

116TH CONGRESS
1ST SESSION

H. R. 4021

To prohibit a Federal agency from using a facial recognition technology without a Federal court order, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2019

Mr. ENGEL (for himself, Ms. NORTON, Ms. VELÁZQUEZ, Ms. HAALAND, and Mr. SERRANO) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To prohibit a Federal agency from using a facial recognition technology without a Federal court order, 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 “Facial, Analysis, Com-
5 parison, and Evaluation Protection Act of 2019” or the
6 “FACE Protection Act of 2019”.

7 **SEC. 2. FACIAL RECOGNITION TECHNOLOGY.**

8 (a) RESTRICTION.—A Federal agency may not apply
9 facial recognition technology to any photo identification

1 issued by a State or the Federal Government or any other
2 photograph otherwise in the possession of a State or the
3 Federal Government unless the agency has obtained a
4 Federal court order determining that there is probable
5 cause for the application of such technology.

6 (b) PROHIBITION ON SHARING INFORMATION.—Any
7 information obtained using facial recognition technology
8 under a Federal court order may not be shared with any
9 other Federal agency or entity that has not been granted
10 permission for such use by a Federal court order.

11 (c) DEFINITIONS.—In this section:

12 (1) FACIAL RECOGNITION.—The term “facial
13 recognition” means an automated or semi-automated
14 process that assists in identifying or verifying an in-
15 dividual based on the physical characteristics of an
16 individual’s face geometry.

17 (2) FACIAL RECOGNITION TECHNOLOGY.—The
18 term “facial recognition technology” means any
19 computer software or application that performs fa-
20 cial recognition.

21 (3) FEDERAL AGENCY.—The term “Federal
22 agency” has the meaning given that term in section
23 102 of title 40, United States Code.

24 (4) STATE.—The term “State” means each of
25 the several States, the District of Columbia, each

- 1 commonwealth, territory or possession of the United
- 2 States, and each federally recognized Indian Tribe.

