

## February 22, 2007 - Slaughter Sends Letter Urging New Commitment to Smart & Secure Northern Border

FOR IMMEDIATE RELEASE

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Slaughter Sends Letter to Top Secretaries Urging New Commitment to Smart and Secure Northern Border  
On WHTI, Renews Call for New Implementation Schedule, Exemption for Children, and Expansion of NEXUS and FAST Programs

Washington, DC - Rep. Louise M. Slaughter (D-NY-28), Chairwoman of the House Rules Committee, today sent a letter to Department of Homeland Security Secretary Michael Chertoff, State Department Secretary Condoleezza Rice, and Commerce Department Secretary Carlos Gutierrez urging them to renew America's commitment to the Security and Prosperity Partnership (SPP) first launched in March, 2005.

The letter calls on the Secretaries to use the SPP summit tomorrow in Ottawa to revise three pending US-Canadian border issues: the Western Hemisphere Travel Initiative (WHTI), Shared Border Management at the Peace Bridge, and new agricultural inspection fees for trucks crossing the border from Canada.

"SPP was created to advance smart and secure border policies, but the Bush Administration is pushing three proposals that are anything but," Rep. Slaughter said. "I urge the Administration to use tomorrow's SPP summit as a starting point for rethinking WHTI, Shared Border Management at the Peace Bridge, and new agricultural inspection fees."

"I am encouraged that the Administration is expected to announce a WHTI exemption for children, a step I have been advocating for nearly two years," Rep. Slaughter continued. "And I expect that the Administration will soon announce a

delay in the imposition of agricultural inspection fees. But we need to go much further and look at our northern border policies as a whole. Otherwise, we risk unintentionally curbing legitimate travel and trade with Canada."

"Our borders should shut down those who would do us harm, not local economies throughout America," Rep. Slaughter added.

SPP was launched in March 2005 as a trilateral effort to increase security and enhance prosperity among the United States, Canada, and Mexico. President Bush and Prime Minister Harper agreed last March to work together on key northern border issues, with a special focus given to WHTI.

## BACKGROUND

On WHTI: Rep. Slaughter's letter calls on the Bush Administration to use the upcoming round of SPP talks to affirm the United State's commitment to a smart and secure northern border. It urges the Department of Homeland Security (DHS) and the State Department to rethink the WHTI implementation schedule of January 2008, to announce an exemption for children, and to expand the NEXUS and FAST programs. Rep. Slaughter has advocated that DHS and State take all three of these steps for nearly two years, and H.R. 1061, the Protecting American Commerce and Travel Act (PACT Act) co-authored with Rep. John McHugh and re-introduced to the House last week, contains provisions to implement all of them. The legislation has the support of the US Chamber of Commerce, the Travel Industry Association of America, the Travel Business Roundtable, and the National Tour Association.

On Agricultural Fees: In the letter, Rep. Slaughter advocates for the withdrawal of the current rule that imposes new agricultural user fees and inspection regimes on all trucks entering the US from Canada, regardless of whether the truck carries agricultural products. Instead, Rep. Slaughter calls on the US to turn to an existing US-Canada working group to tighten agricultural inspections without imposing a blanket fee on truckers.

On Shared Border Management at the Peace Bridge: The letter urges the United States to go back to the negotiating table with Canada so that a reasonable and mutually-beneficial management system at the Peace Bridge can be put in place.

The complete text of Rep. Slaughter's letter is included below:

February 21, 2007

The Honorable Michael Chertoff

Secretary

US Department of Homeland Security

Washington, DC 20528

The Honorable Condoleezza Rice

Secretary

US Department of State

Washington, DC 20520

The Honorable Carlos Gutierrez

Secretary

US Department of Commerce

Washington, DC 20230

Dear Secretary Chertoff, Secretary Rice, and Secretary Gutierrez:

As you prepare for the 2007 Security and Prosperity Partnership (SPP) summit on February 23rd, I urge the United States to reaffirm its commitment to the SPP principles of a smart and secure US-Canada border.

