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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To prohibit the use of Federal funds for covered camera systems and
associated components, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MASSIE introduced the following bill; which was referred to the Committee
on _____

A BILL

To prohibit the use of Federal funds for covered camera
systems and associated components, 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 “Flock-Off Act”.

5 **SEC. 2. PROHIBITION ON USE OF FEDERAL FUNDS FOR**
6 **COVERED CAMERA SYSTEMS AND ASSOCI-**
7 **ATED COMPONENTS.**

8 (a) PROHIBITION.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, no Federal funds may be obligated
3 or expended, directly or indirectly, by the head of
4 any Government agency or by any recipient or sub-
5 recipient of Federal funds (including any State,
6 local, or Tribal government) to do any of the fol-
7 lowing:

8 (A) Purchase, lease, acquire, install, de-
9 ploy, maintain, repair, replace, upgrade, or op-
10 erate a covered camera system or any associ-
11 ated component.

12 (B) Enter into, renew, extend, modify, ad-
13 minister, or make a payment under any con-
14 tract, subscription, license, memorandum of un-
15 derstanding, data-sharing agreement, coopera-
16 tive agreement, or other similar arrangement
17 for any of the following:

18 (i) The installation, maintenance, op-
19 eration, or management of a covered cam-
20 era system or any associated component.

21 (ii) Access to—

22 (I) a covered camera system or
23 any associated component; or

24 (II) any data collected, gen-
25 erated, processed, retained, trans-

1 mitted, or otherwise made available
2 through a covered camera system or
3 any associated component.

4 (iii) Hardware, software, cloud stor-
5 age, network connectivity, technical sup-
6 port, data analysis, system integration, or
7 any other product or service used in con-
8 nection with a covered camera system or
9 any associated component.

10 (C) Reimburse, subsidize, offset, or other-
11 wise financially support, in whole or in part, an
12 expenditure with respect to an action or ar-
13 rangement described in subparagraph (A) or
14 (B), respectively.

15 (2) EXISTING COVERED CAMERA SYSTEMS AND
16 ASSOCIATED COMPONENTS.—

17 (A) GOVERNMENT AGENCIES.—Not later
18 than 180 days after the date of the enactment
19 of this Act, the head of each Government agen-
20 cy shall decommission and remove any covered
21 camera system and any associated component
22 purchased, leased, installed, deployed, main-
23 tained, or operated, in whole or in part, with
24 Federal funds.

1 (B) RECIPIENTS AND SUBRECIPIENTS.—

2 Not later than 180 days after the date of the
3 enactment of this Act, as a condition of con-
4 tinuing to receive Federal funds under the rel-
5 evant Federal program, each recipient and sub-
6 recipient shall—

7 (i) cease operating any covered cam-
8 era system and any associated component
9 that the recipient or subrecipient has oper-
10 ated, in whole or in part, using Federal
11 funds that the recipient or subrecipient re-
12 ceived under a Federal program; and

13 (ii) terminate, or decline to renew or
14 extend, any arrangement described in
15 paragraph (1)(B) to which the recipient or
16 subrecipient is a party that is funded, in
17 whole or in part, under such Federal pro-
18 gram.

19 (C) RECOVERY OF FEDERAL FUNDS.—If a
20 recipient or subrecipient obligates or expends
21 Federal funds that the recipient or subrecipient
22 received under a Federal program in violation
23 of paragraph (1), the head of the Government
24 agency that provided such Federal funds to the
25 recipient or subrecipient shall withhold further

1 Federal funds under such Federal program
2 from the recipient or subrecipient until the re-
3 cipient or subrecipient reimburses the Treasury
4 of the United States for the full amount of
5 Federal funds obligated or expended in violation
6 of such paragraph.

