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The Honorable Loretta Sanchez  
Chairwoman  
Subcommittee on Border, Maritime and Global Counterterrorism  
Committee on Homeland Security  
House of Representatives

The Honorable John M. McHugh  
The Honorable Louise M. Slaughter  
House of Representatives

Subject: *Observations on Implementing the Western Hemisphere Travel Initiative*

Securing the nation's borders has taken on added importance since the terrorist attacks of September 11, 2001. For years, millions of citizens of the United States, Canada, and Bermuda could enter the United States from certain parts of the Western Hemisphere using a wide variety of documents, including a driver's license issued by a state motor vehicle administration or a birth certificate, or in some cases for U.S. and Canadian citizens, without showing any documents. In the heightened national security environment following September 11, we have previously reported that documents like driver's licenses and birth certificates can easily be obtained, altered, or counterfeited and used by terrorists to travel into and out of the country.<sup>1</sup> To help provide better assurance that border officials have the tools and resources to establish that people are who they say they are, as called for in the 9/11 Commission report,<sup>2</sup> section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended, requires the Secretary of Homeland Security, in consultation with the Secretary of State, to develop and implement a plan that requires a passport or other document or combination of documents that the Secretary of Homeland Security deems sufficient to show identity and citizenship for U.S. citizens and citizens of Bermuda, Canada, and Mexico when entering the United States from certain countries in North, Central, or South America.<sup>3</sup>

The Department of Homeland Security's (DHS) and the Department of State's (State) effort to specify acceptable documents and implement document requirements at 326 air,

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<sup>1</sup> GAO, *Counterfeit Documents Used to Enter the United States from Certain Western Hemisphere Countries Not Detected*, [GAO-03-713T](#) (Washington, D.C.: May 13, 2003).

<sup>2</sup> U.S. National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington: GPO, 2004).

<sup>3</sup> Pub. L. No. 108-458, § 7209, 118 Stat. 3638, 3823 (2004), amended by *Department of Homeland Security Appropriations Act, 2007*, Pub. L. No. 109-295, § 546, 120 Stat. 1355, 1386-87 (2006). This provision applies to citizens of Bermuda, Canada, and Mexico entering the United States as nonimmigrant visitors.

land, and sea ports of entry is called the Western Hemisphere Travel Initiative (WHTI).<sup>4</sup> On January 23, 2007, DHS implemented WHTI document requirements at air ports of entry.<sup>5</sup> DHS is required by law to implement WHTI document requirements at the land and sea ports of entry on the earlier of two dates: June 1, 2009, or 3 months after DHS and State certify that certain implementation requirements have been met.<sup>6</sup> Some members of Congress have expressed concerns about whether DHS would be prepared to implement WHTI document requirements before June 1, 2009, in a manner that does not disrupt cross-border travel even if the agencies made the required certifications. The consolidated appropriations bill for fiscal year 2008—which includes the DHS appropriation—contains language to prevent WHTI document requirements from being implemented before June 1, 2009.<sup>7</sup> As of December 19, 2007, the consolidated appropriations bill for fiscal year 2008 had been passed by Congress but not signed by the President.

U.S. Customs and Border Protection (CBP), a component within DHS, is the lead agency in charge of inspecting travelers seeking to enter the United States at air, land, and sea ports of entry. CBP has created a WHTI program office within CBP's Office of Field Operations to manage efforts to propose acceptable documents, implement document requirements, and oversee technological upgrades. In fiscal year 2008, DHS requested about \$252 million for WHTI implementation, including approximately \$166 million for related technological upgrades—to develop new software and to deploy that software and new hardware at 13 of the highest-volume U.S. land ports of entry. According to DHS, implementation of the WHTI document requirements and related technological upgrades will support its strategic goal of facilitating legitimate trade and travel while enforcing all U.S. trade, immigration, drug, consumer protection, intellectual property, and agricultural laws and regulations at the borders. According to DHS, the technological upgrades are designed to improve customer service by avoiding a more time-intensive and intrusive inspection process that would result from meeting WHTI document requirements without this technology.

In May 2006, we reported our observations on steps taken and challenges faced by DHS and State in implementing WHTI in five main areas: (1) proceeding through the rule-making process, (2) making a decision about what documents individuals will need when

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<sup>4</sup> Ports of entry are government-designated locations where DHS inspects persons and goods to determine whether they may be lawfully admitted into the country. A land port of entry may have more than one border crossing point where DHS inspects travelers for admissibility into the United States.

<sup>5</sup> See *Documents Required for Travelers Departing from or Arriving in the United States at Air Ports of Entry from within the Western Hemisphere*, 71 Fed. Reg. 68,412 (Nov. 24, 2006).

<sup>6</sup> These requirements include (1) National Institute of Standards and Technology certification that DHS and State have selected a card architecture that meets or exceeds the security standards set by the International Organization for Standardization, (2) sharing the technology used for the passport card with the governments of Canada and Mexico, (3) submitting a detailed justification to the House and Senate Committees on Appropriations concerning the fee that will be charged to individuals by the U.S. Postal Service for the passport card, (4) developing an alternative procedure for groups of children entering the United States under adult supervision and with parental consent, (5) ensuring that the infrastructure needed to process the passport cards has been installed at ports of entry, (6) training CBP officers at those ports of entry to use the new technology, (7) ensuring that the passport card is available to U.S. citizens, and (8) establishing a single date for implementing the program at sea and land ports of entry.

<sup>7</sup> H.R. 2764, 110th Cong. § 545 (as amended and passed by Senate, Dec. 18, 2007 and by House, Dec. 19, 2007).

they enter the United States, (3) carrying out a cost-benefit study, (4) resolving technical and programmatic issues, and (5) managing implementation of the program.<sup>8</sup> This letter provides updated information in those five areas.

