

Testimony of  
**Mr. Pete Sepulveda**

Chairman  
Border Trade Alliance  
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Senate Judiciary Committee  
Immigration, Border Security, and Citizenship Subcommittee  
Field Hearing Testimony  
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Chairman Cornyn, my name is Pete Sepulveda, Jr. and I am the director of the Cameron County Department of Transportation. As you know, Cameron County is one of the fastest growing areas of the country, and our openness to international trade and travel and our proximity to Mexico have played a key role in our growth. On a personal note, I want to highlight that I am a native of the border region, I have been a city manager for two border communities and I have also managed and operated five international bridges between Texas and Mexico. I have family on both sides of the border and crossing the border is an integral component of both my professional and personal life.

But I appear before you today in my capacity as the chairman of the Border Trade Alliance. I want to thank you for this opportunity to offer comments on behalf of the BTA regarding the implementation of the Western Hemisphere Travel Initiative, a program that will significantly impact both Northern and Southern border communities, including my hometown of Rio Grande City, Texas. Our main point here today is to make sure that this initiative does not negatively impact our border, our livelihood and our nation.

Founded in 1986, the BTA is a grassroots organization consisting of individuals, entities, and businesses, which conduct legitimate cross-border business in the NAFTA marketplace. As such, we have a unique perspective on the challenges facing our land borders. We believe that as a nation we can have a regulatory and enforcement environment that result in both increased border security and improved facilitation of legitimate trade and travel.

Upon hearing news of these planned changes to cross-border travel policy in the spring of this year, the BTA was very concerned about the impact this would have on border communities. In September of this year, an Advanced Notice of Proposed Rulemaking regarding the Western Hemisphere Travel Initiative - Section 7209 of last year's Intelligence Reform and Terrorism

Prevention Act - appeared in the Federal Register, allowing the BTA and other interested parties to make their feelings known.

Section 7209 states that travel to the United States by U.S. citizens and others from the Western Hemisphere will require a passport or acceptable alternative documents in circumstances where travel was previously permitted without such documents.

First, the BTA believes that there are certain alternatives to the passport that we must continue to accept at United States ports of entry. In their Federal Register notice, the Departments of State and Homeland Security indicated that NEXUS cards, SENTRI cards, Border Crossing Cards and FAST driver identification cards may be accepted in lieu of a passport.

The BTA is adamant in its belief that these identification cards recognized by the Departments of Homeland Security and State should be deemed acceptable alternatives to a passport for hemispheric travel. Our recommendation in this area is based on the fact that holders of these documents have been vetted through various security check databases and that the documents are tamper resistant, machine-readable, and technologically advanced, including such features as biometrics.

SENTRI cards, which give holders access to special commuter lanes on the border, are not a practical alternative for all border residents, as these lanes are in but three of over 40 ports of entry on the U.S.-Mexico border (San Ysidro, Otay Mesa and El Paso), though more are on the way in communities such as Brownsville, McAllen and Nogales.

The same can be said for FAST driver identification cards, which are reserved for the use of commercial truck drivers; and Border Crossing Cards, which are only issued to Mexicans residing in Mexico with a valid Mexican passport, and require an interview with a U.S. consular officer in our U.S. Embassy or consulate office.

Second, we urge the Departments to conduct a feasibility assessment of establishing a traveler document that may be obtained by U.S. and Canadian citizens that confirms one's identity and citizenship and can be placed in one's wallet providing more durability than the booklet-style passport. Some have referred to this as a North American Travel Document. Although we cannot speak to the name, we certainly agree that this concept should be considered as an alternative for the long-term implementation of this initiative. This is of importance for residents of border communities who cross our borders with Canada and Mexico on a daily basis for commercial or personal reasons.

Third, it is imperative that this initiative be fully integrated with other efforts currently underway or proposed. For example, the Department of Homeland Security is currently undertaking a proof-of-concept for Radio Frequency Identification (RFID) technology at two ports on the U.S.-Mexico border and three on the U.S.-Canada border as part of the US-VISIT program. RFID will be used to record the arrival and departure to and from the U.S. for foreign visitors that are required to apply for form I-94. If RFID technology is being considered for one form of travel, then we should analyze if this technology can be incorporated into WHTI, meaning that if a new document is being considered, that this document be technologically enabled to allow the traveler to participate in new or ongoing enforcement and inspection programs.

