OBAMA-BIDEN TRANSITION PROJECT

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Travel Industry Association

FOREIGN MEDIA "I" VISA REQUIREMENT
TRANSITION BRIEFING PAPER
DEPARTMENT OF STATE

BACKGROUND: For decades, foreign journalists have been required to obtain a media visa, or "I" visa, to travel to the United States to engage in work as a representative of the foreign media. Yet, for many years foreign media on short-term assignments and entering the U.S. from a Visa Waiver Program (VWP) country were routinely permitted to enter the country without an "I" visa. Following the events 9/11, the U.S. government resumed much stricter enforcement of the "I" visa requirement and in 2003 and 2004 several foreign journalists lacking the requisite "I" visa were detained, questioned and deported. This created a media firestorm in several countries and resulted in widespread criticism of the U.S. government by journalist groups and the general public. Then-Customs and Border Protection Commissioner Robert Bonner took swift action to end these heavy-handed actions and quell the flow of negative press.

The controversy led to the 2004 introduction of legislation (H.R. 4823) by Rep. Zoe Lofgren (D-CA16) to repeal the "I" visa requirement for foreign media from VWP countries. This legislation, which was referred to the Judiciary Committee's Immigration subcommittee (now chaired by Rep. Lofgren) and saw no further action in the House, would have provided foreign media representatives the same visa-free travel privileges enjoyed by all other business professionals coming to the U.S. from VWP countries for less than 90 days.

ISSUES FOR THE NEW ADMINISTRATION

1. **Eliminate the "I" Visa Requirement for Journalists from Visa Waiver Countries:** The requirement for the foreign media to obtain an "I" visa is largely an anachronistic holdover from the Cold War era, and according to senior officials at the Departments of State and Homeland Security, it does not serve any useful security purpose. Having to issue thousands of these media visas is also an inefficient use of limited U.S. consular resources abroad, where there are often backlogs for other visa interview appointments.

   Professional journalists should be treated the same as other business professionals who are permitted to enter the U.S. from VWP countries for less than 90 days without the need for a visa. This minor change in law would send a positive signal to thousands of journalists around the world, signal a change in how the U.S. views its global partners and be another step toward enhancing U.S. public diplomacy efforts.

   Action Item:

   - The new Administration should support efforts in Congress to introduce and pass legislation to eliminate the "I" visa requirement for journalists from VWP countries seeking to work as media representatives in the U.S. for less than 90 days.

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Travel Industry Association

GLOBAL ENTRY PROGRAM
TRANSITION BRIEFING PAPER
DEPARTMENT OF HOMELAND SECURITY

BACKGROUND: Global Entry, a U.S. Customs and Border Protection (CBP) travel facilitation program, provides frequent low-risk travelers expedited processing through U.S. immigration checkpoints. Global Entry applicants are vetted by CBP through a name-based and biometric security review as well as a personal interview. Once admitted into the program, participants entering the U.S. utilize automated kiosks located in the CBP inspection area to move through the inspection process without undergoing a person-to-person CBP interview. The program benefits travelers because it streamlines the entry system. The program enhances security by allowing CBP officers to concentrate their efforts on potentially higher-risk travelers and goods.

The program was originally authorized in 2004, but not implemented. It was then reauthorized in 2007 in the FY08 DHS appropriations bill with strong support from travel interests and CBP. Global Entry launched on June 6, 2008 at JFK International Airport, Houston's Bush Intercontinental Airport and Washington Dulles International Airport. In October and November 2008, the program expanded to Los Angeles, Hartsfield-Jackson Atlanta, Chicago O'Hare, Miami and additional JFK terminals. Though the program was launched originally without a start-up appropriation, the House Homeland Security Appropriations Subcommittee provided $10 million in FY09 for Global Entry to promote its expansion. As a result, an additional 13 airports are scheduled to implement the program in 2008 and 2009. As of October 2008, approximately 4,500 individuals have applied for the program, approximately 2,500 have been enrolled, and 1,500 crossings have been documented.

Although Global Entry is currently limited to U.S. citizens and legal permanent residents, it can and should be made available to foreign travelers. CBP has concluded tentative agreements with its counterparts in the Netherlands, Germany and the United Kingdom to harmonize Global Entry with the international trusted traveler programs in their countries. Final agreements would allow nationals from these countries to use the Global Entry program in the U.S.