SPP was launched in March 2005 as a trilateral effort to increase security and enhance prosperity among the United States, Canada and Mexico through greater cooperation and information sharing. The initiative is premised on our security and our economic prosperity being mutually reinforcing. At the March 2006 SPP meeting, President Bush, Canadian Prime Minister Harper, and then-Mexican President Fox identified a number of action-items that would ensure a smart and secure border within the next 24 months. Included in this announcement was a focus on the development of standards and options for secure documents to facilitate cross-border travel, and coordinated plans at border crossings to ensure legitimate trade remains strong.

I am concerned that the US continues to advance three positions that run counter to the SPP principles President Bush and Prime Minister Harper agreed to last year: new agricultural inspection fees on commercial vehicles, Shared Border Management, and the Western Hemisphere Travel Initiative.

Last fall, the Department of Agriculture's (USDA) Animal Plant and Health Inspection Agency Service (APHIS) and the Department of Homeland Security's (DHS) Customs and Border Protection (CBP) announced plans to impose an agricultural inspection fee of \$5.25 and a new inspections regime on all trucks entering the US from Canada, regardless if the truck carries agricultural products or not. The fee will double the annual charge for a commercial vehicle to travel into the US. In addition, the accompanying inspections regime will increase border congestion by sending an untold number of trucks to secondary inspection, penalizing importers and service providers who have been diligently working with DHS to secure their supply-chain.

I agree that we must take steps to protect US agriculture from pests or diseases introduced by products of other countries. However, rather than coordinate with the Canadian government to identify the very small number of importers violating the rules, USDA and DHS are instead imposing a blanket user-fee on all commercial vehicles.

I am troubled that USDA and DHS are pursuing a broad, heavy-handed response to a specific problem that can be addressed without severe consequences for international commerce. I appreciate that USDA and DHS extended their implementation date for trucks until March 2007, and have recently suggested that they will postpone implementation an additional 90 days. I urge USDA and DHS to withdraw the proposal in its entirety and take advantage of the existing US-

Canada technical working group to determine how best to strengthen the agricultural inspections process.

Secondly, US-Canada negotiations on Shared Border Management (SBM) at the Peace Bridge in Buffalo are at a very critical juncture. As you are aware, the Peace Bridge carries \$20 billion of trade annually between the US and Canada. Yet congestion related to infrastructure constraints and customs processes has been a serious problem since the mid 1990s, and has worsened since September 11, 2001. In order to address the emerging security and traffic issues arising from 9/11, Canada and the US agreed on December 17, 2004 to issue a framework to put land pre-clearance in place at the Peace Bridge. The pre-clearance pilot, referred to as SBM, would involve the relocation of all United States primary and secondary border operations for both commercial and passenger traffic from Buffalo to Fort Erie.

The SBM pilot is critical to improving the flow of persons and traffic between the US and Canada and meets the goals of SPP. Indeed, the December 17, 2004 announcement stated, "both security and trade facilitation will be enhanced while minimizing adverse impacts on the surrounding community." However, more than two years after the announcement, the US and Canada have yet to reach a final agreement on implementing SBM. I have met recently with the chief SBM negotiators for both the US and Canada to discern the reasons for the hold-up on a final agreement. The breakdown appears to be on the collection of biometric fingerprints on individuals who, for whatever reason, decide at the last minute to withdraw their request to enter the United States from Canada. DHS wants the ability to collect biometric fingerprints on these individuals, while Canada maintains that such action on their soil would violate their Charter and be overturned by their courts. DHS has made clear to my staff that they will not negotiate on biometrics, implying that the negotiations will not advance until Canada agrees to the US position.

