

Statement by Maura Harty
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Senate Judiciary Committee
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Thank you for the opportunity to testify today on the Administration's request for a two-year extension of the October 26, 2004 deadline for inclusion of biometric features in passports issued by countries which participate in the Visa Waiver Program (VWP). I also want to report on the Department of State's progress in developing our own biometric passport. The inclusion of biometrics in international travel documents to improve our ability to verify the identities of prospective travelers to our country, especially individuals who might present a security risk, is a critical step in improving border security for America and in protecting travelers. The entire international community will benefit from the security advantages of biometric passports as part of our collective effort to combat terrorism.

Naturally, these are not the only steps we are taking with regard to enhancing the security of our borders. We are working hand in hand with our colleagues in the Department of Homeland Security (DHS) to improve our multi-layered and interlocking system of border security through greater information sharing among agencies and with the VWP governments, through enhanced passenger screening and pre-clearance measures, and with DHS's recent decision to expand the US-VISIT Program to VWP travelers. State and DHS are currently in the middle of the congressionally mandated biennial reviews of the VWP countries, assessing their compliance with the terms of the program and the criteria established by Congress. At all visa-adjudicating posts overseas, consular officers have pushed the very borders of our nation far beyond our physical limits as a nation. And through our Visa Viper committees at every post, we aggressively pursue all leads so that every element of the Embassy is in a position to do so -- all over the world -- contributes critical information to our consular lookout systems.

As you know, the Enhanced Border Security and Visa Entry Reform Act (EBSA) established October 26, 2004, as a deadline by which VWP countries must begin issuing their nationals only passports that incorporate biometric identifiers that comply with the International Civil Aviation Organization (ICAO) standards. In May 2003, ICAO decided to make facial recognition encrypted on contactless chips the globally interoperable, standard passport biometric. Thus, VWP countries had 17 months from that decision date to bring a biometric passport from design to production -- a process that normally takes years. The EBSA does not provide a waiver provision, and few, if any, of the 27 participating VWP countries will be able to meet this legislatively mandated deadline. Although the VWP country governments are committed to deploying biometric passports, they are encountering the same technical and scientific challenges we are in our effort to produce a sound biometric passport.

The challenge given the international community by this congressional mandate is a daunting one. We face complex technological and operational issues, including the

security of the passport data on the contactless chips and the interoperability of readers and biometric passports. Working through these hard issues takes time. In May 2004, ICAO established the technical standards for the interoperability of contactless chips and passport readers at ports of entry and the technical specifications for protecting passport data from unauthorized use. As a result, manufacturers can now begin producing passport readers that will be able to read multiple chips.

Each country must now begin limited production of the contactless chip passport for testing. We do not expect to receive large shipments of 64kb chips for use in the U.S. passport until spring, 2005. Like other governments, we expect deliveries to ramp up during 2005, but we ourselves will only be able to complete our transition to a biometric passport by the end of 2005. All of us are engaged in comprehensive testing of the contactless chips, using different technologies to communicate with the chip reader. This testing is designed to ensure that passports and their chips are compatible with passport issuance and border control systems.

Now that we have the technical standards, all VWP countries can begin full development and deployment of their respective biometric programs. However, given the time it has taken to resolve these complex operational issues, few, if any, will be able to meet the October 26, 2004 deadline. For example, none of the larger countries – Japan, the United Kingdom, France, Germany, Ireland, Italy or Spain -- will begin issuing passports with standardized biometrics by that deadline. The United Kingdom expects to begin in late 2005, Japan to complete transition to full production by April 2006. Others may not come on-line until well into 2006. This delay is not due to a lack of good will but due to significant scientific and technical challenges that has taken us to the cutting edge of changing technologies.

However, there are a number of significant developments in the coming months that will demonstrate how committed nations are to introducing biometrics into their passports. The most important of these is a global interoperability test scheduled for next March involving the United States, Australia, and other nations that will be producing biometric passports at that time. This test will take place in airports and will involve air crew and regular passengers presenting their biometric passport at ports of entry where they will be read electronically. These tests are intended to identify and resolve any problems that may affect the global interoperability of this next generation of passports. These results will be shared with all countries so that the lessons learned can be applied to their biometric passport projects.

Although the legislative requirements of the EBSA apply only to VWP passports and not the U.S. passport, we recognize that convincing other nations to improve their passport requires U.S. leadership both at the ICAO and by taking such steps with the U.S. passport. Embedding biometrics into U.S. passports, that meet the ICAO biometric standard, to establish a clear link between the person issued the passport and the user is an important step forward in the international effort to strengthen border security. To this end, we are introducing “contactless chips” into U.S. passports, electronic chips on which

we will write the same bearer's biographic information that appears visually on the data page of the passport as well as a digitally imaged photograph of the bearer.

