

**IMPLEMENTING THE WESTERN HEMISPHERE  
TRAVEL INITIATIVE AT LAND AND SEA PORTS:  
ARE WE READY?**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON BORDER,  
MARITIME, AND GLOBAL  
COUNTERTERRORISM

OF THE

COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES

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**IMPLEMENTING THE WESTERN HEMISPHERE  
TRAVEL INITIATIVE AT LAND AND SEA  
PORTS: ARE WE READY?**

Thursday, May 7, 2009

U.S. HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON BORDER, MARITIME, AND  
GLOBAL COUNTERTERRORISM,  
COMMITTEE ON HOMELAND SECURITY,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:08 a.m., in Room 311, Cannon House Office Building, Hon. Loretta Sanchez [chairwoman of the subcommittee] presiding.

Present: Representatives Sanchez, Lofgren, Jackson Lee, Cuellar, Green, Massa, and Souder.

Ms. SANCHEZ. [Presiding.] Good morning. This subcommittee will come to order. The Subcommittee on Border, Maritime, and Global Counterterrorism is meeting today to receive testimony on "The Western Hemisphere Travel Initiative at Land and Sea Ports: Are We Ready?"

Again, thank you all for joining us. Today the subcommittee will receive testimony on the current status of the implementation of the Western Hemisphere Travel Initiative, or WHTI, as we call it, at our land and sea ports.

We have two great panels this morning that would allow us to hear from government officials responsible for the implementation of WHTI, as well as representation from industry groups who are dealing with the implementation and how it is affecting their respective industries.

I look forward to receiving your testimony and having an open dialogue and for you to ask our members' questions.

The goal of WHTI is to strengthen border security while facilitating the entry of U.S. citizens and legitimate foreign visitors. Having an efficient and operable passport card program created by WHTI will help the United States ensure those who enter our country, are who they are.

And with that said, residents of border communities, who have years have traveled back and forth across the border with really just an oral declaration in some cases back in my father's time, just walking across when nobody was there, will have to adapt new procedures for them to cross the borders to see family and their friends.

I have had concerns about whether the outreach to the local communities along the southern and northern borders has been ade-

quate. And during the implementation of the air travel portion of WHTI, we saw that there was a lack of public outreach, and it created some confusion.

And for these reasons a few years ago, I was one of the people who supported the provision to delay the implementation of WHTI at the land and sea ports until June 1st of 2009.

So now we have the date approaching, and the questions on our minds are how is the program working? Have people submit it? Do people know? What is the outreach? What about the surge factor? Are you ready for that?

And more importantly, how is the infrastructure at the land borders and seaports going to be able to handle this situation? And how is the commerce of our country dealing with this, considering that Canada is our number one trading partner, and Mexico is our number three partner with respect to trade.

So I am hopeful that you are going to tell me that the implementation is going smoothly, that you have some contingency plans for what we consider to be a surge. We have this to remember about 18 months ago when we had the deadline with respect to passports and how that really impacted, and really the State Department was not ready for that, and we hadn't thought through the implications of that.

So I look forward to your testimony and for your answers to our questions.

And I will recognize my very able colleague from Indiana, Mr. Souder, my ranking member, for his opening statement.

Mr. SOUDER. Thank you, Madam Chair.

With the Western Hemisphere Travel Initiative implementation date of June 1st quickly approaching, this is a very timely hearing. We are now 5 years since enactment of the Intelligence Reform and Terrorism Prevention Act, which included the mandate for secure travel documents for entry into the United States.

On June 1st, when the implementation starts for the last phase of WHTI at land and sea ports of entry, we are nearly 9 years from the terrorist attacks be for all travelers entering the United States are using secure documents.

Despite the long lead time to set up this program and several legislative delays, I think June 1st will be an important milestone for homeland security that marks fulfillment of the 9/11 Commission recommendation.

I would like to commend both the Department of Homeland Security, especially Customs and Border Protection, and the Department of State for implementing this important program.

With the commendations out of the way, there are several issues with WHTI that I would like to raise and hope to hear more from witnesses during the testimony and questions.

First, I appreciate the work that DHS has done with the Amish community to ensure that they maintain the ability to cross the border without compromising their religious beliefs regarding photographs. I have heard from several of my constituents, and they seem supportive of the alternative documentation.

This situation I plan to monitor very closely, because I still have some concerns about secure travel documents and finding a solution for Canadian Amish entering the United States.

Secondly, I think we must continually evaluate the security of all our travel documents. I agree with the message in the 9/11 Commission report that the ability to travel is just as important to terrorists as is the ability to raise funds.

It is critical that this committee follow up and ensure that terrorists and criminals are not able to use fake or forged documents to enter the United States under WHTI.

The last concern I would like to raise involves public outreach and education. I was impressed by the accounts in the written testimony of the outreach in media conducted leading up to WHTI.

I think it is important to recognize that regardless of what efforts you take and the amount of education outreach conducted, there will be growing pains. That being said, I would like to hear more from both panels about what is being done and, where possible, information gaps may exist.

If I may add a side comment, we are running into this with the television conversion where it is going better than expected, other things where it has gone less well than expected. And while the information of all maybe I along the border—for example, my area is one tier away, and there is no clue, basically, of what they are faced with.

WHTI is one tool in the layered approach to securing our border. I think it is an important element, but needs to be part of larger improvements to the border, including port of entry upgrades and more CBP officers, in addition to enhanced security between the points of entry.

I think our second panel with the Border Trade Alliance and the Chamber of Commerce may provide important testimony on how to improve these elements. I am hopeful that this subcommittee will take an active role in this Congress in improving border security legislation to address these issues.

Given where I think we are with the program and the flexible and pragmatic approach to implementation, to use words from your testimony, I would be very concerned about any further action by Congress to delay this program.

I have heard rumors that some language may be added to the supplemental appropriations bill. I hope that is not true. And if that is, I hope the chair will join me in opposing it.

I would like to thank all witnesses for being here, and they yield back my time.

Ms. SANCHEZ. Other members of the subcommittee are reminded that under committee rules, opening statements may be submitted for the record.

## FOR THE RECORD

PREPARED STATEMENT OF THE HONORABLE BENNIE G. THOMPSON, A REPRESENTATIVE IN CONGRESS, AND CHAIRMAN, COMMITTEE ON HOMELAND SECURITY

***Implementing the Western Hemisphere Travel Initiative at Land and Sea Ports: Are We Ready?***

**May 7, 2009 at 10:00 AM**

**311 Cannon House Office Building**

- On June 1, 2009, just a few weeks from today, the Western Hemisphere Travel Initiative will take effect.
- For the first time in our history, every person entering the U.S. through a land or sea port of entry will need to show proper documentation.
- This day has been a long time coming.
- Just a couple of years ago, Congress was forced to delay implementation of WHTI (“witty”) because, simply put, the Departments of Homeland Security and State were not prepared.
- So, we are here today with one simple question: Are we ready?
- This Committee, and the nation as a whole, hopes you can answer with a resounding “YES” because much is at stake.
- On a typical day, Customs and Border Protection processes more than 1.1 million international travelers into the United States at land, air and sea ports.
- Among the overwhelming majority of legitimate travelers, CBP is charged with identifying and interdicting those who may seek to enter the U.S. to do us harm.
- The documents required under WHTI are an important part of assisting CBP officers in that vital effort.
- The program also fulfills an important 9/11 Commission recommendation regarding document security at our borders.
- At the same time, it is important to remember that cross-border travel and trade is essential to border communities and our nation’s economy.
- In these tough economic times, we must ensure that WHTI is implemented efficiently and effectively to minimize any unnecessary delays at our ports of entry.
- To this end, I look forward to hearing from our government witnesses about how they have:
  - educated travelers about the upcoming deadline;
  - trained officers on the new document requirements and procedures;
  - ramped up staffing;
  - issued WHTI-compliant documents like passports and passport cards; and
  - deployed new document readers at ports of entry.
- I also look forward to hearing from our private sector witnesses about how we can ensure that the June 1 implementation goes as smoothly as possible.
- From border violence to the H1N1 flu outbreak to new rules for crossing our borders, America’s border security challenges are constantly evolving.
- This Committee remains committed to ensuring that the Department of Homeland Security has the tools it needs to meet this challenge, while facilitating legitimate travel across our borders.
- I thank the Chairwoman for her leadership on this issue and for holding this timely hearing.

Ms. SANCHEZ. And I also ask unanimous consent to submit for the record a statement from Representatives Bart Stupak and John McHugh, co-chairs of the Northern Border Caucus<sup>1</sup>, and a statement from Representatives Louise Slaughter, who represents a district in western New York at Niagara Falls.

All three members have a keen interest in this important issue, so unanimous consent. They are accepted.

<sup>1</sup>[See committee file.]



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The Honorable Louise M. Slaughter Testimony before the  
 House Committee on Homeland Security  
 Subcommittee on Border, Maritime and Global Terrorism

*"Implementing the Western Hemisphere Travel Initiative at Land and  
 Sea Ports: Are We Ready?"*

May 7, 2008

Mr. Chairman and members of the Committee, I would like to thank you for taking the time to hold a hearing on this important subject. The Committee has been incredibly supportive in its efforts to ensure that the Western Hemisphere Travel Initiative (WHTI) is properly implemented; even holding a field hearing on the subject in Buffalo, NY, last Congress.

As many of you know, given that nearly my entire district runs along the Canadian border, I am particularly concerned about WHTI and the effects of its implementation on border community economies. We, in Western New York, do not think of the bi-national Buffalo-Niagara region as two separate countries, but rather as one community with a river running through it. And as with communities all across the border, the most pressing issue facing Western New York is the implementation of the WHTI. It is clear that our economy relies on the smart functioning of the Northern border.

The Northern border represents a major component of our global economy. U.S.-Canada trade supports 7.1 million jobs and generates tens of billions of dollars in annual revenue. Each day, \$1.5 billion in trade crosses our border; that is \$1 million every minute. Canadians made more than 40 million visits to the United States in 2006, spending more than \$13.5 billion. Just a five percent decline in Canadian visits to the United States could cost the American economy nearly \$700 million.

I recognize the need for a secure border, and that in the post-9/11 world it is important that we know that those entering our country are who they say they are, mean us no harm, and have the secure documents to prove it. But I am not convinced that our country is ready for [this policy – substitute with full implementation of WHTI] at this time. While we must be confident that the documents that individuals present for entry into the United States are secure and authentic, there is not a one-size-fits-all approach to our border concerns. We cannot simply flip a switch and move from having the world's largest open-border to requiring expensive new crossing

documentation. In fact, former 9/11 Commissioner Slade Gorton has noted that WHTI incorrectly implements the 9/11 Commission's recommendations and will have severe economic repercussions on both nations.

In 2007, I led the charge in Congress to delay the implementation of WHTI from January 2008 until June 2009. Language mandating this delay was successfully included in the FY08 Omnibus appropriations bill which was signed into law in December, 2007. This action was necessary in order to make sure that we do not rush into a proposal that has many flaws. [What was incorporated? The delay? ] it was incorporated into the final rule on the land and sea portion of WHTI which was released by DHS on March 27, 2008.

It has become clear over the past year that this delay has proved to be absolutely necessary, and I firmly believe that by passing that delay we dodged a serious economic bullet. Consider what has been done since the original January 2008 deadline in Western New York alone towards WHTI implementation. The first NEXUS enrollment center in Western New York was not opened until September of 2008, and the RFID technology that is so critical to the success of Passport cards, NEXUS cards, and Enhanced Driver's Licenses, did not "go live" at the Peace Bridge in Buffalo until this past November. At other important border crossings in New York State and Michigan, this vital technology did not work or become active until April; less than two months before final WHTI implementation.

Despite this progress being made, and despite DHS and State Department issuing their WHTI certification at the beginning of the year, I, with a number of my colleagues along the border remain unconvinced that WHTI is ready to be implemented in a way that will not harm the cross border trade and travel that is so critical to our border communities. I also believe that the broader economic impact of moving forward with a June 1<sup>st</sup> implementation has not been fully considered in conjunction with our shared security concerns.

During President Obama's recent visit to Ottawa, he and Prime Minister Harper stressed the importance of a healthy U.S.-Canada trade relationship to bringing both countries out of the current economic recession. I would contend that a successful WHTI implementation is an important aspect of this trade relationship, and a failed WHTI implementation could have a devastating effect on not only border communities, but on the broader national economies.

The economic downturn facing both countries has already dramatically affected cross border travel and trade. Statistics from the Public Border Operators Association show that passenger, truck and bus crossings at all New York and Michigan border crossings in January of 2009 decreased by an average of over 16% from January 2008 levels. In Western New York, traffic at the Lewiston-Queenston Bridge and the Peace Bridge decreased by 19% and 13% respectively.

If WHTI is not implemented properly it will only compound the current negative trend in commerce across the border. Not only would this severely cripple border communities, but the negative effects on the economy would be felt nation-wide. Additionally, the 2010 Olympics in

Vancouver are just around the corner. Confusion and delay at the border because of documentation requirements would severely damage an event that should positively impact the economies on both sides of the border.

For this reason I believe that the best course of action would be to delay the WHTI implementation date for one more year until June 1, 2010. This will give the Administration time to fully address the infrastructure needs at every single crossing along the border, and will also allow for an aggressive outreach effort by DHS to educate people about the new border rules. DHS and the State Department must engage in a public relations campaign to educate border communities and Americans seeking to cross the border on the new requirements and encourage continued cross-border travel and commerce. Additionally, and perhaps most importantly, we would not risk hampering our strongest trade relationship at a time when any negative impact on our economy would have a truly devastating effect.

Those of us on both sides of the border must work together to find solutions that ensure a smooth transition to the new documentation security measures. We must find an appropriate balance between ensuring our country's security, and protecting the economic health of our border communities. The stakes are simply too high for this effort to fail.

As we all know, border security and economic vitality are not mutually exclusive.

Mr. Chairman, thank you again for the opportunity to testify on this important issue, and I look forward to working together on this critical issue.

*Louise M. Slaughter*

Ms. SANCHEZ. And I welcome our panel of witnesses. Some of you have been before us before.

Our first witness, Dr. Richard Barth, currently serves as the acting principal deputy assistant secretary for the Office of Policy at the Department of Homeland Security. In this capacity he manages the department's international affairs, state and local law enforcement, immigration statistics, private sector and screening coordination offices. Mr. Barth joined the department in 2006, when he was appointed assistant secretary for the Office of Policy Development by Secretary Chertoff.

Our second witness will be Mr. Thomas Winkowski, who was appointed assistant commissioner for the Office of Field Operations at Customs and Border Protection in August of 2007. In that position he oversees programs and operations at 20 major field offices, 326 ports of entry and 58 operational container security initiative ports in Canada, Ireland and the Caribbean. Mr. Winkowski joined the U.S. Customs Service in 1975.

And our third witness, Mr. John Brennan, is a senior adviser in the State Department's Bureau of Consular Affairs. In that capacity he is responsible for a number of programs, including the Western Hemisphere Travel Initiative. He also manages the Mexico 2012 plan, which will ensure new generation Mexican border crossing cards to replace the five million cards that will expire in the next few years.

And, gentlemen, I will remind you that your full statements will be inserted into the record. And I now ask the witnesses to summarize their statements for 5 minutes or less, beginning with Dr. Barth.

Welcome again, Doctor.

**STATEMENT OF RICHARD BARTH, ACTING PRINCIPAL DEPUTY ASSISTANT SECRETARY, OFFICE OF POLICY DEVELOPMENT, DEPARTMENT OF HOMELAND SECURITY**

Mr. BARTH. Thank you very much, Chairwoman Sanchez, Ranking Member Souder and other distinguished members of the committee.

I am pleased to appear before you today to discuss the department's approach to the implementation of the second phase of the Western Hemisphere Travel Initiative for both the land and sea environments.

As recommended by the 911 Commission, Congress moved in 2004 to statutorily close a critical vulnerability that existed far too long. A significant number of individuals, U.S. and Canadian citizens, could present themselves for entry into the United States without proof of their identity and citizenship.

I wish to assure the committee on behalf of Secretary Napolitano that our approach to implementing WHTI has been and will continue to be pragmatic, as we work to achieve the goal of increased security while facilitating the flow of legitimate trade and travel.

In preparation for June 1st, 2009, in partnership with the Department of State, the governments of our western hemisphere partners, the border communities and other stakeholders and the public and private sectors, our strategy has focused on three main areas: the availability of documents, adequate infrastructure and technology, and the extensive communications and outreach necessary to implement the program effectively.

And I would add that we have incorporated many of the helpful suggestions of groups such as the Border Trade Alliance. As Secretary Napolitano has noted many times, our partnership with private sector groups such as this is critical to much of what DHS does today.

Our communications efforts began in 2004. In September 2008, we significantly ramped up our efforts and kicked off a multimedia communications campaign to educate the traveling public about the new document requirements.

The variety of secure WHTI-compliant documents addresses the needs of different travelers. The vast majority of adult U.S. citizens are able to present any one of the following documents: a U.S. passport, a passport card, a state-issued DHS-approved enhanced driver's license, or a Trusted Traveler card from our NEXUS, SENTRI or FAST programs.

We are making other alternatives available to certain populations, including the merchant mariner document when on official business, a U.S. military ID with travel orders, or a WHTI-compliant enhanced tribal card.

Since we stopped accepting only oral declarations by U.S. and Canadian citizens on January 31st, 2008, we began a transition to

a more secure border and have seen a high rate of compliance with document requirements.

Despite predictions that travel and trade would be brought to a halt with the January 31st document requirements, we have through phased and flexible approach implemented the changes in travel document requirements without causing discernible increases in wait times at the border.

To be sure, however, that unexpected problems do not surprise us in the early days, weeks and months of fully implementing the WHTI document requirements, Secretary Napolitano will be personally monitoring the situation so that we can proactively work to ensure what I called for at the beginning of the short summary: Travel and trade facilitation with enhanced security at our borders.

I have outlined in a very broad way our requirements and implementation efforts for the second phase of WHTI for the land and sea environments. I am happy to elaborate and answer any questions you might have. Thank you very much.

[The joint statement of Mr. Barth and Mr. Winkowski follows:]

PREPARED JOINT STATEMENT OF RICHARD C. BARTH AND THOMAS WINKOWSKI

Chairwoman Sanchez, Ranking Member Souder, and other distinguished Members of the Committee. We are pleased to appear before you today to discuss how we will implement the second phase of the Western Hemisphere Travel Initiative (WHTI), which is both a statutory mandate of the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 and a 9/11 Commission recommendation, to designate specific identity and citizenship documents that can be used to gain entry at our land, sea, and air ports of entry. Secretary Napolitano, along with her partners in other agencies and departments, is working to secure our homeland by strengthening our ability to accurately identify all persons—U.S. citizens and visitors alike—before they enter the United States. Our approach to implementing WHTI has been, and will continue to be, both pragmatic and flexible as we work to achieve the goal of increased security while significantly facilitating the flow of legitimate trade and travel.

The initial phase of WHTI was successfully implemented for air travel on January 23, 2007. Since then, compliance has been and continues to be high—over 99 percent. This compliance was the result of the collaborative planning process on behalf of DHS and DOS, working closely with the airline industry, travel industry and the public, well in advance of implementation.

We are prepared to complete this effort by successfully and efficiently implementing WHTI at all land and sea ports of entry on June 1, 2009. On February 26, 2009, the secretaries of DHS and DOS jointly certified to Congress that all statutory criteria had been met prior to implementing the WHTI at land and sea borders on June 1, 2009.

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."

On January 31, 2008, we added another layer to create a more secure border—a border that continues to welcome legitimate travelers and efficiently facilitate entry into the country. It also is a border that inhibits entry of individuals who cannot confirm their identity and citizenship. In spite of warnings that taking such measures would bring travel and trade to a standstill, we implemented these changes in travel document requirements—requiring a government issued photo identification and proof of citizenship—without causing discernable increases in wait times at the land and sea borders. Compliance rates since requirements were initiated January 31, 2008, remain consistently high—well over 93 percent for United States and Canadian citizens queried. In fact, our surveys showed that more than six weeks in advance of scheduled January WHTI implementation, roughly 80 percent of U.S. and Canadian citizens exceeded the January 2008 requirements and were presenting WHTI-compliant documents when crossing the border.

