

Memorandum

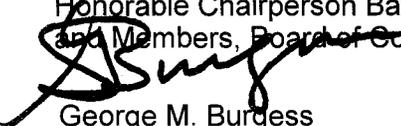


Date: November 12, 2004

TC

To: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

Agenda Item No.
1 (E) 2

From: 
George M. Burgess
County Manager

Subject: Homeland Security Policies Affecting Operations at Miami International Airport

Since the 9/11 attacks, the federal government has implemented several policies and procedures to curtail terrorist activities within the United States. Many of these policies affect visitor entry and commercial trade at national points of entry including airports, seaports and border crossings. Below are the specific homeland security policy issues that are directly impacting operations at Miami International Airport (MIA). Also included are recommendations for addressing these issues.

Most of these policies and procedures are being issued by the Department of Homeland Security (DHS) and its Bureau of Customs and Border Protection (CBP) and Transportation Security Administration (TSA), but the post-9/11 federal role in airport operations continues to grow and other agencies, including the Food and Drug Administration (FDA), have developed policies that are impacting commercial air service operations at MIA.

The Miami-Dade Aviation Department (MDAD) will continue to work with our county, state and federal officials in order to have input in the development and implementation of these new requirements and to better meet the objectives of the federal homeland security policies without impeding the flow of passengers and cargo at MIA.

New Visa Waiver Program Guidelines

The Visa Waiver Program (VWP) allows citizens from 27 countries, including Great Britain, France, Germany, Japan, and Australia, to enter the U.S. as temporary visitors without having to obtain a visa, as is normally required.

Visa Waiver Program Countries:

Andorra	Iceland	Norway	France
Australia	Ireland	Portugal	Germany
Austria	Italy	San Marino	The Netherlands
Belgium	Japan	Singapore	New Zealand
Brunei	Liechtenstein	Slovenia	Switzerland
Denmark	Luxembourg	Spain	United Kingdom
Finland	Monaco	Sweden	

VWP and US-VISIT

On January 5, 2004, DHS and CBP began processing non-Visa Waiver Program country nationals arriving at MIA into the United States Visitor and Immigration Status Indicator Technology (US-VISIT) program. US-VISIT is an integrated, automated entry-exit system designed to record the arrival and departure of foreign nationals, verify their identities, and authenticate their travel documents through comparison of biometric identifiers (currently using fingerprints). CBP officers enter visitors' information into the US-VISIT system during the federal inspection process at the point of entry.

Approximately 3,000 VWP nationals enter MIA's Federal Inspection Service (FIS) area daily. On September 30, 2004, DHS and CBP began processing VWP country nationals into US-VISIT, adding 18 to 30 seconds per VWP national to the federal immigration and customs inspection.

Since the September 30th implementation, MIA's FIS facilities remain congested with long lines during peak periods. While some of this congestion is due to the configuration of MIA's facilities, CBP still appears to be short-staffed at peak periods, a primary reason for MIA's long wait times at its customs and immigration inspection stations. MIA's FIS facilities already have the dubious distinction of having one of the longest average passenger wait time of any airport in the country. MDAD has included the CBP staffing issue in its federal legislative package.

Recommendation: Continue to work with the Congressional Delegation, the Governor and the Administration on the implementation of mitigation measures, including requesting additional staffing resources, if they become necessary. Continue to participate in the Department of Homeland Security's Departmental Advisory Committee on Commercial Operations of the Bureau of Customs and Border Protection (COAC) in order to report on and influence policy implementation.

Machine Readable Passports

The 2002 Border Security Act required that no later than October 26, 2004, the governments of the VWP countries issue their nationals Machine Readable Passports (MRP) that incorporate biometric identifiers. Many of these countries were not prepared to meet the deadline for incorporating biometrics into their passports, and at the State Department's request, Congress extended the deadline for including biometrics in the MRPs by one year to October, 2005. The MRP deadline itself is still in effect for October 26, 2004.

CBP officials have said they do not anticipate the need to extend the MRP deadline, but airlines and airports are concerned that in the event that visitors from VWP countries are unable to obtain a machine readable passport, they will be forced to obtain visas which the State Department has already indicated would be problematic to issue in large numbers and in a short period of time. There is also the question of

families or groups traveling together where some members of the group do not have machine-readable passports while others do. This could create confusion and congestion at the point of origin and (or) the point of entry, potentially discouraging travel to the United States.