ISSUES FOR THE NEW ADMINISTRATION

1. **Build Critical Mass:** The initial applicant and usage numbers for Global Entry are low, especially in comparison to the perceived demand and experiences of other countries with similar programs. This slow start is due in part to the limited number of Global Entry locations, but also due to a lack of marketing by CBP.

   Action Items:

   - Direct necessary resources from the FY09 budget to develop a comprehensive marketing campaign to attract Global Entry applicants. The initial amount may come from the $10 million mentioned above for Global Entry in FY09, and additional resources may come from the Global Entry user fee.
   - Ensure prompt deployment of Global Entry kiosks and enrollment sites to the 13 new international U.S. airports to meet Congressional intent and traveler demand.
   - Build partnerships with the private sector to develop programs that help to enroll business and leisure travelers in Global Entry.

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2. **Increase International Participation**: DHS has attempted to negotiate agreements with a few countries that operate programs similar to Global Entry to allow cross-enrollment or reciprocal privileges. CBP announced tentative agreements with the United Kingdom, Germany and the Netherlands in 2008. However, implementation of this promising concept has stalled over a dispute about whether those governments will provide U.S. authorities with information about applicants refused enrollment. DHS has argued that it needs to know about individuals who may seek to travel to the U.S. and may be inadmissible or deserving of special review. Many governments have resisted on privacy grounds.

   ***Action Item*:**

   - Reopen negotiations with foreign governments on Global Entry and finalize an agreement that will improve information-sharing of data but also respects privacy concerns.

3. **Develop an Expedited Travel Option for Mexican Nationals**: While the U.S. has a successful international registered traveler program for air and land with Canada, it does not currently have an air program with Mexico. Yet, Mexico generates 26 percent of all overnight international travel to the U.S. and is the second largest inbound travel market, only slightly behind Canada. Furthermore, for the fourth consecutive year, Mexican visitors spent record levels on travel in the United States — totaling $9.6 billion in 2007. The new Administration must nurture and enhance this critical travel market through more efficient and secure travel systems.

   Action Items:

   - DHS should work with Mexican officials to increase participation levels of pre-approved low-risk travelers in the SENTRI registered traveler program.
   - DHS should renew negotiations with Mexican officials to ensure that pre-approved, low-risk Mexican travelers are able to enroll in the Global Entry Program by the end of FY09.

4. **Create a Linkage with Domestic Trusted Traveler Programs:** Thousands of U.S. citizens have already enrolled in domestic Registered Traveler programs at various U.S. airports and have provided security information as part of the enrollment process. The similarity between these programs and Global Entry provides an opportunity for DHS to cross enroll applicants.

   ***Action Item*:**

   - Registered Traveler enrollees and applicants who also successfully pass a rigorous CBP application process should be offered an opportunity to cross-enroll in all other DHS-regulated domestic trusted traveler programs to ease their travel and increase DHS's screening productivity.

5. **Launch APEC Business Travel Card (ABTC):** President Bush promised in 2007 to offer ABTC enrollment opportunities to U.S. business travelers for use in the Asia-Pacific Economic Cooperation region. The ABTC is not a security program per se, but allows travelers designated by their host governments as key business leaders to utilize specialized entry lines upon arrival in APEC countries. DHS, the Department of State and Department of Commerce have not been able to agree which agency, if any, has authority to issue ABTCs in the U.S.

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Action Items:

- Resolve interagency discussions to allow issuance of ABTCs by the U.S. government or to seek authorizing language from Congress to do so.
- Coordinate ABTC with Global Entry to offer consistent programs for U.S. travelers and other qualified Global Entry members.

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Travel Industry Association

INTERNATIONAL TRAVEL PROMOTION
TRANSITION BRIEFING PAPER
DEPARTMENT OF HOMELAND SECURITY

BACKGROUND: Travel and tourism generates $1.8 trillion in economic activity in the United States every year and is one of the America's largest employers with approximately 15 million, or one out of every eight, direct and indirect travel-generated jobs. Travel and tourism exports accounted for seven percent of all U.S. exports and 26 percent of services exports making international travel America's most lucrative services export. In fact, an increase of just one percent in international travel market share would produce $13.5 billion in additional revenue for the U.S. economy. The economic benefits of travel and tourism span across every state and congressional district contributing more than $110 billion in tax revenue for local, state and federal governments in 2007 – helping to pay for important community needs such as roads, schools and medical care.

