

SECURE BORDERS AND OPEN DOORS

The Travel Industry's One-Year Evaluation of the Rice-Chertoff Joint Vision

TRAVEL BUSINESS
ROUNDTABLE



Travel Industry Association

INTRODUCTION

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Finding ways to renew America's welcome to international travelers, especially since September 11, 2001, has been a daunting challenge for the travel and tourism industry amid the many strict measures taken to secure our nation's borders. Understanding that no industry would be more impacted by another terror attack on our nation, the industry has supported new policies designed to mitigate the risks of travel across our borders.

On January 17, 2006, Secretary of State Condoleezza Rice and Secretary of Homeland Security Michael Chertoff announced their commitment to improving our nation's border security while at the same time welcoming visitors to the United States. Recognizing the great challenge the Departments face as they strive to achieve this dual mission, the travel and tourism industry announced strong support of the goals set forth in the "Rice-Chertoff Joint Vision: Secure Borders and Open Doors in the Information Age."

Since the Rice-Chertoff Joint Vision (RCJV) was announced, the Travel Business Roundtable (TBR) and the Travel Industry Association (TIA), on behalf of the industry, have been monitoring the progress of both Departments toward meeting the stated goals in the RCJV. In this report, we evaluate the progress (or lack thereof) the Department of Homeland Security (DHS) and the Department of State (State) have made while attempting to meet the RCJV objectives that directly impact facilitation of travel across our borders. Overall, we have seen activity in most of the areas outlined in RCJV, but the most promising aspects of the plan have yet to be implemented and the rollout of the programs has been much slower and less aggressive than we had hoped. The travel and tourism industry will continue to hold the government accountable for making the necessary adjustments to our travel policies and processes. In addition, we pledge to continue to be a resource that can assist federal officials in achieving these goals.

The Travel Business Roundtable (TBR) and the Travel Industry Association (TIA) represent all sectors of the \$703 billion U.S. travel and tourism industry, which provides 7.5 million U.S. jobs, \$105 billion in tax revenue and an \$8 billion balance of trade surplus to help offset the nation's worsening national trade deficit.

TBR, a strategic partner to the Travel Industry Association, is a CEO-based organization whose mission is to educate elected officials about the important economic and social contributions of the travel and tourism industry. For more information, visit www.tbr.org.

TIA is the national, non-profit organization representing the U.S. travel industry. TIA's mission is to promote and facilitate increased travel to and within the United States. For more information, visit www.tia.org.

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EVALUATION SUMMARY

MODEL PORTS OF ENTRY

MARGINAL PROGRESS – Progress has been slow at Dulles and Houston, but the government and private sector appear positioned for significant improvements at key airports in 2007 to improve travel facilitation.

BUSINESS AND TEMPORARY WORKER VISAS

IN PROGRESS – Certain international business travelers have been given more attention at the Business Visa Center, but the underlying issues that deter or refuse business travelers remain.

DIGITAL VIDEOCONFERENCING TECHNOLOGY

MARGINAL PROGRESS – The Department of State has done important technical testing to allow for visa interviews by videoconferencing but has not sought to finalize a program or seek Congressional authorization for it.

ENHANCED PARTNERSHIP WITH THE PRIVATE SECTOR

IN PROGRESS – The Departments created an official Advisory Committee late in 2006 and have continued also to work informally with the private sector, but must give the Committee the access to information and decision-makers it requires.

STUDENTS AND ACADEMIC STUDY IN THE UNITED STATES

SUBSTANTIAL PROGRESS – Great progress has been made in attracting students to the U.S. and in reworking rules that deterred their arrival following 9/11, although such progress may have come at the expense of other travel segments.

E-PASSPORTS

SUBSTANTIAL PROGRESS – The Department of State is slightly behind their 2006 deadline to produce exclusively e-Passports, but their rollout of the program and cooperation with the Visa Waiver Program countries' deployment of their e-Passports have been positive steps.

PASSPORT CARDS

MARGINAL PROGRESS – The Departments' delay in determining the technology for the passport cards caused Congress to provide additional time for WHTI compliance and to insist on the program meeting certain rollout criteria. However, if rule-makings and procurements can be kept on schedule, the passport cards should be issued later in 2007.

GLOBAL ENROLLMENT NETWORK/ INTERNATIONAL REGISTERED TRAVELER

MARGINAL PROGRESS – DHS has successfully integrated North American registered traveler programs but has done little to deploy any similar program for overseas travel.

ENTRY-EXIT SYSTEM WITH US-VISIT

MARGINAL PROGRESS – While the RCJV does not promise specific action regarding US-VISIT, we believe DHS must carefully implement the 10-fingerscan requirement and focus on completing the exit portion of US-VISIT in a timely manner.

TRAVEL INTELLIGENCE AND INFORMATION SHARING

NO RATING – Progress regarding travel intelligence and information sharing is largely kept classified, but we are encouraged by the aviation data treaty with the EU and the Administration's linkage of Visa Waiver travel and law enforcement cooperation.

“ONE STOP” REDRESS FOR TRAVELERS

IN PROGRESS – DHS has taken an important step in enhancing the travel experience for those mistakenly targeted for secondary screening by Customs and Border Protection and the Transportation Security Administration with the DHS Traveler Redress Inquiry Program announced on January 17, 2007. However, cleaning up unnecessarily bloated watch lists is crucial to focusing resources on true risks.

PART 1: RENEWING AMERICA'S WELCOME WITH IMPROVED TECHNOLOGY & EFFICIENCY

MODEL PORTS OF ENTRY

Background

The inspection and screening of all international travelers arriving in the United States, including returning U.S. citizens, is not only required by law, it is wise and necessary to ensure the safety of our nation and to enforce our immigration laws. The challenge that has existed for decades is how to enforce U.S. law in an effective manner by denying the entry of illegal immigrants, criminals and the like, while at the same time facilitating the entry of tens of millions of legitimate international visitors entering the United States to visit friends and relatives, receive medical treatment, work, study or simply visit destinations in the U.S. How can U.S. Customs and Border Protection (CBP) personnel effectively screen individuals, while at the same time be efficient in operation and conduct their work in a professional, courteous manner? This is the challenge.

Each day 1.2 million travelers entering the U.S. are inspected at 314 U.S. ports of entry. Through the use of shared intelligence, law enforcement investigations and proper training for front-line officers, CBP does an effective job of apprehending illegals, criminals and others who should not be admitted to the U.S. Unfortunately, long lines and lengthy wait times are an all-too-common side effect of these security measures. These long lines and the resulting pressure to “move people through” actually diminish effectiveness in the screening process. These long lines frustrate arriving international travelers and sometimes leaving them with a negative initial impression of the United States.

Long wait times at U.S. airports in particular are not a new phenomenon, but the challenge of excessive wait times also became more problematic when, in the sweep of post-9/11 changes to law, the requirement that arriving

travelers be inspected in 45 minutes or less was removed by Congress. While the legacy Immigration and Naturalization Service (INS), now CBP, did not always keep to this statutory requirement, it at least provided a metric against which to measure success in terms of efficiency.

