

Congress of the United States
Washington, DC 20515

October 8, 2015

The Honorable Peter Neffenger
Administrator
Transportation Security Administration
U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 20598

Dear Administrator Neffenger:

We write to express our strong concerns regarding the treatment of transgender individuals by the Transportation Security Administration (TSA). As you know, a transgender traveler, Shadi Petosky has reported that, on September 21, 2015, she was detained by Transportation Security Officers (TSOs) at the Orlando International Airport due to a misunderstanding about her gender identity as a trans-woman. Unfortunately, Ms. Petosky's experience is just the latest of a string of reports from travelers across the country. In the days since Ms. Petosky's story became public, we have heard from numerous members of the transgender community describing harassing and humiliating experiences while going through airport security. While we understand the importance of vigilant airport security, we cannot countenance a security protocol that subjects transgender travelers to this level of indignity. To that end, we urge TSA to complete a thorough review of its current procedures and address any shortcomings that may, however unintentionally, subject transgender travelers to inequitable or improper treatment by security personnel.

First, TSA must recognize its procedures regarding the use of full-body scanners present unique challenges for transgender passengers. As you know, TSOs must select a male or female button in order to configure a scanner to a gender-specific setting prior to screening. Under this system, an error-free reading of a passenger's scan image relies on a TSO making a discretionary determination about a passenger's sex based on their appearance rather than the gender with which they identify. This protocol may be well-suited to screen some cisgender passengers, but they do so at the expense of singling out transgender or gender nonconforming individuals whose physical appearances may not necessarily match their biological sex. In light of this issue, we urge the TSA to implement a screening protocol that does not rely on TSOs making often-subjective decisions about an individual's gender identity. As evidenced by Ms. Petosky's experience and the myriad other stories we have heard recently, such a protocol can put transgender passengers at greater risk of being incorrectly screened, thereby unduly requiring them to undergo a "pat down" -- an additional procedure which many have found to be extremely invasive and degrading.

Second, we believe there is insufficient guidance on TSA screening procedures readily available to the transgender community. For example, while the current screening process seems to suggest that it is incumbent upon a transgender passenger to inform personnel of his or her gender identification prior to screening, such a policy has not been published on the TSA's website or made widely known to the public. Additionally, while TSA has stated transgender passengers may request a private screening, it is unclear based on publicly-available information what a private screening entails, whether a private screening can be requested in lieu of a full-body scanner, or at what point in the security screening process it should be requested. Moreover, there exists no public guidance to reassure transgender travelers that they will not have to reveal the use of any prosthetic devices or binding materials while in a public area. To ensure transgender passengers are fully informed about all security screening expectations, we request that the TSA publishes detailed guidelines on its website to address these commonly asked questions, among others, and to include a

clear explanation of the civil rights protections to which all transgender passengers are entitled to during the screening process. Further, we request more prominent visibility of the TSA Cares helpline and other available resources on the TSA website so those with additional questions have a clear and accessible way to gather information on remaining concerns.

In addition, we request that all TSA personnel are adequately trained to serve the transgender community. It is insufficient to provide only TSO supervisors with “cultural awareness training.” We ask that such trainings should be required for all TSOs that work with the public, that they be held live and in-person (as opposed to the simple distribution of written materials), and that these trainings specifically cover the particular sensitivities and vulnerabilities of transgender travelers.

Finally, we are pleased to hear that the Departments of Homeland Security and Health and Human Services have launched an investigation into Ms. Petosky’s case to determine whether there were any civil rights violations. We request the TSA’s full cooperation in this investigation and urge the TSA to maintain transparency by sharing the results of the probe with transgender community advocacy organizations and with the undersigned.

It is a sad reality that members of the transgender community face adversity every day. The experiences of many transgender airline passengers such as Ms. Petosky demonstrate that more must be done to ensure transgender individuals are able to travel without fear of facing humiliation or degradation at security checkpoints. While being mindful of enacting the appropriate security precautions to keep all travelers safe, the TSA must also take steps to ensure that its employees are prepared to serve transgender individuals with the dignity, discretion, and respect that they, like all Americans, deserve. We appreciate your willingness to engage on this important issue. Thank you for your prompt attention to this matter.

Sincerely,



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Member of Congress



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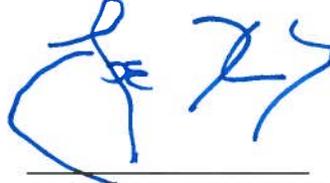
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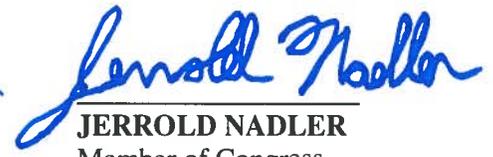
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