

110TH CONGRESS
1ST SESSION

H. R. 1061

To implement the Western Hemisphere Travel Initiative and other registered traveler programs of the Department of Homeland Security.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2007

Ms. SLAUGHTER (for herself, Mr. MCHUGH, Mr. PETERSON of Minnesota, and Mr. MANZULLO) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Foreign Affairs and Judiciary, 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 implement the Western Hemisphere Travel Initiative and other registered traveler programs of the Department of Homeland Security.

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 “Protecting American
5 Commerce and Travel Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Approximately 23 million United States citi-
2 zens annually cross the northern or southern border.

3 (2) Twenty-seven percent of United States citi-
4 zens and 40 percent of Canadian citizens possess a
5 valid passport.

6 (3) Canada is the United States largest trading
7 partner, with an average of \$1.1 billion in goods
8 crossing the United States-Canada border every day.

9 (4) In 2004, Canadians made 14 million visits
10 to the United States and spent \$10.3 billion in the
11 United States.

12 **SEC. 3. PILOT PROGRAM FOR LAND AND SEA INTER-**
13 **NATIONAL TRAVEL AND REPORT ON EXIST-**
14 **ING DOCUMENTATION REQUIREMENTS.**

15 (a) PILOT PROGRAM.—

16 (1) IN GENERAL.—Not later than 120 days
17 after the date of the enactment of this Act, the Sec-
18 retary of Homeland Security, in consultation with
19 the Secretary of State, shall enter into an agreement
20 with at least one eligible State to conduct a pilot
21 program to determine if the driver’s license of such
22 State may be enhanced so as to satisfy the require-
23 ments of section 7209(b) of the Intelligence Reform
24 and Terrorism Prevention Act of 2004 (Public Law
25 108–458) (commonly referred to as the “Western

1 Hemisphere Travel Initiative”) with respect to land
2 and sea travel only.

3 (2) AIR TRAVEL EXCLUDED.—The pilot pro-
4 gram described in paragraph (1) may not include air
5 travel.

6 (3) VOLUNTARY INDIVIDUAL PARTICIPATION.—

7 (A) IN GENERAL.—Participation in the
8 pilot program described in paragraph (1) by a
9 citizen of the eligible State shall be voluntary.

10 (B) EXTRA COST.—If a citizen of the eligi-
11 ble State wishes to participate in the pilot pro-
12 gram, such citizen may be required to pay an
13 additional reasonable fee to be determined by
14 such State for a driver’s license that satisfies
15 the requirements referred to in paragraph (1).

16 (4) ELIGIBILITY.—To be eligible to participate
17 in the pilot program under this subsection, a State
18 shall submit to the Secretary of Homeland Security
19 an application at such time, in such manner, and
20 containing such information as the Secretary may
21 require.

22 (5) EXTENSION.—The Secretary of Homeland
23 Security may extend the pilot program to include at
24 least one Province of Canada.

1 (b) REPORT.—Not later than one year after the initi-
2 ation of the pilot program described in subsection (a), the
3 Secretary of Homeland Security, in consultation with the
4 Secretary of State, shall submit to the Committee on
5 Homeland Security of the House of Representatives and
6 the Committee on Homeland Security and Governmental
7 Affairs of the Senate a report examining the feasibility,
8 method, cost, and time period of implementation, cost and
9 security advantages, if any, and the impact on cross-bor-
10 der traffic of using a State driver’s license that satisfies
11 the requirements referred in subsection (a)(1).

12 (c) REVIEW BY GOVERNMENT ACCOUNTABILITY OF-
13 FICE.—Not later than 45 days after submission of the re-
14 port required under subsection (b), the Comptroller Gen-
15 eral of the United States shall review the report and sub-
16 mit an audit of the report to the Committee on Homeland
17 Security of the House of Representatives and the com-
18 mittee on Homeland Security and Governmental Affairs
19 of the Senate.

