

**STATE OF ALASKA
THE LEGISLATURE**

2011

Source
HCR 8

**Legislative
Resolve No.**
4



Urging the Transportation Security Administration to reconsider its use of pat-down search procedures adopted on October 28, 2010, and to conduct pat-down searches using less invasive but equally effective procedures; and urging the United States Congress to exercise greater oversight of the Transportation Security Administration.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS efficient air travel is a cornerstone of Alaska's economy and quality of life, and no one should have to sacrifice his or her dignity in order to travel; and

WHEREAS many Alaskans can access urban centers only by air travel; and

WHEREAS Alaska is not adjacent to any other state, and those who want to travel by land to another state must travel through another country, which requires a passport; and

WHEREAS, as a result of a change in nationwide policy, the Transportation Security Administration, on October 28, 2010, began implementing new pat-down procedures that involve a more intrusive, full-body search, during which Transportation Security Administration personnel make inappropriate physical contact with sensitive or private areas of the body; and

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

WHEREAS the Transportation Security Administration 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; and

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

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

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

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

WHEREAS, for survivors of physical and sexual abuse, invasive physical searches may cause revictimization; and

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

WHEREAS reports have indicated that, in some instances, overzealous Transportation Security Administration employees have carried out the new procedures in a manner sufficiently aggressive to rise to the level of an inappropriate invasion of personal privacy from which an individual would ordinarily be protected under the laws of Alaska; and

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

WHEREAS encouraging travel by ensuring the right of individuals to move about

without fear of undue invasions of privacy is essential to preserving a free society, safeguarding the flow of commerce, and promoting and sustaining goodwill among nations; and

WHEREAS the advanced-image technology scanners and new pat-down search procedures may discourage air travel, causing significant economic and personal hardship to Alaskans;

BE IT RESOLVED that the Alaska State Legislature urges the Transportation Security Administration to reconsider the new pat-down search procedures that were adopted on October 28, 2010, and adopt less invasive but equally effective procedures; and be it

FURTHER RESOLVED that the Alaska State Legislature 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.

COPIES of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Janet A. Napolitano, United States Secretary of Homeland Security; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of Representatives; the Honorable Nancy Pelosi, Minority Leader of the U.S. House of Representatives; the Honorable John S. Pistole, Administrator of the Transportation Security Administration; and the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.