Despite travel's enormously positive economic impact, the U.S. economy has suffered from a decline in overseas travel to the United States since September 11, 2001. In 2007, the United States welcomed two million fewer overseas visitors than in 2000 – despite an increase of 35 million new long-haul travelers around the world and a weak dollar that made America a travel bargain. Had the U.S. kept pace with the growth in global overseas travel since 2001, it would have had an additional 46 million visitors, $140 billion in visitor spending and $23 billion in tax receipts.

There are several reasons for the decline in travel to the United States since 9/11, but few are more powerful than a worldwide perception that travelers are not as welcome as they were previously. This perception is furthered by inefficient visa processing, a poor entry experience, inadequate communication of new U.S. security policies and countless negative stories about the U.S. travel process in the foreign press.

The United States is the world's only developed nation that invests no resources toward adequately communicating its travel policies and promoting itself as a destination. In a competitive and post-9/11 marketplace, America's lack of promotion is costing the country millions of visitors and billions in spending.

ISSUES FOR THE NEW ADMINISTRATION

1. **Establish a Travel Promotion Program**: In 2006, the U.S. Travel and Tourism Advisory Board warned the Secretary of Commerce that the U.S. will remain at a competitive disadvantage in the market for international travelers without a nationally coordinated and properly-executed destination marketing campaign. Two years later, the U.S. is in the midst of an economic crisis and in need of an infusion of new spending. But without a nationally coordinated promotion program, the United States is failing to attract significant new overseas traveler spending. Furthermore, new research predicts that the U.S. will see a 3 percent decline in overseas travel in 2009 – costing the U.S. 450,000 jobs and $55 billion in lost output.

   Action Item:

   - The new Administration should work to establish a nationally coordinated travel promotion program for the United States by including the Travel Promotion Act (H.R. 3232/S. 1661) as part of the next economic stimulus package. The travel promotion campaign would be funded – at no cost to U.S. taxpayers – with contributions from the private sector of up to $100 million and matching funds from a modest $10 fee collected by the Department of Homeland

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Security's Electronic System for Travel Authorization on overseas travelers who are exempt from paying $131 for a U.S. visa. Both President-elect Obama and Vice-President-elect Biden, along with over half of their Senate colleagues, cosponsored the Travel Promotion Act in the 110th Congress. The bill also enjoys the support of the US Conference of Mayors, US Chamber of Commerce, US Olympic Committee, National Association of Manufacturers, 50 state tourism directors, dozens of travel-related corporations and thousands of small businesses that benefit from international travelers. This fall, the bill (H.R. 3232) was passed by the full House of Representatives, after garnering the co-sponsorship of 250 House members.

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Travel Industry Association

MODEL PORTS OF ENTRY PROGRAM
TRANSITION BRIEFING PAPER
DEPARTMENT OF HOMELAND SECURITY

BACKGROUND: Following 9/11, the United States rightly put in place a series of new travel security requirements at air and land ports of entry. The U.S. struggled, however, to strike the right balance between increased security and sensible investments in travel facilitation programs. As a result, a perception has grown among international travelers that the U.S. has one of the world's worst entry systems. Foreign visitors cite lengthy lines, an unwelcoming environment and confusing entry requirements as some of the biggest problems.

In January 2006, Secretary of State Condoleezza Rice and Secretary of Homeland Security Michael Chertoff created a pilot "model airport" program to reduce passenger processing wait times and establish a more welcoming environment at inspection areas. The pilot program was subsequently launched at Houston's George Bush Intercontinental Airport (IAH) and Washington Dulles International Airport (IAD). In 2007, Congress fully authorized a Model Ports Program and appropriated $40 million to expand it to the 20 U.S. airports with the highest number of international visitors and hire no fewer than 200 new Customs and Border Protection (CBP) officers at these model airports. DHS reports it has begun several new initiatives to improve passenger processing as part of the Model Ports Program, but measurable improvement across the 20 chosen airports has been extremely limited.