20 (d) PROHIBITION REGARDING TIMING OF ISSUANCE
21 OF FINAL RULE.—The Secretary of Homeland Security
22 may not publish in the Federal Register a Final Rule with
23 respect to the issuance of identification cards, such as
24 State driver’s licenses pursuant to the pilot program con-
25 ducted under subsection (a), passport cards issued under

1 section 4(b), and the expedited traveler programs of the
2 Department of Homeland Security, such as NEXUS,
3 NEXUS AIR, SENTRI, FAST, and Registered Traveler,
4 that satisfy the requirements of section 7209(b) of the In-
5 telligence Reform and Terrorism Prevention Act of 2004
6 until such pilot program has been completed.

7 **SEC. 4. WESTERN HEMISPHERE TRAVEL INITIATIVE.**

8 (a) TRAVEL TO CANADA AND MEXICO.—Section
9 7209(b) of the Intelligence Reform and Terrorism Preven-
10 tion Act of 2004 is amended by adding at the end the
11 following new paragraphs:

12 “(3) PROCESS FOR UNITED STATES CITIZENS
13 LACKING REQUIRED DOCUMENTS.—In order to ad-
14 dress spontaneous travel, the Secretary of Homeland
15 Security, in consultation with the Secretary of State,
16 shall establish a process to permit a citizen of the
17 United States who does not possess a passport or
18 other document, or combination of documents, as re-
19 quired under paragraph (1), to re-enter the United
20 States at an international land or maritime border
21 of the United States. The process referred to in this
22 paragraph shall terminate on the date that is 180
23 days after the date of the implementation of the
24 plan described in paragraph (1)(A).

1 “(4) SPECIAL RULE FOR CERTAIN MINORS .—
2 Except as provided in paragraph (5), citizens of the
3 United States or Canada who are less than 17 years
4 of age shall not be required to present to an immi-
5 gration officer a passport or other document, or
6 combination of documents, as required under para-
7 graph (1), when returning or traveling to the United
8 States from Canada, Mexico, Bermuda, or the
9 Carribean at any port of entry along the inter-
10 national land or maritime border of the United
11 States.

12 “(5) SPECIAL RULE FOR CERTAIN STUDENT MI-
13 NORS TRAVELING AS PART OF AN AUTHORIZED AND
14 SUPERVISED SCHOOL TRIP.—Notwithstanding the
15 special rule described in paragraph (4), the Sec-
16 retary of Homeland Security, in consultation with
17 the Secretary of State, is authorized to consider ex-
18 panding the special rule for certain minors described
19 in such paragraph to a citizen of the United States
20 or Canada who is less than 19 years of age but is
21 17 years of age or older and who is traveling be-
22 tween the United States and Canada at any port of
23 entry along the international or maritime border be-
24 tween the two countries if such citizen is so traveling

1 as a student as part of an authorized and supervised
2 school trip.”.

3 (b) ISSUANCE BY DEPARTMENT OF STATE OF PASS-
4 PORT CARDS.—

5 (1) IN GENERAL.—In accordance with section
6 7209 of the Intelligence Reform and Terrorism Pre-
7 vention Act of 2004, the Secretary of State, in con-
8 sultation with the Secretary of Homeland Security,
9 shall issue to United States citizens who submit an
10 application in accordance with paragraph (4) a trav-
11 el document that will serve as a passport card. The
12 Secretary of State may refer to a passport card by
13 any name the Secretary determines appropriate.

14 (2) APPLICABILITY.—A passport card shall be
15 deemed to be a United States passport for the pur-
16 pose of United States laws and regulations relating
17 to United States passports.

18 (3) USE AND LIMITATION.—A passport card
19 may be used for the purpose of facilitating inter-
20 national travel by United States citizens in accord-
21 ance with section 7209(b) of the Intelligence Reform
22 and Terrorism Prevention Act of 2004. The Sec-
23 retary of State may limit the use of a passport card
24 to only international land and sea travel. If the Sec-
25 retary does so limit the use of a passport card, the

1 Secretary shall, not later than 45 days after so lim-
2 iting such use, submit to Congress a report explain-
3 ing why the passport card is so limited.

