

**BEFORE THE  
DEPARTMENT OF HOMELAND SECURITY  
WASHINGTON, DC**

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**In the matter of** :  
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**Notice of Proposed Rulemaking Concerning** :  
**Collection of Alien Biometric Data Upon** : **Docket DHS-2008-0039**  
**Exit From the United States at Air and Sea** :  
**Ports of Departure; United States Visitor and** :  
**Immigrant Status Indicator Technology** :  
**Program (“US-VISIT”)** :  
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**MOTION OF THE  
AIR TRANSPORT ASSOCIATION OF AMERICA  
FOR AN EXTENSION OF THE COMMENT PERIOD**

The Air Transport Association of America (“ATA”) respectfully requests that the June 23<sup>rd</sup> deadline for submission of comments in the US-VISIT/Exit rulemaking proceeding be extended 60 days to enable interested persons to submit more complete and responsive comments in this important proceeding. ATA is the trade and service association of the largest U.S. passenger and cargo airlines.<sup>1</sup>

The US-VISIT/Exit rulemaking proceeding has potentially momentous implications for passengers, airlines and airports. It could easily affect the ease and cost of departure from U.S. airports for all passengers—U.S. and foreign, those bound for domestic as well as

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<sup>1</sup> ATA’s members are ABX, Inc.; AirTran Airways; Alaska Airlines, Inc.; Aloha Airlines, Inc.; American Airlines, Inc.; ASTAR Air Cargo, Inc.; Atlas Air, Inc.; Continental Airlines, Inc.; Delta Air Lines, Inc.; Evergreen International Airlines, Inc.; Federal Express Corporation; Hawaiian Airlines; JetBlue Airways Corp.; Midwest Airlines; Northwest Airlines, Inc.; Southwest Airlines Co.; United Airlines, Inc.; UPS Airlines; and US Airways, Inc. ATA’s associate members are Air Canada; Air Jamaica; and Mexicana.

international destinations. Thus, it is no ordinary rulemaking proceeding and is not the simple, discretionless fulfillment of Congressional interest in confirming the departure of foreign air travelers.

The US-VISIT/Exit rulemaking proceeding will determine the allocation of responsibilities between the Department and air carriers for a border control activity that heretofore has been regarded as a sovereign function that is to be performed by the government; evaluate the legal basis for the Department assigning private-sector entities that function in light of repeated Congressional mandates that the Department or its predecessor carry out that responsibility; examine the operational implications to airlines, airports and their customers of adding a new passenger processing requirement at airports at a time when airlines continue to simplify passenger processing, especially through the introduction of electronic technology that that is intended to eliminate time-consuming passenger-airline agent dealings; project the financial impact of the proposed changes, which the regulatory impact analysis in this rulemaking proceeding indicates will be immense and acknowledges will generate benefits that will fall far short of its estimated costs; and assess the effects of this proposed new requirement on the attractiveness of the United States to foreign travelers, a principal focus of the Rice-Chertoff Initiative and the efforts of the Secure Border Open Doors Advisory Committee.

What this means is that the nature and the extent of the effects of the proposal, as well as of the alternatives that the notice of proposed rulemaking identifies but states that the Department rejected, need to be evaluated carefully. Given the complexity of airline and

airport operations, ascertaining the operational and financial implications of the rulemaking proceeding will take more time than that allotted in the notice of proposed rulemaking.

The foregoing considerations illustrate that this rulemaking proceeding potentially will have extraordinary significance. It has the potential of shaping critical aspects of passenger processing and the efficiency of and resources needed for that processing. Because of those possibilities, it has the potential for imposing enormous costs on airlines, airports and ultimately their customers. Given the prospect of these outcomes, the Department's deliberations associated with it must have the benefit of the best prepared comments. That can only occur if interested parties receive additional time to respond.

Respectfully submitted,



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