

February 4, 2004

Chief Inspector Patrice Ward  
Air and Sea Exit Manager  
US-VISIT Project Office  
Border and Transportation Security Directorate  
Department of Homeland Security  
1616 North Fort Myer Drive, 5<sup>th</sup> Floor  
Arlington, VA 22209

Re: Comments Submitted Regarding:  
Interim Final Rule, "Implementation of the United States Visitor and Immigrant Status Indicator Technology Program ('US-VISIT'); Biometric Requirements, 69 Fed. Reg. 467-481, BTS03-01, RIN 1651-AA54 and  
Notice, "Notice to Nonimmigrant Aliens Subject to be Enrolled in the United States Visitor and Immigrant Status Indicator Technology System", 69 Fed. Reg. 482-484

Dear Chief Inspector Ward:

On behalf of the United States Chamber of Commerce ("Chamber") we would like to present our comments on the rulemaking cited above pertaining to the implementation of the United States Visitor and Immigrant Status Indicator Technology Program ("US-VISIT").

**The United States Chamber of Commerce**

The Chamber is the world's largest business federation, representing more than 3 million businesses. The Chamber's federation includes state and local chambers throughout the United States and 96 American Chambers of Commerce overseas. The Chamber's membership includes businesses and organizations of every size and in every sector of the economy. Chamber members with interest in the US-VISIT system include companies and organizations in the travel and tourism industries, companies that import or export goods and services through our ports of entry, companies that do business with international customers and clients, and companies that employ an international workforce. Chamber members on both the U.S.-Mexico and U.S.-Canada borders, including local chambers of commerce and American Chambers of Commerce abroad, that conduct business between the United States and other countries also have a great interest in the implementation and efficiency of the US-VISIT system. These comments

reflect the information and concerns expressed to date by these members to Chamber staff on the implementation of US-VISIT.

The Chamber is also the chair of the Americans for Better Borders (ABB) coalition, which unites regional business organizations and a wide array of companies and national trade associations representing manufacturing, hospitality, tourism, transportation, recreation and other industry sectors to work to ensure the efficient flow of exports and tourism across our borders while addressing national security concerns. The ABB was originally founded in 1998 out of concern for the impact of implementation of the original entry-exit provision of Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.<sup>1</sup>

### **The Data Management Improvement Act Task Force**

The Chamber and ABB were instrumental in the creation and passage of the Data Management Improvement Act (“DMIA”) of 2000, which set the current deadlines for implementation of the US-VISIT program as well as established the DMIA Task Force, a public-private group chartered in 2001 by the Attorney General to evaluate and make recommendations on how the flow of traffic at United States airports, seaports and land border Ports-of-Entry (POE) can be improved while enhancing security. The Attorney General named the Chamber to the Task Force in 2002. The Task Force submitted two reports to Congress in 2002 and 2003. The 2002 report focused on what was then the entry-exit system and detailed numerous challenges to implementing such a system, including the differentiation required for the modes of entry, land, sea, and air, and differences between the northern and southern land border environments. In 2003, the DMIA Task Force report detailed the significant challenges facing our ports of entry in terms of infrastructure and technology and the need for greater cooperation and coordination among federal agencies with border responsibilities, with state and local governments and the private sector. Significantly, in reviewing the progress to date on the US-VISIT system in 2003, the Task Force report included the following recommendation:

That the first phase at air and sea [Ports of Entry] be reviewed and evaluated no later than 6 months after implementation by an independent body. This evaluation must consider the program’s effect on national and economic security and international trade and travel. Congress should consider any recommendations from the independent review and evaluation and also reconsider deadlines for all other entry/exit statutory requirements. It is further recommended that any mandates in this area receive appropriate funding.<sup>2</sup>

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<sup>1</sup> Americans for Better Borders, [www.abbcoalition.org](http://www.abbcoalition.org).

