

**JOINT STATEMENT
OF
PAUL ROSENZWEIG
Acting Assistant Secretary for International Affairs and
Counselor to the Assistant Secretary for Policy
Department of Homeland Security
AND
ROBERT JACKSTA
Executive Director of Traveler Security and Facilitation
Office of Field Operations
U.S. Customs and Border Protection
Department of Homeland Security
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Chairman Thompson, Ranking Member King, and other distinguished Members of the Committee. We are pleased to appear before you today in the beautiful Buffalo-Niagara region to discuss how the identity documents used to gain entry at our land, sea, and air borders affect security, free trade, and free travel. The Department of Homeland Security (DHS), in partnership with the Department of State (DOS), is working to secure our homeland by strengthening our ability to identify accurately all persons – U.S. citizens and potential visitors alike – before they enter the United States. We are accomplishing this through instituting documentation requirements for entry into the United States. Our approach to implementing the Western Hemisphere Travel Initiative (WHTI), which is both a statutory mandate and 9/11 Commission recommendation, will increase security while also facilitating trade and the flow of legitimate travelers.

First, we would like to thank the Committee for its support for important initiatives to enhance the security of the United States. Your continued support has enabled DHS to make significant progress in securing our borders and protecting our country against terrorist threats. DHS looks forward to working with you to build upon these successes.

WHTI is necessary to strengthen our security while also facilitating the flow of legitimate trade and travel into the U.S. Currently, U.S., Canadian, and Bermudian citizens entering the United States across our land and sea borders are not required to present or carry any specific set of identity or citizenship documents. Not surprisingly, this significantly complicates our ability to verify that people are who they say they are in a matter of seconds. In an era when we, as a country, were less concerned about the security threats posed by persons seeking to enter or re-enter our country, a mere verbal declaration of citizenship, if credible, could suffice. Now, both Congress and the Administration recognize that this practice must end.

WHTI is an important program for residents of the Buffalo-Niagara region and for our officers stationed at the four bridges in the Buffalo area: the Rainbow Bridge, Peace Bridge, Whirlpool Bridge, and Lewiston Bridge. In fiscal year 2006, over six million passenger vehicles entered the United States via these four bridges. We recognize the vitality of this region for our nation's economy, as we welcome visitors from other nations to visit the majestic Niagara Falls. However, we also recognize how important protecting our nation's borders is and we are committed to ensuring that our land, air and sea ports are safe.

The Importance of Travel Documents

The institution of a travel document requirement and the standardization of travel documents are critical steps to securing our Nation's borders and increasing the facilitation of legitimate travelers. Currently, some travelers at our land and sea ports of entry may present any of thousands of different documents to Customs and Border Protection (CBP) officers when attempting to enter the United States, creating a tremendous potential for fraud. In fiscal year 2006 alone, more than 209,000 individuals were apprehended at the ports of entry trying to cross the border with fraudulent claims of citizenship or false documents.

Access to our nation is critical for a terrorist to plan and carry out attacks on our homeland. As the 9/11 Commission's Final Report states, "For terrorists, travel documents are as important as weapons. Terrorists must travel clandestinely to meet, train, plan, case targets, and gain access to attack. To them, international travel presents great danger, because they must surface to pass through regulated channels to present themselves to border security officials, or attempt to circumvent inspection points".

Our layered security strategy involves identifying and interdicting terrorists as early as possible – if not before they enter our country, then at the port of entry. DHS must be able to capitalize on our border inspection process. We must be able to inspect those who seek to enter. Through its requirement that individuals carry a passport or other limited set of acceptable documents, WHTI will greatly reduce the opportunities for fraud or misrepresentation of one's true identity. Advanced technology embedded in these travel documents, with the appropriate privacy protections and infrastructure, will allow DHS the ability, for the first time, to verify an individual's identity even before our officers begin to question them and to perform real-time queries against lookout databases. Full implementation of WHTI will allow DHS to focus even greater time and attention on each individual traveler. We have an opportunity to install an integrated secure land border system through WHTI and that opportunity should not be squandered.

The Threat

We still face many challenges at home and at our borders and we must be especially vigilant at our land, air and sea ports of entry. As is evident from the publicly available accounts of the recent terrorist episode in England and Scotland, extremists have demonstrated the ability to blend into our communities. From such locations, extremists can conduct fundraising and

other support activities, including proselytizing extremist ideals to segments of the youth population that they find susceptible.

