

THE PUBLIC FACE OF THE TSA: EXAMINING
THE AGENCY'S OUTREACH AND TRAVELER
ENGAGEMENT EFFORTS

HEARING

BEFORE THE

SUBCOMMITTEE ON
TRANSPORTATION AND
PROTECTIVE SECURITY

OF THE

COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES

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THE PUBLIC FACE OF THE TSA: EXAMINING THE AGENCY'S OUTREACH AND TRAVELER ENGAGEMENT EFFORTS

Tuesday, February 27, 2018

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TRANSPORTATION
AND PROTECTIVE SECURITY,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room HVC-210, Capitol Visitor Center, Hon. John Katko (Chairman of the subcommittee) presiding.

Present: Representatives Katko, Estes, Higgins, and Watson Coleman.

Mr. KATKO. The Committee on Homeland Security, Subcommittee on Transportation and Protective Security will come to order.

The subcommittee is meeting today to examine TSA's efforts to effectively engage with the traveling public in a manner that is positive, respectful, and leads to the success of the agency's mission to secure the aviation system from threats. I now recognize myself for an opening statement.

For most Americans, TSA is the most visible component of the Department of Homeland Security and the only Homeland Security component which they regularly interact with. By screening over 2 million passengers per day, TSA is constantly interacting with a diverse array of individuals, all of whom are worthy of the utmost respect, efficiency, and security.

Over the course of its history, TSA has had to at times swiftly implement new security measures in response to changing threats. Other times, the agency has sought to gradually adjust operations to improve effectiveness and efficiency. In both cases, TSA has often struggled to communicate clearly with the traveling public. Lack of stakeholder engagement has led to confusion among travelers, airports, air carriers, and even TSA's own front-line personnel.

For example, in recent months, TSA began implementing new screening procedures for passenger's accessible property at the checkpoint. This new procedure, called Enhanced Accessible Property Screening, or EAPS, was met with some confusion and frustration, as travelers did not understand the reasoning behind TSA's new procedures.

The reality is that the success of TSA's mission rises and falls on the agency's ability to consistently apply proven security measures across the aviation system. This cannot be done without soliciting the public's feedback, identifying and responding to the traveling public's needs, and learning how to effectively communicate with the traveling public.

While TSA has, indeed, struggled in terms of communicating security information, the agency has experienced a measure of success in leveraging the power of social media to engage travelers. For example, TSA's own Instagram account has nearly a million followers—I wish I had that—and has been heralded by media outlets across the country for its interesting and at times even comical content. This account helps raise public awareness on aviation security surrounding explosives trace detection canines, prohibited items, checkpoint processes, and TSA PreCheck. TSA's social media presence has been called one of the best in the Federal Government and plays an important role in communicating information to travelers.

Additionally, TSA's own AskTSA initiative has greatly improved the public's ability to quickly and easily ask questions about what items they can or cannot bring in their carry-on or checked baggage. TSA has also made improvements through its TSA Cares program, which allows passengers to call ahead and arrange for assistance at the security checkpoint, in order to minimize confusion and improve the experience for passengers who may need extra help navigating checkpoint processes and procedures. These methods for improving public engagement go a long way in transforming the passenger experience into one that is less stressful and yet more secure.

It is incumbent upon TSA to view the traveling public as a partner in security and leverage that partnership in a manner that is collaborative and positive. I look forward to hearing what TSA is doing to further make improvements in public engagement, while protecting passenger's civil rights and liberties and respecting everyone with whom TSA personnel interact.

While passenger experiences with TSA should be positive from a public service perspective, at the end of the day, effective public engagement has a direct impact on security and TSA's mission to protect transportation system.

We cannot stay ahead of evolving threats or ensure the free movement of goods and people without effectively engaging traveling Americans and keeping them aware of the importance of TSA's mission. The key drivers of this must be mutual communication, cooperation, and respect.

I thank the witnesses for agreeing to appear before the subcommittee today, and I look forward to your testimony.

[The statement of Chairman Katko follows:]

STATEMENT OF CHAIRMAN JOHN KATKO

FEBRUARY 27, 2018

The subcommittee is meeting today to examine TSA's efforts to effectively engage with the traveling public in a manner that is positive, respectful, and leads to the success of the agency's mission to secure aviation security from threats.

For most Americans, TSA is the most visible component of the Department of Homeland Security and the only DHS component with which they regularly interact. By screening over 2 million passengers per day, TSA is constantly interacting with a diverse array of individuals—all of whom are worthy of the utmost respect, efficiency, and security.

Over the course of its history, TSA has had to—at times—swiftly implement new security measures in response to changing threats. Other times, the agency has sought to gradually adjust operations to improve effectiveness and efficiencies. In both cases, TSA has often struggled to communicate clearly to the traveling public.

Lack of stakeholder engagement has led to confusion among travelers, airports, air carriers, and even TSA's own front-line personnel. For example, in recent months, TSA began implementing new screening procedures for passenger's accessible property at the checkpoint. This new procedure, called Enhanced Accessible Property Screening, or EAPS, was met with some confusion and frustration, as travelers did not understand the reasoning behind TSA's new procedures.

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Mr. KATKO. I am pleased to recognize the Ranking Member of this subcommittee, the gentlelady from New Jersey, my friend, Ms. Watson Coleman, for her opening statement.

Mrs. WATSON COLEMAN. I want to thank you, Chairman Katko, for holding today's hearing and thank you to our witnesses for being here today to share your expertise with us.

I have the special privilege of welcoming my niece, Christine Griggs, who was called by the majority today to testify on behalf of the Transportation Security Administration.

Today's topic is an important one. TSA is perhaps the most public-facing agency of the Federal Government, interacting with over 2 million passengers daily at more than 440 airports across the Na-

tion. TSA has a no-fail mission, as a single passenger allowed through with a weapon has the potential to cause great harm.

At the same time, a single poor interaction at a checkpoint at which a passenger is disrespected, abused, or discriminated against has the potential to damage the TSA's reputation through negative media attention. Doing the right thing 2 million times every day without a single failure requires vigilance of a well-trained and dedicated work force.

TSA officers do a tremendous job under extremely difficult circumstances, and TSA leadership must continue to put them in a position to succeed. For the work force to be able to do its job, TSA must develop procedures that are effective as both security and passenger facilitation standpoints. This is why TSA's public engagement efforts are so very critical.

TSA has made significant progress in expanding those efforts in recent years. It has convened groups that represent a wide range of passenger populations and provide TSA with feedback on its programs and policies such as the Disability and Medical Condition Coalition and the Multicultural Coalition.

Many of the groups that engage with TSA, such as the National Center for Transgender Equality, provide critical perspective that can inform training that TSA provides to its officers. TSA has also expanded its social media presence, providing a mechanism for rapid response to passengers with questions or complaints about the screening process.

While I commend TSA for its efforts, I believe more can and must be done. Too many passengers are still left feeling frustrated and singled out by TSA procedures. Transgender passengers are subjected to an inordinate number of alarms from technology that is unable to screen them effectively. Individuals with certain disabilities or medical conditions experience regular delays. And racial and religious minorities are left wondering whether their random selection for additional screening was truly random.

As a National organization representing transgender Americans put it in a March 2017 letter to TSA, engagement that is limited to educating the public and addressing the personnel side of the screening experience fails to address the privacy, civil rights, and civil liberties issues inherent in current screening technology.

My main question for TSA today is whether it can move beyond its current engagement efforts to better incorporate feedback from the public into its process for developing new procedures for trends and technologies. I recognize the severity of the terrorist threat TSA faces. I also recognize the need to protect specific procedures from public disclosure, which significantly hampers TSA's public engagement efforts.

Continuing to improve TSA's screening operations to better account for passenger needs while facing an evolving threat landscape will not be easy, but the American public deserves nothing less. I look forward to hearing from our witnesses today about the challenges they face, their ideas for the future, and how we can be helpful.

Again, I thank the Chairman for convening this hearing, and I yield back the balance of my time.

[The statement of Ranking Member Watson Coleman follows:]

STATEMENT OF RANKING MEMBER BONNIE WATSON COLEMAN

FEBRUARY 27, 2018

Today's topic is an important one. TSA is, perhaps, the most public-facing agency of the Federal Government, interacting with over 2 million passengers daily at more than 440 airports across the country.

TSA has a no-fail mission, as a single passenger allowed through with a weapon has the potential to cause great harm.

At the same time, a single poor interaction at the checkpoint, in which a passenger is disrespected, abused, or discriminated against, has the potential to damage TSA's reputation through negative media attention.

Doing the right thing 2 million times every day without a single failure requires vigilance of a well-trained and dedicated workforce.

TSA officers do a tremendous job under extremely difficult circumstances, and TSA leadership must continue to put them in a position to succeed. For the workforce to be able to do its job, TSA must develop procedures that are effective as both security and passenger facilitation standpoints.

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Continuing to improve TSA screening operations to better account for passenger needs while facing an evolving threat landscape will not be easy, but the American public deserves no less.

I look forward to hearing from our witnesses today about the challenges they face, their ideas for the future, and how we can be helpful.

Mr. KATKO. Thank you, Mrs. Watson Coleman. Other Members of the subcommittee are reminded that opening statements may be submitted for the record.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

FEBRUARY 27, 2018

The TSA screener workforce has a complex security mission, with more than 2 million passengers traveling through security checkpoints on any given day. As threats evolve, so do TSA's security measures.

Given the volume of passengers and the frequency with which security screening procedures change, it is critical that TSA communicates effectively with the flying public.

In the years since TSA was established, Americans have experienced a wide range of changes to the checkpoint screening experience. Passengers have had to remove shoes, carry smaller containers of liquids, undergo hand-swabbing, go through body scanners, and be subject to a host of other security protocols.

TSA has established a number of platforms to try to improve information sharing and outreach to the flying public, but more needs to be done to improve not only information sharing but also the screening experience.

Indeed, while today's hearing is mainly focused on improving communications with the public, how the public perceives TSA comes down to what passengers experience at the checkpoint.

I have long had concerns about TSA's behavioral detection program and the potential for discriminatory treatment. As the GAO has repeatedly observed, TSA has never been able to effectively validate its program as an effective security measure through peer-reviewed scientific evidence.

Yet today, TSA trains its entire workforce on behavior detection practices. These practices open the door to racial profiling and sow distrust and resentment among the traveling public.

As for communicating with the traveling public about its security procedures, TSA must do a better job across the board and particularly with populations disproportionately affected. For example, in 2017, TSA took two important steps to improve security for aviation—a temporary laptop ban and changing divestment procedures.

While both changes stepped up security, they caused concern for passengers who were unsure what procedures they would undergo and whether they would be forced to leave their electronic devices at the checkpoint.

I want to encourage TSA to continue its engagement with stakeholders and passengers to communicate policies and procedures and solicit feedback. TSA must become a nimble organization able to adjust its policies based on feedback it receives.

While TSA cannot make sure every passenger is always 100 percent satisfied, TSA can ensure that no passengers are discriminated against as a result of its procedures. I look forward to today's conversation on how TSA can continue to improve its engagement with the public.

Mr. KATKO. We are grateful to have a very distinguished panel here today to testify. Let me remind the witnesses that your entire written statement will appear in the record so there is no need to re-read the whole thing if you don't want to.

Our first witness, Ms. Christine Griggs, serves as acting assistant administrator for civil rights and liberties, ombudsman and travel engagement at the Transportation Security Administration. The first question I have for you is, how do you fit that title on one business card?

Her office is responsible for ensuring that TSA employees and the traveling public are treated in a fair and lawful manner consistent with Federal laws and regulations protecting privacy. Mission-critical duties include affording redress, governing freedom of information, prohibiting discrimination and reprisal, while promoting diversity and inclusion. Ms. Griggs began working with TSA in 2002.

The Chair now recognizes Ms. Griggs for her opening statement.

STATEMENT OF CHRISTINE GRIGGS, ACTING ASSISTANT ADMINISTRATOR, CIVIL RIGHTS AND LIBERTIES, OMBUDSMAN AND TRAVELER ENGAGEMENT, TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Ms. GRIGGS. Good morning, Chairman Katko, Ranking Member Watson Coleman, and distinguished Members of the subcommittee. Thank you for the opportunity to appear before you to discuss the TSA's approach to public engagement.

As the acting assistant administrator for TSA's Office of Civil Rights and Liberties, traveler engagement ombudsman, I am re-

sponsible for overseeing the office charged with engaging a number of groups, as well as the general public, to ensure that various passenger constituencies are well-represented in our policy deliberations. This includes the Traveler Engagement Division, which develops and implements policies and procedures regarding the DHS Traveler Redress Inquiry Program, the DHS Contact Center, and the Disability, Multicultural and Customer Service Branches, as well as the Ombudsman Division, which provides neutral, informal, and confidential problem resolution services to the public for issues, concerns, and conflicts involving TSA policies and procedures.

Integral to TSA's success in carrying out our critical airport security screening function is our ability to communicate with and understand our audiences. TSA is engaged in a multifaceted approach to improve our ability to communicate with the public through a variety of forums, including one-on-one engagement with our TSOs, public forums, social media, and the internet.

In fiscal year 2017, the TSA contact center responded to more than 601,000 inquiries by phone or e-mail. The TCC answers questions about the checkpoint experience, addresses complaints or concerns, and serves as the intake point for travelers who need information about TSA PreCheck, DHS traveler redress, or their civil rights and civil liberties, among other topics.

