

111TH CONGRESS
1ST SESSION

H. R. 2027

To amend title 49, United States Code, to establish limitations on the use of whole-body imaging technology for aircraft passenger screening, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2009

Mr. CHAFFETZ introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 49, United States Code, to establish limitations on the use of whole-body imaging technology for aircraft passenger screening, 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 “Aircraft Passenger
5 Whole-Body Imaging Limitations Act of 2009”.

1 **SEC. 2. LIMITATIONS ON USE OF WHOLE-BODY IMAGING**
2 **TECHNOLOGY FOR AIRCRAFT PASSENGER**
3 **SCREENING.**

4 Section 44901 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(1) LIMITATIONS ON USE OF WHOLE-BODY IMAG-
7 ING TECHNOLOGY FOR SCREENING PASSENGERS.—

8 “(1) IN GENERAL.—The Assistant Secretary of
9 Homeland Security (Transportation Security Admin-
10 istration) shall ensure that whole-body imaging tech-
11 nology is used for the screening of passengers under
12 this section only in accordance with this subsection.

13 “(2) PROHIBITION ON USE FOR ROUTINE
14 SCREENING.—Whole-body imaging technology may
15 not be used as the sole or primary method of screen-
16 ing a passenger under this section. Whole-body im-
17 aging technology may not be used to screen a pas-
18 senger under this section unless another method of
19 screening, such as metal detection, demonstrates
20 cause for preventing such passenger from boarding
21 an aircraft.

22 “(3) PROVISION OF INFORMATION.—A pas-
23 senger for whom screening by whole-body imaging
24 technology is permissible under paragraph (2) shall
25 be provided information on the operation of such
26 technology, on the image generated by such tech-

1 nology, on privacy policies relating to such tech-
2 nology, and on the right to request a pat-down
3 search under paragraph (4) prior to the utilization
4 of such technology with respect to such passenger.

5 “(4) PAT-DOWN SEARCH OPTION.—A passenger
6 for whom screening by whole-body imaging tech-
7 nology is permissible under paragraph (2) shall be
8 offered a pat-down search in lieu of such screening.

9 “(5) PROHIBITION ON USE OF IMAGES.—An
10 image of a passenger generated by whole-body imag-
11 ing technology may not be stored, transferred,
12 shared, or copied in any form after the boarding de-
13 termination with respect to such passenger is made.

14 “(6) REPORT.—Not later than one year after
15 the date of enactment of this section, and annually
16 thereafter, the Assistant Secretary shall submit to
17 Congress a report containing information on the im-
18 plementation of this subsection, on the number of
19 passengers for whom screening by whole-body imag-
20 ing technology was permissible under paragraph (2)
21 as a percentage of all screened passengers, on the
22 number of passengers who chose a pat-down search
23 when presented the offer under paragraph (4) as a
24 percentage of all passengers presented such offer, on
25 privacy protection measures taken with respect to

1 whole-body imaging technology, on privacy violations
2 that occurred with respect to such technology, and
3 on the effectiveness of such technology.

4 “(7) DEFINITIONS.—In this subsection, the fol-
5 lowing definitions apply:

6 “(A) PAT-DOWN SEARCH.—The term ‘pat-
7 down search’ means a physical inspection of the
8 body of an aircraft passenger conducted in ac-
9 cordance with the Transportation Security Ad-
10 ministration’s standard operating procedure as
11 described in the Transportation Security Ad-
12 ministration’s official training manual.

13 “(B) WHOLE-BODY IMAGING TECH-
14 NOLOGY.—The term ‘whole-body imaging tech-
15 nology’ means a device, including a device using
16 backscatter x-rays or millimeter waves, used to
17 detect objects carried on individuals and that
18 creates a visual image of the individual’s full
19 body, showing the surface of the skin and re-
20 vealing objects that are on the body.”.

21 **SEC. 3. PENALTY RELATING TO VIOLATION OF PROHIBI-**
22 **TION ON IMAGE STORING.**

23 (a) IN GENERAL.—Chapter 93 of title 18, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 1925. Misuse of certain images relating to aircraft**
2 **passenger screening**

3 “Whoever, being an officer or employee of the United
4 States, knowingly stores, transfers, shares, or copies an
5 image in violation of section 44901(l)(5) of title 49,
6 United States Code, shall be fined under this title or im-
7 prisoned not more than three years, or both.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 93 of title 18, United States
10 Code, is amended by adding at the end the following:

“1925. Misuse of certain images relating to aircraft passenger screening.”.

11 **SEC. 4. EFFECTIVE DATE.**

12 Sections 2 and 3 of this Act shall take effect on the
13 date that is 30 days after the date of enactment of this
14 Act.

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