ISSUES FOR THE NEW ADMINISTRATION

1. **Process Passengers More Efficiently:** In order to improve security screening and address the long delays at airports during passenger processing, Congress appropriated funding to hire 200 new CBP officers at airports in FY08 and 173 new CBP officers at airports in FY09. To date, it is unknown if DHS has deployed any of these new CBP officers to the 20 model airports. Furthermore, duplicative information gathering procedures at the port of entry unnecessarily increase processing times.

   Action Items:

   - Newly hired CBP Officers must be trained and deployed to the model ports expeditiously.
   - Additional funding is needed to erase the CBP Officer staffing shortfall at airports.
   - To efficiently distribute new staff to the model airports, CBP must put in place the appropriate metrics to accurately measure wait times and establish staffing requirements to meet specific wait time goals.
   - CBP should eliminate the paper I-94 Arrival-Departure Record because it already collects all relevant data through APIS and US-VISIT.

2. **Establish Customer Service and Professionalism Training Standards and Metrics:** While CBP officials are first and foremost law enforcement officers, security and customer service are not mutually exclusive. CBP announced recently it has begun a new professionalism program to improve customer service training for CBP officers.

   Action Items:

   - Customer service and professionalism must be a core element of the CBP training program. CBP should partner with the private sector to develop and sustain such programs.

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- Metrics to measure the customer service performance of CBP Officers should be included in this new program.

3. **Create a More Welcoming Environment:** New signage has been developed and two videos have been created to welcome incoming visitors and guide them through the Customs process. The first video was produced by CBP to guide travelers as they complete required forms and navigate through the screening process. The second video was produced by Walt Disney Parks and Resorts and welcomes guests by depicting sites and citizens from across the United States. Houston and Dulles currently utilize the new signage and videos as well as employ special service representatives with multiple language capabilities to greet and assist passengers. In early 2008, Congress appropriated funds to place flat-screen television monitors at the remaining 18 model airports. DHS has been slow to issue a contract for and erect the new monitors. CBP estimates that all monitors will not be installed until August 2009.

   Action Items:

   - CBP must make available new signage and work quickly to install the new screens at the remaining 18 model airports.
   - Each model port should employ special service representatives in the Federal Inspection Services (FIS) area to greet, provide language assistance and assistance with forms to arriving passengers.

4. **Create Greater Public-Private Cooperation:** DHS has described the Model Ports Program as "a joint venture among federal agencies, the travel industry, airlines and airport authorities." The airports, airlines, Department of State, Transportation Security Administration, travel industry and local officials play critical roles in the airport entry process, and all of these groups must work collaboratively to effect positive change in the system.

   Action Items:

   - By collaborating among stakeholders and utilizing the expertise of private companies, for instance, through a Loaned Executive Program currently seeking approval at DHS, program-specific goals, metrics and best practices can more easily be developed and implemented.
   - CBP, TSA and the Department of State should participate in regular Model Ports Program meetings to ensure that best practices across agencies and departments are coordinated so that visitors are greeted consistently with "one face at the border."
   - The private sector should be a partner with the government to run a coordinated national communications campaign to educate travelers about processing improvements as they occur. The new Administration should fully support passage of H.R. 3232 (as introduced in the 110th Congress), the Travel Promotion Act, which would create a multi-million dollar campaign to explain security programs to foreign travelers.

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Travel Industry Association

REGISTERED TRAVELER
TRANSITION BRIEFING PAPER
DEPARTMENT OF HOMELAND SECURITY

BACKGROUND: Registered Traveler (RT) is a voluntary domestic credentialing program that allows passengers who pose a reduced security risk to access designated airport security fast lanes nationwide. Launched in 2005, RT has enabled TSA to focus its screening personnel resources on passengers who should be subject to more extensive screening, while allowing lower-risk passengers whose identities have been authenticated and biometrically verified to fly with less hassle and more predictability. To become a Registered Traveler, participants voluntarily choose one of the competing TSA-approved private sector service providers, pay the fee set by that provider and submit to rigorous identity authentication procedures. Approved members receive a secure, biometric card to use in RT verification kiosks located at TSA security checkpoints.