To address these five objectives, we reviewed documents related to implementing the WHTI document requirements at air, land, and sea ports of entry, as well as related plans for technological upgrades in vehicle lanes at the land ports of entry. These documents included the final rule making for WHTI documents at air ports of entry, the notice of proposed rule making for WHTI documents at land and sea ports of entry, the notice of proposed rule making for the passport card, the regulatory assessment for the land and sea notice of proposed rule making, and the draft programmatic environmental assessment for the land and sea notice of proposed rule making. We considered information presented in the programmatic environmental assessment related to projected effects of WHTI document requirements and related technologies on wait times at the border, but we did not evaluate the methods used to derive those projections. In addition, we examined memoranda of agreement and the corresponding business plans between DHS and Washington and Vermont—two states developing enhanced driver’s licenses that are expected to be acceptable under WHTI. We also analyzed the public comments submitted by organizations in response to DHS’s and State’s land and sea notice of proposed rule making and DHS’s regulatory assessment to identify specific concerns, such as possible economic effects of the rule and the timeline for document requirements, that stakeholders submitted for DHS and State to consider when drafting a final rule. We did not assess the comments for merit, nor did we evaluate the methods or data any of the commenters used to draw conclusions. During our review, we interviewed DHS officials, including those from the WHTI program office, the Screening Coordination Office, and the CBP Office of Information and Technology. We also interviewed officials from State’s Bureau of Consular Affairs. We asked these DHS and State officials about current requirements for crossing the border, how those requirements may change under WHTI, the status of the rule-making process for WHTI land and sea and the passport card, the impact of WHTI on existing border-crossing programs, and other WHTI implementation issues such as CBP staffing, training, communication, and funding needs. We also visited land ports of entry and/or interviewed CBP officers and supervisors in the field at the land ports of Alexandria Bay, New York; Buffalo, New York; Fort Covington, New York; Ogdensburg, New York; Blaine, Washington; Laredo, Texas; San Ysidro, California; Otay Mesa, California; and Calexico, California. We asked these officials about the current procedures for crossing the border, technology that is currently in place at these ports of entry, plans DHS has to install new technology at these ports of entry, effects that are anticipated from changing current inspection procedures and implementing the new documentary requirements, the strategy for communicating the new requirements to the public, and any unique operational challenges of these ports of entry that may be affected by WHTI. At the ports of entry we visited, we observed the inspection areas, as well as other port facilities, in order to understand how the changes expected under WHTI may affect the current operational procedures at these ports of entry. We chose these ports of entry, based on geographic location and size of the port, to provide examples of the operational

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<sup>8</sup> GAO, *Observations on Efforts to Implement the Western Hemisphere Travel Initiative on the U.S. Border with Canada*, GAO-06-741R (Washington, D.C.: May 25, 2006).

environment of CBP officers. Because we selected a nonprobability sample of ports to visit, we cannot generalize our work from these ports of entry to all land ports of entry.

Whereas we focused our 2006 review on the U.S.-Canadian land border, we expanded our scope in this work review to include the U.S.-Mexican land border. We also considered WHTI implementation at air and sea ports of entry, but placed a particular emphasis on the land environment, because, according to DHS data, about three-quarters of all travelers enter the United States through the nation's 163 land ports of entry, and because volume and infrastructure concerns likely will present more complex implementation challenges at the land ports. Our work was conducted from May 2007 through November 2007 in accordance with generally accepted government auditing standards.

## **Results in Brief**

Since May 2006, DHS and State have taken important actions toward implementing WHTI document requirements. We reported in May 2006 that DHS and State had not made decisions about what documents would be acceptable, had not begun the rule-making process to finalize those decisions, and were in the early stages of studying costs and benefits. In addition, DHS and State needed to choose a technology to use with the new passport card—which State is developing specifically for WHTI. DHS also faced an array of implementation challenges, including training staff and informing the public. Since our 2006 work, DHS and State have taken the following actions in the five main areas:

- **Proceeding through the Rule-Making Process.** DHS and State finalized the rule-making process for document requirements at air ports of entry. The agencies also published a notice of proposed rule making for document requirements at land and sea ports of entry and anticipate finalizing the requirements in late fall 2007.
- **Deciding on Acceptable Documents.** By publishing a final rule for document requirements at air ports of entry, DHS and State have established acceptable documents for air travelers. The notice of proposed rule making for land and sea proposes acceptable documents. DHS plans to implement document requirements at land and sea ports of entry as early as summer 2008.
- **Performing a Cost-Benefit Study.** DHS has performed a cost-benefit study as required by the rule-making process. Data limitations prevented DHS from quantifying the precise effect that WHTI will have on wait times—a substantial source of uncertainty in its analysis. DHS plans to do baseline studies at selected ports before WHTI implementation so that it can compare the effects of WHTI document requirements on wait times after the requirements are implemented.
- **Resolving Technical and Programmatic Issues.** DHS and State have selected technology to be used with the passport card. To support the card and other documents that use the same technology, DHS is planning technological upgrades at land ports of entry. These upgrades are intended to help reduce traveler wait times and more effectively verify identity and citizenship. DHS has outlined a general strategy for the upgrades at the 39 highest volume land ports, beginning in January 2008 and continuing over roughly the next 2 years.

- Managing Implementation. DHS has developed general strategies for implementing WHTI—including staffing and training. According to DHS officials, they also plan to work with a contractor on a public relations campaign to communicate clear and timely information about document requirements. In addition, State has approved contracting with a public relations firm to assist with educating the public, particularly border resident communities about the new passport card and the requirements of WHTI in general.

As DHS moves toward calendar year 2008, it faces challenges deploying technology and staffing and training officers to use it. In the absence of a fiscal year 2008 appropriation, funding for the contract has been uncertain. According to DHS officials, they are exploring options for funding a contract award, using available funds, if an appropriation is not immediately forthcoming.<sup>9</sup> However, DHS has not yet determined when and to what extent funds will be available. As of December 2007, lacking certainty about how it will fund the contract award and when it will publish the final rule, DHS could not provide a specific date by which it will select a contractor and begin devising specific milestones and deadlines for the testing and deployment of new hardware. Although DHS has devised a strategy for training officers to use the new technology, part of its delivery is tied to the yet undetermined milestones for hardware deployment. In addition to specific deadlines and milestones for testing and deploying hardware, DHS intends to have the contractor determine the plan and procedures for testing the technology and a separate contractor to devise specific goals, objectives, and schedules for conducting a public outreach campaign. Therefore, these plan details will not be in place until DHS makes contract awards and the contractors selected prepare the plans.

DHS generally agreed with our observations and said that WHTI is a major implementation effort that has continued to evolve and progress, even as we conducted our review. DHS noted that some aspects of WHTI implementation plans cannot be finalized until it has issued the final rule for WHTI land and sea document requirements. DHS officials said that the department is taking all appropriate actions within its legal authority to fully implement WHTI as soon as feasible, given the security imperative driving the initiative. DHS stated that it has drafted specific plans that are ready to be implemented when the final rule for land and sea document requirements has been published. We acknowledge that DHS has taken a number of actions to prepare for testing and deploying technologies and managing the implementation of other WHTI activities. However, as key elements of planning for program management and execution remain uncertain, we continue to believe that DHS faces challenges deploying technology, and staffing and training officers to use it.

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<sup>9</sup> As previously noted, the fiscal year 2008 DHS appropriation was passed by Congress on December 19, 2007 but not yet signed by the President.

## Background

The Immigration and Nationality Act,<sup>10</sup> its implementing regulations,<sup>11</sup> and CBP policies and procedures for traveler inspection at all ports of entry require officers to establish, at a minimum, the nationality of individuals and whether they are eligible to enter the country. All travelers attempting to enter the country through ports of entry undergo primary inspection, which is a preliminary screening procedure to identify those legitimate travelers who can readily be identified as admissible. At land ports of entry, the primary inspection process in vehicle lanes begins with screening the vehicle and automatically capturing the license plate information of a vehicle using a license plate reader (where installed). License plate readers automatically read front and rear license plates of vehicles as they enter the primary inspection area, with the data simultaneously queried—that is, checked against CBP and law enforcement databases. Officers are to examine travelers' documentation of citizenship, such as passports, or in some cases for U.S. or Canadian citizens, officers may accept an oral declaration of citizenship if they are satisfied that the traveler is a U.S. or Canadian citizen. Visitors arriving as pedestrians enter an equivalent primary inspection area, generally inside a CBP building. Persons whose admissibility cannot be readily determined, persons selected as part of a random selection process, or persons suspected of violations of customs, agriculture, or other laws are subjected to a more detailed review called a secondary inspection in a different area of the port.