While infrequent in number, long lines and rising tensions on the part of travelers and CBP officers can lead to confrontations between the parties that are particularly upsetting for the international traveler and can color their entire experience in the U.S. – often resulting in the belief that we are no longer a “welcoming nation.”

Promised Action in Rice-Chertoff Joint Vision

The proposed goal or solution for ports of entry in the original Rice-Chertoff Joint Vision document stated:

In partnership with the private sector and State and local governments, the Departments of Homeland Security (DHS) and State will introduce a pilot “model airport” program to ensure a more welcoming environment for foreign visitors. The pilot projects at Houston and Dulles will entail such features as customized video messages for the public with practical information about the entry process, improved screening and efficient movement of people through the border entry process and assistance for foreign travelers once they have been admitted to the United States. We will create a better, more transparent process – from the time a visitor requests a visa through their arrival in the United States.

Progress to Date

The work at the initial model ports of entry at Washington Dulles International Airport and Houston’s Bush Intercontinental Airport began in the spring of 2006 and has involved the Departments of Homeland Security, State, and Commerce, hub airline carriers, the two airport authorities, travel industry representatives, as well

as other local organizations with an interest in improving the international arrivals process.

With assistance from the Department of State, CBP drafted a “Model Ports Concept Paper,” which provides a thorough and accurate analysis of the pertinent issues at both Washington Dulles and Bush Intercontinental. Various industry organizations have offered comments and critiques of this report along the way.

We are pleased that CBP has been able to secure sufficient funding to purchase flat-screen monitors and pay for their installation in the Federal Inspection Service (FIS) area at both airports. Part of that funding will also finance production of an instructional video that will help explain the airport arrivals inspection process, as well as new signage in the FIS area. Finally, CBP was able to hire additional officers at both Dulles and Houston, although the exact number has not been disclosed, and by CBP’s own admission is not sufficient to make up the staffing shortages at both airports.

TIA, along with its strategic partner TBR, led a site visit at Dulles in November 2006, and a site visit is also planned for early February in Houston. Three major travel industry companies (Walt Disney Company, Busch Entertainment and Universal Parks and Resorts) have loaned executives to conduct these site visits, along with federal partners from the U.S. Departments of Commerce, Homeland Security and State.

We believe there is great value in calling on the expertise of such companies to evaluate the international arrivals inspection process at both model port locations, but there have been unnecessary challenges in moving this site visit process along.

Suggested Next Steps

The site visit to Dulles in November 2006 served as a powerful reminder of the need for a true partnership between federal agencies, the airport authority and major carriers at each airport, along with other elements of the U.S. travel industry. All of these stakeholders must play a very active role if these two locations are to see any real improvements in the entry process and “welcome” for arriving international travelers.

While the model ports project is viewed by the travel industry as just starting to produce some results, these actions have come much later than hoped for and are seen as mainly harvesting the “low-hanging fruit.” Probably more than any other area of the RCJV, the model ports project is viewed by the travel industry as the most tangible initiative to the public and has the greatest potential for making real change. The progress to date must be followed by significant further actions in order to carry out the full mandate of the Rice-Chertoff document, including the following:

- TIA, TBR and other industry participants must finalize recommendations for CBP, the airport authorities and airlines based on the site visits to Dulles and Houston.
- A tourism welcome video must be included as part of the proposed CBP instructional video, in order to provide a warm welcome from the destinations being visited.
- Staffing at both model ports must be examined more closely to determine what level of increase would be necessary to meet current and future demand. This would include not only CBP officer staffing, but also any staff or greeters financed and managed by either the airport or air carriers who operate in the FIS or who assist international travelers once they have cleared a secure area.
- Line management strategies must be explored (particularly at Dulles due to facility constraints) to provide for “efficient movement of people” at each airport, and changes to the space must be considered (again, particularly at Dulles due to its age and condition) to “ensure a more welcoming environment for foreign visitors.”
- The private sector should provide “assistance for foreign travelers once they have been admitted to the United States.” For example, there is need for expanded travelers aide facilities and improved multi-lingual signage. As this space lies outside the FIS area, this responsibility falls on the private sector.
- Representatives from all levels of government (Congress, governors, state legislatures, county and city governments, etc.) at both model ports, as well as a broader group of private sector stakeholders, must stay closely involved in this process.

BUSINESS AND TEMPORARY WORKER VISAS

Background

Processing non-immigrant visa applications for temporary foreign workers wishing to enter the United States to work, or for foreign nationals seeking to visit briefly to conduct business, has been a challenge for a number of years. U.S. embassies and consulates were granted fairly broad latitude to design systems to expedite visa processing for such applicants, and oftentimes that involved working through the local American Chamber of Commerce. This function for U.S. consular officials abroad was, and remains, essential since granting these visas in a timely manner helps to fuel U.S. exports and trade with the world. When visa applications have been mired in red tape and taken too long, foreign trade deals and business opportunities for U.S.-based companies have been placed in jeopardy.

After the September 11, 2001 attacks in the United States, such expedited or streamlined visa processing was ended. Both Congress and the White House sought to create a more uniform system of visa processing that also included a great deal more scrutiny. Only in 2006 have consular officials abroad been granted the ability once again to work through the American Chambers of Commerce and establish systems for expediting visa applications for legitimate business travelers.

While TBR and TIA have not conducted independent studies concerning business travel, business trade groups have issued analyses showing the loss of business for U.S.-based companies to competitors abroad because of delays in issuing U.S. visas for business travelers seeking to initiate or close business deals in the United States. According to a 2004 National Foreign Trade Council study, U.S. companies suffered \$30.7 billion in financial impact (losses and costs) between July 2002 and March 2004 due to delays and denials in the processing of business visas. In addition, while business travel to the U.S. fell 10 percent between 2004 and 2005, Europe saw an 8 percent increase over that same time.

Promised Action in Rice-Chertoff Joint Vision

The proposed goals or actions in the Rice-Chertoff document are as follows:

Recognizing the importance to the U.S. business community of facilitating the visa process for their foreign employees, partners and customers, DHS and State are already offering new procedures – such as enrolling companies for expedited visa processing – and will introduce additional measures to help businesses and other travelers enter the United States, including a new pilot program to complete applications and make appointments online.

To help implement this goal, State has established a Business Visa Center to facilitate visa application procedures for U.S. businesses with upcoming travel or events. The Center is already helping hundreds of U.S. companies every month, and, based on continued feedback from users, will be enhanced to better meet the needs of the business community.

To decrease the wait time for visa appointments for travelers, and building on best practices at several posts, all American embassies and consulates have now established procedures to expedite the processing of business visas and are working closely with local American Chambers of Commerce in over 100 countries to expedite the visa process for bona fide business travelers.

