



April 15, 2024

The Honorable Maria Cantwell
Chair
U.S. Senate Committee on Commerce
Science and Transportation
Washington, DC 20510

The Honorable Ted Cruz
Ranking Member
U.S. Senate Committee on Commerce
Science and Transportation
Washington, DC 20510

The Honorable Sam Graves
Chair
House Committee on Transportation
and Infrastructure
Washington, DC 20515

The Honorable Rick Larsen
Ranking Member
House Committee on Transportation
and Infrastructure
Washington, DC 20515

Re: Opposition to adding extraneous prohibitions on TSA use of facial biometrics to the final FAA reauthorization measure

Dear Chair Cantwell, Ranking Member Cruz, Chair Graves and Ranking Member Larsen:

Our respective organizations represent the leading providers of biometric identification technologies for government programs, commercial customers, and consumers used throughout the United States. These technologies authenticate official forms of identification, validate travelers' identity, and ensure the safety and security of millions of flyers and travelers each day.

We understand several Senators will soon ask conferees on the FAA Reauthorization measure to include in the final agreement an extraneous provision that seeks to prohibit the Transportation Security Administration (TSA) from using facial recognition technology (FRT), which would force the agency to abandon its highly successful use of facial biometrics to verify required traveler documents at security checkpoints. This 11th-hour measure will compromise programs that facilitate the safety and enhance the travel experience of travelers across the nation.

We urge you to reject including any such proposal, for the following reasons:

- The FAA Reauthorization bill is not the appropriate vehicle to include such a provision that: a) has not been considered in committee; and b) has significant potential to weaken aviation security in the United States and elsewhere.
- This misguided request is based on ill-informed and spurious claims regarding TSA's current use of FRT technology and implies a potential for misuse — claims that are both completely and demonstrably false, as we explain below.

- DHS and component agencies like TSA have already adopted an extensive FRT governance policy that includes comprehensive oversight responsibilities, data privacy and civil liberties obligations, and testing and evaluation requirements.¹
- Such a provision would upend more than \$150 million in taxpayer dollars invested so far in TSA development and integration of facial biometrics into its equipment, contracts, and programs, including security kiosks currently being deployed and maintained. They have been running smoothly and have vastly improved the travel / security experience for millions of travelers — every day, 365 days a year.

Facial biometrics are currently in use for traveler verification at TSA security screening checkpoints in more than 80 airports across the country.² The technology provides enhanced security, accuracy, and convenience for travelers, without impacting existing privacy rights or changing privacy expectations.

U.S. law has long required that air travelers present a valid ID at security checkpoints that is subject to inspection for authenticity and checks against flight information. TSA personnel have always compared the photo on each ID with the person presenting it for visual verification that they match. Use of facial biometrics simply allows this verification step to be automated, and more quickly and accurately performed at a kiosk, where software is used to match a digital photo of a person taken at the kiosk with the digital photo already stored on their ID or enrolled in a voluntary program. Follow-up visual inspection by TSA personnel can address any issues that arise with the automated process. Following the verification process onsite, the information is then overwritten to take on verification of the next passenger in the security queue.

TSA's limited use of facial biometrics does not constitute or enable government "surveillance." No biometric information is retained or shared following this verification process. Further, the technology is not used to "identify" or potentially "misidentify" a person – it simply verifies whether (or not) the photo of a person matches their photo taken at the kiosk. **And contrary to some false claims, use of facial biometrics as the verification method is completely voluntary.** Any traveler can easily opt-out by requesting a manual verification process, an option communicated via extensive signage at every security checkpoint line.

It is no surprise that availability is being expanded to more U.S. airports beyond initial pilots with TSA PreCheck passengers. Most Americans that have traveled by air in the last year have already participated in the automated verification process. According to comprehensive public opinion research³ on the technology, nearly 70% of Americans supported use of facial recognition for TSA screening in 2020, even before widespread adoption and obvious popularity with travelers today.

We believe that Congressional oversight is critical to ensuring accountability and policy adherence across all federal agencies and programs. However, the specific, limited, and beneficial role of facial biometrics in air traveler security must be thoroughly examined before extreme measures

¹ https://www.dhs.gov/sites/default/files/2023-09/23_0913_mgmt_026-11-use-face-recognition-face-capture-technologies.pdf

² <https://www.tsa.gov/biometrics-technology>

³ <https://www.securityindustry.org/report/u-s-public-opinion-research-on-the-support-of-facial-recognition/>

like banning the technology are considered. A measure that would impact millions of dollars in taxpayer dollars and strip a program of key technology that ensures the safety and security of millions of travelers should be given the needed time and consideration through the standard committee process, and not as an extraneous provision in a broader legislative vehicle in the 11th-hour. An outright ban on this technology would eliminate important security and privacy protections already thoughtfully put in place. It would also enable bad actors that seek to use fraudulent documents or identities in order to commit crimes like smuggling or trafficking in persons, inflict harm on innocent citizens or carry out acts of terrorism.

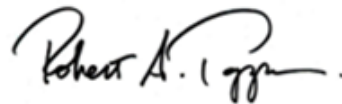
Again, for the reasons above, we urge you not to include any provision restricting TSA use of this technology in the FAA reauthorization measure.

Thank you for your leadership on these important issues. SIA, IBIA, and our members stand ready to assist you and your colleagues as an agreement is sought on the measure. Thank you for your consideration.

Sincerely,



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