

October 16, 2019

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
Democratic Leader
U.S. Senate
Washington, DC 20515

Dear Speaker Pelosi, Majority Leader McConnell, Republican Leader McCarthy, and Democratic Leader Schumer:

As organizations and trade associations focused on facial recognition technology, we are writing regarding the national dialogue over the appropriate use of the technology. Recently, facial recognition technology has garnered increased attention from the public and policymakers and is being innovatively used in the private and public sectors to enhance customer experience, assist in security operations, and improve business operations.

However, some have advocated for increased guardrails on the technology or even a blanket moratorium on federal use out of concern that it insufficiently protects civil rights and liberties and individual privacy. A few local governments have already taken action and banned the public use of facial recognition technology, and additional state and local jurisdictions are considering similar measures.

As organizations representing users, developers, and vendors of facial recognition technology, we all agree that facial recognition technology should be used carefully with proper guardrails in place that appropriately balance use cases with privacy and civil liberties considerations. However, we are concerned that a moratorium on the use of facial recognition technology would be premature and have unintended consequences not only for innovation, safety, and security but for the continued improvement of the technology's accuracy and effectiveness. Instead, we urge Congress to collaborate with all stakeholders to address concerns raised by facial recognition technology and provide a consistent set of rules across the United States.

Facial recognition is not a new technology. Its origins stretch back to the 1960s, and the rapid improvement of the technology has unlocked numerous applications across various industries. For instance, government applications include airline passenger facilitation and criminal investigations, and commercial applications include theft prevention in the retail industry, fraud detection, and automated photo tagging. Biometric facial verification, when done properly, is much more accurate than human facial verification. For example, passport officers are, at most, 80% accurate in matching passport photos to people, while facial algorithms are about 99%

accurate for most traveler galleries. Given the diverse uses of the technology, a moratorium on federal use would create uncertainty and have a chilling effect on innovation throughout the facial recognition ecosystem. Further, it would undermine the implementation of a long-standing, bipartisan congressional mandate aimed at applying one of the recommendations of the *9/11 Commission Report*, namely, a biometrically enabled immigration exit system.

A similar unintended consequence of a moratorium is that slowing the pace of facial recognition technology innovation may lead to decreased testing and analysis and halt the ongoing, improvement of various facial recognition technology products. We believe it is critical to highlight National Institute of Standards Technology's (NIST) decades-long Face Recognition Vendor Test (FRVT).

FRVT enables vendors to submit facial recognition algorithms for evaluation by NIST, which tested 127 algorithms from 39 developers in 2018 alone and demonstrated that significant improvements have been achieved in the technology's effectiveness and accuracy in just the last five years. Due to uncertainty that would be caused by a moratorium, there is a risk that fewer algorithms would be developed and tested through FRVT, and that this would bring a halt to continuing improvements being made by industry to improve the technology.

Finally, a moratorium would negatively affect public safety and security. Several federal agencies currently use facial recognition technology for important homeland and national security missions. The State Department uses facial recognition technology to more efficiently manage photos in its important consular affairs mission, while the Defense Department uses the technology for myriad applications, from biometric database management to facility access control.

U.S. Customs and Border Protection (CBP) and the Transportation Security Administration (TSA) are undertaking several pilot programs at major airports using facial recognition technology to improve passenger facilitation and enhance aviation security. The FBI possesses a photo database to empower state and local law enforcement agencies to conduct facial recognition searches to assist in criminal investigations. The U.S. government has been a leader in advancing the technology, driving industry to constantly innovate, and setting the example internationally how to ethically and responsibly govern this technology.

We appreciate your consideration of our concerns pertaining to a moratorium on the use of facial recognition technology and look forward to working with Congress on this issue.

Sincerely,

Airports Council International – North America
American Association of Airport Executives
Consumer Technology Association
Global Business Travel Association
Identification Technology Association
International Biometrics + Identity Association
NetChoice

Security Industry Association
U.S. Chamber of Commerce

CC: The Honorable Ron Johnson, Chairman, Senate Committee on Homeland Security and Governmental Affairs
The Honorable Gary C. Peters, Ranking Member, Senate Committee on Homeland Security and Governmental Affairs
The Honorable Elijah E. Cummings, Chairman, House Committee on Oversight and Reform
The Honorable Jim Jordan, Ranking Member, House Committee on Oversight and Reform
The Honorable Bennie G. Thompson, Chairman, House Committee on Homeland Security
The Honorable Mike Rogers, Ranking Member, House Committee on Homeland Security
The Honorable Roger Wicker, Chairman, Senate Committee on Commerce, Science, and Transportation
The Honorable Maria Cantwell, Ranking Member, Senate Committee on Commerce, Science, and Transportation
The Honorable Lindsey Graham, Chairman, Senate Committee on the Judiciary
The Honorable Dianne Feinstein, Ranking Member, Senate Committee on the Judiciary
The Honorable Jerrold Nadler, Chairman, House Committee on the Judiciary
The Honorable Doug Collins, Ranking Member, House Committee on the Judiciary