<sup>2</sup> *Data Management Improvement Act Task Force Second Annual Report to Congress*, Department of Homeland Security, December 2003.

## **The US-VISIT Program Implementation to Date**

The Chamber, its members, and the Americans for Better Borders coalition fully support the efforts of the Department of Homeland Security to improve the security at our ports of entry and borders. The US-VISIT project team has worked extremely hard to implement the first phase of the US-VISIT program at air and sea borders by the first deadline expressed in the DMIA, December 31, 2003. Secretary of Homeland Security Tom Ridge officially launched the program in May 2003, and, although a great deal of work had been done on the previous entry-exit system, in 7 months the program was brought from initial concept to implementation.

We especially recognize that the Department acknowledged the concerns of the business community in the development of the US-VISIT system. The initial phase of the program was implemented in close cooperation with the airline industry and individual airports, and recognized the significant concerns of the business community that the system not result in additional delays to the traveling public.

The program has been implemented successfully at 115 airports and 14 seaports for entry. To date, the Chamber has received no reports of significant delays. In fact, the collection of the biometric data and the security checks seem to have been integrated almost seamlessly into the inspection process for most travelers.

## **Issues and Concerns**

While we compliment the Department on the success of US-VISIT to date, we recognize that the mission of the Department of Homeland Security includes the mission to: “ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland.”<sup>3</sup> In addition, the responsibilities of the Directorate of Border and Transportation Security specifically state “In carrying out the foregoing responsibilities [relating to border and transportation security], ensuring the speedy, orderly, and efficient flow of lawful traffic and commerce.”<sup>4</sup> Therefore, as representatives of the business community and the concerned constituencies listed above, we feel it necessary to express certain remaining issues and concerns in the future development and implementation of US-VISIT.

Our comments here will focus mainly on the air and sea environments, since the current rulemaking addresses those modes. However, we will also highlight some of the differences and challenges in migrating the US-VISIT system to the land borders.

We would like to reinforce the recommendation of the DMIA Task Force that a thorough review of the US-VISIT program be conducted within 6 months of its initial implementation at air and seaports by an independent body. Such a review would enable the Department, Congress, and other concerned parties to assess the best practices,

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<sup>3</sup> §101(b)(1)(F), Homeland Security Act of 2002, P.L. 107-296.

<sup>4</sup> §402(8), Homeland Security Act of 2002, P.L. 107-296.

lessons learned and remaining issues to be resolved before the program is expanded, especially to land borders.

While the integration of the US-VISIT program in the inspection process has not resulted in reports of significant delays to travelers to date, we recognize that the first 4 weeks of operation have been at the lowest travel period of the year. In addition, we note that the Department has deployed additional inspections personnel to primary inspections to ensure against delays in these first weeks, but we also understand that these deployments are temporary. We are concerned about the capacity of the system to operate without delays as these circumstances change.

Specifically, a significant increase in the number of travelers to be enrolled in the system, for example during peak travel periods of the spring and summer months or by the addition of more classes of travelers to the enrollment process (as suggested in the rulemaking might be the case in the future), could affect the efficiency of the system and the inspection process.

Further, as more and more individuals are added to the US-VISIT biometric databases, in particular the “watch list” databases against which a traveler’s biometrics are checked, the time required to return a “match” or “non-match” is likely to increase, unless the capacity of the system is adequate. We do not know the specific technical capacities of the databases to support thousands of extensive searches conducted simultaneously at ports across the country and return accurate data, but the concern about the time taken for the database search and the accuracy of the data was expressed recently in testimony before the House Homeland Security Committee.<sup>5</sup>

In addition, we are already hearing reports of problems encountered by travelers who are mistakenly held up because their name or names may match that of a person on one of the many “watch list” databases used for security clearances either at the consulates or at ports of entry. We understand that most, if not all, of these issues are cleared up and the individual is allowed to obtain the visa and/or enter the country. However, the next time they travel, the same procedure is repeated, since there is no mechanism to accurately confirm to the next set of officers that the check has already been made and the individual has been cleared. Also at the aforementioned hearing, a biometric expert testified that

