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BEFORE  
THE SENATE COMMITTEE ON FOREIGN RELATIONS,  
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND TERRORISM  
REGARDING  
THE WESTERN HEMISPHERE TRAVEL INITIATIVE (WHTI)

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Concord, New Hampshire

Chairman Sununu, distinguished Members of the Subcommittee, I am pleased to be here today to discuss how the Department of Homeland Security (DHS) is moving swiftly to mitigate vulnerabilities at our borders, and in particular, our efforts to strengthen documentation requirements for travel in the western hemisphere. The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) includes important mandates that are designed to close long-standing vulnerabilities at our ports of entry and to help ensure that our borders are not compromised by those who seek to do us harm.

Addressing any major issue at the land border presents many challenges. We have over 7,000 miles of shared borders with Canada and Mexico, and each day DHS Customs and Border Protection (CBP) Officers inspect more than 1.1 million passengers and pedestrians, including many who reside in border communities who cross legally and contribute to the economic prosperity of our country and our neighbors. Maintaining this flow is critical; however, we must be confident in our determinations of who is crossing our border. In Fiscal Year 2005, over 84,000 individuals were apprehended at the ports of entry trying to cross the border with fraudulent claims of citizenship or documents. Moreover, on an average day, CBP intercepts more than 200 fraudulent documents, arrests over sixty people at ports of entry, and refuses entry to hundreds of non-citizens, a few dozen of which are criminal aliens that are attempting to enter the United States. As the 9/11 Commission report stressed, security requirements governing travel to and from Canada, Mexico and parts of the Caribbean should be treated as equivalent to security requirements for travel to and from other parts of the world.

We realize the potential consequences that any changes to address these vulnerabilities could have on international travel, particularly in the land border environment, where approximately two percent of travelers crossing the border are responsible for nearly 48 percent of all cross-border trips, and the cross-border cultures are vibrant and dynamic.

However, just as passenger behavior in the commercial airline industry has changed since the terrorist attacks of 9/11, travelers within the western hemisphere, and particularly through our land borders, must also become accustomed to possessing authorized travel documents when crossing the border. We view the fact that some individuals currently can cross the border without verifiable documents or without any type of travel or identity documents in their possession as a significant vulnerability to our national security.

In Section 7209 of IRTPA, Congress has mandated that, by January 1, 2008, the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to require U.S. citizens and foreign nationals to present a passport or other approved documentation to enter or re-enter the United States. This documentation must confirm both identity and citizenship. Under current regulations, U.S. citizens who travel solely within the Western Hemisphere do not require passports, or any other specific documents, to return to the United States. A similar "exemption" applies to most Canadian and Bermudan citizens entering the United States from within the Western Hemisphere.

The Western Hemisphere Travel Initiative (WHTI) will satisfy the legislative mandate established by the IRTPA by requiring all U.S. citizens, and those Canadian, Bermudan and Mexican citizens currently exempted from the passport requirement under the Immigration and Nationality Act or by regulation, to have a passport or other authorized secure documentation denoting citizenship and identity when entering the United States. WHTI will standardize the documents that may be presented at ports of entry to demonstrate identity and citizenship, allowing DHS to more effectively secure our border, and also streamlining the entry process into the United States for travelers.

The standardization of travel documents is a critical step in securing our Nation's borders. Currently, there are thousands of different documents that a traveler can present to CBP officers when attempting to enter the United States, creating a tremendous potential for fraud. Standardized documents will also eliminate the time-consuming, manual process of reviewing and validating a host of distinct, and sometimes illegible and unverifiable, birth certificates and other identity documents. Having standardized documents will enable automated reading and vetting of the information, which will also be essential to the facilitation benefits of the Initiative, as valuable time is wasted and accuracy is reduced if manual entry of the information is necessary to perform necessary database and watchlist queries of passengers. Automated reading and vetting of identity documents will also be an important tool for CBP in distinguishing the small set of incoming travelers who pose a potential threat from the legitimate traveling public.

