
18 business practices and international affairs.

19 In doing that Homeland Security has sort of lifted  
20 us up as the lead group, the DOT/Customs group, and we have  
21 brought in Immigration, the Department of Energy, the  
22 Department of Commerce, the Food and Drug Administration and  
23 the Department of Defense, several different agencies. So  
24 we think we've captured all of those players in that effort.  
25 So hopefully in that area there won't be duplicate efforts.

1 In terms of movement of people, this seems to be evolving  
2 to be the lead effort.

3 I don't think it's possible to combine the efforts  
4 of this with the efforts of freight movement because we have  
5 150 people in our four subgroups that represent kind of a  
6 who's who -- not just in government but in industry [This  
7 portion of the audiotape could not be transcribed due to  
8 poor quality.]

9 MS. GUTIERREZ: Rick?

10 MR. WEBSTER: I just wanted to follow-up on  
11 something Martin said. We all want to be sort of working  
12 from the same base of knowledge and I think keeping in mind  
13 wanting to save the taxpayer some money and save ourselves  
14 some time. I don't know that we all need to go to an  
15 airport, seaport and land border, but I think it would be  
16 useful to have some sort of presentations here by folks in  
17 inspections and maybe some in the private sector on how the  
18 procedures work now, this works and this doesn't.

19 I think we waste a lot of time trying to  
20 coordinate schedules, to get down to Laredo, you know, if we  
21 can do Dulles nearby and for most of us that's fine, because  
22 it's an international gateway airport. But I think we need  
23 to quickly do that so everyone -- and again, people will  
24 self-select if, you know, Dawn and Barbara probably don't  
25 need to go out to Dulles.

1           But I think just practically again to save money  
2 on the budget we just need to do some presentations, get out  
3 some paperwork right away.

4           MR. CRONIN: Okay. Any other comments?

5           MR. JOHNSON: I mean as far as technology you  
6 mentioned the vendors coming through. Is there at some  
7 point in this process, a process to have vendors come in?  
8 And this would be like an overview kind of technology force  
9 aspect of what's out there working.

10           Have they been tested in the field? How much do  
11 they cost? I mean these are things we need to start looking  
12 at.

13           MR. CRONIN: I think the answer is yes, but I also  
14 know for now that the entry/exit project group is going to  
15 be doing requests for information. I'm not sure about the  
16 rules. I would think that we would be able to provide  
17 something from that to this group.

18           MR. PROSNITZ: Off-hand we could have three or  
19 four different groups looking at various types of biometrics  
20 and they actually all do talk to each other. So it would be  
21 pretty easy to give you a summary [This portion of the  
22 audiotape could not be transcribed due to poor quality.]  
23 They're actually going to San Ysidro tomorrow.

24           But they're doing it and we're doing it and we can  
25 easily present stuff on biometrics. Data mining would be a

1 little bit more difficult but we can present that as a top-  
2 level.

3 MR. McMAHON: One of the things that we've done at  
4 DOT -- and I've heard a couple of comments from people  
5 because we have had dozens of vendors, I get about six to 15  
6 phone calls a day from a company that's going to save the  
7 world and frankly, some of them can. But there's no way that  
8 our group necessarily has the expertise and certainly  
9 doesn't have the time, so what we have done is we at DOT  
10 have the RSPA, which is the Research and Special Programs  
11 Administration which is sort of our research entity and it  
12 seems to me that there must be something -- an entity that  
13 you can use.

14 What vendors are doing is they're submitting their  
15 proposals and their bids to RSPA and they're sort of  
16 categorizing it and saying, "This one you really have to  
17 look at." So that's how we're sort of managing that.

18 MS. GUTIERREZ: We're doing that to some extent  
19 through the entry/exit project office and some other things  
20 that Don is involved in. But what I'm hearing is a  
21 background presentation of some sort by the Inspections  
22 folks in terms of what you need to know about the whole  
23 process at ports, air, land and sea coupled with as needed  
24 site visits air, land or seaports, depending on who needs to  
25 see what and how we can do that as reasonably as possible.

1                   Sort of a background A and then background B  
2 without their technologies, just sort of a macro view of  
3 what's happening kind of thing. So it's sort of an  
4 orientation to whatever it is these next steps are. Is that  
5 what I heard?

