

Supporting Statement
Western Hemisphere Travel Initiative (WHTI)
1651-

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), as amended by the Department of Homeland Security Appropriations Act of 2007 (DHS Appropriations Act), requires that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to require travelers entering the United States to present a passport, other document, or combination of documents, that are “deemed by the Secretary of Homeland Security to be sufficient to denote identity and citizenship.” Section 7209, as amended, expressly provides that U.S. citizens and nationals of foreign contiguous territory or adjacent islands for whom documentation requirements have previously been waived on the basis of reciprocity (i.e., citizens of Canada, Mexico, and Bermuda) under section 212(d)(4) (B) of the INA (8 U.S.C 1182(d)(4)(B)) will be required to comply. The plan is known as the Western Hemisphere Travel Initiative (WHTI).

Section 7209 of IRTPA was amended by section 546 of the DHS Appropriations Act to stress the need for DHS and DOS to develop an alternative procedure for groups of children traveling across an international border under adult supervision with parental consent. To comply with this legislation, DHS and DOS have developed alternate procedures requiring that certain information be provided to Customs and Border Protection (CBP) so that these children would not be required to present a passport. As a result, U.S. and Canadian citizen children through age 18, who are traveling with public or private school groups, religious groups, social or cultural organizations, or teams associated with youth sport organizations that arrive at U.S. sea or land ports-of-entry, will be permitted to present an original or a copy of a birth certificate (rather than a passport), when the groups are under the supervision of an adult affiliated with the organization (including a parent of one of the accompanied children who is only affiliated with the organization for purposes of a particular trip) and when all the children have parental or legal guardian consent to travel. For purposes of this alternative procedure, an adult would be considered to be a person age 19 or older, and a group would consist of two or more people.

In lieu of requiring a passport from U.S. citizen children traveling under the described circumstances, CBP will accept an original or a copy of a birth certificate, Consular Record of

Birth Abroad issued by the Department of State, or a Certificate of Naturalization issued by U.S. Citizenship and Immigration Services (formerly Immigration and Naturalization Services) when certain information is provided. CBP will accept an original or copy of a birth certificate, a Canadian Citizenship Card, or Canadian Naturalization Certificate from Canadian citizen children when certain information is provided. Specifically, a group, organization, or team of U.S. citizens when crossing the border at the port-of-entry will be required to provide to CBP on organizational letterhead the following information: (1) the name of the group; (2) the name of each child on the trip; (3) for each child, the primary address, primary phone number, date of birth, place of birth, and name of at least one parent or legal guardian; (4) the name of the chaperone or supervising adult; and (5) the signature of the supervising adult certifying in that he or she has obtained parental or legal guardian consent for each child. The supervising adult will present this information to CBP at the applicable port-of-entry for inspection by CBP. This information will not be retained by CBP. A group of Canadian citizens will also be asked to provide: (1) the stated purpose of the trip; (2) the location of the destination; and (3) the length of stay.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information that will be collected at the port-of-entry by CBP is necessary to comply with section 546 of the DHS Appropriations Act to provide an alternative procedure for groups of children traveling across an international border under adult supervision with parental consent.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The information must be presented in person to a CBP officer at the land or sea port-of-entry because it requires an original signature of the chaperone or supervising adult. Without an original signature, CBP would be unable to verify that parental or legal guardian consent for each child has been obtained.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This information is not duplicated in any other place or any other form.

5. If the collection of information impacts small businesses or other small entities (Item 5 of the OMB Form 83-I), describe any methods used to minimize burden.

This information collection does not have a significant impact on a substantial number of small businesses or entities. All respondents are treated equally regardless of size.

6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Section 546 of the DHS Appropriations Act requires DHS and DOS to develop an alternative procedure for groups of children traveling across an international border under adult supervision with parental consent. The alternate procedures developed by DHS and DOS allow U.S. citizen children traveling in such groups to present a copy of a birth certificate, Consular Report of Birth Abroad, or Certificate of Naturalization, rather than a passport, when specific information is provided to CBP. The alternate procedures also allow Canadian citizen children traveling in such groups to present a copy of birth certificate, Canadian Citizenship Card, or Canadian Certificate of Naturalization, rather than a passport, when specific information is provided to CBP. If this information was not collected, CBP would not be able to verify the authenticity of the group of children entering the United States. These children would be required to present a passport.

7. Explain any special circumstances that would cause an information collection to be conducted.

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Public comments were solicited through a notice of proposed rulemaking that was published in the Federal Register on June 26, 2007. See 72 FR 35088, 35111-12. The comment period was for a period of 60 days.

After re-evaluating the groups of children exemption there are two main changes. In the final rule, Canadian citizen children under age 16 (under age 18 when traveling in groups) are permitted to present an original or a copy of a birth certificate, a Canadian Citizenship Card, or Canadian Naturalization Certificate at all sea and land ports-of-entry when arriving from contiguous territory. Under the proposed rule, they would only have been able to present an original or a certified copy of a birth certificate.

In the final rule, U.S. citizen children under age 16 (under age 18 when traveling in groups) are permitted to present an original or a copy of a birth certificate, Certificate of Birth Abroad, or Certificate of Naturalization. Under the proposed rule, they would only have been able to present

an original or certified copy of a birth certificate, Certificate of Birth Abroad, or Certificate of Naturalization.