Our layered security strategy involves identifying and interdicting individuals attempting to harm or illegally enter the country as early as possible—if not before they enter our country, then at our ports of entry. Through its requirement that individuals carry a passport or other limited set of acceptable documents, WHTI will greatly reduce the opportunities for identity fraud or misrepresentation. Travel documents that were developed or enhanced specifically in response to WHTI include embedded, advanced technology with appropriate privacy protections and infrastructure. These documents allow DHS the ability to verify an individual's identity and perform real-time queries against lookout databases even before the traveler arrives at our U.S. Customs and Border Protection (CBP) officers' inspection booths. By eliminating the need to manually input data and by automating part of the process, implementation of WHTI allows our officers more time to focus greater attention on each individual traveler. WHTI provides the platform to implement an integrated secure land border system, and we have taken every step to take full advantage of that opportunity.

The WHTI Land and Sea Final Rule, published on April 3, 2008, in the *Federal Register*, was developed after extensive consultation and constructive dialogue with various stakeholders, including communities and officials on both sides of our borders, and after carefully considering the more than 1,300 comments received during the public comment period for the Notice of Proposed Rulemaking. The policy decisions in this Final Rule, such as the development of special provisions for children and cruise lines and our approach to working with Native American communities on the development of a WHTI-compliant enhanced tribal document, reflect the valuable input we received from the public and stakeholders.

In preparation for June 1, 2009, Secretary Napolitano has ensured that DHS has focused on three main areas—availability of documents; infrastructure and technology; and communications and outreach.

#### **Availability of Documents**

WHTI compliance is not limited to a passport. DHS, through CBP, and DOS have offered alternatives to the traditional passport from which the traveling public can choose the one that best meets their travel needs. In addition to a U.S. passport, the vast majority of U.S. citizens will be able to present the following WHTI-compliant documents to enter the United States through a land or sea port of entry from within the Western Hemisphere: a passport card; an enhanced driver's license from an issuing state, territory or province, issued pursuant to an agreement with DHS; or a trusted traveler program (NEXUS, SENTRI, FAST) card. U.S. citizens may also present a U.S. military ID with travel orders, an enhanced tribal card issued by a qualifying tribal entity, or a merchant mariner document if on official business.

The flexibility of the number of secure, WHTI-compliant documents addresses the needs of different travelers, while providing CBP officers at primary inspections with advance information and the ability to verify the information on the document with the issuing agency. Some citizens who already have a traditional passport book for travel overseas may benefit from getting a passport card as well if they live near one of our land borders and make frequent trips across the border. Individuals who frequently cross the southern border may be best served by obtaining a Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card that will give them access to SENTRI-only lanes. Some U.S. citizen border crossers might choose an enhanced driver's license that offers the benefits of a traditional driver's license but also serves as a limited use travel document.

Most of our cross border travelers already have WHTI-compliant documents—more than 92 million Americans now hold a passport or passport card. The states of Washington, New York, Vermont, and Michigan have issued more than 120,000 enhanced driver's licenses (EDLs). The Canadian provinces of British Columbia and Quebec are already issuing EDLs and the provinces of Manitoba and Ontario will begin issuing EDLs by the end of May 2009. Our trusted traveler programs, NEXUS, SENTRI, and Free and Secure Trade (FAST), have more than 585,000 members.

We have sent out over 600 letters to all the federally recognized Native American tribes and offered to work with them toward developing a WHTI-compliant enhanced tribal document. On March 3, 2009, CBP signed a memorandum of agreement with the Kootenai Tribe of Idaho to develop an enhanced tribal card. Upon successful development, testing and issuance, this document will be available to members of the Kootenai Tribe of Idaho to establish their identity, tribal membership and United States or Canadian citizenship for the purposes of border crossing. We look forward to working with other Native American tribes to develop enhanced tribal cards. This partnership is critical to the success of WHTI and demonstrates

our commitment to listening to the concerns and ideas expressed by the Native American and other communities.

#### ***Infrastructure and Technology***

In preparation for full WHTI implementation, DHS awarded a contract on January 10, 2008, to begin the process of deploying vicinity radio frequency identification (RFID) facilitative technology and infrastructure to 354 vehicle primary lanes at 39 high-volume land ports, which process 95 percent of land border traveler crossings. As of April 30, 2009, RFID technology has been successfully installed and operational at 33 of the 39 high-volume land ports. We remain on time, on budget, and on track to implement WHTI as planned on June 1, 2009. At the remaining land and sea ports of entry, lanes are equipped with optical character reader technology. This technology will read any travel document with a machine-readable zone (MRZ), including passports, border crossing cards, trusted traveler cards, enhanced drivers licenses, passport cards, and lawful permanent resident cards.

#### ***Communications and Outreach***

CBP launched a multi-media communications campaign in September 2008, "Let's Get You Home," designed to educate the traveling public about new travel document requirements that will go into effect on June 1, 2009. We are now executing the third phase of our comprehensive press, stakeholder, and traveler outreach effort, concentrating on 12 major border media markets. To date, television and radio spots have aired more than 21,000 times and we have published 8 print advertisements, which have run more than 124 times. We have created a web site ([www.getyouhome.gov](http://www.getyouhome.gov)) to serve as the primary source of information on WHTI documents and have distributed over 6 million educational tear sheets to travelers as they cross the border. In the last year, we have issued approximately 125 press releases; provided more than 200 media interviews; generated over 2,000 media clips; produced 8 television commercials in English, French and Spanish; and produced two public service announcements, which have aired on 280 radio stations more than 11,700 times. We have focused on WHTI at 12 trade shows and conduct, on average, 50 WHTI-related outreach events per month across the country.

As we approach June 1, 2009, we are in the midst of conducting press events at every land border port, reminding the traveling public to apply for their secure, WHTI-compliant documents now so that they will have them for June 1.

#### ***Operations on June 1, 2009***

DHS is committed to implementing WHTI in a commonsense, flexible way that facilitates the flow of legitimate travelers and improves the security of U.S. borders. DHS will be practical and adaptable in its approach, using the same approach of informed compliance instituted successfully during other major changes at the borders over the last two years, including the January 2007 implementation of WHTI in the air environment, and the January 2008 end to acceptance of oral declarations of citizenship at the land and sea ports.

DHS anticipates that some travelers will not have appropriate documents—a fact that CBP deals with on a daily basis. CBP has steps in place to deal with those scenarios. We expect to use our full range of authorities to be flexible in accommodating U.S. and Canadian citizens without WHTI-complaint documents in the initial phase of implementation.

CBP is prepared to implement WHTI requirements on June 1, 2009, and we have taken the steps to ensure operational readiness on a national scale.

Just last week, CBP brought together trainers, operations specialists, and public affairs officers from around the country to Arlington, Virginia, for a WHTI Implementation Conference. Our field personnel were thoroughly updated on policies and procedures for the June 1, 2009, implementation, and had the opportunity to discuss mitigation strategies for real-world situations that they are likely to encounter. In turn, these CBP trainers will ensure that all land border officers receive updated training and are prepared for implementation. A similar conference was conducted prior to January 31, 2008, and was highly successful in getting the message out to our frontline personnel.

On May 29, 2009, CBP will establish the WHTI Operations Center at CBP Headquarters. This operations center will be staffed 24 by 7 to continuously monitor port operations before, during and after the June 1, 2009, implementation. The center will conduct daily teleconferences with the field and provide immediate response to questions and concerns. Daily reports will be provided to senior leadership on the successes and challenges. Senior managers will be working at the ports and uniformed public affairs officers will be on-site to provide accurate public affairs guidance.

**Potential Impact of WHTI**

Concerns have been expressed about the potential impact of the WHTI documentation requirements on traveler wait times at our land ports of entry. Allow me to emphasize that under no circumstances will CBP deny admission to a United States citizen, even if he or she does not possess a WHTI-compliant document. The risk that document requirements will negatively impact ports of entry in June 2009 is minimal, as the majority of travelers have been presenting documents for inspection at the border for over 16 months. Since January 31, 2008, compliance rates have steadily improved—more than 93 percent of U.S. and Canadian citizens queried while crossing the land border are in compliance with document requirements. Most travelers are complying with the January 31, 2008, change in document procedures and will comply with WHTI requirements in June 2009. Preliminary data from on site observational audit studies conducted at three northern border ports and two southern border ports indicate approximately 80 percent of U.S. and Canadian citizens are already presenting WHTI compliant documents as required for June 1, 2009.

Our decision to adopt vicinity RFID technology for the land border was based on the need to process legitimate travelers as speedily as possible without impacting security. After extensive review of available and possible technologies, DHS selected vicinity RFID as the best technology for our land border management system—and the standard to which all future land border travel documents will comply. Vicinity RFID technology affords the most benefits for the facilitated movement of travelers. Facilitation requires the ability to read a travel document in advance, verify identity, pre-position information, and, most importantly, perform automated watch list queries without impeding the flow of traffic. Our research and testing indicates that RFID technology is able to accomplish each of these requirements.

DHS and CBP have instituted best practices for the collection, protection, and use of personal information for WHTI. No personal identifying information is stored on the RFID tag and all data is stored at remote locations on secure storage devices that can only be accessed via DHS's secure, encrypted networks. Issuance of an attenuating sleeve by DOS for the passport card and the states for the EDL will protect the tags from unauthorized reads when not in use at the border. Implementation of a card specific tag identifier number will ensure that a card cannot be cloned or duplicated.

On average, the use of RFID technology saves six to eight seconds of processing time per passenger. Although we expect to quickly process the documents of most travelers, we will not focus 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 additional scrutiny. Time now spent examining a document will instead be used to probe those seeking to enter the United States who may present a higher risk.

While the new document requirements and the implementation of WHTI are anticipated to have minimal negative impact on current wait times, other factors such as port design, infrastructure, traffic volume, and vehicle mix greatly affect border wait times. DHS and CBP are taking advantage of WHTI implementation to improve port infrastructure, but some challenges such as physical limitations will not be resolved in advance of WHTI implementation. Wait times are monitored on an hourly basis and proactive measures are taken to reduce wait times to the greatest extent possible using a variety of mitigation strategies and staff and lane utilization.

Both DHS and DOS have worked closely with the Canadian and Mexican governments on numerous fronts, including the Smart Border Declaration and the Shared Border Accord. The objectives of these initiatives are to establish a common security approach to protecting North America from external threats, and to streamline the secure and efficient movement of travel and trade. We remain committed to such consultations that have fostered WHTI accomplishments. In particular, DHS has been involved in clear, action-driven plans with our Canadian counterparts regarding secure alternative documents that are available to Canadian citizens for WHTI purposes, including the issuance and production of EDLs for Canadian citizens as an alternative to the Canadian passport.

We recognize that concerns remain about the impact of WHTI on border communities. We acknowledge that WHTI represents a social and cultural change, but assure the American people and Congress that WHTI will provide substantive enhancements to border security. The investments made at the ports of entry and to CBP systems are providing significant benefits to communities on both sides of the border and facilitate the legitimate flow of people and trade. WHTI is a key step in creating an effective and more efficient twenty-first century border. Our experience, to date, with both WHTI air implementation and the January 31, 2008, transition has been positive with no discernable negative impacts to the borders. We are



confident that the deliberate, practical approach we have taken for the next phase of WHTI implementation will afford us the same results. WHTI conforms to our future vision of the land border in a way that meets our national security needs, our economic imperatives, and the public's trust.

**Conclusion**

Chairwoman Sanchez, Ranking Member Souder and Members of the Committee, WHTI is on time, on budget, and on track to complete implementation at the land and sea ports of entry on June 1, 2009. We continue to move in the right direction of increasing identity document security, increasing information sharing among partners, and deploying the necessary resources to protect the border. 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.

Ms. SANCHEZ. Thank you, Doctor.

And will now recognize Mr. Winkowski to summarize a statement for 5 minutes or less. Welcome.

**STATEMENT OF THOMAS WINKOWSKI, ASSISTANT COMMISSIONER, OFFICE OF FIELD OPERATIONS, CUSTOMS AND BORDER PROTECTION**

Mr. WINKOWSKI. Chairwoman Sanchez, Ranking Member Souder and other distinguished members of the subcommittee, good morning and thank you for this opportunity to discuss how U.S. Customs and Border Protection will implement the second phase of the Western Hemisphere Travel Initiative at our land and sea ports of entry.

CBP is fully prepared to implement WHTI on June 1st, 2009. We have made alternative secure documents available to travelers. Radio frequency identification readers and infrastructure will be operational at the top 39 and ports of entry, and we are in the midst of an aggressive communications campaign that will extend beyond June 1st to encourage travelers to obtain appropriate documents.

Preliminary data indicate that the vast majority of travelers will be complying with WHTI document requirements and will be prepared for travelers, and we will be prepared for travelers who are noncompliant.

CBP has broad discretion that it utilizes every day with travelers who lack of proper documentation. We plan to be flexible and pragmatic in our enforcement of WHTI and apply this flexibility on a case-by-case basis.

In preparation for June 1st, CBP remains focused on the critical areas of communication, technology, deployment and field preparedness. CBP is executing the third phase of a comprehensive press, stakeholder and travel outreach effort, concentrating on the 12 major media markets along the northern and southern borders.

We have implemented extensive communications to saturate these markets. To date, television and radio ads have aired more than 21,000 prints—excuse me—more than 21,000 times. Print advertisements have run more than 120 times. A Web site has been created as a primary source of information on WHTI documents, and over six million education tear sheets have been distributed to travelers.

As part of our push prior to WHTI implementation, we are conducting press events at every land border port, reminding the trav-

eling public to apply for the secure documentation now in order to have them for June 1st, 2009, and beyond.

RFID technology is already operational at 34 of the 39 high-volume manned ports and is on track to being installed and operational at the remaining five high-volume manned ports prior to June 1st.

At all other land and sea ports of entry, lanes are equipped with optical character reader technology. This technology will read any travel document with a machine-readable zone, including passports, border crossing cards, Trusted Traveler cards, enhanced driver's licenses, the passport card and lawful permanent residence cards.

CBP will use the same approach of informed compliance instituted successfully during other major changes at the borders over the last 2 years, including the January 2007 implementation of WHTI in the air environment and the January 2008 end of the acceptance of oral declarations of citizenship at all land and sea ports.

We anticipate that some travelers will not have appropriate documents, and we will use our full range of authorities to be flexible in accommodating the United States and Canadian citizens without WHTI-compliant documents in the initial phase of the implementation.

CBP has also taken steps to ensure that our personnel are fully prepared for WHTI implementation. Just last week we brought together trainers, operations specialists and public affairs officers from around the country for a WHTI implementation conference.

Our field personnel were thoroughly updated on policies and procedures and had the opportunity to discuss mitigation strategies for real-world situations that they are likely to encounter. In turn, these trainers will ensure that all land of border officers received comprehensive training and are prepared for implementation.

On May 29th, 2009, we will establish the WHTI operations center at CBP headquarters, which will be staffed 24/7 to continuously monitor port operations before, during and after the June 1st, 2009, implementation.

The center will conduct daily teleconferences with the field and will provide immediate responses to questions and concerns. On June 1st senior managers will be working at the ports. Primary lanes will be fully staffed, and our uniformed public affairs officers will be on-site to provide accurate public affairs guidance.

WHTI is on time, on budget and on track to complete implementation at all manned and sea ports of entry on June 1st, 2009. We continue to move in the right direction of enhancing identity document security, increasing information sharing among partners, and deploying the necessary resources and technology to protect the borders.

Thank you again for the opportunity to testify, and I look forward to answering any of your questions.

Ms. SANCHEZ. Thank you.

And now we will hear from Mr. Brennan for 5 minutes or less.

**STATEMENT OF JOHN BRENNAN, SENIOR POLICY ADVISOR,  
BUREAU OF CONSULAR AFFAIRS, DEPARTMENT OF STATE**

Mr. BRENNAN. Chairwoman Sanchez, Ranking Member Souder, distinguished members of the committee, thank you for this chance to discuss the role of the Department of State and providing American citizens with passports and passport cards to prepare them for the June 1st final implementation of WHTI.

The economic well-being and general welfare of border communities and of our neighbors to the north and south depend on the free flow of people and goods. We are committed to implementing WHTI in a thoughtful manner that facilitates trade, travel and tourism while enhancing our national security.

To this end, we have worked closely with the Department of Homeland Security and in particular the U.S. Customs and Border Protection to inform the American public of the upcoming WHTI deadline and to give U.S. citizens the documents they will need to comply with WHTI.

Since the program was announced in 2005, we have issued passports in record numbers. In July 2008 we began issuing passport cards designed to work with the new systems CBP has installed at the land borders. We issued the millions card in April, and demand is rising.

Since the beginning of April, there have been more than 40,000 passport card applications each week, more than double the number we saw in October. We believe this and other trends show the American public is aware of the new documentary requirements under WHTI and are coming into compliance with them.

In 2007 to department issued 18.4 million passports, and historic high. In 2008 we issued 16.2 million. Current year demand is below last year's level. Nevertheless, the percentage of Americans holding passports continues to rise.

More than 92 million Americans have passports today, and we estimate that about 33 percent of the U.S. citizen population now holds a passport or passport card. We are on track to issue more passports this decade than in the two previous decades combined.

In response to the unprecedented demand we saw in 2007, we have increased our passport issuing capacity by 95 percent. With our increased resources, we are capable of issuing 26 million passports a year.

Citizens can apply for passports and more than 9,400 acceptance facilities, post offices, courts of clerk and other government offices nationwide. To meet the needs of border residents, we have 301 acceptance facilities located within 25 miles of the U.S.–Canada border and 128 within 25 miles of the U.S.–Mexico border.

This year the department will open three new passport agencies in Detroit, Dallas and Minneapolis. We will hold an official ribbon cutting ceremony for the Detroit office on May 11th. The office is already open for service to the public.

We are doubling the size of adjudicating capacity of the national passport Center in Portsmouth, New Hampshire, and we have expanded existing agencies in Seattle, Chicago, Houston, Miami and New Orleans.

We have established two new large-scale production and personalization facilities, one in Hot Springs, Arkansas, and one in Tuc-

son, Arizona. Each is operational, and each has the capacity to produce 10 million travel documents a year.

We began production of a wallet size passport card in July of 2008 and have issued over 1.1 million as of today. The card is made to fit the specific needs of border communities for a less expensive and more convenient alternative to the passport book.

The card was designed and priced specifically as a limited user passport that works with the RFID architecture found only at the land borders of the United States. It is not an international globally interoperable travel document and cannot be used for international air travel.

Passport cards have the same validity as passport books—10 years for an adult, 5 years for a child under 16—but the card is considerably lower in price. First time adult applicants pay \$45. Children's applications cost \$35. And adults who already have a passport book pay only \$20.

We continue a vigorous public outreach campaign as the WHTI deadline approaches. Our passport agencies have held over 90-odd week events since February, ranging from travel shows to naturalization ceremonies.

Passport Day in the U.S.A. was held on Saturday, March 23rd, as a national campaign and provided thousands of citizens with a convenient opportunity to apply for a passport. We will continue to use radio, newspapers and magazines, especially in border areas, to which the travelers who would be most affected by the June 1st implementation.

Thank you. And I look forward to your questions.

[The statement of Mr. Brennan follows:]

PREPARED STATEMENT OF JOHN BRENNAN

Chairwoman Sanchez, Ranking Member Souder, Distinguished Members of the Committee,

Thank you for this opportunity to discuss the Western Hemisphere Travel Initiative (WHTI) and the role of the State Department in providing American citizens with reliable, secure passports and passport cards to prepare them for the final phase of WHTI implementation at land and sea ports on June 1.

The goals of WHTI are to strengthen border security and facilitate entry into the United States for U.S. citizens and legitimate foreign travelers. We have worked closely with the Department of Homeland Security, especially U.S. Customs and Border Protection, to ensure that we meet both these goals. On June 1, we will complete a four-year effort set in motion by the passage of the Intelligence Reform and Terrorism Prevention Act of 2004. Under that legislation, the Departments of Homeland Security and State were charged with developing and implementing a plan to require travelers, U.S. citizens and foreign nationals alike, to present a passport or other secure document denoting identity and citizenship when entering the United States.

Since the WHTI program was announced in 2005, eligible U.S. citizens have been issued passports in record numbers. In July 2008, we began issuing passport cards, which are specifically designed to work with the new systems U.S. Customs and Border Protection has installed at the land borders to facilitate identification and inspection of travelers. We issued the millionth card in April and demand for the passport card is rising. In April, we received more than 40,000 applications each week, more than double the numbers seen in October. Our workload indicates that Americans are aware of the new document requirements under WHTI and are coming into compliance with them. In FY 2007, the Department issued 18.4 million passports—a 50 percent increase over FY 2006 and an 80 percent increase over FY 2005. In FY 2008, we issued 16.2 million passports, slightly down from the 2007 high. In FY 2009, we believe we are on track to issue slightly fewer than in the previous year.