6                   MS. SARDINAS: What I heard, too, Dominica, was  
7 drawing on the expertise of the group.

8                   MR. PROSNITZ: Yes.

9                   MS. GUTIERREZ: Right.

10                  MS. SARDINAS: Don and I are both in the same  
11 boat. I do not know anything about trucks.

12                  MR. CRONIN: Right.

13                  MS. GUTIERREZ: We will try to establish the  
14 background orientation piece for the group. It sounds like  
15 port operations, certain site visits and then the B part of  
16 it is the IT stuff, what's out there -- I mean what's worth  
17 running past the group? Is that my orientation point of  
18 view? Okay.

19                  MS. SARDINAS: I wanted to ask a question.

20                  MS. GUTIERREZ: Yes?

21                  MS. SARDINAS: You have proposed at one point on  
22 the organization chart an information technology consultant.

23                  MS. GUTIERREZ: Right.

24                  MS. SARDINAS: You know, you don't have to answer  
25 me right now but I certainly thought that was a good idea.

1 MS. GUTIERREZ: It is a good idea, but the problem  
2 is that we have been up and running or trying to be up and  
3 running since after New Year's and we quite honestly, have  
4 not been able to devote a lot of resources to exploring more  
5 of that box. After we got past this meeting we have every  
6 intention of proceeding.

7 MS. SARDINAS: No. I'm not saying that. I think  
8 that would perhaps address some of these concerns.

9 MS. GUTIERREZ: Right.

10 MS. SARDINAS: But you might not want to bring  
11 them on right away, either.

12 MS. GUTIERREZ: Right. What we're sort of  
13 envisioning -- and I think I've talked to each of you about  
14 this -- but we have to work with the procurement people. We  
15 just haven't had the staff or the time to get there.

16 MS. SARDINAS: No. I'm not suggesting that you  
17 should have had them here today. I'm just saying that it  
18 would be good for the group.

19 MS. GUTIERREZ: Right. I'm trying to say that  
20 what we're looking to do there for that is to not really  
21 have somebody picking out technology for us. What we're  
22 sort of envisioning and again it's still not poured in  
23 concrete, but to provide recommendations to this group as it  
24 moves forward to say, "Hey, you know what? You don't want  
25 to go down that road. That's soon to be dated technology.

1 These are where the industry's going. This thing and that  
2 thing."

3 Not necessarily pick this thing but just sort of  
4 recommendations in general because around this table we have  
5 a lot of expertise. None of it in that area, except for Don  
6 and maybe some other folks who are really IT people. They  
7 all have other expertise but that's why we were looking to  
8 compliment the group with that.

9 MS. SARDINAS: I was just responding to what was  
10 just expressed.

11 MS. GUTIERREZ: I think we need to move past the  
12 discussion part of how we're going to tackle this next step  
13 issue. I think we need to come up with some sort of a vote.

14 The best I've been able to surmise from this last  
15 hour or so of discussion on the topic has been one option is  
16 break into subgroups in the traditional roles, air, land,  
17 sea, whether we have northern border or southern border  
18 cargo. I mean cruise lines versus all other seaports or  
19 whatever. That breaking into that subgroup as Option I.

20 The strawman proposes subgroups sort of by  
21 function and looks at all of those things but covers the  
22 various areas. So those would look at it essentially the  
23 same, just different order. So that would be let's say two  
24 subgroups by function.

25 Then the third thing that I've also heard from the

1 group in terms of an option is no subgroups, we're going to  
2 tackle this altogether, all 16 people, moving in the same  
3 direction. Is that a fair assessment of the three options  
4 discussed?

5 MS. SARDINAS: Yes.

6 MR. CRONIN: And can we see a show of hands then  
7 for the first option, for the air and land and sea?

8 MS. GUTIERREZ: Which would be the traditional  
9 subgroups.

10 MR. JOHNSON: You can only vote for one?

11 MS. GUTIERREZ: You can only vote for one.

12 MS. GUTIERREZ: Okay. Show of hands for the  
13 traditional subgroup, air, land, sea, etcetera?

14 MR. CRONIN: One.

15 MS. GUTIERREZ: One.

16 MR. PHILLIPS: What is the second one?

17 MS. GUTIERREZ: The second one is the strawman.

18 MR. CRONIN: Although it's subject to modification  
19 but basically breaking it up into functional areas.

20 MS. GUTIERREZ: Some two or three or four people  
21 breaking off and saying, "We're going to tackle the IT piece  
22 across the board." Some other group breaking off two, three  
23 or four saying, "We're going to tackle the process piece of  
24 this issue." That's the second one. Show of hands?