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<sup>5</sup> Transcript of Hearing before the Subcommittee on Infrastructure and Border Security of the Select Committee on Homeland Security, January 28, 2003, Dennis Carlton of the International Biometrics Group, LLC: “As the size of the database gets bigger, the limited amount of data that can be acquired from the two fingerprints means that the system is going to start returning more and more false matches, because there just isn’t sufficient data to find the matching record in the database.” *See also*, at the same hearing in relation to the land borders, Testimony of Kathleen Campbell Walker of the American Immigration Lawyers Association and the Foreign Trade Association of the Paso Del Norte Region: “But again, on the IDENT check, let’s assume that they have done something incredible, and that is great, if they have managed to do a full IDENT check in 15 seconds, what a marvelous thing if that has been accomplished. But even if it has been accomplished, that 15 seconds, and doing that check for every single person trying to be admitted in a land border—because you can’t separate them out. There is no place to say U.S. citizens go here, legal permanent residents go here, those other people go here—will back us up so far into Mexico on the southern border that we might as well go back into negotiations regarding treaty acquisition of land, which I don’t think President Fox is going to appreciate.”

because biometric checks cannot be 100% accurate, “The U.S. should provide travelers with a real-time problem resolution solution, such as a phone number or e-mail address, where they can immediately reach someone in an ombudsman-like role who can begin the process of resolving the travel documentation problem.”<sup>6</sup> We strongly endorse this suggestion, and encourage the Department to consider other strategies to mitigate the problems caused by such “mismatches.” In addition to improving the service to the traveler, such strategies will reduce the amount of resources wasted on performing redundant checks on legitimate travelers.

Finally, in order to ensure that the implementation of the US-VISIT system meets its goals to enhance the security of U.S. citizens and visitors and facilitate legitimate travel and trade, adequate resources, both technological and personnel, must be allocated. We understand that the Department has apparently added personnel for the initial implementation phases of US-VISIT, but we would hope that the Department would maintain or increase personnel to meet the flow of travel, especially as the travel season picks up through the year. The Department should carefully monitor waiting times and delays for inspections and have contingency plans to mitigate any delays that occur. We support the recommendation of the DMIA Task Force to:

Fund an analysis to optimize the best mix of relevant technology and properly order to maximize resources and use of facilities [including] develop a staffing “maximum wait” formula and fund personnel to meet optimum inspections staffing requirements [and] provide flexibility into the design of FIS processing to allow for future implementation of the latest advances in security technology and electronic information capture, including biometrics, that will speed up processing time and re-evaluate the size of [inspection] areas within [Ports of Entry].<sup>7</sup>

### **Exit Processes**

The rulemaking clarifies that exit processes for the US-VISIT program are currently in pilot testing phase, and authorizes pilots at up to 15 airports and one seaport. The current pilot for exit includes “self-service” kiosks, located at airports. However, we have concerns with the viability of this type of exit device in the enforcement of immigration law.

First, in order for such a system to work, it is imperative that the foreign traveler be made clear as to the requirement for exit verification at such kiosks, and the kiosks must be easily accessible to the traveler. We understand that problems have arisen in the current pilot at Baltimore-Washington International Airport with adequately streaming foreign passengers required to exit to the kiosks. In addition, the kiosks are available only with English language signage and directions, and are not necessarily “intuitive” in their use for the average traveler.

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<sup>6</sup> *Ibid.*

<sup>7</sup> *Data Management Improvement Act Task Force Second Annual Report to Congress*, December 2003, Recommendation #11.

