A. OVERVIEW

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

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

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

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

B. SUBCOMMITTEE REPORT

A Statement of Assumptions and Constraints

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

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

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

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

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

The Current Process

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There are substantial limitations to the SENTRI system.

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

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

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

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

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

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

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

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

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

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

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

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

BRASS allows users to do the following:

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

BRASS:

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

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

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

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

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

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

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

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

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

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

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

Applicable Principles for an Entry/Exit System

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

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

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

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

[17] See Exhibit 2 for additional information

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Canada and Mexico:

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

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

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

Policy:

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

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

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

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

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

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

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

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

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

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

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

A Vision for the Future

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

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

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

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

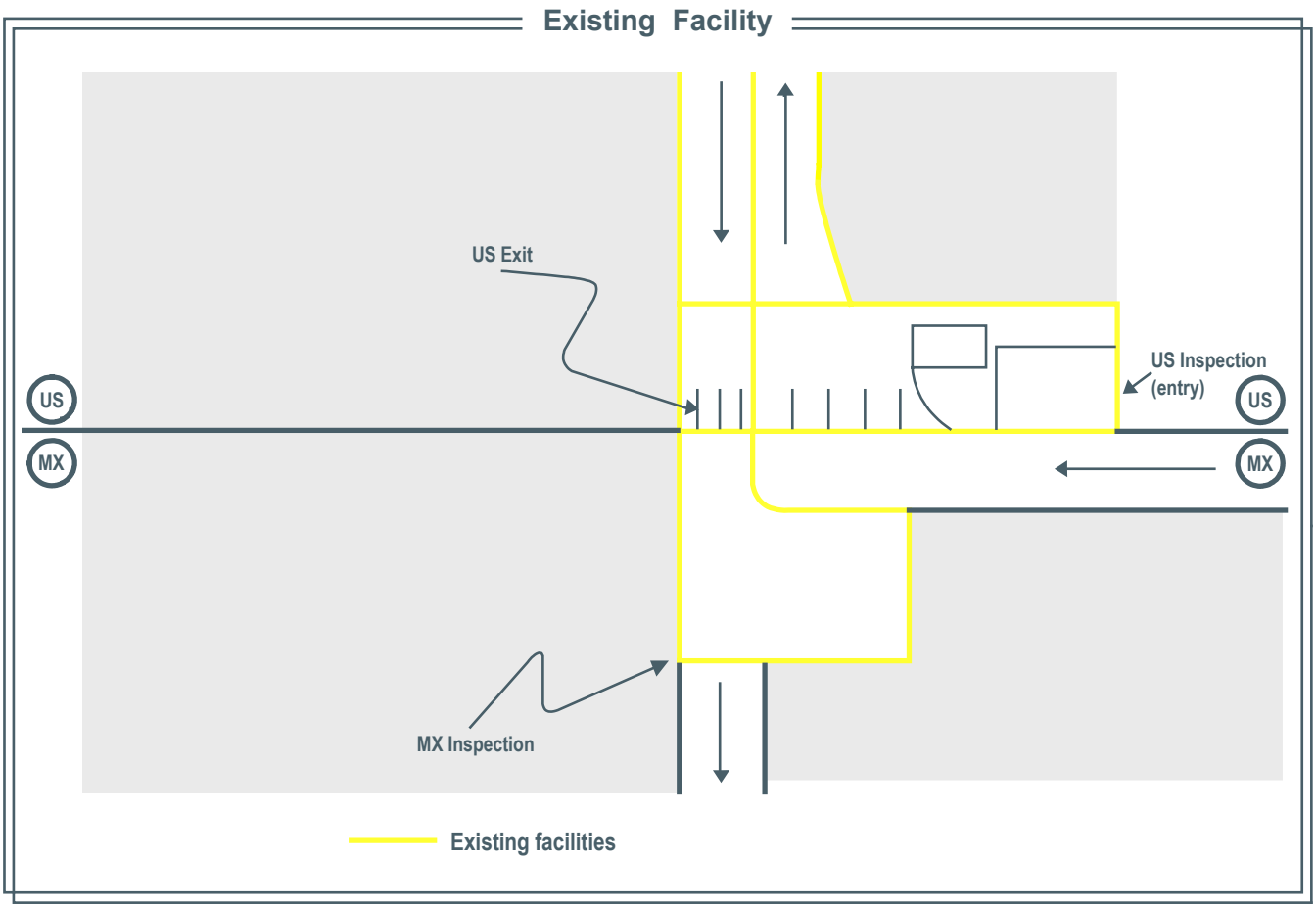
The ultimate goal is not only for the implementation of an entry/exit system, but to create a strategy that fosters economic development, promotes the welfare of the residents, and protects the environment of the U.S./Mexico border.