25 MR. CRONIN: So no subgroups?

1 MR. PHILLIPS: Why don't we have a briefing  
2 session, have one more session together with briefing on the  
3 background and then I think it will be better.

4 MS. SARDINAS: I think you need to attach training  
5 to this, in other words, right now. Because I think these  
6 are good ideas. I mean that's why he said he wants to vote  
7 for all of them but, you know, I mean at different points in  
8 the process.

9 MR. CRONIN: Okay.

10 MS. LUCINI: Let's try for the presentation on the  
11 breakdowns as soon as possible and then from there we can  
12 figure out our workplan, whether it's functional groups or  
13 some sort of group.

14 MR. CRONIN: Okay. Sounds good. The task force  
15 office will work on that. Fine. Done.

16 MS. GUTIERREZ: When?

17 MS. LUCINI: Yesterday.

18 MS. GUTIERREZ: I've got to tell you for the  
19 record my concern. I understand that we need to get some  
20 background and get some things going but I'm very, very  
21 concerned about the need to have to move forward and get the  
22 ball rolling here. So I'm going to be really, really  
23 concerned about the timeframes. Luis?

24 MR. RAMIREZ: As we're getting together sometime  
25 in the near future more than likely more than once, I think

1 it would help me to understand as I'm listening to all of  
2 the information we're going to be getting one of the  
3 questions that I'm going to try to answer at the end.

4 We talked about the process but what is it that  
5 we're trying to get at? I do think that it's one answer for  
6 everyone. I do think it's one answer. Everybody has to  
7 provide an entry record and a departure record. If you  
8 haven't departed where are you?

9 I think we're talking about a difference in how  
10 you apply it but we haven't even come up with a consensus --  
11 maybe we have -- as to how the data is going to be  
12 structured and what information we're going to be  
13 requesting. I'm having a hard time really -- are we going  
14 to be asking everybody to carry a card?

15 MS. GUTIERREZ: No.

16 MR. RAMIREZ: How are we going to track the data?

17 I think as we move forward just understanding what  
18 questions I'm going to try to answer as we move forward. I  
19 clearly have at least in my mind the concerns and the  
20 interests of the people that we represent.

21 MR. RAMIREZ: And we deal with -- primarily  
22 looking at land crossings because it's simply the magnitude  
23 it's just the largest one. While we're dealing with ports  
24 we're also dealing with airports. So we have some sense  
25 about all three modes and clearly I think there's something

1 that we can contribute to all three.

2 But what is the question I'm trying to ask?

3 MR. CRONIN: I think you're first question is a  
4 good one and I don't think we've got a good answer for you  
5 at this point. This is an area where there's a lot of  
6 legislative activity in terms of what an entry/exit system  
7 looks like and who's going to be covered. We've certainly  
8 got the existing provisions of law as to who's covered in  
9 the system. We don't know what's coming down the pike  
10 legislatively.

11 MR. RAMIREZ: But I think we have to think a  
12 little bit outside the box and not necessarily be bound by  
13 existing legislation.

14 MR. CRONIN: Absolutely. Absolutely.

15 MS. GUTIERREZ: I think the answer in a very, very  
16 macro view is the first tier of this has to be that we at  
17 the end of December have a report that includes  
18 recommendations on entry/exit systems. That would be the  
19 goal in a general statement.

20 Now how far down the level of detail is what we  
21 need to work towards because I think one of the dangers that  
22 we're going to have to have is are we looking at systems and  
23 processes and things in a general sense or we need to stay  
24 out of the fine print in all sorts of data elements and that  
25 should include what and where the integration and the

1 systems builders are going to do. So I think we're so far -  
2 - we don't know where that line is yet.

3 MR. RAMIREZ: I understand that, but we're still  
4 addressing the situation where an individual can use all  
5 three modes of transportation.

