



Homeland Security

APR 20 2005

**The Honorable Rick Larsen
U.S. House of Representatives
Washington, D.C. 20515**

Dear Representative Larsen:

Thank you for your comprehensive letter regarding your concerns of the US-VISIT "Proof of Concept" pilot program being implemented at the Port of Blaine, Washington.

Our responses to your questions are enclosed as an attachment to this letter. We appreciate this opportunity to address your concerns. If additional information is required, please do not hesitate to contact me or Mr. P.T. Wright, Director of US-VISIT Mission Operations at (202) 298-5200.

Sincerely,

A handwritten signature in cursive script that reads "James A. Williams".

**James A. Williams
Director, US-VISIT**

Enclosure

**Congressman Rick Larsen
Questions and Answers
March 2005**

Q. What is a person to do at time of exit if he/she has lost his/her entry-exit documentation? Today we were told that no new exit infrastructure would be built, but clearly some kind of infrastructure is needed for this purpose even if the no-stop radio frequency identification technology works.

A. At the time of exit, visitors who have lost their entry-exit documentation (Form I-94) may freely exit the country, but upon their next entry attempt, they may be referred to secondary inspection, as the previous entry will not have a corresponding exit event recorded. At secondary inspection, visitors will have the opportunity to amend their information and apply for re-entry. Additionally, at the time of exit, visitors can choose to notify Customs and Border Protection (CBP) that they have lost their entry-exit documentation. This "good faith effort" will be recorded in the visitors' information stored on the US-VISIT database, easing secondary inspection upon any subsequent reentry.

Q. There is currently a NEXUS technology upgrade underway at Blaine. Will NEXUS and US-VISIT be using the same technology?

A. US-VISIT does not have an identified technology at this point for entry-exit along our land borders. We will begin testing possible solutions this spring and continue through spring of 2006, so we cannot speculate about whether NEXUS and US-VISIT technologies will be the same.

Q. In yesterday's briefing Mr. Wright indicated that once the technology problems are worked out, Mexicans with laser visa border crossing cards (who have been exempted from US-VISIT) will be subject to the program. When Mr. Wright was in Bellingham in June, he said that he believed that Canadians would eventually be subject to the program as well. Does DHS have a timetable for doing away with the Canadian exemption from US-VISIT requirements?

A. Mexicans with Border Crossing Cards are currently exempt from US-VISIT procedures. We will alert all stakeholders if and when US-VISIT procedures will be required for Canadians or Mexicans with Border Crossing Cards.

Q. Visitors to the United States who are not visa exempt currently pay a six dollar fee for the entry documentation issued to them at the border. It is clear that the ambitious US-VISIT plans envisioned by DHS will be costly. Does DHS have estimates as to the fee that will be levied against US-VISIT users when the program is fully implemented?

A. Under our proposed testing protocol, there will be no fee charged for the issuance of RFID's during the proof of concept phase. No policy determination has been made for any long term fee structures.

Q. It appears that while the new system is being tested at our borders, US-VISIT will use different entry and exit technologies at airports than it does at land border crossings. How does one who entered under US-VISIT at an airport exit from the United States if going to visit Canada by land? For example what is the German who flies into SEA TAC to do at the border if he goes to Vancouver to take a cruise ship to Alaska?

A. A visitor who arrives by air and exits by land would exit as normal under the current policy, which requires that a visitor exiting at a land border submit a Form I-94. Upon subsequent reentries at the land border, the visitor would be required to go through US-VISIT entry processing, if applicable. Until such time as US-VISIT's automated entry-exit system is fully integrated to accommodate multiple modes of entry and exit, this situation will be taken under advisement and US-VISIT will work to formulate an effective operational policy.

Q. How will the 18 month program that DHS is undertaking at the border integrate with the ten billion dollars worth of work that Accenture has been contracted to do with US-VISIT?

A. The "proof of concept" testing that Accenture (Smart Border Alliance) will help US-VISIT accomplish is an integral part of the broader five-year contract. The amount spent on the border integration program will depend on an analysis of alternatives and the cost-effectiveness of each. The broader contract has a \$10 billion dollar ceiling.

Q. What is the cost of the "proof of concept" testing that will take place at Bellingham, Nogales and the NY POE over the next 18 months?

