

United States Senate

WASHINGTON, DC 20510

May 2, 2024

The Honorable Chuck Schumer
Senate Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Senate Minority Leader
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell,

We write to urge you to restrict the use of facial recognition technology by the Transportation Security Administration (TSA) at airports across the United States in the upcoming Federal Aviation Administration (FAA) authorization. This technology poses significant threats to our privacy and civil liberties, and Congress should prohibit TSA's development and deployment of facial recognition tools until rigorous congressional oversight occurs.

In 2001, Congress passed the *Aviation and Transportation Security Act*, establishing the Transportation Security Administration (TSA) and authorizing the Agency to use biometric technologies for security screening. At the time, fingerprints were the "best known and most widely used" biometric.^[1] Over a decade later, in 2015, TSA leveraged this authorization to begin rolling out facial recognition technology on travelers, representing the first facial recognition enabled government checkpoint in the domestic U.S.

Congress must address this issue in the 2024 Federal Aviation Administration Reauthorization. TSA announced in July that they plan to expand facial recognition surveillance from 25 to over 430 airports. While TSA states the program is optional, it is the stated intent of the TSA to expand this technology beyond the security checkpoint and require that passengers undergo facial recognition scans every time they travel. In 2018, TSA released their Biometrics Roadmap detailing their goal of a "biometrically-enabled curb-to-gate passenger experience".^[2] In April 2023, TSA Administrator Pecoske admitted at the South by

^[1] Technology Assesment: Using Biometrics for Border Security." Government Accountability Office. November 2002. <https://www.gao.gov/products/gao-03-174>.

^[2] "TSA BIOMETRICS STRATEGY." Transportation and Security Administration. July 2018. https://www.tsa.gov/sites/default/files/tsa_biometrics_roadmap.pdf.

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Southwest Conference that “we will get to the point where we will require biometrics across the board.”^[3]

The potential for misuse of this technology extends far beyond airport security checkpoints. Once Americans become accustomed to government facial recognition scans, it will be that much easier for the government to scan citizens’ faces everywhere, from entry into government buildings, to passive surveillance on public property like parks, schools, and sidewalks.

Furthermore, this powerful surveillance technology as deployed by TSA does not make air travel safer. In response to congressional inquiries, TSA has not produced evidence that more false identification documents have been discovered since their implementation of facial recognition. The 3% error rate cited by TSA represents more than 68,000 mismatches daily if used on all 2.3 million daily travelers.^[4] Recent news reports that hundreds of passengers have bypassed TSA security checkpoints entirely in recent years suggest that TSA should focus on the fundamentals, not expanding its facial recognition program.^[5]

With the TSA's announcement in July 2023 that they plan to expand facial recognition surveillance from 25 to over 430 airports, it is clear that we are at a critical juncture. The scope of the government’s use of facial recognition on Americans will expand exponentially under TSA’s plans, with little to no public discourse or congressional oversight.

The FAA re-authorization bill is a key opportunity to provide needed oversight of TSA’s facial recognition program. Should Congress delay, TSA’s facial recognition infrastructure will soon be in place at hundreds of cities across America, and it will be that much more difficult to rein in facial recognition surveillance by the federal government.

^[3] “Accelerating Aviation Security: Innovative New Technology Keeping The Skies Safe.” SXSW. March 14, 2023. <https://schedule.sxsw.com/2023/events/PP1143589>.

^[4] Ovide, Shira. “You can say no to a TSA face scan. But even a senator had trouble.” Washington Post, July 11, 2023. <https://www.washingtonpost.com/technology/2023/07/11/tsa-airport-security-facial-recognition/>


^[5] Compton, Natalie B. “Hundreds of People Breached Airport Security in Last Year, TSA Says - The Washington Post.” Washington Post, April 4, 2024. <https://www.washingtonpost.com/travel/2024/04/04/airport-security-tsa-stowaway/>.

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We urge you to protect the privacy and freedoms of American travelers by prohibiting the development and deployment of facial recognition technology by the TSA.

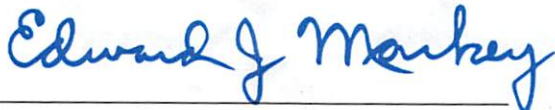
Sincerely,



Jeffrey A. Merkley
United States Senator



John Kennedy
United States Senator



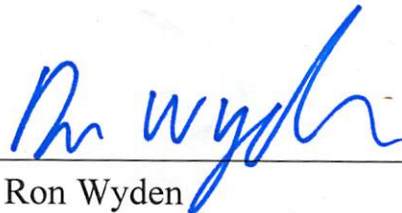
Edward J. Markey
United States Senator



Roger Marshall, M.D.
United States Senator



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Peter Welch
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