Senate: Punish misusers of body scanner images

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(AP) -- Misusing body scanner images would become a federal crime punishable by up to a year in prison under a proposal approved Tuesday by the Senate, an attempt by lawmakers to address concerns raised by some travelers.

The amendment by Sens. Ben Nelson, D-Neb., and Chuck Schumer, D-N.Y., to an aviation bill pending in the Senate was approved 98-0. It would prohibit anyone with access to the scanned body images, whether security personnel or members of the public, from photographing or disseminating those images. Besides a prison term, violators could be fined up to $100,000 per violation.

The proposal would apply to images made by body scanners run by any federal employee, including security employees at airports and federal courthouses. It covers not only the misuse of the original images recorded by scanners, but also photographs of scans recorded and disseminated from personal cameras, cell phones and video devices.

"We're telling our constituents we're not going to ignore their privacy in the process of making sure we have safe airports and federal buildings," Nelson told the Senate.

Schumer said airline safety must be paramount but that it is possible to protect privacy without jeopardizing safety.

The Senate also rejected, 51-47, an amendment that would have barred

airline screeners at the Transportation Security Administration from gaining union rights.

Republicans were trying to override a decision by TSA Administrator John Pistole earlier this month that granted limited collective bargaining rights to about 45,000 TSA workers. Republicans said the decision could threaten the government's ability to respond to security threats or be flexible in a crisis. But Democrats noted that Pistole carefully restricted bargaining rights to work assignments, transfers, vacation time, awards and other issues. It prohibits any bargaining over pay or other security-related matters.

Officials for the Homeland Security Department have said the body scanners used by TSA workers at airports are not capable of storing, copying or transmitting images. Each time a passenger is scanned, the image of the previously scanned passenger is deleted.

However, 35,000 body scanner images made at a Florida courthouse were retained and later released in response to a Freedom of Information Act request. About 100 of them were eventually posted online.

Officials for the U.S. Marshals Service have said those images were made unintentionally by the marshals service using a different type of scanner than those at airports.

It is already illegal for employees of some federal agencies like the Internal Revenue Service and the Social Security Administration to disseminate private information to anyone not entitled to receive it, the bill's sponsors said. However, no such statute exists for TSA body scanning images, they said.

The Senate also rejected, 51-47, a proposal by Sen. Rand Paul, R-Ky., to cut the current Federal Aviation Administration budget by $2.8 billion,

rolling it back to $14.7 billion, its 2008 level. Paul asked senators to start to rein in federal spending beginning with the aviation bill, which is a blueprint for FAA programs for the next several years.

Democrats said the proposal would undermine air safety and prevent FAA from moving ahead with its program to modernize the nation's air traffic control system.

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