A. The costs of the "proof of concept" testing are still being determined, as all of the business requirements have not yet been identified.

Q. Are there any firms in Washington State that will benefit from these new expenditures?

A. The contracting for infrastructure work (facilities, information technology, etc.) that needs to be accomplished to support the proof of concept sites may be accomplished by local contractors, depending upon availability and cost effectiveness.

Q. The testing that is to take place at Blaine is what P.T. Wright calls "proof of concept" testing to see if the radio frequency identification (RFID) technology can be harnessed for the exit portion of US-VISIT. If the concept proves out, how does DHS plan to harness the technology? For example, do you have a provisional vision as to how the system will evolve if the technology works and what is it?

A. US-VISIT's vision for the use of RFID technology is to use it as a tool that will better enable the program to fulfill its goals, which are (1) to enhance the security of our citizens and visitors, (2) facilitate legitimate travel and trade to and from the United States, (3) ensure the integrity of our immigration system, and (4) protect the privacy of our visitors. Our goal is to identify the best and most appropriate technology for use at the various ports along the border. We will collaborate closely with border communities to ensure that the chosen technology works for the community.

RFID technology can improve the ability to match entries to exits without impacting processing time at the land borders, and record arrivals and departures of visitors in pedestrian and vehicle lanes – rapidly, accurately and reliably. It will also allow US-VISIT to detect a visitor's tag and provide the primary inspection process with information and a mechanism for establishing an accurate and timely record of exits without slowing a visitor through the process. Finally, RFID can also provide solutions that are not invasive and that protect the privacy of visitors.

The automated entry and exit process will be developed under the premise that each visitor will have an RFID tag (typically in the form of a microchip and antenna) embedded in his or her travel document that is capable of being read automatically, passively, and remotely during that visitor's exit and re-entry through the land borders. US-VISIT envisions an entry-exit system in which a visitor's RFID tag acts as a link to biographic and biometric information that is retrieved from secured computer systems, thereby never placing a visitor's personal information on the RFID tag.

US-VISIT will use RFID technology to improve the immigration system by expediting the entry and exit processes. In addition to expediting border crossings, use of RFID technology will reduce mismatches between entry and exit records. The RFID based system will quickly provide information to the Customs and Border Protection officers and an accurate recording of entries and exits without interrupting the visitor's progress whether by vehicle or on foot.

The specific technology and processes solutions to be deployed have not yet been determined.

Q. The plan calls for no-stops in the exit process; will there be a signal of some sort given to each departing visitor so he/she knows that his/her exit was successfully recorded?

A. One of the constraints under which the RFID technology is being deployed is that the technology will not impede traffic flow at exit. Consequently, at this point no real time response to exiting travelers has been proposed. As compliance data is collected during the Proof of Concept test, US-VISIT will consider options for optimizing the outcome of the RFID technology insertion into the border process.

Q. How do you prevent a scenario where three people enter the system and sign up, but one person exits with all three identity tags? Could not this possibility create a security nightmare?

A. The primary goal of the Proof of Concept is to see how the technology works in the field and how it will impact operations. The RFID does not constitute a "right of entry." As we roll-out, the RFID will be used to facilitate inspections, at which time there will be the opportunity to verify that the bearer of the ID is the traveler to whom it was issued. Provisions have been made to confiscate ID's used inappropriately. The issue of compliance at exit will remain a concern until the technology matures to a point where it is possible to issue biometrically enabled IDs.

Q. It was briefly mentioned that the 2010 Olympics were seen as a contributing factor in the selection of Blaine, WA, as a "proof-of-concept" location. In what ways does the US-VISIT Office believe that visitors to and from the Olympics will be affected by land-border port-of-entry US-VISIT procedures?

A. The "proof concept" test ports of entry were selected based on key operational and geographic requirements that considered the volume of Forms I-94 processed annually, whether the ports had existing plans for construction during the test period, weather conditions, different modes of transportation, representation of both northern and southern border locations, and posted speed limits of existing exit lanes.

While the 2010 Olympic Games were not a selection criteria for the "proof of concept" test locations, those visitors who require a Form I-94 to enter the United States at land border ports of entry will encounter US-VISIT technology and procedures. Based on the international audience that typically attends the Olympic Games, we would anticipate increased volumes of visitors crossing the U.S.-Canada land border leading up to and during the 2010 Games, and would anticipate that this increased volume would include significant numbers of visitors requiring a Form I-94.

