

1                   **CONCURRENT RESOLUTION ON AIRPORT SECURITY**

2                                   2012 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Ken Ivory**

5                           Senate Sponsor: Mark B. Madsen

---

---

7   **LONG TITLE**

8   **General Description:**

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

12 **Highlighted Provisions:**

13           This resolution:

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

25 **Special Clauses:**

26           None

---

---



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

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

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

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

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

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

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

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

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

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

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

56           WHEREAS, full body scans subject the traveling public to radiation in order to  
57 generate the image, the potential health consequences of which have not been fully explored,  
58 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**