

Testimony of
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Department of State
December 2, 2005

The Western Hemisphere Travel Initiative
Subcommittee on Immigration, Border Security and Citizenship
Committee on the Judiciary
United States Senate

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Laredo, Texas

Chairman Cornyn and Members of the Committee:

Good afternoon and thank you for providing me with the opportunity to describe at this field hearing how the Department of State, in close cooperation with the Department of Homeland Security, plans to strengthen U.S. border security and facilitate international travel through the Western Hemisphere Travel Initiative (WHTI), the new program for U.S. citizens and foreign nationals entering the United States from neighboring Western Hemisphere countries. It is expected that WHTI will help secure and streamline the entry process into the United States, allowing border management officials to review documentation and determine eligibility for entry quickly, efficiently, and accurately, and to do so in a fashion that does not disrupt the critically important movement of people and goods across our land borders.

In the aftermath of September 11, the Department of State's Bureau of Consular Affairs conducted a comprehensive review of the adjudication, security, and issuance of U.S. travel documents, including U.S. passports. As the report of the 9/11 Commission noted, travel documents today are as valuable to terrorists as weapons, and the U.S. passport is arguably the most valuable travel and identity document in the world. Recognizing this reality, the Department of State has implemented a number of steps to improve the security features of U.S. passports, to reinforce the underlying passport adjudication process, and to rationalize requirements for passport use. I will focus most of my remarks for today on that last point.

While the passport has been the standard identity document for international travel and entry into the United States from most parts of the world, there has been a longstanding exemption to this

requirement for travel within the Western Hemisphere, including travel to Canada, Mexico, Bermuda, and the Caribbean. Because there is no requirement for U.S. citizens to present a U.S. passport or any other prescribed document, Customs and Border Protection officers at ports of entry meeting U.S. citizens returning from these countries must currently examine a wide variety of documents, including birth certificates issued by state or local authorities, baptismal records issued by churches, certificates of naturalization issued by federal immigration authorities, and a multitude of state and provincial driver's licenses which may corroborate identity but do not in themselves establish citizenship. It is particularly difficult to know whether a birth certificate or baptismal record is authentic because such documents might be extremely old -- as old as any living person -- and have been issued by so many different authorities.

In light of the post-9/11 threats we know all too well, the Department and the 9/11 Commission concluded that this exemption is a weak link in our layered approach to border security. Congress and the President took action through the enactment of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), which requires the Secretary of Homeland Security, in consultation with the Secretary of State, to develop and implement by January 1, 2008, a plan requiring all travelers, U.S. citizens and foreign nationals alike, with certain highly limited exceptions, to present a passport or other authorized document or combination of documents sufficient to denote identity and citizenship when entering or re-entering the United States. The Departments of State and Homeland Security agree that acceptable documents must establish the citizenship and identity of the bearer in a way that can be electronically verified and must include significant security features. Ultimately, all documents used for travel to the United States are expected to include biometrics, such as photographs that comply with facial recognition technology or fingerprints that can be used to authenticate the document and verify identity.

Given how great this change will be in practice, the Departments of State and Homeland Security, in consultation with other government agencies, have agreed to adopt a phased implementation plan for WHTI, providing as much advance notice as possible. The planned timeline is as follows:

1. As of December 31, 2006, WHTI will apply to all air and sea travel to or from Canada, Mexico, Central and South America, the Caribbean, and Bermuda.
2. As of December 31, 2007, WHTI will extend to land border crossings as well as air and sea travel.

There are a number of advantages to phasing in the requirement in an orderly fashion over the next two years. First, we will begin to accrue the security advantages and build up the capability to administer such a program, as well as benefit at an earlier stage from the travel facilitation envisioned by the Congress in crafting the legislation. Second, phased implementation will give us time to reach out and inform the tens of millions of travelers who will be affected by the changes. Third, it will allow us to ramp up our document production capacity to meet the anticipated surge in demand that will coincide with each implementation phase.

The Department is very much aware that WHTI will have its greatest impact at the land borders. We also realize that the U.S. passport might not be the optimal solution for travel for communities along the northern and southern borders for a number of reasons including cost and

size. We recognize the economic implications this has for industry, business, and the general public, as well as for our neighboring countries - important partners in this initiative. Thus, in developing WHTI, we have been particularly careful to follow the statutory direction to seek to expedite the travel of frequent travelers, including those who reside in border communities. To help assess the land border implications of this program, the Bureau of Consular Affairs contracted with Bearing Point Incorporated to survey land border crossers this past summer. Based on the survey data, we estimate that approximately 23 million U.S. citizens cross the land borders into Canada and Mexico a total of nearly 130 million times each year. Another 4 million U.S. citizens travel to Canada and Mexico by air or sea, while 2 million travel to the Caribbean. Of the 23 million land border crossers, about one-half are frequent crossers, making the trip at least once a year. A relatively small number of U.S. citizens make the journey every business day and are responsible for 18 percent of the crossings, while 2 percent of border travelers account for almost 48 percent of the total annual crossings.

