

117TH CONGRESS  
1ST SESSION

# H. R. 4249

To protect the dignity and privacy of transgender and other minority travelers at airport security checkpoints, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2021

Miss RICE of New York (for herself, Mr. PETERS, Ms. NEWMAN, Ms. JAYAPAL, Ms. SCHAKOWSKY, and Ms. WEXTON) introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To protect the dignity and privacy of transgender and other minority travelers 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”.

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

7 (a) DEVELOPMENT OF PROCEDURES.—

8 (1) TRANSGENDER PASSENGERS.—Not later  
9 than 60 days after the date of the enactment of this

1 Act, the Administrator shall develop procedures to  
2 appropriately and respectfully screen self-identified  
3 transgender passengers. In developing such proce-  
4 dures, the Administrator shall take into consider-  
5 ation the particular needs of persons whose gender  
6 identity is different or is perceived to be different  
7 from their assigned sex at birth and the particular  
8 impact of screening on transgender passengers as  
9 opposed to the general population of passengers.

10 (2) PASSENGERS WITH RELIGIOUS HEADWEAR  
11 AND OTHER ARTICLES OF FAITH.—Not later than  
12 60 days after the date of the enactment of this Act,  
13 the Administrator shall develop procedures to appro-  
14 priately and respectfully screen individuals traveling  
15 with religious headwear or other articles of faith. In  
16 developing such procedures, the Administrator shall  
17 take into consideration the particular needs of per-  
18 sons whose religious faith requires traveling with ar-  
19 ticles of faith and the particular impact of screening  
20 on these passengers as opposed to the general popu-  
21 lation of passengers.

22 (b) TRAINING OF TSOs AND IMPLEMENTATION OF  
23 PROCEDURES.—Not later than 90 days after the date of  
24 the enactment of this Act, the Administrator shall begin  
25 conducting in-person training of all Transportation Secu-

1 rity Officers on the screening procedures developed under  
2 subsection (a) and shall implement such procedures. Such  
3 training shall be designed and, wherever practicable, deliv-  
4 ered with the participation of community groups rep-  
5 resenting the relevant traveler populations.

6 **SEC. 3. PROTECTION OF PASSENGERS.**

7 The Administrator shall take such steps as may be  
8 necessary to ensure each of the following with respect to  
9 passenger screening:

10 (1) The prohibition on human viewing of indi-  
11 vidual passenger images.

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

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

16 (4) That pat-downs of passengers are required  
17 to be conducted by an officer of the gender re-  
18 quested by the passenger.

19 (5) That each passenger is provided with the  
20 option of a private screening in an area with a mir-  
21 ror and with the witness of the passenger's choice.

22 (6) That passengers are not required to lift or  
23 remove clothing exposing sensitive areas of the body  
24 or lift or remove religious headwear or to remove  
25 prostheses unless no less intrusive screening method

1 is available and the passenger is provided with visual  
2 privacy via a drape or other means in a private  
3 screening area.

4 (7) That pat-downs or other secondary screen-  
5 ing measures shall be no more intrusive than nec-  
6 essary to resolve an alarm or other concern raised  
7 by primary screening (including consideration of less  
8 intrusive alternatives such as a self pat-down with  
9 explosive trace detection, a limited pat-down, or ca-  
10 nine detection and consideration of the sensitivity of  
11 the groin, chest, and other body areas and the sensi-  
12 tivity of religious articles of faith, including religious  
13 headwear).

14 (8) The prohibition of profiling or other dis-  
15 crimination on the basis of race, color, national ori-  
16 gin, religion, age, disability, genetic information, pa-  
17 rental status, or sex (including on the basis of sexual  
18 orientation or gender identity).

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

20 (a) STUDY.—Not later than 180 days after the date  
21 of the enactment of this Act, the Administrator shall con-  
22 duct a study on the cost and feasibility of retrofitting ad-  
23 vanced image technology screening equipment, or of devel-  
24 oping new such equipment, with the capability to distin-  
25 guish between foreign objects and human body parts (in-

1 cluding hair) in a manner that is effectively gender neutral  
2 or which operates in some other gender neutral manner.

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

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

11 (a) STUDY.—Not later than 180 days after the date  
12 of the enactment of this Act, the Administrator shall con-  
13 duct a study that evaluates the particular impact that ad-  
14 vanced imaging technology has on transgender and gender  
15 nonconforming passengers, passengers whose religious  
16 faith requires them to travel with articles of faith includ-  
17 ing religious headwear, and passengers traveling with as-  
18 sistive devices, as opposed to the general population of  
19 passengers. Such study shall include an examination of in-  
20 stances since 2010 in which a self-identified transgender  
21 or gender nonconforming passenger or a passenger with  
22 religious headwear 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 on racial, ethnic, and religious minorities,  
10 including passengers with religious headwear and other ar-  
11 ticles of faith and involve the consultation and input of  
12 community groups representing the transgender traveler  
13 population and racial, ethnic, and religious minorities.

14 **SEC. 6. NEXT GENERATION PASSENGER SCREENING.**

15 (a) QUALIFICATION.—No later than 1 year after the  
16 date of enactment of this Act, the Administrator shall  
17 identify any policy, procedure, or training changes and  
18 complete any testing, certification, and assessment for  
19 qualifying additional technology (if needed) to ensure that  
20 any advanced imaging technology utilized for passenger  
21 screening, together with any procedures for clearing  
22 alarms by such technology—

23 (1) does not require or provide for designating  
24 passengers by gender for screening;

1           (2) does not utilize passenger gender as a fac-  
2           tor in its detection algorithms;

3           (3) does not generate alarms based only on pas-  
4           sengers' body parts (including hair), undergarments,  
5           or religious headwear;

6           (4) allows for the screening of individuals using  
7           assistive devices such as wheelchairs in a manner no  
8           more intrusive than for other individuals; and

9           (5) reduces physical pat-downs of passengers to  
10          the greatest degree practicable given currently avail-  
11          able screening methods.

12          (b) NOTIFICATION TO CONGRESS.—Not later than 60  
13          days after the completion of the assessment pursuant to  
14          subsection (a), the Administrator shall notify the Com-  
15          mittee on Homeland Security of the House of Representa-  
16          tives and the Committee on Commerce, Science, and  
17          Transportation of the Senate in writing of the results.  
18          This notification shall include—

19                (1) a list of all advanced imaging technologies,  
20                which have the ability to conduct screening without  
21                designating passengers by gender and do not utilize  
22                passenger gender in any detection algorithms, that  
23                qualified;

24                (2) an analysis of false alarm rates and pat-  
25                down rates for the advanced imaging technologies

1 and procedures listed in subsection (b)(1), including  
2 the false alarm rate for transgender and gender non-  
3 conforming passengers, compared to current ad-  
4 vanced imaging technology and procedures deployed  
5 at TSA checkpoints;

6 (3) any plans to procure or open an acquisition  
7 program of record for any advanced imaging tech-  
8 nology listed in subsection (b)(1); and

9 (4) a detailed summary of all policy, procedure,  
10 or training changes adopted or identified pursuant  
11 to subsection (a), and a timeline for implementing  
12 any remaining changes.

13 **SEC. 7. DEFINITIONS.**

14 In this Act:

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

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

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



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

3           (4) PAT-DOWN.—The term “pat-down” means  
4       a physical inspection of a passenger’s body, includ-  
5       ing the inspection of the head, hair, torso, breasts,  
6       groin, buttocks, or other body parts.

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