



**Testimony of Greg Principato
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before the

**House Homeland Security Committee
Subcommittee on Border, Maritime and
Global Counterterrorism**

*"Implementing the 9/11 Act Mandates for
Enhancing the Visa Waiver Program"*

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Introduction

Chairwoman Sanchez, Ranking Member Souder, thank you for the opportunity to testify before you today on behalf of Airports Council International- North America (ACI-NA).

My name is Greg Principato and I serve as the President of ACI-NA. ACI-NA represents state, local, and regional government entities that own and operate commercial service airports in the United States and Canada. ACI-NA member airports enplane more than 95 percent of the domestic scheduled air passenger and cargo traffic and virtually all scheduled international air traffic in North America. In addition, nearly 400 aviation related businesses are also members of ACI-NA.

Visa Waiver Program

We applaud both this Subcommittee and the Full Committee on Homeland Security for its work on the Visa Waiver Program and oversight of the proposed implementation of US-VISIT Exit. Although a majority of my testimony today is dedicated toward US-VISIT Exit, it is important that I also take a moment to comment on the larger Visa Waiver Program, or "VWP," as it is commonly known, which has developed into a vital contributor to our nation's economy.

To this end, ACI-NA is concerned regarding the potential suspension of the Secretary of Homeland Security's waiver authority to expand the VWP on July 1, 2009 if the biometric air exit system is not fully in place. The Department of Commerce ranks international travel as one of the United States' largest exports, exceeding even agricultural goods and motor vehicles. This includes money spent by international

travelers on lodging, food, goods, services, gifts, and recreation. Travel receipts for 2006 were \$107.4 billion, with more than \$50 billion of that coming from 18 million VWP participants. In fact, of the top ten countries in expenditures in the United States, six were VWP participants in 2006. While we understand that existing VWP countries would not have their privileges revoked should the Department not meet the July 2009 deadline, we are concerned that the program would not grow. As Assistant Secretary Richard Barth testified on May 14 before the House Foreign Relations Subcommittee on Europe, the economic benefits of the Visa Waiver Program apply to each of this country's 50 states and will continue to grow as the program expands.

US-VISIT Exit

The requirement mandated by the 9/11 Act of 2007 to verify the departure of foreign visitors who exit the United States by air is a worthy goal supported by ACI-NA. We understand the pressures that DHS is operating under to meet the mandate of the 9/11 Act to have a biometric exit system in place. Airports are prepared to partner with the airlines, with Congress, and with DHS in this endeavor as it is vitally important to ensure that there is a system in place to determine whether or not a foreign visitor has overstayed the terms of his or her visa or other travel authorization.

However, ACI-NA does not support the Department of Homeland Security's (DHS) recent proposal that airlines collect the biometrics of foreign visitors as they are departing the United States. DHS should perform the inherently governmental function of collecting the biometrics, implementing the system, and funding the associated costs.

Additionally, airlines are simply unable to assume this substantial financial burden, especially in the current economic climate. For these reasons, it is now more important than ever before that airports, airlines, and the U.S. Government work together.

Additionally, we are concerned that DHS has no current plans for implementation of an equivalent biometric exit system at U.S. land borders. This will create a problem for visitors who arrive in the United States by air but depart via the land border to Canada or Mexico. For example, a foreign visitor may arrive in the United States by air, travel to Canada by car, and then return to their home country by air from Canada. As currently constructed, that visitor would likely be flagged as not having properly “checked-out” if they return to the United States on a subsequent trip. ACI-NA believes it is important that before an exit system is implemented, DHS must establish a protocol for how visitors in such circumstances could demonstrate their compliance with US-VISIT Exit procedures. Without a clear protocol, foreign visitors may face delays, confusion, or may be denied entry into the United States through no fault of their own. This clearly shows we must be conscientious in our approach and ensure that US-VISIT Exit does not degrade the travel experience of visitors to the United States to the detriment of the U.S. aviation industry, local and national economies, and the public image of the United States.

DHS Collaboration with Industry Is Critical

ACI-NA, along with the rest of the aviation industry, has expressed strong concern over the lack of communication that occurred between DHS and industry stakeholders during

the development of the recent Notice of Proposed Rule Making (NPRM) entitled, “Collection of Alien Biometric Data Upon Exit from the United States at Air and Sea Ports of Departure.” It is critical that we return to the level of frequent and productive communication that existed between the US-VISIT Program Office and the aviation industry during the earlier rollout of the US-VISIT Exit pilot program as the Department seeks to implement this important border security tool.