6 MR. CRONIN: Right.

7 MS. GUTIERREZ: Right.

8 MR. RAMIREZ: So how you apply it I think is a  
9 little bit different at the airports and the seaports and  
10 the land ports, but you ultimately have to get the same  
11 information at all points of entry.

12 MR. CRONIN: Right.

13 MR. RAMIREZ: -- or all points of departure.

14 MS. GUTIERREZ: Right. There are some  
15 commonalities I think that you have to look at. I think  
16 that the way it's going to be accomplished may not  
17 necessarily be standard, although it should be integrated  
18 and linked. But again, we're getting into areas that we  
19 just don't know enough about yet.

20 MR. CRONIN: Timeframe statistics?

21 MS. GUTIERREZ: Yeah. We need to have a timeframe  
22 for briefings. I'll have to work with Inspections but they  
23 need to be in the next several weeks you want to come up  
24 with a date and we'll shoot for that while everybody's here.

25 MR. CRONIN: Okay.

1                   MR. JOHNSON: Well, we've asked for them. It's up  
2 to us to adjust our schedules.

3                   MS. GUTIERREZ: Thank you.

4                   MS. KOSTUK: March 6th?

5                   MS. GUTIERREZ: I was going to say March 6th, two  
6 weeks from today. Here's the problem though that counsel  
7 just told me about. If we're going to have a full meeting  
8 we're going to have to go with a Federal Register notice.

9                   MS. LUCINI: You've got to be kidding?

10                  MS. GUTIERREZ: I'm not kidding, which is why I'm  
11 a proponent of working groups.

12                  MR. PHILLIPS: You should have come out with that  
13 first, straight out.

14                  MS. GUTIERREZ: To be honest, I'd have to make a  
15 call over to the Department because counsel is telling me  
16 one thing and I'm not about to not take counsel's advice  
17 here.

18                  MR. PHILLIPS: How about the next best, that you  
19 arrange two briefings? One through a subgroup of government  
20 representatives to be briefed and one to the non-private  
21 sector groups to be briefed so you can brief this in tandem  
22 in the morning or the afternoon or the next day. That  
23 solves your Federal Register problem without splitting up  
24 the groups.

25                  MR. PROSNITZ: That doesn't solve my problem which

1 is I really need to hear what the non-government people have  
2 to say. I mean it's briefing and, you know

3 MR. CRONIN: My sense is that it's probably  
4 doable. Let's get a date and we'll follow-up on the issue  
5 of what we can and can't do.

6 MS. GUTIERREZ: So Barbara recommended March 6th.  
7 So did Don.

8 MR. CRONIN: That's right.

9 MR. ARNOLD: We're going to have some practical  
10 problems.

11 MR. CRONIN: Yes. I'm speaking at a symposium  
12 that is being put on on March 6th.

13 MS. GUTIERREZ: The 7th and 8th then?

14 MR. CRONIN: The 7th?

15 MS. GUTIERREZ: That will work. Who is the person  
16 who said 16 people, this is a manageable group?

17 MR. PHILLIPS: It was me.

18 MS. GUTIERREZ: He's saying it's not doable.

19 MR. CRONIN: The week of the 11th we can't do.

20 MS. GUTIERREZ: The 5th works.

21 MR. CRONIN: The 5th? It's a Monday.

22 MS. GUTIERREZ: No, it's a Tuesday.

23 MR. CRONIN: Tuesday. Okay. Good.

24 MR. ROJAS: Done.

25 MR. CRONIN: Done.

1 MR. ROJAS: Done.

2 MS. GUTIERREZ: Okay. And at that meeting we will  
3 look to set up the two background briefings, the  
4 inspectional piece.

5 MR. CRONIN: The members of the group have  
6 presentations they want to make.

7 MR. JOHNSON: We'll bring you some stuff.

8 MR. CRONIN: That's fine.

9 MR. PROSNITZ: Obviously you have to work with  
10 your people but the morning would be better.

11 MR. CRONIN: Okay.

12 MR. PHILLIPS: So do you have a target timeframe  
13 and duration?

14 MR. CRONIN: For the briefings?

15 MS. GUTIERREZ: Why don't you get back to us  
16 tomorrow? I think it can be done in the same four hour kind  
17 of block of time.