Reflective of the progress TSA is making in this effort, in fiscal year 2017, the TCC experienced a 14 percent decrease in the rate of complaints, despite a 3 percent increase in passenger throughput. While there are many reasons for this improvement, a key element of our success involves outreach. In TSA's earliest days, we reached out to community representatives to help us understand the traveling public's needs and concerns.

As a result of that outreach was the establishment of TSA's Disability and Medical Condition Coalition and the TSA Multicultural Coalition. These coalitions represent a wide spectrum of travelers, including Muslims, Native Americans, persons with ostomies, mothers traveling with breast milk, transgender individuals, people who use wheelchairs, and others.

One example of the positive outcome from such engagement is our work within the Sikh community which resulted in a change in TSA's screening procedures. By taking into consideration the religious sensitivities of this community, TSA now allows Sikh passengers to pat down their own religious headwear and then submit their hands for additional screening.

Another example is our work to secure civil rights equities, including disability, transgender, and headwear, in the next broad agency announcement to industry to acquire improved people, process, and technology screening solutions. In late 2016, my team met with the innovation task force to discuss this broad agency announcement. This coincided with our work with the transgender community and their on-going concerns that TSA's technology systems are binary and can be problematic for transgender travelers at the security checkpoint.

As a result, the broad agency announcement TSA issued in early 2017 to solicit technology ideas from industry now includes civil rights equities which should promote improvements to screening of

persons with disabilities, screening of headwear, and screening of transgender passengers.

Another way TSA engages with the public is through TSA Cares, which was established in 2011 and provides a toll-free hotline that enables travelers to ask questions about screening policies, procedures, and what to expect at the security checkpoint. TSA saw an 11 percent call volume increase in fiscal year 2017 for TSA Cares assistance. Last year, we also began a TSA Cares video series to help better inform travelers of what to expect during the screening process.

Our other key link to the public is through our social media presence, which has continued to grow. Our social media efforts aim to showcase TSA's screening efforts, canines, packing tips, and initiatives that help to increase awareness. Our Instagram account, which highlights the prohibited items, has more than 840,000 followers. We have also continued our commitment to customer service by helping passengers in real time 365 days a year through @asktsa, which is our social care team that monitors Twitter and Facebook. To date, we have received more than 450,000 questions from the traveling public through @asktsa.

In closing, with the ever-increasing number of screening interactions TSA has every day, we recognize our ability to communicate effectively with all of our stakeholders is crucial. Thank you for the opportunity to testify before you today. I look forward to your questions.

[The joint prepared statement of Ms. Griggs and Ms. Fitzmaurice follows:]

JOINT PREPARED STATEMENT OF CHRISTINE GRIGGS AND STACEY FITZMAURICE

FEBRUARY 27, 2018

Good afternoon Chairman Katko, Ranking Member Watson Coleman, and distinguished Members of the subcommittee. Thank you for the opportunity to appear before you to discuss the Transportation Security Administration's (TSA) approach to public engagement. TSA appreciates the committee's interest in how we engage our most important stakeholders—the traveling public—and looks forward to sharing our various efforts to keep them informed on security procedures. Through TSA's Office of Civil Rights and Liberties, Ombudsman and Traveler Engagement, we work closely with a number of groups to ensure that various passenger constituencies are well-represented in our policy deliberations. Similarly, our Office of Security Operations engrains within our Transportation Security Officer (TSO) workforce the importance of effectively communicating requirements and processes to travelers during the screening process.

TSA's daily interaction with the public far exceeds that of many other Government agencies. For example, on an average day in 2017, TSA Transportation Security Officers came in contact with about 2.4 million travelers at one of more than 440 Federalized airports Nation-wide. These travelers are all unique individuals of various backgrounds and ability, and many are stressed or unfamiliar with the airport screening process. Additionally, every day TSA screens 1.2 million checked bags and 4.4 million carry-on bags. TSA applies a range of screening processes to address a very real, persistent, and adapting threat to ensure the traveling public and our transportation systems are secure.

With a workforce spread from Maine to the Mariana Islands, screening such a large volume of travelers and fulfilling our vital National security function while meeting the varied needs of the traveling public can be a challenge. It is our duty to keep travelers safe and secure. And it is also our duty to treat every traveler with dignity and respect. We would be remiss to not acknowledge the tremendous efforts of TSA's front-line workforce in carrying out our security mission and our civil rights mandate with integrity, commitment, and vigilance every day.

Integral to TSA's success and ability to carry out its critical airport security screening function in a seamless manner is our ability to communicate with and understand our audiences. TSA is engaged in a multi-faceted approach to improve its ability to communicate with both the public and our front-line workforce—communication that involves both conveying and receiving information. TSA's efforts have focused on educating the public on our processes through a variety of forms, including one-on-one engagement opportunities between the public and our TSOs, public forums, social media platforms, and the internet.

We are focused on ensuring our TSOs are aware of the diverse needs of travelers, sensitive to cultural differences, and able to effectively carry out screening requirements. To train TSOs in these screening processes, TSA established the TSA Academy in early 2016. TSA new-hire training is now conducted at the TSA Academy in the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia—a move that centralizes training for new employees, which previously was conducted locally at U.S. airports. While at FLETC, TSA student officers train at replica checkpoints involving real-world scenarios such as social engineering tactics, screening individuals with disabilities, and how to effectively implement alarm resolution procedures.

TSA is also committed to affording travelers with multiple mechanisms to provide feedback, and uses that information to improve performance. Reflective of the progress TSA is making in this effort, in fiscal year 2017 the TSA Contact Center (TCC) experienced a 14 percent decrease in the rate of complaints despite a 3 percent increase in passenger throughput.

While TSA is pleased with this positive trend, we are focused on continuous improvement and ensuring we continue to communicate effectively at all levels of the organization. Outreach and engagement to educate the traveling public and better understand their needs is a priority and manifests itself in the multiple on-going programs and efforts listed below:

- In TSA's earliest days, we reached out to community representatives to help us understand the traveling public's needs and concerns. A result of that outreach was the establishment of the TSA Disability and Medical Condition Coalition and the TSA Multicultural Coalition. These coalitions represent a wide spectrum of travelers including Muslims, Native Americans, persons who have ostomies, mothers traveling with breast milk, transgender individuals, people who use wheelchairs, and others. We also host an annual conference with those coalitions in Arlington, Virginia, to update our members on TSA processes and procedures, hear concerns and feedback, and answer questions.
- An example of the positive outcome from such engagement is our work with the Sikh community, which resulted in a change in TSA's screening procedures. By taking into consideration the religious sensitivities of this community, TSA now allows Sikh passengers to pat-down their own religious headwear and then submit their hands for additional screening. The change in procedure reduces the need for the TSO to touch the passenger or for the removal of the passenger's turban. This example demonstrates how our continued engagement efforts with a stakeholder can result in positive changes to our screening procedures that factor in multicultural, religious, and personal sensitivities, but also maintain our strong dedication to security.
- TSA Cares was established in 2011 and provides a toll-free hotline that enables travelers to ask questions about screening policies, procedures, and what to expect at the security checkpoint. The hotline is available Monday–Friday, 8 o'clock a.m. until 11 o'clock p.m., and on weekends and holidays from 8 o'clock a.m. until 9 o'clock p.m. Originally designed for travelers with disabilities and medical conditions, TSA Cares is now available to other travelers who need additional assistance at the airport/checkpoint. TSA promotes TSA Cares through the TSA website and interactions with the Disability and Medical Condition and Multicultural Coalitions. Also, when a traveler demonstrates a need for assistance, TSOs advise them of the program during the screening process. TSA saw an 11 percent call volume increase in fiscal year 2017.
- Last year, we began a TSA Cares video series to educate and proactively engage travelers with disabilities or medical conditions before arriving at the airport. These videos, available on the Travel Tips page of the TSA website, help better inform travelers of what to expect during the security screening process when traveling with special circumstances, medical devices, equipment, or medication. To date, we have developed three videos, in collaboration with National advocacy groups and organizations, focused on screening processes for transgender travelers, persons undergoing cancer treatment, and individuals traveling with medication and medical devices. Currently, we are working in partnership with

a Nationally-renowned autism organization to develop a video to assist people with developmental and intellectual disabilities.

- TSA's Passenger Support Specialist program, also known as PSS, is designed to provide specially-trained individuals to resolve traveler-related screening concerns immediately and in-person, enhance the traveler experience, and maintain efficiency in carrying out our mission. The PSS provides in-person, on-the-point assistance to passengers requesting help with the screening process by assisting individuals with medical conditions or disabilities get through the screening process as well as responding to requests for assistance submitted through the National TSA Cares help-line. TSA has over 2,250 trained PSS personnel assigned throughout the more than 440 Federalized airports.
- Training for TSOs is conducted at the TSA Academy and in airport settings to facilitate a better understanding of a diverse array of passenger needs. Some issues of focus include the screening of cancer survivors, passengers with ostomies, passengers on the autism spectrum, sexual trauma survivors, passengers with prosthetics, and travelers who are sensitive or averse to touch. Of interest to cultural and religious communities, we have collaborated on awareness and training on topics that include but are not limited to Christianity, Hinduism, Islam, Judaism, Sikhism, transgender issues, language access, and Native American issues.
- In fiscal year 2017, the TCC responded to more than 601,000 inquiries by phone or email. The TCC answers questions about the checkpoint experience, addresses complaints or concerns, and serves as the intake point for travelers who need information about the TSA PreCheck® program, DHS Traveler Redress Inquiry Program, or civil rights and civil liberties protections, among many other topics.
- TSA's social media presence has continued to grow. Our Instagram account—which highlights the prohibited items that are intercepted at the checkpoint—has more than 840,000 followers and in 2017 was 1 of 5 nominees for two prestigious Webby Awards, the international award honoring excellence on the internet. Our social media efforts showcase TSA's screening efforts, canines, packing tips, and initiatives that help to increase traveler awareness. In addition, TSA's main Twitter account shared 1,200 tweets in 2017, resulting in more than 31 million impressions and over 207,000 followers. Through Twitter, we focus on providing resources that will be most useful to passengers, to include TSA PreCheck® information, TSA policy or procedure updates (via press release links), innovation information, major event information (e.g., Super Bowl), and AskTSA promotion.
- In 2017, TSA's blog generated 73 posts, with more than 3.5 million page views. The blog includes information to help address passenger concerns, a weekly highlight of intercepted firearms, travel tips, and serves as a platform to communicate new policies and initiatives. In November 2017, TSA officially launched a Facebook page and broadcasted its first Ask Me Anything on Facebook Live with more than 5,000 views. The Ask Me Anything series allows viewers to ask questions directly of TSA subject-matter experts.
- Through AskTSA, our social care team that monitors the @AskTSA Twitter and Facebook messenger accounts to address passenger inquiries, we continued our commitment to customer service by helping passengers in real-time, 365 days a year. To date, TSA has received and responded to more than 450,000 questions from the traveling public via its AskTSA Twitter and Facebook Messenger accounts. This includes responding to more than 110,000 questions on what passengers can bring on a plane, more than 33,000 inquiries on TSA PreCheck® including Known Traveler Number resolution, and more than 12,000 responses to help passengers with disabilities and medical conditions with the security screening process.
- TSA's customer-centric, mobile-compliant website, *TSA.gov*, gets more than 7 million page views each month. The agency app, MyTSA, was completely overhauled last year, adding features such as TSA PreCheck® checkpoint hours, a graph predicting how busy airport checkpoints will be based on historical data, live assistance with AskTSA, and a searchable database of items that can be placed in carry-on and checked baggage. All these efforts aim to make the traveling process transparent and understandable to the public.
- TSA increased its YouTube presence in 2017 with more than 20 new videos, ranging from travel tips to interviews, and received a total of 1,638,616 views (1.5 percent increase from 2016). We aim to inform and educate travelers about TSA's screening policies and procedures to better prepare them for the screening process.
- Finally, as we continue to raise the baseline of aviation security, communicating changes to procedures is critical to protect travelers and the transportation sys-

tems. For example, last summer TSA implemented new security measures for carry-on baggage that require travelers to place all personal electronics larger than a cell phone in bins for X-ray screening in standard lanes. TSOs serving as Divestiture Officers provide a critical “face-to-face” element for implementing those procedures by communicating the requirements to travelers at the checkpoint, answering their questions, and preparing them for the subsequent screening process. Additionally, TSA utilized traditional media, social media, and industry partners to inform the public about the changes to better prepare travelers for the checkpoint security process. We were also able to field questions in real-time through *AskTSA*, receiving instant feedback from passengers and providing quick resolution to concerns resulting from the changes in security.

In closing, today’s threat environment is more dynamic, more profound, and more complex than ever before. With the ever-increasing number of screening interactions TSA has every day, many of which involve travelers with unique needs, communication is more important than ever. As we execute our critically important transportation security mission, we remain committed to doing so in a manner that is respectful, dignified, and professional. We believe our efforts to engage, educate, and learn from the public are showing positive results. TSA remains committed to continuing these types of efforts in the future.

Thank you for the opportunity to testify before you today. We look forward to your questions.

Mr. KATKO. Thank you very much, Ms. Griggs, and I appreciate you being here today and your testimony.

