

BACKGROUND: To implement Sec. 7209 of the *Intelligence Reform and Terrorism Prevention Act of 2004*, which addressed travel documents and the so-called Western Hemisphere “exemption,” the Departments of State (State) and Homeland Security (DHS) created the Western Hemisphere Travel Initiative (WHTI), requiring all travelers (including U.S. citizens) to have a passport or other accepted document that established identity and citizenship upon entry or re-entry into the United States from Canada, Mexico, Bermuda, the Caribbean, and Central and South America. The purpose of WHTI is to strengthen U.S. border security while facilitating the entry of U.S. citizens and legitimate international travelers through the use of standardized documentation that allows the federal government to quickly and reliably identify a traveler.

The first phase of WHTI began on January 23, 2007 when a passport was required for all Western Hemisphere air travel into the U.S. The second phase includes travel through land and sea ports-of-entry and, in addition to a passport, other acceptable travel documents will include the NEXUS travel card (U.S./Canada), the SENTRI travel card (U.S./Mexico), the more recently introduced U.S. passport card and enhanced driver’s licenses issued by state or provincial governments in the U.S. and Canada.

Congress has acted more than once to extend the deadline for implementation of WHTI for land and sea travel into the U.S. to avoid creating gridlock at our borders and deterring cross-border travel and trade. Congress was forced to take this action because so few U.S. and Canadian citizens had passports and because of the lack of availability of alternative travel documents that qualify under WHTI. As it stands currently, WHTI travel document requirements cannot be applied at land and sea ports-of-entry prior to June 2009, subject to several specific legislative requirements.

In a related development intended to ease the transition to full land/sea operation of WHTI, DHS formally ceased accepting oral declarations of citizenship from U.S. and Canadian travelers entering at land border ports-of-entry starting January 31, 2008. The government is asking travelers to present a government-issued photo ID (driver’s license) and a birth certificate to enter by land, but is conducting “soft” enforcement during this “transition period” leading up to June 2009.

ISSUES FOR THE NEW ADMINISTRATION:

1. **Facilitate Cross-Border Travel:** The Western Hemisphere Travel Initiative is a major change in law and tradition and has the potential to negatively impact cross-border travel and trade if not implemented correctly. WHTI implementation for air travel proceeded smoothly (as expected) since most international air travelers already possessed a passport. Only about half of Canadian citizens possess a passport, and the figure is even less for U.S. citizens. Providing alternatives such as the U.S. passport card, enhanced driver’s licenses and other travel documents as options will also help in this process.

Action Items:

- Ensure State and DHS have completed all statutory requirements prior to full implementation of WHTI for land/sea travel in June 2009, especially including full installation of RFID (Radio Frequency Identification) document readers at all ports-of-entry and training for Customs and Border Protection (CBP) officers.

- Closely monitor wait times at key border ports-of-entry to maintain the flow of cross-border travel and trade between the U.S. and Canada and Mexico.
 - Continue to certify new state enhanced driver's license programs, and encourage Canadian provinces to create similar programs in order to facilitate continued Canadian travel into the United States.
2. **Conduct Aggressive Public Outreach:** Other than making qualified documents available to travelers and training and equipping CBP officers to enforce WHTI requirements, the most critical aspect of the entire program is communication. In order to successfully introduce WHTI for land and sea travelers, visitors must be fully informed about the law, its requirements, and what options they have for securing required travel documents. Confusion and concern on the part of the traveler will only serve to deter cross-border travel, and that could have a major negative impact on the U.S. economy. CBP officers have been distributing informational "tear sheets" at border crossings, and the agency did finally launch a limited media promotion program in September 2008, but much more is needed to inform hundreds of millions of prospective travelers about the WHTI requirements.

Action Items:

- Closely coordinate with top officials in Canada and Mexico on communication and notice concerning the full implementation of land/sea requirements in June 2009.
- Support passage and implementation of the Travel Promotion Act (TPA), whose purpose it is to establish a public-private partnership to create a nationally coordinated strategic communications campaign to better inform international travelers about all U.S. security requirements. This type of aggressive program would leverage the authority of the federal government and expertise of the private sector to better inform travelers about WHTI and many other programs and requirements (ESTA, Global Entry, VWP, US-VISIT, etc.) related to inbound international travel.