Progress to Date

Along with foreign students and academics, expediting visa applications for business travelers has clearly been made a major priority during the past few years. For the most part, visa wait times for international business travelers seeking to enter the U.S. have fallen, including those involved in sensitive industries that may require a more in-depth background check by various U.S. law enforcement and intelligence agencies.

The creation of the Business Visa Center is a very positive step in providing companies and organizations with a central resource to better understanding the visa application and adjudication process. The continuing challenge is to clearly communicate that the Center is there as a

resource, and is not intended to serve as an “ombudsman” for individual visa applicants.

The resumption of coordination with the American Chambers of Commerce around the world has facilitated more efficient visa processing and is the most positive step toward the expedited issuance of B-1 visas to encourage continued U.S. trade and business with partners around the world.

Suggested Next Steps

The State Department should consider the following recommendations while assessing its available resources, technology and processes:

- The best examples of “Am Cham” models (expedited visa issuance through the American Chambers of Commerce abroad) should be touted as models and utilized to develop programs in all U.S. consular locations abroad.
- Accelerate the development of programs to receive visa applications and make visa interview appointments on-line.
- A formal review of resource needs in order to consistently meet the State Department’s internal goal of 30 days or less for visa wait times.
- Serious consideration should be given to expansion of consular locations in key countries with expanding trade and business with the United States (China, India, etc.). NOTE: It is our understanding the State Department is planning on opening a new consulate in Hyderabad, India in the near future.
- If expansion of consular locations is deemed too costly or not feasible, consider other options that make sense in that particular country to better serve the demand for U.S. visas and relieve the burden of applicants having to travel great distances at significant time and expense for the visa interview.
- Greater transparency in the visa adjudication process – especially for applicants who are rejected – and the complete review of all supporting documents presented by an applicant.
- The U.S. should examine the visa process utilized by

other countries to determine if there are “best practices” that could be employed within the confines of U.S. law. These other nations are our competitors, and perhaps there are new strategies or tactics that can be learned.

- Revalidation of visas without the need to leave the U.S. in order not to inconvenience these business visa holders, or create undue burdens on U.S. consular locations in Canada or Mexico. These should be treated as low-risk renewals important to our nation’s economy and should be done in-country.

DIGITAL VIDEOCONFERENCING TECHNOLOGY

Background

In 2003, the State Department, with concurrence from DHS, issued new internal regulations requiring in-person interviews and biometric fingerscans from nearly all visa applicants and narrowing the times when a personal interview may be waived. The following year, this policy was codified as Section 5301 (a) of the Intelligence Reform and Terrorism Prevention Act of 2004. On December 18, 2006, the State Department issued implementing regulations for this mandate. Thus, under most circumstances, anyone between the ages of 14 and 79 must appear for an in-person interview. Current biometric collection policy takes two index fingerscans, but the State Department plans to deploy 10-print readers to its 211 consular posts in 2007.

While this mandate appears simple on its face, it was a major change from prior practices where consular officials had much more discretion to waive interview requirements. The physical infrastructure of the U.S. consular post system was not designed with this mandate in mind. Thus, in many countries around the world, would-be travelers do not live within a short distance of a U.S. consulate. In geographically large countries such as Brazil, China, India and Russia, a significant trip is required simply to apply for the right to travel to the U.S. at a later date. The cost and effort associated with this process is a major deterrent to travel, especially for families with older children (who require travel documentation).

Promised Action in Rice-Chertoff Joint Vision

The RCJV states:

In some countries, bottlenecks may arise from the need for applicants to go to the only, or one of the few, U.S. diplomatic posts in their country where they can be interviewed. Digital videoconferencing technology could help transform this model for visa processing. A pilot program in the United Kingdom and other countries will test the viability of such a new approach, while ensuring the security of the visa process.

In addition, in her remarks at the unveiling of the RCJV, Secretary Condoleezza Rice commented:

We are also exploring ways to use cutting-edge technology to transform traditional visa application methods. Later this year, we will begin testing how digital videoconferencing technology could rapidly expedite the issuing of visas. Of course, we must ensure that the security of the visa process remains intact, as does the biometric information of applicants. Yet, if we can do this successfully, this process might make life dramatically easier for foreign citizens who must now travel great distances to be interviewed in person.

Progress to Date

The State Department indeed has piloted the steps needed to conduct video interviews but has neither implemented the program in actual consular operations nor sought legislative approval to authorize the program.

While details have been kept internal within the U.S. government for security reasons, TBR and TIA have been informed that the Department has tested the technical capabilities that would be required to conduct interviews via videoconference. These steps likely include transmission of video feed, training of government officials and others assisting with biometric collection, and linkages with government databases. A January 24, 2007, Department of State media note commented that the Department was continuing to work on technical issues to determine whether this concept is “viable” and worthy of being implemented.

It is our understanding, however, that the Department believes that it may not have the legal authority to

conduct an “interview” if the consular official and the applicant are not in the same physical location. While Department officials have spoken informally about the need to obtain more flexibility with regard to the requirement to interview all applicants, we are not aware of any specific request that Congress has formally endorsed the videoconferencing concept through legislative language or informally through letters or report language.

Suggested Next Steps

The State Department should make clear whether it believes that videoconference interviews and biometric collection are legal under current law. If so, the Department should immediately begin deploying the capability in a handful of countries, including the UK, which have extensive distances between U.S. consular offices. In addition, the Department should issue regulations if necessary to collect additional fees from visa applicants to pay for the deployment of this capability. Any such program must contain aggressive security audits to ensure that applicants truly are submitting fingerscans and digital photographs as part of their application.

If the process is not deemed legal under current law, the Department should request that Congress authorize secure remote videoconferencing for interviews. Failure to do so would place into question the entire premise of the RCJV promise.

It may be that certain markets would be better served by a mobile consular presence than a virtual one, and the Department should be required to report to Congress which approach is more suitable for each of the large geographical markets that supply significant numbers of travelers to the U.S.

ENHANCED PARTNERSHIP WITH THE PRIVATE SECTOR

Background

The Homeland Security Advisory Council (HSAC) is a federal advisory committee, which was created in 2002 and reconstituted under the Department of Homeland Security’s jurisdiction in 2003. Federal advisory committees are established legislatively, by Executive Order or

by a particular agency for the purpose of gathering advice and private sector participation where such expertise cannot be found within the department. The HSAC was created to provide independent advice and recommendations to the Secretary of the Department of Homeland Security on matters pertaining to protecting our nation's homeland.

The HSAC has formed Senior Advisory Committees to provide expertise in five specific areas: Academe and Policy Research Senior Advisory Committee (APRSAC); Emergency Response Senior Advisory Committee (ERSAC); Private Sector Senior Advisory Committee (PVT-SAC); State and Local Officials Senior Advisory Committee (SLSAC); and Secure Borders and Open Doors Advisory Committee (SBODAC).