4 (4) APPLICATION FOR ISSUANCE.—To be issued
5 a passport card, a United States citizen shall submit
6 an application to the Secretary of State. Such appli-
7 cation shall contain the same information as is re-
8 quired by the Secretary to determine citizenship,
9 identity, and eligibility for issuance of a United
10 States passport.

11 (5) FEE.—

12 (A) LIMITATION ON FEE.—An applicant
13 for a passport card shall submit an application
14 under paragraph (4) together with a single non-
15 refundable fee in an amount to be determined
16 by the Secretary of State. Subject to subpara-
17 graphs (B) and (C), such fee shall not exceed
18 \$20 (representing the total of the execution fee
19 attributable to authorized acceptance agents
20 and the adjudication fee attributable to the De-
21 partment of State), and the Secretary shall seek
22 to keep such fee as low as possible, based on
23 the cost of service.

24 (B) PERIOD OF VALIDITY OF FEE.—The
25 period of validity of the \$20 fee referred to in

1 subparagraph (A) shall terminate on the date
2 that is one year after the date of the initial
3 issuance of such passport cards.

4 (C) TIME FOR DELIVERY OF PASSPORT
5 CARD.—The Secretary shall ensure that, not
6 later than ten business days after receipt of an
7 application for a passport card, such passport
8 card is mailed to the United States citizen who
9 submitted such an application.

10 (6) EXPEDITED TRAVELER PROGRAMS.—The
11 passport card shall be designed and produced so as
12 to provide a platform on which the expedited traveler
13 programs of the Department of Homeland Security,
14 such as NEXUS, NEXUS AIR, SENTRI, FAST,
15 and Registered Traveler can be added.

16 (7) RULE OF CONSTRUCTION.—Nothing in this
17 Act shall be construed as limiting, altering, modi-
18 fying, or otherwise affecting the validity of a United
19 States passport. A United States citizen may possess
20 a United States passport and a passport card.

21 (c) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED
22 STATES.—For purposes of the plan required under section
23 7209(b) of the Intelligence Reform and Terrorism Preven-
24 tion Act of 2004, a passport card issued under this section
25 shall be considered a document sufficient on its own when

1 produced to denote identity and citizenship for travel into
2 the United States by United States citizens.

3 (d) FOREIGN COOPERATION.—In order to maintain
4 and encourage cross-border travel and trade, the Secretary
5 of State and the Secretary of Homeland Security shall use
6 all possible means to coordinate with the appropriate rep-
7 resentatives of foreign governments to ensure that their
8 citizens and nationals possess, not later than June 1,
9 2009, or the date that is 60 days after the date of the
10 issuance of the Final Rule under section 3(d), whichever
11 is earlier, appropriate documentation to allow such citizens
12 and nationals to cross into the United States.

13 (e) PUBLIC OUTREACH.—To promote travel and
14 trade across the United States border, the Secretary of
15 Homeland Security and the Secretary of State shall de-
16 velop a public communications plan to promote to United
17 States citizens, representatives of the travel and trade in-
18 dustries, and local government officials information relat-
19 ing to the use of a State driver's license pursuant to the
20 pilot program conducted under section 3(a), the passport
21 card program, and the expedited traveler programs of the
22 Department of Homeland Security. The Secretary of
23 Homeland Security and the Secretary of State shall co-
24 ordinate with representatives of the travel and trade in-
25 dustries in the development of such public communications

1 plan. Such public communications plan shall include
2 placed advertisements in major media outlets in both the
3 United States and Canada.

4 (f) ACCESSIBILITY.—In order to make the passport
5 card easily obtainable, the Secretary of Homeland Security
6 and the Secretary of State shall accept applications for
7 the card at all NEXUS and FAST enrollment centers.