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

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

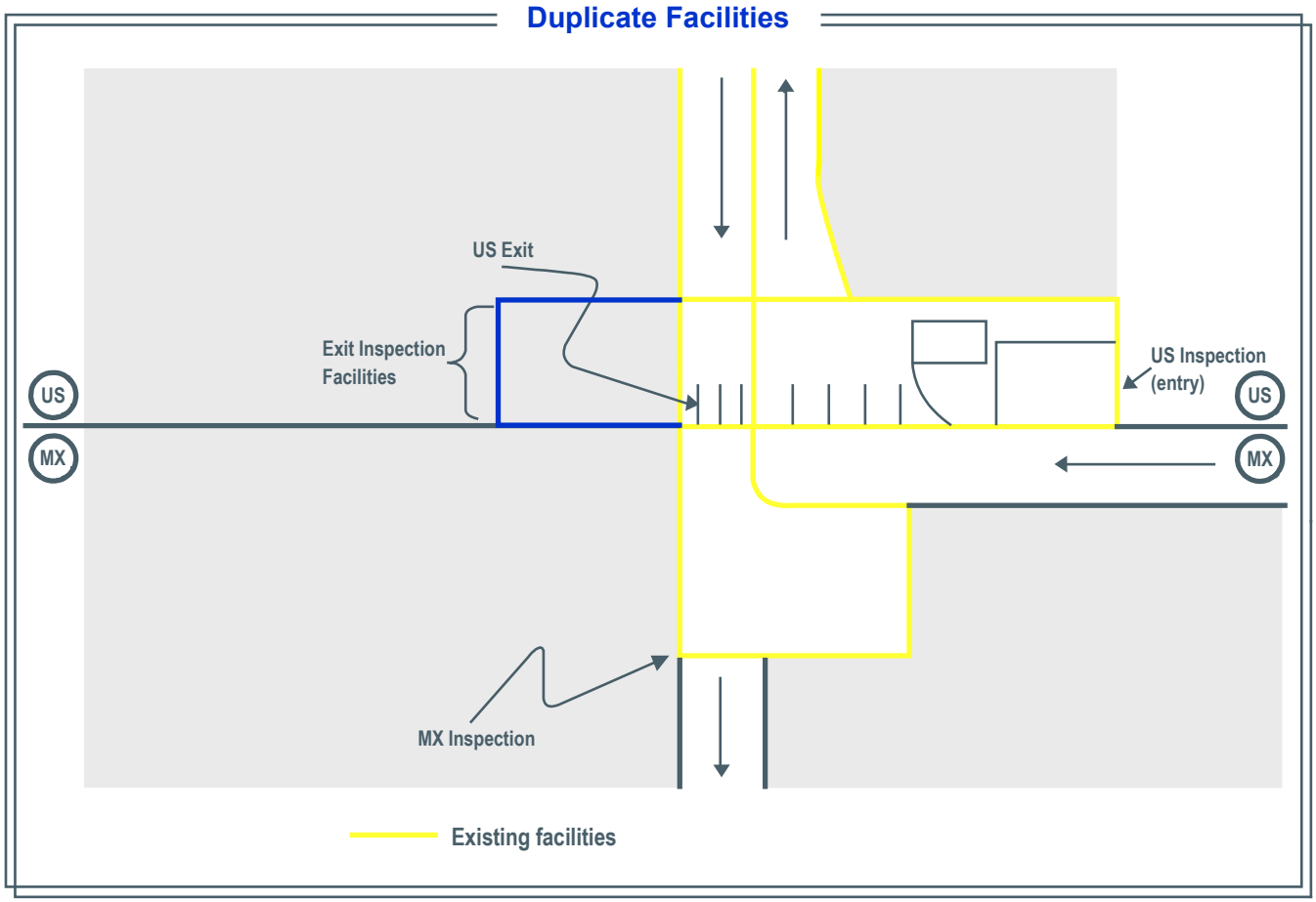
The following describes in general terms the possible configurations that the ports of the future may look like.

