

**Congress of the United States**  
**Washington, DC 20515**

February 7, 2020

The Honorable Chad Wolf  
Acting Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Acting Secretary Wolf:

We write today to express our strong opposition to the decision by the Department of Homeland Security (DHS) to discriminate against residents of the State of New York by barring them from enrolling or re-enrolling in four U.S. Customs and Border Protection (CBP) Trusted Traveler Programs. This senseless, retaliatory decision should be immediately reversed.

Your justification for this sudden policy shift appears to be no more than a pretext. You have claimed that DHS is revoking New York residents' eligibility for the programs because the Department can no longer access certain state Department of Motor Vehicles (DMV) records. Yet a driver's license is not even required to participate in these programs. Indeed, citizens of a dozen foreign countries—who presumably do not possess U.S. driver's licenses—can continue to enroll.

We do not believe that U.S. security is enhanced by blocking the enrollment of New York residents in Trusted Traveler Programs that collect extensive data on enrollees—through their passports, fingerprints, background checks, and interviews. We are also concerned about the impacts that these decisions are likely to have on the travel industry and our nation's economy.

**Background: Trusted Traveler Programs**

There are four CBP Trusted Traveler Programs:

- (1) Global Entry, which is a program that is open to “U.S. citizens, U.S. lawful permanent residents, and select foreign nationals” that provides enrollment in the TSA Pre✓ program as well as access to “Global Entry Customs Kiosks at more than 75 airports when returning to the U.S. from travel abroad;”

- (2) NEXUS, which is a program that is open to “U.S. citizens, U.S. lawful permanent residents, Canadian citizens, Canadian permanent residents, and Mexican nationals” and provides “Expedited vehicle/pedestrian entrance into U.S. or Canada” and “Access to TSA Pre✓ expedited security lanes at airports within the U.S. and U.S territories for U.S. Citizens, U.S. lawful permanent residents and Canadian citizens;”
- (3) SENTRI, which is a program that is open to “U.S. citizens, U.S. lawful permanent residents and all foreign nationals” and provides “Expedited vehicle/pedestrian entrance into U.S. from Canada and Mexico” and “Access to TSA Pre✓ expedited security lanes at airports within the U.S. and U.S territories for U.S. Citizens and U.S. lawful permanent residents;” and
- (4) FAST, which is a program open to “U.S. citizens, U.S. lawful permanent residents, Canadian citizens, Canadian permanent residents, and Mexican nationals” and provides “Expedited customs processing for commercial carriers” at both the U.S.-Mexico and the U.S.-Canada borders.<sup>1</sup>

CBP’s four Trusted Traveler programs—Global Entry, NEXUS, SENTRI, and FAST—are open to enrollment by at least some foreign nationals who are not U.S. lawful permanent residents. For example, a 2017 DHS press release announced “the expansion of Global Entry eligibility to citizens of India,” and also noted the eligibility of citizens of “Argentina, Colombia, Germany, Mexico, the Netherlands, Panama, the Republic of Korea, Singapore, Switzerland, [and] the United Kingdom.”<sup>2</sup>

Enrollment in Trusted Traveler Programs requires applicants to provide fingerprints, enabling the conduct of biometric-based background checks. Enrollment also requires applicants to provide extensive personal biographical data and documents to establish identity, including a passport.

### **Document Requests**

It is highly inappropriate to give foreign nationals the opportunity to enroll in a U.S.-government program from which millions of U.S. citizens are being barred. DHS has also failed to explain how it is able to determine eligibility for enrollment of New York State residents in the TSA Pre✓ program, but not in the programs in which foreign nationals (who presumably do not possess any identification issued by a U.S. government entity) can enroll.

Given that residents of New York will continue to travel internationally—and presumably to be re-admitted to the United States after such travel—it is inexplicable how refusing to enable New York residents to enroll in programs that would give DHS officials access to extensive information

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<sup>1</sup> Department of Homeland Security, *Trusted Traveler Programs*, (online at <https://ttp.dhs.gov/>) (accessed on Feb. 6, 2020).

<sup>2</sup> Department of Homeland Security, “CBP Announces Expansion of Global Entry to Indian Citizens,” (July 3, 2017) (online at [www.cbp.gov/newsroom/national-media-release/cbp-announces-expansion-global-entry-indian-citizens](http://www.cbp.gov/newsroom/national-media-release/cbp-announces-expansion-global-entry-indian-citizens)).

about these travelers will enhance U.S. security. Knowing more—rather than less—about a traveler would seem to enhance to U.S. security. That very rationale has long been used by DHS to justify the existence of its Trusted Traveler Programs.

For all these reasons, we are concerned that the Department's policy change may be an improper attempt to use official DHS policy to punish the people of New York because their state government has a political disagreement with the Trump Administration over immigration policy. Needless to say, using your authority as Acting Secretary of DHS to retaliate against Americans with different political views would be a gross violation of the Constitution—and your oath of office.

We therefore request that DHS produce to the Committee the following documents no later than February 20, 2020:

1. All documents and communications referring or relating to DHS's decision to bar residents of New York State from Trusted Traveler Programs, including all communications within DHS, with the White House, with other federal agencies, with state agencies, and with any other third party;
2. Documents sufficient to show the Department's justification for barring residents of New York State from Trusted Traveler Programs, including the justification for barring New York residents from programs in which foreign nationals continue to be eligible to enroll;
3. Documents sufficient to show how reducing the amount of personal information collected from New York residents who travel abroad is an enhancement to U.S. security; and
4. All documents referring or relating to the economic impact of the Department's decision to bar New Yorkers from participating in Trusted Traveler Programs, including but not limited to impact on the movement of freight by trucks whose operators are New York residents and who have participated in the FAST program.

The Committee on Homeland Security has jurisdiction over homeland security policy; organization, administration, and general management of the Department of Homeland Security; and functions of the Department relating to border security. The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

An attachment to this letter provides additional instructions for responding to this request. If you have any questions, please contact Homeland Security Staff at (202) 226-2616 and Oversight Committee staff at (202) 225-5051.

Sincerely,



BENNIE G. THOMPSON  
Chairman  
Committee on Homeland Security



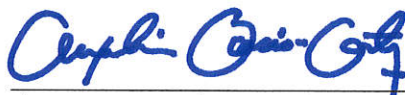
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