The current document requirements for travelers entering the United States by sea or land generally depend on the nationality of the traveler and whether or not the traveler is entering the United States from certain countries within the Western Hemisphere.<sup>12</sup> Currently, U.S. citizens arriving at land or sea ports of entry from these Western Hemisphere countries can present a wide variety of documents to border officials to establish their right to enter the United States. In addition, in some cases, border officials may admit U.S. citizens with no documentation at all—if the official is satisfied by the traveler's oral declaration of citizenship. In most cases, Canadian citizens and citizens of the British Overseas Territory of Bermuda are also not currently required to present a passport and visa when entering the United States as nonimmigrant visitors by sea or land from certain parts of the Western Hemisphere,<sup>13</sup> but must satisfy border officials of their identity, citizenship, and admissibility and present any proof of citizenship in their possession.<sup>14</sup> Under these conditions, CBP officers at the ports of entry must assess the validity of thousands of documents that differ in appearance, information, and security features. For example, CBP officials at one port of entry we visited noted that there are 16 variations of the Florida driver's license currently in use. According to DHS and State,

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<sup>10</sup> See 8 U.S.C. § 1225(a)

<sup>11</sup> See 8 C.F.R. § 235.1(a), (b), and (f)(1).

<sup>12</sup> The Western Hemisphere countries addressed in this report are those in North, South, or Central America, and associated islands and waters. These islands are Bermuda and the islands located in the Caribbean Sea, except Cuba.

<sup>13</sup> A nonimmigrant alien is an international traveler that wishes to enter the United States on a temporary basis for tourism, medical treatment, business, temporary work, study, or other similar reasons.

<sup>14</sup> As previously mentioned, in some cases Canadian citizens may be admitted with an oral declaration of citizenship alone.

the wide range of documents that can be presented creates the danger that non-U.S. citizens could fraudulently present themselves as U.S. citizens.

Balancing border security with the facilitation of free movement of admissible people and legitimate goods is a challenge, particularly on the land border, which presents complex operational challenges. One reason land borders are more challenging is that CBP officers there lack advance traveler manifest information from commercial carriers, like the information they have at air and sea ports, to prescreen travelers. Another reason is the tremendous amount of traffic that must be processed by CBP officers in a short amount of time because the majority of people entering the U.S. cross a land border. For example, in fiscal year 2005 over 319 million border crossings by travelers were processed at official ports of entry located along about 7,500 miles of land border. During the primary inspection process, most travelers at the land border physically hand over documentation such as a driver's license and birth certificate, or a passport, to prove their identity and citizenship. The CBP officer may check the information contained in the documents against CBP and law enforcement databases and watch lists to determine whether any derogatory information exists. To the extent possible, officers are required to query law enforcement databases for all travelers in a vehicle. When an individual presents a driver's license for inspection, if the CBP officer queries the document, the information on the license must be hand-typed into the computer, because it cannot be machine read at CBP primary inspection stations. According to one DHS study, under the current conditions the total median time for the primary inspection process is approximately 45 seconds.<sup>15</sup> However, wait times at the border can be influenced by a variety of factors that are associated with, but not directly related to, document requirements. For example, the physical layout of the ports, the volume and type of traffic that typically crosses the border at a given port, and the frequency with which CBP officers query documents against law enforcement databases maintained by CBP and other law enforcement agencies are all factors that can influence wait times.

The streamlined travel documentation requirements of WHTI are intended to enhance security at the nation's ports of entry while facilitating legitimate trade and travel. However, streamlining and implementing new document requirements for citizens of the United States, Canada, Mexico, and Bermuda is one initiative in DHS's multiple activities designed to enhance border security at and between official ports of entry. Since DHS began operations in 2003, we have issued more than 65 reports and testimonies about multiple efforts to secure the U.S. border. These activities are interdependent in that successfully enhancing security in one area may lead people who intend to unlawfully enter the United States to attempt exploitation of other avenues of unlawful entry. The security enhancement potential from WHTI-related activities discussed in this letter applies solely to the official ports of entry—primarily in the vehicle lanes for primary inspection at land borders. Among reviews related to border security, we have ongoing work examining CBP's Secure Border Initiative, we recently released a report about

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<sup>15</sup> See U.S. Customs and Border Protection, *Western Hemisphere Travel Initiative in the Land and Sea Environments Draft Programmatic Environmental Assessment* (Washington, D.C.: June 2007).

CBP's traveler inspections<sup>16</sup> and have recently testified about vulnerabilities along the border at unmanned and unmonitored locations.<sup>17</sup>

### **Proceeding through the Rule-Making Process**

In May 2006, we reported that DHS and State were to publish three rules in the *Federal Register*—(1) for WHTI air and sea document requirements, (2) for WHTI land document requirements, and (3) for implementing a new passport card to be issued by State. At the time of our May 2006 report DHS and State had not entered the first phase of rule making for any these three areas. (See appendix I for a general overview of the rule-making process.)

Since our May 2006 report, DHS and State published a final rule announcing the document requirements, with limited exceptions, for air ports of entry on November 24, 2006, and implemented them in January 2007. Under the final rule, U.S. citizens and nonimmigrant citizens of Canada, Mexico, and Bermuda traveling by air between the United States and Canada, Mexico, Central and South America, the Caribbean, and Bermuda are required to present a valid passport or other WHTI-compliant documentation, as specified in the final rule, to enter, or depart from, the United States. Whereas DHS and State originally intended to combine document requirements for air and sea ports of entry, they decided to instead combine document requirements for sea ports of entry with the requirements for land ports of entry. DHS and State did so because they had recently proposed allowing the new passport card to be used at seaports and needed to delay implementation until the card would be available for use there, and because recent legislation had required them to certify to Congress that they would be implementing the new requirements at sea and land ports at the same time.

With regard to travel via land and sea ports of entry, on June 26, 2007, DHS and State published a notice of proposed rule making to propose WHTI land and sea document requirements and to seek public comments on the requirements in advance of issuing a final rule. In the notice of proposed rule making, DHS outlined proposed WHTI document requirements for U.S. citizens and nonimmigrant aliens, operational and security considerations at the border, and special rules for specific groups of travelers (such as children under 16).

