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Comment Submitted by: The Province of Manitoba (Canada)
RE: Card Format Passport; Changes to Passport Fee Schedule

To:
Department of State
Docket Number: DOS 2006-0329-0001

January 7, 2007

Summary of Position

The Province of Manitoba welcomes the opportunity to continue to provide our comments to proposed rules pertaining to the Western Hemisphere Travel Initiative. Manitoba, along with our provincial, territorial and national colleagues, shares a commitment to border security with the United States. We also share a commitment to preserving the friendship, trade volume and tourist exchange that has been the envy of countries around the world. We believe that any proposed changes to managing our border should be conducted with recognition of that commitment and in the context of agreements already in place such as the Shared Border Accord and the Security and Prosperity Partnership.

This official comment constitutes Manitoba's third submission in response to rulings on the Western Hemisphere Travel Initiative. In October 2005, we responded to the Advance Notice Proposed Rule (ANPR) and, in September 2006, we responded to the Noticed of Proposed Rule (NPR). We maintain our overall position stressed in those submissions and would like to reiterate the key elements:

- 1) delay and synchronize the implementation date of the WHTI until full assessments (economic and capacity) have been completed and test options have been piloted;**
- 2) develop and fund a widespread communications campaign to raise public awareness and preparedness for new documentation requirements;**
- 3) expand existing voluntary trusted traveler and commercial traffic programs (i.e. NEXUS, FAST), so that these options are accessible and available across the U.S. Northern border;**
- 4) ensure that required documents are affordable, accessible, and available through efficient processing means;**
- 5) ensure that documentation requirements are flexible, particularly for travellers under the age of 16 and for those living in border communities; and**
- 6) explore the use of enhanced drivers' licences as alternative documents.**

The rationale behind these recommendations is elaborated on below.

Delayed Implementation/ Public Awareness/Pilot Projects

Manitoba welcomed the September 29, 2006, Congressional amendment which allowed for a 17-month delayed implementation to June 2009. We strongly encourage the U.S. administration to use this time to develop a strong public awareness campaign, to train border inspection agents adequately and to ensure all necessary infrastructure is in place at all border locations.

Preparedness/Technology: In June 2006, the Government Accountability Office conducted a review of actions undertaken to implement the Western Hemisphere Travel Initiative. The GAO report stated “there is not sufficient time to properly develop and produce” a new piece of identification the size of a credit card – an “alternative passport” that could meet all the standards necessary to secure the U.S. border.” While the GAO has not made a public amendment to its position on WHTI and PASS card preparations, its recent report on US-VISIT revealed that the technology proposed for the PASS card has only had a 16% success rate in some US-VISIT trials.

Pilot programs/ Secure Driver Licenses: Manitobans continue to express support for programs to explore the use of enhanced driver licences that would address the security concerns expressed by the United States and Canada and meet the requirements for cross border travel. We are encouraged by the pilot projects that are being explored for Michigan/Ontario and Washington/British Columbia and urge the U.S. administration to support these initiatives. This is particularly important given the ongoing discussions between Canada and the United States regarding document standards.

Expansion of Trusted Traveler Programs (NEXUS, FAST)

Frequent reference is made to the 9-11 Commission’s recommendation to remove the “Western Hemisphere exemption” as the reason for the change in document requirement. In this context, it is important to note that the Commission also contained the following recommendation:

To balance this measure, programs to speed known travelers should be a higher priority, permitting inspectors to focus on greater risks. The daily commuter should not be subject to the same measures as first-time travelers. An individual should be able to pre-enroll, with his or her identity verified in passage. Updates of database information and other checks can ensure ongoing reliability. The solution, requiring more research and development, is likely to combine radio frequency technology with biometric identifiers.³⁷

Although Manitoba welcomes expansion of the NEXUS program, it is important to note that this alternative documentation program, although slightly different in scope, has been operational for four years and has only recently reached its 100,000 enrollee. The

number of enrollees anticipated for the PASS card is significantly greater yet a much shorter lead time for enrollment has been allotted.

Negative Impacts – Economic and Social

Although the proposed PASS card is intended to provide a service for our American neighbors who live along our shared land border and to expedite their travel across this border, we are not confident that that the sufficient preparation has been done to make the transition to a PASS card without causing undue negative impact on the social fabric of our border communities as well as our significant trade and economic relationships. It is clear that the PASS card will not address the needs of spontaneous travelers who comprise half of the visits across our land border. There has still not been an adequate assessment done of the border congestion and delay that may result when travelers without adequate documentation attempt to cross. Both a significant trading relationship (over US \$1.5B daily) and life as we know it in border communities are at stake.

Flexible Documentation Implementation

Along with our Canadian counterparts, we encourage the U.S. government to use the flexibility provided in the original WHTI legislation which allows for “a passport or other document *or combination of documents.*” Such flexibility could ensure, during a transitional phase - at least – that any changes to the border regime are done right.

Closing

As we have stated in our two prior submissions, it is still apparent that neither the necessary analysis nor technology and infrastructure will be in place in time to ensure the efficient and timely crossing of secure travelers and trade. Our cross-border relationship is based on strong family, community, and economic ties and these should not be jeopardized. We would like to see Canada and the United States continue to invest in the implementation the Smart Border initiative (e.g., expanding the FAST and NEXUS programs) and pledge to assist states and provinces in their work to strengthen foundation documents that are used to obtain passports and other forms of identification. Continued investment in risk management techniques should be the priority, rather than investing in initiatives that may not improve security but which will disrupt the flow of trusted travellers and trade.

Manitoba is confident that Canada and the United States can work together in the spirit of cooperation that has been the hallmark of our relationship and find a workable solution for border security.

Sincerely,

(Original signed by Rosann Wowchuk)

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