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



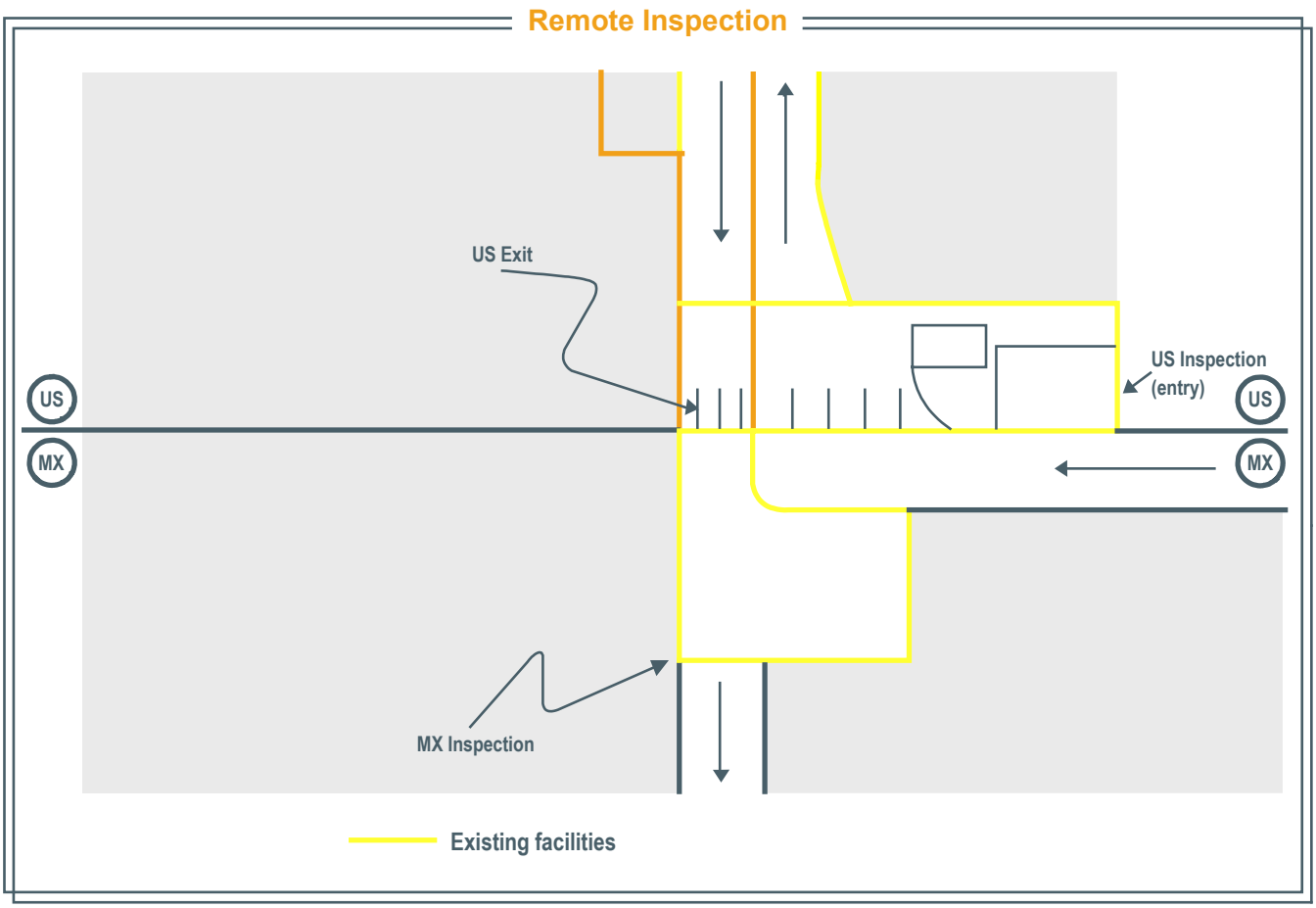
4-01

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



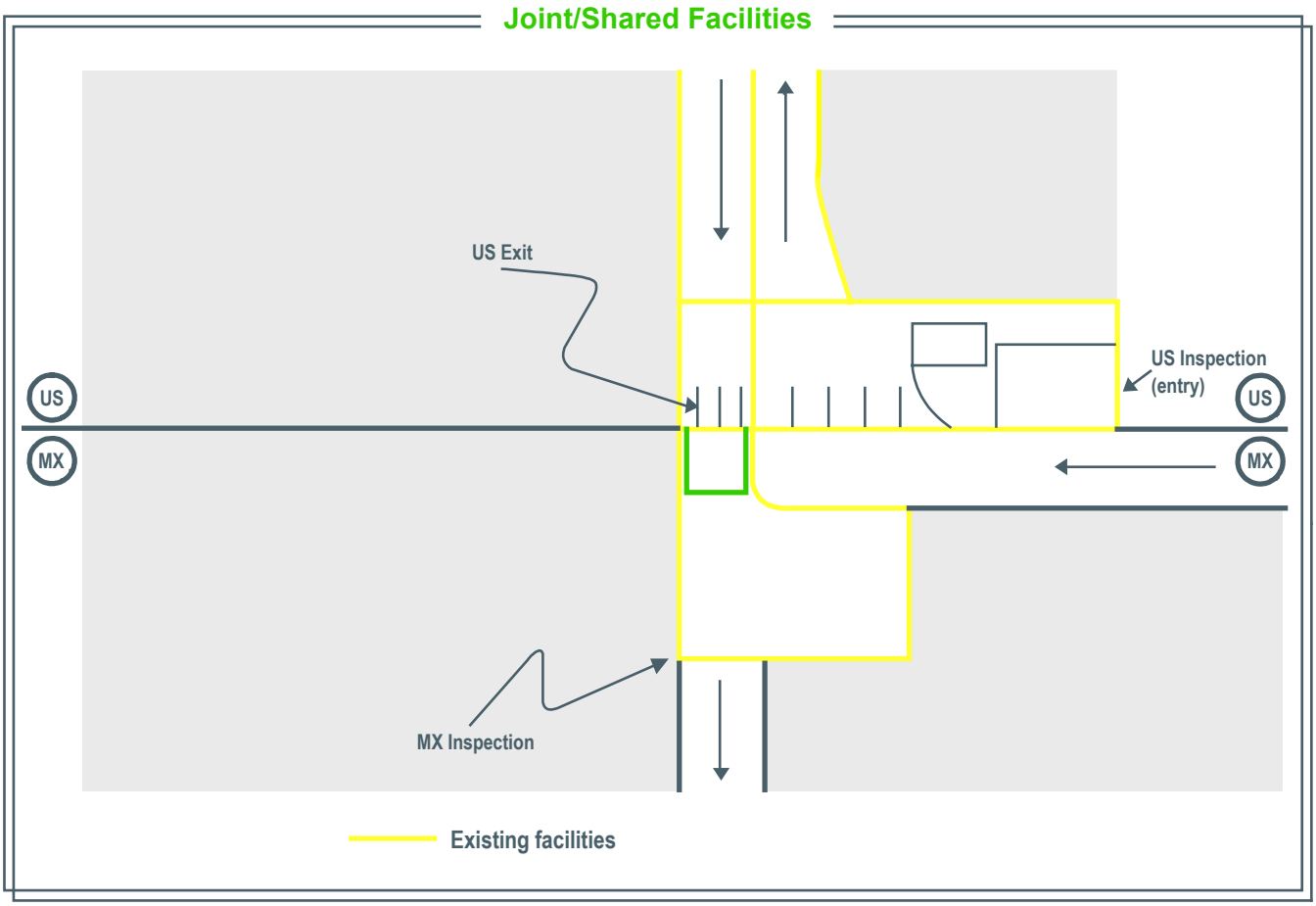
4-02