On issues relating to homeland security, the travel and tourism industry has stayed in close communication with many of the offices within DHS, the State Department and the Commerce Department. Through the U.S. Travel and Tourism Advisory Board, the private sector has maintained a voice with the federal government, but not in the areas of jurisdiction under the RCJV.

Promised Action in Rice-Chertoff Joint Vision

Upon the announcement of the RCJV, both Secretary of State Rice and DHS Secretary Chertoff stressed the importance of working together with the private sector to ensure that the goal of security and facilitation could both be met and neither sacrificed. Within the RCJV document, the Departments of State and Homeland Security pledged to establish and seek counsel from an advisory board, designed to offer suggestions for enhancing travel while securing our borders and provide feedback to the Departments concerning the RCJV initiatives. Specifically, the document states:

The Departments of State and Homeland Security will utilize an advisory board to provide regular, institutional outreach with the travel, business and academic communities to take their views into account, to identify "best practices" when developing travel policies, and to enlist their support to encourage visits to the United States. This advisory board will be asked to provide feedback on specific initiatives and serve as a reliable

sounding board for innovative travel facilitation and security-related programs.

Progress to Date

In May 2006, the Departments approved a list of 18 candidates representing the travel, academic and business communities. After a process of background checks and approval of the members, DHS and State commenced the first meeting of the Secure Borders and Open Doors Advisory Committee (SBODAC) on December 6, 2006. This inaugural meeting included participation from Secretary Chertoff, Under Secretary of State for Management Henrietta Fore, Assistant Secretary of State for Consular Affairs Maura Harty, and a wide variety of additional officials from the Department of State and DHS. Extensive progress updates were delivered by DHS and State officials on key RCJV components including model ports of entry, e-Passports and passport cards, consular processes and US-VISIT.

Moving forward, the SBODAC has created four working groups to begin closely monitoring, evaluating and offering best practices in specific areas of the RCJV. The working groups will engage the Departments and prepare recommendations to the full committee and are organized as follows: Visa Policy and Processing Working Group, the Port of Entry Working Group, the Public Diplomacy and International Outreach Working Group and the Critical Success Factors and Metrics Working Group. As soon as the working groups are assembled, regular meetings will be held and coordination with DHS and State will continue. The SBODAC plans to meet four times a year to receive reports from the working groups, to meet with government officials, and to issue recommendations and requests for information.

Suggested Next Steps

The travel industry is supportive of the efforts of DHS and State to create the SBODAC. However, it is essential that this committee and its working groups meet and consult with the Departments regularly to establish accountability and deepen the public-private efforts called for in RCJV.

STUDENTS AND ACADEMIC STUDY IN THE UNITED STATES

Background

Immediately following September 11, 2001, visa applications declined almost 30 percent. Consequently, international travel plummeted from 51.2 million in 2000 to 46.9 million in 2001 and continued to decline in 2002 and 2003. Those international travelers who did apply for visas experienced processing delays due to more strict application processes including mandatory interviews for nearly all visa applicants and the collection of biometrics. International students coming to the U.S. also faced these obstacles, causing the U.S. share of international students to decrease between 2000 and 2004 while countries such as Australia, Japan and France were attracting more students.

International students attending U.S. colleges and universities represent \$13 billion to the nation's economy each year. While the impact on our economy has been great, more importantly, for students, visa delays have represented missed opportunities to come to the U.S. to learn and participate in State Department-sponsored programs including the Fulbright Program, the International Visitor Program for current and future international leaders and numerous other exchange programs.

Promised Action in Rice-Chertoff Joint Vision

As part of RCI, DHS and State pledged the following:

DHS and State will expand the length of time foreign students may be issued student visas and arrive in the United States before their academic study. Student visas will be issued up to 120 days (as compared to 90 days under current regulation) and allow entry 45 days (compared to 30 days currently) in advance of studies.

They also pledged to pursue programs that enhance partnerships that strengthen international education and exchange.

Progress to Date

For the past three years, all overseas consular posts have been instructed to give priority to students and exchange

visitors. This action has greatly enhanced travel in the educational sector. State issued 591,000 student visas in fiscal year 2006, up 13.9 percent from the previous year and 5.5 percent from 2001. In addition, DHS has made significant progress in improving the services of the Student and Exchange Visitor Information System (SEVIS). In 2006, international student enrollment in U.S. colleges and universities increased by 1 percent, compared to a 3 percent decline in 2005.

State and DHS have also issued new guidance expanding the amount of time students may be issued a visa and arrive in the U.S. before their study in accordance with the RCJV plan. Student visas are now issued up to 120 days (as compared to 90 days under current regulation), and students are allowed entry 45 days (compared to 30 days currently) in advance of studies.

In 2006, the State Department initiated many new programs to ensure that international students continue to want to study in the U.S. and are able to travel here without delay or hassle. As highlighted in the RCJV:

In early January, Secretary Rice and Secretary of Education Margaret Spellings co-hosted the U.S. University Presidents' Summit on International Education at which President Bush spoke. During the Summit, the Secretaries engaged leaders of U.S. higher education in a renewed partnership to strengthen international education emphasizing its importance to the national interest.

In addition, the State Department Office of Educational and Cultural Affairs created several new educational initiatives in concert with the private sector. In April 2006, the State Department welcomed 129 international journalists for the inaugural Edward R. Murrow Program for Journalists. Representing 100 countries from around the world and all aspects of the media, the students came to learn U.S. journalistic practices. State also worked with *Fortune* Magazine to create the Women Leaders Mentoring Partnership in May 2006, which brought 17 emerging women leaders from across the globe to the U.S. Each was paired with one of *Fortune's* most powerful women leaders of 2006 for a three-week mentorship. Most recently, Assistant Secretary of State Dina Habib Powell and Secretary of Education Margaret Spellings led

a delegation of 12 university presidents on a three-country Asian tour to promote educational opportunities in the United States.

Other programs that the Departments have initiated to encourage student and other travel to the U.S. include the “See You in the USA” electronic journal, the “Know Before You Go” booklet and the placement of public diplomacy materials in consular posts. The wide dissemination of these materials aims to enhance the traveler experience for those planning trips to the U.S.

Suggested Next Steps

DHS and State have demonstrated a strong commitment to increasing international exchange through our universities and exchange programs. The travel industry encourages the Departments to continue to “roll out the welcome mat” for students who wish to travel to the U.S., but they must also ensure that in the process, travel for those wishing to come here for business or leisure are not given short shrift. Travel for all these purposes is essential, and our government and the private sector alike should collaborate on programs to extend America’s welcome to all legitimate travelers.

