118TH CONGRESS
2D SESSION

H. R. 9954

To prohibit use of remote biometric surveillance technology on any data acquired by body-worn cameras of law enforcement officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 2024

Mr. BEYER (for himself and Mr. LIEU) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To prohibit use of remote biometric surveillance technology on any data acquired by body-worn cameras of law enforcement officers, 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 Recognition

5 Ban on Body Cameras Act".

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Facial recognition and other remote biomet-

9 ric surveillance technologies pose unique and signifi-

1 cant threats to the civil rights and civil liberties of
2 Americans.

3   (2) The use of facial recognition and other re-
4 mote biometric surveillance is the functional equiva-
5 lent of requiring every person to show a personal
6 photo identification card at all times in violation of
7 recognized constitutional rights. This technology also
8 allows people to be tracked without consent.

9   (3) It would also generate massive databases
10 about law-abiding Americans, and may chill the ex-
11 ercise of free speech in public places.

12   (4) Facial recognition and other remote biomet-
13 ric surveillance technology has been repeatedly dem-
14 onstrated to misidentify women, young people, peo-
15 ple with disabilities, transgender people, and people
16 of color and to create an elevated risk of harmful
17 ''false positive'' identifications.

18   (5) Facial and other remote biometric surveil-
19 lance would corrupt the core purpose of officer-worn
20 body-worn cameras by transforming those devices
21 from transparency and accountability tools into rov-
22 ing surveillance systems.

23   (6) The use of facial recognition and other re-
24 mote biometric surveillance would disproportionately

1   impact the civil rights and civil liberties of persons

2   who live in highly policed communities.

3   (7) Its use would also diminish effective polic-

4   ing and public safety by discouraging people in these

5   communities, including victims of crime, undocu-

6   mented persons, people with unpaid fines and fees,

7   and those with prior criminal history from seeking

8   police assistance or from assisting the police.

9 **SEC. 3. PROHIBITING USE OF FACIAL RECOGNITION TECH-**

10   **NOLOGY AND OTHER REMOTE BIOMETRIC**

11   **SURVEILLANCE SYSTEMS.**

12   (a) FEDERAL FINANCIAL ASSISTANCE.—Beginning

13 on the first day of the first fiscal year beginning after the

14 date of the enactment of this Act, a State or unit of local

15 government is ineligible to receive Federal financial assist-

16 ance under the Byrne grant program under subpart 1 of

17 part E of title I of the Omnibus Crime Control and Safe

18 Streets Act of 1968 unless the State or unit of local gov-

19 ernment is complying with a law or policy that is substan-

20 tially similar to the prohibition set forth in section 4.

21   (b) RULE OF CONSTRUCTION.—Nothing in this sec-

22 tion may be construed to preempt or supersede any Fed-

23 eral, State, or local law that imposes a more stringent lim-

24 itation than the prohibition set forth in section 4.

1 **SEC. 4. FEDERAL PROHIBITION.**

2   A Federal law enforcement agency may not use facial

3 recognition technology or other remote biometric surveil-

4 lance systems on any image, video, or audio acquired by

5 body-worn cameras of law enforcement officers.

6 **SEC. 5. DEFINITIONS.**

7   In this Act:

8   (1) BIOMETIC SURVEILLANCE SYSTEM.—The

9   term "biometric surveillance system" means any

10   computer software or application that performs fa-

11   cial recognition or other remote biometric surveil-

12   lance.

13   (2) BODY-WORN CAMERA.—The term "body-

14   worn camera"—

15   (A) means an officer camera or similar de-

16   vice that records or transmits images or sound

17   and is attached to the body or clothing of, or

18   carried by, a law enforcement officer, including

19   mobile phones; and

20   (B) includes smart glasses and similar de-

21   vices that include cameras attached to the

22   frame of a piece of eyewear.

23   (3) FACIAL RECOGNITION.—The term "facial

24   recognition" means an automated or semi-automated

25   process that assists in identifying an individual, cap-

26   turing information about an individual, or otherwise

1 generating or assisting in generating surveillance in-

2 formation about an individual based on the physical

3 characteristics of the individual's face.

4 (4) OTHER REMOTE BIOMETRIC SURVEIL-

5 LANCE.—The term "other remote biometric recogni-

6 tion"—

7 (A) means an automated or semi-auto-

8 mated process that—

9 (i) assists in identifying an individual,

10 capturing information about an individual,

11 or otherwise generating or assisting in gen-

12 erating surveillance information about an

13 individual based on the characteristics of

14 the individual's gait, iris, fingerprint, or

15 other characteristic ascertained from a dis-

16 tance;

17 (ii) uses voice recognition technology;

18 or

19 (iii) logs such characteristics to infer

20 emotion, associations, activities, or the lo-

21 cation of an individual; and

22 (B) does not include identification based

23 on fingerprints or palm prints when such infor-

24 mation is collected onsite via traditional phys-

25 ical means (as opposed to fingerprint recogni-

1   tion systems that identify an individual based

2   on a photo on which their finger is visible).

3   (5) USE.—The term "use"—

4   (A) means—

5   (i) the direct use of a biometric sur-

6   veillance system by a law enforcement offi-

7   cer or a law enforcement agency; or

8   (ii) a request or agreement by a law

9   enforcement officer or law enforcement

10   agency that another law enforcement agen-

11   cy or other third party use a biometric sur-

12   veillance system on behalf of the request-

13   ing officer or agency;

14   (B) includes—

15   (i) running a biometric surveillance

16   system in real time on images, video, or

17   audio collected by a body-worn camera;

18   and

19   (ii) running a biometric surveillance

20   system on images, video, or audio collected

21   by a body-worn camera after the data has

22   been collected, such as while reviewing

23   footage during the course of an investiga-

24   tion; and

25   (C) does not include—

1   (i) using a biometric surveillance sys-

2   tem on images, video, or audio collected by

3   a body-worn camera if the sole purpose of

4   using such a system is to aid with

5   deidentifying individuals, such as blurring

6   faces; and

7   (ii) using a biometric surveillance sys-

8   tem to identify the law enforcement officer

9   employing the body-worn camera, such as

10   an officer using facial recognition system

11   to unlock their mobile phone.

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