During the public comment period on the proposed land and sea rule, DHS and State received 600 submissions from the public, which, according to DHS, included over 1,350 separate comments. According to the Director of the WHTI program office, that office has completed a draft of its response to the comments, which, as of November 2007, was being reviewed at DHS. We analyzed the 600 stakeholder submissions and found that 323 were from stakeholders who identified themselves with various organizations and 277 were from individual stakeholders who were not affiliated with organizations. These stakeholders commented on issues such as concerns about the implementation timeline,

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<sup>16</sup> GAO, *Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry*, [GAO-08-219](#) (Washington, D.C.: Nov. 5, 2007).

<sup>17</sup> GAO, *Border Security: Security Vulnerabilities at Unmanned and Unmonitored U.S. Border Locations*, [GAO-07-884T](#) (Washington, D.C.: Sept. 27, 2007).



support for the passport card and enhanced driver's licenses, support for WHTI alternative processes for select populations—such as children under 16 and children traveling in organized groups—and support for the continued use of trusted traveler programs to cross the border. DHS and State officials have not provided a specific date when they will publish the final rule for WHTI land and sea document requirements, but DHS officials have stated that they expect the final rule to be issued in late fall 2007. DHS has announced its intention to implement the WHTI document requirements at land and sea ports in summer 2008. The exact implementation date is to be established in the final rule or in a separate notice in the *Federal Register*.

With regard to the passport card, State published a notice of proposed rule making in the *Federal Register* in October 2006 and sent a draft final rule to be reviewed by the Office of Management and Budget in October 2007. The notice describes the issuance process and proposed use of the passport card, which would be an alternative form of a passport used only by U.S. citizens to demonstrate citizenship and identity when crossing U.S. land borders and when traveling by sea between the United States and Canada, Mexico, the Caribbean, or Bermuda. State has proposed to issue the passport card for less than one half the cost of a traditional passport book and expects to begin issuing the cards to the public in spring 2008.

### **Making Decisions about Document Requirements**

In May 2006, we reported that to implement WHTI document requirements, DHS and State needed to decide what alternative documents, if any, will be acceptable in lieu of a passport. DHS and State finalized these document decisions for air ports of entry by publishing the final WHTI air rule. The rule established that United States citizens and nonimmigrant aliens from Canada, Bermuda, and Mexico entering the United States at air ports of entry would generally be required to present a valid passport.<sup>18</sup>

WHTI land and sea document requirements will be finalized when DHS and State publish a final rule in the *Federal Register* for this purpose. According to the notice of proposed rule making for land and sea, U.S. citizens age 16 years and older would be required to present a traditional passport, the new passport card, or a trusted traveler document.<sup>19</sup> Under the proposed rule, Canadian citizens and citizens of Bermuda arriving by land or sea would be required to show a passport, and Canadian citizens would also be able to show valid trusted traveler cards. There are limited circumstances in which travelers would not have to show one of these documents. For example, U.S. and Canadian citizens age 15 years and younger and U.S. and Canadian citizens ages 16 to 19 who are

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<sup>18</sup> The only exceptions to the passport requirement for air travel would be for United States citizens who are members of the U.S. armed forces traveling on active duty, travelers who present a merchant mariner document traveling in conjunction with maritime business, and travelers who present a NEXUS Air card—NEXUS is one of three trusted traveler programs designed to expedite security processing for low risk travelers who apply and are granted membership.

<sup>19</sup> The trusted traveler programs—NEXUS, SENTRI, and FAST—are designed to streamline border inspection for pre-approved, low-risk travelers and commercial drivers. The NEXUS program is a joint program between the United States and Canada. After passing a security-based vetting process and paying an application fee, Mexican, Canadian, and U.S. citizens in these programs are eligible for expedited passage into the United States when traveling in designated trusted traveler lanes.

traveling with parental permission with their school or other organized group would be allowed to present a birth certificate, or, in the case of U.S. citizens, other evidence of citizenship.<sup>20</sup> The proposed rule would not change the documentation requirements for most Mexican nationals, who are generally required to present a passport and visa or a Border Crossing Card when attempting to enter the United States.<sup>21</sup>

In describing how DHS intends to implement land and sea document requirements, the notice of proposed rule making also announced DHS's intention to discontinue allowing travelers entering the U.S. by land or sea and claiming to be U.S. or Canadian citizens, to prove their citizenship using only an oral declaration—that is, without showing travel documents—on January 31, 2008. After DHS ends oral declaration and until the WHTI document requirements are fully implemented, all U.S. and Canadian citizens would be required to show one of the documents described in the proposed rule or a government-issued photo identification, such as a driver's license, and proof of citizenship such as a birth certificate. According to CBP officials at the ports of entry we visited, they do not expect the end of oral declaration to represent a significant operational change for them, because the majority of people crossing at their ports already present documents rather than attempt entry by oral declaration alone.

The land and sea proposed rule also provides for future consideration of alternative documents issued by states, tribes, bands, provinces, territories, or foreign governments if developed in accordance with agreements between those entities and DHS. The notice of proposed rule making specifically includes, as an example of these, a pilot program in which DHS has entered into an agreement with the State of Washington to develop an enhanced driver's license. This license would be available to U.S. citizens who are also residents of Washington through its Department of Licensing and would be accepted at any land border crossing. Similar agreements have been signed by DHS with Arizona, Vermont, and New York. According to CBP officials, DHS is in discussions about forming enhanced driver's license programs with other states, including Michigan and Texas. Enhanced driver's licenses issued by these states are to denote citizenship and work with the technologies that CBP uses to electronically verify other WHTI documents. For each state that decides to pursue development of an enhanced driver's license, DHS stated that it plans to specifically and individually evaluate the states' processes for issuing driver's licenses to approve them for WHTI purposes. For example, according to the director of the WHTI office, in order for a state to produce an enhanced driver's license, DHS requires that the license be produced at one centralized facility, which helps ensure the security of the card. Moreover, the director said that DHS requires controls to enhance security around the issuance process such as requiring employees who can issue enhanced driver's licenses to be U.S. citizens, to pass a background check, and to receive document fraud and interviewing technique training.

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<sup>20</sup> In addition, members of the U.S. military traveling under official orders may show a Military Identification Card, U.S. Merchant Mariners traveling in conjunction with official maritime business may show a merchant mariner document, and U.S. citizen cruise line passengers whose voyages begin and end in the United States or its territories would be allowed to present a photo identification and birth certificate or other evidence of citizenship.

<sup>21</sup> The Border Crossing Card permits limited travel, without additional documentation 25 miles inside the border of the United States (75 miles if entering through certain ports of entry in Arizona) for fewer than 30 days.

WHTI is intended to simplify and facilitate the job of CBP officers at ports of entry by reducing the large number of documents that are currently presented and by making them easier to verify, thereby providing more reliable evidence of identity and citizenship to enhance security. Adding documents for programs like the enhanced driver's license after the publication of the final rule would expand this number again. CPB officials told us they are not concerned about the effect of adding enhanced driver's licenses to the set of documents acceptable for WHTI, because no matter how many states and Canadian provinces decide to develop them, there would still be many fewer documents under WHTI than the thousands that are currently in use. More important, they say, is that DHS plans to deem documents sufficient to establish identity and citizenship only when they have (1) minimum physical security features to help officers to verify the documents by physical inspection and (2) features that work in concert with technological upgrades they are designing to improve officers' ability to electronically verify the information from the document.