8 (g) STATUTORY AUTHORITY.—

9 (1) STATE DEPARTMENT BASIC AUTHORITIES
10 ACT OF 1956.—The State Department Basic Authori-
11 ties Act of 1956 is amended—

12 (A) in section 3(m) (22 U.S.C. 2670(m)),
13 by inserting “, passport card,” after “pass-
14 port”;

15 (B) in section 4 (22 U.S.C. 2671)—

16 (i) in subsection (b)(2)(I), by insert-
17 ing “, passport cards,” after “passports”;
18 and

19 (ii) in subsection (d)(3), by inserting
20 “or passport cards” after “passports”;

21 (C) in section 33(1) (22 U.S.C. 2705(1)),
22 by striking “passport,” and inserting “passport
23 or passport card,”;

1 (D) in section 37(a)(1) (22 U.S.C.
2 2709(a)(1)), by inserting “, passport card,”
3 after “passport”;

4 (E) in section 42 (22 U.S.C. 2714)—

5 (i) in subsection (a)—

6 (I) in paragraph (1), by inserting
7 “or passport card” after “passport”
8 each place such term appears; and

9 (II) in paragraph (2)—

10 (aa) in the heading, by in-
11 serting “AND PASSPORT CARD”
12 after “PASSPORT”; and

13 (bb) by inserting “or pass-
14 port card” after “passport” each
15 place such term appears; and

16 (ii) in subsection (d), by striking
17 “passport,” and inserting “passport or
18 passport card,”; and

19 (F) in section 49 (22 U.S.C. 2721)—

20 (i) in the heading, by inserting “**AND**
21 **PASSPORT CARDS**” after “**PASSPORTS**”;

22 and

23 (ii) by inserting “or passport card”
24 after “passport”.

1 (2) ACT OF JULY 3, 1926.—Section 1 of the Act
2 of July 3, 1926 (Chapter 772; 44 Stat. 887; 22
3 U.S.C. 211a), is amended by adding at the end the
4 following new sentence: “Nothing in this section
5 shall be construed to prevent the Secretary from
6 issuing a passport in the form of a passport card
7 that is valid for travel only through land and mari-
8 time border ports of entry between the United
9 States and Canada and the United States and Mex-
10 ico.”.

11 (3) IMMIGRATION AND NATIONALITY ACT.—The
12 Immigration and Nationality Act is amended—

13 (A) in section 215 (8 U.S.C. 1185)—

14 (i) in subsection (b), by inserting “or
15 passport card, if appropriate” after “pass-
16 port”; and

17 (ii) in subsection (f), by inserting
18 “passport cards (if appropriate),” after
19 “Passports,”;

20 (B) in section 231(c)(5) (8 U.S.C.
21 1221(c)(5)), by inserting “or passport card
22 number, if appropriate” before the semicolon;

23 (C) in section 241(c)(3)(B)(vi) (8 U.S.C.
24 1231(c)(3)(B)(vi)), by inserting “or passport
25 card” after “passport”; and

1 (D) in section 274A(b)(1)(B)(i) (8 U.S.C.
2 1324a(b)(1)(B)(i)), by inserting “or passport
3 card” before the semicolon.

4 (h) REPORTS.—The Secretary of State shall, on a
5 quarterly basis during the first year of issuance of pass-
6 port cards and on an annual basis thereafter, submit to
7 Congress a report containing information relating to the
8 number of passport cards issued during the immediately
9 preceding quarter or year, as appropriate, and the number
10 of United States citizens in each State applying for such
11 cards.

12 **SEC. 5. IMPROVING THE NEXUS AND FAST REGISTERED**
13 **TRAVELER PROGRAMS.**

14 (a) MERGING REQUIREMENTS OF NEXUS AND
15 FAST.—

16 (1) IN GENERAL.—The Secretary of Homeland
17 Security shall merge the procedures for the pro-
18 grams described in subsection (k) into a single pro-
19 cedure, with common eligibility and security screen-
20 ing requirements, enrollment processes, and sanc-
21 tions regimes.

22 (2) SPECIFIC REQUIREMENTS.—In carrying out
23 paragraph (1), the Secretary shall ensure that—

24 (A) the procedures for the programs
25 known as “NEXUS Highway”, “NEXUS Ma-

1 rine”, and “NEXUS Air” are integrated into
2 such a single procedure; and

3 (B) the processes relating to eligibility and
4 security screening are identical to those for the
5 FAST program described in subsection (l)(2)
6 on the date of the enactment of this Act.

