

109TH CONGRESS
2D SESSION

H. R. 5848

To increase the number of types of documents able to satisfy the requirements of the Western Hemisphere Travel Initiative, and to ensure such documents are widely available and affordable.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2006

Mr. REYNOLDS introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To increase the number of types of documents able to satisfy the requirements of the Western Hemisphere Travel Initiative, and to ensure such documents are widely available and affordable.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Western Hemisphere
5 Traveler Improvement Act of 2006”.

6 **SEC. 2. WESTERN HEMISPHERE TRAVEL INITIATIVE.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) United States citizens make approximately
2 130,000,000 land border crossings each year be-
3 tween the United States and Canada and the United
4 States and Mexico, with approximately 23,000,000
5 individual United States citizens crossing the border
6 annually.

7 (2) Approximately 27 percent of United States
8 citizens possess United States passports.

9 (3) In fiscal year 2005, the Secretary of State
10 issued an estimated 10,100,000 passports, rep-
11 resenting an increase of 15 percent from fiscal year
12 2004.

13 (4) The Secretary of State estimates that
14 13,000,000 passports will be issued in fiscal year
15 2006, 16,000,000 passports will be issued in fiscal
16 year 2007, and 17,000,000 passports will be issued
17 in fiscal year 2008.

18 (b) EXTENSION OF WESTERN HEMISPHERE TRAVEL
19 INITIATIVE IMPLEMENTATION DEADLINE.—Section
20 7209(b)(1) of the Intelligence Reform and Terrorism Pre-
21 vention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185
22 note) is amended by striking “January 1, 2008” and in-
23 serting “the later of June 1, 2009, or three months after
24 the Secretary of State and the Secretary of Homeland Se-
25 curity make the certification required under subsection (i)

1 of the Western Hemisphere Travel Improvement Act of
2 2006”.

3 (c) PASSPORT CARDS.—

4 (1) AUTHORITY TO ISSUE.—In order to facili-
5 tate travel of United States citizens to Canada, Mex-
6 ico, the countries located in the Caribbean, and Ber-
7 muda, the Secretary of State, in consultation with
8 the Secretary of Homeland Security, is authorized to
9 develop a travel document known as a Passport
10 Card.

11 (2) ISSUANCE.—In accordance with the West-
12 ern Hemisphere Travel Initiative carried out pursu-
13 ant to section 7209 of the Intelligence Reform and
14 Terrorism Prevention Act of 2004 (Public Law 108–
15 458; 8 U.S.C. 1185 note), the Secretary of State, in
16 consultation with the Secretary of Homeland Secu-
17 rity, shall be authorized to issue to a citizen of the
18 United States who submits an application in accord-
19 ance with paragraph (6) a travel document that will
20 serve as a Passport Card.

21 (3) APPLICABILITY.—A Passport Card shall be
22 deemed to be a United States passport for the pur-
23 pose of United States laws and regulations relating
24 to United States passports.

1 (4) VALIDITY.—A Passport Card shall be valid
2 for the same period as a United States passport.

3 (5) LIMITATION ON USE.—A Passport Card
4 may only be used for the purpose of international
5 travel by United States citizens through land and
6 sea ports of entry between—

7 (A) the United States and Canada;

8 (B) the United States and Mexico; and

9 (C) the United States and a country lo-
10 cated in the Caribbean or Bermuda.

11 (6) APPLICATION FOR ISSUANCE.—To be issued
12 a Passport Card, a United States citizen shall sub-
13 mit an application to the Secretary of State. The
14 Secretary of State shall require that such application
15 shall contain the same information as is required to
16 determine citizenship, identity, and eligibility for
17 issuance of a United States passport.

18 (7) TECHNOLOGY.—

19 (A) EXPEDITED TRAVELER PROGRAMS.—

20 To the maximum extent practicable, a Passport
21 Card shall be designed and produced to provide
22 a platform on which the expedited traveler pro-
23 grams carried out by the Secretary, such as
24 NEXUS, NEXUS AIR, SENTRI, FAST, and
25 Register Traveler may be added. The Secretary

1 of State and the Secretary of Homeland Secu-
2 rity shall notify Congress not later than July 1,
3 2008, if the technology to add expedited trav-
4 eler programs to the Passport Card is not de-
5 veloped by that date.