Despite a drop in demand in the current fiscal year, the percentage of Americans holding passports continues to rise. New passports are being issued in greater numbers than old passports are expiring. More than 92 million Americans, 30 percent of the total U.S. population, now hold a passport or passport card. When this figure is adjusted to reflect an estimate of the U.S. citizen population as opposed to general population, we believe the figure would be closer to 33 percent. WHTI has stimulated a fundamental shift in the number of Americans who are documented with passports. We are firmly on track to issue more passports this decade than in the two previous decades combined.

***Increasing Passport Production Capacity***

In response to the unprecedented demand seen in FY 2007 and the elevated baseline for demand established in the past few years, the Department has increased its passport issuing capacity by 95 percent since FY 2007. As a result of this substantial increase in processing and production capacity, we are maintaining the service levels listed on our website; we are currently processing routine passport applications within four-to-six weeks and expedited applications within two weeks. We are prepared to meet demand greater than the 18.4 million passports issued in FY 2007. Despite the recent economic downturn, which we believe has been a significant factor in lowering current year demand, we remain prepared to handle an increase if circumstances change.

The Department has implemented a long-term strategy to increase staffing levels and infrastructure necessary to meet the higher demand for passports stimulated by WHTI. We hired hundreds of additional passport adjudicators and support staff. The Department maintains a reserve corps of passport adjudicators to supplement our full-time Passport Services staff. This gives us the ability to react quickly to demand surges. We have systems in place to quickly augment the adjudication workforce and to distribute passport processing workload among our facilities.

The Arkansas Passport Center (APC) opened in Hot Springs in 2007 and was a key addition to our passport facilities. APC is a departure from our other passport centers, which have production and adjudication resources, in that it focuses solely on printing and mailing passports. It has the capacity to print 10 million travel documents per year. The centralization of passport printing and mailing frees up space and personnel at our existing passport agencies, allowing them to focus on the critical areas of customer service and adjudication. Using the Arkansas Passport Center as a model, we opened a second printing and mailing facility in Tucson in May of 2008. This facility, like the one in Arkansas, will have the capacity to print more than 10 million travel documents per year. The Tucson center gives us redundant capabilities that substantially improve our passport production systems.

***Expanding Passport Acceptance Facilities***

One of the Department's key objectives is to ensure that passport services are provided in a secure, efficient, and courteous manner. Our services need to be easily accessible in order to make our application process as convenient as possible for citizens. Currently, citizens can apply for a passport at more than 9,400 passport acceptance facilities at post offices, clerks of court, and other government offices nationwide. The vast majority of passport applications are submitted via a designated acceptance facility or mailed directly to us.

We have heard the concerns of border residents, and maintain an extensive network of acceptance facilities along the northern and southern border regions. There are currently 301 acceptance facilities located within 25 miles of the U.S.-Canada border and 128 acceptance facilities located within 25 miles of the U.S.-Mexico border. Since the end of calendar year 2006, we increased the total number of facilities within 25 miles of the Northern border by five percent and the total number of facilities within 25 miles of the Southern border by 15 percent.

Our largest acceptance agent partner, the United States Postal Service (USPS), has held several successful passport acceptance events in border regions around the country. These "Passport Fairs" help meet high customer demand for passports in underserved areas. The USPS plans more of these passport acceptance events leading up to the June 1, 2009, implementation date.

***Passport Agencies***

The Department plans to officially open three new Passport Agencies in Detroit, Dallas, Minneapolis, in 2009 to serve border communities readying themselves for WHTI land and sea rule requirements. I am pleased to inform the Committee that the Detroit ribbon cutting is to be held next week, on May 11th, and the others will follow shortly. These new agencies will provide expedited service to citizens with imminent travel plans, and will have the capability to issue passport books and cards on-site to qualifying applicants. The American Recovery and Reinvestment Act of

2009 provided the Department with funding to construct additional passport facilities, which will enable us to expand our operations further over the next two years to provide services in more locations.

The Department evaluates several criteria to determine the location of new passport agencies, including accessibility, distance from an existing passport agency/center, volume of current passport applicants, service and volume of international and domestic departures, and population trends.

We took action to expand our existing agencies along the northern border in Seattle and Chicago, and are doubling the size and adjudication capacity of the National Passport Center in Portsmouth, New Hampshire. Along the southern border, we are expanding our facilities in Houston, Miami, and New Orleans.

#### ***Passport Card***

We began full production of a wallet-sized passport card in July 2008, in response to the desire expressed by American citizens who live near the land borders for a more portable and less expensive document than the traditional passport book. The passport card is designed for the specific needs of border resident communities and is not a globally interoperable travel document like a traditional passport book.

The passport card will facilitate entry and expedite document processing at U.S. land and sea ports-of-entry when arriving from Canada, Mexico, the Caribbean region, and Bermuda. The card was designed and priced specifically as a limited-use passport that works with the radio frequency ID architecture for WHTI documents found only at the land borders of the United States. By regulation, it may not be used for international air travel. It does constitute primary proof of U.S. citizenship and is adjudicated to the same exacting standards as passport books.

The card has the same validity period as a passport book: 10 years for an adult, and five years for children 15 and younger. First-time adult applicants pay \$45 for their cards, and cards for children cost \$35. Adults who already have a passport book may apply for the card as a passport renewal and pay only \$20 (no execution fee required). (Children 15 and younger are required to appear before an acceptance agent and therefore must always pay the execution fee.)

To meet the operational needs of the Department of Homeland Security's Customs and Border Protection (CBP) and to facilitate document processing at U.S. ports-of-entry, the passport card uses vicinity-read radio frequency identification technology (RFID). The vicinity-read RFID chip in the passport card contains no personal information; it has only a reference number that points to a stored record in a secure DHS database. This reference number does not appear on the face of the card and is not used for any official record keeping purpose. RFID readers mounted at the side of the traffic lane at ports of entry allow Customs and Border Protection officers to pull up the database records of card holders as they roll up to the inspection booth, facilitating inspection and entry of legitimate travelers. The cards are issued with a protective "attenuation" sleeve for storage which prevents reading of the card when not in use; the signal from any RFID reader is blocked while the card is kept in its sleeve.

This card is the result of an inter-agency effort to produce a durable, secure, and tamper-resistant card for the American public, using state of the art laser engraving and security features. To ensure durability for the ten-year validity period, we chose to make the card of a sturdy polycarbonate composite material rather than the standard plastic used for ID and credit cards. The Department has benefited from the collaborative efforts of the National Institute of Standards and Technology (NIST), Sandia National Labs, the DHS Forensics Document Lab (FDL), and, of course, colleagues at CBP. To ensure the durability and integrity of the card, the Department subjected the test cards to a full battery of durability and chemical testing at Sandia National Labs in accordance with guidance from NIST. In consultation with the DHS/FDL, the card is designed with multiple layers of overt, covert and forensic security features to guard against tampering and counterfeiting and to provide easy visual verification to CBP officers.

#### ***Public Outreach***

Public outreach is the key to successful implementation of WHTI. To better prepare American travelers for the June 1, 2009, implementation date, the Department has contracted with a marketing firm and launched an outreach campaign providing information to Americans about WHTI requirements, the new passport card, the differences between the card and the traditional book, and encouraging them to apply for their documents early.

We are in the final stages of full WHTI implementation. Working together, the Department of State and DHS are in the final phase of our concentrated public education efforts utilizing targeted advertising with local media in areas with high populations of persons who use the land borders. Over the past year there has been

significant media coverage of WHTI across the country, at the national level and in the critical border states. The Department of State has reached out across the country at events ranging from travel shows to naturalization ceremonies. We have joined with CBP at events on the border as the new WHTI infrastructure has been rolled out. Our own paid advertising has complemented the DHS media campaign with billboards, radio spots, e-mail blasts and web banners aimed specifically at border communities. Our passport agencies, along with the numerous passport acceptance facilities in every corner of the United States, have made a tremendous effort to be out in their regions, especially along our border. We will continue to reach out to our customers and neighbors with passport fairs, press releases, and visits to their post offices, town halls, and libraries.

***Reaching Target Demographics***

We have seen several trends that indicate our combined efforts in increasing production capacity, adding acceptance facilities and agencies, and outreach are reaching many of our key target demographics. Passport card applications are increasing. Passport and passport card applications tend to be higher in border states than in non-border states. This is true for both the northern and southern borders.

***Conclusion***

We understand that security and efficiency at our borders are essential to the national security and economic well being of the United States, and of our neighbors to the north and south. The economic well being and general welfare of border communities depend on the free flow of people and goods. As we have stated since announcing WHTI four years ago, we are committed to implementing WHTI in a thoughtful manner that facilitates trade, travel, and tourism while enhancing our national security. We believe we are well positioned to meet current passport demand, and we have substantially augmented our capacity in order to meet future growth. We have worked closely with the Department of Homeland Security and U.S. Customs and Border Protection to inform the American public of the upcoming WHTI deadline and to give traveling U.S. citizens the documents they will need to comply with the new WHTI requirements.

Thank you and I look forward to your questions.

Ms. SANCHEZ. I thank all the witnesses.

And as customary, it is now time to question. I will remind all members that we will have the lights on, and members will get 5 minutes. And I will begin the questioning of our witnesses.

Mr. Winkowski, welcome. This stimulus package that we passed earlier this year provided \$700 million for port of entry infrastructure improvement. While the increasing size of cross border commuters and there is an aging port infrastructure, I believe that WHTI is going to put even additional stress on these ports of entry.

So my question to you is can you give this subcommittee an update where CBP is in improving some of the major land ports on our northern and southern borders? Is there a priority list for ports of entry that need the most infrastructure improvement? Maybe he can start with those two questions.

Mr. WINKOWSKI. Yes, thank you very much for that question. As you stated, we received \$720 million in the stimulus package and truly appreciate the support for that funding.

Actually, CBP received \$420 million for the CBP-owned facility, most of which are up on the northern border. And the GSA received \$300 million to refurbish several ports of entry, primarily on the southwest border.

So we have a plan. We have a joint program management office with the GSA. We have a number of facilities that are in the process of going through environmental studies and things of that nature. This is absolutely critical for us because of the aging infrastructure. Many of our buildings are more than 40 years old. That money has been earmarked for certain locations in priority order that we have worked up along with the GSA.

Ms. SANCHEZ. And what types of improvements are we talking about? And why is the GSA involved? I mean, I know, but maybe some of the other committee—

Mr. WINKOWSKI. Yes, well, in CBP we own some of the facilities, so that is that \$420 million that we got from the stimulus package and other locations permanent on the southwest border. GSA owns those facilities, and we lease from them.

The enhancements go from major renovations, adding additional lanes, additional facility space, additional cargo locations to much-needed repairs and alterations. It is on a site-by-site location.

Ms. SANCHEZ. Mr. Barth, do you have anything to add to that, or—?

Mr. BARTH. No, I think that as Mr. Winkowski said, this is long overdue, and we appreciate the funding by the Congress. The relationship of GSA is very strong, and we expect to spend the money to good effect in the very near future.

Ms. SANCHEZ. Thank you.

Mr. BARTH. Thank you.

Ms. SANCHEZ. Mr. Winkowski, we have put a lot of money into the budget in the last 3 or 4 years, in particular with respect to staffing.

And I think, for example, I was talking to Chief Aguilar, we have gone in the last 4 years or so, actually about 3 years, from about 8,000 to almost 20,000 or so, from a staffing slot perspective. And, of course, he has been talking about how difficult it has been to recruit and the training that goes behind this.

Do you think that the implementation of WHTI is going to exacerbate any of the staffing shortages that we have seen? And the second question would be about the training of the officers with respect to the new requirements and procedures.

Mr. WINKOWSKI. First of all, the Congress has been very, very generous to us in field operations when you look at the increase that we received, particularly in the area of our CBP officers and also in the agricultural specialist side.

As you know, WHTI, the WHTI budget gave us nearly 300 additional CBPO positions, and we very much appreciate that and have the majority of those officers on board.

My view of this is that WHTI is going to make their job much more efficient and effective. We need to keep in mind, and we could take a kind of walk down memory road, that prior to January of 2008 when we eliminate the oral declarations, that are officers had over about 8,000 different documents that individuals could present to us on the border to prove their identity and their citizenship.

That is no longer the case, and certainly when WHTI comes in, that will eliminate that process totally. So I believe WHTI, with the RFID technology, the new license plate readers, the whole WHTI package, the WHTI solution, and our new vehicle primary client, it will make our officers much more efficient and effective.

Ms. SANCHEZ. Thank you.

I am going to try to make another set of questions, but I would like to give some to the other members here. I think we all have so many questions.



At this particular time, I would like to recognize the ranking member of the subcommittee, the gentleman from Indiana, for his questions.

Mr. SOUDER. Let me first follow up, Mr. Winkowski, with the—you said 8,000 documents, an historic—when you get all the enhanced driver's licenses and everything together, how many do you think?

Mr. WINKOWSKI. We are going to come down to a handful. When you count, you know, the passport, the passport card, the NEXUS, the FAST, the SENTRI, the enhanced driver's license, and also in some limited cases we have—and Dr. Barth referred to this in his testimony—you know, the military IDs and the merchant marine. In fact, we are down to less than about 10.

Mr. SOUDER. And since these are—well, will the states vary? In other words, one of the questions here is they are more technical documents now with more sophistication in them.

Mr. WINKOWSKI. Yes.

Mr. SOUDER. Will you have the ability to read all the variables fast? in other words, the different state cards, the military cards, because the sophistication is greater?

Mr. WINKOWSKI. That is correct. Particularly when you are looking at the passport card, our Trusted Traveler program and our EDLs, which all those documents are vicinity RFID readable.

So the idea here is when a car comes up, they show their card to the tech—the pad on the lane, and by the time that automobile enters up to the booth where the officer is, we have already done all of our checks.

We are estimating, Congressman, that we can save between 6 and 8 seconds per passenger. And that is real-time.

Mr. SOUDER. And are the state driver's licenses included in that?

Mr. WINKOWSKI. Yes, they are. They are—

Mr. SOUDER. Because they all have to be machine readable on the machine that you have.

Mr. WINKOWSKI. You can read them with the technology, the vicinity technology, where you hold it up to the pad and it reads it. And it also can be read by a machine.

Mr. SOUDER. And are the Canadians doing a similar thing on their side? I know British Columbia—will their provincial licenses be able to be read?

Mr. WINKOWSKI. Right. Yes, in the same manner, yes.

Mr. SOUDER. And do you expect this to be your fastest growth category in state driver's licenses? What kind of mix are you looking at here in the—?

Mr. WINKOWSKI. I think our fastest growth, as Mr. Brennan mentioned, is the passport card for the U.S. citizens with—the Canadians are highly compliant with their passports, so we are hoping that as the province is open up and more EDLs are issued, that Canadians will get the EDLs.

Mr. SOUDER. And, Mr. Brennan, you gave some numbers on you know the 40,000 a week million. What percentage of the number of people who cross currently—this is difficult, because there are more of a crossing—what percentage are you estimating of what you have out right now versus historic usage is the gap?

Mr. BRENNAN. I am not sure I fully understand. In terms of what we have out now and—

Mr. SOUDER. If 15 million people—you know, not number of crossings, but number of people—if there are 15 million people who in the course of the year cross the border north and south, what percentage are covered with eligible? And that is a pretty basic question.

Mr. BRENNAN. Oh, with the RFID documents?

Mr. SOUDER. Yes.

Mr. BRENNAN. Yes. I think it is a little bit too early to tell, because we will only know that when the cards are—when all the infrastructure is in and the cards are being read. There are only 1.1 million in circulation at present, so as a percentage of total travel, that is going to be low.

Mr. SOUDER. No, this—I am sorry. I have a business degree—this is a kind of a pretty basic question. I realize the detailed accuracy with the card. But if you know how many states have a compliant driver's license, everybody in those states would be, you know, qualified.

If you have the number of people in the military level qualified thing, that is another percent, and—but this is kind of pretty basic, because one of the major goals you should have is here is the number of people who cross, here is how many we have. That will vary by year. It is not a precise science, because you are doing estimating.

But in estimating, I would think that would be one of the primary things that the department should be trying to estimate. It is what is the gap and are we closing it?

Mr. Winkowski?

Mr. WINKOWSKI. If I could take a crack at that, we are estimating and really confident on this number, that 80 percent of the crossings today have WHTI compliant document, okay? Now, it is an assortment of documents, so we have the passport, the EDL, the passport card.

We are estimating that by June 1st that number is going to increase. So we have about 271 million crossers on the northern border and southern border. Our numbers show that 80 percent right now are compliant, and that number will grow.

Mr. SOUDER. And 80 percent of the numbers of people, or 80 percent of the numbers of crossings, because people who cross a lot—

Mr. WINKOWSKI. Crossers. Crossers could be multiple times.

Mr. SOUDER. Okay.

Mr. WINKOWSKI. Right.

Mr. SOUDER. Thank you.

Ms. SANCHEZ. The chair now recognized Mr. Green of Texas for 5 minutes.

Mr. GREEN. Thank you, Madam Chair.

And I greatly appreciate the opportunity to visit with the witnesses. I have listened to the testimony, and I am impressed with what I have heard.

I would like to ask a couple of questions concerning a circumstance that might arise that were not anticipating. Let us assume that things don't quite as well as we would like them to. Is

there a plan B in place? Example: card reader fails, and we now have some backup for that reader. Is there something in place to help us in the event we have systems failure that does not anticipate it?

Mr. WINKOWSKI. Yes, and we have mitigation procedures in place. That actually happens today. It is few and far between when it does happen, Congressman, but we do have it at times when our system goes down, and we have mitigation procedures in place.

Or in a case where there is slow response time, we have mitigation procedures in place that enables us to continue to protect the homeland while at the same time being cognizant of backups and traffic delays.

Mr. GREEN. Do these mitigation procedures involve rerouting traffic, or—I don't want you to give me anything that would compromise security, but I am curious as to how you can accomplish this, given that plan A is designed to move people as quickly as possible.

Mr. WINKOWSKI. In some locations the bridge authorities have electronic networks that they can show to drivers as they are on the highways to go use different bridges.

I think that is one thing that we need to get much better at from the standpoint of being able to direct traffic from one location that is backed up to two miles down the road that is not as busy.

I think the stimulus package money will enable us to do some of that in partnering up with our partners in the bridge authorities.

Mr. GREEN. Now, let us talk about exceptions. I know that we always have some exceptions, and I am respectful of exceptions. The question is how many have we made in terms of documentation? If I need to be more explicit, I can, but if you understand, then you can respond to what I said. I would appreciate it.

Mr. WINKOWSKI. If you could give me a little more—

Mr. GREEN. We have an exception for the Amish, and I think that is a good thing. I respect religion. Are there other exceptions?

Mr. WINKOWSKI. Well, we have the Amish, as you mentioned. We also have our tribal nations.

Mr. GREEN. Tribal?

Mr. WINKOWSKI. Tribal nations.

Mr. GREEN. Tribal nations.

Mr. WINKOWSKI. Our Native Americans. We are working. Come June 1st, the Native Americans will be able to continue to present their picture tribal card. We are working very diligently with them in developing an enhanced tribal card.

We have one tribe in Idaho that has already agreed to and signed the necessary documents to develop the enhanced tribal card. We have several more to go. And we have been working with tribes very, very closely. We have about 40 tribes, as I recall, that live near the border, the northern, southern border.

Ten have acknowledged the memorandum of agreement, and we are working out the details. It is complicated. There is costs associated with the tribes developing the enhanced tribal card. There is an issue with vendors.

For example, in Idaho the one tribe that is flooding on to produce the ETC, they are very smart. I believe their tribe has about 140

members, and it is hard to find a vendor that is willing to put the infrastructure in place and the costs associated with that for 140 cards.

Mr. GREEN. With about 50 seconds, let me ask this. Commerce lanes. I assume that you have specific lanes for commerce. Is this correct?

Mr. WINKOWSKI. Yes, we have the commercial cargo lanes, yes.

Mr. GREEN. And are you comfortable with the number of cargo lanes, such that we will get the traffic, the commercial traffic, through?

Mr. WINKOWSKI. No. In some areas we are woefully—the infrastructure is not acceptable. The \$720 million from the stimulus package will help us rectify that in a number of locations.