The next witness is Ms. Stacey Fitzmaurice. Ms. Fitzmaurice currently serves as a deputy assistant administrator for the Office of Security Operations at TSA and is responsible for overseeing risk-based adaptive security measures at airports Nation-wide. She previously served as a deputy assistant administrator for TSA’s Office of Intelligence and Analysis and has also contributed to the mission of U.S. Customs and Border Protection as the acting director of new targeting programs within the National Targeting Center.

Ms. Fitzmaurice is a graduate of the DHS Senior Executive Service candidate development program, as well as Elon University. The Chair now recognizes Ms. Fitzmaurice for her opening statement.

STATEMENT OF STACEY FITZMAURICE, DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF SECURITY OPERATIONS, TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Ms. FITZMAURICE. Good morning, Chairman Katko, Ranking Member Watson Coleman, and distinguished Members of the subcommittee. Thank you for the opportunity to appear before you to discuss how the Transportation Security Administration engages with our most important stakeholder, the traveling public, and our various efforts to keep them informed on security procedures.

As the deputy assistant administrator of TSA’s Office of Security Operations, I am responsible for helping oversee the domestic operational arm of TSA, which secures the Nation’s transportation infrastructure and screens all commercial airline passengers, baggage, and cargo. OSO represents the front line of physical security screening operations with our transportation security officers serving as our primary interface with the public.

On an average day in 2017, our officers are in contact with about 2.4 million travelers at more than 440 Federalized airports Nation-wide. With the work force spread from Maine to the Mariana Islands, screening such a large volume of travelers and fulfilling our

vital National security function, while meeting the varied needs of the traveling public can be a challenge. It is our duty to keep travelers safe and secure, and it is also our duty to treat every traveler with dignity and respect.

Despite these challenges, we remain focused on ensuring our TSOs are aware of the diverse need of travelers, sensitive to cultural differences, and able to effectively carry out screening requirements. To train TSOs in these screening processes, TSA established the TSA academy in early 2016. TSA new hire training is now conducted at the Federal Law Enforcement Training Center, or FLETC, down in Glynco, Georgia, a move that centralizes training for new employees, which was previously held at U.S. airports.

While at FLETC, TSA student officers train at replica checkpoints involving real-world scenarios, such as social engineering tactics, screening individuals with disabilities, and how to effectively implement alarm resolution procedures. This training allows the TSOs to develop a better understanding of a diverse array of passenger needs.

TSOs also play a critically important role in ensuring travelers are educated about and prepared for the screening process. Last summer, as part of a continued effort to raise the baseline of aviation security, TSA implemented new security measures for carry-on baggage that required travelers to place all personal electronics larger than a cellphone in bins for X-ray screening in standard lanes.

In implementing those procedural changes, TSOs designated as diversification officers provide a critical face-to-face element and communicate the requirements to travelers at the checkpoint, answer questions from the travelers, and prepare them for the subsequent screening process.

Complementing and supplementing such efforts, TSA utilized traditional media, social media, and industry partners to inform the public about the changes to better prepare travelers for the checkpoint security process. We were also able to field questions in real-time through @asktsa receiving instant feedback from passengers and providing quick resolution to concerns resulting from the changes in security.

In closing, today's threat environment is more dynamic, more profound, and more complex than ever before. As threats evolve, we must adapt to our adversaries, which necessitates changes to policies and procedures at the checkpoints.

As these processes change and adapt, we must ensure that we effectively communicate to the public so that travelers know what to expect, which supports for an efficient screening experience. Additionally, we remain committed to receiving feedback from travelers and where possible adjusting our processes to better meet individual needs, while still achieving our security objectives.

Thank you for the opportunity to testify before you today. I look forward to your questions.

Mr. KATKO. Thank you, Ms. Fitzmaurice. We appreciate you being here today.

Our third witness is Harper Jean Tobin. Ms. Tobin serves as a director of policy for the National Center for Transgender Equality.

She leads NCTE's advocacy with Congress and U.S. Federal agencies and also directs NCTE's policy work.

Prior to her work with the NCTE, Ms. Tobin worked with the Federal Rights Project of the National Senior Citizens Law Center. Ms. Tobin holds law and social work degrees from Case Western Reserve University. The Chair now recognizes Ms. Tobin for her opening statement.

**STATEMENT OF HARPER JEAN TOBIN, DIRECTOR OF POLICY,
NATIONAL CENTER FOR TRANSGENDER EQUALITY**

Ms. TOBIN. Thank you, Chairman Katko, Ranking Member Watson Coleman, distinguished Members of the subcommittee. Thank you for the opportunity to speak to you today.

NCTE has been engaging with TSA for nearly a decade now, my whole time on staff. We see the challenges facing transgender travelers as part of a wider spectrum of concerns that affect the traveling public, including particular concerns for travelers with disabilities, racial and religious minorities, and survivors of sexual trauma.

As long as TSA relies on body scanner units and intimate pat-downs as primary passenger screening tools, we believe there will be a cost to travelers' privacy, dignity, and liberty, and questions about whether that cost is paying off in real security benefits. That cost is borne by all travelers, but it tends to be greater for anyone who is perceived as being different.

In 2015, NCTE conducted a survey of over 28,000—sorry, nearly 28,000 transgender Americans in all 50 States. Of those who had flown in the last year, 43 percent reported at least one negative TSA experience related to being transgender. These included being misgendered or harassed, being loudly questioned about their gender or body parts, sometimes in front of young family members, and being asked to remove or lift clothing to show an undergarment or a sensitive area of the body. Some reported leaving the checkpoint in tears, while others feared that being outed to other travelers in the screening process could make them a target for violence. Some parents have told us they were afraid to fly with their transgender children because of the embarrassment they could face.

Today's AIT can't distinguish between human body parts and a potential threat object and instead appears to rely in part on assumptions about typical body contours of men and women. This leads to alarms caused solely by sensitive parts of the body or by undergarments. Many travelers report to us that they routinely experience alarms in the chest or groin area necessitating pat-downs and sometimes humiliating conversations.

I have to say, I personally have experienced this many times, as have many members of NCTE's staff and board and our colleagues and friends.

One of NCTE's former board members, who is also a senior citizen, wrote to me just last month that she was pulled out of line at BWI because of what she was told was an anomaly in the groin area and was patted down—or as she put in her own words, "groped"—by no less than three officers.

Another colleague and friend of mine published an op-ed in 2015 about traveling to the District of Columbia for an internship. He wrote that his excitement over the trip was quickly squelched when he was told, “Sir, we need to know what is in your pants.”

Now, we understand TSA’s important security mission. It is important also to understand that travelers don’t want to have conversations like this when they are trying to get on a plane. That was a conversation, as you can imagine, that was very uncomfortable for my colleague, frankly even more uncomfortable than my sitting here talking about it before a Congressional subcommittee, because we have here a Government agency that has made it its business to know what is in Americans’ pants.

There has got to be a way to keep Americans safe without innocent travelers being asked questions about, frankly, their genitals or having them touched by uniformed strangers every time they try to get on a plane.

Now, over the years, TSA, as I said, has worked with—NCTE has worked with TSA a great deal. We have briefed them. We have joined stakeholder calls and conferences. We have offered input on training and web content. In 2014, I even received a community partner award from then-Administrator Pistole.

At the same time, we have also seen the real limits of this engagement. TSA, as the Chairman noted, has more contact—I would add quite literally—contact with the public than just about any other agency. The staff of CRL/OTE really want and try, in my experience, to improve the passenger experience, and they have done so much, as you have just heard, to engage the public on that. But in my view, they are hamstrung in that mission by the flaws of the current screening model.

Their materials, while they work very hard on them and have produced videos for specific groups of travelers, different web pages for specific groups of travelers, the materials are often unable to answer basic questions because of secrecy or unpredictability, and they are often unable to respond meaningfully to complaints from individuals because the things being complained of are baked into the system. So they really try. But public outreach, you know, has to inform policy procedures and technology.

We understand TSA is in the process of demonstrating upgrades to AIT. When it comes to innovation, we certainly hope this will lead to improvements, but we urge the agency to think about more than making tweaks. Is continuing to invest in AIT units as primary tools really the right move for the public? Can it make more use of less invasive tools? How can the agency truly minimize false alarms and minimize its touch rate? How can reaching out and hearing travelers’ questions and concerns inform TSA’s approach on the front end, not the back end?

Again, I have great respect for the folks at CRL/OTE and for the individual TSOs who are working very hard and often don’t relish the intrusiveness nature of some of their work. I hope today’s hearing can help ensure that TSA’s public engagement leads to real improvements in the passenger experience.

Thanks.

[The prepared statement of Ms. Tobin follows:]

PREPARED STATEMENT OF HARPER JEAN TOBIN

FEBRUARY 27, 2018

Chairman Katko, Ranking Member Watson Coleman, and Members of the subcommittee: My name is Harper Jean Tobin, and I am director of policy for the National Center for Transgender Equality—a role I have served in since 2009. Thank you for the opportunity to testify regarding the efforts of Transportation Security Administration (TSA) to engage the traveling public. The National Center for Transgender Equality (NCTE) is a Nation-wide, non-profit, non-partisan organization founded in 2003 to promote public understanding, opportunity, and well-being for the nearly 2 million Americans who are transgender.

In addition to conducting public education and ground-breaking National survey research, NCTE works with Federal, State, and local agencies on a wide range of issues, and we have been in dialog with the TSA during my entire 9-year tenure at the organization. While my testimony will focus on what I know best—the challenges facing transgender travelers, and engagement between TSA and LGBT communities—we see these particular concerns as part of a wide spectrum of privacy and other concerns that affect the traveling public more broadly, including particular problems face by travelers with disabilities and members of religious minorities.

While we recognize the importance of TSA's mission of protecting lives, we believe that mission can be advanced without compromising the privacy, dignity, and personal liberty of the traveling public. As Hofstra Law School professor Irina Manta recently argued in the *NYU Journal of Legislation and Public Policy*, passenger screening must be based on a robust analysis of the privacy, dignity, and liberty costs and the actual security benefits of particular screening measures.¹ Traveler outreach and engagement should continually inform this analysis and drive improvement.

CHALLENGES FACED BY TRANSGENDER TRAVELERS

Transgender travelers experience serious difficulties with the current approach to passenger screening. As TSA works to pursue innovation in passenger screening—including in screening technology—we strongly urge the agency to prioritize the privacy, civil rights, and civil liberties of passengers, including by making imaging technology gender-neutral and eliminating alarms caused solely by sensitive parts of the body—namely, the chest or genitals—or by undergarments, rather than any foreign object.

TSA's current Advanced Imaging Technology (AIT) seriously compromises the privacy and dignity of transgender travelers. In particular, transgender men routinely encounter alarms caused by their chest compression vests or by their chests themselves, while transgender women frequently encounter alarms caused solely by their private parts. These alarms and resulting additional screening—no matter how professionally conducted—are unnecessary, humiliating, and deeply concerning, especially for travelers who experience them again and again. That's true whether you're a trans woman like Shadi Petosky, who tearfully live-tweeted her TSA ordeal in Orlando in 2015,² or CNN commentator Angela Rye (who is not transgender), whose video of her genital pat-down in Detroit made for queasy viral viewing in late 2016.³ Whether transgender or not, the screening process can be especially harrowing for children, and for survivors of sexual trauma. Some parents of transgender children are quite afraid of air travel because of the humiliation their child could face in the case of an alarm in a sensitive area, a pat-down, or being publicly mis-gendered.

In 2015 NCTE conducted a ground-breaking survey of nearly 28,000 transgender adults across all 50 States, and 53% of our respondents had gone through airport security in the previous year.⁴ Of those, 43% reported at least one negative experience with passenger screening related to being transgender in the previous year. These negative experiences included being referred to as the wrong gender or verbally harassed by Transportation Security Officers; receiving additional screening including pat-downs because of gender-related clothing; being subjected to a pat-

¹ Irina D. Manta, *Choosing Privacy*, 20 N.Y.U. J. LEG. & PUB. POL. 649 (2017).

² Katie Rogers, *TSA Defends Treatment of Transgender Air Traveler*, NY TIMES (Sept. 22, 2015), <https://www.nytimes.com/2015/09/23/us/shadi-petosky-tsa-transgender.html>.

³ Angela T. Rye, *Dear TSA: The country is not safer because you grab vaginas*, CNN.com (Dec. 22, 2016), <https://www.cnn.com/2016/12/16/opinions/tsa-invasive-pat-down-rye/index.html>.

⁴ James, S.E., Herman, J.L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The Report of the 2015 U.S. Transgender Survey*, 221–22. Washington, DC: National Center for Transgender Equality.

down by an officer of the wrong gender; being loudly questioned about their gender or their body parts at the checkpoint; and being asked to remove or lift clothing to show an undergarment or sensitive area of the body. Some respondents reported being detained for over an hour or missing their flight due to gender-related screening issues. Some reported having to go through scanners multiple times; receiving multiple pat-downs; having TSOs refuse to pat them down because they were transgender; being questioned about their gender in front of their children; and leaving the checkpoint in tears. Some said they were simply too afraid to fly, or wracked with nerves every time. Some demanded to speak to supervisors or filed complaints and felt TSA was very responsive to complaints about insensitive or harassing treatment, while others were told nothing could be done because their bad experience was inherent in the current screening procedures.