Q. While "proof-of-concept" will commence in June of 2005, two significant aspects of the fully-developed US-VISIT land border system aren't estimated to be ready for testing at ports-of-entry until summer of 2006. They are: The ability for the RFID card (or other tag device) possessed by the US-VISIT visitor traveler to "know" that the person with the RFID is the person supposedly being tracked. Given that the largest unknowns seem to be connected to these two critical functional requirements, should more work be done on these solutions before very large costs are incurred on lesser challenges?

A. At this point, RFID technology has not matured to the level where a biometric link of the traveler to the ID at exit (such as thumb print enabled IDs) is possible in the absence of actual inspection. However, given US-VISIT's Congressional mandate, it is important to begin building an infrastructure now that will eventually support this functionality. The technology being tested during the "proof of concept" and rolled out in 2006 is expected to provide the basis for the insertion of more sophisticated technology that will provide the ability to biometrically link individual travelers to IDs regardless of whether an officer as is at the border to match the traveler to the data for which the ID is associated.

Q. You say that all Americans and Canadians will have to have more stringent proof of citizenship (at least a passport) to cross the border after January 2008. Is the US-VISIT program being developed in such a way that would make this system the process through which all border crossings will be monitored? If not, what is the plan to implement the more stringent directive in 2008?

A. Over the next several years, US-VISIT will continue to expand to include a number of requirements specific to Western Hemisphere nations. Currently, U.S. citizens, and some citizens of other countries in the Western Hemisphere are not required to present a passport to enter or re-enter the U.S. when traveling within the Western Hemisphere. The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA, also known as the 9/11 Intelligence Bill), signed into law on December 17, 2004, mandated that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to present a passport, or other secure document when entering the United States. The proposed phased-in timeline is as follows:

- By December 31, 2005, United States citizens returning to the U.S. from the Caribbean and Central and South America will be required to present a passport or other valid travel document upon inspection.
- By December 31, 2006, all individuals traveling to and from Canada and Mexico via air or sea will be required to present a passport.
- By December 31, 2007, all individuals who travel to and from Canada and Mexico across the land borders must present a valid passport or other valid travel document.

- By 2008, we assume that a certain percentage of United States citizens would be coming in as part of the "registered traveler" program.

Q. You say that we cannot work with the Canadians on a system whereby their entry could also be our exit, because the Canadians have concerns over privacy issues. What are those concerns, and is there any way to overcome them, providing a less time consuming and less costly way for US-VISIT travelers to exit the United States?

A. US-VISIT has explored various possibilities with Canadian officials with respect to the implementation of US-VISIT exit procedures. Such collaboration must be conducted in accordance with our respective laws, including privacy concerns.

Q. Is there a contingency plan for possible hiccups and its effect on traffic?

A. US-VISIT will not deploy an untested system. We are committed to thoroughly evaluating these concepts. It is essential that everything we do be designed to achieve our goals of enhancing security for our citizens and visitors while we facilitate legitimate travel and trade. We are making the borders work better and more efficiently, resulting in added security without impeding the flow of traffic.

Q. Are we working with Canada? Is this plan consistent with our agreements with Canada, including the Smart Border Declaration?

A. Yes, US-VISIT has been collaborating with Canadian officials on the rollout of entry procedures at the U.S.-Canada land border ports of entry. A technical working group is being established to further this collaboration.

Q. Is there a plan to educate the public on this system in order to limit confusion?

A. Yes. Public education efforts on the program will continue to be a priority for the Department of Homeland Security, and we look forward to continuing our dialogue with land border communities. The Department of Homeland Security will continue our outreach effort to educate visitors and explain US-VISIT. This includes the following:

- Public education materials include pamphlets, airport signage, on-board handouts in multiple languages, in-flight videos in 15 languages, public service announcements being aired in airport lounges, a public education advertorial campaign in major newspapers in Visa Waiver Program countries, and active outreach to global media and stakeholder groups.
- Educational outreach along the United States' land borders has included US-VISIT spokesperson appearances since August 2004 in more than 75 events across Arizona,

California, Michigan, New Mexico, New York, Texas, and Washington, as well as various sites in Canada and Mexico.

