

**JOINT STATEMENT
OF
KATHLEEN KRANINGER
Deputy Assistant Secretary for Policy, Screening Coordination
Department of Homeland Security
AND
ROBERT JACKSTA
Deputy Assistant Commissioner
Office of Field Operations
U.S. Customs and Border Protection
Department of Homeland Security
Before
The House Committee on Homeland Security
Subcommittee on Border, Maritime and Global Counterterrorism
“Moving Beyond the First Five Years: Ensuring Successful Implementation of the
Western Hemisphere Travel Initiative”
Washington, DC
April 16, 2008**

Chairwoman Sanchez, Ranking Member Souder, and other distinguished Members of the Committee. We are pleased to appear before you today to discuss how we plan to implement the Western Hemisphere Travel Initiative (WHTI), which is both a statutory mandate of the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 and 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. The Department of Homeland Security (DHS), in partnership with the Department of State (DOS), 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. We are accomplishing this through the implementation of secure document requirements at all ports of entry in the United States. Our approach to implementing WHTI has been, and will continue to be, both practical and flexible, as we work to achieve the goal of increased security while significantly facilitating the flow of

legitimate trade and travel. We would like to assure you that we are taking the appropriate and necessary steps to ensure that both travelers and the U.S. government are prepared to successfully and efficiently implement the second phase of WHTI at land and sea ports on June 1, 2009.

Access to our nation is critical for a terrorist to plan and carry out attacks on our homeland. 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."

Preventing easy access to our homeland by requiring secure identity and citizenship documents at all ports of entry for both U.S. citizens and non-citizens will help keep those hoping to do us harm from entering the country. In order to begin closing a critical vulnerability that had existed for far too long, on January 31, 2008, the practice of accepting oral declarations alone at our land and sea ports of entry ended. Since fiscal year 2005, U.S. Customs and Border Protection (CBP) has identified over 33,000 individuals who attempted to enter our country at our air, land, and sea ports of entry with a false oral claim of U.S. citizenship – drug and human traffickers, homicide suspects, and potential terrorists could show up at our borders, and attempt to enter by telling us they were U.S. or Canadian citizens when they were not. For example, in December 2007, at the San Ysidro port of entry, a traveler presented a state of California identification card and claimed erroneously to be a U.S. citizen. An electronic check of his fingerprints revealed that the man was actually wanted for two counts of murder in

San Diego County. This case demonstrates the importance of this change in policy and the move towards WHTI secure documents.

On January 31, 2008, we began our transition to a more secure border — a border that will welcome legitimate travelers and facilitate their entry into the country efficiently. It will also be a border that inhibits entry of individuals who cannot confirm their identity and citizenship. We implemented these most recent changes in travel document requirements without causing discernable increases in wait times at the border. Compliance rates are high and continue to increase. United States and Canadian citizens are presenting the requested documents when crossing the border.

The institution of a travel document requirement and the standardization of travel documents are critical steps to securing our nation's borders and facilitating legitimate travel. In fiscal year 2007 alone, more than 30,000 individuals were apprehended at ports of entry trying to cross the border with false documents.

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. DHS must be able to capitalize on our border inspection process. We must be able to inspect or examine those who seek to enter. 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. Advanced technology embedded in these travel documents, with the appropriate privacy protections and infrastructure, will allow DHS the ability to verify an individual's identity and perform real-time queries against lookout databases even before our officers begin to question them. Implementation of WHTI will allow our officers to

focus more time and greater attention on each individual traveler. WHTI provides the platform to implement an integrated secure land border system, and we are taking every step to take full advantage of that opportunity.

The initial phase of WHTI went into effect January 23, 2007. The WHTI Air Final Rule requires all arriving air travelers, regardless of age, to present a passport or other acceptable secure document for entry into the United States. In the last seven months, CBP has reported a compliance rate of 99 percent for citizens of the United States, Canada, and Bermuda, and there has been no interruption to air transportation attributable to WHTI implementation. The high level of compliance shows that Americans and foreign nationals alike are willing and able to obtain the necessary documents to enter or re-enter the United States once the requirements are known and enforced. This compliance is 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.

Intelligent Implementation of the WHTI

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 border communities and officials, 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 DHS's 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.

Based on the successful strategy surrounding the implementation of the WHTI Air Final Rule, DHS published the WHTI Land and Sea Final Rule a full 14 months prior to implementation to ensure adequate time for planning, education, and communication. During the next 14 months, DHS and DOS will work diligently so that travelers will know what documents will be needed, how to obtain these documents, and when they will need them.

