

117TH CONGRESS
2D SESSION

S. 3668

To amend the Internal Revenue Code of 1986 to prohibit the Internal Revenue Service from using biometric recognition technology, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2022

Mr. MERKLEY (for himself and Mr. BLUNT) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to prohibit the Internal Revenue Service from using biometric 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 “No Facial Recognition
5 at the IRS Act”.

1 **SEC. 2. PROHIBITION ON USE OF BIOMETRIC RECOGNITION**
 2 **TECHNOLOGY BY INTERNAL REVENUE SERV-**
 3 **ICE.**

4 (a) IN GENERAL.—Chapter 77 of the Internal Rev-
 5 enue Code of 1986 is amended by adding at the end the
 6 following new section:

7 **“SEC. 7531. PROHIBITION ON USE OF BIOMETRIC RECOGNI-**
 8 **TION TECHNOLOGY.**

9 “(a) IN GENERAL.—Except as otherwise provided by
 10 law, the Secretary may not use, or contract to use, biomet-
 11 ric recognition technology for purposes of the administra-
 12 tion of this title.

13 “(b) BIOMETRIC.—For purposes of this section, the
 14 term ‘biometric recognition technology’ means any tech-
 15 nology that measures a biological (anatomical and physio-
 16 logical) or behavioral characteristic for automated recogni-
 17 tion.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 for chapter 77 of the Internal Revenue Code of 1986 is
 20 amended by adding at the end the following new item:

“Sec. 7531. Prohibition on use of biometric recognition technology.”.

21 (c) EFFECTIVE DATE.—The amendments made by
 22 this section shall apply to filings and transactions in tax-
 23 able years ending on or after December 31, 2021.

24 (d) DISPOSAL OF COLLECTED INFORMATION.—

1 (1) IN GENERAL.—Not later than 60 days after
2 the date of the enactment of this Act, the Secretary
3 of the Treasury (or such Secretary’s delegate) shall
4 ensure that all biometric data collected for purposes
5 of tax administration by the Internal Revenue Service
6 or any party contracting with the Internal Revenue
7 Service has been deleted.

8 (2) REPORT.—

9 (A) IN GENERAL.—Not later than 60 days
10 after the date of the enactment of this Act, the
11 Secretary of the Treasury (or such Secretary’s
12 delegate) shall submit to the appropriate congressional
13 committees a report on the deletion
14 of the data described in paragraph (1).

15 (B) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of subparagraph (A),
16 the term “appropriate congressional committees” means—
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19 (i) the Committee on Finance of the
20 Senate;

21 (ii) the Committee on Ways and
22 Means of the House of Representatives;

23 (iii) the Committee on Appropriations
24 of the Senate; and

- 1 (iv) the Committee on Appropriations
- 2 of the House of Representatives.