- An educational advertising campaign was launched in November 2004 in major newspapers, billboards, and radio on both sides of the U.S.-Mexico land border as US-VISIT was being implemented along the land border.
- US-VISIT has participated in hundreds of educational events domestically and abroad, such as speaking engagements, events sponsored by organizations representing border communities and interests such as the Can-Am BTA, travel and tourism trade shows, and media briefings.
- Since January 5, 2004, US-VISIT has contributed information that has been referenced in more than 2,600 articles about US-VISIT.

Q. How will this program affect passenger trains and how can we clear passenger trains faster at the border?

A: Given the limited passenger traffic, the US-VISIT land border Concept of Operations does not extend to train service across the borders in the Northern Hemisphere. However, US-VISIT is currently testing the use of a mobile device as part of the air and sea exit solution and a similar device is being proposed for the land border. Depending on the success of these initiatives, such a solution may be extended to support the inspection of travelers on trains and other modes of transportation that currently fall outside the scope of US-VISIT.

Q. Currently GSA is working on expanding the Peace Arch Crossing, which has not been done to date in partnership with FHWA – which presents several challenges. Since programs like this will require transportation improvements to enable the program to run without presenting a threat to drivers, passengers and pedestrians, will DHS work with GSA and FHWA to make sure the reconstruction of this crossing meets the needs of the program and the reality of modern border crossings?

Yes. The Department of Homeland Security through US-VISIT has already engaged GSA and FHWA on local construction, road changes, etc. We have a partnership with GSA and each state's department of transportation to ensure that these projects are completed safely and efficiently.

Q. How will buses with passengers be handled?

A. The inspection of buses with passengers is part of the US-VISIT land border solution and has been designed to address the configuration of the individual land border Port of Entry (POE). Depending on the POE infrastructure, RFID's may be pre-read while the bus enters the POE to support the inspection of individual travelers as the pass through the pedestrian primary inspection area. Alternatively, the RFID's may be used to retrieve data on the travelers while they are processed in secondary, during baggage inspection.

Q. Will Blaine city representatives be permitted meaningful feedback opportunities on those aspects of the US-VISIT program and a ID/RFID which will affect our community?

A. US-VISIT is committed to working with public officials and private sector representatives to prepare entry and exit solutions customized to the daily needs of border residents and businesses. US-VISIT executives have arranged and participated in several meetings with members of the community in Blaine to listen to their concerns and address their questions. We look forward to continuing this involvement by working closely with public and private sector interests in the Blaine community to achieve an optimal entry and exit solution for Blaine. This solution must address safety concerns while ensuring the smooth flow of border commerce and tourism.

Q. The northbound I-5 roadway approaching the border in Blaine already has factors, which make it challenging for inattentive drivers. In a distance of much less than a mile, drivers encounter a 50 percent speed reduction zone (which suffers compliance problems), a limited sight distance curve in the I-5 roadway, a constricting overpass, a beautiful but distracting view of Boundary Bay and the Peace Arch monument, a volume of informational signage, a northbound merge lane from a city street, the beginning of a Nexus lane, parking beside the U.S. Customs facility immediately adjacent to the freeways inside "fast" lane, intermittent AT-CET outbound inspection teams stopping traffic, and pedestrians in the roadway visiting Peace Arch Park. It's not surprising that the area has had its share of severe multiple car collisions related to distracted northbound drivers suddenly encountering standing traffic on the roadway associated with border activities. We learned today that the aID/RFID proof-of-concept program may test a biometric device, which is activated by the carrier/user pressing their thumb print onto a certain location on a card or document. It is hard to imagine how a driver approaching the port will safely locate and activate their card (and possibly supervise other passengers who need to do so), all the while remaining attentive to their driving in the face of all the above listed distractions. Will safety in the area of northbound approaches to the border be a priority?

A. Ensuring vehicle and traveler safety are of primary concern in the design of a solution to capture land border exit data. At this point, the use of biometrically enabled devices (such as thumb print enabled IDs) is not part of the US-VISIT solution for land border exit. It would be premature to speculate on what future technology developments would offer.

