To prohibit the use of facial recognition technology in airports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Merkley (for himself and Mr. Kennedy) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To prohibit the use of facial recognition technology in airports, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,  

SECTION 1. SHORT TITLE.  

This Act may be cited as the “Traveler Privacy Pro-

tection Act of 2023”.  

SEC. 2. DEFINITIONS.  

In this Act:  

(1) ADMINISTRATION.—The term “Administration” means the Transportation Security Adminis-

tration.
(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Transportation Security Administration.

(3) AIRPORT.—The term “airport” has the meaning given such term in section 47102 of title 49, United States Code.

SEC. 3. PROHIBITION ON USE OF FACIAL RECOGNITION TECHNOLOGY.

(a) IN GENERAL.—The Administrator may not, for any purpose, use facial recognition technology or facial matching software in any airport unless such use is expressly authorized by an Act of Congress enacted after the date of the enactment of this Act.

(b) DISPOSAL OF FACIAL BIOMETRICS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall dispose of any facial biometric information, including images and videos, obtained through facial recognition technology or facial matching software of the Administration.

SEC. 4. AMENDMENTS TO AVIATION AND TRANSPORTATION SECURITY ACT.

The Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597) is amended—

(1) in section 109 (49 U.S.C. 114 note)—
(A) in paragraph 6, by inserting “, excluding facial recognition technology or facial matching software” after “imprints”; and

(B) in paragraph 7, by inserting “, excluding facial recognition technology or facial matching software,” after “technologies”; and

(2) in section 137(d)(3) (49 U.S.C. 44912 note), by inserting “, excluding facial recognition technology or facial matching software,” after “biometrics”.

SEC. 5. ADDITIONAL MODIFICATIONS WITH RESPECT TO AIR TRANSPORTATION SECURITY.

Section 44903 of title 49, United States Code, is amended—

(1) in subsection (c)(3), by inserting “, excluding facial recognition technology or facial matching software,” after “other technology”;

(2) in subsection (g)(2)(G), by inserting “, excluding facial recognition technology or facial matching software,” after “technologies”; and

(3) in subsection (h)(4)(E), by inserting “, excluding facial recognition technology or facial matching software,” after “technology”.