PART 2: TRAVEL DOCUMENTS FOR THE 21ST CENTURY

E-PASSPORTS

Background

Electronic passports, or e-Passports, contain integrated circuit chips that have the capacity to store biometric identifiers including facial recognition and fingerscans. When an e-Passport is issued, the chip contains the same data (biographic information and photograph) that is on the data page of the passport. When a traveler presents an e-Passport to a Customs official, the technology incorporated allows the official to compare the information printed on the passport and in the chip. If the two sets of information match, the document can be verified authentic. The enhanced security of these documents allows DHS screeners to more quickly and efficiently verify a traveler's identity while protecting them from identity theft and document forgery. In future years, an automated comparison of the digitized facial image on the passport and the person in front of the inspector may be possible.

As part of the Enhanced Border Security and Visa Entry Reform Act of 2002 (EBSA), Congress mandated that all Visa Waiver Program (VWP) countries, to continue designation in the program, begin producing biometrically enabled passports according to International Civil Aviation Organization (ICAO) standards by October 26, 2004.

However, because most of the 27 VWP countries would have been unable to meet this original deadline and because the U.S. itself was unable to produce the documents in accordance with the mandate, the deadline was extended by Congress and DHS until October 26, 2006. As of that date, only Andorra, Brunei and Liechtenstein were unable to begin producing e-Passports. The State Department is currently working with these governments to ensure their timely compliance. The U.S. too,

on a reciprocal basis, pledged to meet these standards to enhance the security of our nation's travel documents.

The 27 participating VWP countries are Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom.

Promised Action in Rice-Chertoff Joint Vision

The State Department pledged to complete the transition to the exclusive production of U.S. e-Passports by the end of 2006. The RCJV states:

The increased use of Machine Readable Passports with digitized photographs has heightened security and added protection against identity theft without adding to traveler waiting times at ports. The next generation of international travel documents – e-passports that contain a contactless chip to which biometric and biographic information is written will further strengthen international border security by ensuring that both the document is authentic and that the person carrying an e-passport is the person to whom the document was issued, while ensuring the person's privacy. The U.S., like many other governments, is in the early stages of issuing such documents, in accordance with international standards, and will complete its transition to exclusive production of e-passports by the end of 2006.

The travel and tourism industry is supportive of the government's efforts to enhance the security of travel documents through the use of biometric identifiers and related technology. We have also been an active advocate for ensuring that foreign governments are afforded sufficient time to develop the chips technology and begin distribution of these more secure travel documents.

Progress to Date

While the United States has begun issuing e-Passports, the State Department failed to meet its goal of producing e-Passports exclusively and at all 16 passport agencies by the end of 2006. The State Department began issuing diplomatic e-Passports in December 2005 and official e-Passports in April 2006. Tourist e-Passports began circulation in August 2006. However, that issuance has not been expanded to all passport agencies. The Department's current expectation is to begin issuing e-Passports at all passport agencies by March 2007.

In other progress, US-VISIT and U.S. Customs and Border Protection (CBP) deployed and implemented e-Passport readers to meet the October 2006 deadline, and DHS also worked with the 27 VWP countries to ensure as many as possible were in compliance prior to the deadline.

Suggested Next Steps

Despite the absence of a statutory requirement to do so, we were pleased that State was able to begin issuing e-Passports when the VWP countries were required to have their production capabilities in place. We will continue to monitor their progress as they attempt to complete their conversion by March 2007. In addition, DHS should continue to work with the countries that have not yet met the e-Passport deadline.

PASSPORT CARDS

Background

A less expensive and more conveniently sized passport card is being developed by the federal government in response to U.S. citizen demand for such a document for use in complying with the Western Hemisphere Travel Initiative (WHTI). The vast majority of those who cross the land border with Canada and Mexico to work, shop, visit friends and attractions, and attend sporting and cultural events do not possess a traditional passport.

The U.S. travel industry supports the homeland security intent of the Western Hemisphere Travel Initiative (WHTI) believing that U.S. border security will be enhanced by allowing Customs and Border Protection offi-

cers to examine fewer and more secure travel documents. This change in policy should assist the U.S. government in more effectively preventing the illegal entry of individuals presenting false or stolen travel documents.

We also believe just as strongly that enhanced border security cannot come at the expense of facilitating legitimate international travel and trade across our land borders, and through all ports of entry. We support the development of the passport card to help facilitate cross-border travel.

Promised Action in Rice-Chertoff Joint Vision

The proposal for the passport card in the RCJV is as follows:

State and DHS will produce an inexpensive, secure, biometric passport card as an alternative to a traditional passport book for use by U.S. citizens in border communities who frequently cross our land borders. The card, which will be issued starting in late 2006, will meet the land border crossing requirements of the statutory Western Hemisphere Travel Initiative. The initiative requires that anyone applying for admission to the U.S., including U.S. citizens, present secure travel documents that denote citizenship and serve as proof of identity. As we develop the passport card, we are consulting closely with Canada and Mexico. DHS and State will ultimately offer a platform so that travelers can benefit from expedited or trusted traveler programs at all U.S. ports of entry. Members of existing trusted traveler programs such as FAST, NEXUS and SENTRI will continue to receive these program benefits.

Progress to Date

As stated earlier, the U.S. travel industry supports the development of the passport card to facilitate cross-border travel with Canada and Mexico. We also strongly supported successful efforts in Congress to make the passport card eligible for use by cruise travelers. We believe such an alternate, secure travel document that is less expensive will be less disruptive to the marketplace by facilitating legitimate travel and maintaining high levels of border security.

The RCJV document stated that the passport card would

be issued “starting in late 2006.” DHS and State did not meet that goal. Issuing passport cards by the end of last year was not a realistic goal and was further hampered by internal wrangling over the application of radio frequency identification (RFID) technology to the card.

We are encouraged that the proposed costs of the passport card will be half that of the passport book, and possibly less. We are disappointed at the lack of true bilateral consultation with Canada and Mexico. We had hoped that the NEXUS and SENTRI programs would serve as models for the development of the passport card.

All in all, we support the development of passport cards, but are displeased by the slow pace of progress towards getting them in the hands of travelers. We therefore strongly supported the successful efforts by Congress to extend the deadline for implementation of the land and sea phase of WHTI to occur not later than June 2009. In the interest of security at our borders and facilitation of travel across those borders, we encourage DHS and State to use the time granted by Congress to get the technology, readers and communication campaign for the passport card right.

Suggested Next Steps

Going forward, we urge the federal government to take the following steps in the development of the passport card:

- Minimize the cost. Although we appreciate the extraordinary efforts that have been made by the State Department that resulted in a passport card that is half the cost of the passport book, we will continue to urge the federal government to seek out ways to drive down the cost further. Cost is the key determining factor that will cause the passport card to succeed or fail as an option for facilitating cross-border travel.
- Commit significant resources to educating and informing the public about the benefits and limitation of the passport card. Probably the greatest single challenge related to WHTI and the development and rollout of the passport card is communicating these changes in policy and available options to hundreds of millions of prospective travelers. Only through aggressive outreach

and communication can we raise the level of awareness, acceptance and then move the traveling public to a place where behaviors are changed and individuals apply for a passport book and/or passport card. This may particularly be true in areas further from the border where travel to Canada or Mexico may be less of a regular event.