6 (B) TECHNOLOGY.—The Secretary of
7 State and the Secretary of Homeland Security
8 shall establish a technology implementation
9 plan that accommodates desired technology re-
10 quirements of the Department of State and the
11 Department of Homeland Security, allows for
12 future technological innovations, and ensures
13 maximum facilitation at the northern and
14 southern borders.

15 (8) SPECIFICATIONS FOR CARD.—A Passport
16 Card shall be easily portable and durable. The Sec-
17 retary of State and the Secretary of Homeland Secu-
18 rity shall consult regarding the other technical speci-
19 fications of the Passport Card, including whether
20 the security features of the Passport Card can be
21 combined with other existing identity documentation.

22 (9) FEE.—

23 (A) IN GENERAL.—An applicant for a
24 Passport Card shall submit an application
25 under paragraph (6) together with a nonrefund-

1 able fee in an amount to be determined by the
2 Secretary of State. Fees for a Passport Card
3 shall be deposited as an offsetting collection to
4 the appropriate Department of State appropria-
5 tion, to remain available until expended.

6 (B) LIMITATION ON FEES.—The Secretary
7 of State shall seek to make such fees as low as
8 possible. Such fee shall not exceed—

9 (i) \$24; or

10 (ii) \$34, if the Secretary of State, the
11 Secretary of Homeland Security, and the
12 Postmaster General jointly certify to Con-
13 gress that such fees represent the lowest
14 possible cost of issuing Passport Cards and
15 provide a detailed cost analysis for any
16 such fee that is more than \$24.

17 (C) REDUCTION OF FEE.—The Secretary
18 of State shall reduce the fee for a Passport
19 Card for an individual who submits an applica-
20 tion for a Passport Card together with an appli-
21 cation for a United States passport.

22 (D) WAIVER OF FEE FOR CHILDREN.—
23 The Secretary of State shall waive the fee for
24 a Passport Card for a child under 18 years of
25 age.

1 (E) AUDIT.—In the event that the fee for
2 a Passport Card exceeds \$24, the Comptroller
3 General of the United States shall conduct an
4 audit to determine whether Passport Cards are
5 issued at the lowest possible cost.

6 (10) ACCESSIBILITY.—In order to make the
7 Passport Card easily obtainable, an application for a
8 Passport Card shall be accepted in the same manner
9 and at the same locations as an application for a
10 United States passport.

11 (11) RULE OF CONSTRUCTION.—Nothing in
12 this section shall be construed as limiting, altering,
13 modifying, or otherwise affecting the validity of a
14 United States passport. A United States citizen may
15 possess a United States passport and a Passport
16 Card.

17 (d) STATE ENROLLMENT DEMONSTRATION PRO-
18 GRAM.—

19 (1) IN GENERAL.—Notwithstanding any other
20 provisions of law, the Secretary of State and the
21 Secretary of Homeland Security shall enter into a
22 memorandum of understanding with one or more ap-
23 propriate States to carry out at least one demonstra-
24 tion program as follows:

1 (A) The inclusion of an individual's United
2 States citizenship status on a State driver's li-
3 cense which meets the requirements of section
4 202 of the REAL ID Act of 2005 (division B
5 of Public Law 109-13; 49 U.S.C. 30301 note).

6 (B) The development, in consultation with
7 the Secretary of State, of a mechanism to com-
8 municate with a participating State to verify
9 the United States citizenship status of an appli-
10 cant who voluntarily seeks to have the appli-
11 cant's United States citizenship status included
12 on a driver's license.

13 (2) BORDER CROSSING.—Notwithstanding any
14 other provision of law, a driver's license which meets
15 the requirements of either subparagraph (A) or (B)
16 of paragraph (1) under a demonstration program
17 shall be deemed to be sufficient documentation to
18 permit the bearer to enter the United States from
19 Canada through not less than at least one des-
20 ignated international border crossing in each State
21 participating in the demonstration program.

22 (3) MANAGEMENT OF INFORMATION COL-
23 LECTED.—All information collected about an indi-
24 vidual under the demonstration program shall be
25 managed exclusively in the same manner as informa-

1 tion collected through a passport application and no
2 further distribution of such information shall be per-
3 mitted.