As a point of reference, here is the status of our plans to introduce biometrics into U.S. passports. Working in conjunction with our partners at the Government Printing Office, we currently have a Request for Proposals out to the industry. We expect to award a contract for the purchase of integrated circuits and the associated antenna array later this summer. We also expect to produce our first operational biometric passports this December at the Special Issuance Facility here in Washington. Our first biometric passports produced will be "official and diplomatic" passports, used by USG employees, in order to minimize problems for the general public should there be any production problems. We plan to begin producing biometric tourist passports in February 2005 at our passport agency in Los Angeles. These books will then be used as part of a multi-nation interoperability test that will be undertaken by our colleagues from DHS and their counterparts from other governments such as Australia and New Zealand that will by then also produce passports with embedded biometrics. We hope to be in full production at all 16 passport facilities by December 2005.

Should the current October 26, 2004 deadline not be extended, we anticipate a significant adverse impact on Department operations overseas. Since travelers from VWP countries with passports issued on or after October 26, 2004 without biometrics will need visas to travel to the United States, we estimate that the demand for non-immigrant visas will jump by over 5 million applications in FY 2005. This represents a 70% increase in our nonimmigrant visa workload. There are no easy solutions to handling this tremendous increase in our workload. True, this is a temporary problem because the workload will progressively decrease as VWP countries begin mass production of biometric passports. But in the interim, we would need to implement plans for a massive surge in visa processing, which would involve extra expense, diversion of personnel from other vital functions, and extending service hours, perhaps even to around-the-clock 24/7 visa processing at some posts. Even with a "Manhattan Project" approach, we cannot be sure that we could meet the demand without creating backlogs and long waits for appointments. We are already working hard on public diplomacy outreach to address some of the negative perceptions and misunderstandings concerning tightened U.S. visa policies. Even longer wait times would make it even more difficult to convince people worldwide that America welcomes and values their presence. The delays resulting from this increased nonimmigrant visa demand will also discourage travel to the U.S. as visitors, both tourist and business people, may "vote with their feet" and choose to travel and take their business elsewhere, or defer their travel to the U.S., hurting relations with some of our closest friends and allies, and harming the American economy.

Although we are confident that VWP Countries can meet the October 2006 requirement based on prior representations and information provided by all VWP countries, we know that many will not be able to meet this requirement before then. A one-year extension is not sufficient. At the same time that we, along with the VWP countries, work to expeditiously get our biometrically enabled passport plans in place, we are also not slowing down on any of our other travel security enhancements. Extending

the deadline to make sure all countries get it right the first time is only part of our answer. So is advanced passenger screening, and so is increased sharing of lost and stolen passport information, as we have already done with INTERPOL, and which we will press other nations to do. On the diplomatic front, we will continue to pursue vigorous efforts at the highest levels to ensure that the VWP countries remain committed to introducing biometric passports as quickly as possible. Senior Department officials have and will continue to use every opportunity in regularly scheduled meetings with officials from the European Union, the G-8 and the Asia-Pacific Economic Commission to challenge other governments to act aggressively. This issue will be a top priority at all VWP Embassy sections, not just the consular section. As we develop our own passport program we will continue to share what we have learned with others in groups such as the G-8, on the margins of international conferences, and in bilateral exchanges. And we will continue to monitor each country's progress, continue to press for rapid action and enhance our efforts for increased data sharing with the VWP countries.

We are also asking every VWP country to monitor their progress in meeting the requirements of the legislation. We will thus be able to coordinate at both the political as well as operational level. Among the benchmarks for progress, we will review whether each country has:

- Identified a project manager to be the primary operational point of contact;
- Established a time line for compliance with the program;
- Developed a procurement approach, including purchase of chips, and;
- Established a pilot project to test configuration, durability, operability.

In addition, DHS with Department of State participation is conducting VWP country biennial reviews over the next few months. The schedule for these reviews is ambitious; in-country visits began in mid-May. Interagency teams comprising four to six members will travel for two to three week periods to several countries at a time. The assessment teams are collecting information from host government officials on a comprehensive list of issues such as lost and stolen passports, the naturalization process, revocations of passports, crime statistics, and local laws pertaining to country police policies. These teams are also addressing law enforcement and data sharing cooperation with the U.S. government. All visits will be completed by July 15.

We will take every opportunity during the course of these visits to remind governments of the importance of introducing biometrics into their passports as soon as technically feasible. We will ensure that they all understand that if they fail to meet the extended deadline, we will have no alternative but to begin requiring visas for travelers from those countries. Further, to continue to tighten our security posture, DHS announced in April that beginning September 30, 2004, it will enroll all VWP travelers in US-VISIT – the program that will track the entry and exit of foreign visitors by using electronically scanned fingerprints and photographs.

The inclusion of biometrics in international travel documents is an important step in continuing to improve our ability to verify the identity of prospective travelers to the

United States, especially individuals who might be terrorists, criminals, or other aliens who present a security risk to the United States. The Department of State is working hand in hand with our colleagues at DHS to facilitate legitimate international travelers and to prevent those who pose a threat from entering our country. We are also working with the VWP countries to deploy biometrically enabled passports that enhance the security of travel documents and the safety of international travelers. Ensuring the security of our borders and our nation is our number one priority. That is why we need the additional time to get it right the first time. Thank you.