More than 225,000 frequent travelers have enrolled in RT, and approximately 1,000 more are doing so every day. RT lanes have been used more than 1.8 million times to date. If implemented aggressively, estimates are that 30 to 50 percent of travelers moving through a large airport on a weekday morning will be RT members. Studies show that RT lanes process a higher percentage of travelers than the percentage of TSA screeners devoted to their lanes.

The RT program is now in 21 of the nation's largest airports, including Atlanta, Denver, Boston, JFK, LaGuardia, Logan, Newark, Orlando, San Francisco, San Jose, Washington Dulles and Washington Reagan – among others, BWI and LAX are expected to begin RT operations in 2009. Verified Identity Pass operates RT under the CLEAR brand name at 18 of the current airports, while FLO Corporation and Vigilant Solutions operate RT at the remaining three airports; in addition, five other companies have received preliminary approval to operate RT programs but do not yet have contracts to do so.

ISSUES FOR THE NEW ADMINISTRATION

1. **Link RT with International Trusted Traveler Programs:** Although more and more U.S. citizens and legal permanent residents enroll in international trusted traveler programs like Global Entry, NEXUS and SENTRI, DHS has to date failed to leverage this base of well-vetted individuals by cross-enrolling these travelers in domestic RT. Travelers are forced to enroll multiple times in similar programs, pay separate fees and carry multiple credentials.

   Action Item:

   - International Registered Traveler enrollees and applicants who also successfully pass a rigorous CBP application process should be offered an opportunity to be cross-enrolled in all other DHS-regulated domestic trusted traveler programs as a means to ease their travel and increase DHS's screening productivity.

2. **Return RT to a True Risk Management Program:** The current TSA has refused to alter the checkpoint security procedures or equipment for RT participants and thus opted to withdraw its role in the security background check. TSA should reexamine this decision and proposals to deploy enhanced equipment to scan shoes and bags for explosives.

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Action Item:

- To maximize the security potential of RT, TSA needs to be encouraged to work in a robust partnership with approved service providers on their proposals to conduct enhanced background checks and to introduce state-of-the-art technology at RT lanes.

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Travel Industry Association

SECURE FLIGHT PROGRAM AND REDRESS ISSUES
TRANSITION BRIEFING PAPER
DEPARTMENT OF HOMELAND SECURITY

BACKGROUND: Scheduled to be implemented in 2009, Secure Flight is a Transportation Security Administration (TSA) program that will shift pre-departure watch list matching responsibilities from individual aircraft operators to the TSA, carrying out a key recommendation of the 9/11 Commission. By assuming watch list matching responsibilities, TSA believes it can better resolve possible misidentifications when a traveler's name is similar to one found on a watch list.

Under a final regulation published in October of 2008, airlines will be required to collect a passenger's full name, date of birth and gender when an individual or third party makes an airline reservation. This additional information will be particularly important for those individuals with names similar to those on the watch list. The program will initially assume the watch list matching responsibility for passengers on domestic flights beginning in early 2009 and become mandatory in August of 2009. In a second stage, the program would assume, from U.S. Customs and Border Protection and the international air carriers, the watch list matching function for passengers on international flights.

Secure Flight has been under development since 9/11 and previously was known as CAPPS II. Congress has slowed the program since 2005 by requiring certifications from the Government Accountability Office related to privacy and program performance. Secure Flight critics include privacy advocates and those arguing that terrorists would assume false identities to circumvent the watch list check.

While TSA expects Secure Flight to dramatically reduce the number of passengers misidentified as a match to the watch list, DHS and TSA also have developed a redress process through the Department of Homeland Security's Traveler Redress Inquiry Program (TRIP). While DHS TRIP has been successful in resolving over 40,000 cases to date, it has come under criticism for being too slow and not well-publicized. The House of Representatives passed the FAST Redress Act, H.R. 4179, to establish a "cleared list" of individuals through a redress application for use in all DHS programs, including aviation. The Senate has not acted on companion legislation.

ISSUES FOR THE NEW ADMINISTRATION:

1. **Ensure Robust System Performance:** Although air carriers generally support Secure Flight and were supportive of the required data elements and lengthy implementation period, actual use of the Secure Flight vetting systems for millions of air travelers could overwhelm IT systems. Even small glitches could have tremendous impacts on airline operations and passenger convenience.