The statute expressly identified the passport as an acceptable document for cross border travel. Passports represent the "gold standard" of identity and citizenship documents. They incorporate a host of security features not normally found or available on other identity documents, including birth certificates and driver's licenses. Further, a

United States Passport is only issued to persons who have established citizenship in the United States by birth, naturalization or derivation, as adjudicated by trained Department of State (DOS) officers.

The primary purpose of the passport has always been to facilitate travel to foreign countries by establishing United States citizenship and identity, while acting as a vehicle to display any appropriate visas and/or entry/exit stamps that may be necessary. The passport booklet is an essential tool that CBP officers review to assess risk and determine admissibility.

Currently, DHS and DOS are also developing plans to produce an alternative form of the U.S. passport for use at land border crossings. DHS and DOS realize that a traditional passport book may not be the most convenient form of documentation for land border use, particularly for frequent crossers. Therefore, Secretary Chertoff and Secretary Rice jointly announced a proposed travel card for U.S. citizens. The DOS-issued travel card is envisioned as a wallet-sized card that would be convenient to obtain, and would cost less than a traditional passport. DOS will adjudicate eligibility for the passport card in the same way that it adjudicates eligibility for the traditional book passport. The card will contain security features and will use technology to link the identity and citizenship of the bearer to a U.S. government database. Travelers will only be able to use this card to cross the land borders between the United States, Canada and Mexico.

Because of the need to ensure that frequent crossers and residents of border communities can obtain necessary documents to ensure continued cross-border travel, we are reviewing a variety of document options for these travelers, including the DOS-produced passport card for U.S. citizens, Border Crossing Cards (BCCs) for Mexican citizens, and the expansion of "trusted traveler" programs, which would expedite low risk travelers, particularly those who reside in border communities, and make frequent trips across the border as a routine part of their daily lives.

The U.S. government issues BCCs to Mexican nationals who cross the U.S. border on a regular basis. To obtain a BCC, a traveler must have a passport. Since the BCC is a B-1/B-2 visa when presented with a passport, the process to obtain a BCC is nearly identical to the issuance of a visa, requiring a background check and interviews. Thus, we are considering whether or not this document can serve as a secure alternative to a passport for this population of travelers. Existing "trusted traveler" programs are also being evaluated for expanded use at our land borders. These include the Secure Electronic Network for Travelers Rapid Inspection (SENTRI), Free and Secure Trade (FAST), and NEXUS programs. These programs facilitate the crossing of low-risk, frequent travelers and commercial truck drivers at the land borders, through exclusive, dedicated lanes. To enroll in these programs, travelers must provide proof of citizenship, a BCC or other visa, if required, as well as other identity documentation, such as a driver's license or ID card. An intensive background check against law enforcement databases and terrorist indices is required, and includes fingerprint checks and a personal interview with a CBP officer. To date, approximately 225,000 SENTRI,

NEXUS, and FAST cards have been issued. Over the next few months, we expect to increase the number of locations where they can be used. These programs are implemented in partnership with the governments of Canada and Mexico, and many citizens of these countries participate in the programs. In light of the extensive background checks and pre-vetting of enrollees in this program, we are considering whether the presentation of a trusted traveler card when traveling through the dedicated NEXUS, SENTRI or FAST lanes can serve as evidence that a traveler's identity and citizenship has been confirmed.

Additionally, there are several other documents that we are considering for use by specific groups, including, military personnel traveling under orders and merchant seamen. We are carefully researching both the legal requirements and the security of documents for these populations. DHS and the State Department are working closely to develop the requirements for WHTI in a way that can ensure that all persons who will require documents under this law can obtain them in the most cost-effective, convenient way, and that the documents will enable officers at ports of entry to quickly and efficiently verify the identity and citizenship of the traveler and safely and securely facilitate the rapid inspection of legitimate travelers. We are also aware of the need to make sure that travelers have these documents prior to the statutory deadline.