The Peace Bridge Authority has patiently waited for SBM to move forward for two years, but have indicated that they will move forward with their capacity expansion project without SBM if no deal is reached by May 2007. The economic prosperity of both countries will suffer should SBM not move forward. I strongly urge the US to use SPP as an opportunity to return to the negotiating table as there is only a small window of time left to complete a deal.

Finally, the most important US-Canada border issue is the Western Hemisphere Travel Initiative (WHTI). In fact, the Canadian Ambassador to the United States, Michael Wilson, noted last week that WHTI is the top priority for the Government of Canada. I appreciate the fact that the Intelligence Reform and Terrorism Prevention Act of 2004 mandated that DHS and the Department of State (State) require more secure documentation from travelers reentering the US from Canada. In the post 9/11 world, it is imperative 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 there are ways to implement WHTI that are smart and secure, and make certain that our border remains open for business.

Regrettably, I am convinced that DHS and State's proposed plans for WHTI will unintentionally close our borders and be economically disastrous for the US and Canadian economies. The current plan calls for all US travelers to Canada to purchase a \$97 passport or a \$45 passport card, both of which take several weeks to obtain. A Zogby poll has confirmed that infrequent and tourism travelers, which power the Niagara economy, will not spend that much money for either document. The cost of the card, coupled with the fact that it will not be available for Canadians, means that cross-border travel will dry-up. In addition, commercial interests have raised concerns that WHTI will unintentionally increase congestion at our land borders.

Congress recognized that WHTI will have unintended consequences on travel and commerce, and extended the land implementation date from January 2008 to June 2009 as part of the FY07 Homeland Security Appropriations Act. Alarmingly, DHS and State have announced that they intend to disregard the extension and begin land implementation by January 2008. It is clear for a number of reasons that DHS and State are unready to implement WHTI in such a way that will improve security and facilitate legitimate travel. DHS did not request or receive any funding in the FY07 Homeland Security Appropriations Act to upgrade their infrastructure at land ports-of-entry. Secondly, DHS and State have not agreed on the technology for the proposed passport card (PASS). I understand this means that the PASS card will initially be equipped with a Machine Readable Zone (MRZ) barcode rather than a type of radio frequency technology. CBP has told me that while they can technically read the MRZ at the border, they will often choose not to in order to avoid traffic congestion. It is unclear how this WHTI implementation schedule will improve security if DHS concedes that they will not read or verify the authenticity of the PASS card for at least one year.

Finally, DHS has agreed to conduct a pilot project in Washington State and British Columbia to examine if enhanced driver's licenses may meet WHTI standards. This pilot should be allowed to run its course before DHS issues a Final Rule on WHTI. Again, President Bush and Prime Minister Harper agreed last year to develop standards for common border crossings documents. This pilot project allows DHS to follow-through on this SPP commitment and ascertain if documents already-held by the majority of US and Canadian citizens can be secured to the point that they work for WHTI.

I strongly urge DHS and State to reconsider their WHTI implementation schedule. The current plan will drive a wedge between the US and our closest ally with little, if any, improvement to our overall security. At the very least, I hope that DHS and State will use SPP as an opportunity to announce a WHTI exemption for children under the age of 16 and the expansion of frequent traveler programs like NEXUS for individuals and FAST for commercial vehicles. Young students traveling to Canada as part of a class trip do not threaten our security, and an exemption will mitigate a large part of

WHTI's economic disturbances. The expansion of NEXUS and FAST was identified by the 9/11 Commission as a top priority for border security policies, yet the programs have never received the attention or resources from DHS that they deserve to be truly significant.

In closing, SPP is based on the premise that our borders serve as a vital conduit for travel and trade, yet new agricultural inspection fees, stalled negotiations on Shared Border Management, and the Western Hemisphere Travel Initiative threaten to thicken, not strengthen, the northern border. I urge you to utilize the SPP summit as an opportunity to reengage the Canadian government on all three of these proposals and commit to a truly smart and secure US-Canada border.

Sincerely,

Louise M. Slaughter

Member of Congress

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