There is no question that extending WHTI to land-border crossers is a challenge. Looking at these 23 million land border crossers from a document perspective, only 40 percent report that they possess a U.S. passport. Nearly 33 percent, or a little over 8 million of them, reported that they would seek a U.S. passport within a year to fulfill WHTI documentary requirements. This is understandably of intense interest to the Department of State.

We will meet this challenge by increasing our capacity to adjudicate and produce passports, including both the traditional book passports and a new travel card to meet the unique needs of land border crossers, which I will describe momentarily. We already have more than 7,500 sites around the country (including more than 322 in Texas) located at post offices, court clerk offices, or other government offices where U.S. citizens can apply for a passport. In addition, we have a program underway to increase our adjudication capacity from its baseline level of 10.1 million applications in FY-2005 to a sustainable level of 17 million applications in FY-2008. This expansion program is solidly on track.

In addition, we have recognized that for a number of U.S. citizens who make regular, if not daily, land crossings, and for families whose international travel consists solely of crossing the land border, a traditional book passport is unlikely to be the document of choice, both for reasons of affordability and practicality. Of those surveyed last summer, 11 percent reported that they would not seek a U.S. passport in the future and would presumably prefer a practical alternative.

Therefore, we are working with DHS to introduce a Department of State-produced travel card that could provide a convenient and affordable alternative to a traditional U.S. book passport for land border crossings. Based on initial thinking, this card would establish both a person's identity and U.S. citizenship as required by law, would fit easily in a person's wallet or purse, and would cost less than a book passport. The card would contain security features and would use technology to link the identity and citizenship of the bearer to a U.S. government database, in order to protect the privacy of the bearer and the integrity of the document. We are also working with DHS to ensure that this travel card can serve as a platform for expanded registered traveler programs.

U.S. citizens who are border residents or frequent travelers across the land borders would be able to apply for the travel card at the same 7,500 plus facilities around the U.S. that currently accept passport applications. Furthermore, the Department of State would adjudicate eligibility for the travel card in the same way that it adjudicates eligibility for the traditional book passport, and

applicants would, in fact, be able to apply for both at the same time. While we are still making important technical decisions regarding this travel card and thus do not have a final fee set as yet, we hope that we can provide it at a cost of half or less than that of the book passport.

Of course, other existing documents issued by the Department of Homeland Security, such as SENTRI, NEXUS, and FAST program cards, are also under consideration as acceptable documents for land border crossings. We also expect that the Border Crossing Card, a travel document issued to Mexican nationals (the BCC - also known as a "laser visa"), will remain acceptable as a substitute for a passport and a visa for Mexican nationals traveling to the United States border areas from contiguous territory.

Both the Departments of State and Homeland Security recognize that there are a host of issues that must be addressed thoroughly to implement the WHTI smoothly and successfully. A critical part of successful implementation is public participation in the regulatory process. With this in mind, we have just completed an Advanced Notice of Proposed Rulemaking (ANPRM) process that generated over 500 public comments. A large number of these comments came from businesses and individuals concerned about the economic impact that the WHTI initiative could have in discouraging travel across the borders. The solutions we are considering could, we believe, facilitate and expedite travel by making the crossing far more efficient, because all travelers will be identified by a limited number of secure identity and citizenship documents.

The public will have additional opportunities to review and comment upon our plans. The regulatory process will provide another opportunity for public comment, and we encourage the business community, state and local governments, and other members of the public to comment at that time. We are eager to receive the suggestions of those most directly affected by the proposed change and intend to integrate practical suggestions as much as is feasible, always keeping in mind the ultimate goal of making our borders more secure.

Finally, I would be remiss in presenting this testimony if I did not mention a way for Congress to help the Department of State meet the challenges embodied in implementing section 7209 of the IRTPA. As a result of record passport demand generated by IRTPA, and the additional biometric measures we are incorporating into our passports in response to the Enhanced Border Security and Visa Entry Reform Act, the Administration has requested legislative authority for the State Department to collect a surcharge to cover the costs generated by Section 7209. The surcharge would be used to support additional Department of State expenses that we will incur in order to meet the demand generated by WHTI, such as increased passport direct hire and contractor staff, staff training, outreach programs, additional passport facilities, and related systems support.

Once again, thank you, Mr. Chairman and the members of the Committee, for holding this important field hearing and inviting me to participate. We at the Department of State look forward to working with Congress, local officials such as have gathered at this hearing and the public to ensure that the needs of border communities as well as our border security concerns are addressed by this plan while we continue to facilitate legitimate travel. At this time, I am prepared to answer any questions you may have.