Finally, we would strongly urge that any such technologies provide the traveler with proof of compliance. The preamble to the rulemaking states that the Department recommends that travelers “preserve any evidence that he or she did indeed depart the United States...Such information may be useful to show to a consular or immigration officer in case there is any ever future question about whether the alien properly left the United States.”<sup>8</sup> It seems incongruous that the Department would not also provide some sort of “proof of departure” to a traveler via the US-VISIT exit system. However, we also find it strange that travelers are being asked to carry with them a file containing their entire travel history, when the purpose of an automated system is to record such information “automatically.”

Given these discrepancies, any method of exit verification must include clear directions to the traveler *upon entry* as to the need to “check out” upon departure and the means by which to do so. Since initially the exit capability will not be available at all airports, we predict a great deal of confusion by travelers as to the exit requirement. We have already received questions via our American Chambers of Commerce overseas regarding whether travelers must exit from designated airports, but if they do not, how their exit will be registered and whether it will impact their ability to return to the United States in the future. A great deal of outreach to travelers (in multiple languages) must be made to avoid inadvertent noncompliance with any requirements for exit verification. We would strongly urge a period of time during which any negative impacts from failure to register are waived until it is clear that most travelers understand and are able to comply with the exit requirements.

In addition, we are concerned that other possible exit configurations for the air environment must take into account the differences in airport configurations and, in many cases, the lack of additional space for significant infrastructure for exit verification. In many airports, the requirements of the Transportation Security Administration have already resulted in tight quarters for security and inspection of departing passengers.

Finally, as with the entry process, adequate funding must be allocated for any exit technology system and personnel necessary to staff the exit control to ensure that passengers are able to verify their exit.

### **Outreach**

As made clear from the previous discussion, one of the major requirements for successful implementation of the US-VISIT system is systematic and concerted outreach to the traveling public to educate them both regarding the operation and requirements of them for the US-VISIT, but also to counter the increasingly negative perceptions attributed to these U.S. Government actions abroad.

As a recent article in the *International Herald Tribune* stated: “Fear of flying, a subliminal condition for travelers since 9/11, has acquired an even more chilling

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<sup>8</sup> 69 Fed. Reg. 473.

dimension: fear of arriving. Just as we come to terms with the hassles of airport security checks, delayed and canceled flights and the threat, or promise, of air marshals, visitors to the United States are faced with new, onerous conditions.”<sup>9</sup>

Such news reports, widespread overseas, reinforce the perception that it is growing more difficult to travel to the United States, and discourages would-be tourists and business persons from continuing to think of the United States as a vacation or investment destination. We have already testified several times in Congress regarding the negative impact of these perceptions on U.S. business, as a consequence of changes to U.S. visa policies at consulates overseas. The new addition of the US-VISIT program has only added another layer to the perceived “fortress America” being built.

In 2002, the DMIA Task Force addressed this issue in its recommendations to Congress stating:

As the entry/exit requirements change for the U.S., it is imperative that an effective coordinated communications outreach program be developed to ensure not only the compliance of the traveler but also a proactive message from government and industry to explain any new procedures so as not to hamper travel and commerce to the U.S.<sup>10</sup>

The Chamber has done its part. We have urged our American Chambers of Commerce overseas to include information in their newsletters and other publications regarding the US-VISIT system, and Chamber staff has addressed audiences at conferences and other venues to discuss the new requirements. And yet these efforts have been hampered by the late notice provided by the Department to the public of the details of the system.

For example, although the Department was aware of the parameters of the implementation for US-VISIT at the air and seaport for several months, and in fact ran a pilot test of the system at Hartsfield Atlanta International Airport in November 2003, it did not publish a notice of proposed rulemaking, or even an advance notice of proposed rulemaking, which would have informed the public of the proposed system. Instead, the Department waited until the day the system was to be activated to publish an Interim Final Rule under the “good cause exception” of the Administrative Procedure Act. While “good cause” might be found by the time the rule was published in the Federal Register, it is difficult to understand why the Department could not have introduced a proposed rule in 2003 outlining at least the pilot it was preparing to test in Atlanta. Such a notice would have given the public a chance to comment on the proposed implementation, as well as given the Department a chance to better conduct outreach to the public regarding the new system.

