



(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To prohibit the use of automated license plate reader surveillance systems
by governmental entities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To prohibit the use of automated license plate reader surveil-
lance systems by governmental entities, 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 “Facilitating Liberty
5 and Accountability for Flock Observations Act” or the
6 “FLAFO Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) The Fourth Amendment to the Constitution
2 enshrines the right of the American people to be se-
3 cured against any unreasonable searches and sei-
4 zures.

5 (2) Automated license plate reader technology,
6 including those provided by Flock Safety and other
7 similar enterprises, have expanded from systems ini-
8 tially designed to identify vehicles associated with
9 criminal activity into large-scale surveillance mecha-
10 nisms capable of collecting some of the American
11 people's most sensitive location information.

12 (3) Certain automated license plate reader sys-
13 tems continuously collect information on every vehi-
14 cle traveling on public roads and neighboring private
15 property, to include not just license plate numbers,
16 but vehicle make, model, color, and other distin-
17 guishing characteristics.

18 (4) Such systems incorporate artificial intel-
19 ligence and machine learning to analyze and process
20 such data into an aggregated and centralized form,
21 thus permitting licensed users to reconstruct an in-
22 dividual's movements, associations, and patterns of
23 life without any individualized suspicion. Lacking
24 adequate safeguards, such a surveillance system may
25 assist a government official in abridging certain con-

1 stitutionally-protected rights of the American people,
2 to include visits to places of worship, medical facili-
3 ties, political gatherings, and other personal and
4 sensitive sites.

5 (5) It is evident that such technology en-
6 croaches upon every American’s right against unrea-
7 sonable searches and seizures as guaranteed by the
8 Fourth Amendment, and the right to peaceful as-
9 sembly and free exercise of religion as guaranteed by
10 the First Amendment.

11 (6) In the incredible wisdom of Benjamin
12 Franklin, he is quoted in a 1755 reply to the Penn-
13 sylvania Assembly by warning them that “those who
14 would give up essential Liberty, to purchase a little
15 temporary Safety, deserve neither Liberty nor Safe-
16 ty”. That is as true today as it was in 1755.

17 (7) It is incumbent upon Congress to protect
18 the civil liberties of the American people against any
19 threat thereto and prevent the Federal Government
20 from providing any form of support or authorization
21 for activities that violate the Constitution.

22 **SEC. 3. PROHIBITION ON NETWORKED SURVEILLANCE.**

23 (a) IN GENERAL.—Except as provided in this Act,
24 no Federal agency may—

1 (1) purchase, lease, operate, or access a covered
2 system;

3 (2) request that another governmental, public,
4 or private entity provide information from a covered
5 system; or

6 (3) provide information to a covered system.

7 (b) WARRANT REQUIREMENT.—

8 (1) IN GENERAL.—A Federal agency may only
9 access information from a covered system or make
10 a request described in subsection (a)(2) if the agen-
11 cy obtains a warrant, except as provided in para-
12 graph (2).

13 (2) EXCEPTION.—A Federal agency may access
14 information from a covered system or make a re-
15 quest described in subsection (a)(2) without a war-
16 rant only if the head of the agency determines that
17 such information is reasonably necessary to—

18 (A) locate a missing or endangered person;

19 (B) respond to an imminent threat of
20 death, serious bodily injury, kidnapping, or
21 other emergency involving an immediate danger
22 to a person; or

23 (C) conduct an investigation involving a
24 person believed to be associated with terrorism,

1 espionage, sabotage, or an agent of a foreign
2 power.

3 (c) PENALTIES.—

4 (1) CRIMINAL PENALTIES.—Any officer or em-
5 ployee of the Federal Government who knowingly
6 violates this section shall be imprisoned for not more
7 than 5 years, fined under title 18, United States
8 Code, or both.

9 (2) CIVIL PENALTY.—Any officer or employee
10 of the Federal Government who knowingly violates
11 this section shall be subject to a civil penalty in an
12 amount not more than \$100,000.

