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Bureau of Customs and Border Protection  
Office of Regulations and Rulings  
Regulations Branch  
1300 Pennsylvania Avenue, NW  
Washington, DC 20229

**Re: Regulatory Information Number 1651-AA66  
Documents Required for Travel Within the Western Hemisphere**

The Buffalo Niagara Partnership (Partnership) formally presents our comments on the Advanced Notice of Proposed Rulemaking (ANPRM), cited above, pertaining to the implementation of the Western Hemisphere Travel Initiative (WHTI).

The Partnership represents over 2500 businesses in the greater Buffalo Niagara Region located in close proximity to the Canadian Border. The five bridges that span the Niagara River between Canada and the US have over 14,520,000 vehicles and \$60,000,000 in trade that cross them annually. Thus, the business community and our local government are intimately familiar with the complexity of the economic challenges and opportunities presented by this binational region.

**Our first recommendation with respect to the implementation of WHTI is to create a task Force composed of private sector experts from the travel and tourism industry, representatives from the affected communities and from border crossing operators. The task forces should have a limited time that will fall within the deadlines for implementation of WHTI and it should report to the Executive and legislative branches.**

The Data Management Improvement Act (“DMIA”) Task Force was a private/public group chartered in 2001 by the Attorney General to evaluate and make recommendations on how to improve the flow of traffic at United States airports, seaports and land border Ports-of-Entry (“POE”), while still improving security. The WHTI Implementation Task Force should follow this very successful model.

### **Economic Impact**

The following chart shows the impact of Canadian visitation in states for which tourism is a major part of their economic activity. Data on visitation and financial impact for tourism between Canada and all our states is available on the Canadian Embassy web site at [www.canadianembassy.org/statetrade/index-en.asp](http://www.canadianembassy.org/statetrade/index-en.asp). and is

derived from data collected by Statistics Canada. There were 34.5 million visits by Canadians to the US in 2003 with an impact of \$10.9 billion on our national economy.

*Economic Impact of Canadian Visitation by Select U.S. State.*

<b>State</b>	<b>Visitations</b>	<b>\$ impact</b>
Alaska	175,000	65,000,000
Arizona	350,000	227,000,000
California	1,000,000	587,000,000
Colorado	180,000	72,000,000
Florida	1,800,000	1,400,000,000
Georgia	784,000	71,000,000
Hawaii	298,000	321,000,000
Louisiana	100,000	53,000,000
Maryland	495,000	28,000,000
Massachusetts	590,000	121,000,000
Michigan	1,900,000	165,000,000
Nevada	780,000	438,000,000
New Jersey	289,000	65,000,000
New Mexico	45,000	19,000,000
New York	3,800,000	340,000,000
North Carolina	697,000	49,000,000
Oregon	348,000	58,000,000
South Carolina	634,000	126,000,000
Tennessee	451,000	57,000,000
Texas	304,000	158,000,000
Virginia	730,000	61,000,000
Washington	1,800,000	211,000,000

**Impact of ANPRM**

The announcement, in May of 2005, that a proposal is being formulated to require passports of all those entering the US across the Canadian border already has reduced seasonally adjusted visitation to the US. The ANPRM has exacerbated that impact

despite accurate reporting by the media that the implementation date is not until 2008. A survey conducted by the Niagara Ontario Regional Parks Commission in September found that 37% of respondents think that the passport requirement is currently in effect. It is estimated that a 12% reduction in visitation is resulting and is likely to continue. If that occurs the immediate annual impact on the US economy would be \$1.2 billion which would be felt disproportionately by border regions.

Along with providing you with immediate economic impact information, this misconception of immediate implementation should be an indication to you of the difficulty of educating the public as to new regulations. Much tourism along the border is spontaneous or conducted with minimal planning. Trips across the border to cultural, entertainment, sporting events and shopping will be seriously curtailed if crossing the border requires new forms of identification not readily available and free or inexpensive.

The proposal in the ANPRM to permit NEXUS, SENTRI and FAST cardholders to use these forms of identification as substitutes for a passport is a good idea. The Partnership endorses the use of NEXUS and has urged its members to apply for NEXUS cards. However, the system as implemented by DHS is seriously flawed.

Four years after NEXUS implementation it still takes weeks to receive the card. A card issued in one part of the nation cannot be used at border crossings outside of the region in which it was issued. There are few locations at which the mandatory interview may be conducted and those require crossing into either Canada or the US to attend. These interview locations are often not in the metropolitan centers in which the most potential users reside. To date only about 50,000 NEXUS cards have been issued during the four years of the program's existence. To further exacerbate the situation, marketing efforts by your agency for the NEXUS program have been nonexistent and citizens crossing the border at major crossing sites have experienced considerable resistance to the program by CPB employees.

This record provides little confidence that your agency or the Department of State can make a new identification card readily available by 2008.

The border between Canada and the United States is over 5000 miles long. Much of its length is in extremely rural countryside and large lakes. There are highways crossing the border without customs stations, because of low traffic. There are communities with a city street as the border and homes, schools and stores used interchangeably across this street. The incidence of recorded illegal entry into the US from Canada is minuscule in comparison to such activity along the Mexican border. The major effort in Mexico is to stop entry into the US. The major effort for communities along the Canadian border is to stimulate crossing because of the considerable economic benefit derived from Canadians whose average family income approximately equals or exceeds that of their immediate neighbors south of the border.

The stated goal of the WHTI is to create a system that will make it easier for low risk travelers to cross into the US in order for your employees to concentrate their efforts on

higher risk entrants. The proposal you have offered accomplishes exactly the opposite of this goal.

Low risk travelers will be required to acquire a new identification card at considerable expense for every member of their family, no matter the age. High-risk travelers or those with intentions to harm US citizens will still be able to cross at innumerable places where no patrol takes place.

**Our second recommendation is that the identification required under WHTI be an adaptation of an existing document, in wide use, issuable with little delay at existing multiple locations and inexpensive.**

We believe that the provisions of the Real ID Act , when implemented, will, or can easily be made to, meet these requirements. States now offer a non driver identification card for those seeking identification that do not drive at the same locations at which drivers licenses are issued. Under Real ID this offering could be easily extended as well. The Real ID drivers license issuers could offer, as an option, the ability to demonstrate citizenship and indicate so on the license for those desiring to use this card to meet the WHTI border crossing requirement. Given the demonstrated inability of DHS to implement broad based identification systems rapidly, it seems advisable for them to take advantage of the expertise and infrastructure that exists in every state for the issuance of drivers licenses.

The Partnership stands ready to work with DHS and DOS to implement WHTI. We believe it can be done within the time limits of the law and without disrupting the economies of our two nations. Security and the expeditious flow of travel and trade need not be incompatible activities. We urge you to reach out to organizations like ours to find solutions superior to those you have suggested in your Advanced Notice of Proposed Rulemaking.