MDAD informed its international airlines of the new requirement and asked that they elevate concerns to their national governments, which can request an extension if deemed necessary. The State Department has not and will not request an extension unless VWP foreign governments request such for valid reasons.

Recommendation: Continue to monitor the implementation of the MRP deadline for VWP nationals and be prepared to work with the Administration and CBP on mitigation strategies if necessary.

Visas for Entry into the U.S.

As described in a recent joint study prepared by the Greater Miami Chamber of Commerce and Florida International University, it is increasingly more difficult for foreigners to obtain visas for entry into the U.S. For example, the U.S. operates only four visa issuing locations in the entire country of Brazil which has more than 170 million people and is Florida's fourth largest international market. Those wishing to obtain visas may have to travel great distances in order to participate in a personal interview, which is now required as part of the visa application. There is no legislation addressing this particular issue in Congress.

Recommendation: Continue to participate in industry groups that advocate for visa reforms. This is a broader immigration policy issue that the County may also wish to address with appropriate federal officials.

International-to-International Passengers (ITI) at MIA

On August 2, 2003, the Department of Homeland Security suspended the International-to-International (ITI) and Transit Without Visa (TWOV) programs that facilitated movement of passengers traveling from one international destination to another, connecting through a U.S. airport. This decision was based on intelligence information that identified a potential threat.

More than one million international passengers transit through MIA each year, more than any other U.S. airport. After the suspension of the ITI program, at MIA, these passengers were subjected to long waits, missed connections and associated inconveniences when transiting since, unlike before when the ITI program was in effect, they now were required to be admitted into the U.S. and then be screened by the TSA before boarding their connecting flight. The passenger dissatisfaction caused pains for several airlines, and MDAD began working with local and headquarters DHS personnel to find a secure and improved process for these passengers.

Since ITI passengers have all the documentation to be admitted into the U.S., MDAD developed a process that would reinstate the convenience and efficiency of the transit lounge facilities while also addressing the federal government's new requirements for admitting and screening the ITI passengers. TWOV passengers did not have documentation to be admitted into the U.S., and it was not feasible to address their situation in the short-term given the intelligence-based threat.

The new ITI process required approval by the DHS, and with the assistance of federal, state and local elected officials, MDAD obtained permission to implement this pilot program for transiting passengers, the only one of its kind in the nation. The Department of Homeland Security is developing a new program to formally replace the ITI and TWOV programs. MDAD has concerns about this new program and has submitted comments to questions posed to airports by DHS in its effort to gather input in developing the new program called the Air Transit Program (ATP). It is unclear when the ATP will be put into effect. MDAD has requested that the transit lounge processing plan recently developed for MIA be incorporated into the ATP.

Recommendation: Continue to work with the Congressional Delegation and federal officials to ensure that the MIA international transit process is maintained in the ATP or any successor ITI/TWOV program(s).

New Cargo Procedures

In response to The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 mandate to take steps to protect the U.S. food supply from terrorist attack, the U.S. Food and Drug Administration (FDA) requires that all domestic and foreign facilities that manufacture, process, pack, and (or) hold food for human or animal consumption in the U.S. be registered with the FDA and that advance notice of international shipments coming into U.S. airports be provided to FDA four hours before the shipment arrives, or for countries in the Western Hemisphere, north of the equator, on a wheels-up basis.

Separately, the U.S. Customs and Border Protection (CBP) agency has implemented the Automated Manifest System (AMS), a cargo inventory control and release notification system whereby cargo air carriers requesting landing rights or expansion of their existing landing rights, must register with CBP's AMS database. Shipment information must be received by CBP via the AMS four hours prior to arrival or by "wheels-up," if the aircraft is coming from the Western Hemisphere, north of the equator.

Effective August 13, 2004, cargo or food shipments not properly registered with the AMS or FDA respectively, is to be denied entry at MIA. MDAD and CBP have conducted an aggressive notification campaign during 2004 to alert affected airlines

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and tenants of the new requirements, and to date, no disruption has occurred in the flow of commerce at MIA.

Recommendation: Continue to participate in the Department of Homeland Security's Departmental Advisory Committee on Commercial Operations of the Bureau of Customs and Border Protection (COAC) in order to report on and influence implementation of regulations.


Assistant County Manager