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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. 4008

To prohibit the use of biometric recognition technology and biometric data analysis in certain federally assisted dwelling units, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. CLARKE of New York introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To prohibit the use of biometric recognition technology and biometric data analysis in certain federally assisted dwelling units, 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 Biometric Barriers
5 to Housing Act of 2019”.

1 **SEC. 2. PROHIBITION ON BIOMETRIC IDENTIFICATION**
2 **TECHNOLOGY.**

3 (a) IN GENERAL.—At any time after the expiration
4 of the 6-month period beginning on the date of the enact-
5 ment of this Act, an owner of a covered federally assisted
6 rental dwelling unit—

7 (1) may not use, or authorize the use of, facial
8 recognition technology, facial data analysis, physical
9 biometric recognition technology, remote biometric
10 recognition technology, or biometric data analysis in
11 such dwelling unit or in any building or grounds
12 containing such dwelling unit; and

13 (2) shall permanently delete any data acquired
14 through the previous use of facial recognition tech-
15 nology, facial data analysis, physical biometric rec-
16 ognition technology, remote biometric recognition
17 technology, or biometric analysis in such dwelling
18 unit or in any building or grounds containing such
19 dwelling unit and notify any resident about which
20 data was collected.

21 (b) ENFORCEMENT.—The Secretary of Housing and
22 Urban Development shall—

23 (1) provide an appropriate response to any com-
24 plaint concerning noncompliance under this section
25 by any owner of a covered federally assisted dwelling
26 unit; and

1 (2) if the Secretary determines, based on a
2 finding of the Secretary or other information avail-
3 able to the Secretary, that an owner of a covered
4 federally assisted dwelling unit is not complying with
5 this section, take such actions as the Secretary de-
6 termines to be appropriate to ensure such compli-
7 ance.

8 (c) DEFINITIONS.—For the purposes of this Act:

9 (1) ASSISTANCE.—The term “assistance”
10 means any grant, loan, subsidy, contract, cooperative
11 agreement, or other form of financial assistance, but
12 such term does not include the insurance or guar-
13 antee of a loan, mortgage, or pool of loans or mort-
14 gages.

15 (2) BIOMETRIC DATA ANALYSIS.—The term
16 “biometric analysis” means any technique that uses
17 data from physical biometric recognition technology
18 or remote biometric recognition technology to iden-
19 tify an individual.

20 (3) COVERED FEDERALLY ASSISTED RENTAL
21 DWELLING UNIT.—The term “covered federally as-
22 sisted rental dwelling unit” means a residential
23 dwelling unit that is made available for rental and
24 for which assistance is provided, or that is part of

1 a housing project for which assistance is provided,
2 under—

3 (A) the public housing program under the
4 United States Housing Act of 1937 (42 U.S.C.
5 1437 et seq.);

6 (B) the program for supportive housing for
7 persons with disabilities under section 811 of
8 the Cranston-Gonzalez National Affordable
9 Housing Act (42 U.S.C. 8013);

10 (C) the program for supportive housing for
11 the elderly under section 202 of the Housing
12 Act of 1959 (12 U.S.C. 1701q); or

13 (D) the program for project-based rental
14 assistance under section 8 of the United States
15 Housing Act of 1937 (42 U.S.C. 1437f).

16 (4) FACIAL RECOGNITION TECHNOLOGY.—The
17 term “facial recognition technology” means tech-
18 nology which facilitates or otherwise enables an
19 automated or semi-automated process that assists in
20 identifying an individual based on the physical char-
21 acteristics of an individual’s face, or that logs char-
22 acteristics of an individual’s face, head, or body to
23 infer emotion, associations, activities, or the location
24 of an individual.

1 (5) FACIAL DATA ANALYSIS.—The term “facial
2 data analysis” means any technique that uses data
3 from facial recognition technology to identify an in-
4 dividual.

5 (6) OWNER.—The term “owner” means any
6 private person or entity, including a cooperative, an
7 agency of the Federal Government, or a public hous-
8 ing agency, having the legal right to lease or sub-
9 lease dwelling units.

10 (7) PHYSICAL BIOMETRIC RECOGNITION TECH-
11 NOLOGY.—The term “physical biometric recognition
12 technology” means technology which facilitates or
13 otherwise enables an automated or semi-automated
14 process that assists in identifying an individual or
15 capturing information about an individual based on
16 the characteristics of an individual’s DNA, finger-
17 prints, or palmprints.

18 (8) REMOTE BIOMETRIC RECOGNITION TECH-
19 NOLOGY.—The term “remote biometric recognition
20 technology” means technology which facilitates or
21 otherwise enables an automated or semi-automated
22 process that assists in identifying an individual or
23 capturing information about an individual based on
24 the characteristics of an individual’s gait, voice, or
25 other immutable characteristic ascertained from a

1 distance, or that logs such characteristics to infer
2 emotion, associations, activities, or the location of an
3 individual.

4 (9) SECRETARY.—The term “Secretary” means
5 the Secretary of Housing and Urban Development.

6 **SEC. 3. REPORT TO CONGRESS.**

7 Not later than 1 year after the date of enactment
8 of this Act, the Secretary shall submit to the Committee
9 on Financial Services of the House of Representative and
10 the Committee on Banking, Housing, and Urban Affairs
11 of the Senate and make available to the public on the
12 website of the Department, a report that describes—

13 (1) any known usage of facial recognition tech-
14 nology, facial data analysis physical biometric rec-
15 ognition technology, remote biometric recognition
16 technology, or biometric data analysis in any covered
17 federally assisted dwelling unit during the 5 years
18 preceding the date of enactment of this Act;

19 (2) the impact of such technology on the resi-
20 dents of such covered federally assisted rental dwell-
21 ing units;

22 (3) the purpose of installing such technologies
23 in such covered federally assisted rental dwelling
24 units;

1 (4) demographic information about the resi-
2 dents of each covered federally assisted rental dwell-
3 ing unit where such usage occurred;

4 (5) the potential impacts on vulnerable commu-
5 nities of additional usage of facial recognition tech-
6 nology, facial data analysis, physical biometric rec-
7 ognition technology, remote biometric recognition
8 technology, and facial data analysis in covered feder-
9 ally assisted rental dwelling units, including impacts
10 on resident privacy, civil rights, and fair housing;
11 and

12 (6) any academic research on future uses of fa-
13 cial recognition technology, remote biometric rec-
14 ognition technology, and physical biometric recogni-
15 tion technology in federally assisted rental dwelling
16 units, including civil rights impacts.