

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Chaffetz OF Utah, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 2200, AS REPORTED
OFFERED BY MR. CHAFFETZ OF UTAH AND MS.
SHEA-PORTER OF NEW HAMPSHIRE**

In title II, at the end of subtitle A add the following
new section:

1 **SEC. ____ . 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

1 screening, such as metal detection, demonstrates
2 cause for preventing such passenger from boarding
3 an aircraft.

4 “(3) PROVISION OF INFORMATION.—A pas-
5 senger for whom screening by whole-body imaging
6 technology is permissible under paragraph (2) shall
7 be provided information on the operation of such
8 technology, on the image generated by such tech-
9 nology, on privacy policies relating to such tech-
10 nology, and on the right to request a pat-down
11 search under paragraph (4) prior to the utilization
12 of such technology with respect to such passenger.

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

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

22 “(6) REPORT.—Not later than one year after
23 the date of enactment of this section, and annually
24 thereafter, the Assistant Secretary shall submit to
25 Congress a report containing information on the im-

1 plementation of this subsection, on the number of
2 passengers for whom screening by whole-body imag-
3 ing technology was permissible under paragraph (2)
4 as a percentage of all screened passengers, on the
5 number of passengers who chose a pat-down search
6 when presented the offer under paragraph (4) as a
7 percentage of all passengers presented such offer, on
8 privacy protection measures taken with respect to
9 whole-body imaging technology, on privacy violations
10 that occurred with respect to such technology, and
11 on the effectiveness of such technology.

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

14 “(A) PAT-DOWN SEARCH.—The term ‘pat-
15 down search’ means a physical inspection of the
16 body of an aircraft passenger conducted in ac-
17 cordance with the Transportation Security Ad-
18 ministration’s standard operating procedure as
19 described in the Transportation Security Ad-
20 ministration’s official training manual.

21 “(B) WHOLE-BODY IMAGING TECH-
22 NOLOGY.—The term ‘whole-body imaging tech-
23 nology’ means a device, including a device using
24 backscatter x-rays or millimeter waves, used to
25 detect objects carried on individuals and that

1 creates a visual image of the individual's full
2 body, showing the surface of the skin and re-
3 vealing objects that are on the body.”.

