

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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Opening Statement Chairman Elijah E. Cummings

Hearing on “Facial Recognition Technology (Part 1): Its Impact on our Civil Rights and Liberties”

May 22, 2019

Today, we are having our first hearing of this Congress on the use of facial recognition technology. The Oversight Committee is uniquely suited to conduct a comprehensive review of this issue because we have extremely wide-ranging jurisdiction. We can look across all federal agencies, state and local entities, and the private sector as well.

I want to make clear at the outset that this is a bipartisan issue. Both conservatives and liberals alike have real questions about when they are being monitored, why they are being monitored, who is monitoring them, and what happens to this information after it is collected.

We have been working closely with Ranking Member Jordan, and we appreciate the advice and assistance of his staff as well.

Facial recognition is a fascinating technology with huge potential to affect a number of different applications. But right now, it is virtually unregulated.

In 2016, the Government Accountability Office (GAO) issued a report recommending that the FBI make numerous changes to its facial recognition database to improve data security and ensure accuracy, privacy, and transparency. However, just last month, GAO sent a letter highlighting six priority recommendations that the FBI has yet to fully implement.

At the local level, cities like Detroit and Chicago are rapidly expanding the use of facial recognition technology to track its citizens in real time. At the same time, other cities, like San Francisco, are going in completely the opposite direction, banning the government’s use of facial technology altogether.

Of course, we all see how private companies are using this technology more and more for advertisements, security, and a variety of different customer experiences. But, again, there are virtually no controls on where this information goes.

In 2017, our Committee held a hearing to review law enforcement use of facial recognition technology. As part of that hearing, we found that 18 states have MOUs with the

FBI to share their databases. As a result, more than half of American adults are part of facial recognition databases, and they may not even know it.

We also heard testimony that facial recognition technology misidentifies women and minorities at a much higher rate than white males, increasing the risk of racial and gender bias.

This issue is personal for me. My district includes Baltimore, where I have lived my entire life. After the tragic death of Freddie Gray at the hands of the police in 2015, my city took to the streets in anger, frustration, and grief.

During that time, I also walked the streets of Baltimore—along with religious figures and community leaders. We walked together for two reasons: to protest this tremendous loss to our community, and to urge our fellow citizens to find a peaceful resolution to that crisis.

Later, we learned that the police used facial recognition technology to find and arrest protestors. It is likely that I and other members of our community—who were exercising our rights under the Constitution—were scanned, identified, and monitored using this technology.

Think about that—whatever walk of life you come from. You could be at a rally supporting gun rights or protesting gun violence. You could be marching for the right to life or a woman’s right to choose. You could be pressing for the repeal of the ACA or the expansion of healthcare. In all of those cases, the government could monitor you without your knowledge and enter your face into a database that could be used in virtually unrestricted ways.

We need to do more to safeguard the rights of free speech and assembly under the First Amendment, the right to privacy under the Fourth Amendment, and the right of equal protection under the law under the Fourteenth Amendment.

My hope is that today’s hearing can be a broad review of these issues, and we are honored and thankful to have such a distinguished panel of experts.

On June 4, we will be having our second hearing on this topic, and we will hear from law enforcement witnesses. After that, I will be asking our subcommittees to conduct deeper dives on specific issues relating to federal law enforcement, state and local issues, and the private sector.

Our goal with this review is to identify sensible and concrete recommendations—legislative or otherwise—that recognize the benefits of this technology, but protect against its abuse.

With that, I turn to the Ranking Member.

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