7 (b) INTEGRATING NEXUS AND FAST INFORMATION
8 SYSTEMS.—The Secretary of Homeland Security shall in-
9 tegrate all databases and information systems for the pro-
10 grams described in subsection (k) in a manner that will
11 permit any identification card issued to a participant to
12 operate in all locations where a program described in such
13 subsection is operating.

14 (c) CREATION OF NEXUS CONVERTIBLE LANES.—
15 In order to expand the NEXUS program described in sub-
16 section (k)(2) to major northern border crossings, the Sec-
17 retary of Homeland Security, in consultation with appro-
18 priate representatives of the Government of Canada, shall
19 equip the following northern border crossings with
20 NEXUS technology:

- 21 (1) Pembina, North Dakota.
22 (2) Sault Ste. Marie, Michigan.
23 (3) Alexandria Bay, New York.
24 (4) Portal, North Dakota.
25 (5) Sweet Grass, Montana.

1 (6) International Falls, Minnesota.

2 (d) CREATION OF REMOTE ENROLLMENT CEN-
3 TERS.—The Secretary of Homeland Security, in consulta-
4 tion with appropriate representatives of the Government
5 of Canada, shall create a minimum of six remote enroll-
6 ment centers for the programs described in subsection (k).
7 Such a remote enrollment center shall be established at
8 each of the border crossings described in subsection (c).

9 (e) CREATION OF MOBILE ENROLLMENT CEN-
10 TERS.—The Secretary of Homeland Security, in consulta-
11 tion with appropriate representatives of the Government
12 of Canada, shall create a minimum of four mobile enroll-
13 ment centers for the programs described in subsection (k).
14 Such mobile enrollment centers shall be used to accept and
15 process applications in areas currently underserved by
16 such programs. The Secretary shall work with State and
17 local authorities in determining the locations of such mo-
18 bile enrollment centers.

19 (f) ON-LINE APPLICATION PROCESS.—The Secretary
20 of Homeland Security shall design an on-line application
21 process for the programs described in subsection (k). Such
22 process shall permit individuals to securely submit their
23 applications on-line and schedule a security interview at
24 the nearest enrollment center.

25 (g) PROMOTING ENROLLMENT.—

1 (1) CREATING INCENTIVES FOR ENROLL-
2 MENT.—In order to encourage applications for the
3 programs described in subsection (k), the Secretary
4 of Homeland Security shall develop a plan to admit
5 participants in an amount that is as inexpensive as
6 possible per card issued for each of such programs.
7 The fee for the first renewal for participation in
8 each such program shall be waived. The Secretary
9 shall submit to the Committee on Homeland Secu-
10 rity of the House of Representatives and the Com-
11 mittee on Homeland Security and Governmental Af-
12 fairs of the Senate a report that explains the reasons
13 for the fee that is established.

14 (2) CUSTOMER SERVICE PHONE NUMBER.—In
15 order to provide potential applicants with timely in-
16 formation for the programs described in subsection
17 (k), the Secretary of Homeland Security shall create
18 a customer service telephone number for such pro-
19 grams.

20 (3) PUBLICITY CAMPAIGN.—The Secretary shall
21 carry out a program to educate the public regarding
22 the benefits of the programs described in subsection
23 (k).

24 (h) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED
25 STATES.—For purposes of the plan required under section

1 7209(b) of the Intelligence Reform and Terrorism Preven-
2 tion Act of 2004, an identification card issued to a partici-
3 pant in a program described in subsection (k) shall be con-
4 sidered a document sufficient on its own when produced
5 to denote identity and citizenship for travel into the
6 United States by United States citizens and by categories
7 of individuals for whom documentation requirements have
8 previously been waived under section 212(d)(4)(B) of the
9 Immigration and Nationality Act (8 U.S.C.
10 1182(d)(4)(B)).

