



Tim Day
Senior Vice President
U.S. Chamber of Commerce

1615 H Street, NW
Washington, DC 20062
202-463-5471

January 14, 2020

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

The Honorable Jim Jordan
Ranking Member
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairwoman Maloney and Ranking Member Jordan:

The U.S. Chamber of Commerce's Technology Engagement Center (C_TEC) respectfully submits the following statement for the record for the House Oversight and Reform Committee's hearing titled "Facial Recognition Technology (Part III): Ensuring Commercial Transparency and Accuracy."

Recently, there has been increased public and Congressional scrutiny on the use of facial recognition technology and risks to privacy and civil rights. Some have called for a moratorium or ban on facial recognition technology, and several jurisdictions have enacted bans or other onerous restrictions. C_TEC has substantial concerns that a ban or moratorium on facial recognition would be premature, present unintended consequences on public safety and security, and unnecessarily chill innovation. The business community recognizes the incredible potential facial recognition technology can provide to enhance public safety and security and provide innovative solutions for American consumers.

However, we recognize that as with many technologies, facial recognition technology has the potential for abuse and misuse, which is why C_TEC supports Congress taking action to place additional guardrails on the deployment of the technology. Taking leadership to set the rules of the road will enable the United States to effectively advocate internationally for responsible use of the technology that protects human rights. Last December, C_TEC released seven policy principles to appropriately enable innovation while mitigating any risks stemming from facial recognition technology, which include the following:

1. Transparency should be the cornerstone that governs the use of facial recognition technology. Commercial and government users should be transparent about when and under what circumstances the technology is used as well as the processes and procedures governing the collection, processing, storage, use, and transfer of facial recognition data.
2. Clear and consistent privacy protections are required to ensure that all facial recognition technology users handle the data carefully, securely, and in a manner that protects individual

privacy. Policymakers should look to the [U.S. Chamber of Commerce's Privacy Principles](#) as a guide for pursuing privacy rules that fosters innovation while protecting human rights and civil liberties. In addition, C_TEC supports a risk-based approach to managing the cybersecurity of facial recognition technology, such as encrypting face templates and images transmitted. Policymakers should also promote cyber hygiene for individuals involved with handling data associated with facial recognition technology.

3. Facial recognition technology has numerous beneficial functional applications in commercial, government, and law enforcement settings. Policymakers should recognize and acknowledge these numerous and diverse uses, ensure that public policies are narrowly tailored to both foster innovation and beneficial deployment of facial recognition technology, and prevent misuse of facial recognition technology. Policymakers should not support overly burdensome regulatory regimes, such as moratoriums or blanket prohibitions.
4. Facial recognition technology has innovative and a diverse range of use cases. Accordingly, any regulation of facial recognition technology should be risk and performance-based and take into account specific use-cases rather than establishing blanket, one-size-fits-all, prescriptive regulations. Policymakers should also consider the application of existing regulations and laws to prevent conflicting requirements that would thwart innovation.
5. As the deployment of facial recognition technology becomes more ubiquitous, it is critical that Congress ensure a clear and consistent approach to the regulation and governance of facial recognition technology. A patchwork of conflicting state and local laws will hinder innovation, inhibit public safety, and create confusion for consumers. To address this patchwork, any national framework should preempt all state and local laws governing the use of facial recognition technology.
6. Common, nationwide standards are important to ensure the trustworthiness and accuracy of facial recognition technology, promote data quality, and drive consistent performance across all demographics. In accordance with existing law, the establishment of standards should be voluntary, industry-driven and consensus-based and should be undertaken by existing, independent standard-setting bodies, such as the National Institute for Standards and Technology (NIST). Also, considering the unique technical and probabilistic attributes of facial recognition technology, standards should be flexible, performance-based, and non-prescriptive.
7. Building public and consumer trust in the accuracy of facial recognition technology is essential. To further this objective, policymakers should prioritize standardized testing and benchmarking of facial recognition technology through existing independent entities, like NIST. To strengthen these important efforts, policymakers should ensure NIST is provided with sufficient and modern resources to support testing and benchmarking efforts.

Facial recognition technology has demonstrated safety, security, and consumer benefits. While there may be some risks, C_TEC believes that Congress has a unique opportunity to take a bipartisan approach to establish guardrails to mitigate those risks while allowing for innovative uses

of the technology to flourish. We stand ready to collaborate with you and your colleagues on this issue moving forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Day', with a stylized flourish at the end.

Tim Day
Senior Vice President
C_TEC U.S. Chamber of Commerce

cc: Members of the Committee on Oversight & Government Reform