18 MR. CRONIN: Say three.

19 MS. GUTIERREZ: Well, three hour block of time.

20 MR. PHILLIPS: You may want to add then the  
21 discussion of what are you going to [This portion of the  
22 audiotape could not be transcribed due to poor quality.]

23 MS. GUTIERREZ: So just allow for the four hour block  
24 of time and if we're done earlier we're done earlier. We'll  
25 split it up roughly half, the inspectional piece and the IT

1 piece and then we'll figure out what next steps are and see  
2 if we want to continue working as a group and then after we  
3 understand better the lay of the land we would want to  
4 consider the subgroup issue and see what we're going to do.  
5 Is that fair? Everybody's nodding their heads.

6 MS. GUTIERREZ: Any closing remarks?

7 MR. CRONIN: Well, first of all, this is not  
8 pressing. You folks have been good enough to come and sit  
9 through this. Any comments or questions around relations?  
10 Bob?

11 MR. DAVIDSON: Good afternoon. My name's Bob  
12 Davidson. I'm the Assistant Director of Facilitation for the  
13 International Air Transport Association.

14 Interesting me so far is something that I think is  
15 well past due -- everything that we're talking about or  
16 you're talking about as a group basically can come down to  
17 information shared. You've got ways to pick that  
18 information from one point to another and that's procedural  
19 and that will be worked out.

20 What it really comes to some of our biggest issues  
21 that will need to be addressed are information, whether it  
22 be data about the person or biometrics about the person.  
23 It's the information shared.

24 Three points came to mind during the conversation,  
25 the first point we really do need for the agencies to come

1 together and actually develop a plan in threes, the data,  
2 raised issue, what information are we being -- to share?  
3 December 31st the industry receives one set of data -- visa  
4 waiver requires a different set of data that must go on the  
5 1st of October. That needs to be frozen so that Customs can  
6 develop its systems to be able to accept the information and  
7 that takes time for Customs and the industry to meet those  
8 obligations.

9           The second point, just yesterday I was asked to do  
10 a review of a document that was published on the 5th of  
11 February by a joint U.S. group looking into the perimeter  
12 for control, a strategy for the future. It does address  
13 both cargo and passenger movement across the border. It  
14 talks about biometrics, it takes about how -- and what  
15 information should be shared. It may provide a useful  
16 background for you.

17           MR. CRONIN: Jim Phillips is actually a  
18 contributor to that.

19           MR. DAVIDSON: And then the third point, again  
20 operationally, sharing information we can get there from  
21 here. However, there's a couple of things that we need to  
22 do; (1) we need to ensure that the travelers understand the  
23 reasons behind it and that we can get them to buy into the  
24 process. That's very, very important.

25           At the same time, I think as a member of the group

1 the Department of State needs to receive some kind of a  
2 directive or encouragement, if you will, that there is a  
3 political element that's involved in all of this. It's  
4 wonderful to have legislation when the United States says,  
5 "You must do this."

6           However, if we look back just two or three months  
7 ago Canada finally passed legislation that allows Canadian  
8 carriers to provide advanced passenger information legally  
9 to the United States. Canada and the United States are the  
10 largest transporter trading group in the world.

11           Imagine what's going to go through the minds of  
12 the people in Brussels when they find out that this program  
13 envisages developing travel history on specific non-U.S.  
14 citizens so that you can develop trends and analysis.

15           I think State is going to have to really step up  
16 on this, otherwise the transport industry is going to be put  
17 into that uncomfortable position of being forced to either  
18 decide to violate the whole law in order to serve the market  
19 or to leave -- the U.S. market for fear that they will face  
20 litigation at home.

21           So those are three points that came to my mind as  
22 I was listening to your discussion.

23           MR. CRONIN: Thank you. Okay. Thank you  
24 everyone.

25           MS. GUTIERREZ: Thank you.

1                   (Whereupon, at 4:11 p.m., the meeting was  
2 adjourned.)  
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REPORTER'S CERTIFICATE

DOCKET NO.: N/A  
CASE TITLE: DMIA MEETING  
HEARING DATE: February 20, 2002  
LOCATION: Washington, D.C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the United States Department of Justice.

Date: February 20, 2002

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