



# COMMITTEE ON HOMELAND SECURITY

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## Hearing Statement of Border Security, Facilitation, & Operations Subcommittee Chairwoman Nanette Barragán (D-CA)

### *Assessing CBP's Use of Facial Recognition Technology*

July 27, 2022

CBP tested several types of biometric technologies, including handheld fingerprint-scanning devices and iris scanning, before deciding to pursue facial recognition technology as its biometric capability. Facial recognition technology uses a computer algorithm to compare a picture taken in person at the airport or other border checkpoints to the traveler's passport picture or visa.

This technology can not only be a powerful tool for homeland security but can also help facilitate travel. However, the use of facial recognition technology raises questions about data privacy and how passengers' information is used and stored. It also raises questions about the adequacy of the oversight mechanisms in place. For example, although CBP policy does not allow airlines and partners to store passengers' photos, the agency does not have a robust system for conducting audits.

These audits are vital to building public trust. Proper oversight ensures that biometric data gathered in airports is not monetized by private industry or kept in industry databases. Potential bias in identification is also a significant concern, particularly when a technology affects various races, age groups, and genders differently.

In 2019, a National Institute of Standards and Technology (NIST) report found that Asian and African American faces were 10 to 100 times more likely to be misidentified than white faces. The report also found that children and elderly people were more likely to be misidentified than middle-aged people, and women were more likely to be misidentified than men. NIST also found that the best-performing algorithms had "undetectable" differences in performance across demographic groups. Though this sounds promising, the report tested algorithms, not the system as a whole. These systems include the environment where the technology is deployed and the cameras that capture facial images. Lighting and image quality can have a significant impact on the success of the technology.

We've also heard concerns about potential "mission creep" in the Department's use of biometric data. Current authorized uses are set by policy and guidance, which are more open to change than laws, rules, and regulations. Understanding CBP's use of facial recognition technology and the issues and concerns surrounding its use is crucial to our responsibility to conduct oversight.

Two weeks ago, Members of the Subcommittee were briefed by government officials from Customs and Border Protection, the Department of Homeland Security's Office of Civil Rights and Civil Liberties, and the National Institute of Standards and Technology on CBP's use of facial recognition technology and the safeguards in place to protect privacy. The briefing served as an opportunity for Members to learn more about the technology and how it is being deployed. It was also an opportunity for Members to ask questions and raise concerns regarding privacy and bias. During the briefing, we learned that Simplified Arrival has been rolled out with facial recognition technology in all U.S. international airports. This is the system travelers use when entering the United States. We also learned that biometric exit systems using

facial recognition are active in only 26 airports. CBP continues to expand the use of facial recognition technology across airports, as well as at sea and land ports of entry.

Today, we will have the opportunity to continue our conversation on CBP's use of facial recognition technology with experts from the U.S. Government Accountability Office (GAO), the Electronic Privacy Information Center (EPIC), the Brookings Institution, and Pangiam. Our witnesses will discuss CBP's deployment of facial recognition technology as well as the implications related to accuracy, bias, and privacy in verifying traveler identities.

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