



*The Voice of Cross-Border Business
in the Pacific Corridor Since 1989*

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October 28, 2005

U.S. Customs and Border Protection
Office of Regulations and Rulings
Regulations Branch
1300 Pennsylvania Avenue, NW
Washington, DC 20229

Dear Commissioner Bonner:

Re: Regulatory Information Number 1651-AA66
Docket number USCBP-2005-0005
Department of Homeland Security / Department of State
Documents Required for Travel within the Western Hemisphere

The PACE cross-border trade council and its founding members pioneered, along with other organizations, in advocating the creation of and subsequent promotion of the test-pilot PACE lanes which ultimately - through enhanced technology - became the NEXUS lanes. We continue to promote the legitimate flow of people, goods and services across the Canada-US border.

We note with concern new impending changes in border-crossing requirements wherein the Federal Register indicates that the Advance Notice of Proposed Rulemaking (ANPRM) pertaining to the implementation of the Western Hemisphere Travel Initiative (WHTI) provides within Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) that a passport substitute should be another document or combination of documents that are "sufficient to denote identity and citizenship". It is further acknowledged that cards issued under the SENTRI, NEXUS and FAST programs may be acceptable in lieu of passports. The Federal Register makes provision that other secure documentation may be proposed for consideration to ensure that the implementation of WHTI does not impede legitimate commerce and travel.

The implementation of these new requirements on citizens in the Western Hemisphere - which have heretofore been exempt from passport identification - is expected to have a serious impact on legitimate commerce and travel.

Frequent trusted traveler programs such as SENTRI, NEXUS and FAST will mitigate the impact. However, it should be noted that participants can only use these expedited lanes within restricted hours of operation and at limited ports of entry. The corresponding card



technology - to transmit advance identification and citizenship - to the inspection booth is not currently interoperable within regular border crossing lanes nor applicable to other than isolated and restricted ports of entry. These aspects together with very stringent requirements on enrolment and participation rejections - with no avenues of appeal – represent continuing areas of concern. These expedited clearance programs have great potential, however, they are still in their infancy and require modifications and extensive marketing to enhance prospects for handling increased volume of traffic to maximum efficiency – while still maintaining the desired level of security required. The NEXUS program is still regarded as being in test phases and incomplete as it has obviously not reached its maximum potential – factors which create a greater burden by forcing larger volumes of traffic through regular border crossing lanes.

Considering that the majority of Canadian and U.S. citizens do not possess passports and the costs and inconvenience associated with acquiring same could be detrimental to cross-border travel, some alternative form of identification and proof of citizenship – easily accessible and less costly – is obviously desirable. We acknowledge that since 9/11, the enhanced current requirement of photo identification together with proof of citizenship - usually in the form of drivers licenses - may in some cases be less than desirable and considered marginal due to potential counterfeit, fraudulent or criminal utilization. However, given new requirements in the REAL ID Act, State and/or Provincial enhancement of biometrics and other measures, these improvements could render Drivers Licenses more secure so as to meet federal standards acceptable to Homeland Security and the State Department and thus gain acceptance as a substitute for passports or other forms of identification.

We understand that the United Kingdom is utilizing a form of National Identity Card apparently issued by their Passport Office as a credit-card size “mini-passport” for utilization only within the confines of the European Common Market. International travel beyond the continental area will still continue to require a formal passport. It is additionally noteworthy that the “mini-passport” is obtainable at lesser costs than the more formal “official passport”. This concept could potentially be adaptable to North America. We note that the Canadian Passport Office is reportedly embarking on a pilot project to “retain” passport application documentation on a “data base” so as to eliminate the need to “re-create”- from scratch – a “renewal” application when the prior initial data to verify identification and citizenship has previously been established. Thus, all that will need to be supplied on renewal applications is an updated photograph. The need to replicate data from one jurisdiction to another simply to verify ID and citizenship so as to secure passports, drivers licenses, etc. should be redundant and cost incurred in the initial certification of ID and citizenship should be a transferable credit.



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While we favor NEXUS and the expansion thereof – in the common international interests - we are not opposed to supplementary national ID or border crossing credit card size national cards with a 10 year validity. Whether the Department of Homeland Security and the Department of State ultimately approve expanding the existing SENTRI, NEXUS and FAST programs and/or elect to introduce new enhanced drivers licenses, national ID or special border crossing cards – we believe, that considering the extreme volume of Canadian and U.S. cross-border traffic, “technology” will be essential to assist the border personnel in providing them with “advance” confirmation of ID and citizenship prior to entry at the border crossing inspection booths - so as to reduce the interview process and thus expedite the timely processing of cross-border traffic to avoid extensive delay and congestion.

Our organization has been instrumental in the past and continues to be available as part of an outreach program to assist in communicating the need for a program to enhance the legitimate flow of people, goods and services across the Canada-US border.

Sincerely,

Pacific Corridor Enterprise Council

A handwritten signature in black ink, appearing to read 'James E. Kohnke', with a long horizontal flourish extending to the right.

James E. Kohnke
Executive Director

cc: Canadian Consulate
U.S. Consulate
B.C. Chamber of Commerce
Canadian Chamber of Commerce
U.S. Chamber of Commerce
Canadian Parliamentary Border Caucus