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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

# H. R.

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To prohibit use of facial recognition technology on any image acquired by body-worn cameras of law enforcement officers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. BEYER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To prohibit use of facial recognition technology on any image acquired by body-worn cameras of law enforcement officers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Biometric Sur-  
5 veillance by Law Enforcement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Facial recognition and other biometric sur-  
2           veillance technology pose unique and significant  
3           threats to the civil rights and civil liberties of resi-  
4           dents and visitors.

5           (2) The use of facial recognition and other bio-  
6           metric surveillance is the functional equivalent of re-  
7           quiring every person to show a personal photo iden-  
8           tification card at all times in violation of recognized  
9           constitutional rights. This technology also allows  
10          people to be tracked without consent.

11          (3) It would also generate massive databases  
12          about law-abiding Americans, and may chill the ex-  
13          ercise of free speech in public places.

14          (4) Facial recognition and other biometric sur-  
15          veillance technology has been repeatedly dem-  
16          onstrated to misidentify women, young people, and  
17          people of color and to create an elevated risk of  
18          harmful “false positive” identifications.

19          (5) Facial and other biometric surveillance  
20          would corrupt the core purpose of officer-worn body-  
21          worn cameras by transforming those devices from  
22          transparency and accountability tools into roving  
23          surveillance systems.

24          (6) The use of facial recognition and other bio-  
25          metric surveillance would disproportionately impact

1 the civil rights and civil liberties of persons who live  
2 in highly policed communities.

3 (7) Its use would also diminish effective polic-  
4 ing and public safety by discouraging people in these  
5 communities, including victims of crime, undocu-  
6 mented persons, people with unpaid fines and fees,  
7 and those with prior criminal history from seeking  
8 police assistance or from assisting the police.

9 **SEC. 3. PROHIBITING USE OF FACIAL RECOGNITION TECH-**  
10 **NOLOGY AND OTHER BIOMETRIC SURVEIL-**  
11 **LANCE SYSTEMS.**

12 (a) BYRNE GRANT.—

13 (1) PROHIBITION.—A State or unit of local  
14 government may not use facial recognition tech-  
15 nology or other biometric surveillance systems on  
16 any image acquired by body-worn cameras of law en-  
17 forcement officers.

18 (2) ENFORCEMENT.—In the case that a State  
19 or unit of local government violates paragraph (1),  
20 the Attorney General shall reduce by 5 percent the  
21 amount that the State or unit of local government  
22 would have otherwise received under subpart 1 of  
23 part E of title I of the Omnibus Crime Control and  
24 Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.).

1           (3) REALLOCATION.—Amounts not allocated to  
2           a State or unit of local government that violates  
3           paragraph (1) shall be reallocated, in accordance  
4           with subpart 1 of part E of title I of the Omnibus  
5           Crime Control and Safe Streets Act of 1968 (34  
6           U.S.C. 10151 et seq.), to States and units of local  
7           government that have complied with such paragraph  
8           (1).

9           (b) URBAN AREA SECURITY INITIATIVE GRANT.—

10           (1) PROHIBITION.—A high-risk urban area may  
11           not use facial recognition technology or other bio-  
12           metric surveillance systems on any image acquired  
13           by body-worn cameras of law enforcement officers.

14           (2) ENFORCEMENT.—In the case that a high-  
15           risk urban area violates paragraph (1), the Adminis-  
16           trator of the Federal Emergency Management Agen-  
17           cy shall reduce by 5 percent the amount that the  
18           high-risk urban area would have otherwise received  
19           under section 2003 of the Homeland Security Act of  
20           2002 (6 U.S.C. 101 et seq.).

21           (3) REALLOCATION.—Amounts not allocated to  
22           a high-risk urban area that violates paragraph (1)  
23           shall be reallocated, in accordance with section 2003  
24           of the Homeland Security Act of 2002 (6 U.S.C.

1 101 et seq.), to high-risk urban areas that have com-  
2 plied with such paragraph (1).

3 (c) STATE HOMELAND SECURITY GRANT.—

4 (1) PROHIBITION.—A State may not use facial  
5 recognition technology or other biometric surveil-  
6 lance systems on any image acquired by body-worn  
7 cameras of law enforcement officers.

8 (2) ENFORCEMENT.—In the case that a State  
9 violates paragraph (1), the Administrator of the  
10 Federal Emergency Management Agency shall re-  
11 duce by 5 percent the amount that the high-risk  
12 urban area would have otherwise received under sec-  
13 tion 2004 of the Homeland Security Act of 2002 (6  
14 U.S.C. 101 et seq.).

15 (3) REALLOCATION.—Amounts not allocated to  
16 a State that violates paragraph (1) shall be reallo-  
17 cated, in accordance with section 2004 of the Home-  
18 land Security Act of 2002 (6 U.S.C. 101 et seq.), to  
19 States that have complied with such paragraph (1).

20 (d) FEDERAL PROHIBITION.—A Federal law enforce-  
21 ment agency may not use facial recognition technology or  
22 other biometric surveillance systems on any image ac-  
23 quired by body-worn cameras of law enforcement officers.

24 (e) DEFINITIONS.—In this section:

1           (1) BIOMETRIC DATA.—The term “biometric  
2           data” means a physiological, biological, or behavioral  
3           characteristic that can be used, singly or in combina-  
4           tion with each other or with other information, to es-  
5           tablish individual identity.

6           (2) BIOMETIC SURVEILLANCE SYSTEM.—The  
7           term “biometric surveillance system” means any  
8           computer software or application that performs fa-  
9           cial recognition or other biometric surveillance.

10          (3) BODY-WORN CAMERA.—The term “body-  
11          worn camera” means an officer camera or similar  
12          device that records or transmits images or sound  
13          and is attached to the body or clothing of, or carried  
14          by, a law enforcement officer.

15          (4) FACIAL RECOGNITION TECHNOLOGY OR  
16          OTHER BIOMETRIC SURVEILLANCE.—The term “fa-  
17          cial recognition technology or other biometric sur-  
18          veillance”—

19                 (A) means an automated or semiautomated  
20                 process that—

21                         (i) captures or analyzes biometric data  
22                         of an individual to identify or assist in  
23                         identifying an individual; or

1 (ii) generates, or assists in generating,  
2 surveillance information about an indi-  
3 vidual based on biometric data; and

4 (B) does not include the use of an auto-  
5 mated or semiautomated process for the pur-  
6 pose of redacting a recording for release or dis-  
7 closure outside the law enforcement agency to  
8 protect the privacy of a subject depicted in the  
9 recording, if the process does not generate or  
10 result in the retention of any biometric data or  
11 surveillance information.

12 (5) USE.—The term “use” means one or both  
13 of the following:

14 (A) The direct use of a biometric surveil-  
15 lance system by a law enforcement officer or a  
16 law enforcement agency.

17 (B) A request or agreement by a law en-  
18 forcement officer or law enforcement agency  
19 that another law enforcement agency or other  
20 third party use a biometric surveillance system  
21 on behalf of the requesting officer or agency.