- Work in close bilateral coordination with our North American neighbors in the development of the passport card. It is not acceptable to develop the passport card and related technological standards in isolation and then simply share the technology with Canada and Mexico. True cooperative programs such as NEXUS and SENTRI should serve as the models going forward with the passport card. At a time when overseas travel to the U.S. from many important markets is stagnant or slipping, and when inbound travel from Canada and Mexico is growing dramatically, it is critical that the federal government do everything in its power to work in a genuine cooperative fashion with Canada and Mexico.
- Pilot the concept of states issuing WHTI-compliant driver’s licenses once state security programs have been certified and database linkages between a state and the Department of State have been created.
- Strictly comply with those parts of the seven-point statutory criteria approved by Congress in 2006 that pertain to the development and execution of the passport card, in conjunction with the overall WHTI program.

GLOBAL ENROLLMENT NETWORK/ INTERNATIONAL REGISTERED TRAVELER PROGRAM

Background

With the notable exception of programs operating at U.S. land borders, DHS has moved in fits and starts the past three years to establish “registered” or “trusted” traveler programs that would conduct enhanced background checks on travelers in advance in order to provide them expedited processing at departure and/or arrival ports of entry.

Before 9/11, the legacy Immigration and Naturalization Service (INS) operated a program known as INSPASS which enrolled travelers for expedited processing at U.S. ports of arrival following a background check and biometric verification. The program utilized hand geometry to confirm identity.

In January of 2005, then-DHS Secretary Tom Ridge announced that DHS would soon launch an International Registered Traveler (IRT) program operating between Schiphol Airport in the Netherlands and JFK Airport in New York. Secretary Ridge commented, “These efforts demonstrate again that we can design border security initiatives to both enhance homeland security and facilitate global commerce and travel...In particular, a U.S.-Dutch pilot will bring the extensive experience the Dutch government has had with expedited travel security initiatives together with U.S. efforts, paving the way toward a truly international registered traveler program that enhances security for all travelers.”

However, Secretary Ridge left DHS less than a month after this announcement, and DHS shelved the initiative while reviewing its interoperability with the TSA domestic registered traveler program and other visa policy programs.

Meanwhile, U.S. Customs and Border Protection moved aggressively after 9/11 to prioritize low-risk travelers moving through U.S. land ports of entry. The key programs in this regard have been: SENTRI (eight locations for land and pedestrian travel between the U.S. and Mexico), NEXUS (11 locations for land travel between the U.S. and Canada), AIR NEXUS (air travel between the U.S. and Vancouver, Canada), marine NEXUS (select sea travel between the U.S. and Canada), and FAST (truck travel across both borders).

It is worth noting that other countries have moved aggressively to build IRT programs. The British government plans to enroll up to 1 million passengers in their international Project Iris program which allows UK nationals to reenter the country without encountering immigration officers under normal conditions. As the UK also faces terrorism concerns within their domestic populations, we can learn from their success.

Promised Action in Rice-Chertoff Joint Vision

Regarding the Global Enrollment Network, the RCJV states:

DHS and State will align travel document application processes by creating a Global Enrollment Network so data need only be captured once from an applicant, whether the person is encountered first by DHS or State. This data could then be viewed by both DHS and State officers, as appropriate, to verify a traveler’s identity, citizenship, and other information that will help facilitate the admission process at the border.

In his remarks at the unveiling of the RCJV, Secretary Michael Chertoff also commented:

Through the planned technology enhancements at our ports of entry, we’ll be able to recognize and expedite the movement of low-risk or trusted travelers by linking cardholders to secure databases that will allow us to quickly verify identity and citizenship.

Progress to Date

DHS has made progress in building a Global Enrollment Network but has not deployed it for travelers arriving from outside North America.

In December 2006, CBP announced the Consolidated Trusted Traveler Program and merged the application and fee process for the various NEXUS programs operating between the U.S. and Canada. NEXUS members now have crossing privileges at any air, land and marine port of entry. In addition, NEXUS is being expanded to seven additional locations including the Toronto airport in 2007. To implement this capability, CBP has deployed a Global Online Enrollment System, which can now handle applications for all of these programs, as well as the SENTRI program on the southern border.

In addition, DHS and CBP have announced informally that they plan to launch an IRT program in the spring or summer of 2007 at the two model ports airports of Washington Dulles and Houston’s George Bush Intercontinental. It is not clear whether foreign travelers will be eligible for such programs or whether enrollees will also be eligible for domestic registered traveler (RT) privileges.

Suggested Next Steps

DHS has had exactly the right messaging in trying to prioritize low-risk travel, including those passengers who are willing to provide biographic and biometric data to conduct a robust background check. However, the action to date has not matched this message. Moving forward, we recommend the following:

- As the model ports system is constructed, each airport needs to include an IRT capability.
- In the international realm, the UK has shown that we can build an IRT system. The U.S. would send a positive message to our foreign guests if we allowed people to enroll in such programs after a fully robust background check.
- Foreign travelers who are enrolled successfully in an IRT program should also be cross-enrolled in the domestic RT program being developed by TSA and private sector vendors.

PART 3: SMARTER SCREENING

ENTRY-EXIT SYSTEM WITH US-VISIT

Background

For decades, the United States lacked an accurate system to determine the dates for arrival and departure for international travelers entering the United States to visit, study or work. The old system that has required departing international visitors to submit a slip of paper that is then manually entered and matched up with arrival records has been neither accurate nor effective. Enforcing U.S. immigration laws and periods of admission granted to both VWP travelers and those individuals entering the U.S. with a non-immigrant visitor visa has been extremely challenging.

After some false starts with an earlier version of an “entry-exit” system in the 1990s, the federal government finally created a system to electronically record the arrival (and at a later date, the departure) of many international travelers entering the U.S. The US-VISIT system was launched on January 4, 2004 at most major airports and seaports, and now records the arrival of overseas travelers entering at all U.S. ports-of-entry (land, sea and air), utilizing biometric identifiers (fingerscans and digital photos) to link an individual to travel documents and to create and store a travel history.

Promised Action in Rice-Chertoff Joint Vision

The RCJV document did not announce any specific new future goals for the US-VISIT program, but merely summarized what the program was and its success to date. The summary follows here:

Through US-VISIT, DHS officers can screen foreign passengers entering the U.S. against integrated databases which contain information on individuals with criminal, immigration violation, or terrorism-related history. Between January 2004 and December 2005, DHS has processed 45 million people under this new system, intercepting more than 970 persons with prior or suspected criminal or immigration violations based

on biometrics alone. DHS has done this without making travelers wait any longer at air and sea ports of entry and have significantly reduced processing times at many land ports of entry through automation of old paper-based processes.

Progress to Date

The U.S. travel industry has supported the US-VISIT program from the first day of operation, believing such a system is necessary for the nation to better enforce its immigration laws and periods of stay for temporary international travelers. We believe that such a system also provides greater confidence in allowing such visitors to enter the country.