This new requirement has the potential to inflict a new burden on travelers, especially casual travelers across the U.S. and Canadian borders, and could put tourist dollars, at risk. Border region retail sales and tourism stand to suffer if visitors are not in possession of proper proof of citizenship.

Border states in the Southwest, Texas and Arizona especially, are often destinations for long-stay winter visitors from throughout the U.S. and Canada. Our climate makes us a predictable winter destination, but our proximity to Mexico takes on importance, too, as a frequent source of recreation. If Winter Texans must carry a passport to make a casual trip to Mexico, then we risk putting a critical segment of our region's economy at risk if we create an inconvenience for those visitors. The McAllen Chamber of Commerce, as part of its economic forecasting, attributes a \$225 million contribution to the Rio Grande Valley economy by Winter Texans. A study by the University of Texas at Pan-American cites Winter Texans' impact as even greater, with an annual contribution of \$420 million to the area's economy.

We are also concerned with the burden the costs of obtaining a passport could inflict on the working families of the U.S.-Mexico and U.S.-Canada borders. For example, a family of four living in South Texas who routinely crosses the border to visit family and friends in Mexico may not have the means to secure the requisite number of passports for each member of their family. At \$97 per passport for individuals over 16 years of age, and \$82 per passport for individuals under 16, this rule has the potential to create a huge financial burden for many citizens who live in some of our country's poorest communities.

We must also consider the impacts that this new requirement will have on Mexico and Canada. For example, tourism serves as one of Mexico's top sources of foreign revenue, to the tune of close to \$5 billion in 2003, and many of the tourists are Americans visiting without a passport. This is of greater relevance to less frequent travelers that may consider travel to Mexico, or other vacation destination within Mexico once a year. The additional cost to secure the necessary travel documents, we fear, will act as a deterrent to this form of travel.

Fourth, making the passport the only acceptable document raises additional concerns, in particular the ability of the Department of State to issue on a timely basis the potential several million new passports that may be required. This initiative could hinder a lawful traveler's ability to leave or enter the U.S. Although we have seen assurances by the Department of State to issue many more passports on an annual basis, we still have very clear in our memories the experience of the issuance of millions of laser visas for Mexican travelers who suffered through long waits for their visas. If travelers have to wait several months to receive a passport, then we are by default limiting their traveling choices.

Fifth, we must focus on the intent of the law and not just on the deadline. Therefore, the BTA supports a common implementation date for all modes of travel of December 31, 2007. We also recommend that at regular intervals between now and December 31, 2007, the responsible Departments assess their ability to meet this deadline, with the understanding that a final decision on the deadline be made six months prior, to ensure that the Departments are fully prepared to implement the rule without negatively impacting the traveling public.

The BTA has serious concerns about the effect this rule will have on casual as well as frequent travelers across our shared borders. The communities on both sides of the U.S.-Canada and U.S.-Mexico borders are inextricably linked both culturally and economically, thus we are reluctant to support any program that puts our unique cross-border relationships at risk and therefore urge DHS and DOS to commit to undertaking an extensive outreach campaign aimed at the traveling public. This grassroots outreach, of course, must be a concurrent effort to work with Mexico and Canada to ensure that we find ways to better coordinate our joint efforts to protect all of our citizens.

Mr. Chairman, the BTA is committed to working with you and your subcommittee to ensure that by simply focusing on a deadline we are not foregoing improvements to the security of the Homeland, to the welfare of the border region, and to the relationship with our two most important partners, Mexico and Canada. The BTA believes that by looking at all the alternatives, we can come up with a solution that allows our enforcement agencies to better and more reliably identify the traveler; that fosters a travel experience that rewards the low-risk traveler; that incorporates the latest technological advances; and that ensures a cost-effective - not cost-prohibitive - option to not only maintain our trade and tourism but to enhance the growth and travel opportunities for our constituents.

The Border Trade Alliance is committed to working with you, the Department of Homeland Security and the Department of State in ensuring that our constituency along our nation's land borders is fully informed of the requirements under section 7209 of the Intelligence Reform bill.

The BTA remains committed to supporting initiatives that will make our Homeland more secure while making the travel experience for our visitors and for U.S. citizens a better one.

Once again, Mr. Chairman, I thank you for the opportunity to submit our comments for the record, and I look forward to working with you on this issue in the coming months.