While our survey did not ask specifically about issues related to AIT, these are the most common issues NCTE hears about from travelers. The AIT currently in use require TSOs to input a traveler's gender, making it a part of their job to scrutinize and guess or ask the gender of every traveler. Many travelers—some who are transgender, and some who are not—find themselves having to correct TSOs and be scanned again. This not only delays travelers, it can be embarrassing. More concerning is the very common problem of alarms based on sensitive body parts, or on sensitive undergarments such as chest binders or personal prostheses that trans travelers may wear. Alarms lead to pat-downs, which many travelers find inherently humiliating. We have heard from many travelers that they routinely experience alarms in the chest or groin, pat-downs, and very uncomfortable conversations when they travel. I personally have experienced this many times, as have many NCTE staff and board members and our friends, colleagues, and family members. For example, one of our survey respondents told us the following:

“Going through TSA, I am repeatedly asked to go back through the scan because there is an anomaly with my chest or groin. It is not resolved with a second scan, and I am subjected to a TSA agent's hands on my chest and up in my groin.”⁵

One of NCTE's former board members, who is also a senior citizen, wrote to us the following just last month:

“I flew from Baltimore-Washington International Airport (BWI) to San Francisco today for a [business] meeting. After I went through the scanner, TSA screeners pulled me out of line, and said there was an ‘anomaly in the groin area,’ and that they would have to pat me down. I was concerned about making my flight, so I said OK. I was then patted down (or groped) by two women, followed by one man—buttocks, groin and legs. When they had finished, they made no further reference to the ‘anomaly,’ but said they would have to swab my hands; they did that, and after checking the swab, they sent me through.”⁶

A colleague and personal friend, attorney Carl Charles, published an op-ed in October 2015 describing his traveling experiences as a transgender man.⁷ Mr. Charles, then a law student traveling to the District of Columbia for a summer internship, wrote that his excitement over the trip was quickly squelched when he heard a TSO shout, “We have anomalies in the chest and groin area. Private screening, female agent requested.” Now, the agency has been responsive to complaints that about individual officers mis-gendering travelers, and we appreciate that. It has also since retired the term “anomaly” in favor of the term, “alarm”—leading to reports of TSOs stating, “There is something alarming in your groin.” But the problem here is more basic than terminology or even who is conducting a pat-down. The next thing Mr. Charles was asked was told was, “Sir, we need to know what's in your pants.”

As you can imagine, the conversation that followed was very uncomfortable—frankly, even more uncomfortable than my sitting here before a Congressional subcommittee discussing it. Because here we have a Government agency that has made it its business to know what's in Americans' pants, every time they fly. And there has got to be a way to keep Americans safe without innocent travelers being asked questions about the contents of our underpants by Government officials, or having our private parts touched by uniformed strangers every time we get on a plane.

⁵ Submitted to NCTE by a respondent to the 2015 U.S. Transgender Survey.

⁶ Personal correspondence, Jan. 26, 2018.

⁷ Carl Charles, *Dear TSA, My Body Is Not an Anomaly*, ADVOCATE (Oct. 1, 2015), <https://www.advocate.com/commentary/2015/10/01/dear-tsa-my-body-not-anomaly>.

TSA'S ENGAGEMENT WITH THE LGBT COMMUNITY

Improving the passenger experience has long been one of TSA's stated goals—one that was restated in 2016 when establishing the agency's Innovation Task Force.⁸ We know that outreach and engagement with the traveling public through the Office for Civil Rights & Liberties, Ombudsman & Traveler Engagement (CRL/OTE)—including with NCTE and other LGBT community organizations—has been valuable. NCTE has consistently engaged with CRL/OTE for nearly a decade. Beginning in early 2010, we began meeting with CRL staff, briefing them on basic facts about transgender people—our lives, our bodies, and sensitive personal items that can raise issues during screening. We have also been regular participants in TSA stakeholder calls and conferences, together with representatives of other communities with heightened concerns around traveler screening.

However, this engagement has typically been limited to educating the public about current procedures, training personnel to better follow procedures, and addressing individual complaints about the conduct of TSOs. We believe most TSOs aren't interested in harassing travelers or invading their privacy, and many are uncomfortable with the invasive nature of some of their work. The staff of CRL/OTE have worked in earnest to engage the public and respond to complaints, but the agency as a whole has never adequately addressed the privacy, civil rights, and civil liberties problems inherent in the current screening model and current scanner technology.

In 2011, we joined with other LGBT organizations in sharing some of the troubling traveler stories we had had in a letter to Administrator Pistole and urged him to make improvements to the Traveler Civil Rights Policy, TSO training, and screening procedures to ensure passengers are not subjected to increased screening based on their gender or physical characteristics. A response from the administrator promised efforts to improve TSO training, and we have offered suggestions to TSA many times over the years to incorporate into officer training, it has never been clear exactly what material made its way into new and on-going officer training.

When TSA began introducing automated target recognition (ATR) into its scanners around this time, we hoped that a move away from human viewing of body scan images would be a huge improvement for travelers, but were immediately troubled by the use of pink and blue gender buttons that must be pressed for each traveler. It took years to get TSA to explicitly confirm what seemed obvious: The technology can't distinguish between human body parts and a potential threat object, and instead relies, in part, on assumptions about typical body contours for men and women.

In 2012, TSA posted for the first time a page of information for transgender travelers. NCTE provided input on this page, although the final product did not reflect all our input and left some of the most frequent traveler questions unanswered.

In 2013, we were among thousands of Americans who submitted comments on the agency's court-ordered rulemaking to govern the passenger screening program.⁹ Along with many others, we recommended that the agency reconsider its reliance on body scanners and pat-downs as primary screening methods, in favor of a mix of other methods such as canines, explosive trace detection, and traditional metal detectors, with more invasive techniques used on a random or secondary basis.¹⁰ At a minimum, we urged the agency to codify in regulations critical passenger protections it already promises, such as an inclusive anti-discrimination policy, no storing or human viewing of body images, and no requiring passengers to lift or remove clothing to reveal sensitive body areas or prosthetics.

In 2014 and 2015, NCTE helped provide web-based training for several hundred passenger support specialists. Before and since, TSA has occasionally solicited our feedback on critical elements for TSO training, and on a few occasions has asked us to help identify local community partners to make presentations to TSOs at airports. In 2015, shortly after the Shadi Petosky story was widely covered by National media, NCTE's Executive Director Mara Keisling met with then-Administrator Neffenger to discuss our concerns, and the agency tweeted about its "on-going discussions" on screening trans travelers.

Even as we engaged in these discussions, NCTE sought and obtained a court order in 2015 to end the delay in issuing a final rule on passenger screening and

⁸See, e.g., Statement of Peter Neffenger, Administrator, Transportation Security Administration, U.S. Department of Homeland Security, before the Senate Committee on Homeland Security and Governmental Affairs (June 7, 2016).

⁹Passenger Screening Using Advanced Imaging Technology, Notice of proposed rulemaking (NPRM), 78 Fed. Reg. 18,287 (Mar. 26, 2013).

¹⁰Comments of the National Center for Transgender Equality, Re: Docket No. TSA-2013-0004 Passenger Screening Using Advanced Imaging Technology (June 24, 2013).

AIT.¹¹ We were disappointed when in 2016 the agency adopted an essentially empty rule with no real traveler protections.¹² I stated publicly at that time:

“As long as TSA relies on body scanners and prison-style pat-downs as its primary tools, there will be a cost to travelers’ privacy and questions about whether that cost is paying off. While there will be some cost to all travelers, anyone who is perceived as different or whose body is not typical will bear the brunt of those invasions of privacy. The public deserves clear rules that address the effectiveness and the privacy impact of practices that affect millions of Americans every day.”¹³

In 2017, we were invited to work with CRL/OTE to produce a segment for TSA TV on respectful screening of transgender travelers. But we also wrote to then-Acting Administrator Gowadia urging her to ensure that TSA moves beyond reliance on technologies that rely on gender stereotypes and can’t tell a bomb from a traveler’s own body.¹⁴

In April 2017, as part of its TSA Cares video series, TSA released a short video aimed at transgender travelers.¹⁵ The video addressed some basic questions we see, such as clarifying that travelers should be treated based on the gender they present for screening purposes. But it also failed to answer other key questions travelers regularly ask us: *Will my body parts or my undergarments cause an alarm on AIT? Is there anything I can do to avoid this? If I sign up for TSA PreCheck, will it help me avoid embarrassing pat-downs?* When NCTE tweeted at TSA about this, the agency responded to our tweets saying they “continue to push for technological improvement that will provide effective security w/o gender identification.”¹⁶

We were somewhat encouraged to see in May 2017 that, as part of a Broad Agency Announcement for Innovative Demonstrations, TSA invited vendors to propose solutions to this problem.¹⁷ However, we are not aware of whether anything concrete has come of this to date.

We appreciate the intent of some of the initiatives TSA has undertaken in recent years to improve the passenger experience, including the TSA Cares hotline, the use of Passenger Support Specialists, and the TSA PreCheck programs. We know that these programs have been helpful for some passengers. But they also have not addressed the basic concerns transgender travelers have. The travelers we hear from don’t just want to get to their gate more quickly, or make sure TSOs have a heads-up to expect someone whose body may cause an alarm, or have a kinder, gentler conversation with TSOs about their body parts or undergarments—they want to get on a plane without discussing their private parts or having them touched by Government officials, period.

PUBLIC ENGAGEMENT MUST INFORM TSA POLICIES, PROCEDURES, AND TECHNOLOGY

TSA has more contact—very often personal, physical contact—with the public than just about any other Government entity. That makes public engagement and input absolutely critical. Travelers need to know what to expect at the airport. Unfortunately, TSA’s public education efforts are often unsatisfying because the information provided to travelers is often opaque, and hedged about with disclaimers about SSI and the need for unpredictability. For years, TSA has punted on basic questions, like: *Will my body parts or my undergarments cause an alarm on AIT? Is there anything I can do to avoid this? If I sign up for TSA PreCheck, will it help me avoid embarrassing pat-downs?*

TSA’s history of engagement with transgender travelers is representative of its engagement with other communities and the traveling public broadly: The staff of TSA’s CRL/OTE office really want and try to improve the passenger experience, but in important respects they are hamstrung by the flaws of the current passenger screening model itself, with its reliance on questionably effective body scanners and

¹¹In re: Competitive Enterprise Institute, et al., No. 15–1224 (D.C. Cir. Oct. 23, 2015) (ordering TSA to produce “a schedule for the expeditious issuance of a final rule within a reasonable time”).

¹²Passenger Screening Using Advanced Imaging Technology; Final Rule, 81 Fed. Reg. 11,364 (Mar. 3, 2016).

¹³NCTE, “NCTE Sues TSA to Compel New Privacy Protections for Travelers,” Jul. 20, 2015, <https://transequality.org/blog/ncte-sues-tsa-to-compel-new-privacy-protections-for-travelers>.

¹⁴Letter to Acting Administrator Huban Gowadia from NCTE Executive Director Mara Keishling (Mar. 14, 2017).

¹⁵TSA Cares: Screening for Transgender Passengers (Apr. 20, 2017), <https://www.youtube.com/watch?v=0SLI3Q1bIrs>.

¹⁶<https://twitter.com/AskTSA/status/855604175765463042>.

¹⁷Broad Agency Announcement HSTS04–17–R–BAA001: Innovative Demonstrations for Enterprise Advancement (IDEA) for Transportation Security (May 9, 2017), <https://www.fbo.gov/index?s=opportunity&mode=form&id=15dd92c36581f9d8b264897267b86333/>.

embarrassing pat-downs. CRL/OTE often is unable to answer the most important questions travelers have because they are secret or unpredictable, and they are often unable to respond meaningfully to traveler concerns because they are baked into the system. Public outreach, improved training, and investigating individual complaints are all necessary and important, and we commend CRL/OTE for doing those things, but they will not solve core problems. Public engagement in particular is of limited value if it is not used to inform policy, procedures, and technology acquisition.

We understand that TSA is in the process of testing and demonstrating upgrades to the current AIT units. When it comes to innovation, we urge the agency to think big: Is upgrading or replacing body scanner units as the primary passenger screening tools really the right move for security and for passengers? Can less invasive tools like canines and ETD take on a bigger role, with less reliance on scanners and pat-downs? How can the agency minimize false alarms and minimize its “touch rate”? And how can reaching out and hearing travelers’ questions, concerns, and experiences inform TSA’s approach on the front end, not just the back end?

NCTE will, of course, continue to engage with TSA—both CRL/OTE and, where we can, relevant operational and policy making components of the agency—and encourage travelers to share their experiences and their complaints. We hope this engagement can lead to real improvements in the traveler experience.

Thank you for your consideration of this important issue and for the opportunity to speak to you today.

Mr. KATKO. Thank you, Ms. Tobin. We appreciate you being here today and your testimony.

I now recognize myself for 5 minutes of questions. The first question I want to talk about is the social media aspect of TSA. I think it is a very innovative thing you are doing, and you are doing a great job with it. The question I have is: How many passenger engagements occur via social media versus traditional means of inquiry, such as an e-mail or phone call? Does anyone have any estimate of that? It seems like there is a lot more from the social media standpoint. Ms. Griggs?