Q. Our primary concern again is with the northbound (outbound) portion of the program. We have received what appears on the surface to be divergent information about plans for the northbound lanes at the Peace Arch. City of Blaine staff was recently advised that, in regards to northbound exit inspections, CBP had no plans to begin routine inspections of outbound motor vehicles at the Peace Arch and Pacific Highway crossings. Our questions about this arose when we noticed that draft site plans for the Peace Arch crossing at Blaine showed inspection booths on the northbound lanes of I-5 adjacent to the US port of entry. The recent presentation by the US-VISIT team in Bellingham acknowledged that, while there was no plan to install outbound inspection booths specifically for functions related to US-VISIT, design changes at the port of entry might very well include booths or other amenities on the northbound lanes to support other CBP northbound inspectional activities. The placement of booths, lane channelization, or other restrictions would be a means of fundamentally slowing northbound traffic to help improve the accuracy of RFID sensing, but such measures would run counter to presidential and congressional mandates to not adversely affect travel and trade in implementing US-VISIT. Will Blaine city representatives have meaningful opportunities to gain a full understanding of the US-VISIT Program and how will this affect traffic?

A. According to both Presidential and Congressional mandates, US-VISIT shall not adversely affect travel and trade. However, the potential modification of POE infrastructure may be driven by factors and mandates that lie outside the purview of the US-VISIT program, since there are other initiatives under construction that are designed to increase the safety and security of our borders.

Q. Blaine has proudly been home to several successful legacy Customs, Immigrations and CBP programs over the years. The PACE and NEXUS programs, and the automated license plate reader technology installed at Peace Arch and Pacific Highways for example have been, in our view, very successfully implemented and used to great advantage by CBP's management team at Blaine. That said, Blaine has unfortunately borne the negative consequences of technologies implemented without our feedback or involvement, such as the railway VACIS installation which still significantly affects local roadway traffic. Even more worrisome, our community is left especially vulnerable when federal security technology initiatives are improperly supervised and poorly installed, such as the well documented flaws of the IMC border video surveillance project. The RFID component of US-VISIT appears to have an aggressive test and evaluation cycle. Frankly we are concerned that a rush to meet deadlines and/or a failure to coordinate this project with other facility changes occurring in the same space and time may result in installation of technologies prone to error, band-aid fixes and compromises in operation which can affect traffic flow and community safety while ultimately not serving the US-VISIT mandate. Any problems not resolved will be magnified in their negative impacts if the aID/RFID technology implementation is expanded to meet the additional identification requirements coming in 2008 with the international agreements regarding passports and proof of citizenships. Given the significant scheduling problems already arising, how will US-VISIT outbound sensing facility installations be coordinated into the planned improvements to the Peace Arch Port of Entry, Interstate Five interchange improvements, and reconstruction of SR543 approaching the Pacific Highway crossing?

A. US-VISIT is aware of impacts on local operations through the deployment of new technologies. In fact, US-VISIT has been working closely with Customs and Border Protection (CBP) Headquarters to coordinate US-VISIT deployment with other infrastructure projects occurring at the port to align schedules and minimize any negative impacts. In addition, the Port Directors of the "proof of concept" locations will be meeting with US-VISIT to discuss both the impact of the new technology on operations and to collaborate with them on ensuring the success of the deployment.

Q. Predictably, every new security initiative is met with resistance, counter-attack, and work-arounds by those intent on evading that security. Some percentage of the northbound travelers approaching outbound inspection/RFID, will seek to evade these processes, very likely by exiting off the freeways and border approaches, and onto Blaine city streets and into our neighborhoods. To be successful, outbound US-VISIT processes must coordinate with both federal agents and with local law enforcement. We hope that US-VISIT's goals and the aID/RFID project will be conducive to Blaine's laudable and long standing history of cooperation between its local peace officers and CBP enforcement personnel. Is mitigation of the security and local law enforcement impacts of northbound aID/RFID being considered within the scope of the US-VISIT proof-of-concept project and will Blaine representatives have a voice in this mitigation process?

A. Yes. As we demonstrated with testing and outreach efforts during the first phase of US-VISIT entry procedure deployment at the 50 busiest land border ports of entry, US-VISIT is committed to working with public officials and private sector representatives to prepare entry and exit solutions customized to the daily needs of border residents and businesses. We look forward to working closely with public and private sector interests in the Blaine community to achieve an optimal entry and exit solution for Blaine, as this solution must address safety concerns while ensuring the fast and easy flow of border commerce and tourism.