And you need to keep in mind that we are estimating that it is about \$6 billion to fix the infrastructure at our land borders. And I think we are off to a good start. We very much appreciate the \$720 million that we received.

But there are areas around the country that we don't have enough infrastructure in place, whether it is the cargo side or the pedestrian side of the vehicle side.

Mr. GREEN. My time has expired. Thank you very much.

Thank you, Madam Chair.

Ms. SANCHEZ. I thank the gentleman from Texas.

And now we have Ms. Lofgren, a colleague from California for 5 minutes.

Ms. LOFGREN. Thank you, Madam Chairwoman.

Several of us have expressed concern about the reliability, physical security and counterfeit resistance of two of the WHTI cards issued by the State Department, the passport card and the Mexican border crossing card.

And Howard Berman, the chairman of the Foreign Affairs Committee, myself and a number of other members have asked GAO to take a look at the security features of these cards. And I am confident that GAO will do a thorough job and report back.

But I am wondering if we have thought through. We have issued now a million of cards, if I heard you correctly. What are we going to do if GAO comes back and says, "Here are the deficiencies, and it is vulnerable?"

Mr. BRENNAN. We are, of course, working very closely with the GAO. You know that we believe that the card is a good product, that it is durable, that it is secure. And we—and GAO—we know that there are differing views. And GAO is undertaking their investigation now.

When they come back and recommendations, we will of course take them on board, and we will attempt to incorporate them. But we don't know what their findings will be.

We have attempted to be as cooperative and forthcoming with them in their investigations to date. And we have in fact encouraged them to move forward as quickly as they can, because they do have recommendations that would affect changing the cards so that we could determine how to implement.

Ms. LOFGREN. Do we know when the report will be done?

Mr. BRENNAN. We don't really. I don't really want to speak for GAO, but I have consulted with them. They are aware of what we

are doing now. They are aware of what plans we might have for the future.

Ms. LOFGREN. Madam Chairman? Madam Chair? Madam Chair? I wonder if we could ask GAO for a status report on the report they are doing and at least an estimate of when they expect the report to be concluded, because one of the things I wondered is if it is a near-term saying, whether it might make sense to hold off. If it is going to be a year, obviously that would be a different outcome.

Mr. BRENNAN. Well, we agree completely. And I will be frank and perhaps step over the line a little bit. We have asked GAO to complete that. Their study, of course, includes the card, the card's use, you know, it is reading and data transfer, a variety of things.

And we have asked them to complete the section that deals with the card as quickly as possible. And if that is acceptable to the members who have requested it, then we will, of course, appreciate that.

Ms. LOFGREN. Well, I will move on to my next question, because I think we really need to ask GAO, and it is not fair to ask you—

Ms. SANCHEZ. The chair will take it under consideration and talk to GAO.

Ms. LOFGREN. I appreciate that.

I want to talk about the readers. Now, my understanding is that we are only going to install the RFID readers and flash card—the RFID readers at—is it 34 or 39 of the 150 land?

Mr. WINKOWSKI. Thirty-nine.

Ms. LOFGREN. Thirty-nine.

Mr. WINKOWSKI. Thirty-nine locate ports.

Ms. LOFGREN. So I guess the question I have is that since everyone will know where the readers are, what level of security are we going to have? You know, if I want to have a counterfeit card, then I go to the area where there is no reader, right?

Mr. WINKOWSKI. Well, no, not actually. There is a couple of things. The 39 locations have multiple crossings, which account for 95 percent of the crossings.

Ms. LOFGREN. I thought it was 96 percent, but still—

Mr. WINKOWSKI. Right. But the locations that do not have the RFID will still have the machine-readable technology, so they will still be read and go through this different—it is the same system. It is just how it is read.

With the RFID vicinity, you sit in your car, and you flash your—

Ms. LOFGREN. So you will have machine readers that every single land port.

Mr. WINKOWSKI. They have been there for years, yes.

Ms. LOFGREN. Okay. Well, that is good news.

I am wondering in terms of the—and maybe it doesn't make a difference, if it is only 4 percent, but whether the movement of individuals and goods across the 4 percent were we won't have the RFID readers is going to be smooth, and whether we should anticipate jam ups and interference with commerce at those sites.

Mr. WINKOWSKI. No, we don't anticipate that. The locations that don't have the WHTI solution are very small. We do have a plan, and Congress has been very generous with this program, where we

can go out and begin expanding to all 100 locations on the northern and southern border, okay?

Our focus was on the big ones, the 39 ports of entry that captured 95 percent of the crossing activity. Our plan here is to go out and put the WHTI solution in all the locations.

Ms. LOFGREN. Okay. Thank you very much.

I yield back, Madam Chair.

Ms. SANCHEZ. Thank you to my colleague from California.

Just to elaborate, what you are saying is that the WHTI card, or these readers, would be at these 39 places, but that is just to get the information ahead of time before the car or the person crosses. But that same card will be read by machines that all of the crossings that we have.

Mr. WINKOWSKI. That is correct.

Ms. SANCHEZ. It is just a way of sending information two or three cars ahead of time.

Mr. WINKOWSKI. That is correct.

Ms. SANCHEZ. Okay.

I now recognize my colleague from Texas, from a big border state. I think you have several crossings yourself in your district. Mr. Cuellar, for 5 minutes?

Mr. CUELLAR. Thank you very much.

And I think out of all the members of Congress, I think I have more border crossings than anybody else, so border crossings are very important to me.

Madam Chair, thank you very much for having this particular meeting.

And to the three witnesses, thank you for the service that you all provide.

One quick question. First of all, Mr. Winkowski, I appreciate the work. I think you have done an excellent job in improving at improving the operations and make him sure. I know, for example, at Laredo we have become, I guess, the first port in the country that is 24 hours a day. And I appreciate, you know, exactly. And we appreciate that and having the proper staffing.

But I would ask you just one quick thing. We—Chairman Thompson, myself—and I think I first asked you this question back when we were in the bathroom. Could you give us now under this new administration what will be the staffing that you would need to properly staff the northern and the southern border?

I think we have heard the 4,000 members, but if you can get that over to the committee, I know that both Chairman Thompson and myself had asked, and I had asked you when we were in El Paso. One, I would ask you to do that.

And, of course, the other thing is what would it be to—what do we need? And I have heard the numbers 4.9, but I would like to get it from you all as to the facility staffing. And again, I would ask you all to get that, because we want to work with you. We want to provide you the staffing.

I know that under the president's proposal for the Southwest initiative, he talked about—I think he is talking about another 65 new customs agents. I think personally it should be a lot more than 65, because we have done a good job at men and women of men and women in green, which is Border Patrol, but it is the men and

women in blue, which is Customs, to make sure our legitimate trade and movement of people and goods move, go on.

So I would ask you to provide that to us. But I know last year I think we were on it for about 6 months, and quite honestly after both the chairman and myself asked for it, we thought were going to get it. We got a lot of off the record comments, but I would ask you to do that, because I think we want to help you.

But again I want to thank you for the work that you all have been doing in this particular area.

My second question goes then to Mr. Brennan. We met with Secretary Clinton before she took off to Mexico. And one of the issues that we talked to her about was on the passport that has to do with midwives. You are familiar with midwives, are you?

Mr. BRENNAN. I understand that there is ongoing litigation on this, yes.

Mr. CUELLAR. Okay. And I am not talking about litigation. I am talking about just the issue itself. The issue that I have is in fact I think there were five members that were present, including myself, that said, "Hey, we were delivered by midwives."

As you know, midwives are used in different parts of the country, but let me talk about in an area that has a lot of Hispanics in the border don't have the resources to go to a hospital, so therefore they are delivered by a midwife at home.

And the reason I say that is because even though I have asked the department that said they are not red-flagging midwives, but it almost feels, at least talking to my constituent workers, people that do with those cases, that there is almost a red flag.

I understand there has been some fraud with some midwives. I do understand all the history. I have worked on this legislation even at the state level. I do understand all the history.

But I would ask you all to look at the midwives, because it is something that—or the issues of passports dealing with midwives, because I don't want you all to automatically target the people that were delivered by midwives—just say, you know, where there has been fraud, so therefore we are going to target you all.

I would ask you to look at that and then let me sit down with you later on this particular issue. I am just saying it is an issue on the border. Secretary Clinton says she was going to assign somebody. And I am sure I don't know if it was you, whoever it was, but I would ask you to look at this particular should, because it is a big issue.

Mr. BRENNAN. It is a big issue, and we have people working on it. And they are actually under the passport office, and I am not really engaged with them on a day-to-day basis.

As I have mentioned, there is ongoing litigation that involves some aspects of this, and we are certainly more than willing to meet with you at your—to discuss the issue further. And I can get the people who have the best answers for you.

Mr. CUELLAR. Yes, and make sure they come up with another answer, because I met with them I guess almost a year ago, and they said they were going to change things, but I still get—

Mr. BRENNAN. A lot has happened in the year, sir.

Mr. CUELLAR. And I was going to say there is a new change, and I appreciate it, and I would like to sit down with you, because it

is an issue, and it is coming up pretty quickly. So as soon as you all can set up the meeting, I would appreciate it.

But Mr. Brennan, I thank you and the other two witnesses. And I appreciate the service and job.

Mr. BRENNAN. Thank you, sir.

Mr. CUELLAR. Thank you.

Ms. SANCHEZ. Mr. Massa, are you ready to ask your questions? Five minutes to the gentleman from New York.

Mr. MASSA. Thank you, Madam Chair.

And I apologize for arriving late, but I wanted to make sure and that the district I represent has flowing through the vast majority of the travel and engines coming from the Niagara area border and as to the New York Thruway.

And so when the field hearing was held in the past, our area was a prime focus for these matters. And I apologize if this has been asked before, but as you know, the accessibility of passports, one of the main documents now required under this initiative, has some measure of significant backlog associated with it.

And I have been hearing an awful lot of feedback from constituents in my district. And again I ask your patience if this has already been addressed. But to the individual that would be best qualified to answer this, can you help me with explanations that I can give to my constituents back home about what is being done, what can be done.

People aren't really against having a passport. It is the delays and the complexity of obtaining them that I am hearing so much about. So to the individual best qualified to address this, if you could assist me, I would be deeply appreciative.

Mr. BRENNAN. I would guess that is me. And currently, passports on our Web site we are indicating it takes 4 to 6 weeks for regular application, 2 weeks for an expedite. These are basically the normal service levels that we have had for a long time.

Right now there are no systemic backlog in the pipeline. We really have every confidence we can maintain those service levels as we move through this deadline and beyond.

Mr. MASSA. So, sir, if I could just recap. A month to 6 weeks for a normal application—

Mr. BRENNAN. Correct.

Mr. MASSA. And then 2 weeks for expedited.

Mr. BRENNAN. That is what we are telling people, yes.

Mr. MASSA. Is there an emergency passport capability on weekends?

Mr. BRENNAN. There is ways to get emergency passports by special arrangement.

Mr. MASSA. Yes.

Mr. BRENNAN. That can be done at passport agencies.

Mr. MASSA. I would appreciate if you could communicate with my office what the procedure.

I recently had a case of an individual who admittedly through their own fault, but, you know, but for the wisdom of the good Lord above, there we have all gone, have lost something on the weekend. And that individual had a medical emergency in the family back in the United States and was unable, and we did not know how to help to help that person on the weekend.



I personally spent some humorous amount of time dialing through all the State Department numbers that were listed, and so if you could help me with that, I would be very appreciated.

Mr. BRENNAN. Just to clarify, they were abroad, attempting to return?

Mr. MASSA. Yes. But I suspect that there are also cases of being at home, and a medical emergency of a loved one overseas, where they would have to travel in an hour.

Mr. BRENNAN. If you could get us on the case, we would be glad to look into it. The capabilities around the world do vary.

Mr. MASSA. I ended up having a staff member go to the hospital and be with the family member, and then they came in on Monday. So everyone was happy in the end. But passports and their timeliness and their accessibility—and they should be hard. I don't say they should be something that you find in the box of cereal. I understand that.

But if there are exceptions and procedures that I could be educated on for the benefit of my constituents, that would be a help.

Mr. BRENNAN. In general, overseas passport—emergency passports can be obtained in a day. But as I said, the circumstances will vary, depending on where these people were. And we will be glad to look into it, if you give us the details.

Mr. MASSA. Thank you. And the last portion in a minute is costs. Can you speak just a few seconds about costs of passports?

Mr. BRENNAN. Costs of passports currently I believe is \$100 for an adult. I would have to look up, quite frankly, the children's cost. The passport cards, \$45 for an adult first-time applicant, \$35 for a child.

Mr. MASSA. Are there any exceptions made for—conveniences made for those who are an exceptional financial difficulty, especially during the times that we live in?

Mr. BRENNAN. There is no sliding scale on the passports.

Mr. MASSA. No sliding scale.

Mr. BRENNAN. No. People who already have a passport and wish to attain a passport card, because it is more convenient to use it to cross the border, the cost of that is \$20 for a 10-year document.

Mr. MASSA. Thank you very much, sir.

Madam Chair, I yield back my time.

Ms. SANCHEZ. I thank the gentleman from New York.

We were just having a little discussion earlier about sliding scales and things of this sort, which I think in these times especially, or for the tribal units, for example maybe, but we will discuss that with our Foreign Affairs appropriators and others, I guess, or maybe with Ways and Means also. It would be a multi-jurisdictional issue.

I think we are going to ask a couple of more questions before we dismiss this panel to get to our second panel.

I actually have a couple of questions for you, Mr. Brennan, just so we make sure that your time appears well spent in front of us. I don't want you to think we are preferential to the Homeland people.

With the deadline coming up in a few weeks, I was interested. You said that you were going to—I am sorry, that you learned from

the past month's problems and that you have staffed up, and you have additional people to do passports and applications.

I am interested in the trends of what you are seeing as far as what people are applying for. Specifically, have you noticed any relevant trends in passport applications and issuance as we approach the deadline?

In other words, are we seeing more people along the northern border request these cards, or more from the southern border, or vice versa?

And we also have some questions about the security features on the passport card. With the passport card now having been in use for a few months, can you talk to if you have seen any fraudulent cards and what you are seeing as far as the security aspects of the particular card?

Mr. BRENNAN. We have some pretty good general information on trends. In terms of the cards specifically, card demand is going up. When I mentioned some figures in my opening statement, we were seeing about 20,000 card applications a week in October 2008.

We are seeing between 40,000 and 50,000 a week now. That has been true since the beginning of April. We don't know how long that trend will occur.

This is not a huge number of applications, given the total number of passport applications received in a week. The vast majority of Americans are documented with passports—90 million compared to one.

But we have seen that. There is greater penetration for passports and passport cards in the border states in terms of percentage of population and then in the population as a whole. But it varies greatly.

Some generalizations can be made other than that. The passport card uptake is higher on the southern border than it is on the northern border. It is particularly high in your state, which as an absolute number is responsible for the largest absolute number of passport cards, and the percentage of people who hold it was also close to the top, but not at the top.

We have seen some other states take off from relatively low bases, Arizona in particular. Texas, which is looking low, is moving up. There are countervailing factors which affect passport card demand, such as availability of enhanced driver's licenses and things, so we see lower uptake in Washington State, which has a mature EDL program.

So we have been tracking those trends closely, mostly to see, you know, what quarter we are hitting and where we are missing and reduce the penetration where we would expect it, which is in the northern and southern border, along with transportation corridors and reduce these trends continuing.

You know we will get pockets, you know, where penetration is well above 40 percent of the total population for a WHTI compliant document. We issue either a passport or passport card. California as a state is quite high as well.

Ms. SANCHEZ. Have you seen any fraudulent cards. Have you seen any?

Mr. BRENNAN. You might want to add CBP as well, but we do talk to them. We have not seen any fraudulent cards per se. In

other words, we are not seeing any attempts that I know of, or that I have been made aware of, to duplicate the card or produce a counterfeit of the cards that we have in circulation.

What we do see is occurrences of the most prevalent fraud that we get for every card, which is imposture and look-alike fraud. In other words, people carrying legitimate cards and—but it actually has been issued to someone else. Both have definitely been detected, both for the border crossing card and the passport card.

And maybe Commissioner Winkowski might want to talk to that, but there is things with WHTI that actually I think will help our ability to focus on impostures in inspection.

Mr. WINKOWSKI. Certainly, you know the security features that are built into the card, the fact now that our officers in the booth can get all that information in front of him or her through our vehicle primary client out of WHTI.

Before, it was a green screen with a bunch of numbers on it. Now that officer has got the picture, has got the number of crossings, when those crossings took place. So from the standpoint of keying in on those individuals that need a little extra scrutiny, that officer has got a full bag of tools.

And your other question, Chairwoman Sanchez, just to give you a kind of comparison, when you look at the cards that we issue, the Trusted Traveler cards—for example, the NEXUS, you look at January 2007. We had about 2,800 applications in January 2007. January 2009, you know, 9,300.

So we are seeing a spike. Up on the northern border, we are seeing individuals looking at their options and saying, “Gee, I really want to be part of the Trusted Traveler program.”

So that is a very significant growth. And we are up to date. We are current. We are turning those around in about 8 to 10 days.

Mr. BRENNAN. Sorry if I was a little obtuse with the question earlier about penetration, but the figures really appear at—was CBP’s end. But our feeling, based on what we have seen, all right, with issuance trends and what they have told us is that frequent travelers have the message and have the documents right now to basically comply.

Ms. SANCHEZ. Great.

Mr. BRENNAN. There is always more that can be done, and there are populations that we know perhaps we need to continue to work with long after the deadline. But reduce the awareness out there, and we have made the ability to get the documents robust. And we will be able to supply them.

Ms. SANCHEZ. Thank you, gentlemen.

Yield some time to Mr. Souder for a few more questions.

Mr. SOUDER. Yes, the problem is the gaps and where they are. If it was 170 million—is that what you said the total was—and 80 percent of that was covered, or 85?

Mr. WINKOWSKI. I said 270 million were.

Mr. SOUDER. And that is the number of crossings or the number of people?

Mr. WINKOWSKI. The number of crossings.

Mr. SOUDER. And you know what the number of people who across?

Mr. WINKOWSKI. I don’t know.

Mr. SOUDER. Because, you know, if you said the number of crossings, we are covering 80 percent of them, that means 50 million crossings are going to run into a problem.

Yet now, if that moves up another 5 percent, that is not like a little number.

Mr. WINKOWSKI. No, no, but I—

Mr. SOUDER. And I am not proposing, as you heard earlier, that we delay, because quite frankly, at some point here that government's word for people, the 80 percent who have laid out the money, starts to become a real question.

Here they have laid out hard cash, they have conformed with the system, and our credibility is sinking each year that we keep delaying. So I am not arguing a delay. And I also believe that your policy of agent discretion is important in this.

But let me ask Dr. Barth. I assume you have a robust plan of feedback, that when agents are practicing discretion, that that is going to be fed back into the system for rapid analysis and attempted proposals to Congress to figure out how to do this gap before the 20 million all descend on our offices, or whatever percentage of them do.

Mr. BARTH. Yes, sir. The department is working very closely with all of our Northern border partners to make sure that we have an eyes open, fully aware system to make sure that if there is any fully unexpected problem at the northern or southern border, that we will be able to work with CBP to work around those problems immediately.

The secretary has looked the acting commissioner of customs in the eye, and they have an absolute pact to make sure that this system will not fall apart—

Mr. SOUDER. Because we are going to have questions like we talked about backlogs, different—you know, where we have little bursts.

I am talking about also a systematic evaluation, because I don't think it is too hard to figure out an estimation that two groups are going to be the bulk of the traveling that drops.

One are the casual travelers, because if you have it with the job or you are right on the border, you are going to do that. One is going to be casual travelers. And if it is tourism, restaurants, shopping areas are damaged, 10 percent can put you out of business, that casual travelers are going to be part of it. And your people at the border are going to figure this out almost immediately.

There is also going to be scuttlebutt. There is going to be letters, trying to get information in how we address that question.

The other is people who have lost their jobs or are low income. And even if they were, now that is—I have raised this for years in our national parks have.

If we are not careful, tourism or casual type behavior will become inaccessible to lower-income people in America, and that it is not like we don't have ways to do this.

Reduced and free lunch programs require identification. There is all kinds of worries about, you know, if you came into a park and you had to show your reduced and free lunch, how do you do this type of thing? But there needs to be a creative way to address this question.

For example, and that me just give you very personal example, in July I was—we are not in this position—I would have had no clue, because I started looking at I am going to be up along the north border and going into Canada. You can go to all the vehicles, Expedia, Orbitz and so on, be looking at hotels, all this kind of stuff—no warning that you need anything.

