

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

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,

1 and Urban Affairs of the Senate and the Committee on
2 Financial Services of the House of Representatives, and
3 make available to the public on the website of the Depart-
4 ment of Housing and Urban Development, a report that
5 describes—

6 (1) any known usage of facial recognition tech-
7 nology and biometric analytics, physical biometric
8 recognition technology and biometric analytics, or re-
9 mote biometric recognition technology and biometric
10 analytics in any covered federally assisted rental
11 dwelling unit during the 5 years preceding the date
12 of enactment of this Act;

13 (2) the impact of those technologies and bio-
14 metric analytics on the residents of those covered
15 federally assisted rental dwelling units;

16 (3) the purpose of installing those technologies
17 and biometric analytics in those covered federally as-
18 sisted rental dwelling units;

19 (4) demographic information about the resi-
20 dents of each covered federally assisted rental dwell-
21 ing unit where the usage of those technologies and
22 biometric analytics occurred; and

23 (5) the potential impacts on vulnerable commu-
24 nities of additional usage of facial recognition tech-
25 nology 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.

