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REFUGEES, BORDER SECURITY,
AND INTERNATIONAL LAW



J. Randy Forbes
United States Congress

4th District, Virginia

June 8, 2007

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Secretary Condoleezza Rice
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Rice:

Following the September 11, 2001 terrorist attacks, considerable concern was raised regarding a lack of documentation required for entry into the United States and the resulting vulnerability to further terrorist attack this lack of documentation caused. The report of the National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission) maintained that border security was not considered a national security matter prior to September 11 and made several recommendations that underscored the urgency of implementing legislative provisions on border security. Congress enacted some of these recommendations several years ago, partially in the Intelligence Reform and Terrorism Prevention Act of 2004. As you know, one of the changes implemented by this law required that U.S. citizens, traveling by air between the United States and Canada, Mexico, Central and South America, the Caribbean, and Bermuda be required to present a valid passport as of January 23, 2007.

As these more stringent passport policies have gone into effect, however, serious concerns have arisen about the ability of the Department of State to meet the needs of U.S. citizens applying for new passports. In the last several months, my office has been inundated with requests for assistance from constituents who are unable to receive a response from the Department of State regarding the status of their passport application. The majority of these constituents have followed the procedures as outlined by the Department of State and have allowed months for the processing of their applications. Now, some of them within days of their scheduled departure for business, personal, or family travel find themselves still without the necessary passport and facing the forfeiture of expensive travel that will not allow for alterations or refunds.

Equally concerning is the lack of response that these constituents and my staff have been able to elicit from Passport Agencies. My staff has devoted extraordinary amounts of time on behalf of constituents attempting to contact Passport Agencies by phone, fax, and email, often continuing their attempts after regular working hours and on weekends. More often than not, my staff is unsuccessful in obtaining a representative who can help them and subsequently have not been able to assist constituents.

As my constituents and my staff struggle to navigate these serious passport processing delays, I understand the Department of State has implemented a waiver period regarding this provision until the backlog of passport processing is addressed. Nevertheless, I respectfully request an expedient response

to the following questions to help me better understand the systemic issues involved in the passport processing delay:

1. The Intelligence Reform and Terrorism Prevention Act of 2004 mandated that the U.S. Secretary of State develop and implement a plan to require U.S. citizens and foreign nationals to present a passport or other appropriate identity and citizenship documentation when entering the United States. Since becoming law in December of 2004, what actions has the State Department taken to anticipate and prepare for the increased demand in passport processing? How have the inadequacies or failures of this plan resulted in the serious passport processing delays now being experienced by U.S. citizens?
2. What is the current backlog of passport applications both in numbers and in processing time? What is the anticipated backlog of passport applications both in numbers and in processing time as we move into the high-travel summer months?
3. Following the influx of passport processing requests, what additional resources, systems and staff have been put in place to address the passport processing delays? Which of these have been effective in meeting the increased demand for passport applications? What additional resources, systems and staff are necessary to adequately address this situation?
4. What steps is the Department of State taking to meet the anticipated demand for passport processing for next phase increased implementation slated for January 1, 2008?

Thank you for your prompt attention to this serious concern and your swift response to these questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Randy Forbes", with a long horizontal flourish extending to the right.

J. Randy Forbes
Members of Congress