You can go to the Web sites of the different tourist lodges, different programs of what you are looking at—no warning that this is coming. But unless you go to a travel show or live in an immediate border state, the second-tier, you are basically clueless.

I saw nothing in researching a trip that suggested I was going to need something at the border. And that is kind of a warning that casual travelers—in other words, I don't go to Canada a lot, but I am only 140 miles from the border.

And a significant percentage of my home area casually travel, but maybe once every 3 years, once every 2 years, or if they are visiting a relative, they could think of going over for dinner—oops, do I really want to get a card, because it is an unplanned visit.

This is going to be the gap in the system, and we are going to have to figure out how to get that analysis. And I think we should be doing, and have prepared to go, a GAO study that just assumes and that you are internally studying this gap—similar on international travel.

And I also want to say that I think the biggest promise is the state enhanced driver's licenses, and it is because if in New York, everybody is eligible, why would they need a card, right? Is that correct? If they have an enhanced driver's license in New York, Washington—

Mr. WINKOWSKI. Right, they would not. All they would need is their enhanced driver's license.

Mr. SOUDER. So the enhanced driver's license is all they need to cross.

Mr. WINKOWSKI. That is right.

Mr. SOUDER. So nobody in New York needs to get a passport card.

Mr. WINKOWSKI. Only if they apply for that feature, that enhanced driver's license feature. So, you know, you go in for regular driver's license, you don't want an enhanced driver's license—

Mr. SOUDER. So it is not automatically—

Mr. WINKOWSKI. No, no.

Mr. SOUDER. You have to request it.

Mr. WINKOWSKI. No. There is an extra fee associated.

Mr. SOUDER. So are we working with states to try to get the state—this is what Washington and British Columbia were interested in working on, where every driver's license was in effect qualified.

Mr. BARTH. The driver's license issue is a complicated one, far more than it appears. The U.S. federal congressional he mandated standards as they now exist for driver's licenses address 50 states, the territories, for certain features that do not include the WHTI enhancement of the microchip that contains a number that provides the photograph for the customs inspector to expedite and facilitate the traveler.

It costs extra to have that feature, and the department has been working aggressively with all the border states, both north and south, to get them to a point where they will offer their citizens the enhanced driver's license with that chip, but it is not a requirement—

Mr. SOUDER. So if I am a New York driver, how much is that likely to cost me for my enhanced driver's license versus the—

Mr. BARTH. Typically, it costs about \$15 to \$20 more, but it varies from state to state. The state controls the added cost.

Mr. WINKOWSKI. We have got Washington State. We have got Vermont, Michigan and New York, and continuing to, and a number of provinces in Canada, so where we are making inroads there.

We want to give people choices. I mean, we want to give them choices. I mean, when you look at the border, at the passport card, that was really something that came up from the public, that they wanted some kind of document that was convenient, something they could put in their wallet.

Then you had the states jump on it from the standpoint of the enhanced driver's license. So I wanted to give people choices—Trusted Traveler. You want to, yes, you want to bring a passport around, you can do that also. So we wanted to open that up and not say this is the only document or these are the, you know, two documents you can have.

Mr. SOUDER. Thank you.

Ms. SANCHEZ. I will recognize the gentleman from New York.

Mr. MASSA. Thank you, Madam Chair. I would like to associate with myself with the comments of the ranking member.

I think you get some points, but I would like to perhaps place myself on report, if I may. I know it is just those of us here in the chamber. I am a New York driver. I just got a drivers license. How do I know if it is enhanced or not?

And I offer that question, because I would consider myself to be kind of informed some days, but when I went to get my driver's license, I saw no literature, no posters, no information. No one asked me the question. I had no knowledge. And I got this in October of last year, arguably before I had the honor of being seated.

And this drives to real fundamental question. What can we do, as this date approaches in a month, to have regional or local media? I know that we are going to be putting a great deal of effort in my office on this, because I expect a tidal wave of phone calls.

How can we avoid those problems, and are there any plans for some communication from the federal government to our constituents?

Mr. WINKOWSKI. Absolutely. First of—

Mr. MASSA. Oh, they can feel free to check my license. I just don't know if it is enhanced or not.

Mr. WINKOWSKI. New York has issued 60,000. I don't believe that they started in October. It was just recently that they began issuing the enhanced driver's licenses.

To your other question—

Mr. MASSA. I am providing a sample for consideration here. I am not used to surrendering my license to uniformed officers.

Mr. WINKOWSKI. It would say "enhanced driver's license."

Mr. MASSA. It would say it.

Ms. SANCHEZ. You can ask for it. You can get it.

Mr. MASSA. Yes, I didn't know. I mean, I just—

Mr. WINKOWSKI. Well, I am not sure when. New York just recently began this, and I am not sure they were issuing them in October. I can get you the exact month that they were doing that.

Mr. MASSA. No reason. I am illustrating this as a potential challenge, and I would—

Mr. WINKOWSKI. The other question you had regarding, you know, the outreach. You know, we continue to have a very, very aggressive outreach in all the northern border locations and the southern border locations.

I have been up in Buffalo area on business, and there is billboards, there is all kinds of advertisements on TV, print, media, certainly a lot of news on this out of the various Buffalo—

Mr. MASSA. Would the department be open to a mailing?

Mr. WINKOWSKI. In what regard?

Mr. MASSA. Well, you find that when people receive things at their home addresses, they tend to be aware and pay attention. And it is something with which we have some experience. I am wondering if the department might be willing to do that.

Mr. WINKOWSKI. Well, I think at this point what I would like to suggest is that we bring this up June 1st, and then we do our gap analysis of how we are doing from a complying standpoint? Do we have specific areas that are not complying, because perhaps we didn't do a good enough job in reaching out to that particular area, and look at an option like that of doing flyers.

We are coming up on June 1st. We can get, I think, much better picture of how this is going to shake up from the standpoint of compliance. Like I said earlier when you weren't you here, we are anticipating—right now we are at 80 percent compliance rate. We anticipate a higher rate—

Mr. MASSA. I thank the commander, and I placed myself in the 20 percent that is noncompliant, so—

Mr. BARTH. If I could add, Sir—

Ms. SANCHEZ. You have a passport, don't you, Eric?

Mr. MASSA. Yes, I do.

Ms. SANCHEZ. Well, then you are compliant.

Mr. BARTH. If I could add, the department has run television and radio spots over 21,000 times, particularly on the border states, while we have issued print advertisements in local northern and southern state print media, 124 times. We have advertised widely, the Web site that is available that tells you how to get what you need.

And the CBP at the border particularly focus on that 20 percent. They have handed out over six million tear sheets to those particularly who are noncompliant for the past number of months—tear sheet that it says what is the problem, why you need it, and what the variety of cards are that you can get and where you can get them.

So I think a mailing is an additional excellent idea. I think we did take that fact and consider it, particularly if the compliance rate stays lower than we would like. I think we have reached—

Mr. MASSA. And I thank the Department, and I commend them.

I just had my own experience, and I know that I am going to focus on this back in the district over the next 3 to 4 weeks, because I know what will happen, especially during the summer months, and the importance to the tourist economy in upper Western New York State. It is just critical.

So thank you very much.

Mr. WINKOWSKI. I understand that. And just to add that our Web site, since it has been created, over 390,000 visitors. And our advertisement that Dr. Barth talk about, over 275 million but they call impressions, people watching these commercials.

So I think we have done a very effective job of reaching out. We will know more as time goes on, because our work doesn't stop on June 1st. We have additional work to do.

Mr. MASSA. Thank you, sir.

And I yield back. Thank you, Madam Chair.

Mr. BRENNAN. If I could add a point or two, our media spending in the last month before the deadline is going to focus very heavily on newspaper, radio and magazines specifically in the border tier.

So we are going to continue to look at that—and not mailings, but we do and have done things like e-mail blasts, looking for a target demographic in those areas and sending e-mails about WHTI.

But I understand the concern about reaching general audiences, but there had been national parts of this campaign. And our general Web site, [travel.state.gov](http://travel.state.gov), which is one of the most visited in the U.S. government, features this.

And we have, I believe, looked at and I think implemented, but I don't have the media plan in front of me, things like banners on things like Orbitz or other travel sites like that and use that in the tact to reach this general audience, their second-tier audience.

But certainly more needs to be done, and we will continue to work on this.

Mr. MASSA. Thank you, sir.

I yield back.

Ms. SANCHEZ. Thank you to my colleague from New York.

And I would just add that Mr. Souder suggested that, just from that standpoint of being a district that would have travelers that would go across the northern border, for example, we might ask if the departments have an insert that we could put into whenever we do a Congressional mailing to some of our own constituents in areas like that. That might be a good thing to have.

Mr. SOUDER. Madam Chair, if I can, I was just talking to our esteemed director, that perhaps in the next—ideally, next week or the next week, but particularly those on the immediate border, if the department could come over—I understand you are going to deliver a pack of materials—but to say this is where we did our ads. This is what we have planned. This is what the billboards look like.

This is because we may have suggestions. Clearly, there are some gaps here. If you have 80 percent covered, you have clearly reached out pretty effectively to the day-to-day crossing that were. But there are going to be gaps here, and the next part we do for business is we market and how to be creative with some of the different agencies for the gaps we are hitting it, and also how to respond and how to use our office.



In fact, the emergency number—every single office runs into this weekend thing, that if there was a way, and most of the—let us say a significant percent are going to call our offices. And so if there is a way that our offices had an emergency number, there are ways to interact here, because the other alternative is for them to yell at us, and then you all get yelled at when you come up.

Ms. SANCHEZ. Thank you, Mr. Souder.

I am going to excuse the panel. Thank you for being before us. I excuse the panel. Tried to get the next panel up, which has two members on it. And we are going to try to get your testimony in, because we have just had the bells ring on the floor, so if we could make that switch pretty quickly.

I welcome the second panel of witnesses. Because of the crunch in time, I would ask the witnesses if they could summarize, if you can, in even less than 5 minutes, it would be great.

Our first witness is Ms. Maria Luisa O'Connell, president of the Border Trade Alliance, a grassroots nonprofit organization that serves as a forum for participants to address key issues affecting trade and the economic development in North America.

And our second witness is Mr. Angelo Amador, director of immigration policy at the U.S. Chamber of Commerce. He is responsible for working with the business community to develop the chamber's position on a number of issues, including border security.

Without objection, the witnesses' full statements are inserted into the record. And I will ask Ms. O'Connell to summarize her statement in 5 minutes or less, if possible. Again, we have a vote on the floor, so we are trying to get this in.

**STATEMENT OF MARIA LUISA O'CONNELL, PRESIDENT,  
BORDER TRADE ALLIANCE**

Ms. O'CONNELL. Okay. Thank you so much, Madam Chairwoman Sanchez and Ranking Member Souder, for having us here.

I am not going to read it. I am just going to try to wing it and try to do it in 5 minutes or less—maybe just three points that we need to remember.

One, there is a unique approach that we have to make at the U.S.–Canada and the U.S.–Mexico border in terms of how the implementation is being presented. Our constituents from the U.S.–Canada border tell us that technologically speaking, everything is ready. DHS and DOS have set up everything in place.

The economic impacts of WHTI have already been felt for the past 2 years. We have lost the casual traveler. And Member Souder, we have lost them. Businesses have lost a lot of the daily or just continuous traveler that wanted to go back and forth, or if they are going to a Detroit Lions football game, we said the team is going to win. That is a bad joke. Or go to a—

We have seen those travelers come down. So the challenge in the U.S.–Canada border has been what are the economic impacts that we already are feeling, and how are we thinking in the border, adding more layers?

On the U.S.–Mexico border, the challenges that we have had, and we are very concerned, is are we going to take a step forward from the—I mean, we are getting hit many ways on the U.S.–Mexico border.

On the U.S. American border, they just kind of what we feel about the economy, but also we have other factors around the U.S.–Mexico border. And the chances that we have seen there is we don't have enough infrastructure, both borders, to—but we have enough staff.

And three, people on the U.S.–Mexico border have a harder problem of getting IDs on time or the passports on time, because our U.S. post offices cannot keep up with what the demands have been.

So that is what we have heard, people having to travel 50 or 40 miles far away. So that is one thing that we need to acknowledge. And for this committee, it is important that we cannot have a blank policy, or a one size fits all policy for both borders, because we have many challenges in both borders.

The second thing in infrastructure, I think our powers from CBP were very kind of saying, yes, you have been very gracious to give us \$720 million, but all due respect, that is a drop in the bucket. That is nothing when you look at it that last year the U.S. land ports of entry generation \$830 billion with a B. We got \$720 million with an 'M'.

And when we talk to many at the station because it blows my mind, and we are not investing that in the infrastructure. And when we have to manage expectations, if Congress wants to keep up with all of this legislation, then we are going to have to give the resources to the officers on the ground.

The third point is that we cannot forget this is the first time that CBP is going to implement 100 percent requirement verification of ID. So history has not been on the side of the government. They have done a great job during which I think they have been very resourceful of going to events and communicating, but the challenge that we are waiting to see and our concern is when June 1st comes back, if the system goes down.

I had a picture that unfortunately I couldn't show because the committee did not allow me or something. But it is when the system went down in Nogales, and it is an IBA system, this is the largest system for the commercial site.

The port was closed for 6 hours, 6 to 8 hours. There were lanes of four—a port that is two lanes had four lanes of trucks in line. And the system went down. No one could do anything. And no one was talking. Well, it is not our problem.

Finally, someone had to go in the middle, and we are talking 100 degrees, and we are talking about 60 percent of the lentils—probably that we all enjoy, because we all eat our pods, right—comes through Nogales, sitting on the heat.

So we have to be prepared for those types of things, so we have the infrastructure and the resources, the staff resources, to do it. And so that would be 5 minutes or less, trying to summarize some of the highlights. I think my testimony is submitted, but if there is time for any questions, I would like to address some of these issues.

[The statement of Ms. O'Connell follows:]

PREPARED STATEMENT OF MARIA LUISA O'CONNELL

Good morning Madam Chairwoman Sanchez, Ranking Member Souder and other distinguished Members of the Subcommittee. Thank you for inviting the Border Trade Alliance (BTA) to participate in this important hearing focused on balancing

security and travel at our land ports of entry. My name is Maria Luisa O'Connell and I serve as the President of the Border Trade Alliance.

For the past 23 years, the BTA has been involved with all aspects of trade, travel, security and commerce in our border communities along the U.S.—Canada and U.S.—Mexico borders.

#### About Us

Founded in 1986, the BTA is a tri-national, grassroots, non-profit organization that serves as a forum for participants to address key issues affecting trade and economic development in North America.

#### Who We

Are The BTA represents, through our members and sponsors, a network of more than 2 million public and private sector representatives, including: business leaders, area chambers of commerce and industry, academic institutions, economic development corporations, industrial parks, transport companies, custom brokers, manufacturers, and federal, state, and local government officials and agencies.

#### Our Vision

The BTA's vision is to be the recognized leader in authority for the facilitation of international trade and commerce in the Americas.

#### Our Mission

Our core values include a commitment to improving the quality of life in border communities through the development of trade and commerce, and a commitment to work as a community-based grassroots organization.

Madam Chairwoman, in addition to sharing the Border Trade Alliance's position and recommendations on the Western Hemisphere Travel Initiative (WHTI), my testimony today will also touch upon on several key policy considerations that the Border Trade Alliance urges this committee to keep on hand as you work to oversee the work of the Department of Homeland Security (DHS), in your committee's refinement of existing federal border security programs, and in the development of any future similar initiatives.

The pending implementation of the Western Hemisphere Travel Initiative (WHTI) on June 1st of this year at U.S. border crossings is likely to have the largest impact on the land border crossing experience of any of the secure traveler programs to date. While SENTRI, NEXUS, FAST and other programs are voluntary in nature, WHTI will become a mandatory requirement for all U.S. citizens traveling within North America and the Caribbean.

The BTA has been integrally involved in all of the various secure traveler programs put forth by Congress and implemented by the federal government. The BTA supports efforts to increase security for legitimate trade and travel at both our international borders.

Our border communities, along our shared borders with Canada and Mexico, support diverse international economies that are dependent upon cross-border trade and travel. A large percentage of traffic at our borders is repeat, daily crossers who account for a significant portion of the sales tax and commercial revenues generated in our border communities, and are responsible for conducting the more than \$2 billion cross-border trade that occurs at our land ports each and every day.

The policies and procedures designed to facilitate secure trade and travel at our borders have changed dramatically during the past decade. The changes at our borders have not occurred without reasonable concerns about their impact on legitimate trade and commerce. Similarly, the incredible growth in trade at our borders has not been without its share of growing pains. The infrastructure at our border crossings, for the most part, has not kept up with the increased volume of trade and travel.

U.S. land ports of entry last year conducted a record \$830 billion in cross-border trade. According to the U.S. Department of Transportation Bureau of Transportation Statistics in 2008, U.S. land border crossings processed 45.7 million pedestrians, more than 10.7 million trucks and more than 107.5 million personal vehicles.

The pending implementation of WHTI is a serious concern shared by border stakeholders throughout North America.

Therefore, the question posed in the title of this morning's hearing on WHTI is very appropriate. Are we ready?

Speculation and anecdotal evidence varies from hopeful optimism to fearful pessimism about the prospects of WHTI implementation at land border crossings. Truthfully, until June 1st arrives the jury is out on how successful this transition will be at our land ports of entry.

The BTA does wish to recognize DHS and the Department of State's collaborative WHTI team. DHS and DOS have both been very open to working with border stake-

holders as they work to implement this very large federal security program, which was mandated by Congress several years ago.

There are two different major questions we need to address regarding our preparedness for the implementation of WHTI at land ports on June 1st of this year. This first being the obvious question of is the traveling public aware of and able to obtain the necessary documentation, Passports, PASS Cards, enhanced driver's licenses, etc., needed to comply with the June 1st requirement? The second question is one that has many border communities and cross-border commercial interests concerned. Are we prepared for the May 7, 2009 Written Testimony of Maria Luisa O'Connell, President, The Border Trade Alliance Before the House Homeland Security Subcommittee on Border, Maritime and Global Counterterrorism economic consequences of the June 1st implementation? Are we prepared to handle any delays that result at our land ports of entry? What impact will WHTI have on tourism generated border crossings? What is the cost impact of compliance with WHTI on cross-border businesses? Families? Communities and local government?

Secondly, the BTA would like to point out that the implementation of WHTI, as is the case with all U.S. border policies and programs, impacts our borders with Canada and Mexico uniquely. While BTA members from the U.S. border with Canada report that the necessary technological infrastructure is in place and that DHS, DOS and local port authorities have done an excellent job of communicating the upcoming requirements to the traveling public, they also report that WHTI has already had a negative economic impact in terms of reduced crossings by tourists, an important source of cross-border economic activity in many U.S.-Canada border communities.

Along the U.S. border with Mexico, WHTI is a cause for concern as it represents yet another potential deterrence for U.S. citizens to visit Mexico for work, to visit families or for tourism. Concerns from BTA members along the Southwest U.S. border include the ability of citizens to readily obtain the necessary documentation in a timely manner. Several BTA members have reported that it is now necessary to travel well into the interior to places such as San Antonio, Texas or Phoenix, Arizona to be able to obtain an appointment to apply for a U.S. Passport or PASS Card as facilities at the border, primarily U.S. Post Offices, are unable to handle the amount of requests. There are also continued concerns about the public's awareness of WHTI when traveling across the U.S.-Mexico border.

The BTA would like to expand briefly upon the earlier point regarding the unique impact that U.S. federal border policies and security programs have at our shared borders with Canada and Mexico. It has become apparent during the past decade that all too often during the deliberation and development of U.S. border policy, the prevailing mindset in Washington, D.C. is that one-size fits all. While there are shared underlying issues along both the U.S.-Canada and U.S.-Mexico borders, such as the ongoing need to invest significantly to increase capacity and update infrastructure at our busiest land ports of entry, there are many challenges and complex dynamics that are unique to the U.S. border with our NAFTA partners. The BTA strongly urges this Committee, Congress and the Administration to not neglect our unique bi-lateral relationships with Canada and Mexico along with the individual needs and concerns of these bi-lateral relations in pursuit of a one-size fits all, national border policy.

In anticipation of the upcoming implementation of WHTI the BTA would like to raise several additional questions to this committee as well as to DHS and DOS, both of which are tasked with managing this newest federal secure traveler program.

