

CONCURRENT RESOLUTION ON AIRPORT SECURITY

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This concurrent resolution of the Legislature and the Governor strongly urges the Transportation Security Administration to adopt less invasive but equally effective passenger search procedures.

Highlighted Provisions:

This resolution:

- ▶ strongly urges the Transportation Security Administration to replace the advanced-image technology scanners and pat-down search procedures with less invasive but equally effective procedures;
- ▶ urges that the United States Congress take immediate action to address the serious privacy, constitutional, and safety concerns that are presented by advanced-image technology employed by the Transportation Security Administration employees at the nation's airports, with the aim of ending its use; and
- ▶ urges the United States Congress to exercise a greater degree of oversight of the Transportation Security Administration, including investigation of policies that may violate the privacy rights of law abiding individuals, and a scientific study of the harmful effects of full-body scanning.

Special Clauses:

None



Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, the Transportation Security Administration (TSA) was created by the United States Congress in 2001 to protect the nation's transportation systems to ensure freedom of movement for people and commerce;

WHEREAS, TSA is responsible for security at the nation's airports, including the screening of commercial airline passengers and baggage;

WHEREAS, on multiple occasions, TSA has demonstrated an inability to successfully detect potential threats;

WHEREAS, TSA, on October 28, 2010, began implementing new pat-down procedures that involve a more intrusive, full-body search, during which TSA personnel make inappropriate physical contact with sensitive or private areas of the body;

WHEREAS, TSA is an agency of the federal government charged with protecting the nation's transportation systems to ensure freedom of movement for people and commerce;

WHEREAS, TSA is responsible for screening airline passengers and personnel for weapons, explosives, and other contraband that pose a threat to airport security and is responsible for the safety of the general public;

WHEREAS, current TSA screening policy involves airline passengers passing through advanced-image technology scanners or undergoing a pat-down search administered by TSA employees, or both;

WHEREAS, the advanced-image technology scanners by TSA capture images that depict the shape and outline of a person's full body as it appears underneath the person's clothing;

WHEREAS, these full body scans appear to intrude upon personal privacy rights and may violate the Fourth Amendment of the United States Constitution, which specifically protects citizens from unreasonable searches and seizures;

WHEREAS, the effectiveness of advanced-image technology to detect prohibited substances more reliably than existing technology and security measures has not been sufficiently proven;

WHEREAS, full body scans subject the traveling public to radiation in order to generate the image, the potential health consequences of which have not been fully explored, especially the impact on frequent fliers, flight crews, pregnant women, and children;

59 WHEREAS, finding advanced-image technology scanners to be overly invasive, many
60 airline passengers and personnel choose the option of undergoing a pat-down search;

61 WHEREAS, the new procedures are offensive and humiliating to many individuals on
62 whom they are imposed and are egregious, whether imposed in public or private;

63 WHEREAS, for survivors of physical and sexual abuse, invasive physical searches may
64 cause them to be victimized again;

65 WHEREAS, for individuals with medical conditions, including those with prosthetics,
66 joint replacements, drainage tubes, pacemakers, or other physical evidence related to a medical
67 condition, invasive physical searches may be particularly traumatic and demeaning, may cause
68 physical harm, and may endanger the person's health;

69 WHEREAS, reports have indicated that, in some instances, overzealous TSA
70 employees have carried out the new procedures in a manner sufficiently aggressive to rise to
71 the level of inappropriate invasion of personal privacy from which an individual would
72 ordinarily be protected under the laws of Utah;

73 WHEREAS, travelers who refuse the new screening procedures are not free to proceed
74 beyond security checkpoints to continue their travel;

75 WHEREAS, encouraging travel by ensuring the right of individuals to move about
76 without fear of undue invasions of privacy is essential to preserving a free society, safeguarding
77 the flow of commerce, and promoting and sustaining goodwill among nations; and

78 WHEREAS, the advanced-image technology scanners and new pat-down search
79 procedures may discourage air travel, causing significant economic and personal hardship to
80 Utahns:

81 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
82 Governor concurring therein, strongly urges the Transportation Security Administration to
83 replace pat-down search procedures adopted on October 28, 2010, with less invasive but
84 equally effective procedures.

85 BE IT FURTHER RESOLVED that the Legislature and the Governor urge that the
86 United States Congress take immediate action to address the serious privacy, constitutional,
87 and safety concerns that are presented by advanced-image technology employed by the
88 Transportation Security Administration employees at the nation's airports, with the aim of
89 ending its use.

90 BE IT FURTHER RESOLVED that the Legislature and the Governor urge the United
91 States Congress to exercise a greater degree of oversight of the Transportation Security
92 Administration, including investigation of policies that may violate the privacy rights of law
93 abiding individuals, and a scientific study of the harmful effects of full-body scanning.

94 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
95 United States, the Majority Leader of the United States Senate, the Speaker of the United States
96 House of Representatives, the United States Secretary of Homeland Security, the Administrator
97 of the Transportation Safety Administration, and to the members of Utah's congressional
98 delegation.

Legislative Review Note
as of 2-13-12 1:55 PM

Office of Legislative Research and General Counsel