

Testimony of  
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TESTIMONY OF ELAINE DEZENSKI  
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OFFICE OF POLICY, PLANNING AND INTERNATIONAL AFFAIRS  
DEPARTMENT OF HOMELAND SECURITY  
BEFORE  
THE SENATE JUDICIARY COMMITTEE,  
SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP

"THE WESTERN HEMISPHERE TRAVEL INITIATIVE"

December 2, 2005

Laredo, Texas

Chairman Cornyn and other distinguished Members, I am pleased to join you in Laredo today to discuss how the Department of Homeland Security (DHS) is moving swiftly to mitigate vulnerabilities at our borders, in particular, our efforts to strengthen documentation requirements 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 border installations are not compromised by those who seek to do us harm.

Section 7209 of IRTPA mandates 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 in order to enter or re-enter the United States. The documentation must confirm both identity and citizenship. Under current regulations, U.S. citizens who travel solely within the Western Hemisphere do not require passports to return to the United States. A similar "exemption" applies to most Canadian and Bermudian citizens entering the United States. This proposal to extend documentation requirements closes a long-standing security vulnerability at our borders. We must move forward quickly, not only to be responsive to the legislative mandates, but also to ensure that our ports of entry are not compromised by those who are not required to carry appropriate documentation. At the same time, we must also be careful not to hinder commerce in the process.

This initiative, which we have designated the Western Hemisphere Travel Initiative (WHTI), will require all U.S. citizens, Canadians, and citizens of Bermuda and Mexico, as well as citizens of Caribbean countries currently exempt from the passport requirement pursuant to section 212(d)(4)(B) of the Immigration and Nationality Act, to have a passport or other authorized secure documentation denoting nationality and identity when entering the United States. It will also standardize the documents which may be presented at ports of entry to demonstrate both identity

and citizenship.

Together, DHS and the Department of State (DOS) have identified the passport as the principal document of choice in the airport and seaport environments. However, we are also exploring the use of other secure documents, or combination of documents, denoting identity and citizenship for land borders where we face the most pressing implementation challenges. We anticipate a variety of options, including a Department of State-produced travel card and an expansion of the registered traveler type programs that will expedite low risk travelers, particularly those who reside in border communities, and make trips across the border as a routine part of their life activities.

While the goal of WHTI is to strengthen border security and facilitate entry of legitimate travelers into the United States, we do understand the implications for industry, business, the general public or even our neighbors to the north and south. Under the Security and Prosperity Partnership of North America (SPP), we are working closely with officials in Canada and Mexico to develop standards for lower-cost, secure proof of status and nationality documents to facilitate cross-border travel and work to achieve optimal production before January 2008. President Bush, Prime Minister Martin, and President Fox announced the SPP in March, agreeing on an ambitious security and prosperity agenda that will keep our borders closed to terrorists and open to trade. The SPP is based on the premise that security and economic prosperity are mutually reinforcing. Our commitment to work with Canada and Mexico to develop secure nationality documents will be consistent with the IRTPA mandates while also taking into account the realities of our mutual borders.

To ensure that affected stakeholders will be able to submit their concerns, we are using a robust rulemaking process to allow multiple opportunities to comment on the proposed rule. In addition, we have attended over 30 listening sessions and town halls and have met with 670 community leaders and stakeholders to discuss this initiative. We are committed to working with affected stakeholders to mitigate potentially adverse effects as this initiative gets underway.

As acknowledged by both the Administration and emphasized by the public, this is an enormous challenge. 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 proposed air and sea implementation on December 31, 2006, and land implementation on December 31, 2007. In response to our proposal, approximately 2,000 public sources submitted comments; however, fewer than 800 of those were unique. These distinct comments were submitted by Governors, Mayors, Police Chiefs, Tribal leaders, business leaders, and border community members. We are currently considering the 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.

It is important to keep both security and facilitation in mind when determining the best approach to this initiative. Each day, DHS officers inspect approximately 1.1 million people at our borders, and over 84,000 individuals were apprehended trying to cross the border with fraudulent claims or documents in Fiscal Year 2005. The security layers we add to our inspections processes should take into consideration appropriate facilitation efforts, from document standardization to technological improvements that can act as force multipliers, such as current DHS "trusted

traveler" programs.

