

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
December 2, 2005

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Senate Committee on the Judiciary
Subcommittee on Immigration, Border Security and Citizenship
Field Hearing on "Proposed Western Hemisphere Passport Rules:
Impact on Trade and Tourism"
December 2, 2005, Laredo, TX

We all watched the President's speech last Monday, November 30, with interest, as he discussed the Administration's proposals for comprehensive immigration reform. When the President first described these ideas almost two years ago, I was concerned that his approach lacked sufficient resources and commitment to make border security the priority that it needs to be. My concerns have not been put to rest.

There are between eight and fourteen million undocumented aliens living in this country. America needs a system that allows us to identify those who are crossing our borders and living here. When it comes to making immigration reform and border security a high priority, the Administration has talked the talk but has not walked the walk. In particular, the Administration has ignored Congress's clear and consistent calls for substantial staffing increases for the Border Patrol.

For years we have lurched along with piecemeal steps. I added a Northern Border security section to the 2001 PATRIOT Act, which authorized doubling the patrol staff along the border as well as adapting new technologies to improve security and flow across our border with Canada. Then, nearly a year ago, Congress passed a bill that mandated an increase of at least 2000 more Border Patrol agents, with at least 20 percent of them to be assigned to the Northern Border. But when the White House drew up its budget plans to implement that new law, the President suggested only enough to add 210 border agents -- fewer than 11 percent of Congress's mandate, and with no new agents for the Northern Border. Congress again stepped in, boosting border staffing by 1500.

Much of what is driving the immigration debate has to do with our porous Southern Border. As a result, a major concern facing Vermont and other Northern Border states is that that the President will try to impose a one-size-fits-all approach that imposes unwise and unworkable restrictions on the Northern Border. We have much at stake in drawing appropriate distinctions between the two borders.

One example of this one-size-fits-all approach is the subject of today's hearing. It is the

implementation of a piecemeal border law, enacted a year ago as part of the Intelligence Reform and Terrorism Prevention Act of 2004, commonly known as the "Intelligence Reform Bill." The process to enact that bill was hard fought, and the final product contained many compromises. One section, which has the potential to harm the tourism industries and economies of our Northern Border states, needs to be revisited.

Section 7209 of the law, called the Western Hemisphere Travel Initiative, requires that any person, including a U.S. citizen, present a passport or equivalent proof of identity and citizenship, when seeking to enter the United States from neighboring countries such as Canada or Mexico. The Bureau of Customs and Border Protection recently published proposed rules to implement this law.

We have long enjoyed less-formal immigration policies with our neighbors, and especially with Canada. These policies encourage tourism to the United States, fuel international trade and promote goodwill between our nations -- benefits that are particularly important to states on the Northern Border. Regulations like these threaten the economies of many northern communities.

The proposed rules require all travelers crossing the border to prove their citizenship and identity. Passports are the obvious choice, but at a cost of about \$100 each, passports can be expensive and difficult to get, especially for families. This cost will slap a new burden on U.S. citizens and quite possibly discourage Canadians from visiting our nation.

My home state of Vermont enjoys significant trade with Canada. Last year alone, Vermont exported \$1.516 billion worth of products to Canada, and we have steadily improved our trade balance with our northern neighbor. Policies that hamper this trade have obvious and serious consequences for Vermont businesses and workers.

Equally troubling is the potential impact of these proposed rules on tourism in Vermont. In 2003, more than two million Canadians visited Vermont and spent \$188 million while here. If these new burdens discourage Canadians and other foreign visitors from traveling to Vermont, our tourism industry will feel it.

These concerns are not unique to Vermont. The Small Business Committee of the House of Representatives held a hearing on this topic on November 17, 2005, with a focus on border crossings to and from Canada. A witness at that hearing, H. Thomas Chesnut, the CEO of AAA of Western and Central New York, summarized the threat to tourism succinctly. He testified, "For how strong and important the travel and tourism industry is to both countries, it is just as fragile. Consider that cross-border trips have already fallen 20 percent since the tragic events of 9-11, due to wait times, hassles, uncertainty and perceptions. Confusion over further and changing regulations, as discussed today, will cause an additional decline. We know that travelers want freedom and ease of mobility--something that AAA has championed for over 100 years. We believe that border-crossing regulations should facilitate safe, secure and efficient movement of travelers between countries. The Departments of Homeland Security and State must strike a correct balance to implement the law, and avoid procedures that discourage leisure travel between our two countries."

Finally, we all know that the economic health of many small towns along the border depends upon their access to neighboring Canadian towns. In some cases, these towns share emergency services, grocery stores and other basic services. Residents sometimes cross the border on foot several times a day. The public opera house and library in Derby Line, Vermont, literally straddles the border with part of the building sitting on property in Stanstead, Quebec.

We need to be smart about border security, not just to sound "tough" about it. A clear example is the proven value of the federal government's Law Enforcement Service Center in Williston, Vermont, whose staff offers real-time, round-the-clock criminal record checks to law enforcement officers across the nation to help in making prompt and accurate decisions about possible immigration violations.

I have written to the Bureau of Customs and Border Protection to urge approval for allowing use of alternative forms of identification that are secure, cost-efficient, and convenient for our citizens to use. We must ensure that our border agents will accept secure and reliable forms of identification from Canadians. Until Congress acts to modify the law, Americans on both the Northern and Southern Border should urge the federal government to ensure that these policies do not unduly disrupt our daily lives.

We need border control practices that are sensible and appropriate -- not reflexively stifling and needlessly bureaucratic.

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