
Passports and Visas with Embedded Biometrics and the October Deadline

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Mr. Chairman, members of the Committee, thank you for the opportunity to testify on the progress of those countries participating in our Visa Waiver Program (VWP) toward producing passports with embedded biometrics by October 26, 2004. I am here to explain the Administration's request for an extension of this deadline. Moreover, I want to report on the Department of State's progress in implementing our own biometric programs for U.S. passports and visas.

President Bush's number one priority is the security of our homeland. Secretary Ridge and I share that commitment. Secretary Ridge is responsible for our visa policy and I am responsible for its implementation.

The inclusion of biometrics in international travel documents is a critical step in upgrading security for America. And in protecting travelers, it is imperative that we improve our ability to verify the identities of prospective travelers to our country, especially individuals who might be terrorists, criminals, or others who present a security risk.

The *Enhanced Border Security and Visa Entry Reform Act* (EBSA) established October 26, 2004, as a deadline. By that date, VWP countries must begin issuing their nationals only passports that incorporate biometric identifiers that comply with the International Civil Aviation Organization (ICAO) standards. Also by that date, all VWP travelers must enter the U.S. with a machine-readable passport.

In May 2003, ICAO decided to make facial recognition technology the standard passport biometric, leaving VWP countries only seventeen months to bring a biometric passport from design to production. Such a process normally takes years. The EBSA does not provide a waiver provision and very few, if any, of the twenty-seven participating VWP countries will be able to meet this legislatively mandated deadline. Although the governments of the VWP countries share a commitment to this step forward, many are encountering the same challenges that we face in our own effort to introduce embedded biometrics to the U.S. passport.

The challenge provided to the international community by section 303 of the EBSA is a daunting one. Meeting it has taken VWP countries and the U.S. to the cutting edge of existing technologies. As a consequence we are confronted by complex technological issues. Among these are the security of the passport data, the interoperability of readers and passports, and the reliability of the chips imbedded in the passports will they last for the life of the passport, for example, which in most cases is ten years. We and our VWP partners are steadily resolving these issues, but studying them and then achieving success in dealing with them takes time. Moreover, we want to get the science as right as possible before we spend dollars, implement, and depend on these new measures to enhance our security.

This concern for taking the necessary time to get things right has not kept us from working aggressively with the VWP countries. We have urged them to issue biometric passports by the October 26, 2004 deadline. Moreover, we believe that success in this international effort to provide better security for our citizens requires U.S. leadership.

That is why in the ICAO working groups, for example, we led in advocating the successful inclusion of biometrics in travel documents. In the G-8, we strongly advocated support for ICAO leadership in biometrics and we participate actively in a special working group on biometrics established by the G-8 ministers of Home and Justice Affairs. At every opportunity around the world, State Department officials seek to educate VWP government representatives, journalists and citizens from these countries about the requirements and deadlines. In addition, VWP countries have sent representatives to Washington and we have had full and open discussions on the issues.

As a result, VWP countries are making progress toward complying with the biometric requirement, but I doubt whether any will meet the October 26 deadline. None of the larger countries for example, Japan, the United Kingdom, France, Germany, Ireland, Italy or Spain — will begin issuing passports with standardized biometrics by that deadline. Japan and the United Kingdom say they will begin in late 2005. Others may not come on-line until well into 2006.

Under these circumstances, we believe there are compelling reasons to extend the October 26, 2004 deadline to November 30, 2006. This extension would enable our allies to resolve the scientific problems and to develop the more secure, biometrically enabled documents that the original legislation mandated. Equally important, by providing this additional time we can be confident that the solutions developed by our partners in the VWP program will work effectively and be interoperable with similar systems installed throughout the world. It is in our interest to ensure global interoperability, to enhance not just our own border security but the security of our citizens overseas and of other citizens worldwide. Rushing a solution to meet the current deadline virtually guarantees that we will have systems that are not interoperable. Such a result may undercut international acceptance of this new technology as well as compound rather than ease our overall challenge.

Failure to extend the deadline will have other serious consequences as well. 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 five million applications in fiscal year 2005. This represents a 70 percent increase in our non-immigrant 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, particularly youth, that America welcomes them and wants them here, to go to our schools, visit our museums and learn our language.

The delays resulting from this increased nonimmigrant visa demand will also discourage travel to the U.S. as visitors vote with their feet and choose to travel elsewhere, or defer their travel to the U.S., hurting relations with some of our closest friends and allies, and harming the American economy.