Ms. GRIGGS. Yes, sir. Chairman, I would say that with 847,000 followers on Instagram, we have a fantastic engagement with the traveling public through that means. Through our contact center, which is our primary portal for passengers that come in with questions, we get about—I would say about 70 percent or so that come in through the phone calls and then another 30 percent come in with e-mail questions. But by and large, I would say, yes, by far the internet is the greatest tool, sir.

Mr. KATKO. OK. One of the things I am curious about is the program itself, if I am not mistaken, has only about 10 employees right now. Is that right?

Ms. GRIGGS. I believe that is close to 10, sir.

Mr. KATKO. OK, that seems like an awful lot of inquiries to handle for such a small amount. Has there been any discussion had at TSA about shifting some resources to this emerging positive thing that TSA is doing?

Ms. GRIGGS. Sure. I think there has been some discussion around some of the work that we do in the TSA contact center and how that could also be supportive of the @asktsa initiatives. We are looking at possibly gaining some efficiencies there, as well.

Mr. KATKO. OK. I would ask that you take a look at that. Within the next 10 days, if someone could respond back to me, just letting us know what the specific plans are and what you might be doing in that regard, because this seems like a good program, and I don’t want it to fall into a bureaucratic morass where people don’t pay

attention and then it suffers from it. So it is a good program, and I hope you guys will give it the amount of staffing it deserves.

Now, I want to switch gears and talk to Ms. Fitzmaurice a second, if I may. The TSA PreCheck program is an innovative necessity, if you will, for risk-based security at airports. I remember when I came to Congress a few years ago, the goal was in a short period of time to have up to 20 million passengers in the TSA PreCheck, because it would allow you to focus on those that are more concerning and can spend more time with them in the non-TSA PreCheck environment.

I know we are nowhere near that. I am still concerned, and if we have time later, maybe we will talk about this, why we are not where we should be, but those numbers are nowhere close yet. But one thing I have heard seen from the inspector general's report from December 2017 was that the PreCheck boom, if you will, that kind of went from 1 million up to 4 million or 5 million, whatever it is now, was followed by a substantial period of delay in processing PreCheck applications.

I wonder if you could talk to me about that real quick and tell me what TSA is doing to try and address that problem.

Ms. FITZMAURICE. Yes, sir. Thank you for your question. Our goal is to continue to grow the program, as well as the number of travelers that are receiving the PreCheck based on their enrollment every day. The program did have a very significant spike in enrollments, and what I can share with you is that today we are in a very good place as it relates to the time frame it takes. It is on average less than a week, if you enroll, to get your response for being in PreCheck.

So I think the issues that we had in the past have been resolved additionally. That office has been able to supplement bringing on new personnel to help with the adjudication of applications.

Mr. KATKO. Is there something in place to deal with potential future spikes so we don't have this happen again?

Ms. FITZMAURICE. Yes, so my understanding is that they have through the additional resources been able to plan for additional spikes. They have also put into place relationships and engagements to be able to surge if needed.

Mr. KATKO. Very good. Now, sticking with PreCheck, I do an awful lot of traveling, and I am in PreCheck. It seems more and more lately that people you hear in lines, you hear the grumblings that people don't think PreCheck is worth it.

I was at an airport this weekend in Miami and I think there was probably five to seven times more people in the PreCheck lane than in the non-PreCheck lane. So I want you to address that, as well, because it seemed like people are going through the non-PreCheck lane quicker than they were the PreCheck lane, No. 1, but, No. 2, more importantly, we made it a big priority to get TSA to stop managed inclusion. Managed inclusion is taking people out of the regular lanes and putting them into PreCheck when they don't have a PreCheck background.

It still seems to be the case that that happens at times and to varying degrees. That not only is a security risk, which is probably something we need to talk about in another setting—I mean another hearing, but it is something that people from a product

standpoint think is not right. I am being one of them, but an awful lot of people.

So from an image standpoint, as well as a safety standpoint, it is not good. We have been banging TSA over the head since I have been in Congress the last 3 years to not do this. They still do it. I wonder if you could explain why they are doing it and why you think that the public isn't going to get upset about it. Or why do you care?

Ms. FITZMAURICE. Yes, thank you, Chairman. So we have ended the managed inclusion program, as you mentioned. We also, you know, are——

Mr. KATKO. I am going to interrupt you, but are you just calling it something different now so we have to follow that, or what?

Ms. FITZMAURICE. No, we are not doing that.

Mr. KATKO. OK.

Ms. FITZMAURICE. So what I can share with you is that we have taken steps to reduce the number of individuals who would be getting PreCheck that are not enrolled, and that has been subsequent or a continued drawdown over really the last year.

When the program first rolled out, one of the populations that we originally targeted were high frequent flyers. I can tell you that that practice ended last year, so those individuals are no longer receiving PreCheck just based on their frequent flyer status.

Relative to your question on long lines—and I realize sometimes it can be the optics of that—what I can share with you, though, is that across the system, people who are in PreCheck are waiting on average about a minute-and-a-half to 2 minutes. Over about 94 percent of the system for PreCheck travelers are waiting under 5 minutes. So while there may be people in those lines, those lines are moving quickly.

Mr. KATKO. OK. Last, and I am indulging myself, because I will give my colleagues the same courtesy, I was in an airport in Fort Myers, and they had nothing but PreCheck line. In the PreCheck line, they had one dog, and people were going by that dog at a very fast pace and getting into line, and the line was backed up. They did it as a way of reduced congestion.

While it is important that we have the dog sniff on every single individual, they are still not in PreCheck. They still don't have the background on these individuals. They still don't have the selectee information, if there is any. They still could be letting people through that line that may be otherwise not—shouldn't be going through that line.

The whole idea behind PreCheck is to know your traveler. You don't know the travelers. You are just hoping that the dog catches a whiff of something if there is a concern. So that coupled with your comment that you are taking steps to reduce non-PreCheck people going through PreCheck lanes is not what we want to hear.

What we want to hear is that people who are not in PreCheck are not going through PreCheck lane, period. That was the whole idea behind ending managed inclusion. So I feel like in a way it is a bit of a shell game going on. We are going to have more hearings on—I think we are going to have to have another hearing on PreCheck alone to examine this more in depth.

But I just want to let you know that to take back to the agency that we are still very concerned about this and it seems like perhaps TSA is not getting the message that PreCheck means PreCheck and non-PreCheck means non-PreCheck. That is it. It shouldn't be used as a way to manage traffic. That is another issue, and we can help you with that, too. But PreCheck is PreCheck, OK? We want you guys to understand that, and it is something we are going to have to pursue further.

I now recognize my colleague from New Jersey, Ms. Watson Coleman, for questions.

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman. I want to associate myself with your concerns with respect to PreCheck and individuals being taken through the line who haven't engaged in the whole vetting process for PreCheck.

I guess I want to ask this question first of Ms. Tobin. Thank you all for being here. Ms. Tobin, I am troubled by some of the discussion that you have had about the passengers that are transgender passengers in particular that experience when they are going through screening. I get the impression that you believe that there have been some improvement in the way TSA is dealing with these issues as a result of having collaborations and feedback from you and your organization. Do you agree?

Ms. TOBIN. Well, Ms. Ranking Member, we certainly have seen some improvements on the human element of those interactions. We still pretty regularly hear of challenges—some of the things, you know, I mentioned in my written testimony are things that I think fellow witnesses would agree shouldn't be happening and those things still do happen.

We have really seen improvements. We think that there is probably more that we could do if we had the chance to collaborate with their training academy, for example. But I think the major concern that we have is that there are some things that can't be addressed through the human element, that are sort-of baked into the current screening model, that there is no amount of professionalism on the part of TSOs, which most of the time we do see, that can make up for the fact that some passengers are having repeated alarms in sensitive areas of the body that have to be cleared in a process that is sort of inherently intrusive.

Mrs. WATSON COLEMAN. So I kind-of really want to stick with this issue a little bit. I am thinking that the centralized training that takes place in Georgia now kind-of provides these officers who are going to be on the front lines a bit more information and a bit more tools on how to deal with this. So I want to get to that in a second.

But I want to ask about this AIT that is gender-neutral, because I believe that that is one of the things that your organization says is vitally important at these checkpoints and that will reduce the degree to which individuals are treated in a way that intrudes upon their civil liberties and their privacy.

I am wondering, are we really talking about AITs that are gender-neutral? If so, do you have any idea how far away we are from having them actually at these checkpoints? I guess Ms. Fitzmaurice or Ms. Griggs? I don't know which one of you wants to respond to that.

Ms. GRIGGS. Thank you, Ranking Member. I would say that right now we are—as a result of the broad agency announcement, we have had several submissions. Through those, we are actually currently demonstrating an on-person screening solution that would eliminate any gender-specific alarms and kind-of be able to make that distinction, if you will. We are also working with vendors who have solutions for on-person screening that is gender-agnostic.

So I think I would say that right now we are in the kind-of demonstration phase of it, and certainly continue to work forward to bring that as quickly as we can.

Mrs. WATSON COLEMAN. So all the vendors that you are dealing with understand that you are looking for gender-neutral technology. Do you have any idea how far away we are from seeing some of this employed in the airports?

Ms. GRIGGS. I do not at this time. I do not.

Mrs. WATSON COLEMAN. That is something that I really would like to know, because I think that that is a really important issue and consideration that we need to look at in sort-of an expedited way.

Ms. Fitzmaurice, you say the new hires are trained in the Georgia facility. What do you do about the current hires who haven't had the benefit of this new academy to kind-of bring them to snuff so that they are operating under sort-of the standard—under the standards and rules and regulations and procedures and policies and, you know, protocols?

Ms. FITZMAURICE. Thank you. So all of our officers, whether they were trained locally at their airport and have been part of the TSA work force for a number of years, or newer officers that have gone through the academy have received really the same training. So if we have, you know, new procedures or changed procedures, we will obviously implement that for the training that is occurring at the academy for our new officers and then what we will also do is some field-based training for our existing officers.

As I mentioned in my oral statement, we have a lot of different scenarios that we train our officers on down at the academy for a variety of types of situations that they may experience and how best to handle those situations, the best advisements to give passengers. That is one of the critical things that we find is really having that engagement and strong advisements with the passengers so that they know what to expect is really critical for us to be successful in executing those.

Mrs. WATSON COLEMAN. Thank you. I have a number of other questions. I don't know if you want to go a second round.

Mr. KATKO. We can do a second round.

Mrs. WATSON COLEMAN. OK. I yield back.

Mr. KATKO. The Chair now recognizes the gentleman from Louisiana, Mr. Higgins, for 5 minutes of questioning.

Mr. HIGGINS. Thank you, Mr. Chairman, members of the panel. Thank you for appearing today. Ms. Griggs, I have recently become a frequent flyer due to my Congressional service and as a police officer for many, many years prior to my current service to my country.

I certainly recognize the struggles and frustrations of front-line officers and first responders. I have really come to know personally

the men and women that serve as TSOs, especially in my local airport in Louisiana. So I have come to recognize the human element that they deal with, long lines, staff shortages, equipment that doesn't seem to be cooperating very well, et cetera, travelers that don't quite get it on how to arrange their bags on the screening devices.

I have seen the frustration that they face. So I am wondering, how is morale? Can you give me a general answer? How is morale amongst your TSOs?

Ms. GRIGGS. Thank you for your question. I would say that overall our TSOs have a great sense of pride in what it is that they do for TSA.

Mr. HIGGINS. No doubt.

Ms. GRIGGS. I think that that shows day in and day out in the work that they do to accommodate all of our passengers and to treat everybody fairly with dignity and respect. I would certainly say that those struggles do lend themselves oftentimes to having officers who get frustrated. But having spent over 12 years or so in airports and in the field, I can tell you that our leadership cadre I think has stepped up to the plate and really been there in terms of engaging our officers to say, if you have an issue or concern, let's resolve it here at the lowest possible level and let's work with our employee advisory groups, and let's hear what the concerns are and give the officers a voice, if you will, to come forward and say that this is why I am unhappy or this is what is happening.

I think that that has boded well. I think that many of them feel as though they have a voice and that our leadership has been supportive of that.

Mr. HIGGINS. That led to my next question. Thank you for that encouraging answer. Do your TSOs have—is there a mechanism where TSA can hear from the boots on the ground of common-sense answers to everyday problems in the lines that would make the lines more efficient and effective and reflective of the very crucial security screening that must take place, while at the same time recognizing the needs of travelers and the needs of individual Americans like Ms. Tobin is representing today, who certainly have rights that need to be addressed?

Do you have a mechanism for your TSOs to regularly communicate with supervisors to address boots-on-the-ground solutions to the challenges that they face?

Ms. GRIGGS. So I think I would defer that to my colleague, Ms. Fitzmaurice.

Mr. HIGGINS. Ms. Fitzmaurice?

Ms. GRIGGS. Yes.

Ms. FITZMAURICE. OK. Thank you. So I think we have a variety of ways our officers can communicate. One is directly with their supervisors in routine engagements on performance and how the operation is going. Also, our Federal security directors and the management staff at the airports are having routine town halls where they can solicit input.

I personally have visited a number of airports and have received input from our officers on things that we take back, but we also have some systematic ways with an idea factory, where officers can put in—

Mr. HIGGINS. Can they communicate on-line and submit like anonymous suggestions?

Ms. FITZMAURICE. They can. They can—it is not anonymous, but they can submit suggestions. Those are kind of crowd-sourced, in terms of getting feedback on them. But—

Mr. HIGGINS. All right, that is encouraging. I would like to jump to your academy. Is there annual recertification training for your TSOs that have been through certification training? If so, do your existing officers that were originally trained at airports across the country, do you send them to the academy in Georgia?