The Departments do not believe these changes would materially affect the cost and hour burden estimates, nor did we receive any comments to the NPRM that lead to any changes in these estimates, thus the cost and hour burden estimates remain unchanged.

The Departments received many comments on the proposed “groups of children” provisions generally, but received no comments on the information collection aspects of them per se. The general comments and our responses are summarized as follows:

Comment: Thirty-one commenters to the ANPRM asked to allow travelers under the age of 16 to use a birth certificate as sufficient proof of identity and citizenship. Ninety-three commenters to the Land and Sea NPRM supported the proposed requirements for children. Four commenters to the Land and Sea NPRM suggested the exemption from presenting a passport be raised to age 16 and under. One commenter stated that it would be appropriate to exempt children under the age of 18. Sixty-eight commenters supported the provisions being made for children traveling with their families, in groups, or with chaperones. One commenter stated that there was concern for the treatment of children if they have lost their documentation and were detained at the border. One commenter asked that U.S. and Canadian children traveling in groups for short trips should not be required to carry an original or certified copy of a birth certificate if accompanied by a chaperone. One commenter stated that attendance by students who are not members of athletic teams at high school events is jeopardized by this proposal.

Response: Under this final rule, all U.S. citizen children under the age of 16 are permitted to present at all sea and land ports-of-entry when arriving from contiguous territory either: (1) an original or a copy of a birth certificate; (2) a Consular Report of Birth Abroad issued by DOS; or (3) a Certificate of Naturalization issued by U.S. Citizenship and Immigration Services. The Departments have decided to expand the list of documents Canadian children may present. Under the final rule, Canadian citizen children under the age of 16 are permitted to present an original or a copy of a birth certificate, a Canadian Citizenship Card, or Canadian Naturalization Certificate at all sea and land ports-of-entry when arriving from contiguous territory.

DHS and DOS have determined that age 16 is the most appropriate age to begin the requirement to present a passport, passport card (for U.S. citizens), or other approved document because at that age most states begin issuing photo identification to children, such as a driver’s license, and at that point, the child would, consequently, have a known and established identity that could be readily accessed by border security and law enforcement personnel. Also, age 16 is the age at which DOS begins to issue adult passports, valid for 10 years instead of 5 years for children. DHS and DOS also recognize that it is difficult for the majority of children under age 16 to obtain a form of government-issued photo identification other than a passport or passport card.

Under this final rule, U.S. citizen children under age 19, who are traveling with public or private school groups, religious groups, social or cultural organizations, or teams associated with youth sport organizations that arrive at U.S. sea or land ports-of-entry from contiguous territory, are permitted to present either: (1) an original or a copy of a birth certificate; (2) a Consular

Report of Birth Abroad issued by DOS; or (3) a Certificate of Naturalization issued by USCIS. Under this provision, groups of children must be under the supervision of an adult affiliated with the organization (including a parent of one of the accompanied children who is only affiliated with the organization for purposes of a particular trip) and all the children have parental or legal guardian consent to travel. Canadian citizen children under age 19 who are traveling in groups are permitted to present an original or a copy of a birth certificate, a Canadian Citizenship Card, or Canadian Naturalization Certificate under the same circumstances. For purposes of this alternative procedure, an adult would be considered to be a person age 19 or older, and a group would consist of two or more people.

While DHS and DOS are sensitive to the needs of school groups, carrying an original or copy of a birth certificate represents the minimum travel requirement a person would possess to enable us to secure our borders through the implementation of WHTI.

Comment: Six commenters to the Land and Sea NPRM requested that children of Mexican citizenship be included in the special requirements for children under the age of 16 or under the age of 19 when traveling in groups. One of these commenters questioned why Mexican children under the age of 16 were not included under the special requirements for children as Canadian children were.

Response: IRTPA directs DHS to implement a plan to require documents for citizens for whom the general passport requirements have previously been waived, not to eliminate document requirements currently in place. All Mexican citizens, including children, are currently required to present either a passport and visa or BCC upon arrival in the United States. DHS and DOS are not changing the current document requirements for children of Mexican citizenship entering the United States because the current documentary requirements for these children are sufficient to prove identity and citizenship as required by IRTPA.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no offer of a monetary or material value for this information collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

This information will be reviewed by the CBP Officer at the port-of-entry and then returned to the supervising adult or chaperone who submitted it.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection does not involve questions of a personal or sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

The estimated burden for this information collection is 1625 hours, based on an estimated 6,500 respondents filing a total of 6,500 annual responses. Each response requires an estimated .25 hours (15 minutes) to complete.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

The estimated costs would be difficult to determine because of the wide range of individuals and travelers providing this information. Many of these individuals would be completing this information en route and prior to entering the United States.

14. Provide estimates of annualized cost to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The estimated annual cost to the Federal Government in handling, processing and recording the information collected with regard to this collection is \$48,750, based on an estimated 1,625 hours expended at an average hourly rate of \$30.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

This is a new collection request; therefore, the burden on the public and the Federal Government associated with this WHTI alternative procedure are estimates.

16. For collection of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

This information collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable because there is no form associated with this collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

Not applicable.

4. Collection of Information Employing Statistical Methods

No statistical methods were employed.