4 (4) RULE OF CONSTRUCTION.—Nothing in this
5 subsection shall have the effect of creating a na-
6 tional identity card.

7 (5) AUTHORITY TO EXPAND.—The Secretary of
8 State and the Secretary of Homeland Security may
9 expand the demonstration program under this sub-
10 section so that such program is carried out in addi-
11 tional States, through additional ports of entry, for
12 additional foreign countries, and in a manner that
13 permits the use of additional types of identification
14 documents to prove identity under such program.

15 (6) STUDY.—Not later than six months after
16 the date that the demonstration program under this
17 subsection is carried out, the Comptroller General of
18 the United States shall conduct a study of—

19 (A) the cost of the production and issuance
20 of documents that meet the requirements of the
21 program compared with other travel documents;

22 (B) the impact of the program on the flow
23 of cross-border traffic and the economic impact
24 of the program; and

1 (C) the security of travel documents that
2 meet the requirements of the program com-
3 pared with other travel documents.

4 (7) RECIPROCITY WITH CANADA.—Notwith-
5 standing any other provision of law, the Secretary of
6 State and Secretary of Homeland Security are au-
7 thorized to work with appropriate authorities of
8 Canada to certify identification issued by the Gov-
9 ernment of Canada, including a driver’s license, as
10 meeting security requirements similar to the require-
11 ments under the REAL ID Act of 2005 (division B
12 of Public Law 109–13) and including a citizenship
13 verification mechanism. To the maximum extent pos-
14 sible, the Secretary of Homeland Security shall work
15 to ensure that Canadian identification documents
16 used as described in this paragraph contain the
17 same technology as United States documents and
18 may be accepted using the same document scanners.
19 Notwithstanding any other provision of law, in the
20 event that such certified identity document includes
21 information that shows an individual to be a citizen
22 of Canada, such individual shall be permitted to
23 enter the United States from Canada. The Secretary
24 shall ensure that, at all times, more States are par-
25 ticipants in this program than Canadian provinces.

1 (e) REGISTERED TRAVELER PROCESSING FOR RE-
2 PEAT TRAVELERS.—

3 (1) LAND CROSSINGS.—To the maximum extent
4 practicable, the Secretary of Homeland Security
5 shall expand registered traveler programs carried
6 out by the Secretary to all ports of entry and should
7 encourage citizens of the United States to partici-
8 pate in the preenrollment programs, as such pro-
9 grams assist border control officers of the United
10 States in the fight against terrorism by increasing
11 the number of known travelers crossing the border.
12 The identities of such expedited travelers shall be
13 entered into a database of known travelers who have
14 been subjected to in-depth background and watch-
15 list checks to permit border control officers to focus
16 more attention on unknown travelers, potential
17 criminals, and terrorists. The Secretary, in consulta-
18 tion with the appropriate officials of the Government
19 of Canada, shall equip at least six additional north-
20 ern border crossings with NEXUS technology.

21 (2) SEA CROSSINGS.—The Commissioner of
22 Customs and Border Patrol shall conduct and ex-
23 pand registered traveler programs and pilot pro-
24 grams to facilitate expedited processing of United
25 States citizens returning from pleasure craft trips in

1 Canada, Mexico, the Caribbean, or Bermuda. One
2 such program shall be conducted in Florida and
3 modeled on the I-68 program.

4 (f) PROCESS FOR INDIVIDUALS LACKING APPRO-
5 PRIATE DOCUMENTS.—

6 (1) IN GENERAL.—The Secretary of State shall
7 establish a program that satisfies section 7209 of
8 the Intelligence Reform and Terrorism Prevention
9 Act of 2004 (Public Law 108–458; 8 U.S.C. 1185
10 note)—

11 (A) to permit a citizen of the United
12 States who has not been issued a United States
13 passport or other appropriate travel document
14 to cross the international border and return to
15 the United States for a time period of not more
16 than 72 hours, on a limited basis, and at no ad-
17 ditional fee; or

18 (B) to establish a process to ascertain the
19 identity of, and make admissibility determina-
20 tions for, a citizen described in subparagraph
21 (A) upon the arrival of such citizen at an inter-
22 national border of the United States.