Ms. FITZMAURICE. Sir, we have a requirement for annual proficiency reviews for all of our officers to demonstrate that they remain proficient on all of our procedures. You know, for officers who have been on-board and perhaps had not gone to the academy initially, we are not sending them back for the basic training, but there are opportunities for some of the advanced training for them to go to the academy for other reasons.

Mr. HIGGINS. But training changes. It is an on-going process. There is some method for recertification of your current TSOs?

Ms. FITZMAURICE. Yes, sir. So depending on the nature of the changes that may be implemented, we would look at different ways to deliver that training. It could be through on-line training. It could be through in-person training there at the airport.

Mr. HIGGINS. All right. Quickly, is—Ms. Griggs, is TSA looking to expand the roles of PreCheck? Is that a general goal for TSA, to expand PreCheck?

Ms. GRIGGS. I think I would defer to Ms. Fitzmaurice on that question.

Mr. HIGGINS. Is that a general goal?

Ms. FITZMAURICE. So I think we absolutely want to grow the number of travelers in PreCheck.

Mr. HIGGINS. OK, that being a yes, do you offer group rates?

Ms. FITZMAURICE. We currently do not offer group rates.

Mr. HIGGINS. It might be something to consider, because the problem that Ms. Tobin's constituency is encountering is due to advanced imaging technologies. It occurs to me that this could be a win for everybody. You could grow the rolls of TSA by offering group rates across the country and members of Ms. Tobin's organization could sign up for PreCheck, go through the background clearance, and they wouldn't have to go through AIT, go through a metal detector through PreCheck that would essentially solve that problem.

With that, Mr. Chairman, I thank you for allowing me to go a little bit over my time. I yield back.

Mr. KATKO. Well, what is good for the goose is good for the gander. I do it all the time, so I have to indulge my colleagues, as well. That was an excellent point you made.

We are going to do a second round of questions. Ms. Fitzmaurice, since you are kind-of the tip of the spear with respect to risk-based—the programs at TSA, I do want to go in a little further with you about the PreCheck. This is an issue that is preceded your time in this position, but it is something that is troubling, because we take a step back with PreCheck. The idea of PreCheck is people sign up, we do background checks, do more in-depth anal-

ysis of them, and we make a determination that if you are eligible for the PreCheck program, at least in its current form, not in its original form, you are eligible for the PreCheck program, there is vetting that goes on, there is recurrent vetting that goes on, and you have an idea of whether or not the individual—much better idea whether that individual could be a problem.

When you take them out of the other lanes and put them into this lane, from a risk-based issue, it is not good. From a public relations issue, it is terrible. So you want to grow this program. When you want to grow this program, I want to know what you are anticipating with the airports, No. 1, as far as the physical layout for the PreCheck lanes versus a non-PreCheck lanes, No. 1. And No. 2, and far more importantly, how can you justify taking people out of regular lanes and put them in PreCheck, when you don't have the background of them?

Ms. FITZMAURICE. Yes, sir, Mr. Chairman. So we are, as I said, trying to grow the number of PreCheck and draw down the individuals who are going through just PreCheck that have not enrolled. That said, we also have, you know, additional screening measures that we can apply for use of canines as an example, and we believe that that is one of the more effective screening methods.

So as we look at how to maximize the number of individuals who are screened by a canine, we have been able to re-design some of the cues to do that. Just—I guess it was last week—I was traveling out of Washington Dulles, had the opportunity to go through that. I am an enrolled PreCheck member, and I found my experience to be just as efficient as it typically would be going through a dedicated PreCheck lane.

Mr. KATKO. But efficiency is one thing, but security is another. They are not always mutually beneficial to each other. So I understand moving people is a priority, and I understand you have to have the constant balance between service and security.

But what got you into a lot of the TSO problems in the past as far as extraordinarily poor rating on the undercover operations, testing the security vulnerabilities at the checkpoints, there is a lot of pressure on TSOs to move people through. It seems like that is just heightened with PreCheck.

PreCheck was supposed to alleviate lines by getting people in there that—only people in there that should be. We have found with managed inclusion that they were usurping that. Now we are finding that it is, again—I am not hearing from you that there is a goal to make sure that only PreCheck people go through PreCheck.

So at a risk of sounding redundant, I want to make sure I underscore the point that that is not the goal of the committee. The goal of the committee is to have only people in PreCheck going through PreCheck. It seems like you are trying to find ways to nip around the edge of that and denigrate the amount of risk-based security you are doing.

Yes, having a dog go through is great, but let's not forget, with the emerging technologies from the bad guys, they are not always going to find everything that we are looking for. So we better know with a better sense of precision who the people are that are going through PreCheck, and we can only do that if we are in PreCheck.

So going forward, I think we are going to need to have a discussion about what to do with this issue, because it is not going to stand for us in the committee here. We simply are not going to tolerate it. It is 3 years now down the road, and a lot of people are going through PreCheck still aren't involved in PreCheck. That is not good. You cannot justify it to me otherwise.

With that, I yield to my colleague, Ms. Watson Coleman.

Mrs. WATSON COLEMAN. Thank you. First of all, Mr. Chairman, I want to request to enter into the record the testimony from the National Disability Rights Guide, the Guide Dog Foundation, and the Electronic Privacy Information Center.

Mr. KATKO. Without objection, so ordered.

[The information follows:]

STATEMENT OF IAN WATLINGTON, NATIONAL DISABILITY RIGHTS NETWORK

FEBRUARY 27, 2018

I have been a professional advocate for people with disabilities for more than 15 years. I have worked in the areas of educational policy, mental health policy, as a champion for civil rights for people with disabilities, and as a mentor for young people with disabilities. To me, advocacy is more than a job; it is personal. I have cerebral palsy and use a wheelchair.

For the last 6 years, I have been a senior disability advocacy specialist for the National Disability Rights Network, providing training and technical assistance on a wide range of issues to our members.

NDRN is the non-profit membership organization for the Federally-mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) systems for individuals with disabilities. The P&A and CAP systems were established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As and CAPs are in all 50 States, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the U.S. Virgin Islands), and there is a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navajo, and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. Collectively, the P&A and CAP Network is the largest provider of legally-based advocacy services to people with disabilities in the United States.

About 5 years ago, the Transportation Security Administration (TSA) asked NDRN to collaborate with them on a new program they were launching: The Passenger Support Specialists program (PSS). TSA launched this effort in order to make the traveling experience for people with disabilities less confusing, less rattling, and in the end, not so cumbersome.

The idea behind PSS is to train officers in disability etiquette and the applicable laws so they are able to respond to issues that come up at the airline security checkpoint. If TSA officers encounter a traveler with a disability, the PSS tries to ensure at least one person can handle the unique needs and circumstances with more expertise and care.

I had the privilege of conducting several virtual trainings that address disability etiquette and different ways to provide tailored customer service to people with disabilities. In some of these webinars, officers were able to ask me specific questions about various disabilities. In addition, I, along with TSA, provided a safe, nonjudgmental virtual platform on which officers could express their misgivings, fears, and/or curiosities.

But more needs to be done.

I am a frequent traveler. I can attest to the additional energy it takes for people with disabilities to fly. There are obstacles we must navigate from our front doors all the way to the plane gate. One of those obstacles continues to be airport security checkpoints.

Only through a continued emphasis on a higher-trained workforce with more tools to do their work will we remove this barrier. The PSS is an admirable effort to ensure people with disabilities are treated with respect and dignity.

I am more than happy to provide further information and/or answer questions that Members of committee and its staff may have.

LETTER FROM GUIDEDOG.ORG

FEBRUARY 26, 2018.

Rep. BENNIE G. THOMPSON (D-MS), Ranking Member,
Committee on Homeland Security, U.S. House of Representatives, Washington, DC
 20515.

Regarding: TSA Public Engagement and Social Media Efforts

The Guide Dog Foundation and America's VetDogs are proud to be community partners with the Transportation Security Administration and part of its Multicultural and Disability Coalition. We have assisted TSA's Disability Branch with national presentations about service animals and provided specific training webinars and live presentations for TSA staff. We have a standing arrangement to train front-line security officers at several airports within the New York metropolitan area, as well as Nation-wide through our staff and graduates. Although our focus is service animals, we also provide general disability etiquette information.

Our clients have a wide variety of disabilities. As part of our training and support, we offer information from TSA about screening procedures, what to expect, and how to negotiate when issues arise. It has been our experience that most TSA security officers are well-versed regarding disability etiquette. We make use of the materials from the Disability Branch, monthly "What to Expect" bulletins, and any special announcements. We also advise other organizations on how to work with TSA.

The issues we most often hear about from our clients involve security officers who misunderstand screening procedures or who have anxiety around service animals. These are on-going training issues. We are pleased to say that the number of these reports has gone down over the years.

The TSA CARES service has been a very helpful part of our education for clients. We do suggest that anyone who needs information about screening, medical devices, etc., contact TSA CARES. We routinely provide the braille-embossed business cards from the Disability Branch. We also advise our clients about the TSA Pre-Check program.

Unfortunately, we have seen a decline in the Passenger Support Specialist service over the past few years. It was literally the best-kept secret at TSA and among the airlines. However, once the program began to be publicized and the high level of assistance people could experience became known—generally far superior to standard airport—or airline-provided assistance—the PSS service became more problematic. Often there were not enough trained PSS staff to meet the needs, even with advance scheduling. We have, therefore, stopped using this service for our clients who come to and leave our facility for training. We advise them that the service is available, but we no longer interact directly with TSA regarding their trips.

At one time, TSA had specialized assistance services for U.S. military veterans. Those services varied, and there was a gap between services provided to pre- and post-9/11 veterans. As we serve veterans from all eras and conflicts, we no longer take advantage of these services. If these services cannot be provided equally for veterans, we do not feel they are appropriate. Also, subcontracting the service has made it even more confusing for travelers as to what they can expect when requesting assistance.

We have had some reports of distractions around TSA canine teams, but generally, TSA has been very responsive to our advice that handlers make their presence known if they see another animal, regardless of whether it is a service animal, in the screening or other area. Generally, the handlers are good about following this advice.

Additional on-going training with regards to TSA screening when interacting with canine teams is necessary, but we feel TSA is receptive to our discussion points.

Overall, we are very pleased with the responsiveness of TSA's local and National staff to concerns, complaints, and situations with our clients. It is important to participate in on-going staff training so as to support TSA in maintaining a high level of disability awareness during its screening and other activities.

Please do not hesitate to contact the Guide Dog Foundation and America's VetDogs should this committee require any additional information.

JENINE STANLEY,
Consumer Relations Coordinator.

LETTER FROM THE ELECTRONIC PRIVACY INFORMATION CENTER

FEBRUARY 26, 2018.

The Honorable JOHN KATKO, Chairman,
 The Honorable BONNIE WATSON COLEMAN, Ranking Member,
*U.S. House Committee on Homeland Security, Subcommittee on Transportation and
 Protective Security, H2-176 Ford House Office Building Washington, DC 20515*
 RE: Hearing on “The Public Face of TSA: Examining the Agency’s Outreach and
 Traveler Engagement Efforts”

DEAR CHAIRMAN KATKO AND RANKING MEMBER COLEMAN: We write to you regarding the hearing on “The Public Face of TSA: Examining the Agency’s Outreach and Traveler Engagement Efforts.”¹ We welcome your continued leadership on improvements that can be made at the TSA and look forward to opportunities to work with you and your staff.

EPIC is a public interest research center established in 1994 to focus public attention on emerging privacy and civil liberties issues.² Among our most significant undertakings was the litigation that led to the removal of the backscatter X-ray devices from U.S. airports. Those devices were ineffective, invasive, and unlawful. In *EPIC v. DHS*, 653 F.3d 1 (D.C. Cir. 2011), the D.C. Circuit Court of Appeals held that the agency failed to conduct a public rulemaking as required by law and must also ensure that passengers are given the opportunity to opt-out if they so choose. But new privacy issues have arisen with the deployment of facial recognition technology at U.S. airports. An Executive Order recommends that agencies “expedite the completion and implementation of biometric entry exit tracking system,”³ and Customs and Border Protection (“CBP”) has deployed facial recognition technology at several U.S. airports.⁴ Facial recognition poses significant threats to privacy and civil liberties. It can be done covertly, remotely, and on a mass scale. Additionally, there are a lack of well-defined Federal regulations controlling the collection, use, dissemination, and retention of biometric identifiers. Ubiquitous and near effortless identification eliminates individual’s ability to control their identities and poses a specific risk to the First Amendment rights of free association and free expression.