For future phases of the US-VISIT program we would urge a strong, robust, and extensive outreach campaign, far in advance of any changes in requirements. Tourists

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<sup>9</sup> “The fear of arriving: the newest anxiety,” Roger Collis, *International Herald Tribune*, January 19, 2004.

<sup>10</sup> *Data Management Improvement Act Task Force First Annual Report to Congress*, December 2002, Recommendation #9.

often make their travel plans as long as 6 months or more in advance, and changes made a few weeks before their travel may be difficult to accommodate. Businesses are also making their decisions regarding locations of future business projects, meetings and facilities now, and advance information is crucial to their decision-making.

We would also stress that the Department should continue to reach out to the private sector as *partners* in the implementation project. We note with dismay the recent decision of the Department of Homeland Security to disband the DMIA Task Force. While we have been informed that new mechanisms for securing private sector input in the future of the US-VISIT program are being considered, we strongly believe that the members of the DMIA Task Force, including the Chamber, are crucial to providing external evaluation to the Department. The knowledge of border management and processes, including the US-VISIT program, as well as the breadth of the constituencies represented by the Task Force, are unique, and the Department should make every effort to find adequate formal mechanisms for the frank exchange of views, evaluations and recommendations that were the hallmark of the Task Force.

### **Land Borders**

While we understand that this rulemaking pertains only to specific air and seaports at this time, we know that the Department is currently working on the application for the next phase of US-VISIT at the land borders. We wish to make unequivocally clear that the circumstances of travel at land borders are monumentally different than at air and seaports and the hurdles are immeasurably higher. The proposed process for US-VISIT at air and seaports is not applicable to the land border environment, when *any* additional time for inspection at primary booths can have dramatic results in delays at the borders, with vastly more potential for severe economic impact as commercial trade is bogged down, and other resulting problems, including environmental quality and disruption of the economic links between the United States and its neighboring nations.

The different situation of the land borders was discussed extensively in the 2002 DMIA Report to Congress. The report stated:

There is a marked difference between an inspection conducted at an air or sea POE and one conducted at a land border. Because of their varied status, divergent points of origin, unfamiliarity with requirements and regulations, and the increased risk to the U.S., most applicants for admission at seaports and airports receive a comprehensive inspection that includes mandatory data systems checks. In contrast, the great majority of persons arriving at land border POEs are residents of the border area who cross frequently and are familiar with requirements concerning their entry into the U.S. and receive an inspection that may include data systems checks. The vast majority of all border crossings into the U.S. occur at land border POEs.... Border traffic includes U.S. citizens who leave and reenter the U.S. multiple times daily, permanent residents who make multiple entries, and aliens who hold non-immigrant visas or border

crossing cards and commute back and forth daily or weekly from Canada or Mexico. Individuals can cross land borders as pedestrians, on bicycles, in cars, rails, buses, trucks, or other vehicles.<sup>11</sup>

In fact 80% of all inspections take place at the land borders; over 358 million inspections in 2002 were conducted at land borders, compared to 78 million at airports and 12 million at seaports.<sup>12</sup> The land borders also see the crossing of approximately \$500 billion in surface trade between the United States and Canada and Mexico.<sup>13</sup>

As these facts and statistics reveal, the land borders represent a significantly larger challenge for the Department in order to ensure that the implementation of US-VISIT does not impede legitimate commerce and travel.

We are concerned that the proposed implementation plan for US-VISIT at land borders, as outlined in the Department's Request for Proposal for a Prime Contractor for the US-VISIT program, while taking into account some of the concerns of the business community previously expressed, will not be adequate for the challenges of the land border environment.

