



Proposed Solution to WHTI and Real ID

The business community of the United States and Canada oppose requiring passports for Americans and Canadians entering the US, and instead proposes that the Federal Government delay implementation of the Western Hemisphere Travel Initiative until such time as the Real-ID (Drivers License) legislation is fully in place, and a mechanism for using drivers' licenses (a far more prevalent form of identification) as acceptable identification at the border can be implemented.

With the provisions for the Real-ID/Drivers' License Act being so similar to the requirements for verifiable ID in the Western Hemisphere Travel Initiative, and the implementation of both initiatives coming so close together, the business community believes the two concepts should be brought together. We recommend the implementation of WHTI be delayed for 1 year, to January 2009, in order to ensure people have time to obtain the new drivers' licenses or ID cards, and that over the next three years, the following steps should be taken.

1. The US State Department must find an acceptable way for states to meet the needs of the Real-ID/Drivers' License Act (determining status in the country) and then place that information on the drivers' license, either encoded in it or printed on it. The Department of Homeland Security must provide states with a means of meeting this goal that will be acceptable to the agency in order to fulfill the requirements of WHTI.
2. DHS and the State Department must become engaged with the working group of drivers' license agencies from Michigan, Ontario and New York, as well as the Canadian Government, to ensure that the provisions of the Real-ID/Drivers' License Act are integrated into provincial and territorial drivers' licenses in Canada.
3. There have been no provisions made for accompanied minors in WHTI, and this needs to be corrected. We would recommend that an accompanied minor who is a US or Canadian citizen be granted access to the US under the current rules, which normally require only a birth certificate. Unaccompanied older minors can obtain a state-issued ID card in the same way an adult would obtain one from their state or provincial government.
4. The Canadian and American governments must ensure funds are made available to provide the public with information about the new drivers' license, and how this change in our standard form of ID may be used to cross the US/Canada Border.

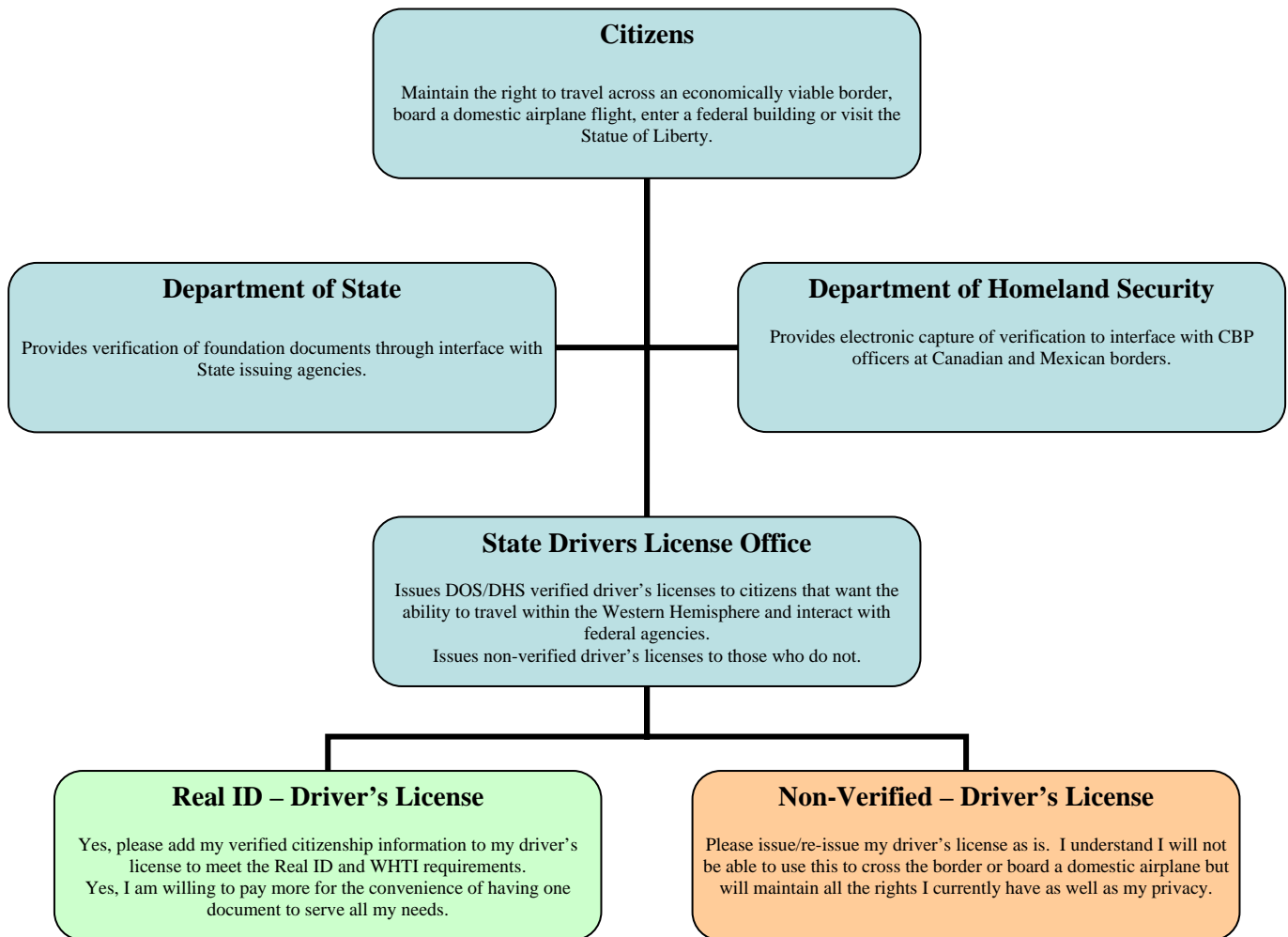
The following represents a possible outline of a practical method of implementing Real ID that will serve the needs of increasing border security without creating the economic devastation of WHTI as currently written.