It is certainly accurate to say the US-VISIT process has allowed CBP officers to efficiently collect and/or compare index fingerscans and digital photos to confirm that an individual is the same person issued a passport and/or visa. And the use of this biometric information has undoubtedly led to lower rates of document fraud that might have previously resulted in an individual gaining illegal entry into the U.S., as well as the apprehension of numerous criminals and immigration violators. Finally, as a well-integrated part of the arrivals screening process, the US-VISIT system has, indeed, not increased wait times for arriving international travelers.

The US-VISIT team has also done a remarkable job of aggressive outreach and communication and serves as the “model” for how federal agencies should partner with the private sector in order to educate and inform international travelers.

This outreach and communication capability may get a real test when the US-VISIT program transitions from the capture of two fingerscans to all 10 fingers in the near future. Managing this transition from a time management standpoint, and communicating to travelers why the digital capture of all fingers is necessary will be a challenge.

The other major challenge that remains is the build-out of the “exit” capability at all ports of entry, a development that is severely hampered by resource constraints and logistical concerns. Only when the federal government has the capability to biometrically record the “arrival” and “departure” of all international travelers subject to the requirements of US-VISIT process will there be confidence in our nation’s ability to welcome international travelers and have those visitors return home within their lawful admission period. This will require billions of dollars in infrastructure improvements and capacity expansion – changes already needed in order to facilitate growing trade and travel between the U.S., Canada and Mexico – and the use of innovative new technologies that allow U.S. officials to record this information while at the same time expediting the flow of people and goods across our borders.

Suggested Next Steps

The travel industry has two remaining concerns about US-VISIT:

- DHS should carefully manage the transition from two to 10 fingerscans, and as has been done previously, fully engage with the travel industry and other private sector partners to achieve a favorable outcome.
- DHS must lay out in detail the resources needed for the build-out of a comprehensive entry-exit system at all U.S. ports of entry that will accurately record the arrival and departure of covered international travelers while facilitating legitimate travel into and out of the United States.

TRAVEL INTELLIGENCE AND INFORMATION SHARING

Background

Since 9/11, the executive branch has developed and integrated a wide range of programs designed to better analyze, share and utilize information about individuals suspected of involvement with terrorism, criminal behavior and immigration violations. In addition, some of the most important recommendations of the 9/11 Commission related to the need to improve information sharing between U.S. government agencies and among

foreign governments. The long list of improvements in these areas include the creation of the National Counter Terrorism Center, the standup of the interagency Terrorist Screening Center, the development of the National Targeting Center within the DHS’s U.S. Customs and Border Protection, the interagency Human Smuggling and Trafficking Center, the implementation of DHS’s US-VISIT, and numerous other activities at the FBI, the intelligence agencies, and with international partners around the world.

Promised Action in Rice-Chertoff Joint Vision

The RCJV included three related initiatives regarding travel intelligence and information sharing.

The first is to “Develop and Use ‘Travel Intelligence’ Before Travelers Arrive.” The RCJV states:

One of the lessons learned from 9/11 is the power of using intelligence about the way suspected terrorists travel, since this is a critical vulnerability in their ability to carry out international operations. To assimilate and use this intelligence:

The Terrorist Screening Center is a center that coordinates terrorist watch list information across all agencies of the U.S. government. DHS, State, and the Department of Justice as well as other agencies are co-located and work closely together to screen terrorists. Intelligence has repeatedly confirmed that such innovations have shaken the confidence of terrorists that they can readily enter the United States.

The Human Smuggling and Trafficking Center also converts intelligence to law-enforcement action, canvassing a large body of information about human smugglers, traffickers and terrorist travel facilitators. The Center has also become a focal point for cooperation on these problems with foreign governments.

To help these innovations work in the field, the two departments are improving operational training for terrorist screeners. DHS and State will provide continuous training for detecting indicators of terrorist manipulation of travel documents.

The second initiative on this topic outlined in RCJV is “Real-time DHS-State Information Sharing”:

A critical obstacle to cooperation across the Federal government is to integrate data created by different agencies for different systems and different purposes. State and DHS are knocking down this technical barrier. State Department officers now have access to information that may help detect ineligible aliens, find fraud, and improve the efficiency and security of visa cases. Similarly, near real-time data on every visa issued is sent directly to Customs and Border Protection officers at ports of entry so that they can compare electronic files of every traveler entering the United States. All such sharing is done in a manner consistent with privacy rights and civil liberties.

These improvements open the way for “paperless” visa processing. Electronic collection of visa information will further strengthen screening systems. State will pilot a fully electronic visa application by December 2006, to expand the collection and use of information. Going even further, State and DHS will conduct a joint pilot project to test a “paperless” visa system in which DHS officers will have electronic access to visas, passports, and biometric information.

Once able to share data, the two agencies must then coordinate what they will do with it. Part of the joint vision is to harmonize screening information. DHS and State, working with other key agencies, will standardize screening criteria by the end of 2006 for consistency at every screening location and create a virtual clearinghouse by the end of 2007 to unify data that screeners now get from many different systems.

And the final initiative sets out to “Pool Data with Like-minded Foreign Governments”:

As the United States’ systems and data improve, State and DHS must make these initiatives global. We will continue diplomatic efforts for the comprehensive exchange of watch lists, biometrics, and lost and stolen passport information with other governments as well as building capacity to effectively use this information. A central topic in this diplomacy is development of a common approach to protecting the privacy of the data, both in the way it is collected and the way it is shared.

Progress to Date

The non-classified instances of success in these areas are several, although TBR and TIA recognize that many achievements may not be known fully or at all by the public. These known successes in the past year include:

- The renegotiation of the Passenger Name Record (PNR) treaty between DHS and the European Union in September 2006 to allow the continued vetting of aviation passenger traffic from EU airports;
- Substantial assistance provided by US-VISIT to the United Kingdom in the construction of their e-borders program;
- Continued engagement by DHS with current and prospective VWP countries to improve reporting of lost and stolen passports and exchange of watch list information;
- Further integration of the Department of State BioVisa and DHS US-VISIT program to provide a common pool of data for consular officers and front-line inspectors regarding foreign travelers;
- The creation of the Screening Coordination and Operations Office in 2006 to coordinate the credentialing and redress programs at DHS; and
- Successful piloting of the electronic visa application process by the Department of State to obtain biographical information about prospective travelers.

TBR and TIA are not aware of any public information concerning the creation of a virtual screening clearinghouse, standardization of screening criteria, nor a joint pilot project of a paperless visa application viewable by DHS officers.

Suggested Next Steps

The travel industry believes that, by coordinating with foreign governments, the U.S. government can explore their best practices, enhance diplomatic relations and provide optimal security at our borders. Our recommendations include:

- DHS and the EU need to agree on the next renegotiation of the PNR treaty which is due to expire later this year.