### **Carrying Out a Cost-Benefit Study**

In May 2006, we reported that decisions about documentation for crossing the border may need to be preceded by a comprehensive and publicly disclosed cost-benefit study, because the economic impact of WHTI may be \$100 million or more in any single year. We noted that at that time DHS was in the early stages of studying costs and benefits, but much more work would be needed.

In accordance with the federal requirements, DHS submitted for Office of Management and Budget review and for public comment, regulatory assessments along with the proposed WHTI rules for air and for land and sea. These regulatory assessments present the costs and benefits of the proposed documentary requirements for U.S. citizens, along with the costs and benefits of several alternatives considered during the rule-making process.

In laying out its analyses in the regulatory assessment for the land environment, DHS acknowledged that its estimates are subject to substantial uncertainty. Among other things contributing to uncertainty was DHS's inability to quantify the effects of proposed document alternatives on the time travelers have to wait in lines at the border for a primary inspection. Uncertainty arises because, for example, longer wait times at the border represent an increase in the cost of travel, which may lead people to make fewer trips. Conversely, shorter wait times represent a decrease in the cost of travel, which may lead people to make more trips. The regulatory assessment described data limitations that prevented DHS from quantifying the effect of wait times. For example, the authors of the regulatory assessment noted that they had identified data that described traffic crossing the border at land ports of entry, but none of these was extensive enough or current enough to allow them to estimate traffic volume at individual border crossing points. According to DHS, it has designed methods to evaluate changes in wait times that result from WHTI and related technological upgrades. DHS has begun to collect baseline data for this effort and plans to evaluate effects at 10 to 15 high-volume ports after full implementation of the WHTI document requirements and full deployment of related technological upgrades. As of November 2007, DHS had conducted baseline studies at ports in Detroit, Michigan; Nogales, Arizona; and Blaine, Washington.

Stakeholders responded to the regulatory assessment by submitting comments during the public comment period required for the rule-making process. Of the 323 submissions from organizations responding to the proposed rule, we identified 13 that specifically cited concerns with how the regulatory assessment was conducted. Of these, 12 argued that DHS had underestimated the general impact of WHTI on the economies of Canada and the United States or on individuals and small business owners. For example, 1 of these 12 stakeholders offered alternative data from a 2007 study to calculate lost spending resulting from Canadians who chose not to cross the U.S. border rather than obtaining the required documents. This comment asserted that if these data were used, this lost spending estimate would be roughly four times higher than the result published in the regulatory assessment. We have not evaluated the methods or data employed by this study or the reliability of its outcomes. The final regulatory assessment is to be published along with the final rule, and DHS is to consider all public comments. DHS officials told us that they will not comment on any considerations related to their ongoing rule-making process.

### **Resolving Technical and Programmatic Issues**

In May 2006, we reported that if DHS and State were to proceed with developing a card form of the U.S. passport specifically for crossing land and sea borders, they would still need to make key decisions about the card. Specifically, we noted that DHS and State had taken steps to identify the passport card as a lower-cost alternative form of a passport but had not resolved what type of technology to use to allow it to be electronically read. Under consideration were two forms of the same technology that would store data on a tag on the passport card. The data could then be read and transmitted to the CBP officer using wireless communication. One form of this technology would require that cards be in close proximity to the device that would read them, and the other would allow the cards to be read from a distance of as much as 30 feet away.

Since that time, DHS and State have proposed to proceed with the passport card using radio frequency identification (RFID) technology that would allow cards to be read from as much as 30 feet away.<sup>22</sup> This technology is a newer version of technology already used for CBP's trusted traveler programs. The technology is designed to allow information to be transmitted to the CBP officer before the vehicle reaches the inspection station. CBP has estimated that if all travelers were to present documents with this technology in lanes containing the RFID readers, thus reducing the time required to query databases and watch lists, inspection times would be lower than when travelers present a mix of documents that officers must either swipe through a machine reader or hand type the salient information into the computer on a keyboard. The State-issued passport card, DHS-issued trusted traveler cards, and any enhanced driver's licenses developed by states or provinces are expected to use RFID technology.

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<sup>22</sup> RFID is an automated data-capture technology that can be used to electronically identify and store information contained on a tag. Identification capabilities are provided using wireless communication to transmit information. The information being transmitted is a single identifying number that will allow the CBP database to find an individual's personal information. This technology is similar in function to the EZ-PASS system in use at highway toll stations.

Since our May 2006 report, in the course of drafting the proposed rule and related studies for the land and sea document requirements, as well as making its fiscal year 2008 budget request, DHS has more clearly articulated its plans to employ new WHTI document requirements in conjunction with upgrades in technology in vehicle lanes at land ports of entry. These plans are designed to use technology to help CBP balance border security with free movement of admissible people and legitimate goods. According to CBP, to reach the full security benefit of WHTI, documents must be queried against its databases and validated at the ports of entry. Moreover, CBP has noted that in recent years, its increased scrutiny of travelers at ports of entry has led to an increase in the time travelers spend waiting in lines at the border for primary inspections. CBP, therefore, has sought technological solutions to enable it to more effectively validate approved WHTI travel documents for every traveler while avoiding more time-intensive inspection processes at land ports of entry. According to CBP officials, these technology upgrades are vital to balancing CBP's security and facilitation missions.

DHS has reported that regardless of the technology used to read the documents, there could be some increases in traffic wait times at higher-volume ports of entry as officers and travelers adjust to new document requirements, particularly on the northern border. By the same token, it reported that over time, it expects standardized document requirements and technologies that electronically read documents to result in decreases in wait times and RFID technology to provide the most improvement to traffic flow and wait times.

Key aspects of CBP's technology upgrade plans include the following

- replacing the current primary processing interface—the software that manages database queries in the vehicle primary lanes—with a new interface that will work with all WHTI-acceptable documents and will help officers better validate document information;
- installing hardware in all vehicle lanes at the highest-volume land ports of entry to facilitate use of the RFID technology that is to be used to read information on trusted traveler documents, the new passport card, and any enhanced driver's licenses currently under development;
- upgrading current license plate readers with new versions that read plates more accurately and are to work with the new primary processing interface to link travelers to a specific vehicle at the time of crossing; and
- replacing the current workstation monitors with new monitors that are to more efficiently and effectively display the information available through the new primary processing interface.

