

109TH CONGRESS  
2D SESSION

# S. 28

To amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 and for other purposes.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2006

Mr. COLEMAN introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northern Border Trav-  
5 el Facilitation Act”.

6 **SEC. 2. STATE DRIVER’S LICENSE AND IDENTIFICATION EN-**  
7 **ROLLMENT PROGRAM.**

8 Section 7209 of the Intelligence Reform and Ter-  
9 rorism Prevention Act of 2004 (Public Law 108–458; 8

1 U.S.C. 1185 note) is amended by adding at the end the  
2 following new subsection:

3 “(e) STATE DRIVER’S LICENSE AND IDENTIFICATION  
4 CARD ENROLLMENT PROGRAM.—

5 “(1) IN GENERAL.—Notwithstanding any other  
6 provision of law, the Secretary of State and the Sec-  
7 retary of Homeland Security shall establish a State  
8 Driver’s License and Identity Card Enrollment Pro-  
9 gram as described in this subsection (hereinafter in  
10 this subsection referred to as the ‘Program’) and  
11 enter into a memorandum of understanding with an  
12 appropriate official of each State that elects to par-  
13 ticipate in the Program.

14 “(2) PURPOSE.—The purpose of the Program  
15 is to permit a citizen of the United States who pro-  
16 duces a driver’s license or identity card that meets  
17 the requirements of paragraph (3) or a citizen of  
18 Canada who produces a document described in para-  
19 graph (4) to enter the United States from Canada  
20 without providing any other documentation or evi-  
21 dence of citizenship.

22 “(3) ADMISSION OF CITIZENS OF THE UNITED  
23 STATES.—A driver’s license or identity card meets  
24 the requirements of this subparagraph if—

25 “(A) the license or card—

1 “(i) was issued by a State that is par-  
2 ticipating in the Program;

3 “(ii) meets the requirements of sec-  
4 tion 202 of the REAL ID Act of 2005 (di-  
5 vision B of Public Law 109–13; 49 U.S.C.  
6 30301 note); and

7 “(iii) includes the United States citi-  
8 zenship status of the individual to whom  
9 the license or card was issued; and

10 “(B) the State that issued the license or  
11 card—

12 “(i) has a mechanism that is approved  
13 by the Secretary of State to verify the  
14 United States citizenship status of an ap-  
15 plicant for such a license or card;

16 “(ii) does not require an individual to  
17 include the individual’s citizenship status  
18 on such a license or card; and

19 “(iii) manages all information regard-  
20 ing an applicant’s United States citizen-  
21 ship status in the same manner as such in-  
22 formation collected through the United  
23 States passport application process and  
24 prohibits any other use or distribution of  
25 such information.

1 “(4) ADMISSION OF CITIZENS OF CANADA.—

2 “(A) IN GENERAL.—Notwithstanding any  
3 other provision of law, if the Secretary of State  
4 and the Secretary of Homeland Security deter-  
5 mine that an identity document issued by the  
6 Government of Canada or by the Government  
7 of a Province or Territory of Canada meets se-  
8 curity and information requirements com-  
9 parable to the requirements for a driver’s li-  
10 cense or identity card described in paragraph  
11 (3), the Secretary of Homeland Security shall  
12 permit a citizen of Canada to enter the United  
13 States from Canada using such a document  
14 without providing any other documentation or  
15 evidence of Canadian citizenship.

16 “(B) TECHNOLOGY STANDARDS.—The  
17 Secretary of Homeland Security shall work, to  
18 the maximum extent possible, to ensure that an  
19 identification document issued by Canada that  
20 permits entry into the United States under sub-  
21 paragraph (A) utilizes technology similar to the  
22 technology utilized by identification documents  
23 issued by the United States or any State.

24 “(5) ADMISSION OF CHILDREN.—Notwith-  
25 standing any other provision of law, the Secretary of

1 Homeland Security shall permit an individual to  
2 enter the United States without providing any evi-  
3 dence of citizenship if—

4 “(A) the individual—

5 “(i) is less than 16 years old;

6 “(ii) is accompanied by the individ-  
7 ual’s legal guardian; and

8 “(iii) is entering the United States  
9 from Canada or another country if the  
10 Secretary permits an individual to enter  
11 the United States from that country under  
12 the Program pursuant to paragraph  
13 (6)(A); and

14 “(B) such legal guardian provides a driv-  
15 er’s license or identity card described in para-  
16 graph (3), a document described in paragraph  
17 (4), or other evidence of citizenship if the Sec-  
18 retary permits an individual to enter the United  
19 States using such evidence under the Program  
20 pursuant to paragraph (6)(B).

21 “(6) AUTHORITY TO EXPAND.—Notwith-  
22 standing any other provision of law, the Secretary of  
23 State and the Secretary of Homeland Security may  
24 expand the Program to permit an individual to enter  
25 the United States—

1           “(A) from a country other than Canada; or

2           “(B) using evidence of citizenship other  
3 than a driver’s license or identity card described  
4 in paragraph (3) or a document described in  
5 paragraph (4).

6           “(7) RELATIONSHIP TO OTHER REQUIRE-  
7 MENTS.—Nothing in this subsection shall have the  
8 effect of creating a national identity card or a cer-  
9 tification of citizenship for any purpose other than  
10 admission into the United States as described in this  
11 subsection.

12           “(8) STATE DEFINED.—In this subsection, the  
13 term ‘State’ means any of the several States of the  
14 United States, the Commonwealth of the Northern  
15 Mariana Islands, the Commonwealth of Puerto Rico,  
16 the District of Columbia, Guam, the Virgin Islands  
17 of the United States, or any other territory or pos-  
18 session of the United States.

19           “(9) SCHEDULE FOR IMPLEMENTATION.—

20           “(A) IN GENERAL.—The Secretary of  
21 Homeland Security and the Secretary of State  
22 shall implement the Program not later than De-  
23 cember 31, 2009.

24           “(B) ADMISSION PRIOR TO IMPLEMENTA-  
25 TION.—During the time period beginning on

1           the date of the enactment of the Northern Bor-  
2           der Travel Facilitation Act and ending on the  
3           date that the Program is implemented, the Sec-  
4           retary of Homeland Security shall permit an in-  
5           dividual who is a citizen of the United States  
6           or Canada to enter the United States from  
7           Canada if that individual can demonstrate  
8           United States or Canadian citizenship to the  
9           satisfaction of the Secretary. Birth certificates  
10          issued by a State, or by the Government of  
11          Canada or by the Government of a Province or  
12          Territory of Canada, or a citizenship certificate  
13          or card issued by the Government of Canada  
14          shall be deemed to be a satisfactory demonstra-  
15          tion of citizenship under this subparagraph.”.

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