

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.

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## 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

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## 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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