



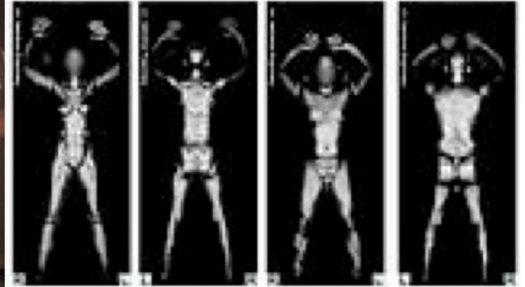
Written by [Raven Clabough](#) on June 19, 2012

Senator Rand Paul Files Two Anti-TSA Bills

Senator Rand Paul (R-Ky.) has recently submitted a pair of anti-TSA bills, one of which would ultimately eliminate the Transportation Security Administration and turn the program over to private screeners. The other would establish a passenger “Bill of Rights.” Paul commented in a statement:

While aviation security is undoubtedly important, we must be diligent in protecting the rights of all Americans, such as their freedom from being subjected to humiliating and intrusive searches by TSA agents, especially when there is no obvious cause.

It is important that the rules and boundaries of our airport screening process be transparent and easily available to travelers so that proper restraints are in place on screeners. Travelers should be empowered with the knowledge necessary to protect themselves from a violation of their rights and dignity.



[S. 3302](#) establishes a formal “Bill of Rights” for passengers by providing guidelines for screening procedures and protections for travelers. *Politico* [explains](#) that the bill would “permit travelers to opt out of pat-downs and be rescreened, allow them to call a lawyer when detained, increase the role of dogs in explosive detection, let passengers ‘appropriately object to mistreatment,’ allow children 12 years old and younger to avoid ‘unnecessary pat-downs’ and require the distribution of the new rights at airports.”

The Bill of Rights in the proposal lists 17 passenger rights, “at a minimum.” Here are a few:

A passenger has the right to be presumed innocent before, during, and after screening;

A passenger who has been verified by the Transportation Security Administration as a low-risk or frequent traveler has the right to be screened through a process that is more expeditious and less intrusive than the standard screening process;

A passenger has the right to make a video recording of the screening using recording devices approved by the Transportation Security Administration for that purpose;

A passenger has the right to decline to be screened using a device that uses backscatter X-rays.

A passenger who is selected to be screened using a pat-down has the right to request that the pat-down be administered using the back, rather than the palm, of the hand of the individual conducting the screening.

In addition to the passengers’ Bill of Rights, S. 3302 prohibits “random computer-generated screening,” places limitations on screening using pat-downs, and expands the pre-check program to expedite screening procedures.

[S. 3303](#) ends the TSA screening program completely and requires passengers to be screened by private



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screeners only. It reads, “[The] screening of passengers shall be conducted by employees of a private screening company under a contract entered into.” The bill sets standards for how airports may select the private security screening companies, and permits the airports to have the final say in employment and termination of private screening security companies. It even includes provisions for Right to Work.

Rand defends his bills by asserting, “Many of TSA’s screening procedures simply defy common sense, such as ‘enhanced pat-downs’ of elderly passengers, young children, or those with disabilities. It seems that every day brings a new account of mistreatment by TSA agents during the screening process.”

House Transportation Committee Chairman Rep. John Mica, another critic of the TSA, said that he believed privatization of airport security is a positive step.

“Transitioning to private security operations under federal standards and supervision will get TSA out of the HR business and back into the security business,” Mica said. “Earlier this week, TSA granted the first application under the new reforms to allow an airport to convert to the private-federal screening model. We will bring onboard the other 400-plus U.S. airports that still operate under the Soviet-style all-federal screening model.”

Rand Paul’s father, Republican presidential candidate Ron Paul, has long [called](#) for the privatization of airport security, contending it would result in a more effective and customer-friendly system. As he wrote in an article back in 2001:

Congress should be privatizing rather than nationalizing airport security. The free market can and does produce excellent security in many industries. Many security-intensive industries do an outstanding job of maintaining safety without depending on federal agencies. Nuclear power plants, chemical plants, oil refineries, and armored money transport companies all employ private security forces that operate very effectively.

No government agency will ever care about the bottom-line security and profitability of the airlines more than the airlines themselves. Airlines cannot make money if travelers and flight crews are afraid to fly, and in a free market they would drastically change security measures to prevent future tragedies. In the current regulatory environment, however, the airlines prefer to relinquish all responsibility for security to the government, so that they cannot be held accountable for lapses in the future.

Senator Paul [experienced](#) his own outrageous encounter with the TSA last January that prevented his appearance at the March for Life rally in Washington, D.C. Paul went through the body scanner at an airport in Nashville, triggering the machine. Screeners then attempted to force Paul to undergo an enhanced pat-down, to which he would not submit. He asserted that the entire incident could have been avoided had he been permitted to reenter the body scanner a second time, pointing out that it would be “so simple” and less offensive.

In May, Senator Paul [launched](#) his campaign to abolish the TSA. Known as the End the TSA initiative, it is the first large-scale effort that targets the increasingly unpopular federal agency.

At the time of the launch, Senator Paul released a written statement explaining his motivation:

The American people shouldn’t be subjected to harassment, groping, and other public humiliation simply to board an airplane. It’s time to END the TSA and get the government’s hands back to only stealing our wallets instead of groping toddlers and grandmothers.

Meanwhile, the bills may prove to have a positive impact on Rand Paul’s political career. In recent days,



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he has found himself in hot water with some of his most loyal followers after he announced his endorsement of former Massachusetts Governor Mitt Romney in the GOP presidential race. Perhaps Paul's newest bills will remind his followers that he remains one of the few lawmakers committed to preserving individual liberties.

Photos: (Left) Senate Homeland Security and Governmental Affairs Committee member Sen. Rand Paul (R-Ky.) shows a picture of a young girl being searched by the TSA, during the committee's hearing to examine ongoing transportation security threats, June 22, 2011: AP Images (Right) Screenshot from an active millimeter wave scanner.



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