

May 26, 2021

The President  
The White House  
Washington, DC 20500

Dear Mr. President:

As organizations representing users, developers, and vendors of facial recognition technology, we write regarding the national dialogue over the appropriate use of facial recognition technology, and express our concern with a blanket moratorium on federal government use and procurement of the technology. Facial recognition technology encompasses a broad range of innovative applications in the public and private sectors, providing enhanced customer experiences, increasing efficiencies, and ensuring secure facilities. Moreover, given the COVID-19 pandemic and the public's prioritization on improving public health hygiene, there is increasing interest in using biometrics and contactless technologies in a variety of public settings and business operations.

In recent years, facial recognition technology has garnered significant attention from the public and policymakers, with some stakeholders highlighting concerns pertaining to the technology, including risks to civil rights and liberties and privacy, particularly in law enforcement contexts. Some of these stakeholders are advocating for a blanket moratorium on the federal government's procurement and use of facial recognition technology. We agree that facial recognition technology poses risks when developed improperly or used inappropriately, but we strongly oppose the imposition of a blanket moratorium through legislation or executive action.

A blanket moratorium is not the solution and is in stark contrast to the substantial public support for using facial recognition technology across the public and private sectors.<sup>1</sup> In fact, a moratorium would have unintended consequences not only for innovation, safety, efficiency, public health, security, and in cases where biometric authentication is used to protect access to digital systems, privacy and data protection, but it could also slow down the continued improvement of facial recognition technology's accuracy and effectiveness. Some of the undersigned organizations highlighted these unintended consequences in a [letter to Congress](#) in October 2019 as well as in [Congressional testimony](#) to the House Oversight and Reform Committee in January 2020.

Instead of a moratorium, we believe a combination of technological safeguards and policy measures can effectively mitigate the risks posed by facial recognition technology. Technological safeguards, such as encryption, data minimization, aggregation, and anonymization/de-identification, can protect individual privacy. Technological safeguards can also be leveraged to enhance performance of algorithms and address fairness concerns. Likewise, policy solutions such as performance standards for algorithms, training requirements for end-users, mandatory human review for certain use cases, third party testing, opportunities for notice or comment for government uses, can also ensure that facial recognition technology is developed and used responsibly.

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<sup>1</sup> Security Industry Association, U.S. Public Opinion Research on the Support of Facial Recognition (Oct. 7, 2020), <https://www.securityindustry.org/report/u-s-public-opinion-research-on-the-support-of-facial-recognition/>.

We pledge to work with your Administration to promote the use of facial recognition in ways that simultaneously promote privacy, civil rights, societal equity, economic efficiency, and U.S. leadership in technological innovation, security, public health, and safety. We agree that facial recognition technology must be developed, procured, and used with proper guardrails that account for the nature of the user and weigh the risks and benefits posed by the particular use-case and functional application. Your Administration has a unique opportunity to exercise U.S. global leadership on the responsible development and use of facial recognition technology. To that end, we recommend your Administration take the following actions to lead on the responsible development and use of this technology:

- **Establish the National Artificial Intelligence Advisory Committee.** Implement Section 5104 of the Fiscal Year 2021 National Defense Authorization Act, which establishes the National Artificial Intelligence Advisory Committee and a Subcommittee on Artificial Intelligence and Law Enforcement. The Advisory Committee and Subcommittee are tasked, in part, to examine the state of and issues surrounding artificial intelligence (AI) in the United States, including accountability and legal rights. The Subcommittee is responsible for examining matters related to AI and law enforcement, with an emphasis on bias and facial recognition. The Advisory Committee is required to submit a report to Congress on their findings and recommendations. The Advisory Committee, and its Subcommittee, presents a unique opportunity to gather a diverse set of stakeholders identify solutions to on critical issues in AI, such as facial recognition technology.
- **Prioritize Research and Testing of Facial Recognition Technology.** The National Institute of Standards and Technology's (NIST) Facial Recognition Vendor Test (FRVT) is an important policy tool to incentivize the responsible development of facial recognition technology algorithms and address bias concerns stemming from the technology. Increasing federal investments in FRVT will empower NIST to more thoroughly and regularly evaluate facial recognition algorithms across different technology platforms and demographic variables. Also, NIST should be directed to evaluate any resource requirements of FRVT to identify appropriate areas of additional investment.
- **Issue an Executive Order on Federal Use of Facial Recognition.** An Executive Order would require an inventory of all federal agency uses of facial recognition technology to provide transparency into the federal government's use of facial recognition technology and identify processes that could better serve the public and protect the federal workforce if done in a contactless manner. The Executive Order should build from previous assessments conducted by the Government Accountability Office (GAO) and request that federal agencies using facial recognition technology assess relevant factors including use-cases, accuracy, privacy, fairness, and security of facial recognition algorithms. In addition, the Executive Order should address the status of any outstanding recommendations from GAO to federal agencies, and direct NIST and other relevant agencies to initiate a program to support the development of performance standards for federal government use of the technology.

We appreciate your Administration's consideration of this technology's many benefits and the risks and risk mitigation measures available, and we support additional efforts to encourage the responsible development and use of facial recognition technology. We look forward to working with

your Administration and other stakeholders on this important issue moving forward, and please do not hesitate to reach out to us with any questions.

Sincerely,

Airlines for America  
Airports Council International – North America  
Global Business Travel Association  
Homeland Security and Defense Business Council  
International Biometrics + Identity Association  
Internet Association  
Security Industry Association  
U.S. Chamber of Commerce  
U.S. Travel Association

cc: The Honorable Gina Raimondo, Secretary, United States Department of Commerce  
The Honorable Eric Lander, Director Nominee, White House Office of Science and Technology Policy