23 (2) GRACE PERIOD.—During a time period de-
24 termined by the Secretary, officers of the United
25 States Customs and Border Patrol may permit citi-

1 zens of the United States and Canada who are un-
2 aware of the requirements of 7209 of such Act, or
3 otherwise lacking appropriate documentation, to
4 enter the United States upon a demonstration of
5 citizenship satisfactory to the officer. Officers of the
6 United States Customs and Border Patrol shall edu-
7 cate such individuals about documentary require-
8 ments.

9 (g) TRAVEL BY CHILDREN.—For travel to Canada,
10 the Secretary of State shall have authority to waive the
11 requirements of section 7209 of such Act for travel by
12 children who are 17 years old or younger traveling in
13 groups of six or more, provided that such groups present
14 documents demonstrating parental consent for each child’s
15 travel. The Secretary may issue similar regulations for
16 travel to Mexico.

17 (h) PUBLIC PROMOTION.—The Secretary of State, in
18 consultation with the Secretary of Homeland Security,
19 shall develop and implement an outreach plan to inform
20 United States citizens about the Western Hemisphere
21 Travel Initiative and the provisions of this Act, to facili-
22 tate the acquisition of appropriate documentation to travel
23 to Canada, Mexico, the countries located in the Caribbean,
24 and Bermuda, and to educate United States citizens who

1 are unaware of the requirements for such travel. Such out-
2 reach plan shall include—

3 (1) written notifications posted at or near pub-
4 lic facilities, including border crossings, schools, li-
5 braries, Amtrak stations, and United States Post
6 Offices located within 50 miles of the international
7 border between the United States and Canada or the
8 international border between the United States and
9 Mexico and other ports of entry;

10 (2) provisions to seek consent to post such noti-
11 fications on commercial property, such as offices of
12 State departments of motor vehicles, gas stations,
13 supermarkets, convenience stores, hotels, and travel
14 agencies;

15 (3) the collection and analysis of data to meas-
16 ure the success of the public promotion plan; and

17 (4) additional measures as appropriate.

18 (i) CERTIFICATION.—Notwithstanding any other pro-
19 vision of law, the Secretary of State may not implement
20 the plan described in section 7209(b) of the Intelligence
21 Reform and Terrorism Prevention Act of 2004 until the
22 later of June 1, 2009, or the date that is three months
23 after the Secretary of State and the Secretary of Home-
24 land Security certify to Congress that—

1 (1)(A) if the Secretary of State and the Sec-
2 retary of Homeland Security develop and issue Pass-
3 port Cards under this section—

4 (i) such cards have been distributed to at
5 least 90 percent of the eligible United States
6 citizens who applied for such cards during the
7 six-month period beginning not earlier than the
8 date the Secretary of State began accepting ap-
9 plications for such cards and ending not earlier
10 than ten days prior to the date of certification;

11 (ii) Passport Cards are provided to appli-
12 cants, on average, within four weeks of applica-
13 tion or within the same period of time required
14 to adjudicate a passport; and

15 (iii) a successful pilot has demonstrated
16 the effectiveness of the Passport Card; or

17 (B) if the Secretary and the Secretary of State
18 do not develop and issue Passport Cards under this
19 section and develop a program to issue an alter-
20 native document that satisfies the requirements of
21 section 7209 of the Intelligence Reform and Ter-
22 rorism Prevention Act of 2004, in addition to the
23 NEXUS, SENTRI, FAST and Border Crossing
24 Card programs, such alternative document is widely
25 available and well publicized;

1 (2) United States border crossings have been
2 equipped with sufficient document readers and other
3 technologies to ensure that implementation of the
4 plan described in section 7209(b) of the Intelligence
5 Reform and Terrorism Prevention Act of 2004 will
6 not substantially slow the flow of traffic and persons
7 across international borders;

8 (3) officers of the Bureau of Customs and Bor-
9 der Protection have received training and been pro-
10 vided the infrastructure necessary to accept Pass-
11 port Cards and all alternative identity documents at
12 all United States border crossings; and

13 (4) the outreach plan described in subsection
14 (h) has been implemented and the Secretary of State
15 determines such plan has been successful in pro-
16 viding information to United States citizens.

17 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to the Secretary of State
19 and the Secretary of Homeland Security such sums as
20 may be necessary to carry out this Act, and the amend-
21 ment made by this Act.

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