AMENDMENT TO RULES COMMITTEE PRINT 116–19

OFFERED BY MS. JAYAPAL OF WASHINGTON

At the end of subtitle E of title X, insert the following:

SEC. 10. PROHIBITION ON USE OF FUNDS FOR FACE RECOGNITION TECHNOLOGY.

(a) Prohibition.—

(1) In general.—Except as provided in paragraph (2), none of the funds authorized to be appropriated or otherwise made available for the Department of Homeland Security or the Department of Justice for fiscal year 2020 may be used for the acquisition or purchase of face recognition technology.

(2) Exception.—Paragraph (1) does not apply with respect to a pilot or testing program in effect as of the date of the enactment of this Act.

(b) Report.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the use of face recognition technology by the Department of Justice and the Department of Homeland Security. Such report shall include each of the following:
(1) An analysis of the current use of face recognition technology by the Department of Justice and the Department of Homeland Security.

(2) An analysis of the accuracy of face recognition technology, including data disaggregated by race and gender.

(3) Whether the Government has adequate procedures in place to audit or test technology they purchase to assess its accuracy, including on the basis of race, gender, ethnicity, and age.

(4) The extent to which law enforcement agencies have public and transparent policies governing the use of the technology to prevent adverse impacts on privacy, civil rights, and civil liberties.

(5) An analysis of the ability of the Departments to use face recognition technology to identify missing children in a way that respects individuals’ constitutional rights, civil rights, civil liberties, and privacy.

(6) Identification of risks and safeguards to uphold individuals’ constitutional rights, civil rights, civil liberties, and privacy, including for communities of color and religious minorities.
(7) Whether such technology is deployed in public areas or on photos of public areas, raising First Amendment concerns.

(8) An identification of existing policies, procedures, or practices that permit the sharing of face recognition data.

(9) An identification of measures in place to protect data security.

(10) An identification of any redress procedures to address complaints in cases where the use of face recognition resulted in harm to an individual.

(11) The extent to which law enforcement agencies robustly engage public stakeholders prior to deployment of face recognition technology ensure that use reflects community concerns.

(12) An analysis of existing transparency, oversight, and audits of the use of face recognition to measure the efficacy of the technology on an ongoing basis, as measured against the cost and impact on individual rights.