CBP officials told us that they plan to begin deployment of the new primary processing interface (software) in February 2008. To test and deploy the new hardware, CBP plans to work with a primary contractor and has issued a request for proposal, which, among other things, would require this contractor to establish a specific timeline and deployment schedule for implementation. As of December 19, 2007, DHS has not yet awarded a contract. Although the specific timeline for implementation remains uncertain, CBP has developed and articulated a general strategy for deploying and implementing the technology upgrades in 469 vehicle lanes at the 39 highest-volume ports of entry over approximately the next 2 years. In its fiscal year 2008 budget request,

DHS requested funding to develop, manage, and deploy the technology upgrades at 13 high-volume ports of entry. First, it plans to install and test the new primary processing interface at two land ports of entry in Nogales, Arizona, and Blaine, Washington, in February 2008 and test it for at least 90 days. Then, CBP expects that the contractor it selects will have the new hardware in place and operational at these two ports sometime in April 2008. When both hardware and software are in place at the two initial ports, CBP plans to test the entire technology package for a minimum of 45 days. During this testing, CBP officials say they will resolve any technological and human-factors issues that may arise—for example, studying how officers interact with the new workstations to ensure that the configuration does not slow processing or increase injury risk. After testing and evaluation, CBP then plans to implement and deploy the technologies—hardware and software together—at 11 more high volume ports of entry, in fiscal year 2008. Third, in future years, it plans to move the efforts to additional ports, until the 39 highest-volume ports—representing 95 percent of all land border crossings—have the technology upgrades. Finally, over time, CBP plans to install the new primary processing interface and upgrade the license plate readers at the land ports that are not included in the 39 highest-volume ports.

To achieve their full benefit, RFID-enabled documents must be paired with RFID readers at the ports of entry. Although RFID readers will not be installed at all of the 39 highest-volume ports by DHS's planned WHTI implementation that could be as early as summer 2008, there is, according to DHS, an alternative technology available in all vehicle lanes at land ports of entry that allows documents with a specific kind of data strip to be hand swiped through an electronic document reader. The passport, passport card, trusted traveler documents, and any enhanced driver's licenses currently under development already have or are expected to have this kind of data strip.<sup>23</sup> (See appendix II for a list of the primary documents proposed to be acceptable under WHTI and their circumstances of use.) According to CBP, in the absence of RFID readers in vehicle lanes, its officers will swipe RFID-enabled documents through electronic readers—at smaller ports not slated to receive the technology and at ports among the 39 that have not yet received the upgrades when DHS implements the WHTI document requirements. In addition, because the RFID technology in traditional U.S. passports is not compatible with the RFID technology CBP plans to install at land ports, officers will continue to swipe U.S. passports through an electronic reader as the standard method for electronically reading them.

Although CBP has noted that hand swiping documents through electronic readers is more efficient than typing information into a computer on a keyboard, it has also noted that it takes more time to read documents than it would if the planned RFID technology were installed. Moreover, CBP has stated that swiping the documents does not provide the benefit of information that has been wirelessly transmitted to the officers in advance of vehicles approaching the primary inspection booths. CBP says this benefit of RFID technology allows officers to be aware of derogatory data before encountering travelers and to focus more attention on inspecting vehicles. DHS has not determined how many

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<sup>23</sup> Some documents included in the proposed rule that will be acceptable in limited and specific circumstances currently lack the ability to be electronically read at land ports of entry (e.g., merchant mariner documents and birth certificates).

ports must have operational RFID technology before implementing the document requirements. However, according to CBP officials, the technology is important for balancing border security with facilitation of trade and travel, and they would like to complete the upgrades at least at the first 10 ports before the document requirements are implemented.

Aside from deploying the technological upgrades, CBP is faced with making logistical decisions about how to use the technology and the new document requirements within its standard inspection policies and procedures. For example, CBP headquarters or each port director will be able to decide whether to dedicate specific lanes exclusively for RFID-enabled documents, such as passport cards, that can be read before the vehicle approaches the primary inspections booth, rather than lanes that are dedicated to handling both RFID-enabled cards and other documents. At larger ports, port directors have already dedicated lanes for people who present trusted traveler documents that currently use this kind of technology. Another example of a decision CBP is facing concerns how to implement its inspection processes in light of the new technological features. For example, for documents that transmit information to the officer in advance of the traveler's arrival at the inspection booth, CBP is confronted with determining whether it is necessary, from a security standpoint, to physically inspect those documents or if a visual match between travelers and their onscreen images would be sufficient to assess the validity of the documents.

### **Managing Program Implementation**

In May 2006, we reported that even after DHS and State finalize the WHTI document requirements, DHS would face challenges implementing the program and that failing to overcome these challenges may hinder DHS's ability to achieve the goal of improving security while facilitating commerce and travel. Our report noted that DHS still had much more work remaining in developing (1) an implementation plan, (2) training programs for DHS staff, (3) awareness programs for the public, (4) bilateral coordination with Canada, and (5) budget estimates to support these initiatives.

Since our May 2006 report, CBP has developed general strategies in each of the areas to help manage its implementation of WHTI document requirements at land and sea ports of entry. Specifically, as previously discussed, DHS's plans for implementing the new document requirements at land and sea ports are first to end the use of oral declaration on January 31, 2008, and then implement the WHTI document requirements at a date established through the rule-making process—currently expected to be as early as the summer of 2008. With regard to implementing new technologies, the request for proposal for managing the hardware installation requires the contractor to develop specific program management and project execution plans that contain milestones and deadlines. Given the uncertainty surrounding the timing of and funding for this contract award, some details of the implementation plan for deployment of the new technologies—particularly the deployment timeline—are still unknown.

The WHTI program office has developed a training strategy to inform CBP staff of the new tasks, tools, policies, and procedures that will support WHTI. According to the strategy, DHS will make Web-based training available to all CBP officers and, based on

the implementation schedule of new technologies, will begin to offer customized training to CBP officers at each port of entry in conjunction with technology deployment.

The WHTI program office also plans to carry out a public information campaign about the document requirements, using CBP's public affairs office and additional contractor support. CBP has outlined the roles and responsibilities of the contractor in a request for proposal and expects to make a contract award in January 2008. Among other things, the contractor is to provide program management support to the CBP public affairs office and develop a communications strategic plan. This plan will define the specific goals and objectives and establish the implementation schedule of the communication strategy for educating the public about the WHTI document requirements. In addition to DHS's public outreach plans, State has approved contracting with a public relations firm to assist with educating the public, particularly border resident communities about the new passport card and the requirements of WHTI in general. One key challenge of managing public information is communicating clear and timely messages about these documents, whose costs and availability may be uncertain and changing. For example, multiple states are in different stages of developing an enhanced driver's license program, but it is not clear when the licenses will be available or what other states might participate at a later date. If DHS implements the WHTI document requirements in summer 2008, Washington may be the only state with an available enhanced driver's license.