While Canada remains a valued partner in our struggle against terrorism, the Canadian Security Intelligence Service (CSIS) has reported that terrorist representatives in Canada were actively raising money, procuring weapons, "manipulating immigrant communities" and facilitating travel to and from the United States and other countries. Besides al-Qaida affiliated persons, other terrorist-related individuals mentioned by CSIS have links to: Islamic Jihad; Hezbollah and other Shiite groups; Hamas; the Palestinian Force 17; Egyptian Al Jihad and various other Sunni groups from across the Middle East. CSIS has said the Irish Republican Army, Tamil Tigers and Kurdistan Workers Party (PKK) and major Sikh terrorist groups also have supporters in Canada.

Of course, we must also acknowledge the presence of terrorist cells and activities in the U.S. and Canada, such as the recent arrests in New Jersey of a cell trying to attack Fort Dix, those airport workers hoping to detonate explosives at the JFK airport fuel tank farm, and here in the Buffalo region, our Canadian counterparts discovered an active terrorist cell in Toronto. Our ability to track their travel, and the travel of their associates, is an important key to stopping these plans before they come to fruition and to drawing connections between seemingly unrelated individuals.

As populations increasingly mix and extremists recruit native-born youth and converts, travel documents become even more critical in identifying terrorists. Travel documents and travel patterns can provide our CBP officers at the border with terrorist indicators – sometimes the only clue the government will receive.

Effectively Using the Border – A National Security Priority

Securing the border is a top national priority. Border security is a cornerstone of national security and that commitment by President Bush and Secretary Chertoff is underscored by the creation of the Secure Border Initiative and significant allocations of resources for border security. If we are to protect our homeland from terrorist attacks, we must use all of the tools at our disposal.

The initial phase of WHTI went into effect January 23, 2007. The WHTI Air rule requires all air travelers, regardless of age, to present a passport or other acceptable secure document for entry into the United States when arriving by plane. Almost every single day between January 23, 2007, and today, there has been a compliance rate of 98 percent or better from the affected travelers, who are citizens of the U.S., Canada, and Bermuda, and there has been no interruption to air transportation. The high level of compliance shows that Americans and foreign nationals alike are willing and able to obtain the necessary documents to enter or re-enter the United States once the requirements are known and made firm. This compliance is the result of the collaborative planning process on behalf of DHS and DOS working closely with the airline and travel industries and the public, well in advance of implementation.

Intelligent Implementation of the WHTI Air Rule

The need for passports for air travel, as well as other increasing needs for documentation of identity and citizenship significantly increased the demand for passports, resulting in delays for issuing passports. Therefore, on June 7, 2007, DHS and DOS jointly announced that U.S. citizens traveling to and from Canada, Mexico, the Caribbean and Bermuda who had applied for but not yet received their passports, could temporarily enter and depart from the United States by air with a government issued photo identification and official proof of passport application, which can be obtained from the DOS website. This is not a suspension of the WHTI requirements in the air environment – foreign nationals must still present passports, and only those U.S. citizens who prove they have made an attempt to comply with the rule by applying for a passport may make use of this flexibility. This is a temporary accommodation through September 30, 2007, to allow Department of State time to clear its processing backlog. In addition, travelers must continue to be cognizant of the documentary requirements for Caribbean countries that have longstanding passport requirements for entry.

While DHS has shown flexibility in terms of document requirements, we have not lowered our enforcement posture or response. Every traveler is subject to inspection upon arrival into the United States. This inspection may include a database query and a personal interview by a CBP officer. Our officers are trained in behavioral analysis, interview techniques and fraudulent document detection. If at any time during the inspection a CBP officer, based upon his/her observations, believes additional scrutiny is warranted, the traveler may be referred for secondary inspection. During secondary inspection, the traveler is subject to further questioning; baggage examination and documentation presented may be more closely scrutinized.

The Next Phase – WHTI Land and Sea Rule

On June 20, 2007, DHS and DOS jointly announced the next phase of WHTI, governing entry into our land and sea ports of entry through a Notice of Proposed Rulemaking (NPRM), which is open for public comment. The NPRM, which includes our proposals for both the new documentation requirements and our implementation plan, is available for review and comment at www.regulations.gov. The NPRM was developed through extensive consultation and constructive dialogue with various stakeholders, Congress, border communities, and officials on both sides of the border. We have also issued an accompanying economic analysis and environmental assessment. Both DHS and DOS are committed to ensuring a smooth transition and mitigating any negative impacts as we move forward with this vital security initiative.

