

118TH CONGRESS
1ST SESSION

S. 3361

To prohibit the use of facial recognition technology in airports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2023

Mr. MERKLEY (for himself, Mr. KENNEDY, Mr. MARKEY, Mr. MARSHALL, Mr. SANDERS, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prohibit the use of facial recognition technology in airports, 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 “Traveler Privacy Pro-
5 tection Act of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATION.—The term “Administra-
2 tion” means the Transportation Security Adminis-
3 tration.

4 (2) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Transpor-
6 tation Security Administration.

7 (3) AIRPORT.—The term “airport” has the
8 meaning given such term in section 47102 of title
9 49, United States Code.

10 **SEC. 3. PROHIBITION ON USE OF FACIAL RECOGNITION**
11 **TECHNOLOGY.**

12 (a) IN GENERAL.—The Administrator may not, for
13 any purpose, use facial recognition technology or facial
14 matching software in any airport unless such use is ex-
15 pressly authorized by an Act of Congress enacted after
16 the date of the enactment of this Act.

17 (b) DISPOSAL OF FACIAL BIOMETRICS.—Not later
18 than 90 days after the date of the enactment of this Act,
19 the Administrator shall dispose of any facial biometric in-
20 formation, including images and videos, obtained through
21 facial recognition technology or facial matching software
22 of the Administration.

1 **SEC. 4. AMENDMENTS TO AVIATION AND TRANSPORTATION**
2 **SECURITY ACT.**

3 The Aviation and Transportation Security Act (Pub-
4 lic Law 107–71; 115 Stat. 597) is amended—

5 (1) in section 109 (49 U.S.C. 114 note)—

6 (A) in paragraph 6, by inserting “, exclud-
7 ing facial recognition technology or facial
8 matching software” after “imprints”; and

9 (B) in paragraph 7, by inserting “, exclud-
10 ing facial recognition technology or facial
11 matching software,” after “technologies”; and

12 (2) in section 137(d)(3) (49 U.S.C. 44912
13 note), by inserting “, excluding facial recognition
14 technology or facial matching software,” after “bio-
15 metrics”.

16 **SEC. 5. ADDITIONAL MODIFICATIONS WITH RESPECT TO**
17 **AIR TRANSPORTATION SECURITY.**

18 Section 44903 of title 49, United States Code, is
19 amended—

20 (1) in subsection (c)(3), by inserting “, exclud-
21 ing facial recognition technology or facial matching
22 software,” after “other technology”;

23 (2) in subsection (g)(2)(G), by inserting “, ex-
24 cluding facial recognition technology or facial match-
25 ing software,” after “technologies”; and

- 1 (3) in subsection (h)(4)(E), by inserting “, ex-
- 2 cluding facial recognition technology or facial match-
- 3 ing software,” after “technology”.

