

Congress of the United States
Washington, DC 20515

January 24, 2008

The Honorable Michael Chertoff
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Chertoff:

We are writing to express our strong disapproval with the Department of Homeland Security's (DHS) plan to proceed in instituting new border crossing documentation requirements for land ports of entry beginning January 31, 2008. Your imminent actions not only violate the intent of the United States Congress, but threaten our nation's economic security by implementing a new, resource intensive system without ensuring a smooth transition.

Actions that effect cross border travel must strike the right balance between protecting our national security and ensuring the economic vitality of border communities. Unfortunately, the impending documentation requirements do not take both considerations into account. These ill-conceived and unnecessarily cumbersome travel requirements will have a deleterious effect on our nation's weakening economy and will adversely affect the economies of the border communities. The US-Canadian border is a vital channel for travel and commerce. In fact, Canada and the United States are both each other's largest trade and tourism partner, with over 1.5 billion dollars of trade crossing the border every day. DHS must recognize that communities across the country, particularly along the Northern border, depend on the economic relationships with our largest trading partners.

The implementation of the new requirements by January 31, 2008 is simply irresponsible. A recent Government Accountability Office report found that Customs and Border Protection, the agency charged with enforcing this new mandate, is lacking in resources, suffering from severe understaffing, and is simply unable to review and verify the influx of required documents without significantly increasing wait times and crippling legitimate trade and travel. Furthermore, DHS has not met its obligation to inform travelers regarding the new documentation requirements, leading to confusion, adding to delays, and hampering the cross border activity that is so important to our economy. We are very concerned by the demand that travelers, including children, will need a proof of citizenship such as a birth certificate and a state-issued photo ID for border crossings. US citizens have a right to return to the US. With this new policy, what will happen to US citizens when they try to return to their country without the proper documentation? We fear this unwise requirement will most certainly result in lost documents, deterring travel and devastating the economies of border communities.

The recent omnibus appropriations bill passed by Congress and signed into law by President George W. Bush included a provision stating that the Administration may not implement the Western Hemisphere Travel Initiative (WHTI), the requirement for Americans to show identity and citizenship documents at the border, before June 1, 2009 or three months after the Administration makes certain required certifications to Congress, whichever date is later. This provision further requires DHS to report on the results of the pilot programs used to develop and implement Section 7209 of the Intelligence Reform and Terrorism Prevention Act, as well as infrastructure and staffing requirements, updated milestones on the implementation plan, confirmation that a vicinity read radio frequency technology identification card has been adequately tested to ensure operational success, and the steps taken to ensure the integrity of privacy safeguards. DHS has not met, nor made significant progress toward meeting, the requirements necessary for full implementation, including offering an affordable, secure alternative passport card and installing infrastructure necessary to process passport cards. Thus, it is not reasonable for your Department to move forward with these new documentation requirements when you have not demonstrated that border communities will not suffer undue economic burdens.

We strongly urge you to continue accepting oral declarations and government issued photo identification cards as proof of citizenship until full implementation of WHTI.

Sincerely,

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