13 (3) PRIVATE RIGHT OF ACTION.—Any person
14 aggrieved by a violation of this section may bring a
15 civil action in an appropriate United States district
16 court against an officer or employee of the Federal
17 Government who knowingly violated this section or
18 against the United States and may recover damages,
19 attorney's fees and costs, and declaratory or injunc-
20 tive relief as appropriately determined by such court.
21 In any action under this paragraph, sovereign immu-
22 nity or qualified immunity may not be raised as a
23 defense.

24 (d) CERTAIN AGENCIES EXCLUDED.—This Act does
25 not apply to any of the following:

1 (1) The United States Secret Service, to the ex-
2 tent such agency is conducting activities related to
3 their duties under section 3056 of title 18, United
4 States Code..

5 (2) U.S. Customs and Border Protection, to the
6 extent such agency is conducting activities related
7 to—

8 (A) border security;

9 (B) immigration or customs enforcement;

10 (C) operations at a port of entry or any
11 other checkpoint of U.S. Customs and Border
12 Protection; or

13 (D) the detection, interdiction, or inves-
14 tigation of human smuggling, narcotics traf-
15 ficking, or other cross-border criminal activity.

16 (3) The Department of Defense, the Depart-
17 ment of Homeland Security, or the Department of
18 Energy, to the extent such a agency is conducting
19 an operation in connection with a military or Coast
20 Guard installation, nuclear facility, or other national
21 security facility under the jurisdiction of such De-
22 partment, for—

23 (A) installation access control;

24 (B) force protection;

25 (C) physical security;

- 1 (D) counterespionage;
- 2 (E) counterintelligence; or
- 3 (F) counterterrorism operations.

4 (4) The sharing of any information between an
5 agency described in paragraphs (1) through (3) and
6 any other Federal agency, for the purpose of con-
7 ducting an activity or operation in any such para-
8 graph.

9 **SEC. 4. PROHIBITION ON PROVIDING LAW ENFORCEMENT**
10 **ACCESS.**

11 (a) **CRIMINAL PENALTY.**—Whoever, being the oper-
12 ator of a covered system, in or affecting interstate or for-
13 eign commerce, knowingly provides a Federal agency with
14 access to a covered system, or with any information ob-
15 tained pursuant to a covered system, except in accordance
16 with this Act, shall be imprisoned not more than 5 years,
17 fined under title 18, United States Code, or both.

18 (b) **CIVIL PENALTY.**—Whoever violates subsection
19 (a) shall be subject to a civil penalty in an amount not
20 more than \$100,000.

21 (c) **PRIVATE RIGHT OF ACTION.**—Any person ag-
22 grieved by a violation of this section may bring a civil ac-
23 tion in an appropriate United States district court and
24 may recover damages, attorney's fees and costs, and de-

1 claratory or injunctive relief, as determined appropriate by
2 the court.

3 **SEC. 5. LIMITATION ON FEDERAL FUNDS.**

4 (a) IN GENERAL.—In order to be eligible to receive
5 Federal funds made available by the Department of Jus-
6 tice, a State, unit of local government, or Indian Tribe
7 shall establish and implement requirements that are sub-
8 stantially similar to the requirements under this Act for
9 the agencies of that jurisdiction.

10 (b) CERTIFICATION.—On an annual basis, the Attor-
11 ney General shall certify that a State, unit of local govern-
12 ment, or Indian Tribe is in compliance with this section.

13 **SEC. 6. DEFINITIONS.**

14 In this Act:

15 (1) AUTOMATED LICENSE PLATE READER SYS-
16 TEM.—The term “automated license plate reader
17 system” or “ALPR system” means any camera, sen-
18 sor, or associated hardware or software system that
19 automatically captures, records, analyzes, processes,
20 aggregates, or stores a motor vehicle license plate,
21 image, location, date, time, or other identifying vehi-
22 cle information or characteristic.

23 (2) COVERED SYSTEM.—The term “covered sys-
24 tem” means an ALPR system that—

1 (A) stores or transmits vehicle-location in-
2 formation in a centralized, networked, or multi-
3 or cross-jurisdictional database;

4 (B) permits users to search historical vehi-
5 cle-location information across jurisdictions; or

6 (C) uses artificial intelligence or machine
7 learning to identify, classify, track, or search
8 for vehicles based on characteristics other than
9 a complete or partial license plate number.