   Action Item:

   - As air carriers transition watch list operations to TSA, the performance of TSA IT systems and integration with carrier systems must be monitored carefully and contingency plans should be developed to address technology breakdowns.

2. **Inform Travelers to Eliminate Confusion with Other Security Programs:** Travelers, especially foreign travelers boarding flights at U.S. airports, may be confused by the myriad vetting programs and repeated requests for personal information. The visa interview, ESTA, APIS, PNR, US-VISIT, Global Entry and/or CAPPS I each may require submission of biographic and/or biometric data.

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Action Item:

- Explaining the benefits of and reasons for Secure Flight to travelers, especially international travelers, requires a more concerted communications plan. The new Administration should fully support passage of H.R. 3232 (as introduced in the 110th Congress), the Travel Promotion Act, which would enable DHS to partner with the private sector to create a multi-million dollar campaign to explain the need for these security programs to foreign travelers.

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Travel Industry Association

TSA SCREENING PROCESS AND TECHNOLOGY TRANSITION BRIEFING PAPER DEPARTMENT OF HOMELAND SECURITY

BACKGROUND: The most visible component of the Transportation Security Administration's (TSA) multi-layered aviation security strategy is the passenger and baggage screening process. At U.S. airports, passengers must walk through magnetometers designed to detect metallic objects – and increasingly other items – on the body. A passenger's carry-on luggage is simultaneously passed through imaging systems that seek to identify prohibited items, including liquids, explosives or metallic objects like large knives or other weapons. Additional screening technology is used at the checkpoint to, as needed, identify the presence of explosives, further assess the presence of metal on a passenger and determine if explosives are present in a liquid-bearing container. Long lines, occasionally poor customer service and inconsistent policies have frustrated many air travelers over the past several years. A registered traveler program and the recent introduction of "diamond" self-select lanes based on a traveler's familiarity with the security process, on the other hand, have earned positive reviews from travelers and industry alike.

ISSUES FOR THE NEW ADMINISTRATION

1. **Set Overall Screening Technology Standards:** To date, TSA has failed to articulate – and follow through on – a risk-management philosophy that sets specific guidelines within which new technologies should be deployed. Absent any established technological guidelines, TSA is unable to plan for the acquisition of new technology that will provide measureable security improvements and enhance the passenger's experience at the checkpoint.

   Action Item:

   - Develop a risk management strategy that encourages the deployment of checkpoint technologies to scan people and carry-on luggage more effectively and efficiently. The strategy should include technology standards that balance security and efficiency to best detect metals, liquids, explosives and other threats and manage potential risk.

2. **Develop and Deploy Next-Generation Screening Technology:** Over the years, screening technology has improved in throughput and alarm rates, yet the government has failed to make significant updates. Additionally, new multi-threat portals that can detect explosives as well as metal have been developed, but not deployed. Such technology enhances not only security but also efficiency for TSA and passengers alike.

   Action Items:

   - Develop requirements for a next-generation walk-through passenger portal that enhances security and mitigates passenger inconvenience by allowing for fewer false hits.
   - Continue testing new advanced technologies that more securely and efficiently process travelers through the TSA screening process and deploy those systems in a timely fashion so as to minimize passenger confusion and enhance the overall screening process.
   - Study the most cost-effective solution for deploying new inspection technology, and properly budget for incremental upgrades so as not to increase taxes on already burdened travelers.

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VISA WAIVER PROGRAM
TRANSITION BRIEFING PAPER
DEPARTMENT OF HOMELAND SECURITY

BACKGROUND: The Visa Waiver Program (VWP), created in 1986, is a critical tool for promoting travel to America and enhancing its public diplomacy efforts by permitting business and leisure travelers from 34 countries to visit the U.S. for up to 90 days without obtaining a non-immigrant visitor visa. In 2007, the countries in the VWP generated more than 15 million visits to the U.S. – roughly two-thirds of all overseas travelers – resulting in billions in spending for the economy. The VWP also allows the federal government to strengthen our nation's homeland security efforts by allowing it to shift resources towards screening visitors from higher risk countries.