As we discuss options for alternative documentation consistent with our statutory mandate, we are very aware and cognizant of not inadvertently creating a loophole that could be exploited to undermine the very reason we are implementing this initiative. In particular, proposals for specific documents for infrequent travelers must be evaluated carefully. These travelers often pose a greater security risk since we know so little about their background, travel history, itinerary, or purpose for travel. Since the requirements of the statute are for documents denoting identity and citizenship, it is potentially a great risk to consider any sort of "on-the-spot" issuance of identity and citizenship documents to these travelers. At the same time, we understand that there are significant travel, trade, and tourism concerns associated with spontaneous travel and we will continue to assess these issues.

In addition to determining the most secure documentation under the WHTI, DHS and DOS are also carefully examining the best type of technology available to enable CBP officers at the border to quickly and automatically validate a traveler's identity and citizenship. By choosing the right type of technology, we will be able to perform the much-needed queries of watch lists and databases, without creating backups and congestion at the land border. Standardized and automated travel documents will enable us to quickly, reliably, and accurately identify the person and their citizenship without having to review an assortment of documents and pursue a line of questioning to determine who the person is; therefore, facilitating the entry of travelers. In consultation with our Privacy Office, we are also carefully evaluating the associated privacy and data integrity issues of the different technologies to ensure that the traveler's personal information is accurate, secure, and protected. We are also working to ensure that there is a one-step, easy to use process for redress, in the event that a traveler believes that an error has been made in their identification.

In a further effort to secure and facilitate cross border travel, the United States is coordinating our efforts with Mexican and Canadian officials under the Security and Prosperity Partnership of North America (SPP). While our own decisions on implementation will be independent ones, we are concurrently discussing the standards we plan to adopt for lower-cost, secure proof of status and nationality documents. President Bush, Prime Minister Harper, and President Fox are committed to an ambitious security and prosperity agenda that will keep our borders closed to terrorists and open to trade. Security and economic prosperity are mutually reinforcing. We are committed to coordinating our own efforts with those underway in Canada to propagate our standards for nationality documents that can then be considered as alternatives under IRTPA that also take into account the realities of our shared borders.

DHS and DOS are focused on an extensive outreach and education campaign to ensure that the documentary requirements of WHTI are publicized and well known to all travelers. While there are current procedures in place to address cases of unforeseen humanitarian or national interest emergencies, or incidents where U.S. citizens lose their passports while traveling abroad, to prevent delay at the land border ports of entry, we would encourage all U.S. citizens to obtain the appropriate documents before they travel.

To ensure that affected stakeholders will be able to convey their concerns, we are using a robust rulemaking process that allows multiple opportunities to comment. In addition, we have attended over 30 listening sessions and town hall meetings and DHS representatives have met with 670 community leaders and stakeholders to discuss this initiative. We are committed to continuing to work with affected stakeholders to mitigate potentially adverse effects as this initiative gets underway.

Given the magnitude of change this initiative will entail, DHS and DOS, in consultation with other government agencies, have proposed a two-phased implementation plan for WHTI. This approach was outlined in the Advanced Notice of Proposed Rulemaking (ANPRM), which was published in the Federal Register on September 1, 2005, and had a 60-day public comment period. In the ANPRM, we envisioned air and sea implementation on December 31, 2006, and land implementation on December 31, 2007. In response to our advance notice, approximately 2,000 public sources submitted comments, including governors, mayors, police chiefs, tribal leaders, business leaders, and border community members. We are currently considering these comments. Both DHS and DOS recognize the unique issues that this initiative will raise, and we will remain flexible when working with affected entities and communities.

We continue to work with Congress to address the important issues of border security and immigration reform. WHTI is an essential step in our layered approach to security at our borders. WHTI is an important step in protecting homeland security, and DHS and DOS will use our resources to implement this travel initiative by the deadline set forth in law. But it is just one step -- We are making substantial progress in securing our

borders every day; through our SBI initiative; through enhanced border security task forces; and in a host of other ways.

Mr. Chairman and Members of the Subcommittee, I want to thank you for the opportunity to join you today. I would be pleased to respond to your questions.