Does the present passport and PASS Card reader technology have sufficient redundancy to ensure minimal delays if there are any issues with this technology? In short, what is the backup plan should these readers, or their associated communications network go offline?

Have DHS and DOS assessed what geographic areas or regions are handling the greatest volume of Passport or PASS Card applications and are those areas fully able to handle this volume of applications?

What steps have been taken or are being planned by DOS and DHS to ensure that they can quickly dispatch the necessary resources to process Passport and PASS card applications in areas of greatest need?

Have DHS and DOS considered expanding the acceptance of the PASS Card under WHTI for air travel within North American and the Caribbean? Do the departments have sufficient flexibility to accommodate this expansion of the PASS Card or does it require an act by Congress?

Are CBP staff adequately trained and do they possess the appropriate resources to rapidly process state-issued Enhanced Driver's Licenses at land ports located outside the state that issued them?

What are the standard metrics for measuring passenger traffic compliance? Commercial driver compliance? Changes in passenger traffic volume? Changes in commercial traffic volume? Increase in referrals to secondary inspection? Changes in processing/crossing times as a result of WHTI implementation?

These are a few of the questions that BTA members have continued to ask in advance of the June 1st deadline for implementing WHTI.

Much of what the BTA advocated for early and often during the development of WHTI has come to fruition: the development of a low-cost, wallet sized alternative passport document or PASS Card; the timely installation of tested technology at all U.S. border crossings; the acceptance of other federal security documents such as NEXUS, SENTRI or FAST cards under WHTI; and the sustained public education efforts by DHS and DOS.

The BTA is appreciative that Congress, including many of those present today at this hearing, took stock in the early recommendations made by border stakeholders to ensure that WHTI could be as successful as possible on day one. As that date rapidly approaches the BTA urges this Committee, Congress, DHS, and DOS to ensure that WHTI is a success beyond June 1st and that it not only serves as a benefit to our improved security but that it also enhances the efficiency of processing the millions of travelers who cross annually at our land ports of entry.

We must remind ourselves that 100 percent verification of federally issued travel documents for U.S. citizens at our land ports of entry is a new responsibility for U.S. Customs and Border Protection (CBP). CBP must continue to be given the adequate resources to be able to staff the new workload created by WHTI.

Further, Congress needs to do more to address the decades old, backlog of infrastructural investments needed at U.S. land ports of entry, the majority of which were designed without anticipation of the vast federal security operations now present at all U.S. border crossings. The \$720 million included for land port infrastructure upgrades as part of the American Recovery and Reinvestment Act was a very appreciated step forward. However, with the exception of the Mariposa, Arizona and San Ysidro, California ports of entry, the majority of projects funded by CBP and the General Services Administration using these stimulus dollars were for small land ports of entry with low crossing volumes. If we are to ensure for the success of WHTI and our ability to generate more national economic activity through trade, we need to reinvest more than 8/10ths of a percent of the economic activity generated by our land ports toward enhancing trade and travel facilitation. Congress needs to ensure that what is funded provides the biggest return for the taxpayers' dollars in terms of increased economic activity.

In closing, I would like to share several of the BTA's key policy points for Congress and the Administration to consider in regard to federal border policy development and delivery:

Successful border security efforts require the utilization of risk-based assessments based upon real-time intelligence to direct the most efficient allocation of scarce federal resources in order to attain the greatest security benefit.

The Department of Homeland Security should assume the leadership role among federal agencies in conducting a performance and utility assessment of the multiple layers of federal security programs and policies that currently govern legitimate trade and travel along the U.S. shared borders with Canada and Mexico.

DHS, in conjunction with its federal agency partners, needs to collaborate to expedite the approval process for the prioritization, selection and funding of land border infrastructure projects that improve the facilitation of cross-border trade and travel.

Congress should ensure that scarce federal dollars are committed toward programs, policies, and projects that result in the greatest benefit in terms of economic and physical security.

In conclusion, I would like to thank the Chair and Ranking Member along with all the Members of this Committee for its focus on the need to achieve a balance between security and facilitation of legitimate travel at our borders. The BTA offers its assistance to you in working to identify solutions to these important border issues.

The Border Trade Alliance is honored to participate in this hearing and it will be my pleasure to address any questions you may have.

Ms. SANCHEZ. Thank you, Ms. O'Connell. Thank you for your testimony.

And I will now recognize Mr. Amador to summarize his statement in 5 minutes or less, please.

**STATEMENT OF ANGELO AMADOR, DIRECTOR OF  
IMMIGRATION POLICY, U.S. CHAMBER OF COMMERCE**

Mr. AMADOR. Will do. A lot of the things have already been said, you know, the question as to what is plan B? You know, what are they going to do when they face these kinds of problems.

And also it is how do we measure wait time. You know that is a big problem, because WHTI is not being implemented in a vacuum, and we need—they talk about the delays, they talk about the lack of sufficient officers, you know.

And I will mention two bills that we are supporting, the Ports Act that we ask that if you can co-sponsor, that will be great. And it would provide 5,000 additional CBP officers. We don't think 65 is enough, and most of that is talking about, you know, inspecting for weapons and other things, not to facilitate travel.

It also provides—and the bill number is 1,555—it also provides for 350 additional support personnel and 1,200 specialists at CBP. And it authorizes \$5 billion with a B, because that is what all the studies say that they need to address infrastructure.

Now, when they measure what success—you know, if they went and said tomorrow 100 percent of the people crossing the border are coming in with WHTI documentation—I will ask the question, what happened to the other 20 percent, because we already know that travel has decreased.

I have family in Buffalo. I have families in Syracuse. They have a level of expertise, being professional engineers—and they stop to going to Niagara, as they used to do with their families, just for lunch or just to see the falls, because they thought the passport requirement was in place.

And I told them, well, actually, you don't need it for your kids and actually could get a license. Now they are all waiting for renewal of the license to do that, but you know the question of who is showing up and who is not showing up is actually for us also more important.

That is why we are also supporting the Travel Promotion Act, which passed the House last year, which would provide a public-private outreach campaign, you know, for these new policies, and also to show the good side of the United States so that people abroad, especially in the borders, would not only hear about security, but also hear about all the other things.

They have done a better job at public relations, why the office of public relations at CBP has a toolkit out. We have been working with them. Last year they thought that the best PR campaign watches the negative publicity in the newspaper. We disagree with that, but there is still changes.

One, we need flexibility in June. We are not asking for a delay, but they need to be flexible. They need to try to expand the exceptions—for example, the under age 16.

They acknowledge that at 16 is when you can get an adult passport and a license, but you know we need the exception to apply for kids that are 16 years old, because unlike, you know, the wishes of many teenagers, you don't get your license when you wake up on the day of your 16th birthday.

There are other extensions, and there are things that can be done again through regulation. They don't even need legislation.

For example, if they have a passport card that is good for travel across the land borders, it should be good for air travel as well. We don't understand why that requirement is not so, except for, you know, would foreign requirement work in the part of the agents, but it will facilitate travel.

You know, if you drive to Canada, then an emergency comes up, you should be able to fly with the same identification, and also because we hear from people on both borders that is easier to carry the passport card.

I am sure that a lot of us, or all of us, maybe have a passport, but we don't carry it with us. If you have a passport card in your wallet, you would be able to travel to emergencies.

I just for me offices, when you talk to people in the southern and northern border, they tell you, you know, they will go across to, you know, Laredo or across Niagara, you know, just for lunch, and they usually leave their passports at home.

So we need to do a better job of disseminating, because we want to make sure that, you know, 50 million is a lot of crosses, and we want to make sure that these people, the reaction is not, well, let us just not go.

With that, I will stop, and I am happy to take your questions. However, I would also point out that—thank you, staff, this is some of the best staff that I have worked with. I wish the staff on the Judiciary Committee was as good as this one, particularly Mandy Bowers, I believe, has asked any questions that you may ask, and Patricia Savale, somebody I have worked with for years, so—you know, they usually go thankless, so I just want to take this opportunity to do that as well.

Thank you very much.

[The statement of Mr. Amador follows:]

PREPARED STATEMENT OF ANGELO I. AMADOR

### ***Introduction***

Thank you Chairwoman Sanchez, and members of the Subcommittee, for the opportunity to present today on the implementation of the Western Hemisphere Travel Initiative ("WHTI"). In addition, I would also like to thank all of you who voted in favor of key amendments in 2006 and 2007 to help guarantee that WHTI is implemented properly and efficiently. The Chamber urges you to continue your excellent oversight of this important program.

I am here today in two capacities, as Director of Immigration Policy for the United States Chamber of Commerce ("Chamber"), and as Executive Director of the Americans for Better Borders Coalition ("ABB"). The Chamber is the world's largest business federation, representing more than three million businesses and organizations of every size, sector, and region. ABB is a coalition that unites regional business organizations and a wide array of companies and national trade associations working to ensure the efficient flow of tourism and goods across our borders while addressing national security concerns.

Also, the Chamber serves jointly with the Council of the Americas as the Secretariat of the U.S. Section of the North American Competitiveness Council ("NACC"), a trilateral advisory group of business leaders from Canada, Mexico, and the United States. The NACC was formed in 2006 to provide a voice for the private sector and engage them as partners in enhancing North America's competitive position in global markets, promoting increased employment, and fostering a higher standard of living.<sup>1</sup>

<sup>1</sup>The NACC has offered recommendations to the three governments, both within and building upon the Security and Prosperity Partnership of North America ("SPP"), to enhance the secure flow of people, goods and services in North America, please see "Meeting the Global Challenge:

Continued

These comments reflect the information and concerns expressed to date by our members on the implementation of WHTI. To be clear, the Chamber is committed to continue working with Congress and the Departments of Homeland Security and State to successfully and efficiently implement WHTI. The efficient movement of people, goods and services and a secure border are not mutually exclusive or competing objectives. In fact, "the primary mission" of the Department of Homeland Security ("DHS") includes "ensur[ing] that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland."

Like you, the Chamber strongly supports strengthening the security of our nation. The Chamber continues to support a multi-layered, risk-based, approach to enhance security at all of our ports of entry, while at the same time facilitating trade and transportation of both products and people. The Chamber would also like to see increased cooperation between the United States and its neighbors to secure our homeland. A unilateral approach alienates our neighbors and has a negative impact on both security and the economy.

Considering the economics of this debate, we must understand that cross border mobility is a critical component to most of our member businesses as well as the overall economic stability of the U.S. The economic downturn is having a dramatic impact on the movement of goods and people across our borders.

Due to the downturn, we are seeing a large decrease in all types of crossings, yet at the same time the average inspection time has increased. Over the next year or so, as our economies begin to recover, the structural problems at the border will re-emerge in the form of unacceptable border delays. We must be prepared for this resurgence of demand. It is important to remember the summer of 2007, which saw the longest delays since 2001 for U.S. bound traffic.

It is important to note that WHTI is not being implemented in a vacuum. The difficulties and confusion that arise from new regulations have a profound impact on our economic security. Inefficiencies at the border threaten our global competitive advantage, and WHTI places further pressure on our eroding infrastructure, which will harm legitimate commerce, trade and tourism.<sup>2</sup>

Increased delays at the border due to poor WHTI implementation would not only affect border communities and last minute travelers, but would also impact the entire North American economy by slowing down commerce. Seamless WHTI implementation could still harm our economy if it leads to diminished travel and tourism.

The northern border is the site of our largest bilateral trading relationship in the world, with U.S.\$1.6 billion<sup>3</sup> in two-way trade and 300,000 travelers crossing the border on a daily basis. Major benefits flow from this relationship, including 7.1 million jobs in the United States and 3 million jobs in Canada.

Congress and the Administration deserve credit for many positive changes to WHTI, since it was first announced, and I will discuss those in my statement together with the Chamber's recommendations for improvement in the context of the final rule published on April 3, 2008. However, before discussing WHTI, I would like to take this opportunity to address certain border issues and make several recommendations to facilitate legitimate trade and travel across our land borders. Focusing solely on implementing WHTI efficiently without a holistic approach to other border issues will not lead to an efficient and secure border.

#### ***Existing Delays at the Borders***

The Chamber is concerned that the U.S.-Mexico and the U.S.-Canada border crossings are increasingly becoming a competitive disadvantage when compared to the rest of the world. The Chamber is troubled that security concerns are not being balanced with economic interests in the border management decision making process. Thanks to both the North American Free Trade Agreement ("NAFTA") and the closely connected economies of the U.S., Canada, and Mexico, the North American supply chain for many companies is tightly integrated.<sup>4</sup>

While Europe moves towards a more integrated border environment, the United States is unilaterally moving towards a system that is threatening the competitive

2008 Report to Leaders from the North American Competitiveness Council" [http://www.uschamber.com/publications/reports/0804\\_global\\_challenge.htm](http://www.uschamber.com/publications/reports/0804_global_challenge.htm).

<sup>2</sup>For a detailed discussion of other border issues, please see "Finding the Balance: Reducing Border Costs While Strengthening Security." U.S. Chamber of Commerce and Canadian Chamber of Commerce, February 2008, [http://www.uschamber.com/publications/reports/0802\\_finding\\_balance.htm](http://www.uschamber.com/publications/reports/0802_finding_balance.htm).

<sup>3</sup>U.S. Department of State, 2008. "Background Note: Canada".

<sup>4</sup>For a full discussion of the substantial economic gains to the three countries from NAFTA, please see "The Economic Benefits of NAFTA" from the Canadian-American Business Council, April 2008.



advantages we gained through NAFTA. For companies that rely on just-in-time delivery and an integrated supply chain, the impact of border delays, fees and stringent security procedures are magnified as their products are required to clear customs multiple times in the manufacturing process—creating a competitive disadvantage.

In the already struggling automotive industry, parts cross from Canada and Mexico multiple times, heading to plants throughout the United States, whether it is to a long-existing assembly plant in Detroit, Michigan, or a newer one in San Antonio, Texas. In the food industry, a vegetable grown in the United States may find its way into a product that is processed just across the border in Canada or Mexico and then shipped back to the United States.

Thus, delays at U.S. ports of entry not only harm Canadian and Mexican processors—it backs up the entire supply chain, affecting our own farmers, car manufacturers and numerous other sectors of our economy. In addition, delays at U.S. ports have also resulted in trucking companies significantly raising prices to ship products and/or companies in the U.S. opening storage facilities to keep inventory. These increased costs are multiplied and passed down to the American consumer in the form of higher prices for goods and services. Further, there is an impact to the local environment, as commercial and pedestrian crossing vehicles sit for hours in delayed traffic burning fuel and emitting fumes.

#### **a. Measuring Border Wait Times**

WHTI is still weeks away from full implementation and already we are seeing wait times at the border increasing. To address this issue, DHS should become more engaged with its counterparts in Canada and Mexico, as well as industry representatives, to reach an agreement on proper measurements for border wait times. Data from the private sector on border wait times vary widely when compared to the data kept by U.S. Customs and Border Protection (“CBP”).

The private sector data shows much longer wait times than CBP data—particularly for the most extensive delays. The difference is associated with the fact that CBP calculations customarily only includes time spent in the primary inspection lane, while ignoring time spent on backed-up roads approaching the primary inspection lane or time spent on secondary inspections. These measuring discrepancies need to be addressed, so the severity of delays and their causes can properly be assessed.<sup>5</sup>

Congress should appropriate funding for the development of an automated border wait time tracking system. Providing an accurate, independent and universal method of measuring border wait times is essential to the creation of staffing models, the proper allocation of resources, and to improve security while facilitating trade. Last year, CBP implemented a system called Automated Wait Time Data at all of its major airports. The Chamber applauds this effort and recommends that CBP takes similar steps on our land ports of entry. A truly objective system will provide CBP with the knowledge needed to effectively manage the border.

#### **b. Travel Promotion Act**

In a post 9/11 world the buildup of certain regulation and security procedures have signaled to the international community that the U.S. is closed for business, particularly for tourism and business conferences. During this time of great international economic crisis it is imperative that we do not create barriers to conducting business and visiting the U.S. for legitimate purposes. On a daily basis, the international media attacks the U.S. for not appropriately balancing security and efficiency. Tourists often feel unjustly interrogated. Businesses would rather export two hundred employees from the U.S. for a conference, rather than have the fifty employees from overseas go through the arduous process of crossing into the U.S. These perceptions have a profound impact on tourism, conferences, business and consequently our economy as a whole.

For this reason, we believe it is imperative for Congress to enact the “Travel Promotion Act,” which the House passed last year in a bipartisan effort. The United States has some of the greatest natural treasures in the world. However, changes in regulation and process have lead to confusion and downright resistance of the international community from visiting.

<sup>5</sup>The Secure Borders Open Doors Advisory Committee (“SBODAC”) to the Departments of Homeland Security and State issued a report which recommended that metrics should take a more prominent role in both departments’ operations. “Report of the Secure Borders Open Doors Advisory Committee,” January 2008 (Pages 35, 38–42) [http://www.dhs.gov/xlibrary/assets/hscac\\_SBODACreport508-compliant\\_version2.pdf](http://www.dhs.gov/xlibrary/assets/hscac_SBODACreport508-compliant_version2.pdf). *Perhaps this Committee will consider proposing the creation of a private sector advisory board to oversee the implementation of the recommendations made in the SBODAC report and new recommendations as we move forward.*

Legitimate travelers should feel welcome in the United States, and we need a program to ensure that occurs. This is difficult to do when there is lack of transparency concerning implementation plans and almost no concerted outreach to the traveling public regarding upcoming changes in requirements for border crossings. The Travel Promotion Act would address several of these issues by establishing a well-funded public-private outreach campaign to improve the efficient dissemination of new U.S. entry and exit policies.

**c. Fully Staffing CBP and Upgrading the Infrastructure**

Currently, inadequate staffing, reduced or changing hours of service, mandates for secondary inspection of some products, new fees, and outdated infrastructure at our land ports of entry are leading to long delays with a significant economic impact on businesses, without increasing security.

We should reconsider some of the new fees and inspections that have been imposed, increase funding for CBP to guarantee adequate staffing and extended hours of service, and upgrade our technology and infrastructure, so CBP officers can more efficiently monitor the flow of people and commerce. The “Putting Our Resources Towards Security” Act (“PORTS Act” H.R. 1655) was introduced by Representative Silvestre Reyes, and is a step in the right direction. The Chamber encourages members of this Subcommittee to consider cosponsoring this legislation.

The PORTS Act would:

- provide for 5,000 additional CBP officers, allowing for an increase in total officers by approximately 30 percent over five years;
- provide for 350 additional support personnel and 1,200 agriculture specialists at CBP, which will help ensure officers will not be pulled away from inspection duties to perform specialized or administrative work;
- authorize \$5 billion over five years for the General Services Administration (GSA) to address infrastructure deficiencies at our land ports of entry. GSA and CBP will be required to work together to prioritize repair work.

***Western Hemisphere Travel Initiative***

Implementing WHTI without addressing the existing border delays and the additional pressures that WHTI imposes fail to address the economic costs and security risks associated with having long lines of trucks idling at the busiest ports of entry. Many improvements have already been accomplished, but there is work to be done.

**a. Implementation Timeline**

The Chamber continues to reiterate the need for rational and measured implementation of new border crossing requirements. President Bush and Congress agreed that securing our nation’s borders is something that needs to be done correctly—rather than expeditiously—to avoid unnecessarily harming our economy. On January 4, 2008, President George W. Bush signed the Consolidated Appropriations Act of 2008 (H.R. 2764) into law, which provided the Administration at least until June 1, 2009, to develop alternatives to a passport for use in land and sea ports of entry.

Great progress has already been made in developing enhanced driver’s licenses (“EDLs”) to be acceptable at land and sea ports of entry. Furthermore, DHS and the Department of State (“DOS”) unveiled a federally issued, wallet-sized, lower-cost alternative to a U.S. passport, the U.S. passport card. In addition, Canadian provinces have also started issuing EDLs.

On Tuesday of this week, Ontario announced that it will begin issuing EDLs. This is significant because almost 35 million passenger cars cross the Ontario/U.S. border each year.

The Chamber does not believe further delay of WHTI implementation is necessary, but it would like to see improvements in the program. The Chamber also urges DHS to practice flexibility, particularly during the initial period of full implementation.

**b. Education/Marketing Campaign**

Congress and the Administration acknowledged when granting the 18-month extension that for WHTI to be successful, with minimum economic disruption, it required an aggressive campaign to educate the general public. Regrettably, last year DHS testified that its best education/marketing tool on WHTI was all the negative publicity it was getting in the media—ignoring the economic consequences of making the U.S. a less desirable destination.