In 2007, the Administration and Congress strengthened the security requirements for VWP countries and offered the opportunity for several new countries to qualify for the program with passage of the 9/11 bill (*Implementing the Recommendations of the 9/11 Commission Act of 2007*). In addition, to requiring new security benchmarks, the 9/11 bill gave the Secretary of the Department of Homeland Security (DHS) waiver authority to allow new countries into the VWP if such country's refusal rate for visa applications is 10 percent or less, versus the former standard of 3 percent or less. This waiver authority, however, was contingent upon DHS verifying the departure of 97 percent of foreign nationals exiting through U.S. airports – first through biographic means and then transitioning to biometric collection by June of 2009. DHS granted seven countries (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and South Korea), which have met the new security benchmarks, entrance into the VWP on November 17, 2008.

ISSUES FOR THE NEW ADMINISTRATION

1. **Continue Expansion of the VWP:** In 2007, the U.S. welcomed two million fewer overseas visitors than it did in 2000 – despite an extraordinarily weak U.S. dollar and an additional 35 million long-haul travelers worldwide. Declining visitation to the U.S. carries steep costs to the U.S. economy, its competitiveness, and most of all to America's public diplomacy efforts. The addition of seven new VWP countries in 2008 is a good first step to reversing this trend, but the new Administration will need to quickly act to build on these efforts.

   Action Item:

   - A new list of potential VWP countries should be developed by the new Administration. Other major international partners around the world that merit consideration include the remaining European countries, Israel, Taiwan, Argentina, Brazil and Chile. Furthermore, significant resources need to be allocated to conduct VWP security country reviews and undertake negotiations with European countries and the EU.

2. **Devise a Solution for US-VISIT Exit:** DHS failed to develop a plan to collect biometrics from departing foreign visitors that Congress would support in 2008. As a result, Congress directed DHS to conduct a series of pilots to examine the cost and efficiency of three different biometric collection points at airports. Each pilot proposal (counter, checkpoint and gate) will require resources and cooperation from airports and airlines. This, along with time needed to test the pilots, will undoubtedly delay the development of a final biometric air exit system beyond the June 30, 2009 Congressional deadline.

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Action Item:

- Continued expansion of the VWP will require that the new Administration work quickly with Congress to adjust the June 30, 2009 deadline to meet the new timeframe for development of a biometric exit program. The Administration can work to gain Congressional support for delaying the June deadline by demonstrating that the existing biographic air exit system will effectively encourage and enforce compliance with U.S. immigration laws and allow for the development of meaningful data on visa overstay rates – both primary goals of a biometric exit system.

3. **Properly Implement ESTA:** One of the most important programs being developed by the Department of Homeland Security is the Electronic System for Travel Authorization (ESTA). Individuals traveling under the Visa Waiver Program, who have not been interviewed by a consular official, will be required to go online and submit a short form with biographical information (similar to that provided on the I-94 form currently) BEFORE traveling to the U.S. For nationals of countries newly admitted to the VWP, an ESTA is required effective November 17, 2008. For the 27 legacy VWP countries, ESTA will be required beginning January 12, 2009. ESTA is a critical and expansive new change in American entry policy for VWP travelers and must be implemented and communicated in an effective manner in order to ensure a proper balance between security and travel facilitation.

***Action Items**:*

- The Administration should support immediate passage of the Travel Promotion Act (H.R. 3232 in the 110th Congress) in order to establish a robust program to communicate to tens of millions of prospective visitors from VWP countries the process and benefits of ESTA.
- The new Administration should direct DHS to immediately begin collecting an applicant processing fee for ESTA to cover the cost of running the ESTA system.
- A non-Internet ESTA solution must be developed by DHS in partnership with the private sector to allow an ESTA to be issued at airport check-in counters, via phone reservations and through travel agents.
- An adequate traveler redress system needs to be established for those individuals who are mistakenly denied ESTA approval.
- DHS should work in partnership with the State Department to develop a plan to provide additional consular resources in VWP countries should the ESTA refusal rate require additional visa applications and thus negatively impact visa interview wait times.