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



4-03

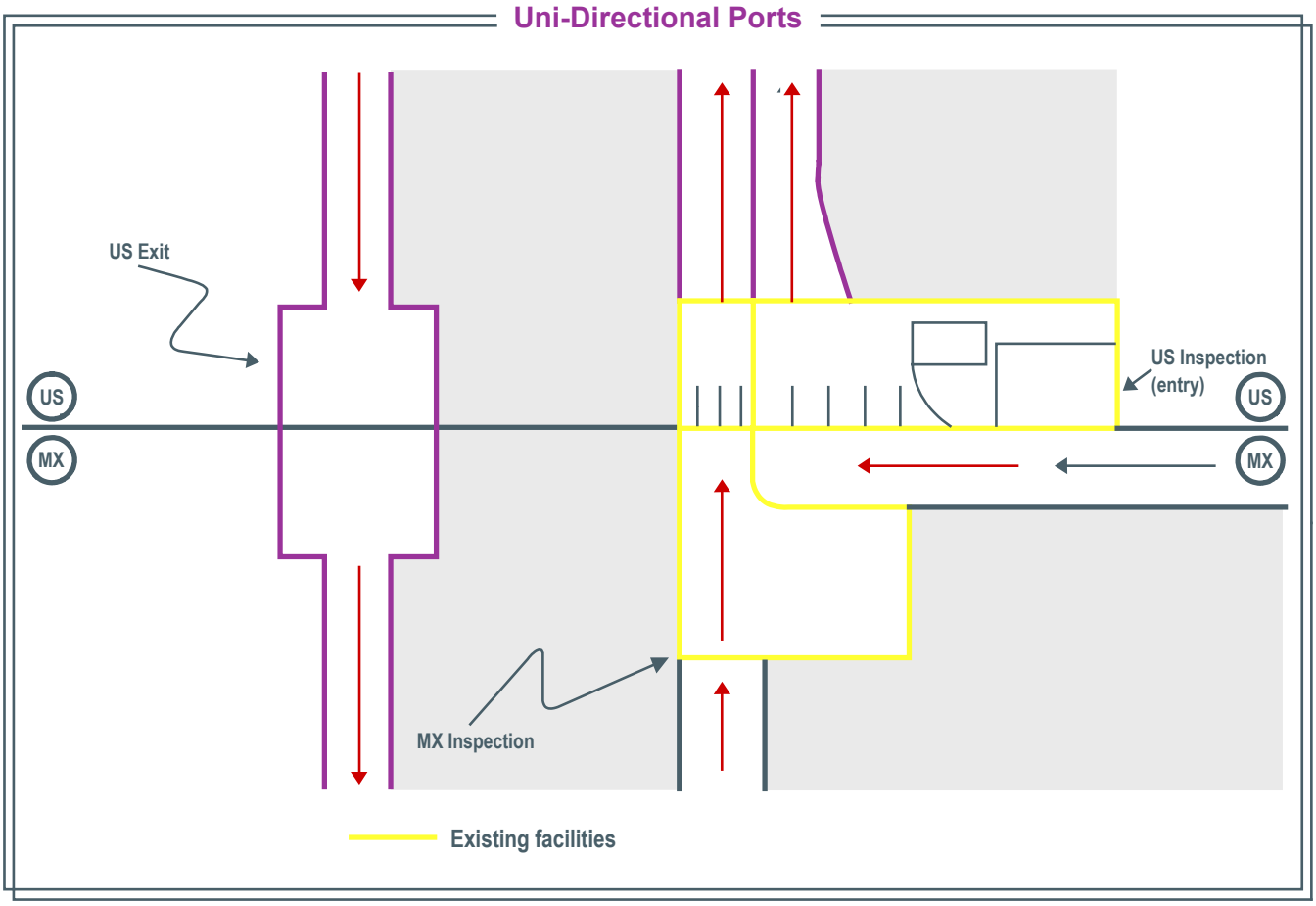
Slide 4: Option C, Joint or Shared Inspection Facilities: Recognizing the space limitations, there should be consideration for the utilization of the Mexican side of the inspection facilities in order to deploy an exit control from the U.S. This requires considerable legal review as to the possibilities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