On a positive note, this year, the Office of Public Affairs at CBP has been more active in getting the information out by seeking to work collaboratively with stakeholders. It has created a more useful tool kit, which includes an easy to use Web page, which links directly from the stakeholders’ site. The Chamber is already making use of the tool kit to let its members know of the new changes.

Getting here has not been easy. The implementation of WHTI created a great deal of confusion for many travelers and businesses. While it appears that border crossers are aware of the upcoming deadline, confusion remains with regard to the actual requirements. For example, many families believe that all children need a passport even when traveling with their parents and, thus, many would be visitors are abandoning travel plans that require crossing the border.

Once again, the Chamber believes that enactment of the Travel Promotion Act would help prevent similar issues from occurring in the future. The 2010 Olympics are to be held in Vancouver, British Columbia, and implementing this important legislation would be a critical step to ensure successful travel throughout these Olympics.

Due to the overwhelming popularity, media exposure, and close proximity of the games, it would be a wasted opportunity to fail to capitalize on the Olympics being held, literally, next door to the U.S.

#### **c. Cost Analysis**

The analysis done by DHS concentrates on travel and tourism and does not address the larger concerns of the business community, which include the impact on commerce in general. DHS has said that it will not conduct a more robust economic analysis. However, there is a study underway at the Government Accountability Office ("GAO").

As stated, the primary mission of DHS includes ensuring that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland. Thus, DHS should look into the GAO report, or conduct a new more comprehensive economic impact analysis of its own, and determine what changes in WHTI implementation could be made to alleviate any negative economic impact.

#### **d. Pilot Programs**

In the future, before pushing for full implementation of changes in travel requirements, pilot programs need to be performed to assess the potential impact on cross-border commerce, thus, making sure full implementation does not negatively affect our economy and security. A minor pilot test of WHTI at a 65% review rate in the port of entry of El Paso caused major delays, but, without Congressional intervention, DHS attempted to move ahead without proper preparation.

Every attempt must be made to avoid the chaos, long lines, and 12-week paperwork backlogs that were created in 2006 with the hurried implementation of the WHTI air rules. Again, the problem then was exacerbated by an infrastructure that was not in place and by the lack of an efficient public-awareness campaign.

Despite the business community's warnings, the government was not prepared for the changes it made in policy. Pilot programs help address concerns before the damage is done. Specifically, for land ports of entry, pilot programs need to address infrastructure and staffing requirements with an emphasis on future plans for full implementation and technological requirements. The test results must be transparent with recommendations to ensure operational success in the future.

#### **e. U.S. Citizen Cruise Ship Passengers**

The Chamber is pleased that DHS and DOS, in the final rule, recognized the difference in demographics between the international airline traveler and those traveling in an uninterrupted-loop cruise originating in the U.S. While international airline travelers generally have a high level of passport ownership, the ratio of passport ownership for sea cruise travelers is closer to the U.S. population at large, which is significantly lower, especially for those travelers taking short (two to five days) Caribbean cruises.

This industry would have suffered economic harm—without any apparent improvement in security—had the change not been made between the proposed rule and the final rule. The Chamber supports the alternative document requirements in the final rule for U.S. citizens departing and reentering U.S. territory on board the same cruise ship.

#### **f. Travel by Children Under Age 16**

Since 2005, when WHTI was first announced, the Chamber has been calling for flexibility in the document requirements for children. Children in both the United States and Canada have the lowest passport ownership rate of any demographic group. The implications of improper implementation in this area are broad, and include legitimate travel by families with children, children on school day trips, and children participating in cross-border sport activities.

The Chamber strongly supports the alternative document requirements created for U.S. and Canadian citizen children under the age of 16. However, the Chamber

continues to recommend that the alternative be applied to children “Age 16 and Under,” and not as currently stated in the final rule as children “Under Age 16.”

DHS and DOS recognize, that “it is difficult for the majority of children under 16 to obtain a form of government-issued photo identification” and also “age 16 is the age that DOS begins to issue adult passports, valid for 10 years, instead of 5 years for children.” However, given that neither government-issued photo identifications nor adult passports arrive automatically in the mail on a child’s 16th birthday, allowing children age 16 to travel under the alternative procedure would give them the time needed to apply for the appropriate documentation.

**g. Travel by Groups of Children Under Age 19**

The Chamber successfully called for language found in Section 546 of the Department of Homeland Security Appropriations Act of 2007, requiring the certification by DHS and DOS that an alternative procedure for groups of children be created. The Chamber supports the alternative procedure found in the final rule for “Children Under Age 19” traveling as part of school groups, religious groups, social or cultural organizations, or teams associated with youth sport organizations. However, this alternative procedure should be applicable to groups traveling by air, not just those arriving at U.S. sea or land ports of entry.

The language found in Section 546 clearly calls for an alternative procedure to be developed for groups of children traveling across “an international border.” Section 546 makes clear distinctions when the requirements are to apply only to land and sea ports of entry. While the statute clearly calls for availability of the passport card only for use at land and sea ports of entry before final WHTI implementation, it also clearly calls for an alternative procedure “for groups of children traveling across an international border” with no restriction based on the ports of entry type.

**h. Outer Continental Shelf Employees**

Chamber member companies received differing and conflicting information with regard to document requirements for workers aboard Mobile Offshore Drilling Units (“MODUs”) attached to the United States Outer Continental Shelf (“OCS”) traveling from the U.S. to and from MODUs. The Chamber sought the clarification and standardization of the procedures that now appear in the final rule.

Thus, the Chamber supports the more official clarification contained in the final rule, which plainly states that the WHTI requirements do not apply when traveling from the U.S. to and from MODUs in the OCS. Once again, had WHTI been applied to these group of workers, it would have negatively impacted this industry without any security benefit.

**i. Individual Cases of Passport Waivers**

The Chamber has been calling for passport waivers to be provided in cases of emergencies, such as “volunteers responding to fires and emergencies across the border (an everyday occurrence).” The Chamber strongly supports the description in the final rule of the possible waivers to be granted in a case-by-case basis. Also, the explicit acknowledgement that CBP has the authority to temporarily admit non-immigrant aliens into the United States on a temporary basis in case of a medical or other emergency is welcomed.

The Chamber believes that CBP should proactively confer with local emergency responders in border areas to help facilitate entry procedures into the United States when emergencies occur. Of particular importance are groups such as fire fighters that respond to cross-border calls, emergency workers that would respond in a natural disaster, Medivac personnel, and others that deal with emergencies where even a few minutes could make the difference between life and death.

**j. Passport Card**

The new passport card, also known as the PASS card, is a wallet-sized alternative to a U.S. passport designed to facilitate efficient and secure cross-border travel at land and sea ports of entry under WHTI. The Chamber advocated for the development of this alternative and continues to urge the U.S. government to make it truly economical to obtain and acceptable at all ports of entry, including air. For it to be a true substitute to a U.S. passport under WHTI, the passport card should be accepted at air ports of entry as well as the proposed land and sea ports of entry.

Also, the application fee at first blush seems reasonable, \$20 for adults and \$10 for minors (under age 16). However, applicants applying in person have to pay an additional “execution fee” of \$25. Many applicants are required to apply in person and are, thus, subject to this fee, for example, first time adult passport applicants, all minors, adults holding expired passports issued more than 15 years previously or when the bearer was a minor, and those applying for replacement passports that have been lost, stolen, or mutilated.

In addition, there is currently a fee of about \$15 for pictures taken at the government application center. Thus, what starts as a \$20 alternative to the \$115 passport (\$75 application fee, \$25 execution fee, and \$15 picture fee) becomes a \$60 alternative (\$20 application fee, \$25 USD-execution fee, and \$15 picture fee). These costs do not take into consideration expediting fees, given the time frame for production of a passport card is no shorter than for a passport.<sup>6</sup>

The cost of the passport card should be \$20 for adults and \$10 for minors, regardless of whether it is a renewal or original application, if it is truly to be an economical substitute to a passport. It should also not be burdened with the same additional “fees” and “charges” already imposed on passport applications, e.g., there should be no execution or picture fee. Furthermore, special discounts should be made available to families applying for several cards at a time. The Chamber understands that the \$25 execution fee is paid to the Post Office or county clerk who acts as the acceptance agent for the U.S. passport or passport card paperwork.

One approach to avoid the execution fee would be to have CBP deploy staff to high demand areas to accept and verify identity documents and applications. This would be particularly helpful in border communities. CBP occasionally deploys officers to businesses to accept and process applications for trusted traveler cards, such as NEXUS, via what they call mobile enrollment teams. Finally, the time frame for production of a passport card should be significantly shorter than for a passport, increasing its appeal and eliminating the need to increase its cost even further with expediting fees.

#### **k. Enhanced Drivers’ Licenses**

The Chamber supports the decision by DHS and DOS to officially announce that documentation such as the Border Crossing Card (“BCC”), the Secure Electronic Network for Travelers Rapid Inspection (“SENTRI”) card, NEXUS card, and the Free and Secure Trade (“FAST”) card will become acceptable substitutes for a passport.

However, as the Chamber has stated since 2005, these documents still require a special discretionary form of identification solely for border crossing purposes and, in the case of NEXUS, SENTRI and FAST, are significantly more difficult to obtain than a passport. **Thus, the Chamber continues to call for the acceptance of a “document that is as close to being non-discretionary as possible,” in particular, enhanced driver licenses.**

The Chamber applauds the departments’ continued commitment “to considering travel documents developed by the various U.S. States and the Governments of Canada and Mexico,” particularly since they can be issued by a “State, tribe, band, province, territory, or foreign government if developed in accordance with pilot program agreements.”

Following in the footsteps of the state of Washington, the states of Vermont, New York, and Arizona have signed such an agreement with DHS to create EDLs that will be WHTI compliant. In Canada, the provinces of British Columbia and Ontario have also begun issuing EDLs to its residents.

The Chamber looks forward to more states, provinces, and territories joining in. DHS and DOS should continue to work on expanding these WHTI compliant driver licenses and state identifications for land and sea border crossings. The Chamber is concerned that currently there is not a critical mass of WHTI-compliant EDLs in circulation. This could result in many tourists and business people avoiding cross-border travel.

EDLs denote identity and citizenship, while containing vicinity radio frequency identification (RFID) technology and other security features. They hold significant potential to serve as a less expensive and more practical form of documentation than a passport. EDLs are vital to ensuring WHTI is smoothly implemented and the security needs of North America are met without impeding the movement of people, goods, and services across the border.

However, as with the passport card one of the limitations of the EDLs is its acceptance only for land and sea border crossings and not air crossings. Hence, an EDL would be useless for a person who might, cross the border by automobile, but needs to return by air. **A broader, more universal acceptance of the EDLs is**

<sup>6</sup>Also see “Finding the Balance: Reducing Border Costs While Strengthening Security,” February 2008 (page 18), [http://www.uschamber.com/publications/reports/0802\\_finding\\_balance.htm](http://www.uschamber.com/publications/reports/0802_finding_balance.htm).

**needed to facilitate travel in all modes of transportation within the WHTI area.**<sup>7</sup>

**Conclusion**

In the final rule, DHS stated that it intended to fully implement WHTI on June 1, 2009, the earliest possible date, because it considered it in the best interest of national security—with no mention of economic security. **The Chamber believes that more emphasis needs to be placed on doing it right versus doing it fast.** The Chamber continues to ask DHS to recognize the need to advance the dual objectives of enhancing security and improving economic prosperity, which are mutually reinforcing.

Border management policy has a tremendous economic impact not just on border communities or the travel and tourism sector, but on our economy at large. North America has the largest trading relationship in the world and it all relies on the efficient movement of goods, services and people across our northern and southern borders.<sup>8</sup> For America's economy to grow and remain competitive in the global market, we need to address the deteriorating problems at our borders and ensure that programs like WHTI do not exacerbate the problems we are trying to fix.

The Chamber greatly appreciates the excellent relationship we have developed with this Committee and we hope to continue and expand that relationship in the future. I wish to thank you for this opportunity to share the views of the U.S. Chamber of Commerce and our broad membership concerned with WHTI and efficient border management. I look forward to your questions.

Mr. GREEN. [Presiding.] Thank you. The chair expresses her regret. She had to step away momentarily.

We will now recognize the gentle lady from Texas for 5 minutes, Ms. Jackson Lee.

Ms. JACKSON LEE. Let me thank the chair very much, and I hope I will make a strong effort to be brief. My opening remarks will simply be that I think this program requires our study of assessment. I think all of us can recall when we were inundated by constituents, who were in line trying to get passports when this was first coming in.

Let me just quickly ask—and I look forward to working with the witnesses and working with the chair to help make this better and ensure that there is an outreach by the government.

Ms. O'Connell and Mr. Amador, just give me one fix that would improve this program.

And as you do that, I will conclude by saying, as a member of the House Judiciary Committee—I don't know if you are talking about the House or Senate—I know the members work very hard and consider ourselves very competent. We will certainly try to work on what I think is a competent staff, but we want to make sure that they work with you. Thank you.

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, CHAIRWOMAN,  
SUBCOMMITTEE ON TRANSPORTATION SECURITY AND INFRASTRUCTURE PROTECTION

Mr. Chairman, I thank all of the individuals testifying today. This hearing will examine the implementation of the Western Hemisphere travel initiative at land and sea ports. I welcome today's witnesses and I look forward to hearing their insight on the implementation of the programs.

Prior to 2007, little or no documentation was required to enter the United States from Canada, Mexico, Bermuda, or the Caribbean. In December 2004, with the 9/11 Commission recommending tighter borders to help prevent another terrorist at-

<sup>7</sup>The U.S. Chamber of Commerce along with the Canadian Chamber of Commerce released a report which emphasized the importance of EDLs and recommended that there is a need for rapid deployment, a broad communications plan, as well as that EDLs should be accessible for air travel. "Finding the Balance: Reducing Border Costs While Strengthening Security," February 2008 (page 17), [http://www.uschamber.com/publications/reports/0802\\_finding\\_balance.htm](http://www.uschamber.com/publications/reports/0802_finding_balance.htm).

<sup>8</sup>Canadian-American Business Council, "The Economic Benefits of NAFTA," April 2008.

tack, Congress passed the Western Hemisphere Travel Initiative (WHTI), which would eventually require passports for anyone entering the United States.

After the January 2007 implementation of phase I of the new passport regulations (requiring passports when entering by *air*), the Department of State was deluged with passport applications. The time necessary to get a passport expanded from the typical four to six weeks to several months, ruining many Americans' travel plans.

On January 31, 2008, another change occurred. Government-issued proof of identity and citizenship documents are required to enter the United States from Canada, Mexico, Bermuda, and the Caribbean, according to the Department of Homeland Security. People under the age of 18, however, will be required to present only proof of citizenship, such as a birth certificate.

Phase II adds to the existing requirements that travelers have passports for all land and sea crossings, U.S. or Canadian children under the age of 16, however, will be allowed to present an original or copy of their birth certificate or other proof of citizenship. Groups of U.S. or Canadian children under the age of 19, when traveling in church or school groups, social groups, or sports teams, and when entering under adult supervision, also can present birth certificates or other proof of citizenship, rather than a passport. Phase II will be implemented on June 1, 2009.

This hearing will examine how effective implementation has been. Again, I welcome the panelists today and I look forward to their insightful testimony.

Thank you Mr. Chairman. I yield the balance of my time.

Ms. JACKSON LEE. Ms. O'Connell?

Ms. O'CONNELL. Yes, ma'am. I think the one fix that what is needed in addressing your question is we need resources. We need the staff and the infrastructure. It is a huge challenge.

Just to give you a picture, you have the port of entry. You have an officer that is sitting there and in 30 seconds or less has to make a decision—

Ms. JACKSON LEE. Right.

Ms. O'CONNELL. Move forward. And yet they only open maybe 70 or 60 percent of the booths. I am giving you an example on the U.S.–Mexico side. They don't have enough staff to open all the booths. They have to be trained to these new programs, so they need more staff resources. They can also—

Ms. JACKSON LEE. And training. And I have been there, so I am very familiar with how that is.

Ms. O'CONNELL. Yes, that is—

Ms. JACKSON LEE. Thank you.

Ms. O'CONNELL. The training, because that is very important and, well, there are stories about that.

But then the infrastructure side. When you have two main bridge, and you have the Mexico, the SENTI program, but you don't have more lanes that you cannot open more, because they are not resurfaced, then that is a challenge.

And my biggest concern on that, Madam Representative, is the power from the Congress. You give speeches, and you provide us, and you want the economy to work. And here are some of the cash registers of the country, and yet you only give us \$720 million out of \$835 billion that are generated. I cannot emphasize that more enough.

So if one thing to remember, I guess, from this is more resources that they can have—

Ms. JACKSON LEE. Thank you very much. Thank you.

Mr. Amador?

Mr. AMADOR. I will just say that, by the way, Nora Rappaport is still a good friend of mine, and the staff on that committee, Judiciary and Immigration, is very competent. However, they don't seem to work in a bipartisan fashion as well as this committee, and

I wish the Immigration staff committee in particular would be more bipartisan in looking for fixes.

The number one suggestion I would have is really making the passport card affordable and make it really a true substitute for travel——

Ms. JACKSON LEE. Right.

Mr. AMADOR. —on the land borders.

Ms. JACKSON LEE. Let me thank you. And I know that all the fixes that you have indicated will be looked upon. And certainly, try the immigration subcommittee again. And sure they will work with you.

I yield back. I thank the gentleman for his kindness.

Mr. GREEN. Thank you.

And witnesses, we thank you for appearing. There may be additional questions. The record will be open. We ask that members of additional questions will respond expeditiously, and that you respond to the questions expeditiously.

Again, thank you. You are excused. And hopefully we are, too.

[Whereupon, at 11:40 a.m., the subcommittee was adjourned.]



## For the Record

### QUESTIONS AND RESPONSES

QUESTIONS FROM THE HONORABLE LORETTA SANCHEZ, CHAIRWOMAN, SUBCOMMITTEE  
ON BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

RESPONSES FROM DR. RICHARD BARTH

**Question 1:** June 1 signaled the start of WHTI implementation at land and sea ports of entry.

**What data are you collecting from the field to monitor WHTI compliance, wait times, and enforcement actions?**

**What are the results to date?**

**Response:** The Western Hemisphere Travel Initiative (WHTI) Program Management Office (PMO) stood up the WHTI Operations Center (WOC) to act as the liaison and support center for the field. On June 1, 2009, the WOC held conference calls with the field every four hours and once daily from June 2 and beyond. The conference calls provided an opportunity for the field to report the impacts of the WHTI implementation, to include wait times and enforcement actions. The WHTI PMO also tracked WHTI compliance and reported out to the field on compliance levels observed.

The WHTI PMO continues to monitor and report various metrics regarding the WHTI implementation, to include the following on a national scale and broken down by northern and southern borders:

- Compliance Rates
- Peak and Average Wait Times
- Enforcement Actions

As of June 22, 2009:

- The national compliance rate was 94.6%; the average since 6/1/2009 was 94.7%.
- The northern border compliance rate was 97.8%; the average since 6/1/2009 was 97.4%.
- The southern border compliance rate was 92.2%; the average since 6/1/2009 was 92.1%.
- Field locations reported no discernable wait time impacts attributed to WHTI.
- Field locations are reporting no significant change in the number of enforcement actions.

**Question 2:** Many members of American Indian tribes with territory along our nation's borders have historically crossed the border using their tribal identification documents. However, a majority of these tribal cards are not WHTI-compliant.

**How many tribal identification cards meet WHTI requirements currently?**

**Response:** There are currently no tribal identification cards that have been enhanced to meet WHTI requirements.

In spring 2007, CBP sent letters to all 562 federally recognized tribal entities soliciting comments for the WHTI land and sea rulemaking process and received 42 comments, reflecting primarily those tribes within the northern and southern border regions. On March 3rd, 2009, CBP and the Kootenai Tribe of Idaho signed the first Memorandum of Agreement (MOA) for the development of an Enhanced Tribal Card (ETC). Upon successful development, testing and issuance, this document will be available to members of the Kootenai Tribe of Idaho to establish their identity, tribal membership and United States or Canadian citizenship for the purposes of border crossing. Currently, CBP has two signed MOAs and is in various stages of negotiation with 10 tribes to produce a MOA for the ETC. The approval of additional MOAs is expected shortly.