Transparency about these biometric surveillance programs is essential, particularly because their accuracy is questionable. In December 2017, because of a Freedom of Information Act lawsuit pursued by EPIC, we obtained a report from Customs and Border Protection, which evaluated iris imaging and facial recognition scans for border control. The “Southwest Border Pedestrian Field Test” reveals that the agency program does not perform operational matching at a “satisfactory” level.⁵ In a related FOIA lawsuit, EPIC previously obtained documents from the Federal Bureau of Investigation concerning the Next Generation Identification database which contains facial scans, fingerprints, and other biometrics of millions of Americans.⁶ The documents obtained by EPIC revealed that biometric identification is often inaccurate.⁷

The use of facial recognition at the border has real consequences for U.S. citizens as well as non-U.S. citizens. All people entering the United States, including U.S. passport holders, could be subject to this new screening technique. EPIC has filed a Freedom of Information Act lawsuit to obtain documents to determine if there are proper privacy safeguards in place for the collection of biometric information at U.S. airports.⁸

There is also a new study from the MIT Media Lab which found that facial recognition is less accurate for persons of color. The MIT study found that the error

¹*The Public Face of TSA: Examining the Agency’s Outreach and Traveler Engagement Efforts*, 115th Cong. (2018), H. Comm. on Homeland Security, Subcomm. on Transportation and Protective Security, <https://homeland.house.gov/hearing/public-face-tsa-examining-agencys-outreach-traveler-engagement-efforts/> (February 27, 2018).

²See About EPIC, EPIC.org, <https://epic.org/epic/about.html>.

³Exec. Order No. 13,780 § 8.

⁴U.S. Customs and Border Protection, CBP Deploys Facial Recognition Biometric Technology at 1 TSA Checkpoint at JFK Airport (Oct. 11, 2017), <https://www.cbp.gov/newsroom/national-media-release/cbp-deploys-facial-recognition-biometric-technology-1-tsa-checkpoint>.

⁵U.S. Customs and Border Protection, *Southern Border Pedestrian Field Test Summary Report*, <https://epic.org/foia/dhs/cbp/biometric-entry-exit/Southern-Border-Pedestrian-Field-Test-Report.pdf> (December 2016).

⁶*EPIC v. FBI—Next Generation Identification*, EPIC, <https://epic.org/foia/fbi/ngi/>.

⁷DEPT. OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION, NEXT GENERATION IDENTIFICATION (NGI) SYSTEM REQUIREMENTS DOCUMENT VERSION 4.4 at 244 (Oct. 1, 2010), <https://epic.org/foia/fbi/ngi/NGI-System-Requirements.pdf>.

⁸*EPIC v. CBP (Biometric Entry/Exit Program)*, EPIC, <https://epic.org/foia/dhs/cbp/biometric-entry-exit/>.

rate in face recognition software for dark-skinned females was 20.8 percent—34.7 percent, while the error rate for light-skinned males was 0.0 percent—0.3 percent.⁹ As the New York Times explained, “[t]hese disparate results, calculated by Joy Buolamwini, a researcher at the M.I.T. Media Lab, show how some of the biases in the real world can seep into artificial intelligence, the computer systems that inform facial recognition.”¹⁰ If it is correct that that facial recognition as a form of identification discriminates against persons of color in ways that other forms of identification do not, there is a substantial civil rights concern that the committee should investigate.

The involvement of private companies raises additional concerns. CBP has enlisted airlines such as JetBlue and Delta to implement face recognition technology at various points in airports.¹¹ JetBlue is running a self-boarding program using facial recognition in lieu of checking boarding passes. Delta aims to use facial recognition as part of baggage drop off.¹² It is unclear whether access to biometric identifiers by JetBlue and Delta will lead to non-security uses of biometric identifiers.

The airlines are selling the use of facial recognition as a convenience feature, but it’s part of a larger effort by the Government to implement a biometric surveillance program. And, it’s not clear if passengers realize what they are signing up for. Even if some of the passengers are aware, there is still a lack of information about the Government’s biometric entry-exit program.

The CBP and the TSA now plan deploy facial recognition technology at TSA checkpoints—further expanding the use of a privacy-invasive technology without regulations in place to provide proper protections.

Acting Assistant Administrator for Civil Rights and Liberties Christine Griggs should be asked the following questions:

- How exactly do these biometric tracking systems work? Are they accurate?
- How does facial recognition technology at TSA checkpoints fit into the biometric tracking system?
- Are there future plans for the increase use of facial recognition or other biometric identifiers by the TSA?
- Did CBP share the findings of the reports associated with the various Biometric Entry/Exit pilots? And if so, could you detail what the findings were?
- How will TSA ensure that the collection and use of biometric data will not expand beyond the original purpose?
- What restrictions on the use of biometric identifiers by private companies have been established?

We ask that this letter be entered in the hearing record. EPIC looks forward to working with the subcommittee on these issues of vital importance to the American public.

Sincerely,

MARC ROTENBERG,
EPIC President.

CAITRIONA FITZGERALD,
EPIC Policy Director.

JERAMIE SCOTT,
EPIC National Security Counsel.

CHRISTINE BANNAN,
EPIC Policy Fellow.

Mrs. WATSON COLEMAN. Thank you very much. This is to TSA. There is a concern about individuals who have experienced sexual trauma or some other impediment to being able to be touched, to be patted down. How do you deal with that? What is the protocol to deal with that? How do you know?

⁹Joy Buolamwini and Timnit Gebru, Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification, Proceedings of Machine Learning Research (2018) at 11, available at <http://proceedings.mlr.press/v81/buolamwini18a/buolamwini18a.pdf>.

¹⁰Steve Lohr, *Facial Recognition Is Accurate, if You’re a White Guy*, New York Times, Feb. 9, 2018, <https://www.nytimes.com/2018/02/09/technology/facial-recognition-race-artificial-intelligence.html>.

¹¹Asma Khalid, *Facial Recognition May Boost Airport Security But Raises Privacy Worries*, NPR, June 26, 2017, <https://www.npr.org/sections/alltechconsidered/2017/06/26/534131967/facial-recognition-may-boost-airport-security-but-raises-privacy-worries>.

¹²Ben Mutzabaugh, *Delta to test facial-recognition tech on new self-service bag drop*, USA TODAY, May 15, 2017, <https://www.usatoday.com/story/travel/flights/todayinthesky/2017/05/15/delta-test-facial-recognition-tech-new-self-service-bag-drops/101703956/>.

Ms. FITZMAURICE. So we have a lot of information that we put out on our website, as well as with our TSA Cares program, where individuals can reach out and let us know in advance. We have officers that are trained to support these passengers who may have some sort of need or assistance.

So our officers are trained to do that. You know, I recognize that there are times where we do need to touch individuals for our security mission. So really what we have been focused on is being as transparent as possible with the information that we put out there, as well as I mentioned earlier the advisements that we give. So it is really important for us to advise passengers not only in advance, but also while we are engaging with them and providing a situation so that they are comfortable. If that is if they want to have the screening done in a private screening room, we can do that, as well.

Mrs. WATSON COLEMAN. OK. So my concern should not be a concern that someone who, you know, claims to not be touchable because of the trauma that he or she has experienced, something happens to make sure that that is legitimate and we are not just dealing with someone using that as an excuse?

Ms. FITZMAURICE. Well, we wouldn't question that type of information from an individual. But if they do express that they have some concern, I think we will definitely work with them to accommodate and understand what their concerns are. No one is exempt from the screening requirement. So—but really, it is about how we work with them to accommodate them.

Mrs. WATSON COLEMAN. So I know TSA has equal employment opportunity programs and affirmative action programs—or programs of that nature. I am wondering if you have any specific program that addresses the employment of transgenders and whether or not you are employing transgenders as TSOs.

To that extent, after you answer that question, I would like to know from Ms. Tobin, have you ever encountered any? Have they ever expressed any concerns about upward mobility opportunities? So I will leave it to either Ms. Griggs and Ms. Fitzmaurice first.

Ms. GRIGGS. Thank you for your question. Yes, so we—to the extent that our transgender employees have informed us that they are transgender, yes, we do have transgender employees on our work force. To your—if you could just repeat your second question, ma'am. I forgot your second question.

Mrs. WATSON COLEMAN. It had to do with whether or not there are any TSOs.

Ms. GRIGGS. Yes, there are transgender TSOs, yes, ma'am.

Mrs. WATSON COLEMAN. And if there have been sort of any impediments to their upward mobility. Because we have heard from females that there may be some impediment to upward mobility at the agency, but then I see the two of you here representing the agency. But anyway—

Ms. GRIGGS. So I would say that, as it stands right now, we are working on a written policy as it relates to our transgender employees and trying to find the right balance between, obviously, civil rights and liberties of the employees, as well as for the traveling public.

The other thing I would add is that, you know, each situation we take individually. I think that the airports and the field operations by and large have been working very closely with any transgender employees through any transition and working with them to ensure that they are comfortable, that the work force is comfortable, you know, in order to ensure a smoother transition.

Mrs. WATSON COLEMAN. Thank you. Ms. Tobin.

Ms. TOBIN. We have heard in the past—we have seen cases—and in fact, TSA has had to settle EEO complaints of transgender TSOs who have faced harassment or work restrictions or other forms of discrimination. Sometimes it is a matter of either—of management decisions at the airport or elsewhere. That is not something that we have heard in the last few years.

Mrs. WATSON COLEMAN. Good.

Ms. TOBIN. We certainly look forward to the agency clarifying its EEO policy. It lags behind much of the rest of the Government in that respect. We certainly see transgender officers in law enforcement and security positions around the country successfully. There is no, you know, special concerns for them interacting with the public, as long as they can do their jobs like everyone else.

Mrs. WATSON COLEMAN. Thank you. One last general question. I know that you have two coalitions that you deal with to get feedback and that you inform of the policies and procedures. My question to you is, as you are developing these policies and procedures and considering these policies, do you seek feedback from your coalition partners in that process as opposed to at the end of it informing them so that they can therefore educate their communities?

Ms. GRIGGS. Thank you for your question. Yes, we absolutely do. I think as part of our regular and consistent engagement with the coalitions, we do bring forward any proposed policies or changes that we are considering and absolutely allow for their input on the front end of things.

I think it is also important to inform them of the reasons why we are recommending such policies or, you know, what is the reason behind things, so we do involve them in the beginning.

Mrs. WATSON COLEMAN. Thank you. Thank you very much for your responses. I yield back.

Mr. KATKO. Thank you. I would like to thank all three of you for your testimony today. It was very well done, very thoughtful and helpful.

Members of the committee may have some additional questions for the witnesses. We will ask you to respond to these in writing. As you know, I made a request for a response in writing within 10 days, and we will follow up with a letter today, so you know exactly what we are looking at. I appreciate it if you would accommodate that within the 10-day period.

Pursuant to committee rule VII(D), the hearing record will be held open for 10 days. Without objection, the subcommittee stands adjourned.

[Whereupon, at 11:08 a.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRMAN JOHN KATKO FOR THE TRANSPORTATION SECURITY ADMINISTRATION

Question 1a. Ms. Stacey Fitzmaurice testified that TSA has “additional screening measures that we can apply, the use of canines as an example,” to move non-PreCheck passengers into PreCheck lanes at airport checkpoints.

How often does TSA utilize additional screening measures to move non-Precheck-enrolled passengers into PreCheck lanes?

Question 1b. What data does TSA use to determine a non-PreCheck passenger’s level of risk? Please describe all factors considered.

Question 1c. What are the existing guidelines provided to TSO’s that permit them to move non-PreCheck passengers into PreCheck lanes?

Question 1d. Please describe all supplemental screening measures that TSA employs to offset the risks associated with moving non-PreCheck passengers into PreCheck lanes.

Answer. When operating Canine Enhanced Screening (CES), canine teams have served as an additional layer of security allowing TSA to supplement standard screening procedures, which include screening of the person, an Explosives Trace Detection and physical search of their accessible property for the entire checkpoint. Through the combined use of a Passenger Screening Canine Team (PSC) and Behavior Detection (BD)-certified TSOs, TSA moved non-TSA PreCheck® passengers into the TSA PreCheck® lane.

As soon as plausible, and based on concerns recently raised with this approach, TSA intends to cease the process of directing non-TSA PreCheck® passengers into TSA PreCheck® Lanes regardless of the use of CES. TSA will primarily employ CES in the standard screening lanes. When possible, TSA will also run CES in the TSA PreCheck® lanes as an added level of security.

Question 2a. How does the Canine Enhanced Screening (CES) program differ from traditional canine screening at checkpoints? Does the application of the CES program vary between PreCheck® lanes and non-PreCheck® lanes?

Answer. The Canine Enhanced Screening (CES) program is not different from traditional canine screening at checkpoints. The application of the program does not vary between TSA PreCheck® and non-TSA PreCheck® lanes.

Question 2b. Has TSA explicitly utilized the CES program to replace other forms of screening?

Answer. No, Canine Enhanced Screening adds an additional layer of explosives detection at the security checkpoint.

Question 2c. Is Canine Enhanced Screening used to increase throughput at standard screening lanes?

Answer. No. The primary function of CES is not for increased throughput, but rather to serve as an increased layer of detection and deterrence.

Question 3a. Ms. Stacey Fitzmaurice testified that TSA has “taken steps to reduce the number of individuals who would be getting PreCheck® that are not enrolled.”

Please describe the steps that TSA has taken as well as relevant future actions planned to reduce the number of individuals who are being diverted into PreCheck® lanes but are not enrolled in PreCheck®.

Question 3b. Does TSA intend to draw down or cease the use of rules-based PreCheck® screening for passengers?

Answer. TSA is actively reducing the number of non-enrolled travelers in TSA PreCheck® lanes. In May 2017, TSA stopped the practice of allowing certain passengers who had not been vetted through the TSA PreCheck® application process from being granted access to TSA PreCheck® lanes as a result of their frequent flyer status. In October 2017, TSA began a steady decrease in the overall number of rules-based travelers in the TSA PreCheck® lanes, at a rate in line with the growth of the Trusted Traveler throughput to maintain efficient operations.