DHS is confident that all the integrated components are in place to ensure successful implementation of the WHTI land and sea requirements and infrastructure by June 2009. In preparation for full 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. Currently, we are conducting site surveys to identify construction requirements needed to support RFID technology installation. Site surveys will be completed by the end of May 2008. This summer, we will begin the actual construction at land border locations and the installation of the integrated solution will commence shortly thereafter. However, until that time, we have the optical character reader technology in place at virtually all air, land, and sea ports of entry. This technology will read any travel document with a machine-readable zone (MRZ), including passports, border crossing cards, trusted traveler cards, and the new passport card. All CBP officers are currently trained in the use of this technology. This means that right now, our ports of entry can accept all WHTI-complaint documents.

On February 12, 2008, we deployed the new vehicle primary client software application to the ports of Blaine, Washington, and Nogales, Arizona, in anticipation of implementing the vicinity RFID primary lane solution. This critical software deployment quickly and effectively provides officers with vital information on border crossers. The training and tools necessary for the successful transition from the current antiquated, text-based system, to a modern, graphical user interface was successfully delivered to 254 CBP officers ahead of the critical deployment. We will be deploying this new twenty-first century tool to the ports of Buffalo, New York; Detroit, Michigan; and El Paso, Texas, by the end of June 2008. Deployment will continue to most land border locations, with completion scheduled for fall 2008.

On February 4, 2008, DHS awarded a public relations contract to develop a proactive campaign to the traveling public. This campaign will increase traveler awareness by emphasizing document requirements and soliciting traveler compliance through education, while facilitating a smooth transition to WHTI implementation on June 1, 2009.

Nearly 200 new CBP officers are being added to critical land border locations in fiscal year 2008. In addition, we are adding 15 positions at the Williston, Vermont, Trusted Traveler Vetting Center. Officer deployment is focused on current and proposed enrollment centers and land border secondary locations, where an initial increase in secondary referrals is expected upon WHTI implementation. As of April 10, 2008, 126 of these 205 CBP officers have come onboard.

Alternative Documents

It is incumbent on DHS and CBP to ensure that we offer document options that best meet the needs of the traveling public. In addition to a U.S. passport, U.S. citizens will be able to present a passport card, a state-issued, DHS-approved enhanced driver's license, a trusted traveler program card, a merchant mariner document, a U.S. military ID with travel orders, or a WHTI-compliant enhanced tribal card. It is also a clear responsibility of the U.S. government to ensure that we can produce these documents in a timely manner. DHS and DOS are continually monitoring our resources, infrastructure, and ability to do so, and have put in place practices and plans to manage the expected increase of applications for all our travel document programs.

Let me illustrate our progress toward ensuring that we can provide sufficient WHTI-compliant documents for United States citizens by June 1, 2009. Currently, many cross border travelers already have WHTI-compliant documents such as passports, trusted traveler cards, or enhanced driver's licenses (EDL). Over 88 million U.S. citizens have passports. Our partners at DOS started taking applications for the new passport card in February 2008 and have received over 143,000 applications for the passport card that will begin to be issued in June. States and Canadian provinces will be issuing EDLs in the next several months – additional options for United States and Canadian citizens.

The flexibility of the number of WHTI-compliant documents addresses the needs of each type of traveler, while providing CBP officers with secure documents to review. Some citizens who travel frequently both within and outside the Western Hemisphere may benefit from getting a passport card in conjunction with their U.S. passport. Individuals that frequently cross the Southern border may be best served by obtaining a

Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card. Less frequent border crossers might choose an enhanced driver's license that offers the benefits of a license but also serves as a limited use travel document. Low-risk business travelers who fly between New York and Toronto for work might choose a NEXUS card.

Our trusted traveler programs, NEXUS, SENTRI, and Free and Secure Trade (FAST), have a total of 436,000 members and we expect as many as 1.6 million participants by the end of FY 2009. For frequent crossers, the ability to use dedicated NEXUS or SENTRI lanes at the border for expedited processing is a very clear benefit sought by the traveling public—the processing time for border crossers presenting trusted traveler cards is often less than half that for other travelers. By the end of 2008, we expect to open five additional NEXUS enrollment centers in Sweetgrass, Montana; International Falls, Minnesota; Niagara Falls and Alexandria Bay, New York; and Calais, Maine. To increase traveler awareness of NEXUS, we are investing in mobile enrollment centers, which will give us the flexibility to enroll travelers in remote parts of Alaska, Washington, Montana, and Minnesota.