Airport Perspective/ACI-NA Six Principles for US-VISIT Exit

The implementation of US-VISIT Exit is not only a challenge to air carriers; it is also a serious challenge to airports. We have a vested interest in seeing US-VISIT Exit implemented in an efficient, effective, and timely manner. Any solution by DHS must therefore be pursued in full consultation with airports, airlines, and other interested parties.

Unfortunately, there are no easy solutions to capturing the fingerprints of departing foreign visitors at U.S. airports. However, ACI-NA believes that the adoption of six principles would create the best approach to a US-VISIT Exit system.

Principle #1 – DHS Responsibility

First and foremost, we believe that immigration and border control functions are inherently governmental responsibilities. US-VISIT Exit is an immigration-enforcement program which would serve to confirm, based on biometric information, that foreign visitors to the United States depart in accordance with their visas or other authorizations

for being in the United States. It should therefore be operated and staffed directly by DHS or in a contractual program similar to the Transportation Security Administration Screening Partnership Program, or “SPP.”

Principle #2 – Federally Funded

Second, all costs associated with procurement, implementation, operation, maintenance, and staffing of the program must be borne by the federal government, reflecting the national interest of the program. DHS must secure additional staffing and funding resources to implement the US-VISIT Exit process in order to avoid diverting Transportation Security Administration (TSA) or Customs and Border Protection (CBP) officers from their current duties at U.S. airports. Both TSA checkpoints and CBP arrival inspections already suffer from understaffing, congestion, and often unacceptable wait times. Shifting personnel from these functions to US-VISIT Exit will place an unacceptable additional strain on an already stressed system.

Principle #3 – Last Point of Departure

Third, the collection of biometrics from departing foreign visitors should take place at the airport where the traveler is ultimately departing the United States, or what we refer to as the “last point of departure.” This would greatly reduce the costs of the program by reducing the number of airports at which DHS needs to place biometric collection equipment and staff to only those with non-stop international service. According to DHS, such a system would reduce the total number of impacted airports from 450 to 73. Likewise, this will reduce the number of air carriers impacted from 247 to 138. By only

collecting biometrics at the last point of departure, the entire process will become more streamlined and consistent, helping to eliminate confusion for those visitors who will go through the exit process.

Principle #4 – Sterile Area

Fourth, fingerprints should be collected from departing visitors within the sterile area of an airport to ensure the security and integrity of the US-VISIT Exit system. Conducting the exit process in the sterile area decreases the impact on those passengers who are not subject to US-VISIT Exit rules and ensures that those passengers connecting to their last point of departure from a domestic flight do not have to leave the sterile area in order to comply.

Principle #5 – Consultation with Airport Proprietors and Airlines

ACI-NA believes that it is critical that DHS consult with airport proprietors and airlines prior to the determination of specific solutions. U.S. airports were not designed or constructed to accommodate a departure process for foreign visitors. Such cooperation is vitally important for the success of the program not only for individual airports but for the entire US-VISIT Exit system.

Principle #6 – Collection Via Mobile Devices

Finally, we believe that the devices used to collect fingerprints should be mobile and should not be “hard-wired,” which will permit them to be quickly and easily relocated should airport or airline operations necessitate a change of gate. Many gates are used for

both international and domestic departures depending on the carrier and time of day, and it is important that the US-VISIT Exit program is able to easily respond to changing situations. Mobile devices would reduce costs and increase efficiency, as well as minimize the impact on airport facilities. Also importantly, we recognize that once US-VISIT Exit is implemented, there may be changes based on lessons learned. In light of this possibility, DHS should not take an approach which will require structural changes.

Conclusion

In closing, ACI-NA would urge that DHS undertake an extensive public outreach and education campaign about the new exit requirements when the final rule is issued. The economic benefits from international visitors traveling to the United States are significant, both for airports and for the U.S. economy. We must ensure that US-VISIT Exit is an efficient and effective system that does not endanger continued travel and tourism to our country.

ACI-NA and our member airports hope to work closely with this Subcommittee and with the Department on this important program.