

**U.S. Senate Foreign Relations Committee
Subcommittee on Western Hemisphere, Peace Corps
and Narcotics Affairs**

**“The State Department’s Role in the
Western Hemisphere Travel Initiative”**

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June 9, 2005

Chairman Coleman, Ranking Member Dodd, Distinguished Members of the Subcommittee:

I am pleased to have this opportunity to describe how the Department of State, in close cooperation with the Department of Homeland Security, plans to augment U.S. border security and facilitate international travel by establishing new documentary standards pursuant to the Intelligence Reform and Terrorism Prevention Act that U.S. citizens and certain foreign nationals must comply with to enter the United States from nations in the Western Hemisphere. I will refer to this program as the Western Hemisphere Travel Initiative (WHTI).

In the aftermath of September 11, the Department of State’s Bureau of Consular Affairs conducted a comprehensive review of our procedures for adjudicating the travel documents that we have the legislative authority to issue: U.S. passports, and immigrant and nonimmigrant visas. The U.S. passport is arguably the most valuable travel and identity document in the world. As the report of 9/11 Commission noted, travel documents are as valuable to terrorists as weapons, and we have taken steps to improve both the security features of the passport, as well as the underlying adjudicatory process that determines who is entitled to one.

In general, U.S. law requires that American citizens enter the United States in possession of a valid passport. There is one major exemption—U.S. citizens can travel to many destinations in the Caribbean as well as

Mexico, Canada and Panama without a passport. Canadian citizens traveling from within the Western Hemisphere are also allowed to enter the U.S. with only limited documentation such as a drivers license. In the spring of 2003, the Department of State embarked on interagency consultations to address this potential vulnerability.

Discussions of possible remedies quickly made clear that what will augment U.S. border security will also facilitate international travel. Currently, to determine whether someone is an American citizen, Customs and Border Protection (CBP) officials may be presented with thousands of different birth certificates by travelers, not to mention other situations where the traveler makes an oral declaration to be an American citizen. My colleague Elaine Dezenski from the Department of Homeland Security will address this issue in more detail in her testimony. Suffice it to say that both DHS and State believe that we can strengthen border security and facilitate entry processing by ensuring that travelers present documents in which border inspectors have confidence in both the validity of the document and the validity of the decision originally made to issue the document. To simplify and secure entry requirements, we believe that a limited number of recognized – and secure – identity and citizenship documents is preferable.

Congress clearly endorsed the view that we should enhance border security within the Western Hemisphere by requiring passports or other secure documents denoting citizenship and identity for travel when it enacted Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). This legislation, which was signed into law on December 17, 2004, requires that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement by January 1, 2008 a plan to require U.S. citizens and non-U.S. citizens currently exempt from the passport requirement for travel within the Western Hemisphere to present a passport or other authorized documentation that denotes identity and citizenship when entering the United States. The law provides for only limited circumstances under which the documentary requirement may be waived for U.S. citizens or non-U.S. citizens within the Western Hemisphere, such as emergent or humanitarian circumstances or in the national interest.

Importantly, Section 7209 also requires that the Secretaries of Homeland Security and State seek to facilitate the travel of frequent travelers, including those who reside in border communities.

We enthusiastically welcome legislative support for the Western Hemisphere Travel Initiative (WHTI) and appreciate the flexibility in determining what document or combination of documents will be adequate to establish identity and nationality.

Given the enormity of this change in practice, the Department of Homeland Security and the Department of State, in consultation with other government agencies, have agreed to adopt a phased implementation plan for the WHTI. The specific timeline for the phases has yet to be finalized and is under active discussion within the Administration, although the plan must be implemented by January 1, 2008 in accordance with the law.

The scope of this potential program is challenging. The State Department estimates that some 2.0 million Americans travel each year to the Caribbean without a passport and more than 4.0 million Americans do the same by air or sea to Canada and Mexico. And, American citizens make about 100 million land border crossings each year, which represents total number of trips made, not individuals. To help assess the land border implications of this program, the State Department has contracted with outside experts who will survey land border crossers in July at 16 ports of entry to help us develop more accurate data on the scope of this aspect of WHTI.

Based on the scope of WHTI, it appears that there are a number of advantages to phasing in the requirement in an orderly fashion over the next three years. Our plan is to complete implementation by January 1, 2008. First, by beginning implementation in advance of that deadline, we will begin to accrue the security advantages and build up the capacity to administer such a program as soon as possible, as well as benefit at an earlier stage from the travel facilitation envisioned by the Congress in crafting the legislation. Phased implementation will also give us the opportunity to reach out and inform the tens of millions of travelers who will be affected by the changes.

Importantly, by spreading out over time a projected increase in the Department's workload, we will be able to acquire and develop the resources needed to meet the increased demand for U.S. passports and other documents satisfying Section 7209.

Naturally, passport demand is a matter of intense interest to the Department of State. Will American citizens choose to obtain U.S. passports to fulfill the documentary requirement set forth in the IRTPA? We expect that many will, especially those who travel by air or sea. As I noted, the U.S. passport is undoubtedly the world's premiere identity and nationality document. One of the key objectives of the Department's Bureau of Consular Affairs is to ensure that passport services are provided in a secure, efficient and courteous manner. In order to make applying for a passport as convenient as possible for American citizens, we have more than 7,000 sites around the country located at post offices, clerks of court or other government offices where they can apply for a passport.

We are currently able to meet demand, but based on projected passport demand increases over the next three years we expect to face significant resource shortfalls as we implement the WHTI. In 2004, the Department of State's Office of Passport Services issued over 8.8 million passports – a workload increase of some 22 percent over the prior year total. Workload this year is up another 13 percent, putting us on target to issue more than 10 million passports to American citizens this year. And, based on our current analysis of the scope of WHTI and other projected growth in passport demand, we expect that applications for passports will total about 12 million in FY-2006, about 14 million in FY-2007 and reach a potentially sustainable annual demand of 17 million by FY-2008.

We look forward to working with Congress as we seek the resources needed to implement WHTI in a fashion that does not inconvenience American travelers.

We also know that there are many circumstances where obtaining a U.S. passport is not the optimal solution for travel – particularly in communities along the northern and southern borders – and the IRTPA recognizes this by including the option of using another secure document or other documents that denotes identity and citizenship when entering the U.S. My colleague from the Department of Homeland Security will discuss these alternatives.

Both the Department of State and the Department of 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 will soon solicit public comments as a way to refine the implementation of the WHTI. The Departments have prepared an Advance Notice of Proposed Rulemaking (ANPRM) and expect that the comments we receive after it is published will have a material effect on the rules we develop. The Department of State is committed to making sure that concerns and interests are explored thoroughly and look forward to these comments with great anticipation.

The ANPRM process is an important step in informing the public of this important change in travel requirements that we will support with a sustained, extensive public outreach effort. In addition to explaining the new requirements to the American public, the Department of State will also work with our hemispheric neighbors to make sure that they are aware of the requirements of the WHTI and that they have adequate notice to take the necessary steps to comply with them without hindering the legitimate flow of people and goods between our nations.

At this time, I am happy to answer any questions you might have about the Department of State's role in supporting the Department of Homeland Security's implementation of the Western Hemisphere Travel Initiative.