Although a decrease in the number of documents presented to agents will assist with facilitation at the land border, some of our largest gains may come from an expansion of current facilitation programs that already have acceptable documentation in place. In a recent survey of border crossers it was found that roughly 2% of travelers at the border are responsible for nearly 48% of all cross-border trips made. These types of statistics have implications for the solutions that may be most effective, especially at the land border where we propose a number of current travel documents as acceptable documentation to cross the border..

The first of these travel documents is the Border Crossing Card, or the BCC, which the U.S. government issues to Mexican nationals who are coming across to the U.S. on a regular basis. In order to obtain a BCC, a traveler must have a passport, and, since the BCC is a B-1/B-2 visa when presented with a passport, the process is nearly identical to issuance of a visa, with the attendant background checks and interviews necessary for security purposes.

Another card that we have proposed as a suitable alternative document is the SENTRI card. SENTRI, which stands for Secure Electronic Network for Travelers Rapid Inspection, is also a program that facilitates travelers at the southern border. In order to obtain a SENTRI card, the traveler must provide proof of citizenship, such as a passport, or a birth certificate, a BCC, if required, as well as other identity documentation, such as a driver's license or ID card. A background check is also required. The SENTRI card is designed for use at the southern border. To date, we have issued 75,000 SENTRI cards and we expect to increase SENTRI enrollment by 130,000 over the next two years, and to expand to 6 additional locations, including a dedicated lane on Bridge II in Laredo.

On the northern border, working with Canada, two existing programs could be applied to meet the WHTI requirement. The first is the NEXUS card, which is similar to the SENTRI card in that it facilitates travelers who routinely cross the border. To obtain a NEXUS card the traveler must provide proof of identity and citizenship, such as a passport, or a birth certificate in addition to an ID card, such as a driver's license. We then use the collected information to enroll and run a thorough background check on the traveler.

DHS is also considering the acceptance of the FAST card, or Free and Secure Trade card, which applies to commercial truck drivers at both the northern and southern borders. It is commercially focused with the goal of facilitating cargo coming across the border, while enhancing security associated with the truck driver of that particular truckload. With the FAST program, we have specific requirements, including background checks, documentation requirements and biometric requirements.

Finally, DHS and DOS are developing plans to produce an alternative to the U.S. passport, envisioned as a wallet-sized card, convenient to obtain, and at a lower cost than a passport. DoS will adjudicate eligibility for the travel 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 be able to use this card only to cross the land borders between the United States, Canada and Mexico. DHS is working with DOS to determine what type of facilitation technologies the card will utilize.

As we move forward, DHS will continue to look at options as they may become available, whether a global registered traveler program that could be applied at either border, looking at specific programs that can be expanded, creating new documents in partnership with the DOS, or assessing the viability of other documents.

Many within Congress have recognized the importance of addressing border security and immigration reform. As an initiative that has been recognized throughout the government, and legislatively mandated, WHTI does not stand alone, but joins a cadre of programs created to provide layered security at our borders. As you know, the President recently signed into law the Department of Homeland Security Appropriations Act for Fiscal Year 2006. That legislation included more than \$7 billion to secure our borders - funds that will enable us, among other things, to hire an additional 1,000 Border Patrol agents and add almost 2,000 detention beds. Also, in Houston Secretary Chertoff recently announced the Secure Border Initiative (SBI), a high priority initiative within DHS that will ensure we move towards the right balance of people, technology and infrastructure to gain control of our borders.

Addressing any major issue at the border presents challenges, with over 7,000 miles of shared borders with Canada and Mexico and over a million people crossing the border a day, including many people in border communities who cross legally and contribute to the economic prosperity of our country and that of our neighbors. Maintaining this flow is critical; however, we must be confident in our determinations of who is crossing our border.

By creating greater assurance of the documents presented by individuals crossing the border, we can focus our resources on other critical issues, such as border-related crime, drug cartels and coyotes, and other criminal activity that affects communities on both sides of the land border. 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.

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