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March 25, 2011

Hon. Hillary Rodham Clinton  
U.S. Secretary of State  
2201 C Street NW  
Washington, DC 20520

**Re: New Rules For Agencies Which Accept Passport Applications**

Dear Secretary Clinton,

I write today on behalf of the various municipal clerks in my constituency who have assisted the Department of State for years through the acceptance of U.S. Passport applications but who now face onerous and excessive new requirements which will, in several cases, preclude their ongoing participation in this program.

Newly promulgated regulations require, among other new strictures, that birth records be handled by separate personnel and in separate workspaces than passport acceptance functions. This will cause many municipal clerks to abandon the passport acceptance function and will cause inefficiency and a lack of operational versatility among the clerks who continue accepting passport applications.

Presumably, the concern here is that a fraudulent actor could use questionable credentials to apply for and receive a birth certificate, and then turn around and use that apparently-valid birth certificate as part of his or her credentials to apply for a passport. There are much simpler and more straightforward remedies than a requirement that the passport and vital statistics functions be physically separated. Specifically, I write today to ask that you consider a much more straightforward remedy to this problem: a requirement that agencies which accept passport applications and issue birth certificates cannot themselves accept passport applications for customers to whom they have issued a birth certificate within the previous month, or some other appropriate time interval.

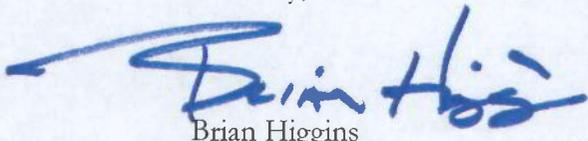
In addition to this remedy, I would respectfully recommend that the Department of State focus its fraud-prevention efforts on those activities which were specifically recommended by the GAO report of May 9, 2009 (which did not include, incidentally, the physical separation of vital statistics from passport acceptance):

- “Improve the training and resources available to passport acceptance facility employees for detecting passport fraud, especially related to detecting counterfeit documents;”
- “For applications containing an SSN, establish a process whereby passport specialists are not able to issue a passport prior to receiving and reviewing the results of SSN and Death Master File checks, except under specific or extenuating circumstances and after supervisory review;”
- “Explore commercial options for performing real-time checks of the validity of SSNs and other information included in applications;”
- “Conduct ‘red team’ (covert) tests similar to our own and use the results of these tests to improve the performance of passport acceptance agents and passport specialists; and”
- “Work with state-level officials to develop a strategy to gain access to the necessary state databases and incorporate reviews of these data into the adjudication process.”

I have heard from municipal clerks from the towns of Cheektowaga, Aurora, Hamburg, Grand Island, Evans and Eden, NY and the City of Jamestown, NY, and they have clearly expressed their concerns about these onerous new requirements. These local officials, who are elected officials in the case of the town clerks, have made a significant investment of scarce local resources into staff training, supplies and security equipment, in order to assist the Department of State through the acceptance of passport applications. As the keepers of vital records and other important public information, they are accustomed to performing their functions according to the highest professional standards, under the watchful eyes of the state health department, various other regulatory agencies, and the public at large. As such, I believe that the municipal clerks of Western New York are more than capable of performing the role of passport acceptance in a secure and efficient manner, without these new, added burdens.

Again, I respectfully request that you consider alternative methods to meet the State Department’s fraud-prevention objectives. I thank you very much for your leadership and your consideration in this important matter.

Sincerely,



Brian Higgins  
Member of Congress