7 (b) EXCEPTIONS.—

8 (1) BORDER EXCEPTION.—Subsection (a) does
9 not apply to any covered camera system or any asso-
10 ciated component that—

11 (A) is installed and operated within 1 mile
12 of the northern border or the southern border;

13 (B) is owned or operated by U.S. Customs
14 and Border Protection or by another Federal
15 law enforcement agency or local law enforce-
16 ment authority pursuant to a written agreement
17 with U.S. Customs and Border Protection; and

18 (C) is used primarily for border security or
19 for the detection or interdiction of unlawful
20 entry, human trafficking, drug trafficking, alien
21 smuggling, or transnational criminal activity.

22 (2) TOLLING EXCEPTION.—Notwithstanding
23 subsection (a), funds made available under section
24 104(b) of title 23, United States Code, may be used

1 for any covered camera system or associated compo-
2 nent if—

3 (A) the only purpose of such use is to col-
4 lect, administer, or enforce a toll; and

5 (B) any data collected from such use is
6 used, accessed, retained, queried, disclosed, or
7 shared only for such purpose.

8 (c) DEFINITIONS.—

9 (1) ASSOCIATED COMPONENT.—The term “as-
10 sociated component”, with respect to a covered cam-
11 era system, includes any hardware, software, algo-
12 rithm, database, communications network, cloud-
13 based service, or data analysis platform of, or used
14 in connection with, such covered camera system to
15 collect, store, process, analyze, compare, query,
16 match, transmit, share, or retrieve data collected or
17 generated by such covered camera system, including
18 biometric data.

19 (2) BIOMETRIC DATA.—The term “biometric
20 data” means any data derived from human physio-
21 logical, biological, or behavioral characteristics that
22 may be used, alone or in combination with other
23 data, to establish or verify the identity of an indi-
24 vidual, including any of the following data:

25 (A) A facial image.

1 (B) A voiceprint.

2 (C) A fingerprint.

3 (D) An iris or a retinal scan.

4 (E) Gait pattern.

5 (3) COVERED CAMERA SYSTEM.—The term
6 “covered camera system” means any fixed, mobile,
7 or portable photographic, video, optical, infrared, bi-
8 ometric, or other electronic device that—

9 (A) automatically captures and processes
10 an image or a recording of a motor vehicle or
11 a license plate of a motor vehicle using machine
12 learning or other automated image-processing
13 technology to—

14 (i) extract license plate numbers,
15 motor vehicle characteristics, or other in-
16 formation from such image or recording;

17 (ii) convert such information into
18 computer-readable data; and

19 (iii) transmit such image, recording,
20 or information to a remote or cloud-based
21 system for storage, analysis, retrieval, or
22 sharing; or

23 (B) automatically captures and processes
24 an image or a recording of an individual using

1 machine learning or other automated image
2 processing technology to—

3 (i) extract biometric data of such indi-
4 vidual from such image or recording;

5 (ii) convert such biometric data into
6 computer-readable data; and

7 (iii) transmit such image, recording,
8 or biometric data to a remote or cloud-
9 based system for storage, analysis, re-
10 trieval, or sharing.

11 (4) FEDERAL PROGRAM; RECIPIENT; SUB-
12 RECIPIENT.—The terms “Federal program”, “recipi-
13 ent”; and “subrecipient” have the meaning given
14 such terms in section 200.1 of title 2, Code of Fed-
15 eral Regulations.

16 (5) GOVERNMENT AGENCY.—The term “Gov-
17 ernment agency” has the meaning given that term
18 in section 4 of the United States Information and
19 Educational Exchange Act of 1948 (22 U.S.C.
20 1433).

21 (6) LOCAL LAW ENFORCEMENT AUTHORITY.—
22 The term “local law enforcement authority” has the
23 meaning given that term in section 921(a) of title
24 18, United States Code.

1 (7) NORTHERN BORDER; SOUTHERN BOR-
2 DER.—The terms “northern border” and “southern
3 border” have the meaning given such terms in sec-
4 tion 602 of the Border Infrastructure and Tech-
5 nology Modernization Act of 2007 (6 U.S.C. 1401).