In fact, we judge that the added economic costs will be substantial. VWP travelers, who tend to spend more than other visitors, contribute billions of dollars to our economy each year. One out of every eight jobs in the U.S. civilian labor force is employed in some segment of the travel and tourism industry. We want to avoid unnecessary harm to this vital industry.

I want to be clear that extending the deadline is only part of our answer. We will also continue to pursue vigorous diplomatic efforts at the highest levels to ensure that the VWP countries remain committed to introducing biometric passports. Over the next few months, the Department of State will participate in the VWP country reviews led by Secretary Ridge's Homeland Security Department and we will take every opportunity to remind governments of the importance of meeting the new deadline should it be extended. 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, the Department of Homeland Security (DHS) will enroll all VWP travelers in U.S.-VISIT the program that tracks the entry and exit of foreign visitors by using electronically scanned fingerprints and photographs. Secretary Ridge will describe this program in detail for the committee.

As I noted earlier, we believe that embedding biometrics in U.S. passports, to establish a clear link between the person issued the passport and the user, is an important step forward in the effort to strengthen border security. Our plan is to introduce contact-less chips to U.S. passports electronic chips on which we will write the bearer's biographic information and photograph. In December of this year, the program should produce the first biometric U.S. passports using ICAO's standard of facial recognition. Further, under this program we will complete the transition to the biometric passport by the end of 2005. It is important to note that we are encountering the same challenges as the VWP countries in developing our own biometric passport and will be unable to meet the deadline mandated for them.

That said, we are making good progress in our own biometric efforts. For example, we began deployment of our Biometric Visa Program on September 22, 2003, at five pilot posts. The program is now operational at more than 125 visa-adjudicating posts worldwide and will be operational at all visa-adjudicating posts by October 26th 2004, as mandated by law. This biometric program includes both non-immigrant and immigrant visas.

Under the Biometric Visa Program, consular officers electronically scan the fingerprints of the visa applicants at the visa interview windows as part of the visa interview process. These fingerprints are checked electronically against the DHS fingerprint database. If there is no match, then the visa applicant's fingerprints are stored in the U.S.-VISIT databases. If the fingerprints do match any in the fingerprint database, no action can be taken on the visa application until a consular officer reviews the information. If and when a visa is issued, the applicant's bio-data, photo and fingerprint data are sent to DHS's U.S.-VISIT system. When the visa applicant arrives at a port of entry, the DHS officer will use the fingerprint data to match the visa in the U.S.-VISIT databases, and will compare the visa holder's fingerprints with those on file. This one-to-one fingerprint comparison ensures that the person presenting the visa at the port of entry is the same person to whom the visa was issued. To ensure the integrity of visas issued prior to the introduction of biometrics (currently some 20 million), we have also upgraded our visa datashare program for use in the initial inspection under U.S.-VISIT. This means that U.S.-VISIT has access to the photograph that was previously captured on most visas currently in circulation providing us with a critical enhancement during primary inspection even though fingerprints are not available. An additional security measure of the Biometric Visa Program is that consular officers now interview all visa applicants with the exception of children, the elderly, and diplomats. We are working hand-in-hand with our colleagues in DHS to ensure that we have a system that allows legitimate travelers to be on their way as expeditiously as possible while, at the same time, it identifies those who pose a threat so we can prevent them from entering our country or arrest them if the situation warrants such action.

As I said, ensuring the security of our borders is our number one priority. But protecting our democracy and the special, welcoming society we have always been demands that we remain an open nation. America must continue to be a magnet for enterprising minds from around the world and the preferred destination of millions of tourists. We must also continue to add new richness to our unique mosaic to enhance our cultural diversity and further enlighten our tolerance. And we must continue to be that shining beacon on the hill for people around the world.

In my confirmation hearing before the Senate Foreign Relations Committee in January 2001, I pointed out that America is a country of countries, with a citizen in her ranks from every country in the world. I said that there is no country we do not touch and no country that does not touch us. For me these are not just words. I am a direct beneficiary of this connectedness and of our country's historic openness. So I believe passionately that we must deny the victory to terrorists that changing the very nature of our democracy would represent.

But I am also a realist. I know that while we maintain our openness we must also enhance our security. I know too that enhancing our security was a principal purpose of the *Border Security Act*. What I am requesting of you today is that you and the members of your committee recognize that the deadline of October 26, 2004 is not only unrealistic, it is counterproductive. Moreover, I am requesting that we fix this problem by extending the deadline to November 30, 2006.