



**Testimony of Ana Sotorrio
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before the

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

Hearing on

US-Visit Exit: Closing Gaps In Our Security

June 28, 2007

Chairwoman Sanchez, Ranking Member Souder, thank you for the opportunity to testify today on this important subject. I am appearing today not only in my capacity as Associate Director, Government Affairs for Miami-Dade Aviation Department, operator of Miami International Airport, but also as Chair of the Airports Council International – North America (ACI-NA) Facilitation Working Group. ACI-NA represents the local, regional, and state governing bodies that own and operate commercial service airports. The association's member airports enplane more than 95 percent of the domestic and virtually all the international airline passenger and cargo traffic in North America. Nearly 400 aviation-related businesses are also members of ACI-NA. The ACI-NA Facilitation Working Group addresses issues related to international passenger inspection and facilitation programs and regulations, interfacing with various agencies at the Department of Homeland Security (DHS) including U.S. Customs and Border Protection (CBP), the US-VISIT Program Office and the TSA's Office of Screening Coordination.

ACI-NA recognizes the need for an accurate biometric exit system and fully supports its implementation at air, sea and land points of departure. In order to be effective the system must be integrated into the traveler's normal departure process and implemented in full consultation with industry stakeholders. The system must also take into account existing infrastructure and passenger flows at each airport. Additionally, this is an important governmental function and it should be appropriately funded to ensure its success.

For about two years, US-VISIT conducted a pilot program which mainly focused on kiosks to collect biometric information of departing international visitors at twelve airports and two seaports. Kiosks were placed in the pilot airports in the secure area after the TSA passenger security checkpoint. The expectation was that the passenger would use the kiosk and then proceed to their departure gate and board their flight.

There was good communication between US-VISIT and the industry during the roll-out phase of the pilot. While officials from the US-VISIT Program did provide some notice of the termination of the pilots to the airports involved, little information on the success or failure of the program has been shared with the industry. US-VISIT has stated that the technology for collecting the biometrics was successful, but that the compliance rates were lower than expected. ACI-NA is disappointed that there was no formal debriefing or sharing of information during the pilot or on the final report prepared by the US-VISIT office in December 2005 on the effectiveness of the pilot program. With such limited data, the airport community is unable to fully evaluate the pilot program or make recommendations for improvement.

In preparation for this hearing, ACI-NA contacted member airports to obtain information in response to the effectiveness of the pilot program. Numerous airport officials stated they were not surprised at the reported low compliance rate as departing travelers had to seek out the kiosks because they were not integrated into the existing passenger process. It is clear that any successful future program must ensure that the process is incorporated at a location through which passengers must proceed.

ACI-NA has learned that DHS currently plans on implementing the full exit system in 2008 and that the collection of biometric information is to take place at airline check-in counters at airports. Again, there has been little collaboration with the airport community regarding this decision. Further, we understand that such a system is strongly opposed by the airline industry. Most importantly, ACI-NA is concerned the inherently governmental function of immigration and border control is to be abdicated to private industry. There are significant legal and liability issues that would arise if individuals employed by private entities were required to respond if a traveler that submits their biometric information is found to be in violation of their visa or is wanted for other offenses. Private companies have no law enforcement authority and this critical homeland security function should not be imposed on them.

The collection of entry or exit information from passengers has always been a federal responsibility and DHS has not provided any compelling reason or direction from Congress for change. We urge Congress to direct DHS and the US-VISIT office to engage in thorough and meaningful consultations with airports and airlines to ensure that the exit process is not outsourced to private industry, which does not have the resources or the law enforcement powers to effectively implement the program. Further, US-VISIT must work closely with industry partners to determine the most efficient method and location for collection of a traveler's biometrics as they exit the country. Such a collaborative process is necessary as the exit program presents potential problems in accommodating both equipment and staff into airports where previously

there may not have been governmental requirements or personnel. Space to accommodate a full exit program is already at a premium at many airports. Additionally, unlike airports in most other parts of the world, U.S. airports were not designed or built to accommodate passenger departure controls.

While our primary concern is for the security of airline passengers and others at the airport, it is important to stress that customer service should also be considered in designing an effective US-Visit Exit program. Numerous organizations have recently documented the important economic contribution of international travel for both the aviation industry and the U.S. economy as a whole. International airline passengers, like domestic travelers, are already experiencing record delays and inconvenience and we should ensure that any new system does not further complicate the travel process.

ACI-NA and our member airports look forward to working with DHS and its agencies, including the US-VISIT Program Office as well as industry partners to ensure that the exit elements of US-VISIT actually enhance both U.S. security and travel. We appreciate the Subcommittee's interest in this important issue and look forward to working with you to accomplish our mutual goals.