

117TH CONGRESS
1ST SESSION

H. R. 4039

To require the Secretary of Commerce and the Federal Trade Commission to conduct a study on facial recognition technology, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2021

Mr. CARTER of Georgia (for himself and Mr. JOYCE of Pennsylvania) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of Commerce and the Federal Trade Commission to conduct a study on facial recognition technology, 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 “Advancing Facial Rec-
5 ognition Technology Act”.

6 **SEC. 2. FACIAL RECOGNITION TECHNOLOGY STUDY.**

7 (a) IN GENERAL.—

1 (1) STUDY REQUIRED.—Not later than 2 years
2 after the date of the enactment of this Act, the Sec-
3 retary of Commerce and the Federal Trade Commis-
4 sion, in coordination with the head of any other ap-
5 propriate Federal agency, shall conduct a study on
6 the impact of facial recognition technology on United
7 States businesses conducting interstate commerce.

8 (2) REQUIREMENTS FOR STUDY.—In con-
9 ducting the study, the Secretary and the Commis-
10 sion shall do the following:

11 (A) Conduct a survey of the facial recogni-
12 tion technology industry through outreach to
13 participating entities to—

14 (i) establish a list of the industry sec-
15 tors that develop, promote, and use facial
16 recognition technology;

17 (ii) establish a list of public-private
18 partnerships focused on promoting the de-
19 velopment, adoption, and use of facial rec-
20 ognition technology;

21 (iii) provide a description of the ways
22 entities or industry sectors develop, use, or
23 promote the use of facial recognition tech-
24 nology; and

1 (iv) provide a description of the ad-
2 vantages of the widespread adoption of fa-
3 cial recognition technology, as well as iden-
4 tify any concerns the use of such tech-
5 nology may present.

6 (B) Conduct a survey of the Federal activ-
7 ity related to facial recognition industry tech-
8 nology to—

9 (i) establish a comprehensive list of
10 Federal agencies asserting jurisdiction over
11 entities and industry sectors identified
12 under this section;

13 (ii) identify all interagency activities
14 related to facial recognition technology;

15 (iii) develop a brief description of the
16 jurisdiction and expertise of the Federal
17 agencies as it relates to facial recognition
18 technology; and

19 (iv) identify each Federal rule, regula-
20 tion, guideline, policy, and other Federal
21 activity implemented by each Federal agen-
22 cy related to facial recognition technology.

23 (C) Conduct an international survey of
24 other countries to establish a compendium of at
25 least 10 and not more than 15 countries con-

1 sisting of each country’s national strategy on
2 facial recognition technology to determine where
3 the United States ranks with respect to the de-
4 velopment, promotion, and adoption of facial
5 recognition technology.

6 (D) Conduct a survey of the marketplace
7 and supply chain of facial recognition tech-
8 nology to—

9 (i) assess the severity of risks posed
10 to such marketplace and supply chain;

11 (ii) review the ability of foreign gov-
12 ernments or third parties to exploit such
13 supply chain in a manner that raises risks
14 to the economic and national security of
15 the United States; and

16 (iii) identify emerging risks and long-
17 term trends in such marketplace and sup-
18 ply chain.

19 (E) Identify potential concrete harms to
20 individuals related to the use of facial recogni-
21 tion technology.

22 (F) Identify any Secretary and Commis-
23 sion action related to facial recognition tech-
24 nology.

1 (b) REPORT TO CONGRESS.—Not later than 6
2 months after the completion of the study required pursu-
3 ant to subsection (a), the Secretary and the Commission,
4 in coordination with the head of any other appropriate
5 Federal agency, shall submit to the Committee on Energy
6 and Commerce of the House of Representatives and the
7 Committee on Commerce, Science, and Transportation of
8 the Senate a report that contains—

9 (1) the results of the study conducted under
10 subsection (a); and

11 (2) recommendations to—

12 (A) address any duplicative Federal rule,
13 regulation, guideline, policy, and other Federal
14 activity acting as a barrier to the development
15 and adoption of facial recognition technology;

16 (B) develop and implement a comprehen-
17 sive plan to promote the growth of the develop-
18 ment and adoption of facial recognition tech-
19 nology;

20 (C) develop policies that States can adopt
21 to encourage the development and adoption of
22 facial recognition technology;

23 (D) develop a national strategy to advance
24 the position in the world of business sectors in

1 the United States on the development and
2 adoption of facial recognition technology;

3 (E) develop strategies to mitigate current
4 and emerging risks to the marketplace and sup-
5 ply chain of facial recognition technology; and

6 (F) develop legislation to accomplish such
7 recommendations.

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