

112TH CONGRESS
1ST SESSION

H. R. 685

To amend title 18, United States Code, to criminalize the unauthorized recording and distribution of security screening images of individuals created by advanced imaging technology utilized by the Transportation Security Administration or other Federal authority, require the Transportation Security Administration to disable image retention capabilities of advanced imaging technology, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2011

Ms. JACKSON LEE of Texas (for herself, Mr. CUMMINGS, Mr. CHABOT, Mr. POE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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 18, United States Code, to criminalize the unauthorized recording and distribution of security screening images of individuals created by advanced imaging technology utilized by the Transportation Security Administration or other Federal authority, require the Transportation Security Administration to disable image retention capabilities of advanced imaging technology, 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 “Checkpoint Images
 5 Protection Act of 2011”.

6 **SEC. 2. CRIMINAL PENALTY FOR UNAUTHORIZED RECORD-**
 7 **ING OR DISTRIBUTION OF SECURITY**
 8 **SCREENING IMAGES.**

9 (a) IN GENERAL.—Part I of title 18, United States
 10 Code, is amended by adding at the end the following:

11 **“CHAPTER 124—UNAUTHORIZED RECORD-**
 12 **ING OR DISTRIBUTION OF SECURITY**
 13 **SCREENING IMAGES**

“2371. Criminal penalty for unauthorized recording or distribution of security
 screening images.

14 **“§ 2371. Criminal penalty for unauthorized recording**
 15 **or distribution of security screening im-**
 16 **ages**

17 “(a) IN GENERAL.—Except as specifically provided
 18 in subsection (b), it shall be unlawful for an individual—

19 “(1) to knowingly photograph or otherwise
 20 record an image produced using advanced imaging
 21 technology during the screening of an individual at
 22 an airport, or upon entry into any building owned or
 23 operated by the Federal Government, without ex-

1 press authorization pursuant to a Federal law or
2 regulation; or

3 “(2) to knowingly distribute any such image to
4 any individual who is not authorized pursuant to a
5 Federal law or regulation to receive the image.

6 “(b) EXCEPTION.—The prohibition under subsection
7 (a) shall not apply to an individual who, during the course
8 and within the scope of the individual’s employment,
9 records or distributes an image described in subsection (a)
10 solely to be used in a criminal investigation or prosecution
11 or in an investigation relating to foreign intelligence or
12 a threat to the national security.

13 “(c) PENALTY.—An individual who violates the pro-
14 hibition in subsection (a) shall be fined under this title,
15 imprisoned for not more than 1 year, or both.

16 “(d) DEFINITIONS.—In this section:

17 “(1) The term ‘advanced imaging technology’—

18 “(A) means a device that creates a visual
19 image of an individual showing the surface of
20 the skin and revealing other objects on the
21 body; and

22 “(B) include devices using backscatter x-
23 rays or millimeter waves and devices referred to
24 as ‘whole-body imaging technology’ or ‘body
25 scanning’.

1 “(2) The terms ‘foreign intelligence’ and ‘threat
2 to the national security’ have the meanings given
3 those terms in part VII of the guidelines entitled
4 ‘The Attorney General’s Guidelines for Domestic
5 FBI Operations’, dated September 29, 2008, or any
6 successor thereto.”.

7 (b) CLERICAL AMENDMENTS.—The table of chapters
8 for part I of title 18, United States Code, is amended by
9 inserting after the item relating to chapter 123 the fol-
10 lowing:

**“124. Unauthorized recording or distribution of security
screening images 2371”.**

11 **SEC. 3. DISABLING IMAGE RETENTION.**

12 Not later than 30 days after the date of enactment
13 of this Act, the Assistant Secretary, Transportation Secu-
14 rity Administration of the Department of Homeland Secu-
15 rity shall certify to the Committees on Judiciary and
16 Homeland Security of the House of Representatives and
17 the Committees on Judiciary and Commerce, Science, and
18 Transportation of the Senate that, in order to improve air-
19 port security screening processes while ensuring passenger
20 privacy protection, the image retention capabilities of all
21 advanced imaging technology utilized by the Transpor-
22 tation Security Administration to screen passengers at
23 checkpoints in our Nation’s airports have been disabled.

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