As soon as plausible, TSA intends to cease the process of directing non-TSA PreCheck® passengers into TSA PreCheck® Lanes regardless of additional measures in the queue such as Passenger Screening Canines or BD certified TSOs. TSA has determined that only passengers with TSA PreCheck® on their boarding pass will be directed into TSA PreCheck® lanes.

TSA employs a governance process to regularly review the rules associated with passenger vetting. Based on the most recent review, TSA intends to cease certain rules-based inclusion, and continue to draw down other rules as described above.

Question 4a. There are approximately 4,000 Passenger Support Specialists at airports across the country who provide on-the-spot assistance to travelers during the screening process. Is there at least one PSS at each Federalized airport where TSA is responsible for screening? If not, is TSA taking steps to increase the number of PSSs?

Answer. As of April 1, 2018, 82 percent of Federalized airports Nationally have at least one Passenger Support Specialist (PSS) (359 of 440 Federalized airports). As airports are resourced differently, the level of assistance a passenger receives at the security screening checkpoint may vary. While some airports have an individual who will call the passenger to gather additional information and arrange a meeting time and place, others may notify the checkpoint manager of the passenger's itinerary without pre-contact being made. TSA's goal is to have a PSS available during a checkpoint's operational hours. If the passenger arrives at the checkpoint and has any concerns before, during, or after the screening process, he or she should immediately request to speak with a Supervisory Transportation Security Officer (STSO) or a PSS for assistance.

TSA is looking at ways to expand the PSS Program, including incentives and/or asking additional groups of Transportation Security Officers to complete the training, i.e., focusing on CAT-X airports, or focusing on STSOs. While the specific alternatives are not yet identified, we intend for the PSS program to grow.

Question 4b. What specialized training do PSSs receive?

Answer. Passenger Support Specialists (PSSs) are all Transportation Security Officers (TSOs) who receive TSO training as well as a minimum of 1.5 hours of additional training in disability etiquette and sensitivity that is delivered by a member of the TSA Disability and Medical Conditions Coalition. PSSs and TSOs also have the opportunity to receive etiquette and sensitivity training in a number of other areas, including transgender, religion, tribal affairs, race, and handling religious or sacred items. Moreover, training is available to all TSOs covering how to engage with individuals across a wide range of disabilities and medical conditions. All of these training opportunities are hosted by TSA and delivered by its Coalition members. The trainings are recorded and available in TSA's On-line Learning Center library. TSA intends to continue to increase the number of TSOs who receive this training.

Question 4c. To build upon a person-centric screening process, how can TSA expand the PSS program to incorporate a larger percentage of TSOs? What kinds of incentives would you recommend to support this initiative?

Answer. TSA is exploring incentives to expand the PSS Program, including embedding PSS qualification as a career progression option, or as a requirement for promotion.

Question 4d. How have TSA's public engagement efforts highlighted the PSS program as a way to proactively support passengers before they arrive at the airport?

Answer. The availability of a PSS is advertised on the website (www.TSA.gov) in multiple locations, including printable fact sheets and blog posts. TSA also promotes this service on Facebook, Twitter, and YouTube. In addition, the information is provided directly to passengers by the TSA Contact Center, via both telephone and email, and by AskTSA Social Care agents, when responding to social media inquiries.

TSA also informs the public about the PSS program through the following:

- A monthly e-broadcast called "What to Expect," which is sent to nearly 400 organizations and advocacy groups in TSA's Disability and Medical Conditions Coalition;
- A periodic e-broadcast called "Know Before You Go," which is sent to about 55 organizations and advocacy groups in TSA's Multicultural Coalition;
- Operating booths at Coalition-sponsored events;
- Hosting regular (at least quarterly but usually more often) Coalition teleconferences and the TSA Annual Coalition Conference in Washington, DC;
- Participating as panelists or speakers at Coalition-hosted events; and
- Engaging with airlines and airport operators.

QUESTIONS FROM RANKING MEMBER BONNIE WATSON COLEMAN FOR THE
TRANSPORTATION SECURITY ADMINISTRATION

Question 1. Are there any updates on when we can expect to see gender-neutral screening technology at checkpoints?

Answer. The original Advanced Imaging Technology (AIT) was gender-neutral but required an operator to review every image, which created privacy concerns with the traveling public. As a result, TSA developed an algorithm to avoid the need for a person to review all of the images. To protect the traveling public's privacy, that algorithm included considerations to avoid false alarms that would otherwise require a passenger to be physically screened. Through the gender selection option, TSA was able to reduce the number of times a passenger needed to be physically screened by an officer.

TSA is exploring the potential development of a new configuration of the current AIT and demonstrating a new AIT manufacturer to accommodate gender-neutral screening while still minimizing the need for physical screening due to false alarms. This technology is still under development and in the demonstration testing phase with no time line for acquisition or deployment. TSA will also include these requirements in future solicitations for on-person screening procurements as the technology becomes available.

Question 2. Please provide an update on the written EEO policy regarding transgender TSOs.

Question 3. Please provide data on the number of transgender TSOs currently in the workforce at TSA.

Answer. TSA does not currently have a written EEO policy regarding transgender TSOs. Also, TSA does not ask for or collect data on the gender identity of its employees and therefore cannot provide data regarding the number of transgender TSOs in its workforce.

Question 4. Do Passenger Support Specialists receive additional pay or benefits?

Answer. Passenger Support Specialists do not receive additional pay or benefits.

Question 5. How does TSA advertise the availability of Passenger Support Specialists to passengers, both prior to and upon arrival at the checkpoint?

Answer. The availability of a Passenger Support Specialist (PSS) is advertised on the website (www.TSA.gov) in multiple locations, including printable fact sheets and blog posts. The Transportation Security Administration (TSA) also promotes this service on Facebook, Twitter, and YouTube. In addition, the information is provided directly to passengers by the TSA Contact Center, via both telephone and email, and by AskTSA Social Care agents when responding to social media inquiries.

TSA also informs the public about the PSS program through the following:

- A monthly e-broadcast called "What to Expect," which is sent to nearly 400 organizations and advocacy groups in TSA's Disability and Medical Conditions Coalition;
- A periodic e-broadcast called "Know Before You Go," which is sent to about 55 organizations and advocacy groups in TSA's Multicultural Coalition;
- Operating booths at Coalition-sponsored events;
- Hosting regular (at least quarterly but usually more often) Coalition teleconferences and the TSA Annual Coalition Conference in Washington, DC;
- Participating as panelists or speakers at Coalition-hosted events; and
- Engaging with airlines and airport operators.

Question 6. What additional training do Passenger Support Specialists receive? How long does the additional training take?

Question 7. Has TSA considered providing the same additional training to all its officers—essentially making all officers Passenger Support Specialists?

Answer. All Transportation Security Officers (TSOs) receive initial and on-going training regarding how to properly engage with passengers. TSA emphasizes treating passengers with respect, courtesy, and dignity.

Passenger Support Specialists (PSSs) receive a minimum of 1.5 hours of additional training in disability etiquette and sensitivity that is delivered by a member of TSA's Disability and Medical Conditions Coalition. PSSs and TSOs also have the opportunity to receive etiquette and sensitivity training in a number of other areas, including transgender, religion, tribal affairs, race, and handling religious or sacred items. Moreover, training is available to all TSOs covering how to engage with individuals across a wide range of disabilities and medical conditions. All of these training opportunities are hosted by TSA and delivered by its Coalition members. The trainings are recorded and available through TSA's On-line Learning Center. TSA intends to continue to increase the number of TSOs who receive this training.

Question 8. When assessing the value of the behavior detection program, has TSA considered the negative effects of the program on the public's perception of TSA?

Question 9. Has TSA engaged with advocacy groups to ensure that the list of concerning behaviors is not based on cultural misunderstandings and does not discriminate against any race, ethnicity, or religion?

Answer. TSA works with stakeholder communities to ensure that it understands how its processes and procedures affect them. TSA has developed collaborative relationships with a variety of stakeholders through the Disability and Medical Conditions Coalition and the Multicultural Coalition, and TSA considers their feedback, complaints, and concerns.

Regarding the behavior detection program specifically, TSA did not discuss the list of concerning behaviors with stakeholder communities because the behaviors were considered Sensitive Security Information that could not be shared. TSA did however rely on its own internal reviews to ensure that the identified behaviors were not based on cultural misunderstandings and did not discriminate against any race, ethnicity, or religion.

TSA has a zero tolerance policy regarding unlawful profiling. This prohibition has been reinforced through training and policy directives. Additionally, every Transportation Security Officer takes a no-profiling pledge and is trained and expected to report allegations of profiling to local management or TSA's Office of Civil Rights & Liberties, Ombudsman, and Traveler Engagement, which is responsible for responding to civil rights complaints.

Question 10. Has TSA considered proactively soliciting passenger feedback on a broad scale, such as through surveys or focus groups?

Answer. TSA has proactively solicited passenger feedback on a broad scale. Passenger solicitations, including surveys and interviews, are regularly included during checkpoint performance assessments and when TSA introduces changes to the passenger screening environment.

Most recently, TSA conducted a broad-scale field study on passenger experience to identify opportunities for improving the ways Transportation Security Officers (TSOs) interact with passengers. As part of the study, TSA solicited feedback from passengers and TSOs at five U.S. airports, varying in size and geographic region, through the use of in-depth surveys and interviews.

TSA distributed passenger experience surveys in TSA PreCheck® and standard lanes over 8-hour periods at three airports, collecting responses from 218 passengers. The survey questions were designed to assess passenger perceptions of their general experience and interactions with TSOs. To gather more detailed responses to supplement and validate survey data, TSA conducted 16 hours of one-on-one interviews with TSA PreCheck® and standard lane passengers at two additional airports, soliciting responses from 166 passengers. The topics covered in the survey include: Passenger experience, prior knowledge of and consistency of screening procedures, as well as passenger perception of the agency and its employees.

Survey and interview questions were carefully analyzed to identify opportunities for improvements to TSO and passenger experiences. All questions and survey methods were approved through the Office of Management and Budget's Paperwork Reduction Act approval process.

Question 11. What results have you seen from the introduction of additional Divestiture Officers?

Answer. By posting dedicated Divest Officers (DOs) in each lane, TSA has significantly increased passenger engagement. The DO communicates to passengers the need to divest items and separate them into more bins. This process reduces X-ray on-screen clutter, provides a clearer picture, and better enables isolation of items for more effective resolution of potential threats or false positives.

Question 12. How often does TSA reevaluate trainings to consider whether updates are necessary?

Answer. TSA training updates are often made in response to evolving threats, procedural/policy changes, and updates to the Standard Operating Procedures, which resulted in more than six such updates/changes in 2017. The training is dynamic and designed to match the environment in which the TSA operates. Each year TSA issues a National Training Plan that includes not only updated training materials to incorporate changes to policies and procedures, but also newly-developed training that is designed to strengthen and expand Transportation Security Officers (TSOs) knowledge base and technical skills. The launch of the TSO Basic Training Program at the TSA Academy in January 2016, necessitated a full review and redesign of the course curriculum that is now being delivered, and continues to be updated to align with changes to policies, procedures, and/or information related to the threat. Per TSA's Training Standards Management Directive and Handbook, a curriculum review may occur at shorter intervals as appropriate; however, a comprehensive curriculum review is completed at a minimum of once every 5 years.

Question 13. To what extent is the Office of Civil Rights and Liberties included in the process of developing new policies and procedures, including the process of choosing technology solutions?

Answer. The Office of Civil Rights and Liberties, Ombudsman and Traveler Engagement (CRL/OTE) reviews proposed TSA procedures to ensure compliance with applicable civil rights and civil liberties statutes. Additionally, CRL/OTE solicits input from appropriate TSA Disability and Medical Condition Coalition and TSA Multicultural Coalition stakeholders when a proposed technology solution is identified that may affect those communities.

Through working with TSA's Innovation Task Force, CRL/OTE ensured its April 2017 Broad Agency Announcement (BAA), which solicited people, process, and technology innovations from industry, required solutions that, "ensure access and equal opportunity as required by Section 504 of the Rehabilitation Act . . . for individuals with disabilities" and "improve screening of headwear and hair." The BAA also encouraged vendors, "to submit solutions that address capability gaps in civil rights compliance, including upgrades to improve screening of transgender passengers."

Question 14. What communications are officers instructed to provide to passengers prior to a pat-down to explain what led to the need for a pat-down?

Answer. Prior to conducting a pat-down, Transportation Security Officers (TSOs) are instructed to communicate to the passenger the need to conduct a search of their person. This includes advising why a pat-down is required (e.g. alarmed the Walk-Through Metal Detector (WTMD) or Advanced Imaging Technology (AIT), passenger elects to opt-out of WTMD/AIT screening, passenger's accessible property alarms Explosive Trace Detection equipment, passenger is selected for additional screening [no identification], or passenger is selected for random screening). The TSO also offers the passenger the option of private screening. During the pat-down, the TSO will advise the passenger prior to conducting a search of each body area. If a pat-down of a sensitive area is required, the TSO will provide a demonstration of the search procedures prior to beginning the search. The TSO will also make every effort to position the passenger where they have the ability to maintain visual sight of their accessible property.