4-04

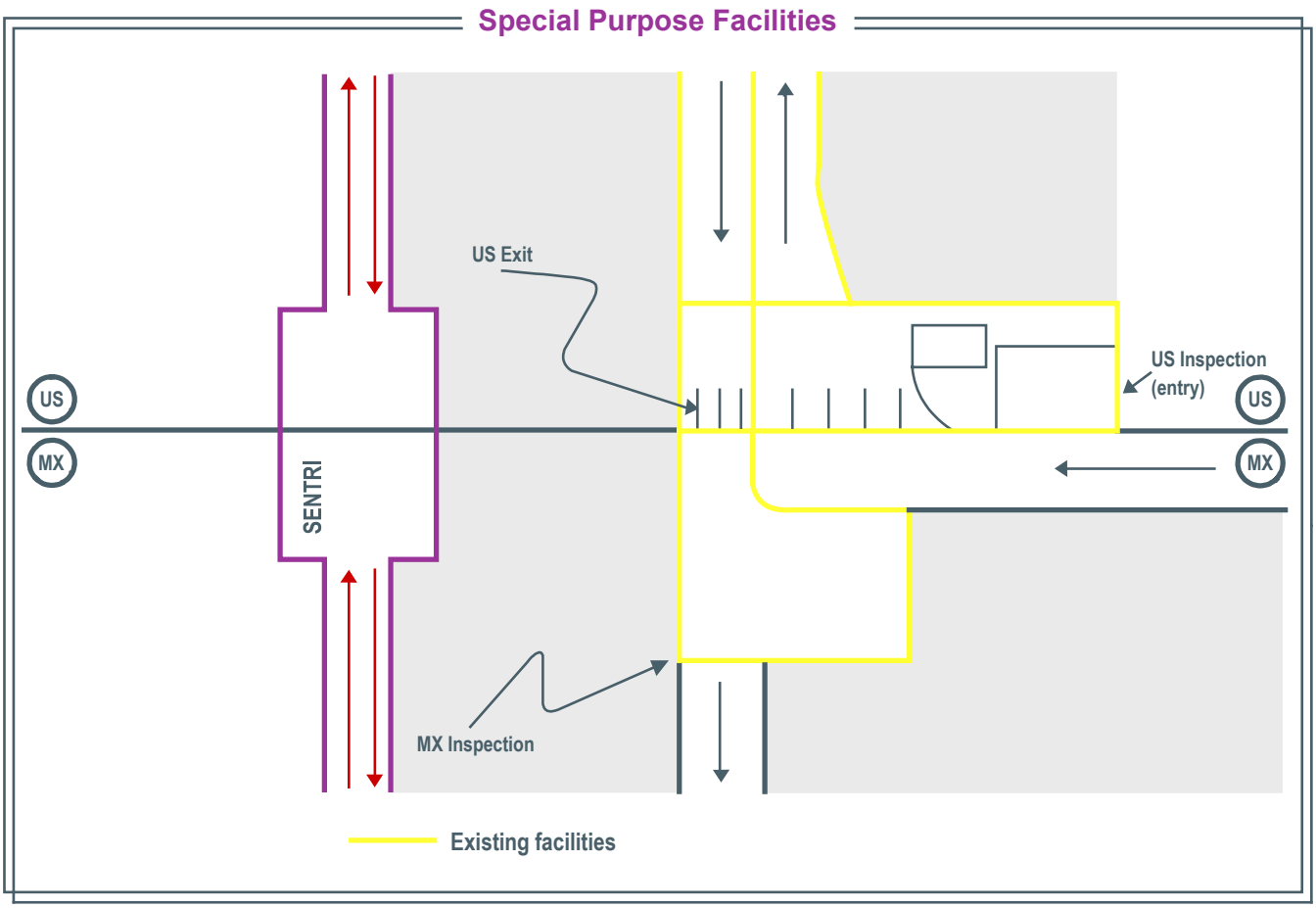
Slide 5: Option D, Uni-Directional Ports: The concept of uni-directional ports recognizes that, as originally conceived, an entry/exit system requires the imposition of an exit control on the limited infrastructure that currently exists for an entry control. Consideration should be given, where appropriate,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

