

AMENDMENT TO RULES COMMITTEE

PRINT 116-22

OFFERED BY MS. JAYAPAL OF WASHINGTON

At the end of title VII, add the following new section:

1 **SEC. 3___ . REPORT ON USE BY INTELLIGENCE COMMUNITY**
2 **OF FACIAL RECOGNITION TECHNOLOGY.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) the use of facial recognition technology for
6 the purpose of suppressing or burdening criticism or
7 dissent, or for disadvantaging persons based on their
8 ethnicity, race, gender, sexual orientation, or reli-
9 gion, is contrary to the values of the United States;

10 (2) the United States Government should not
11 engage in the sale or transfer of facial recognition
12 technology to any country that is using such tech-
13 nology for the suppression of human rights; and

14 (3) it is incumbent upon the intelligence com-
15 munity to develop clear policies and procedures that
16 prevent the abuse of facial recognition technology.

17 (b) REPORT REQUIRED.—Not later than 1 year after
18 the date of the enactment of this Act, the Director of Na-

1 tional Intelligence shall submit to the congressional intel-
2 ligence committees a report on the use of facial recognition
3 technology by the intelligence community. Such report
4 shall include each of the following:

5 (1) An analysis of the current use of facial rec-
6 ognition technology by the intelligence community.

7 (2) An analysis of the accuracy of facial rec-
8 ognition technology, including a discussion of the ap-
9 propriate threshold for use, and data disaggregated
10 by race, gender, ethnicity, and age.

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

15 (4) The extent to which the intelligence commu-
16 nity has codified policies governing the use of facial
17 recognition technology that adequately prevent ad-
18 verse impacts on privacy, civil rights, and civil lib-
19 erties.

20 (5) An analysis of the ability of the intelligence
21 community to use facial recognition technology to
22 identify individuals in a way that respects constitu-
23 tional rights, civil rights, civil liberties, and privacy
24 of such individuals.

1 (6) Identification of risks and safeguards to up-
2 hold the constitutional rights, civil rights, civil lib-
3 erties, and privacy of individuals, including for com-
4 munities of color and religious minorities.

5 (7) Whether such technology is deployed in
6 public areas or on photos of public areas in a man-
7 ner that could raise First Amendment concerns.

8 (8) An identification of existing policies, proce-
9 dures, or practices that permit the sharing of facial
10 recognition data and technology with foreign govern-
11 ments or other non-United States Government enti-
12 ties.

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

15 (10) An identification of any redress procedures
16 to address complaints in cases where the use of fa-
17 cial recognition resulted in harm to an individual.

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

23 (c) FORM.—The report under subsection (a) shall be
24 submitted in unclassified form, but may include a classi-
25 fied annex.

1 (d) FACIAL RECOGNITION DATA DEFINED.—In this
2 section, the term “facial recognition data” means any
3 unique attribute or feature of the face of an end user that
4 is used by facial recognition technology to assign a unique,
5 persistent identifier, or for the unique personal identifica-
6 tion of a specific individual.