Our May 2006 report also noted that DHS and State face challenges in developing bilateral coordination with Canada as they implement WHTI. According to DHS and State officials, they meet in bilateral working groups with their Canadian counterparts, including meetings with Canadian stakeholders that the DHS Offices of Screening Coordination and International Affairs coordinate, meetings between CBP and the Canada Border Services Agency, and meetings between State and the Passport Canada office. In addition, CBP officers at one port of entry we visited noted that they are in contact with their Canadian counterparts and that they discuss potential inspection changes that result from WHTI. Finally, the WHTI program office and State's Bureau of Consular Affairs told us they are currently in discussions with Canadian officials regarding the development of WHTI-acceptable alternatives to a Canadian passport, such as an enhanced driver's license produced by the Canadian provinces and a Canadian version of the passport card.

In May 2006, we reported that DHS had not requested funds for WHTI in its 2007 budget request and had not developed budget estimates. In fiscal year 2008, DHS's budget request included about \$252 million for WHTI implementation, with specific funding requests for program management, communication and outreach, software development and enhancement, deployment and implementation of technologies, and infrastructure upgrades. In addition, DHS requested fiscal year 2008 funding for staffing increases related to WHTI. In connection with the request, CBP developed a strategy to hire additional officers to prepare for, among other things, the anticipated increase in the number of secondary inspections that may occur because of individuals attempting to cross the border without acceptable documentation. Although DHS has requested these funds to support WHTI implementation during fiscal year 2008, as of December 19, 2007, DHS's fiscal year 2008 appropriation was awaiting signature by the President. According to CBP officials, the extent to which they can hire additional officers and fund the



contracts that are to support many of the implementation efforts remains uncertain until DHS receives its 2008 allocation.

### **Agency Comment and Our Evaluation**

We requested comments on a draft of this report from the Secretaries of State and Homeland Security. DHS and State provided technical comments, which we incorporated, as appropriate. In a December 17, 2007, letter, DHS also provided written comments, which are summarized below and included in their entirety in appendix III.

In its comments, DHS generally agreed with our observations and said that the program is a major implementation effort that has continued to evolve and progress, even as we conducted our review. DHS noted that some aspects of WHTI implementation plans cannot be finalized until it has issued the final rule for WHTI land and sea document requirements. DHS officials said that the department is taking all appropriate actions within its legal authority to fully implement WHTI as soon as feasible, given the security imperative driving the initiative. DHS stated that it has drafted specific plans that are ready to be implemented when the final rule for land and sea document requirements has been published. DHS noted that it has issued a request for proposal (RFP) for the testing and deployment of RFID and license-plate-reader technology, which according to DHS is specific in terms of requirements, including requirements that the contractor develop final testing protocols and schedules following contract award. DHS further stated that it has developed a comprehensive plan for training officers to use the new software and a training strategy for the new document requirements and related changes in policies and procedures. In addition, DHS noted that it has prepared a comprehensive RFP to award a public affairs contract that discusses WHTI communication and outreach goals, and DHS anticipates future advertising and outreach efforts as funds become available. Finally, DHS noted that the WHTI program office plans to rely on its operational experience to develop and issue guidance to support CBP officers when DHS ends the practice of oral declaration.

We acknowledge that DHS has taken a number of actions to prepare for testing and deploying technologies and managing the implementation of other WHTI activities. Where appropriate, we revised our draft report to more fully recognize the actions that DHS is planning to take when the rule for WHTI document requirements at land and sea ports of entry is finalized. Nevertheless, we continue to believe that DHS faces challenges deploying technology, and staffing and training officers to use it. Although DHS has issued the RFP for the testing and deployment of RFID and license plate reader technology, the funding for and timing of the contract award are uncertain. Because the project schedule is to be determined after the contract is awarded, neither we nor DHS can predict with any precision when to expect the highest volume ports to receive the new technologies associated with WHTI. It will be particularly challenging for DHS to deploy these technologies to 13 of the highest volume ports during fiscal year 2008, as planned for in its fiscal year 2008 budget request. CBP officials told us they expect to complete installation of the new hardware at the two test ports sometime in April 2008. The technology is then to be tested and modified, as appropriate, for a minimum of 45 days. Even if DHS encounters no serious setbacks before or during the deployment and operational testing, it would not be ready to begin deployment to the remaining 11 ports slated to receive the technology in fiscal year 2008 before June 2008. Any slippage in the

deployment schedule would also affect other DHS initiatives, including those related to officer training at the ports of entry.

With regard to public outreach efforts, while the RFP contains some of the general concepts to be covered by the contractor's strategic communications plan, it leaves it to the contractor to define the specific goals and objectives and establish the implementation schedule for the public relations campaign. Therefore, a specific plan for public outreach will not be completed and implemented until a contract is awarded, the contractor prepares the communications plan called for in the RFP, and DHS approves the contractor's plan.

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As arranged with your offices, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days after its issue date. At that time, we will send copies of this report to the Secretaries of Homeland Security and State and interested congressional committees and subcommittees. We will also make copies available to others on request. In addition, this report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you or your staff have any questions about this report or wish to discuss the matter further, please contact me at (202) 512-8777 or [stanar@gao.gov](mailto:stanar@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Other key contributors to this report were John Mortin, Assistant Director; Chuck Bausell; Frances Cook; Michelle Cooper; Karen Febey; Danielle Fox; Kathryn Godfrey; Mary Catherine Hult; Richard Hung; and Amanda Miller.



Richard M. Stana  
Director, Homeland Security and Justice Issues

# Appendix I: General Overview of the Federal Rule-Making Process

This appendix provides an overview of the steps in the rule-making process for a significant regulatory action under Executive Order 12866 and the potential time involved for some of the steps.

Step 1: Agency (or agencies, if a joint rule) completes development of the notice of proposed rule making (NPRM), which includes the proposed rule and supplemental information.<sup>1</sup>

Step 2: Agency submits the draft NPRM and supporting materials, including any required cost-benefit analysis, to the Office of Management and Budget (OMB) for review.

Step 3: OMB reviews the draft NPRM and supporting materials and coordinates review of the proposed rule by any other agencies that may have an interest in it.

Step 4: OMB notifies the agency in writing of the results of its review, including any provisions requiring further consideration by the agency, within 90 calendar days after the date of submission to OMB.<sup>2</sup>

Step 5: OMB resolves disagreements or conflicts, if any, between or among agency heads or between OMB and any agency; if it cannot do so, such disagreements or conflicts are resolved by the President or by the Vice President acting at the request of the President.

Step 6: Once OMB notifies the agency that it has completed its review without any requests for further consideration, the agency reviews the NPRM and publishes it for public comment in the *Federal Register*.

Step 7: Agency is to give the public a meaningful opportunity to comment on the proposed rule, which generally means a comment period of not less than 60 days.

Step 8: Once the comment period has closed, the agency reviews the comments received, makes appropriate revisions to the proposed rule, and prepares a notice of the final rule, including supplemental information with responses to comments received.<sup>3</sup>

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<sup>1</sup> An agency may also begin this process with an advance notice of proposed rule making that seeks comments and suggestions from the public on the potential content of a forthcoming NPRM, but this step is not required by law or executive order in most cases.