First of all, we are extremely concerned that the Department may not be able to meet the DMIA deadline for land border implementation without putting into place systems that have not been adequately tested. As the DMIA Task Force recommended in 2002, "As part of the entry/exit development process the U.S. government, in coordination with stakeholders, must conduct pilot programs prior to full deployment to determine their impacts measured against pre-established benchmarks."<sup>14</sup> Given the potential economic and other negative impacts of delays at the land borders, any system to be put in place must be thoroughly tested and vetted in the various environments in which it is to be deployed. For example, extremes of weather conditions at the Canadian and Mexican borders, which include temperatures in the triple-digits in the summer months along the Mexican border and temperatures below zero on the Canadian border in the winter, have already proven difficult for some technologies, including deployed license plate scanners.

Given these difficulties, and the high stakes involved, we would urge the Department to request that Congress provide additional time for implementation of the land border portion of the US-VISIT system, unless it can publicly and thoroughly demonstrate that whatever entry-exit system it may impose can be implemented with no additional delays at the borders. However, we must emphasize that a delay in implementation, particularly for the 50 largest land border ports, would enable adequate testing of the configuration and technologies to ensure that delays and other negative impacts will not ensue. It

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<sup>11</sup> *Data Management Improvement Act Task Force First Annual Report to Congress*, December 2002, page 11.

<sup>12</sup> Source: INS Statistics for FY 2002 cited in the *Data Management Improvement Act Task Force Second Annual Report to Congress*, page 15.

<sup>13</sup> Source: *Data Management Improvement Act Task Force Second Annual Report to Congress*, page 15-16.

<sup>14</sup> *Data Management Improvement Act Task Force First Annual Report to Congress*, December 2002, Recommendation #7.

simply does not make sense to make our busiest ports of entry the “guinea pigs” for this gigantic experiment.

We understand that the Department initially plans to implement the entry portion of US-VISIT at the land borders only at secondary inspection, where most visa-holders must report at land crossings already. However, reports from border communities indicate that long delays in secondary are already the norm, with travelers sometimes required to wait up to two hours to be issued their entry documents (a fact that deters many Mexican Border Crossing Card holders from availing themselves of the B-1 visa portion of their card). Additional screening done at secondary inspection would only add to these delays. Additional staffing and facilities would be required at many land border ports, and as the DMIA Task Force reported in 2003, many of these ports are already below the required facility space for current operations.<sup>15</sup>

The exit portion of US-VISIT is probably the most difficult. There is no formal exit infrastructure at our land ports of entry. While visa holders issued a Form I-94 are required to return the departure portion of the form upon their exit, few facilities exit to do so and most travelers are not aware of the facilities that do exist. Virtually no exit data is collected at land borders. In addition, because of inspections practices by Canada and Mexico, any additional exit inspection on the United States side would immediately create traffic backups that in many locations would flow into urban areas and downtown zones, such as in El Paso, Texas and Detroit, Michigan.

The Department has acknowledged in its Request for Proposal these conditions by stating to bidders for the Prime Contract that “Any additional collection of data shall not exceed current exit times [and]...the Contractor’s exit solution cannot assume that vehicles can be stopped in traffic lanes.”<sup>16</sup> Because of these constraints, the Department proposes that the exit information be collected via the use of Radio Frequency (RF) detector devices installed over exit lanes. Presumably, persons subject to US-VISIT would be given RF-enabled documents upon arrival that would be read upon exit to verify departure.

This configuration appears to present several possible problems. First, as stated above, delays in secondary inspection of arriving visa holders already exist. This solution would add another requirement beyond the collection of the biometric data at secondary inspection—the issuance of RF-enabled documents to the traveler. This would potentially add significant delays to the inspection of arriving visitors in secondary.

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<sup>15</sup> *Data Management Improvement Act Task Force Second Annual Report to Congress*, December 2003, p. 33: “The legacy INS Office of Administration reports the following shortages in space for the federal inspection area (that includes pre-primary, primary, secondary, secondary processing, and post-secondary until exit) at land border POEs:

- 64 ports have less than 25 percent of required space;
- 40 ports have between 25 and 50 percent of required space;
- 13 ports have between 50 and 75 percent of the •
- Some existing ports lack any land for expansion.”