CBP and Canada Border Services Agency (CBSA) have worked diligently to develop and implement a plan to handle the potential surge in NEXUS applications as a result of WHTI. On a daily basis, we monitor application intake, vetting, and the number of interviews conducted so that we can be proactive in reallocating resources where demand has increased. From March 31, 2007, to March 31, 2008, membership in NEXUS has increased by over 50% with the vast majority of applications being approved within six to eight weeks, while membership in SENTRI has increased by 35 percent.

DHS has entered into memoranda of agreement with the states of Washington, Vermont, Arizona, and New York to develop and produce WHTI-compliant EDLs, which will be acceptable travel documents at all land and sea ports of entry. Traveler demand for the enhanced driver's license has exceeded expectations in Washington State. As of April 10, 2008, Washington State has scheduled more than 21,000 appointments and has issued more than 8,500 EDLs. The states of New York, Arizona, and Vermont remain on track to issue EDLs in 2008. The Canadian province of British Columbia began issuing EDLs to Canadian citizens this month, and we expect Ontario and Quebec to follow by the end of the year. We continue to work with other states, including Michigan, which has recently passed legislation supporting the development of an EDL. We believe that with the success of EDLs other states may also wish to produce the documents for the convenience and benefits they offer to their resident citizens.

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. 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 community.

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. The risk that document requirements will negatively impact ports of entry in June 2009 is minimal, as the majority of travelers will have been presenting documents for inspection

at the border for over 16 months. Many U.S. citizens are surprised to learn that documents have not been mandatory before now. Since January 31, 2008, compliance rates have steadily improved – more than 90 percent of U.S. and Canadian citizens queried while crossing the land border are in compliance with document requirements. Most travelers want to comply with January 31, 2008 change in document procedures and will want to comply with WHTI requirements in June 2009. At the Blaine, Washington, port of entry, approximately 85% of U.S. and Canadian citizens queried are already presenting WHTI-compliant documents.

DHS recognizes our responsibility to educate the public on what the new travel document requirements are and provide ample opportunity for individuals to become acclimated to traveling with and presenting required documents.

A traveler is easily verifiable if a passport or other acceptable document with an MRZ or appropriate RFID technology that can be queried automatically is presented. Processing times are considerably longer for a vehicle with passengers presenting documents that cannot be verified by the inspecting officer. Often, a CBP officer will need to manually enter an individual's identifying information into the computer if the documentation presented does not have a machine readable zone. The additional time it takes to process these individuals contributes to delays.

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 even 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 January 22, 2008, DHS published a Privacy Impact Assessment for the use of vicinity RFID technology for border crossings.

Time and motion studies are in progress at 16 of the busiest land border ports. These studies examine all aspects of vehicle primary processing and time each individual inspection activity. A series of computer models were developed to look at cause and effect of the introduction of RFID-enabled documents and their increased use. At every port for which a model was developed, the introduction of RFID-enabled documents significantly reduced primary processing time. For example, at San Ysidro, California, use of an RFID-enabled document reduces vehicle primary processing time by an average of 27 percent. At the Bridge of the Americas in El Paso, Texas, the reduction is an average of 32 percent per vehicle. Both of these estimates are based on actual

observations and computer modeling. 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. As we undertake necessary construction and technology installations at individual ports of entry, it is possible that wait times may temporarily be impacted. 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 and progress to date. In particular, DHS has been involved in extensive discussions with our Canadian counterparts regarding secure

alternative documents that can be made available to Canadian citizens for WHTI purposes, including the development of EDLs for Canadian citizens.

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 significant investments being made at the ports of entry and to the CBP systems will provide 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 are taking for the next phase of WHTI implementation will afford us the same results.

DHS and DOS are committed to implementing this change in a practical way, and we want to foster an open and productive dialogue. Both CBP and DOS have retained public relations firms to ensure consistent and complementary messaging. We have engaged at the local, national, and international levels. We will continue to partner with border communities, the travel industry (including cruise lines), and non-traditional stakeholders. We are coordinating with our Canadian counterparts as well as our state partners to get the maximum benefit for our efforts and taxpayer dollars.

Conclusion

Chairwoman Sanchez, Ranking Member Souder and Members of the Committee, we have outlined our WHTI implementation plan that, with your assistance, will help DHS continue to protect America. 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.