

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:

1 **SEC. 10__ . PROHIBITION ON USE OF FUNDS FOR FACE**
2 **RECOGNITION TECHNOLOGY.**

3 (a) PROHIBITION.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), none of the funds authorized to be appro-
6 priated or otherwise made available for the Depart-
7 ment of Homeland Security or the Department of
8 Justice for fiscal year 2020 may be used for the ac-
9 quisition or purchase of face recognition technology.

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

13 (b) REPORT.—Not later than one year after the date
14 of the enactment of this Act, the Comptroller General of
15 the United States shall submit to Congress a report on
16 the use of face recognition technology by the Department
17 of Justice and the Department of Homeland Security.
18 Such report shall include each of the following:

1 (1) An analysis of the current use of face rec-
2 ognition technology by the Department of Justice
3 and the Department of Homeland Security.

4 (2) An analysis of the accuracy of face recogni-
5 tion technology, including data disaggregated by
6 race and gender.

7 (3) Whether the Government has adequate pro-
8 cedures in place to audit or test technology they pur-
9 chase to assess its accuracy, including on the basis
10 of race, gender, ethnicity, and age.

11 (4) The extent to which law enforcement agen-
12 cies have public and transparent policies governing
13 the use of the technology to prevent adverse impacts
14 on privacy, civil rights, and civil liberties.

15 (5) An analysis of the ability of the Depart-
16 ments to use face recognition technology to identify
17 missing children in a way that respects individuals'
18 constitutional rights, civil rights, civil liberties, and
19 privacy.

20 (6) Identification of risks and safeguards to up-
21 hold individuals' constitutional rights, civil rights,
22 civil liberties, and privacy, including for communities
23 of color and religious minorities.

1 (7) Whether such technology is deployed in
2 public areas or on photos of public areas, raising
3 First Amendment concerns.

4 (8) An identification of existing policies, proce-
5 dures, or practices that permit the sharing of face
6 recognition data.

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

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

12 (11) The extent to which law enforcement agen-
13 cies robustly engage public stakeholders prior to de-
14 ployment of face recognition technology ensure that
15 use reflects community concerns.

16 (12) An analysis of existing transparency, over-
17 sight, and audits of the use of face recognition to
18 measure the efficacy of the technology on an ongoing
19 basis, as measured against the cost and impact on
20 individual rights.

