

117TH CONGRESS
1ST SESSION

H. R. 3980

To require the Secretary of Commerce and the Federal Trade Commission to conduct a study on facial recognition technology, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2021

Mr. CARTER of Georgia introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Science, Space, and Technology, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of Commerce and the Federal Trade Commission to conduct a study on facial recognition technology, 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 “Advancing Facial Rec-
5 ognition Technology Act”.

6 **SEC. 2. FACIAL RECOGNITION TECHNOLOGY STUDY.**

7 (a) IN GENERAL.—

1 (1) STUDY REQUIRED.—Not later than 2 years
2 after the date of the enactment of this Act, the Sec-
3 retary of Commerce and the Federal Trade Commis-
4 sion, in coordination with the head of any other ap-
5 propriate Federal agency, shall conduct a study on
6 the impact of facial recognition technology on United
7 States businesses conducting interstate commerce.

8 (2) REQUIREMENTS FOR STUDY.—In con-
9 ducting the study, the Secretary and the Commis-
10 sion shall do the following:

11 (A) Conduct a survey of the facial recogni-
12 tion technology industry through outreach to
13 participating entities to—

14 (i) establish a list of the industry sec-
15 tors that develop, promote, and use facial
16 recognition technology;

17 (ii) establish a list of public-private
18 partnerships focused on promoting the de-
19 velopment, adoption, and use of facial rec-
20 ognition technology;

21 (iii) provide a description of the ways
22 entities or industry sectors develop, use, or
23 promote the use of facial recognition tech-
24 nology; and

1 (iv) provide a description of the ad-
2 vantages of the widespread adoption of fa-
3 cial recognition technology, as well as iden-
4 tify any concerns the use of such tech-
5 nology may present.

6 (B) Conduct a survey of the Federal activ-
7 ity related to facial recognition industry tech-
8 nology to—

9 (i) establish a comprehensive list of
10 Federal agencies asserting jurisdiction over
11 entities and industry sectors identified
12 under this section;

13 (ii) identify all interagency activities
14 related to facial recognition technology;

15 (iii) develop a brief description of the
16 jurisdiction and expertise of the Federal
17 agencies as it relates to facial recognition
18 technology; and

19 (iv) identify each Federal rule, regula-
20 tion, guideline, policy, and other Federal
21 activity implemented by each Federal agen-
22 cy related to facial recognition technology.

23 (C) Conduct an international survey of
24 other countries to establish a compendium of at
25 least 10 and not more than 15 countries con-

1 sisting of each country’s national strategy on
2 facial recognition technology to determine where
3 the United States ranks with respect to the de-
4 velopment, promotion, and adoption of facial
5 recognition technology.

6 (D) Conduct a survey of the marketplace
7 and supply chain of facial recognition tech-
8 nology to—

9 (i) assess the severity of risks posed
10 to such marketplace and supply chain;

11 (ii) review the ability of foreign gov-
12 ernments or third parties to exploit such
13 supply chain in a manner that raises risks
14 to the economic and national security of
15 the United States; and

16 (iii) identify emerging risks and long-
17 term trends in such marketplace and sup-
18 ply chain.

19 (E) Identify potential concrete harms to
20 individuals related to the use of facial recogni-
21 tion technology.

22 (F) Identify any Secretary and Commis-
23 sion action related to facial recognition tech-
24 nology.

1 (b) REPORT TO CONGRESS.—Not later than 6
2 months after the completion of the study required pursu-
3 ant to subsection (a), the Secretary and the Commission,
4 in coordination with the head of any other appropriate
5 Federal agency, shall submit to the Committee on Energy
6 and Commerce of the House of Representatives and the
7 Committee on Commerce, Science, and Transportation of
8 the Senate a report that contains—

9 (1) the results of the study conducted under
10 subsection (a); and

11 (2) recommendations to—

12 (A) address any duplicative Federal rule,
13 regulation, guideline, policy, and other Federal
14 activity acting as a barrier to the development
15 and adoption of facial recognition technology;

16 (B) develop and implement a comprehen-
17 sive plan to promote the growth of the develop-
18 ment and adoption of facial recognition tech-
19 nology;

20 (C) develop policies that States can adopt
21 to encourage the development and adoption of
22 facial recognition technology;

23 (D) develop a national strategy to advance
24 the position in the world of business sectors in

1 the United States on the development and
2 adoption of facial recognition technology;

3 (E) develop strategies to mitigate current
4 and emerging risks to the marketplace and supply
5 chain of facial recognition technology; and

6 (F) develop legislation to accomplish such
7 recommendations.

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