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WESTERN HEMISPHERE TRAVEL INITIATIVE
TRANSITION BRIEFING PAPER
DEPARTMENT OF HOMELAND SECURITY

BACKGROUND: To implement Sec. 7209 of the *Intelligence Reform and Terrorism Prevention Act of 2004*, which addressed travel documents and the so-called Western Hemisphere "exemption," the Departments of State (State) and Homeland Security (DHS) created the Western Hemisphere Travel Initiative (WHTI), requiring all travelers (including U.S. citizens) to have a passport or other accepted document that established identity and citizenship upon entry or re-entry into the United States from Canada, Mexico, Bermuda, the Caribbean, and Central and South America. The purpose of WHTI is to strengthen U.S. border security while facilitating the entry of U.S. citizens and legitimate international travelers through the use of standardized documentation that allows the federal government to quickly and reliably identify a traveler.

The first phase of WHTI began on January 23, 2007 when a passport was required for all Western Hemisphere air travel into the U.S. The second phase includes travel through land and sea ports-of-entry and, in addition to a passport, other acceptable travel documents will include the NEXUS travel card (U.S./Canada), the SENTRI travel card (U.S./Mexico), the more recently introduced U.S. passport card and enhanced driver's licenses issued by state or provincial governments in the U.S. and Canada.

Congress has acted more than once to extend the deadline for implementation of WHTI for land and sea travel into the U.S. to avoid creating gridlock at our borders and deterring cross-border travel and trade. Congress was forced to take this action because so few U.S. and Canadian citizens had passports and because of the lack of availability of alternative travel documents that qualify under WHTI. As it stands currently, WHTI travel document requirements cannot be applied at land and sea ports-of-entry prior to June 2009, subject to several specific legislative requirements.

In a related development intended to ease the transition to full land/sea operation of WHTI, DHS formally ceased accepting oral declarations of citizenship from U.S. and Canadian travelers entering at land border ports-of-entry starting January 31, 2008. The government is asking travelers to present a government-issued photo ID (driver's license) and a birth certificate to enter by land, but is conducting "soft" enforcement during this "transition period" leading up to June 2009.

ISSUES FOR THE NEW ADMINISTRATION:

1. **Facilitate Cross-Border Travel:** The Western Hemisphere Travel Initiative is a major change in law and tradition and has the potential to negatively impact cross-border travel and trade if not implemented correctly. WHTI implementation for air travel proceeded smoothly (as expected) since most international air travelers already possessed a passport. Only about half of Canadian citizens possess a passport, and the figure is even less for U.S. citizens. Providing alternatives such as the U.S. passport card, enhanced driver's licenses and other travel documents as options will also help in this process.

   Action Items:

   - Ensure State and DHS have completed all statutory requirements prior to full implementation of WHTI for land/sea travel in June 2009, especially including full installation of RFID (Radio Frequency Identification) document readers at all ports-of-entry and training for Customs and Border Protection (CBP) officers.

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- Closely monitor wait times at key border ports-of-entry to maintain the flow of cross-border travel and trade between the U.S. and Canada and Mexico.
- Continue to certify new state enhanced driver's license programs, and encourage Canadian provinces to create similar programs in order to facilitate continued Canadian travel into the United States.

2. **Conduct Aggressive Public Outreach:** Other than making qualified documents available to travelers and training and equipping CBP officers to enforce WHTI requirements, the most critical aspect of the entire program is communication. In order to successfully introduce WHTI for land and sea travelers, visitors must be fully informed about the law, its requirements, and what options they have for securing required travel documents. Confusion and concern on the part of the traveler will only serve to deter cross-border travel, and that could have a major negative impact on the U.S. economy. CBP officers have been distributing informational "tear sheets" at border crossings, and the agency did finally launch a limited media promotion program in September 2008, but much more is needed to inform hundreds of millions of prospective travelers about the WHTI requirements.

Action Items:

- Closely coordinate with top officials in Canada and Mexico on communication and notice concerning the full implementation of land/sea requirements in June 2009.
- Support passage and implementation of the Travel Promotion Act (TPA), whose purpose it is to establish a public-private partnership to create a nationally coordinated strategic communications campaign to better inform international travelers about all U.S. security requirements. This type of aggressive program would leverage the authority of the federal government and expertise of the private sector to better inform travelers about WHTI and many other programs and requirements (ESTA, Global Entry, VWP, US-VISIT, etc.) related to inbound international travel.