The option of producing an ETC is available only to U.S. federally recognized tribes. Tribal identification for members of Canadian First Nations is done through a single Canadian Government entity, Indian and Northern Affairs Canada (INAC). INAC is currently working with DHS to have their new tribal identification card, the Secure Certificate of Indian Status (SCIS), accepted as a stand-alone WHTI compliant document.

**How is DHS working with interested tribes to develop enhanced tribal identification cards that would comply with WHTI?**

**Response:** DHS has been consulting with the tribes on WHTI for the past two years. In 2007, U.S. Customs and Border Protection (CBP) sent a letter to all the U.S. federally recognized tribal entities advising them of the opportunity to comment to the WHTI Land/Sea Final Rule. Based on comments received from the tribes, and in consideration of the unique relationship between the federal government and tribal entities, DHS included in the WHTI Land/Sea Final Rule an option whereby tribes may enhance their tribal identification cards in a manner that CBP concludes is sufficient to denote identity and citizenship under WHTI. Similar to the enhanced driver's license initiatives with the states, CBP and the tribes work off a sample memorandum of agreement (MOA) that serves as a starting point for negotiations, CBP provides continuous operational and IT guidance to the tribes on the development of an ETC program.

In April 2008, CBP sent a letter to all the U.S. federally recognized tribal entities inviting them to work with CBP to produce such an enhanced tribal identification card (ETC). Since that time, CBP, in consultation with the tribes, has developed a detailed presentation on the legal, business, and information technology aspects of the ETC initiative. Throughout 2008, CBP attended numerous tribal conferences across the United States to provide the ETC presentation to the tribes and tribal groups that indicated an interest in pursuing an ETC.

Based on the enhanced driver's license (EDL) initiatives with the states, CBP has drafted a template memorandum of agreement (MOA) between CBP and the tribes that will serve as a starting point for negotiations. CBP provides continuous legal, operational and IT guidance to the tribes on the pursuit and successful creation of an ETC.

**What type of documentation can tribal members use until a WHTI-compliant tribal identification card is developed?**

**Response:** On May 15, 2009, DHS informed the U.S. federally recognized tribal entities that they could continue to use their current tribal photo identification card for a reasonable transition period beyond June 1, 2009, to enter the United States at the land and sea ports of entry. The transition was for all travelers, not just tribes.

**Question 3:** RFID readers are installed and operational at the 39 largest land ports of entry, which covers roughly 95 percent of cross border-traffic. The Committee is concerned about potential vulnerabilities and delays should this equipment break down.

**What type of contingency plans do you have in place to ensure that a broken RFID reader will not pose a vulnerability to security or impede traffic?**

**Response:** Each WHTI lane has two RFID readers, one in the lane (Pre-primary) and one at the booth (Primary). They are designed to work in conjunction with each other so that in the event that one breaks down, the other will capture RFID reads for presentation to the officer in the booth. There is redundancy in each lane. If a reader identifies a fault, it reports that problem to a monitoring system which is watched by a team of maintenance analysts. If it is determined that the reader is reporting faults at a level that can affect performance, troubleshooting steps are taken which can include actions up to dispatching a technician to the site. In addition, optical character read (OCR)/Machine readable zone (MRZ) readers are in place at all ports of entry that can read any WHTI-compliant document whether or not the travel document has RFID technology. In the unlikely event that both readers are down, officers can perform the appropriate MRZ (manual mode) reads at the booth, so there is no vulnerability.

The readers require minimal regular maintenance. On a quarterly basis the prime contractor (Unisys Federal Systems) will have the RFID readers and antennas checked for proper operation.

There is a Service Level Agreement in place with Unisys that requires rapid response to perform appropriate maintenance and repair to hardware. The responding Regional support teams are located throughout the country.

**What type of maintenance do these new RFID readers require and who will be responsible for the maintenance?**

**Response:** The maintenance of the WHTI RFID and LPR system is a vendor designed maintenance process and the responsibility of the prime contractor, Unisys Federal Systems, and its subcontractors ("Team Unisys"). Team Unisys provides all necessary management, supervision, labor, and materials to perform remedial, preventive, and accidental maintenance (maintenance service outside the scope of remedial maintenance) of the WHTI LPR & RFID units, in accordance with the requirements contained in the WHTI Statement of Work and the program's Maintenance Support Plan approved by Unisys and CBP. All maintenance and sustainability support for the WHTI contract is covered under a fixed price contract. Team Unisys will perform problem diagnosis and defect isolation, and provide qualified technical personnel, materials, travel and materials shipping to provide the required warranty and maintenance support in order to maintain the WHTI LPR & RFID units.

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RESPONSES FROM JOHN BRENNAN

**Question 1.:** There has been some concern about the State Department's ability to issue passports and passport cards in a timely manner. **Please describe how the Department of State is responding to this concern. What kind of expedited options exist?**

**Answer:** In Fiscal Year 2007, the State Department experienced a major increase in demand and issued 18.4 million passports, which remains the historic high for passport issuances in a single year. During this surge in demand, the State Department had difficulty issuing passports in a timely manner.

To address underlying concerns with passport production capacity, the Department has since increased resources for passport production by 95 percent. We have added both staff and facilities, including opening two large passport book production centers in Hot Springs, Arkansas, and Tucson, Arizona, and new passport agencies in Detroit and Minneapolis. A third agency will open in Dallas in July. Later this summer, we will also open a new "omega-adjudication center" in Tucson. This center will become one of four such facilities across the country, notable because they are larger and have greater production capabilities than a traditional passport agency. We expanded existing facilities along the southern and northern borders, such as the Miami Passport Agency and the National Passport Center, in Portsmouth, New Hampshire. In addition, during demand surges, the Department now has the technical capability to allow passport applications to be adjudicated by qualified consular staff remotely at posts abroad and at passport facilities anywhere in the country.

Throughout 2008 and thus far in 2009, we have maintained our standard service level of four to six weeks for routine service and two to three weeks for expedited service. Expedited service is available to all applicants for an additional fee of \$60. If a customer requests delivery of the passport by overnight service, an additional service fee of \$14.85 per application is assessed. Customers who have urgent or emergency travel needs may schedule a walk-in appointment at one of our 17 public agencies through an automated appointment hotline provided by our customer call center, the National Passport Information Center.

**Question 2.:** **What efforts has the State Department undertaken to facilitate applications for passports? Are there any plans to accept applications at or near ports of entry or in communities where there is high demand for WHTI-compliant documents?**

**Answer:** There are more than 9,400 acceptance facilities across the country, such as post offices and courthouses, where Americans can apply for a U.S. passport. There are 301 acceptance facilities located within 25 miles of the U.S.-Canada border and 128 acceptance facilities located within 25 miles of the U.S.-Mexico border.

We opened new passport agencies in Detroit in March and Minneapolis in May of this year. Both are designed to serve important population centers near the northern border. In the next 12 to 18 months, we plan to open additional agencies in Dallas, El Paso, San Diego, Buffalo, and Vermont, and offer services to the public at the National Passport Center in Portsmouth, New Hampshire, and at the Arkansas Passport Center in Hot Springs, Arkansas. We have looked specifically at locations near communities with high demand for WHTI-compliant documents. These locations are also near major ports-of-entry.

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RESPONSES FROM MARIA LUISA O'CONNELL

**Questions: 1.** Your organizations provide a forum for a variety of stakeholders from business and industry, community groups, trade organizations, port employees,

and individuals who use the ports every day to share their thoughts on border matters.

**What have you heard from your membership about the recent implementation of WHTI at land ports?**

On the first day of implementation, Border Trade Alliance (BTA) launched TWHTI, an interactive campaign to encourage travelers to share their experiences crossing the border. By logging onto their Twitter.com accounts, users could search #WHTI to share information and read about the current status of implementation efforts. The majority of stakeholders reported a smooth transition, with port directors on both borders reporting a compliance rate of over 95%.

**Do you have any additional recommendations for DHS or State regarding successful implementation? Are there any elements that are currently being overlooked?**

What may be overlooked is the number of travelers who are choosing to not cross the borders because they have not yet obtained the required documents due to cost, inconvenience or difficulty in obtaining the necessary documents required for a passport. It may be beneficial to note the decrease in pedestrian and vehicular traffic over the past two years. As mentioned before, border residents, the trade and business communities and the travel industry had already felt the impact of WHTI before the implementation of its final phase on June, 1, 2009.

It has also been reported to the BTA that smaller communities are having difficulty processing passport applications because the local post offices are overwhelmed with applicants. These communities have identified the need to have more offices that are authorized to handle passport applications. Some communities have taken the initiative to look into alternate locations within the city, but were informed that certain city departments do not qualify because the same offices that issue birth certificates or government identifications cannot issue passports. Recommendations for this specific issue are listed under a different question under the passport drives or mobile offices. An alternative solution may be have DOS inform these communities of the availability of appropriate alternative locations that can be used to facilitate passport applications.

**Question 2:** As you know, the goal of WHTI is to strengthen border security and facilitate entry for legitimate travelers. However, a large portion of our ports of entry facilities date back 50 years or more in some cases. In addition, staffing at ports of entry have not kept pace with the need for personnel in recent years.

**What needs to be done to improve port of entry infrastructure at our borders?**

More resources need to be allocated towards maintenance and upgrades at the land ports of entry. It is also necessary to allocate more resources to DHS Customs and Border Protection (CBP) that will be directed towards recruitment and staffing needs. Increasing the number of lanes and inspection booths at the ports of entry is only beneficial when there is adequate staffing to operate the booths.

In addition, the need for new ports of entry and their associated infrastructure, e.g. bridges, lanes, inspection booths, etc., adjacent to existing border crossings should be thoroughly reviewed by CBP, the General Services Administration, the Department of Transportation, state and local government, Congress and local stakeholders. While upgrades of existing land ports of entry are necessary to maintain current crossing volumes, consideration of the development of new land ports of entry is warranted considering the historic trend of increased trade and commercial activity at our shared borders with Canada and Mexico. There exists a strong need for a collaborative federal, state, local and private plan for accommodation of future infra-structural needs at our borders to facilitate the expected growth in trade and cross-border commercial activity, which is an integral component of our national economic viability.

The BTA supports legislative efforts, such as H.R. 1655, the Ports Act and others, that increases resources and staffing needs, as well as those that commission studies to measure wait times (H.R. 1965). The BTA also supports the inclusion of language into annual appropriations bills that direct agencies such as GSA to consult with communities and stakeholders in expansion plans and project selection and incorporates the interests of community residents as well as the business community.

**What staffing levels are necessary to enhance security and facilitate travel?**

The BTA supports increased staffing levels at U.S. land ports for at least enough to fully staff existing vehicular and pedestrian traffic lanes. More funding for overtime pay is likely necessary until adequate staffing levels are reached so that the

lanes do not have to be closed during port operating hours. H.R. 1655, authorizes funding for increased CBP personnel to fully staff all U.S. land ports of entry.

**Question 3:** Your organizations have advocated for the acceptance of the low-cost, wallet-sized passport alternative, referred to as the passport card, as well as other current secure traveler documents such as NEXUS and SENTRI cards and the new Enhanced Drivers' Licenses (EDL) to be accepted at land border crossings as alternatives to a passport.

**What more can be done to promote the use of these kinds of documents among the traveling public?**

Increasing the interoperability of WHTI compliant documents would promote greater use. Currently, PASS Cards are secure documents that satisfy WHTI requirements to cross the U.S. international land borders. Despite being more secure than a driver's license, PASS Cards cannot be used as identification for air travel within the United States. Allowing PASS Cards to be used for air travel to Canada, Mexico, the Caribbean and Bermuda may also encourage travelers to obtain the PASS Card, since it is the lower cost alternative to the passport.

DOS could consider passport application drives in border communities and consider expediting the passport applications as an incentive for increased participation.

DOS should perform an ongoing assessment and evaluation of what geographic areas or regions are handling the greatest volume of passport or PASS Card applications and determining whether those areas fully able to handle this volume of applications. Using this information DOS can then quickly dispatch the necessary resources to process passport and PASS card applications in areas of greatest need.

DOS should consider utilizing mobile passport offices, especially in rural communities along the U.S. borders with Canada and Mexico and in communities where DOS has experienced high application volumes would greater enhance the ability of U.S. citizens to readily obtain the necessary documentation in a timely manner. Several BTA members have reported that it is now necessary to travel well into the interior to places such as San Antonio, Texas or Phoenix, Arizona to be able to obtain an appointment to apply for a U.S. Passport or PASS Card as facilities at the border, primarily U.S. Post Offices, are unable to handle the high application volumes.

DHS and State should also consider expanding the acceptance of the PASS Card under WHTI for air travel within North American and the Caribbean to provide increased incentive for U.S. citizens to apply for these documents.

**What other "outside the box" alternatives could enhance both security and facilitation at our ports of entry?**

DHS should consider having SENTRI cards apply to persons and not just vehicles. Currently SENTRI has to apply to the person and their specific vehicle, and if you're not in the SENTRI-approved vehicle you are not allowed to cross via a dedicated SENTRI lane. Altering the SENTRI program in this manner would also allow for the development and use of low-risk pedestrian lanes at U.S. land ports.

DHS could also consider opening SENTRI to bus operators, who could have their buses and drivers approved as SENTRI card holders and then transmit in advance of their arrival at the border, a manifest of their passengers to CBP to expedite the transit of these high-occupancy vehicles.

With dedicated federal funding through Congress, DHS could expand its initial pilot and consider 24-hour ports of entry at ports with high crossing volumes.

DHS, and perhaps this committee in its oversight role, needs to undertake a comprehensive review of the multiple layers of security programs and procedures in place for both people and cargo crossing the border. Best-practices between programs should be shared to promote a more effective and efficient, secure crossing experience. Duplicative or repetitive programs could be merged or eliminated and cost-saving efficiencies could be identified within the ongoing management of federal security programs.

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RESPONSES FROM THOMAS WINKOWSKI

**Question 1:** In your testimony, you described a conference to train Customs and Border Protection officers about procedures for implementing WHTI at ports of entry. **What other steps have you taken to provide appropriate WHTI training to every Customs and Border Protection officer at land ports of entry?**

**Response:** CBP HQ has been in communication with its field offices about WHTI since publication of the final rule in April 2008. Most recently, in addition to a conference to train Customs and Border Protection (CBP) officers about procedures for

implementing WHTI at ports of entry, implementation guidance was disseminated to all CBP officers on May 14, 2009, that outlined the document requirements, operational procedures, and contingency plans in the event travelers fail to present WHTI-compliant documents. Included in the guidance to officers in the field was a script to use when giving a verbal advisory to travelers not in compliance with the WHTI land/sea documentary requirements. In addition, on May 15, 2009, mandatory training was distributed to all officers including supervisors, managers, port directors, public affairs officers, and trainers working at land and sea ports of entry. The presentation outlined the document requirements, operational procedures, and certain exceptions regarding the June 1 implementation of WHTI for land and sea travel. As of June 2, approximately 10,967 CBP officers had completed the mandatory training. (The term CBP officers encompasses managers, port directors, agriculture specialists, and CBP officers who work in cargo and passenger operations.) Officers not at their port between May 15 and June 1 due to travel, training, leave or details away from the port, are required to complete the training in order to resume working at the port. As these officers return and complete the training, the number continues to increase.

**Question 2.: Have you made any staffing changes in light of WHTI implementation, particularly for the first few months of implementation when both CBP officers and the traveling public will be getting used to the new requirements and procedures? If so, please describe these changes.**

**Response:** Yes. The Western Hemisphere Travel Initiative (WHTI) brought 205 new positions to the field during fiscal year 2008, and CBP is in the process of augmenting the field with an additional 89 positions this fiscal year (82 already filled).

Field managers ensured senior leadership and officers were properly placed in appropriate numbers to anticipate any impact from WHTI, to include traveler impacts, media inquiries, and Congressional interest (and redeployed staff as needed.)

At CBP Headquarters, the WHTI Program Management Office (PMO) brought in the Port Director from Sault Ste. Marie, Michigan to stand up the WHTI Operations Center (WOC). The WOC was operational on May 29, 2009, and was staffed by CBP HQ personnel redeployed from the WHTI PMO and other HQ program offices. These staffing changes included moving employees from their core hours to cover a 24/7 operation until the closure of the WOC on June 7, 2009.

The result of the above staffing changes was a successful implementation, with no discernable impact to wait times. The field is seeing high compliance by those U.S. and Canadian citizens queried at the land borders. Media reporting was neutral to positive.

**Question 3.: Please update the Committee on the projects started with the approximately \$700 million dedicated to improving port of entry infrastructure in the American Recovery and Reinvestment Act of 2009.**

**Response:** Of the \$720 million of American Recovery and Reinvestment Act (ARRA) funds dedicated to improving land ports of entry (LPOE), \$420 million was appropriated to CBP to address modernization needs within the CBP-owned LPOE inventory; the remaining \$300M was appropriated to the General Services Administration (GSA) to address modernization needs at GSA-owned LPOEs. CBP established a jointly staffed Program Management Office (PMO) made up of operational, financial and technical experts from CBP and partner agencies such as the U.S. Army Corps of Engineers (USACE) and GSA, to manage and track the progress of the LPOE modernization efforts. The LPOE PMO has made significant accomplishments against a fast-track schedule and remains on target to award design/build contracts under the ARRA consistent with August 2009 program goals.

In preparation for contract award, the PMO has achieved the following:

- Secured head-of-contracting approval for the program-wide acquisition plan
- Prepared a compressed schedule, acquisition strategy, and spend plan
- Drafted Interagency Agreements (IAA) with GSA and finalized IAA with USACE
- Developed prototype layouts and universal technical specifications for the micro and small port design templates
- Identified the 23 CBP-owned LPOEs targeted for modernization under ARRA
- Initiated environmental, vendor and cultural site visits and began to publish draft environmental assessments for public review.
- Prepared Request for Proposal (RFP) packages for distribution.
- Coordinated with the U.S. Department of State, U.S. Department of Transportation (DOT), International Boundary and Water Commission (IBWC), and the affected state departments of transportation.
- For the CBP-owned LPOEs not targeted for major construction, the PMO has initiated engineering surveys and developed a Repairs and Alterations (R&A)

strategy to implement programmatic work packages focused on: security and port hardening, site utilities and infrastructure, emergency repairs, and mission enhancements. The schedule for R&A projects has been finalized and the PMO is on schedule to finalize the R&A technical packages by early July.

- Made significant efforts to communicate LPOE modernization opportunities to small businesses through ARRA reporting, and Small Business Outreach Sessions.

In coming weeks, the PMO will finalize its IAA with GSA. For the design/build projects, the program will release RFPs, complete outstanding cultural site visits, and finalize technical requirement packages for all projects. Additionally, draft environmental assessments and Findings of No Significant Impact (FONSI) will be issued. For R&A projects, the PMO will initiate the procurement process for the technology upgrades and finalize the technical requirement packages.

As previously stated, of the \$720 million in ARRA funding, \$300 million was appropriated to GSA to address the modernization needs of the GSA-owned LPOEs. Specifically, seven projects received funds for site acquisition, design, and/or construction. Unlike the CBP-owned inventory, these funds target projects already under development for purposes of accelerating their delivery timelines and securing additional resources to meet CBP's operational needs. CBP is coordinating closely with GSA on the following projects to ensure they move forward expeditiously in the spirit of the ARRA:

- Nogales West, AZ: Full construction funds were allocated for GSA to accelerate project timelines with construction currently slated to begin in early FY 2010.
- Otay Mesa, CA: With site/design funds allocated, GSA is now pursuing site acquisition to expand the port along with initiating the program development study for CBP to evaluate design concepts
- Van Buren, ME: With design and construction funds allocated, GSA and CBP have accelerated the planning phase targeting a design/build contract award in mid-FY 2010.
- Madawaska, ME: Additional funds were provided for GSA to supplement ongoing design in preparation for construction start in late-FY 2010, pending passage of the President's Budget.
- Blaine-Peace Arch, WA: Construction escalation funds were provided to better target full project completion by November 2010.
- Calais-St. Stephen, ME: Construction escalation funds were provided to better target full project completion by November 2009.
- Columbus, NM: Additional design funds were provided for CBP and GSA to re-initiate the previously stalled design phase in preparation for FY 2011 construction, pending availability of funds.

Ultimately, the \$720M in ARRA funds appropriated for CBP-owned and GSA-owned LPOEs will contribute significantly to CBP's broader mission to modernize the entire LPOE inventory. The ultimate goal of the LPOE Modernization Program is to improve these critical assets to better meet CBP's mission to secure the nation's border while facilitating legitimate travel and trade.