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



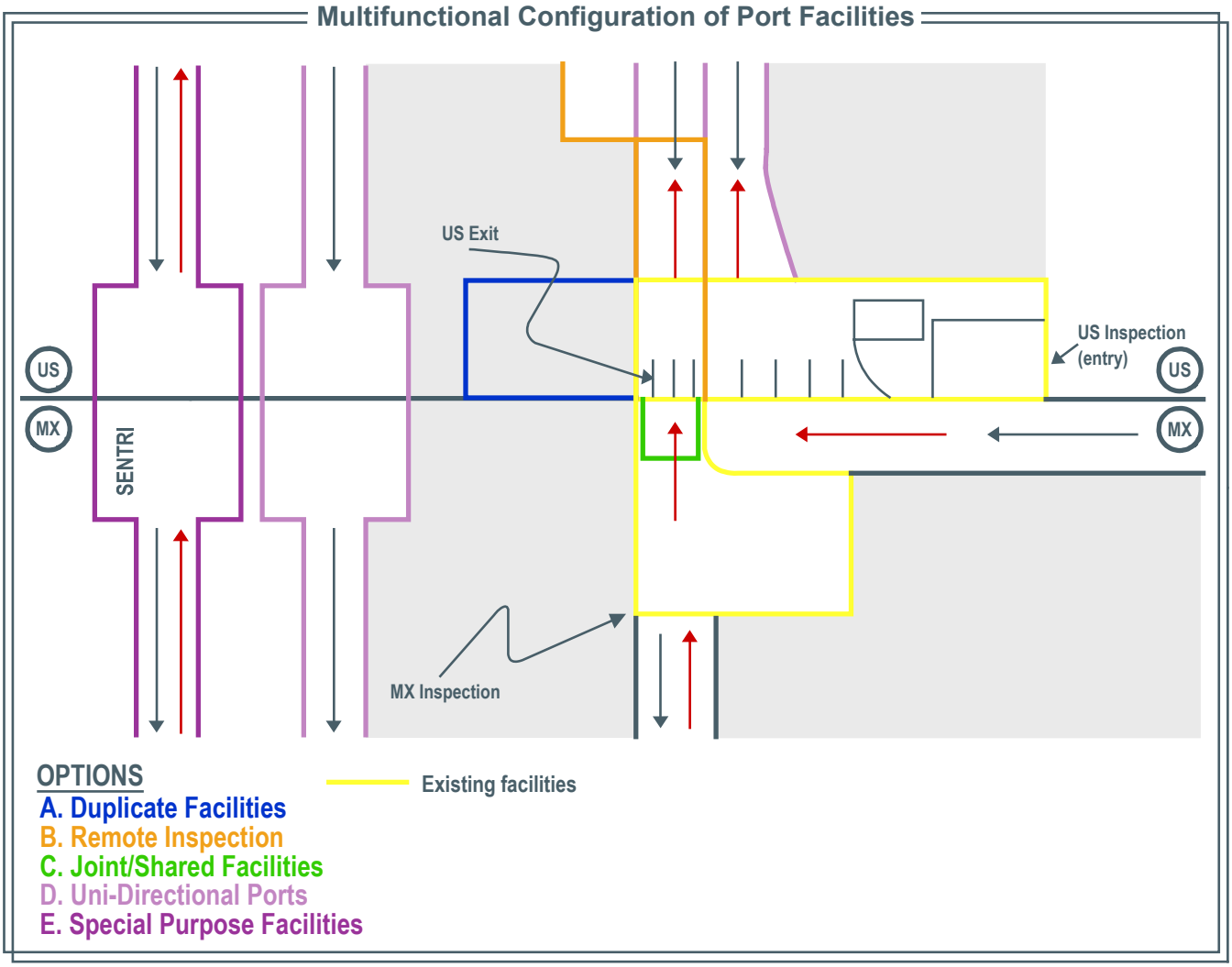
4-05

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



4-06

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



4-07

EXHIBIT 1: VISA ISSUANCE CONSIDERATIONS

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

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

EXHIBIT 2: VOLUME AND STATISTICS

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT 3: STAKEHOLDER MEETINGS

San Diego, California

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

San Diego-area organizations represented:

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

McAllen, Texas

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

McAllen-area organizations represented:

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

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