United States Senate

WASHINGTON, DC 20510

January 28, 2008

The Honorable Michael Chertoff
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Chertoff:

We understand that the U.S. Department of Homeland Security (DHS) intends to end its long established practice of accepting oral declarations of citizenship at our nation's land and sea ports of entry on January 31, 2008. In its place, the DHS plans to require travelers to present documentary proof of citizenship, such as a birth certificate, in order to gain entry into the United States. While we understand the department's desire for greater documentation of travelers coming through our nation's borders, we seriously question the timing of this dramatic policy change.

For many years, Customs and Border Patrol (CBP) agents have accepted oral declarations of citizenship from travelers entering the United States, and they have had the authority to ask for proof of citizenship when necessary. Since there are nearly 8,000 variations of birth certificates issued by various states, provinces, and localities in the United States and Canada, determining the authenticity of a birth certificate provided at the border is a daunting task for our already overstretched CBP agents. Creating an interim standard -- much less one without an aggressive public relations campaign to inform the traveling public -- will further complicate implementation of definitive citizenship standards.

Recognizing that determining the authenticity of 8,000 possible birth certificates is a serious challenge, Congress and the Administration sought to require that an alternative document be produced that would secure our border while not impeding the flow of commerce and traffic through enactment of the Western Hemisphere Travel Initiative (WHTI). Unfortunately, the planning, design, and implementation of the WHTI has not moved forward at a pace that would match the original deadline provided to the agencies of January 2008. That is why Congress has now provided the Administration with more time by ensuring that the requirement for a passport or comparable documentation such as a passport card may not be implemented until June 2009.

We find it troubling that the DHS is trying to move forward in the interim with a plan to require proof of citizenship at the border prior to the successful implementation of a secure alternative to a passport. By trying to impose this requirement, the Administration will exacerbate the current confusion that the WHTI and the passport card are designed to avoid. Asking our CBP agents to implement this when an alternative and more secure passport card is not even available yet is unfair, and is likely to distract officers from other, more effective border inspection procedures. The new interim procedures are a recipe for long lines at our nation's border crossings and reduced flow of commerce with no clear increase in security.

In conclusion, we understand the need for travelers to continue presenting government-issued identification cards at the border, but the DHS has done a poor job promoting its significant change in citizenship document requirements. We are particularly concerned that citizens in rural areas may not be aware of this new requirement and might not have time to obtain a copy of their birth certificate by February 1. Thus, we request that the DHS continue to accept oral declarations and government-issued photo identification cards as proof of citizenship for Western Hemisphere citizens until full implementation of the WHTI.

Sincerely,

Patrick Leahy

Ted Stevens

Chuck Schumer

Carl Levin

Pete V. Domenici

Amy Klobuchar

Norm Coleman

Byron L. Dorgan

George V. Voinovich

Susan M. Collins

Jean Shaheen

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Patty Murray

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Chris Dodd

Sherrod Brown

Signatories:

Senator Patrick Leahy
Senator Ted Stevens
Senator Charles Schumer
Senator Sherrod Brown
Senator Norm Coleman
Senator Susan Collins
Senator Larry Craig
Senator Mike Crapo
Senator Christopher Dodd
Senator Pete Domenici
Senator Byron Dorgan
Senator Amy Klobuchar
Senator Carl Levin
Senator Lisa Murkowski
Senator Patty Murray
Senator Bernard Sanders
Senator Olympia Snowe
Senator John Sununu
Senator George Voinovich