- Work should begin anew to build a true international registered traveler system with benefits both at departure and arrival airports.
- Particular attention should be paid to coordinating with other countries' and the EU's entry-exit and visa information systems as they are constructed.
- The proposed expansion of the Visa Waiver Program would require current and prospective VWP countries to provide the U.S. with substantially more information about prospective travelers to allow for more robust targeting of terrorist travel.

“ONE STOP” REDRESS FOR TRAVELERS

Background

Since 9/11, the number of names included on terrorist watch lists has exploded from dozens to tens of thousands as the Executive Branch has erred on the side of making sure that every conceivable threat is shared with the agencies that interact with the public. Especially in the air traveler environment, the huge growth in watch lists has led to more and more people being identified as potential terrorists because of identical or similar names. With respect to aviation, true threats normally are placed on the “No-Fly” list while those suspected of terrorism may land on the “Selectee” list, required to undergo secondary screening to be allowed to fly.

Amazingly, the program designed to identify watch-listed individuals seeking to fly on domestic flights, the Computer Assisted Passenger Prescreening System (CAPPS or CAPPS I) remains essentially unchanged since before 9/11. Under this program, airlines attempted to compare the lists of their prospective passengers against lists provided by the Terrorist Screening Center (TSC) to identify matches. However, the programs airlines use to do this comparison vary, as do the mechanisms airlines use to collect passenger information and the quality of the TSC information. Thus Senator Edward Kennedy may be flagged because the TSC has an “E. Kennedy” on the watch list.

DHS had hoped to replace CAPPS with a next generation program known first as CAPPS II and now as Secure

Flight. Under this plan, airlines would collect specified pieces of information about passengers such as full name, address, and date of birth, send the information before flight to the Transportation Security Administration (TSA), and TSA would make a determination of a person's suitability to fly. A feature of CAPPS II which has been abandoned under current planning would have compared passenger information against data held in commercial databases both to try to find individuals flying under false identities and to resolve watch list hits (i.e., determining if Ted Kennedy is actually E. Kennedy). The program was approved for initial testing in 2005 but quickly ran into a quagmire of privacy issues and has never been implemented.

In the international realm, U.S. Customs and Border Protection (CBP) receives information from air carriers collected from travelers' passports, which are swiped before takeoff and compared against watch lists. This task is performed at the National Targeting Center via a program called the Advanced Targeting System – Passenger (ATS-P) and is scheduled to become a pre-departure check in 2007 under a regulation now under public comment.

Promised Action in Rice-Chertoff Joint Vision

Regarding redress, the RCJV states:

Sometimes mistakes are made. Travelers need simpler ways to fix them. Therefore, DHS and State will accelerate efforts to establish a government-wide traveler screening redress process to resolve questions if travelers are incorrectly selected for additional screening.

Progress to Date

The DHS progress towards this goal has been promising but incomplete.

In response to a growing number of complaints about individuals being mistakenly and repeatedly singled out for secondary screening, being denied boarding, and/or being detained by CBP or TSA officials, each department has instituted workarounds to try to minimize the inconvenience of the watch lists. TSA has established a “cleared list” that persons can seek admission to by providing significant amounts of personal information that a screener can

review to ascertain that the person is the person who has been “cleared.” This process recently was re-launched as the web-based Redress Management System.

Similarly, CBP has recently established a Primary Lookout Override (PLOR) to inform an inspector that a person who appears to be a name match is not actually the wanted individual. However, the CBP process is not uniformly instituted, well publicized, or coupled with an ability for individuals to track their complaints.

Currently, these workarounds are not linked so that an individual who goes through an elaborate TSA process could not expect any relief when encountering CBP at an international port of entry.

On January 17, 2007, however, DHS announced a new initiative, the DHS Traveler Redress Inquiry Program (TRIP). Under TRIP, which DHS plans to launch in February 2007:

Individuals who have been repeatedly identified for additional screening [can] file an inquiry with DHS through a single process in order to have erroneous information corrected in DHS systems. The program will improve customer interface via a web portal, facilitate information sharing among DHS agencies that receive traveler redress requests and institute performance metrics to track progress.

While the TSA Chief Information Office will manage TRIP, it was developed in conjunction with a wide variety of offices within DHS, led by the new Screening and Coordination Operations office. DHS TRIP will share information with the Department of State and aviation stakeholders to resolve issues.

It is important to remember that the TRIP initiative is not, and has not been advertised as, a complete cure for the broader issue of redress. The more long-term solution requires “cleaning up” the watch lists of unnecessary names that create a cascading effect of affected travelers, especially those with relatively common names in foreign languages. In July of 2006, the TSC Governance Board approved changes to the mechanisms for removing “No-Fly” watch list nominees or downgrading them to the “Selectee” list which allows them to fly following secondary screening.

Suggested Next Steps

First, TBR and TIA will closely monitor the implementation of DHS TRIP to evaluate whether it truly operates as a link between TSA and CBP for complaints.

Second, in Congressional testimony on January 18, 2007, TSA Administrator Kip Hawley announced that the TSC and its interagency partners are nearing the conclusion of a name-by-name review of individuals on the “No-Fly” list. This review is expected, according to Hawley, to reduce the overall number of “No-Flys” by half. Hawley also promised a similar review for individuals in the “Selectee” category. TBR and TIA believe that such a review is long overdue and critical to focusing TSA and CBP attention on true threats and limiting the unnecessary detainment of unfortunate travelers forced to undergo secondary screening.

Third, the years of delay in deploying a next-generation passenger screening program are unacceptable. DHS must step up to the plate and test Secure Flight under real-world conditions to understand the impact on travel and how much of the watch list problem can be cleaned up via better data obtained from travelers. The private sector can build systems that can handle the IT workload to process millions of transactions but DHS has to set program criteria and law enforcement response protocols. The promised operational date for Secure Flight of the end of 2008 is unnecessarily slow.

Fourth, CBP and TSA need to improve its communication to foreign visitors who are flagged for pre-flight scrutiny or examination at arrival airports. Questioning must be conducted in a professional, courteous manner.

TBR MEMBERSHIP

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JetBlue Airways Corporation
Las Vegas Convention & Visitors Authority
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Marriott International, Inc.
Maryland Office of Tourism Development
McDermott, Will & Emery
The Mills Corporation
Nashville Convention and Visitors Bureau
National Business Travel Association
National Football League
National Hockey League
National Restaurant Association
Niederlander Producing Company of America
NetJets
New York University
Northstar Travel Media, LLC
NYC & Company
Port Authority of New York & New Jersey
Puerto Rico Tourism Company
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Travel Oregon
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Pennsylvania Dept. of Community &
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Polynesian Cultural Center
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Tourism
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Vermont Department of Tourism
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Walt Disney Parks & Resorts
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World Leisure Partners, Inc.
World Travel & Tourism Council
Wyndham Worldwide
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