

IN THE MATTER OF:

Collection of Alien Biometric Data Upon Exit From the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology Program (“US–VISIT”)

8 CFR Parts 215, 217, 231, and 235

19 CFR Parts 4 and 122

RIN 1601–AA34

[DHS–2008–0039]

Request by the Regional Airline Association (RAA) for a 60 day extension of the comment period.

On April 24, 2008, the Department of Homeland Security (DHS) proposed to establish an exit program at all air and sea ports of departure in the United States. This proposed rule would require aliens who are subject to United States Visitor and Immigrant Status Indicator Technology Program (US–VISIT) biometric requirements upon entering the United States to provide biometric information to commercial air and vessel carriers before departing from the United States at air and sea ports of entry.

The NPRM provides only 60 days, until June 23, 2008, for the public to comment on this rulemaking. RAA respectfully requests an additional 60 days to submit comments regarding this NPRM, citing the following factors:

- The NPRM asks for detailed comments on “discrete elements of the proposal, including on-point operational and financial data and the potential economic and business impacts from performance standards proposed under this rule.” 73 Fed Reg. 22066. It is unrealistic to expect RAA or the 42 RAA airlines directly impacted by the rule to be able to complete this comprehensive analysis in the 60 days provided.
- In addition to analyzing the NPRM proposal, DHS has asked the public to propose other ways to efficiently collect this biometric information. We cannot reasonably solicit, aggregate, analyze and submit those suggestions within the 60-day time frame. We believe there is room for compromise given the alternatives offered, but we cannot examine in depth as necessary all four options within the 60 day time frame.
- While there have been general discussions about the U.S. Exit program for some time, the April 24 NPRM was the first opportunity for RAA and its members to review the details of the DHS proposal. It is unreasonable to expect those airlines to provide meaningful comments on a proposal for a complex airline-funded program within the 60-day time frame.
- The NPRM as drafted raises a number of technical, business, legal and privacy issues, all of which must be carefully analyzed before comments can be submitted. Further, complex privacy and legal issues will need to be fully

researched both in the U.S. and within our members' particular jurisdictions. We cannot do this enormous task justice within the 60-day time frame.

- The NPRM suggests that this U.S. Exit system would cost the airlines between \$3.6 and \$6.1B. RAA Strongly believes that this is an unrealistically low estimate of the true cost of the program as envisioned. It is therefore imperative that DHS have the benefit of our comprehensive financial analysis of the proposed system. Financial analysis of a proposal this broad and extreme could not expertly be analyzed in the 60 day time period proposed.
- The NPRM references the pilot study and states: "In addition, DHS was often limited due to airport space restrictions in placing signage or other outreach material in places that it felt would have adequately informed the public of obligations for certain aliens to provide biometrics upon exiting the United States at certain airports. Similarly, these locations also had a low compliance rate." Why would DHS expect that member airlines would not encounter the same issues at airports if DHS themselves experienced those same problems. RAA contends that DHS needs to work with the airports on issues like this prior to any implementation of this NPRM.

We recognize that DHS is under an obligation to address their responsibilities under U.S. Exit in a timely fashion. While we appreciate the fact that a 60-day extension will put added pressure on these Congressional deadlines, it is imperative that RAA and its member airlines have the opportunity to provide DHS with its best analysis of this highly complex issue.

Thank you in advance for your consideration.

Sincerely,

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