11 (i) CONSOLIDATED BACKGROUND CHECK PROC-
12 ESS.—

13 (1) REQUIREMENT.—The Secretary of Home-
14 land Security, in consultation with the Attorney
15 General, shall establish a single process for con-
16 ducting the security screening and background
17 checks of individuals participating in any of the pro-
18 grams identified under paragraph (2).

19 (2) INCLUDED PROGRAMS.—The process estab-
20 lished under paragraph (1) shall apply to the fol-
21 lowing programs:

22 (A) The Transportation Worker Identifica-
23 tion Credential.

24 (B) The security risk determination and
25 related background checks under section 5103a

1 of title 49, United States Code, performed by
2 the Transportation Security Administration as
3 part of the Department of Transportation Haz-
4 arduous Materials Endorsement credentialing
5 program.

6 (C) The programs described in subsection
7 (k).

8 (D) The Secure Electronic Network for
9 Travelers Rapid Inspection, or “SENTRI”, pro-
10 gram authorized under section 286(q) of the
11 Immigration and Nationality Act (8 U.S.C.
12 1356(q)).

13 (E) The Registered Traveler program of
14 the Transportation Security Administration.

15 (3) FEATURES OF PROCESS.—The process es-
16 tablished under paragraph (1) shall include the fol-
17 lowing:

18 (A) A single submission of security screen-
19 ing information, including personal data and bi-
20 ometric information as appropriate, necessary
21 to meet the security requirements of all applica-
22 ble departmental programs.

23 (B) An ability to submit such security
24 screening information at any location or
25 through any process approved by the Secretary

1 with respect to any of the applicable depart-
2 mental programs.

3 (C) Acceptance by the Department of a se-
4 curity clearance or other credential issued by a
5 Federal agency, to the extent that the security
6 clearance process of the agency satisfies re-
7 quirements that are at least as stringent as
8 those of the applicable departmental programs
9 under paragraph (2).

10 (D) Appropriate standards and procedures
11 for protecting individual privacy, confidentiality,
12 record retention, and addressing other concerns
13 relating to information security.

14 (4) DEADLINES.—The Secretary of Homeland
15 Security shall—

16 (A) not later than six months after the
17 date of the enactment of this Act, submit to the
18 appropriate congressional committees (as de-
19 fined in section 2 of the Homeland Security Act
20 of 2002 (6 U.S.C. 101)) a description of the
21 process developed under this subsection; and

22 (B) not later than 12 months after the
23 date of the enactment of this Act, begin imple-
24 menting such process.

1 (5) INCLUSION OF OTHER PROGRAMS.—The
2 Secretary of Homeland Security shall review other
3 existing or developing Department of Homeland Se-
4 curity programs that include security screening or
5 background checks for participating individuals, and
6 report to the appropriate congressional committees
7 (as defined in section 2 of the Homeland Security
8 Act of 2002 (6 U.S.C. 101)) any recommendations
9 for inclusion of such additional programs in the con-
10 solidated screening process established under this
11 section.

12 (6) RELATIONSHIP TO OTHER LAWS.—Nothing
13 in this subsection affects:

14 (A) any statutory or regulatory require-
15 ment relating to the operation or standards of
16 the programs described in paragraph (2).

17 (B) any statutory requirement relating to
18 title III of the Intelligence Reform and Ter-
19 rorism Prevention Act of 2004.

20 (j) REPORTS.—

21 (1) REPORT ON IMPLEMENTATION.—Not later
22 than one year after the date of the enactment of this
23 Act, the Secretary of Homeland Security shall sub-
24 mit to the appropriate congressional committees (as
25 defined in section 2 of the Homeland Security Act

1 of 2002 (6 U.S.C. 101)) a report on the implemen-
2 tation of subsections (a) through (i).

3 (2) REPORT ON COORDINATION.—Not later
4 than six months after the date of the enactment of
5 this Act, the Secretary of Homeland Security shall
6 submit to the appropriate congressional committees
7 (as defined in section 2 of the Homeland Security
8 Act of 2002 (6 U.S.C. 101)) a report on the work
9 being performed to streamline and coordinate the
10 following programs:

11 (A) The programs described in subsection
12 (k).

