116TH CONGRESS
1ST SESSION

S. 2689

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2019

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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A BILL

To prohibit the use of biometric recognition technology and biometric analytics in certain federally assisted rental 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".

6 **SEC. 2. PROHIBITION ON BIOMETRIC IDENTIFICATION**

7   **TECHNOLOGY.**

8   (a) IN GENERAL.—On and after the date that is 6

9 months after the date of enactment of this Act, an owner

10 of a covered federally assisted rental dwelling unit may

1 not use, or authorize the use of, facial recognition tech-
2 nology and biometric analytics, physical biometric recogni-
3 tion technology and biometric analytics, or remote biomet-
4 ric recognition technology and biometric analytics in the
5 dwelling unit or in any building or grounds containing the
6 dwelling unit.

7 (b) DEFINITIONS.—In this Act:

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

9 (A) means any grant, loan, subsidy, con-
10 tract, cooperative agreement, or other form of
11 financial assistance; and

12 (B) does not include the insurance or guar-
13 antee of a loan, mortgage, or pool of loans or
14 mortgages.

15 (2) BIOMETRIC ANALYTICS.—The term "bio-
16 metric analytics" means authentication techniques
17 that rely on measurable physical characteristics that
18 can be automatically checked by technical systems.

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

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   (4) FACIAL RECOGNITION TECHNOLOGY.—The

15   term "facial recognition technology" means tech-

16   nology that facilitates or otherwise enables an auto-

17   mated or semi-automated process that assists in

18   identifying an individual based on the physical char-

19   acteristics of the face of an individual, or that logs

20   characteristics of the face, head, or body of an indi-

21   vidual to infer emotion, associations, activities, or

22   the location of an individual.

23   (5) 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-

1   ing agency, having the legal right to lease or sub-
2   lease dwelling units.

3   (6) PHYSICAL BIOMETRIC RECOGNITION TECH-
4   NOLOGY.—The term "physical biometric recognition
5   technology" means technology that facilitates or oth-
6   erwise enables an automated or semi-automated
7   process that assists in identifying an individual or
8   capturing information about an individual based on
9   the characteristics of the DNA, fingerprints, palm-
10   prints, iris, or retina of an individual.

11   (7) REMOTE BIOMETRIC RECOGNITION TECH-
12   NOLOGY.—The term "remote biometric recognition
13   technology" means technology that facilitates or oth-
14   erwise 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 the gait, voice, or other immu-
18   table characteristic of an individual ascertained from
19   a distance, or that logs those 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 Banking, Housing,

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and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and make available to the public on the website of the Department of Housing and Urban Development, a report that describes—

(1) any known usage of facial recognition technology and biometric analytics, physical biometric recognition technology and biometric analytics, or remote biometric recognition technology and biometric analytics in any covered federally assisted rental dwelling unit during the 5 years preceding the date of enactment of this Act;

(2) the impact of those technologies and biometric analytics on the residents of those covered federally assisted rental dwelling units;

(3) the purpose of installing those technologies and biometric analytics in those covered federally assisted rental dwelling units;

(4) demographic information about the residents of each covered federally assisted rental dwelling unit where the usage of those technologies and biometric analytics occurred; and

(5) the potential impacts on vulnerable communities of additional usage of facial recognition technology and biometric analytics, physical biometric

1   recognition technology and biometric analytics, or re-

2   mote biometric recognition technology and biometric

3   analytics in covered federally assisted rental dwelling

4   units, including impacts on resident privacy, civil

5   rights, and fair housing.

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