



U.S. Department of Justice
Federal Bureau of Investigation

Clarksburg, WV 26306

June 14, 2019

Mr. Joseph B. Nye
OMB Policy Analyst
Office of the Information and Regulatory Affairs
New Executive Office Building
Washington, D.C. 20530

Ms. Melody Braswell
Department Clearance Officer, PRA
Office of the Chief Information Officer
Policy and Planning Staff
DOJ Two Constitution Square
Washington, D.C. 20002

Dear Mr. Nye and Ms. Braswell:

As the Section Chief of the Federal Bureau of Investigation (FBI), Criminal Justice Information Services Section (CJIS) Division, Biometrics Services Section (BSS), I am seeking an emergency review and approval of the attached "External Repository Survey" pursuant to the requirements of the Paperwork Reduction Act (PRA). This letter requests emergency approval of the Application by June 24, 2019, in accordance with 44 U.S.C. § 35070) and 5 C.F.R. § 1320.13, which permits such expedited approvals when a collection is needed prior to the expiration of time periods established by the PRA, is essential to the mission of the agency, and would cause a statutory deadline to be missed. *See* 44 U.S.C. §§ 3507(j)(1) and 3507(j)(2).

This emergency processing is essential because compliance with normal clearance procedures would cause the FBI CJIS Division to fail to provide complete, accurate information to the United States House of Representatives Committee on Oversight and Government Reform regarding the accuracy of face recognition systems operated by external partners, such as state and federal agencies, in support of FBI investigations at an anticipated hearing in July 2019.

The “External Repository Survey” is Essential to the Mission of the FBI CJIS Division, BSS.

The expedited approval of the “External Repository Survey” is essential to the mission of the FBI CJIS Division, BSS because the collection of data from the “External Repository Survey” will assist the FBI in determining whether external partner systems are sufficiently accurate for the FBI CJIS Division, BSS’s use in support of active FBI investigations. On June 4, 2019, the Deputy Assistant Director of the FBI CJIS Division testified on before the United States House of Representatives Committee on Oversight and Government Reform regarding the FBI’s use of face recognition technology. The Committee members expressed concern that the FBI CJIS Division had not taken sufficient action to address a Government Accountability Office recommendation that the FBI assess the accuracy of face recognition systems operated by external partners. While the FBI does not have authority to conduct accuracy tests on external systems, the FBI CJIS Division can collect information from external partners to ensure that these external systems are sufficiently accurate for the FBI CJIS Division, BSS use in support of FBI investigations.

Approval is Necessary to Achieve Compliance with Congressional requests for information and Government Accountability Office recommendations.

Approval of the “External Repository Survey” is necessary, because it is the only way to achieve compliance with the request for information from the United States House of Representatives Committee on Oversight and Government Reform and the Government Accountability Office. This request for information was not previously assigned/delegated to the FBI CJIS Division. The CJIS Division must begin gathering the necessary information to collect information from external partner agencies operating face recognition databases performing searches on behalf of the FBI CJIS Division BSS in support of FBI investigations. By collecting this information, the FBI CJIS Division BSS will be able to determine whether the external systems are sufficiently accurate for the FBI’s use. This canvas for responsive information will also allow the FBI to provide complete and accurate information to members of Congress, the Government Accountability Office, and the American public. This collection must take place at the earliest opportunity to meet the July 2019 deadline. Collecting this information is merely the first step in the FBI’s evaluating whether the face recognition systems operated by partner agencies are sufficiently accurate to meet the FBI’s investigative needs.. Once information is received, it will require additional man hours to review each agency response and then generate responses to Congress and the Government Accountability Office.. Approval of the template is necessary before the expiration of the 60-day and 30-day notice periods, because it is the only way to achieve compliance with the request for additional information from United States House of Representatives Committee on Oversight and Government Reform members. Otherwise, the FBI CJIS Division Deputy Assistant Director will be unable to provide complete, accurate information in response to Congressional inquiries. If the normal process for obtaining an Office of Management and Budget (OMB) number is required, adding a 90-day or even a 60-day OMB clearance process, would prevent the CJIS Division, BSS from being able to solicit the information needed to comply with requests for information from Congress regarding the FBI CJIS Division, BSS’s use of face recognition technology. The questionnaire needs to be disseminated to agencies beginning June 24, 2019, in order to allow the agencies adequate time to determine an accurate response, as well, as time to then develop, draft and coordinate a response to members of the United States House of Representatives Committee on Oversight and

Government Reform and the Government Accountability Office. The process of coordinating with the agency contacts and assessing whether the external face recognition systems are sufficiently accurate for use in support of FBI investigations is critical. Therefore, the CJIS Division is requesting an emergency processing to facilitate this task.

Expedited Approval of the "External Repository Survey" provides a Temporary Measure to Allow the FBI CJIS Division's BSS the ability to begin disseminating the template to the external partners in June 2019, to allow the agencies ample time to provide a response to the CJIS Division and for the CJIS Division BSS to evaluate the information received in response to the collection of information to the United States House of Representatives Committee on Oversight and Government Reform and the Government Accountability Office..

Expedited Approval provides a Temporary Measure to Allow the agencies time to provide a response and the CJIS Division to Develop the external partners time to develop a response and the CJIS Division time to evaluate the information received in response to the collection of information within the time limits while the template undergoes the normal clearance procedures.

Finally, the FBI CJIS Division BSS request for expedited approval should be granted because it is a temporary measure to allow the external partners time to develop a response and the CJIS Division time to evaluate the information received in response to the collection of information within the time limits while the template undergoes the normal clearance procedures. If additional comments are received during the PRA clearance process, the template can be amended.

Thank you for your prompt consideration of this request. Please contact Gerry Lynn Brovey, FBI CJIS Division, Supervisory Information Liaison Specialist, by email at <glbrovey@fbi.gov> or by phone at (304) 625-4320 if you have any questions or need additional information.

Sincerely,



William G. McKinsey
Section Chief
Biometric Services Section,
Criminal Justice Information Services
Division
Federal Bureau of Investigation