<sup>16</sup> *Request for Proposals for US-VISIT Program Prime Contractor Acquisition*, Department of Homeland Security, November 28, 2003, page 120-121.

Secondly, the proposed solution does not provide the exiting traveler with any confirmation of their exit. As stated in the section above on Exit Processes, since the penalties for failing to exit can be quite severe, it is imperative that the traveler be provided with adequate proof of their departure to avoid any future possibility of misunderstanding or error because of the lack of electronic data regarding their exit. Further, the RF readers would still require vehicles to slow markedly from current speeds on outbound travel lanes, and could still create delays and backups. Finally, it is unclear how these devices would integrate with existing RF devices used in the NEXUS and SENTRI pre-screened traveler programs.

This analysis is not meant to suggest that the Chamber would support a system that would require vehicles to stop on exit, but to illustrate the difficulty in designing an exit system for our land borders that meets our dual requirements for security and facilitation of legitimate travel. Given these potential problems, the Chamber would strongly urge the Department and Congress to reconsider the feasibility of adequately meeting the statutory deadlines for US-VISIT implementation at the land borders.

### **Integration with Other Programs**

We also wish to emphasize to the Department another of the DMIA Task Force recommendations from 2002: “The entry/exit system should include and enhance current inspection processes so that required arrival and departure data is collected only once by the U.S. government and disseminated to appropriate users.”<sup>17</sup> Particularly at the land borders, integration of the US-VISIT system with existing programs for pre-enrollment of frequent travelers or commercial carriers is essential. The NEXUS, SENTRI, FAST and other programs already collect biometric information from enrollees. It would defeat the purpose of a pre-enrollment system if members were required to submit to an additional US-VISIT check upon each entry, particularly for this class of visitors, who, by definition cross frequently.

One specific concern already raised to the Chamber involves the case of third-country nationals who operate trucks that cross the U.S.-Canada border. Until recently, such persons who were “landed immigrants” of Canada (their equivalent of lawful permanent resident), were, for many countries, allowed to enter the U.S. visa-free, as their fellow Canadian citizens. However, in 2002, the Department repealed this provision, requiring all such landed immigrants to obtain visas (unless they are nationals of one of the visa waiver countries). Evidently, a significant number of truck drivers across the U.S.-Canada border are of Pakistani or other similar nationality. Many of these drivers have subjected themselves to background checks and submitted biometric identifiers to qualify to drive trucks for companies under the FAST program. Given the purpose of the FAST program to speed legitimate, low-risk cargo across the border, it would defeat that purpose to require such individuals to stop at secondary inspection to undergo US-VISIT checks. We would strongly urge that accommodations for such situations be made,

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<sup>17</sup> *Data Management Improvement Act Task Force First Annual Report to Congress*, December 2002, Recommendation #7.

particularly by using the FAST enrollment in lieu of separate US-VISIT processing. Mexican truck drivers may encounter a similar situation at the Mexican border.

In the air and sea environment, a current concern is the integration of US-VISIT with the new Transportation Worker Identification Card (TWIC). As with the situation described above, the concern is that workers not be subjected to redundant checks or processes.

### **Conclusion**

We wish to reiterate our support for the overall mission of the US-VISIT system. Our comments are meant to highlight areas of concern with the current and proposed implementation of the program in order to avoid potential negative impacts to legitimate travel and trade.

We greatly appreciate the excellent relationship we have developed with the Department, Undersecretary Hutchinson and his staff, and the US-VISIT Project Office. We hope to continue and expand that relationship in the future.

Sincerely,

Randel K. Johnson  
Vice President for Labor, Immigration and Employee Benefits

Theresa Cardinal Brown  
Director, Immigration Policy