The NPRM demonstrates that we are taking a phased, deliberate approach to implementation. The rule proposes a transition period to ensure that citizens will be able to obtain the documents necessary to satisfy WHTI. This will not occur overnight. The glide path we have proposed will give U.S. citizens sufficient time to become accustomed to this new requirement at our land and sea borders, and time to obtain alternative documents, such as the passport card, Free and Secure Trade (FAST) card, Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card, NEXUS card, or an enhanced driver's license.

The NPRM proposes to end the practice of accepting only credible verbal declarations of citizenship at our land and sea ports of entry on January 31, 2008. U.S. and Canadian citizens will be required to carry a WHTI –compliant document or a government-issued photo identification, such as a driver’s license, and proof of citizenship, such as a copy of a birth certificate. DHS will continue to allow a degree of flexibility to certain travelers based upon unique and exigent circumstances. At this same time, we are going to begin using the alternative procedures for U.S. and Canadian children we have proposed in the NPRM. Children ages 15 and younger will be required to present certified copies of their birth certificates. Groups of U.S. and Canadian children ages 16 through 18, traveling with an organized group with adult supervision will also be allowed to enter using certified copies of their birth certificates.

At a later date, we will implement the full requirements of the land and sea phase of WHTI. This vital layer of security must be put in place as soon as possible and not be subject to repeated delays and endless new and ever-shifting requirements. We must advance to a smarter, more efficient and more secure border that includes these document controls. The exact implementation date will be determined based upon a number of factors, including the progress of DHS and DOS actions to implement WHTI and the availability of WHTI-compliant documents on both sides of the border. We expect that the date of full implementation will be as early as the summer of 2008. The precise date will be formally announced with at least 60 days notice to the public.

Alternative Documents

DHS is proposing alternative documents that could be used in lieu of a passport at the land and sea borders, such as the Passport Card being developed by our partner DOS. We are also proposing that the current trusted traveler documents available for programs such as NEXUS, SENTRI and FAST be approved for entering the United States. Working in unison with Washington State and other states we are pursuing state-issued enhanced driver’s licenses (EDLs) that will be WHTI compliant for use at land and sea ports of entry. While Washington State is leading the way and on target to issue the first EDL in January 2008, DHS is in active discussions with other states that have expressed interest. In addition, Canadian Provinces also wish to pursue EDLs, and the Canadian Government is examining such a proposal with strong engagement and encouragement from DHS. We are pleased with recent indications from the Canadian Government of renewed urgency toward developing appropriate documents, and anticipate that we will be able to work together to meet our intended timeline.

It is important to state on the record that DHS is not lowering document standards for EDLs. EDLs are a secure, enhanced driver’s license, and are not just today’s driver’s license with a new design. The issuance process will be bolstered, and the document will meet the standards for a WHTI-compliant document of denoting citizenship and identity. EDLs will also incorporate facilitative land border technology with both vicinity Radio Frequency Identification (RFID) and a Machine Readable Zone (MRZ). That technology enables real-time verification of issuance data as well as screening at ports of entry.

Here on the Northern border, we will increase our outreach to the public the availability of NEXUS cards. In December 2006, CBP combined enrollment in the NEXUS Air, Highway,

and Marine programs. As of July 2007, 133,216 members can cross the border using any of the three modes of transportation (air, land, and sea) at participating locations. In the Buffalo region alone, we have nearly 28,000 members. This program is implemented in partnership with the government of Canada, and many citizens of Canada also participate in the programs. In light of the extensive background checks and pre-vetting of enrollees in this program, NEXUS is a viable and secure way to confirm a traveler's identity and citizenship.

To enroll in NEXUS, travelers must provide proof of citizenship, a visa (if required), as well as other identity documentation, such as a driver's license or other acceptable identity card. An intensive background check against law enforcement databases and terrorist indices is required, and the enrollment process includes fingerprint checks and a personal interview with a CBP officer.

Over the next few months, we expect to increase the number of locations where travelers can enroll in NEXUS. We plan on developing new enrollment centers and utilizing our mobile enrollment centers to encourage border residents to participate in NEXUS. For frequent border crossers, the ability to use NEXUS at the land, sea, and air borders and the ability to use NEXUS dedicated lanes for more expedited processing are some of the benefits of participating in NEXUS. Here in Buffalo, NEXUS participants have their own bridge, the Whirlpool Bridge. This is a NEXUS-only bridge with NEXUS-dedicated lanes, offering NEXUS participants an even faster method to enter the United States or Canada.

