**[DISCUSSION DRAFT]**

116TH CONGRESS
1ST SESSION

# H. R. ____

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

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## IN THE HOUSE OF REPRESENTATIVES

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

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# A BILL

To prohibit the use of biometric recognition technology 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 1-year period beginning on the date of the enact-

5 ment of this Act, an owner of a covered federally assisted

6 rental dwelling unit, may not use facial recognition tech-

7 nology, physical biometric recognition technology, or re-

8 mote biometric recognition technology in such dwelling

9 unit or in any building or grounds containing such dwell-

10 ing unit.

11 (b) DEFINITIONS.—For the purposes of this Act:

12 (1) ASSISTANCE.—The term "assistance"

13 means any grant, loan, subsidy, contract, cooperative

14 agreement, or other form of financial assistance, but

15 such term does not include the insurance or guar-

16 antee of a loan, mortgage, or pool of loans or mort-

17 gages.

18 (2) COVERED FEDERALLY ASSISTED RENTAL

19 DWELLING UNIT.—The term "covered federally as-

20 sisted rental dwelling unit" means a residential

21 dwelling unit that is made available for rental and

22 for which assistance is provided, or that is part of

23 a housing project for which assistance is provided,

24 under—

1          (A) the public housing program under the

2     United States Housing Act of 1937 (42 U.S.C.

3     1437 et seq.);

4          (B) the program for supportive housing for

5     persons with disabilities under section 811 of

6     the Cranston-Gonzalez National Affordable

7     Housing Act (42 U.S.C. 8013);

8          (C) the program for supportive housing for

9     the elderly under section 202 of the Housing

10     Act of 1959 (12 U.S.C. 1701q); and

11          (D) the program for project-based rental

12     assistance under section 8 of the United States

13     Housing Act of 1937 (42 U.S.C. 1437f).

14     (3) FACIAL RECOGNITION TECHNOLOGY.—The

15 term "facial recognition technology" means tech-

16 nology which facilitates or otherwise enables an

17 automated or semi-automated process that assists in

18 identifying an individual based on the physical char-

19 acteristics of the face of an individual's face, or that

20 logs characteristics of an individual's face, head, or

21 body to infer emotion, associations, activities, or the

22 location of an individual.

23     (4) OWNER.—The term "owner" means any

24 private person or entity, including a cooperative, an

25 agency of the Federal Government, or a public hous-

4

1 ing agency, having the legal right to lease or sub-

2 lease dwelling units.

3 (5) PHYSICAL BIOMETRIC RECOGNITION TECH-

4 NOLOGY.—The term "physical biometric identifica-

5 tion technology" means technology which facilitates

6 or otherwise enables an automated or semi-auto-

7 mated process that assists in identifying an indi-

8 vidual or capturing information about an individual

9 based on the characteristics of an individual's DNA,

10 fingerprints, palmprints, iris, or retina.

11 (6) REMOTE BIOMETRIC RECOGNITION TECH-

12 NOLOGY.—The term "remote biometric identification

13 technology" means technology which facilitates or

14 otherwise enables an automated or semi-automated

15 process that assists in identifying an individual or

16 capturing information about an individual based on

17 the characteristics of an individual's gait, voice, or

18 other immutable characteristic ascertained from a

19 distance, or that logs such characteristics to infer

20 emotion, associations, activities, or the location of an

21 individual.

22 **SEC. 3. REPORT TO CONGRESS.**

23 Not later than 1 year after the date of enactment

24 of this Act, the Secretary of Housing and Urban Develop-

25 ment shall submit to the Committee on Financial Services

1 of the House of Representative and the Committee on

2 Banking, Housing, and Urban Affairs of the Senate and

3 make available to the public on the website of the Depart-

4 ment, a report that describes—

5     (1) any known usage of facial recognition tech-

6   nology, physical biometric recognition technology, or

7   remote biometric recognition technology in any cov-

8   ered federally assisted dwelling unit during the 5

9   years preceding the date of enactment of this Act;

10     (2) the impact of such technology on the resi-

11   dents of such covered federally assisted rental dwell-

12   ing units;

13     (3) the purpose of installing such technologies

14   in such covered federally assisted rental dwelling

15   units;

16     (4) demographic information about the resi-

17   dents of each covered federally assisted rental dwell-

18   ing unit where such usage occurred; and

19     (5) the potential impacts on vulnerable commu-

20   nities of additional usage of facial recognition tech-

21   nology, physical biometric recognition technology, or

22   remote biometric recognition technology in covered

23   federally assisted rental dwelling units, including im-

24   pacts on resident privacy, civil rights, and fair hous-

25   ing.