

107TH CONGRESS
1ST SESSION

H. R. 1996

To prohibit racial or other discriminatory profiling relating to detentions and searches of travelers by the United States Customs Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2001

Mr. LEWIS of Georgia (for himself, Mr. HOUGHTON, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Ms. CARSON of Indiana, Mr. COYNE, Mr. CUMMINGS, Mr. DINGELL, Mr. FROST, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. KILPATRICK, Ms. LEE, Mr. McDERMOTT, Ms. McKINNEY, Mr. McNULTY, Mrs. MINK of Hawaii, Mr. RAHALL, Ms. RIVERS, Ms. SCHAKOWSKY, Mr. SCOTT, Mr. THOMPSON of Mississippi, Mr. TIERNEY, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To prohibit racial or other discriminatory profiling relating to detentions and searches of travelers by the United States Customs Service, 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 “Civil Rights for Inter-
5 national Travelers Act”.

1 **SEC. 2. PROHIBITION ON RACIAL OR OTHER DISCRIMINA-**
2 **TORY PROFILING BY THE UNITED STATES**
3 **CUSTOMS SERVICE.**

4 United States Customs Service inspectors or other of-
5 ficials shall not subject travelers to detention, pat down
6 searches, intrusive nonroutine searches, or similar inves-
7 tigative actions, based in whole or in part on the actual
8 or perceived race, religion, gender, national origin, or sex-
9 ual orientation of the traveler, except when such inspectors
10 or officials are acting upon specific information that a par-
11 ticular traveler suspected of engaging in specific illegal ac-
12 tivity is described by 1 or more of such characteristics.

13 **SEC. 3. PERIODIC TRAINING OF UNITED STATES CUSTOMS**
14 **SERVICE PERSONNEL.**

15 The Commissioner of the United States Customs
16 Service shall require all Customs Service inspectors and
17 other similar officials in the Customs Service to undergo
18 on a periodic basis training on the procedures for deten-
19 tions and searches of travelers, with particular emphasis
20 on the prohibition on profiling (as described in section 2)
21 of travelers based on race, religion, gender, national ori-
22 gin, or sexual orientation.

1 **SEC. 4. ANNUAL STUDY AND REPORT ON DETENTIONS AND**
2 **SEARCHES OF TRAVELERS BY THE UNITED**
3 **STATES CUSTOMS SERVICE.**

4 (a) STUDY.—The Commissioner of the United States
5 Customs Service shall conduct an annual study on deten-
6 tions and searches of travelers by the Customs Service
7 during the prior year. The study shall include the number
8 of searches of travelers by the Customs Service, the race,
9 gender, and national origin of the travelers subject to the
10 searches, the type of searches conducted (including but
11 not limited to pat down searches and intrusive nonroutine
12 searches), and the results of the searches.

13 (b) REPORT.—Not later than March 31 of each year,
14 the Commissioner of the Customs Service shall submit to
15 the Congress an annual report containing the results of
16 the study conducted under subsection (a) for the prior
17 year.

18 **SEC. 5. DEFINITIONS.**

19 In this Act:

20 (1) INTRUSIVE NONROUTINE SEARCH.—The
21 term “intrusive nonroutine search” means any of the
22 following actions taken to detect or remove contra-
23 band from the traveler:

24 (A) A search involving the removal of some
25 of a person’s clothing in the search for mer-
26 chandise hidden on a person’s body, but not in-

cluding removal of a person's coat, shoes, belt,
or pocket contents (commonly referred to as a
“strip search”).

(B) A search involving use of a medical x-ray to determine the presence of merchandise within the body, or of other x-ray technology to determine the presence of merchandise on the body (commonly referred to as an “x-ray search” or a “body scan search”).

(C) Any visual or physical intrusion into the rectal or vaginal cavity (commonly referred to as a “body cavity search”).

(D) Any action to require the traveler to take a laxative or other similar drug.

(E) A monitored bowel movement.

(F) A surgical procedure.

(G) Any similar or related action to an action described in any of subparagraphs (A) through (F).

(2) PAT DOWN SEARCH.—The term “pat down search”—

(A) means a search that involves physical contact with the traveler's body or clothing taken to detect or remove contraband from the traveler; but

1 (B) does not include any of the actions de-
2 scribed in subparagraphs (A) through (F) of
3 paragraph (1).

4 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There are authorized to be appro-
6 priated for fiscal 2002 and each subsequent fiscal year
7 such sums as may be necessary to carry out this Act.

8 (b) AVAILABILITY.—Amounts appropriated pursuant
9 to the authorization of appropriation under subsection (a)
10 are authorized to remain available until expended.

○