Impacts of WHTI on our Border Communities and Our North American Neighbors

Border security is a cornerstone of national security. Our international land borders are extremely efficient considering the volume of travel and trade they handle every day – so well run that the public can forget that they are a critical line of defense. Both DHS and DOS have worked closely with the Canadian and Mexican governments on numerous fronts, including through the Security and Prosperity Partnership of North America, the Smart Border Declaration and the Shared Border Accord. The objectives of these initiatives are to establish a common approach to security to protect North America from external threats, prevent and respond to threats and streamline the secure and efficient movement of travel and trade. We remain committed to such consultations that often include WHTI accomplishments and progress to date. In particular, DHS has been involved in extensive discussions with our Canadian counterparts regarding secure alternative documents that could be made available to Canadian citizens for WHTI purposes, and, as stated above, we are working even more closely together as they look at EDLs or other possible alternative documents for Canadian citizens as well.

We recognize that there remains a concern about the potential impact of WHTI on border communities. WHTI represents a social and cultural change, and change is difficult. However, WHTI is a key step in creating better, more efficient, 21st Century land border management.

The Administration is committed to implementing this change in a pragmatic way, and we want to ensure open dialogue between the citizens it directly affects. Our communications plan will be based in a grassroots outreach campaign and will take place in land border communities in multiple ways, including Town Hall Events that will encourage an open dialogue

between DHS and the community. We will directly communicate with the border communities, traveling public, media, elected officials and stakeholders about the importance of WHTI. We will highlight the benefits of secure travel documents, demonstrating that vicinity RFID is the reliable backbone of our trusted traveler programs, and the technology proposed for the DOS Passport Card.

Potential Impact of WHTI on Wait Times at the Border

DHS, Congress, and the public are all concerned about the potential impact of the WHTI documentation requirements on traveler wait times at our land ports of entry. Pedestrian and vehicle traffic varies across the country by port, time of day, and time of year. There are also daily, weekly, and seasonal patterns of traffic. Factors that can lead to long traffic queues can include the port design, traffic volume, and vehicle mix. Wait times are monitored on an hourly basis and measures are taken to reduce wait times when they exceed threshold levels. These measures can include changes to shift assignments, open lane assignments, special operations, and overtime.

Currently, primary processing time can be as short as 10 seconds for a trusted traveler and as short as 20 seconds for easily verifiable travelers. A traveler is easily verifiable if he/she has a passport or other acceptable document with an MRZ or appropriate RFID technology that can be queried automatically. Processing times are considerably longer – up to 90 seconds -- for a vehicle with passengers who present documents that are not immediately verifiable by the inspecting officer or for vehicles with multiple passengers each producing various forms of identification. Often times, an officer will need to manually enter an individual's identifying information into the computer if the documentation presented does not have a MRZ. The additional time it takes to process these individuals can contribute to delays.

The suite of documents that DHS has proposed in the NPRM are capable of being queried automatically, speeding-up the document examination process and eliminating the need to evaluate the face of the document to determine if it looks like the kind of baptismal certificate issued in a certain part of Minnesota during the mid-1950s.

DHS published a Programmatic Environmental Assessment (PEA) in the Federal Register on June 25, 2007, focusing on the potential environmental impact of WHTI at land ports of entry, since they have the most environmental sensitivities from changes in travel volume. The PEA concludes that the use of vicinity RFID technology results in the fastest passenger processing time, and causes the fewest adverse environmental impacts. I encourage the Committee to review the PEA for a detailed analysis of average wait times for selected ports on the northern and southern borders and the anticipated impact of WHTI on these wait times.

While DHS fully expects to process quickly the documents of most travelers at the borders, we will not become focused on speed as the singular measure of success. Speeding up the document querying and authentication process gives more time for our CBP officers to ask questions and conduct inspections of those who require more scrutiny. Precious time now spent examining the face of a document will, instead, be used to probe those seeking to enter the U.S.

who may be of higher risk. In the judgment of Secretary Chertoff and DHS leadership, this is a much better use of our CBP officer's skills and time.

Conclusion

Mr. Chairman, members of the Committee, we have outlined our WHTI implementation plan that, with your assistance, will help DHS continue to protect America. Although we continue to move in the right direction of increasing identity document security, increasing information sharing, and deploying the necessary resources to protect the border, we must not delay or become lax in our effort. Strong borders are a pillar of national security and WHTI is a key cornerstone supporting that pillar.

Thank you again for this opportunity to testify, we will be happy to answer any of your questions.