13 (B) The Secure Electronic Network for
14 Travelers Rapid Inspection, or “SENTRI”, pro-
15 gram authorized under section 286(q) of the
16 Immigration and Nationality Act (8 U.S.C.
17 1356(q)).

18 (C) The Registered Traveler program of
19 the Transportation Security Administration.

20 (k) PROGRAMS.—The programs described in this sub-
21 section are the following:

22 (1) The FAST program authorized under sub-
23 part B of title IV of the Tariff Act of 1930 (19
24 U.S.C. 1411 et seq.)

1 (2) The NEXUS program authorized under sec-
2 tion 286(q) of the Immigration and Nationality Act
3 (U.S.C. 1356(q)).

4 **SEC. 6. COST-BENEFIT ANALYSIS.**

5 (a) COST-BENEFIT ANALYSIS.—The Secretary of
6 Homeland Security shall, in accordance with subsection
7 (b), conduct a cost-benefit analysis of the implementation
8 of the requirements of section 7209(b) of the Intelligence
9 Reform and Terrorism Prevention Act of 2004 with re-
10 spect to the issuance and use of identification cards, in-
11 cluding, if appropriate, State driver’s licenses pursuant to
12 the pilot program conducted under section 3(a), passport
13 cards issued under section 4(b), and the expedited traveler
14 programs of the Department of Homeland Security, such
15 as NEXUS, NEXUS AIR, SENTRI, FAST, and Reg-
16 istered Traveler, as documents sufficient on their own
17 when produced to denote identity and citizenship for travel
18 into the United States.

19 (b) INFORMATION REGARDING ANALYSIS.—The Sec-
20 retary shall conduct the analysis required under sub-
21 section (a) in accordance with the requirements for a sig-
22 nificant regulatory action as set forth and defined in Exec-
23 utive Order 12866 (issued on September 30, 1993; pub-
24 lished in the Federal Register on October 4, 1993). Such
25 analysis shall include the following information:

1 (1) An assessment, including the underlying
2 analysis, of benefits anticipated from the regulatory
3 action (such as the promotion of the efficient func-
4 tioning of the economic and private markets, the en-
5 hancement of health and safety, the protection of
6 the natural environment, and the elimination or re-
7 duction of discrimination or bias) together with, to
8 the extent feasible, a quantification of those benefits.

9 (2) An assessment, including the underlying
10 analysis, of costs anticipated from the regulatory ac-
11 tion (such as the direct cost both to the United
12 States Government in administering the regulation
13 and to businesses and others in complying with the
14 regulation, and any adverse effects on the efficient
15 functioning of the economy, private markets (includ-
16 ing productivity, employment, and competitiveness),
17 health, safety, and the natural environment), to-
18 gether with, to the extent feasible, a quantification
19 of those costs.

20 (3) An assessment, including the underlying
21 analysis, of costs and benefits of potentially effective
22 and reasonably feasible alternatives to the planned
23 regulation, identified by the agencies or the public
24 (including improving the current regulation and rea-
25 sonably viable nonregulatory actions), and an expla-

1 nation why the planned regulatory action is pref-
2 erable to potential alternatives.

3 (c) TIME FOR PUBLICATION.—The Secretary shall
4 publish in the Federal Register the results of the analysis
5 together with the Final Rule implementing section
6 7209(b) of the Intelligence Reform and Terrorism Preven-
7 tion Act of 2004, including information that—

8 (1) identifies for the public, in a complete,
9 clear, and simple manner, the substantive changes
10 between the draft of the proposed regulatory action
11 submitted to the Office of Information and Regu-
12 latory Affairs of the Office of Management and
13 Budget for review and the action subsequently an-
14 nounced; and

15 (2) identifies for the public those changes in the
16 regulatory action that were made at the suggestion
17 or recommendation of the Office of Information and
18 Regulatory Affairs.

○