

Comparison of Bills Addressing the Main Mechanisms of Automatic License-Plate Readers (ALPRs)

Bill name/number	Bans federal funds for ALPRs	Ban on federal agencies using ALPRs	Warrant requirement for ALPR data	Retention limit	Transparency requirements	Enforcement mechanisms	Preemption of state and local laws
Protection Against Mass Surveillance Act (HR 9800, Rep. Burchett)	Yes ¹	Yes	No	30 days	none	Inadmissibility of evidence	none
PRIVACY Act (HR 9716, Rep. Self)	Yes ²	No ³	Yes	30 days ⁴	Yes	Private right of action, administrative sanctions, inadmissibility of evidence	none

¹ The ban also covers facial-recognition and biometric-identification technology.

² The funding ban exempts systems used for tolling, school violence-prevention programs and portable systems — like those mounted on police vehicles — that law enforcement uses when a warrant has been issued.

³ Federal agencies must get a warrant to access the data from ALPRs and other surveillance technologies. Also includes a no-retaliation provision that bans the use of surveillance data to track someone based on the exercise of their First Amendment rights.

⁴ This limit can be extended to 90 days with court authorization — or as long as necessary for use as evidence in an ongoing prosecution.

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The Surveillance Accountability Act (HR 8470, Rep. Boebert)	No	No	Yes ⁵	No	none	Private right of action	none
Ban Flock Act (HR 10691, Rep. Ocasio-Cortez)	Yes ⁶	Yes ⁷	Yes	48 hours ⁸	Yes	Private right of action, inadmissibility of evidence, civil and administrative penalties	none

⁵ This requires the government to get a warrant to access any data, metadata or personal information a third party holds.

⁶ In addition to prohibiting federal funds from being used for ALPRs, the ban also prohibits federal agencies from administering funds to states and local governments unless those jurisdictions have policies prohibiting the use of ALPRs.

⁷ There are exceptions to the prohibition for the purposes of tolling.

⁸ No later than 48 hours after toll payment has been completed, and no later than 30 days after a disputed toll charge or administrative or judicial proceeding.

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Get the Flock Out of Our Communities Act (HR 10807, Rep. Tlaib)	Yes ⁹	Yes	No	7 days ¹⁰	none	Inadmissibility of evidence	none ¹¹
No FLOCK Act (HR 10366, Rep. Krishnamoorthi)	No ¹²	No	No	No	none	none	none

⁹ The ban includes automated mass surveillance systems like ALPRs, biometric and facial-recognition technology and data derived from those systems. It also requires entities that acquired these systems with federal funds to remove them within 30 days of the law's enactment.

¹⁰ This requires agencies, states and local government entities to permanently delete data from automated mass surveillance systems seven days after the law's enactment.

¹¹ This requires states to certify in applications to specified grant programs that the receiving entity will not maintain, access, operate or lease automated mass surveillance systems or information gathered from such systems.

¹² Withholds 10 percent of transportation funding from states that don't have laws restricting ALPR use for limited purposes.

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FLAFO Act (HR 10606, Rep. Steube)	No ¹³	Yes ¹⁴	Yes ¹⁵	none	none	Criminal and civil penalties, private right of action	none
Flock-Off Act (HR 10221, Rep. Massie)	Yes ¹⁶	Yes ¹⁷	No	none	none	Withholding of federal funds	none

¹³ Conditions states' eligibility for federal funds on the implementation of requirements similar to those in the bill.

¹⁴ Agencies including the Secret Service, Customs and Border Patrol, and the Department of Homeland Security are exempted; the law allows exempted agencies to share information with any other federal agency for specific purposes.

¹⁵ Exceptions to the warrant requirement include searches for a missing person, responses to threats of imminent harm or investigations of suspected terrorism.

¹⁶ This requires the removal of ALPR systems acquired with any federal funds within 180 days of the law's enactment; it also conditions continued receipt of federal funds on recipients discontinuing ALPRs use within 180 days of enactment.

¹⁷ The bill exempts ALPRs that are within one mile of the United States' northern and southern borders — as well as those that are operated by CBP or a federal or local law-enforcement agency for border security, immigration enforcement, drug enforcement and tolling.

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