

115TH CONGRESS
2D SESSION

H. R. 6659

To improve the screening of transgender persons at airport security checkpoints, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 2018

Miss RICE of New York (for herself, Mrs. WATSON COLEMAN, Mr. GRIJALVA, Ms. JACKSON LEE, Ms. NORTON, Mr. SEAN PATRICK MALONEY of New York, Mr. PALLONE, Mr. CRIST, Mr. CICILLINE, Mr. LOWENTHAL, Ms. HANABUSA, Mr. NADLER, Ms. JAYAPAL, Mr. KILMER, Mr. PETERS, and Ms. LEE) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To improve the screening of transgender persons at airport security checkpoints, 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 “Screening With Dig-
5 nity Act of 2018”.

6 **SEC. 2. TSA SCREENING PROCEDURES AND TRAINING.**

7 (a) DEVELOPMENT OF PROCEDURES.—Not later
8 than 60 days after the date of the enactment of this Act,

1 the Administrator shall develop procedures to appro-
2 priately and respectfully screen self-identified transgender
3 passengers. In developing such procedures, the Adminis-
4 trator shall take into consideration the particular needs
5 of persons whose gender identity is different or is per-
6 ceived to be different from their assigned sex at birth and
7 the particular impact of screening on transgender pas-
8 sengers as opposed to the general population of pas-
9 sengers.

10 (b) TRAINING OF TSOs AND IMPLEMENTATION OF
11 PROCEDURES.—Not later than 90 days after the date of
12 the enactment of this Act, the Administrator shall begin
13 conducting in-person training of all Transportation Secu-
14 rity Officers on the screening procedures developed under
15 subsection (a) and shall implement such procedures. Such
16 training shall be designed and, wherever practicable, deliv-
17 ered with the participation of community groups rep-
18 resenting the transgender traveler population.

19 **SEC. 3. PROTECTION OF PASSENGERS.**

20 The Administrator shall take such steps as may be
21 necessary to ensure each of the following with respect to
22 passenger screening:

- 23 (1) The prohibition on human viewing of indi-
24 vidual passenger images.

1 (2) The prohibition on retention of individual
2 passenger image data.

3 (3) That passengers are provided with an alter-
4 native to advanced imaging technology scans.

5 (4) That pat-downs of passengers are required
6 to be conducted by an officer of the gender re-
7 quested by the passenger.

8 (5) That each passenger is provided with the
9 option of a private screening with the witness of the
10 passenger's choice.

11 (6) That passengers are only required to lift or
12 remove clothing exposing sensitive areas of the body
13 or to remove prostheses when no less intrusive
14 screening method is available and the passenger is
15 provided with visual privacy via a drape or other
16 means in a private screening area.

17 (7) The prohibition of profiling or other dis-
18 crimination on the basis of race, color, national ori-
19 gin, sex, religion, age, disability, genetic information,
20 sexual orientation, parental status, or gender iden-
21 tity.

22 **SEC. 4. REPORT ON SCREENING EQUIPMENT.**

23 (a) STUDY.—Not later than 180 days after the date
24 of the enactment of this Act, the Administrator shall con-
25 duct a study on the cost and feasibility of retrofitting ad-

1 vanced image technology screening equipment, or of devel-
2 oping new such equipment, with the capability to distin-
3 guish between foreign objects and human body parts in
4 a manner that is effectively gender neutral or which oper-
5 ates in some other gender neutral manner.

6 (b) REPORT.—Not later than 180 days after the date
7 of the enactment of this Act, the Administrator shall sub-
8 mit to the Committee on Homeland Security of the House
9 of Representatives, the Committee on Commerce, Science,
10 and Transportation of the Senate, and the Comptroller
11 General of the United States a report containing the re-
12 sults of the study conducted under subsection (a).

13 **SEC. 5. REPORT ON ADVANCED IMAGING TECHNOLOGY.**

14 (a) STUDY.—Not later than 180 days after the date
15 of the enactment of this Act, the Administrator shall con-
16 duct a study that evaluates the particular impact that ad-
17 vanced imaging technology has on self-identified
18 transgender and gender nonconforming passengers as op-
19 posed to the general population of passengers. Such study
20 shall include an examination of instances since 2010 in
21 which a self-identified transgender or gender noncon-
22 forming passenger was required to undergo an additional
23 screening procedure after screening with advanced imag-
24 ing technology resulted in an alarm.

1 (b) REPORT.—Not later than 180 days after the date
2 of the enactment of this Act, the Administrator shall sub-
3 mit to the Committee on Homeland Security of the House
4 of Representatives and the Committee on Commerce,
5 Science, and Transportation of the Senate a report con-
6 taining the results of the study conducted under sub-
7 section (a). Such report shall include recommendations to
8 reduce any particular impact of screening on transgender
9 passengers and involve the consultation and input of com-
10 munity groups representing the transgender traveler popu-
11 lation.

12 **SEC. 6. DEFINITIONS.**

13 In this Act:

14 (1) ADMINISTRATOR.—The term “Adminis-
15 trator” means the Administrator of the Transpor-
16 tation Security Administration.

17 (2) ADVANCED IMAGING TECHNOLOGY.—The
18 term “advanced imaging technology” has the mean-
19 ing given the term in section 826(l)(1)(A) of the
20 FAA Modernization and Reform Act of 2012 (49
21 U.S.C. 44901(l)(1)(A)).

22 (3) GENDER IDENTITY.—The term “gender
23 identity” means the gender-related identity, appear-
24 ance, mannerisms, or other gender-related character-

- 1 istics of an individual, regardless of the individual's
- 2 designated sex at birth.

