



July 29, 2025

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

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

Re: Security concerns regarding S. 1691 (Merkley)

Dear Chairman Cruz and Ranking Member Cantwell:

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 the Committee is scheduled to consider S. 1691, the Traveler Privacy Protection Act, sponsored by Senator Jeff Merkley (D-OR), during its executive session on July 30.

We believe the bill/substitute as written would 1) unnecessarily weaken and jeopardize the Transportation Security Administration's highly successful use of facial biometrics to conduct required traveler document verification at security screening checkpoints, 2) create additional security risks, 3) limit future innovations and 4) compromise programs that have improved the travel security experience of millions of U.S. air travelers.

The measure bans TSA use of biometric technologies, except under very limited circumstances. These exceptions are not sufficiently clear, as we explain below. Prohibiting specific technologies is an extreme policy, and we are concerned that it is based on spurious claims regarding TSA's current programs and potential for misuse that are demonstrably false. It is also completely out of line with the Trump Administration's stated priorities for federal agencies to increasingly incorporate advanced technologies and limit unnecessary personnel costs – costs that would certainly increase under this measure.

Facial biometrics are currently in use for traveler verification at TSA security screening checkpoints in more than 260 airports across the country, for 2.5 million travelers daily. The technology provides enhanced security, accuracy, and convenience for travelers, **without impacting privacy rights or changing privacy expectations.** Here is why:

- 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 that is already required under law 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.
- **TSA has already adopted an extensive governance policy for this technology application** that includes comprehensive oversight responsibilities, data privacy and civil liberties obligations, and testing and evaluation requirements.¹
- **Use of facial biometrics as the verification method has always been and remains 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.

Among other issues, there is language regarding the exceptions within S. 1691 that would need significant clarification to avoid disruption to current traveler screening practices, or becoming a de facto ban.

The bill states TSA must ensure the "equal ability" for passengers to choose either biometric or non-biometric verification options. Additionally, it must not "subject" passengers who choose the opt-out option to discriminatory treatment, additional screening requirements, less favorable screening conditions, or other unfavorable

¹ These documents are found here: <https://www.tsa.gov/biometrics-technology>.

treatment,” or “encourage passengers to choose one method of identity verification over another method.”

It is unclear exactly how such restrictions would impact current or future security screening practices. As none of these key terms are defined, the measure could be interpreted and implemented in a way that would destroy the benefits of the technology for travelers, such as by requiring separate queues. It could also make biometric verification unworkable under the stipulations, due to the fact that alternative verification necessarily involves “additional” screening requirements, more time and personnel, and may be considered “less favorable.”

Without an overhaul of this language, it is unclear what precise impacts to traveler screening practices are intended. However, we note that just last year, legislation introduced by the same sponsors proposed to completely ban TSA’s use of facial biometrics.

Importantly, rolling back proven traveler verification capabilities will ultimately serve to 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.

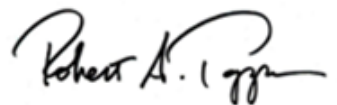
Congressional oversight is critical to ensuring accountability and policy adherence across all federal agencies and programs. However, a measure that would impact the investment of more than \$150 million in taxpayer dollars and systems in use 24/7 to ensure the safety and security of millions of travelers, should be given additional time and consideration by the Committee.

We urge you to delay consideration of S. 1691 and work with SIA, IBIA and other stakeholders to ensure there is no negative impact to national security, airport efficiency, or the travel experience for Americans. Our organizations and our members stand ready to assist you and your colleagues. Thank you for your consideration.

Sincerely,



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