<sup>2</sup> Executive Order 12866 provides that, for rules governed by a statutory deadline, the agency shall, to the extent practicable, schedule rule making proceedings so as to permit sufficient time for OMB review. It also provides that when an agency is obligated by law to act more quickly than normal review procedures allow, the agency shall comply with the requirements to submit the proposed rule and required supporting materials to OMB, "to the extent practicable."

Step 9: Agency submits draft notice and final rule, including updated supporting materials or cost-benefit analysis, to OMB for review.

Step 10: OMB reviews the draft notice, final rule, and supporting materials; coordinates review by any other agencies that may have an interest in the rule; and notifies the agency of the results within 90 calendar days after the date of submission to OMB.<sup>4</sup>

Step 11: Once OMB notifies the agency that it has completed its review without any requests for further consideration, the agency reviews the rule one more time and generally publishes the final rule and supplemental information in the *Federal Register* at least 60 days before the new rule takes effect.

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<sup>3</sup> If the final rule is materially different from the proposed rule, possibly because of new issues raised or other important legal or substantive developments during the comment period, an agency may decide to publish it as a proposed rule instead with a second comment period. This approach helps the agency provide sufficient notice and opportunity for public comment on how the rule addresses the new issues or developments, but it delays implementation of the final rule.

<sup>4</sup> This time period is reduced to 45 days if OMB has previously reviewed the rule and supporting information and there has been no material change in the facts and circumstances upon which the rule is based.

# Appendix II: Primary Documents Proposed Under WHTI for Land and Sea and Circumstances of Use

Document	Population allowed to use document	When and where document can be used	Length of validity	Radio frequency identification	Machine readable zone
Passport	All travelers (with visa if required)	At any U.S. land/sea crossing	Varies	<sup>a</sup>	x
Passport card	U.S. citizens	At any U.S. land/sea crossing arriving from Canada, Mexico, Bermuda, and the Caribbean. Available spring 2008.	10 years	x	x
NEXUS	U.S. and Canadian citizens approved to receive the document	At any U.S. land and sea crossings when card holder is not bringing commercial goods into the country	5 years	x	x
SENTRI	U.S. citizens approved to receive the document	At any U.S. land and sea crossings when card holder is not bringing commercial goods into the country	5 years	x	x
FAST	Approved U.S. and Canadian commercial transport drivers	At any U.S. land crossings when transporting commercial goods	5 years	x	x
Merchant Mariner Document	U.S. citizen merchant mariners	At any U.S. land/sea crossing when on official mariner business	Document is being phased out over the next 5 years		
Military I.D.	U.S. citizens and aliens who are members of U.S. armed forces or NATO	At any U.S. land/sea crossing, but only when entering on official military orders	Varies		

Source: GAO Analysis of DHS and State data.

<sup>a</sup>The passport contains radio frequency identification technology, but is not compatible with the technology DHS is installing to read documents in vehicle lanes.

# Appendix III: Comments from the Department of Homeland Security

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

December 17, 2007

Mr. Richard Stana  
Director, Homeland Security and Justice  
U.S. Government Accountability Office  
Washington, D.C. 20548

Dear Mr. Stana:

Thank you for the opportunity to review the draft report, GAO Draft Letter Report "Observations on Implementing the Western Hemisphere Travel Initiative" (GAO-08-274R). We generally agree with your observations and appreciate the approach you took toward a program still in development.

As your report acknowledges, the Western Hemisphere Travel Initiative (WHTI) is a major implementation effort that has continued to evolve and progress even as your review took place. You note that the Department of Homeland Security (DHS) is proceeding by a Notice and Comment Rulemaking under the Administrative Procedures Act (APA). It is therefore necessary that the Final Rule designating acceptable documents be issued before steps can be finalized to implement that Final Rule. As noted in our technical comments, DHS is taking all appropriate actions within its legal authority to fully implement WHTI as soon as feasible, given the security imperative driving the initiative.

Your letter notes areas that have not been completed including public notice, training and other aspects of implementation. For instance, plans that are described as not having been "developed" have generally been drafted but cannot yet be finalized. DHS has taken all appropriate steps to prepare these documents in conjunction with the issuance of the Final Rule. While the APA structures limit our ability to provide you with such drafts, we have endeavored to do so for subjects, such as facilitative technology choices, which are not contingent on the completion of the rulemaking.

In our technical comments to the report, we do specify that DHS has developed plans for testing and deploying technologies. DHS issued a Request for Proposal (RFP) for WHTI Radio Frequency Identification Technology (RFID) and License Plate Reader (LPR) infrastructure which is specific in terms of the requirements for testing and deploying the WHTI technologies to the land border. The information technology deployment planning and schedule will be solidified following contract award. Government and contractor representatives will complete an integrated baseline review of the entire project effort

[www.dhs.gov](http://www.dhs.gov)

within 30 days of contract award. The detailed test plans will verify/validate contractor performance and lead to government acceptance of the work. Validation of contractor performance is a clear deliverable under the contract. The WHTI Vehicle Primary Client (WHTI VPC) will be tested separately in a laboratory environment, by means of independent tests including operational tests at the land border.

The end-to-end WHTI technical solution including RFID, LPR and WHTI client applications will be tested in a controlled Government test lane facility prior to operational deployment and testing. Operational deployment will be limited to two border crossings. This implementation will allow a minimum of 45 days to fully test and evaluate the WHTI technical solution before deployment begins to the other land ports.

Customs and Border Protection (CBP) would like to clarify that there is a comprehensive training plan for the roll out of the WHTI vehicle primary client technology in February 2008. The WHTI Program Management Office (PMO) also has worked with the training and development teams to put together an extensive training strategy for the new WHTI documentary requirements and associated operational policy. Training requirements related to the WHTI RFID/LPR infrastructure will be minimal by comparison to the new WHTI vehicle primary client. CBP will deploy the new vehicle primary client in February 2008 to Blaine and Nogales, in advance of the new RFID/LPR infrastructure. Operational testing and evaluation will continue for approximately 90 days.

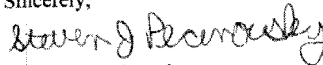
CBP has prepared a comprehensive RFP to award a public affairs contract. This RFP goes into great detail regarding the WHTI communication and outreach goals. This RFP was prepared consistent with available funding and has been released for the purpose of soliciting proposals. CBP anticipates future advertising and public outreach efforts will occur as additional funds become available.

Lastly, in addition to the GAO statements regarding the reports from the field about the possible effect of the related elimination of oral declarations alone, CBP would add that

the WHTI program office will rely on its operational experience in processing travelers entering the United States by land to issue field guidance. That field guidance will ensure that this change is implemented in a manner that will minimize delays while achieving the security benefit underlying WHTI.

Once again, thank you for the opportunity to comment on the draft letter report and provide clarifications.

Sincerely,



Steven J. Pecinovsky  
Director  
Departmental GAO/OIG Liaison Office