Upon original or renewal of a state issued driver's license (DL), and or anytime a US citizen wishes that their drivers license or State DOL issued identification meet the requirements for a US Citizen to cross to/from Canada or Mexico (identification for those that are under sixteen and or for those individuals that do not drive), he/she can make application at any state DOL. Each state DOL shall have an application form and process that has been approved by the U.S. State Department. Said application will include two check boxes at the top of the application.

Check Box One will have verbiage similar to the following... Please check here if you desire this driver's license meet the requirements for a US citizen to use this document for entering and/or returning from Canada or Mexico. This document is ONLY valid for entering the US from Canada or Mexico. All other countries will require a visa and/or passports.

If you checked this box, please continue to question three, complete this application and submit this application along with your original birth certificate to the DOL. For those individuals whose DL will expire in the near future and that have applied for a renewal DL subject to the terms above, please keep page XX of this application and your DL expiration date will be extended by 8 weeks (or until your application is returned from the US State Department to the state DOL, whichever is earliest) while this application is being evaluated. For individuals with minors or citizens that want to apply at the same time as individuals renew a DL, please complete a separate application, include an original birth certificate, and submit it as a package to the State DOL.

Check Box Two will say... For original or renewal issuance of a state Driver's License OR Identification card, please check this box and continue on to question three. This DL WILL NOT qualify as a secure travel document for US citizens wishing to re-enter the US from Canada or Mexico.



Several goals are achieved...

- 1) Currently all states charge a fee for an original or renewal DL. For a state issued (original or renewal DL or ID card) that will meet the requirements of WHTI/Real ID, there will be an Proposed WHTI solution additional fee for the US State Department review process and for the states to issue a card that meets security requirements (i.e. holograms and retina scan).
- 2) States start and complete the process, on behalf of the US State Department/DHS, at locations and facilities that are already in service.
- 3) US State Department and DHS complete the background check for any/all individuals requesting that the driver's license meet the requirements of WHTI/Real ID.
- 4) Individuals are given opportunities to op-out of what some perceive as a national ID system; hence preserving personal rights issues.
- 5) Individuals that are minors and/or do not drive have an ID card that meets WHTI/Real ID.
- 6) States concerned about cost and/or unfunded mandates can include fees that help offset additional costs associated with implementation of the process.
- 7) Easy phase in dates concurrent with expiring DL and the requirements of WHTI/Real ID.
- 8) Information can be released immediately to the public as to the program, its implementation dates and goals thereby eliminating concerns for the above-mentioned entities (i.e. State Department, DHS, ACLU, commercial businesses, tourism entities).
- 9) Biometric technology and citizenship can be encrypted on DL.
- 10) DL for US citizens that meets US State Department requirements will all be one format making the card easily identifiable to CBP officers.

Background: America's borders -- land, sea and air -- are our primary ports of entry for billions of dollars in goods and services, along with millions of tourists, business visitors, workers, and other foreign nationals who contribute to our national economy. Lying at the heart of this system are the land border crossings at Peace Arch, Pacific Highway, Lynden and Sumas, as well as the ferry systems between Vancouver Island and the Pacific Northwest mainland. Combined, these crossings are the 3rd busiest crossings on the northern border with Canada, and by far the busiest in the Pacific Northwest.

The events of September 11 have brought many changes to the federally protected border, changes that have had a dramatic effect on the region, its people, and the cross-border relationship. While these events indicate that some have used International Borders as an entryway for these evil and malicious attacks, it has also shown the true partnership and friendship that exist between the peoples of the United States and Canada.

Still, as a result of these terrorist acts, many have called for increased checks and "tightening" of our borders. While such proposals are understandable, and some improvements may be needed, difficult questions remain about the potential severe impact to our economy of any improperly conceived system that does not deal realistically with what is almost universally legitimate traffic, including goods and people that cross our borders daily.

In 2004, the US Congress passed the Intelligence Reform and Terrorism Prevention Act, and President Bush signed it into law on December 17th of that year. Among its many provisions is the Western Hemisphere Travel Initiative (WHTI) a mandate that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to require U.S. citizens and foreign nationals to present a passport, or other verifiable and secure document which can ensure a person's identity, upon seeking entrance into the United States. The plan, which many are now calling the "passport tax," must be fully implemented by January 2008, according to the bill.

Since its announcement, the provision requiring passports has caused substantial concern along the entirety of the US/Canadian border, both for Canadians as well as Americans. Such a provision has the potential to further decrease border crossings, an area which has continued to see decreasing numbers since 9/11. Furthermore, there has been little if any explanation from the Administration or Congress on how requiring passports will increase the security along the border.

In May of 2005, Congress passed the Real-ID bill. This bill calls for standardized state-issued identification, generally in the form of a driver's license or state-issued ID. This standardization must be implemented by May 2008, four months after the deadline for WHTI. Real-ID/Drivers' License Act calls for each state to adjudicate the status of an individual in the country prior to issuing the ID. Failure by a state to comply with the provisions of the Real-ID/Driver's License Act will mean that residents of that state will not be able to use their state-issued ID for any federal purpose, including boarding domestic flights.

While the majority of Americans and Canadians have a drivers' license, and carry it with them at all times, the numbers of those who hold a passport is far smaller. Currently, just over 20% of Americans have a passport, and approximately 40% of Canadians have one. Furthermore, these documents are much larger and more cumbersome than a drivers' license or state-issued ID card, and few carry them on a regular basis.