Congress of the United States
House of Representatives
Washington, DC 20515

December 14, 2020

David P. Pekoske
Administrator
Transportation Security Administration
6605 Springfield Center Drive
Springfield, VA 22150

Dear Administrator Pekoske,

We write to urge the U.S. Transportation Security Administration (TSA) to ensure that their agents can recognize and incorporate communication impediment designations on state identification cards into travel screening procedures. States are beginning to adopt these voluntary communication impediment designations as one way for individuals with disabilities to alert law enforcement to potential barriers to communication.

We share TSA's commitment to provide accommodations to individuals with disabilities and medical conditions during the TSA screening process. As you know, TSA offers a toll-free helpline 'TSA Cares' and the Passenger Support Specialist (PSS) Program to help individuals with disabilities and medical conditions prepare for and go through the travel screening process. The agency also launched the TSA Disability Notification Card initiative, which allows individuals to discreetly share information about a disability or medical condition with TSA screeners. We also commend TSA for integrating how to effectively communicate with and assist individuals with disabilities or medical concerns into their Basic Training Program. However, more can be done to ensure a safe and smooth travel screening process for individuals with disabilities.

According to the Ruderman Family Foundation, individuals with disabilities make up between one third and one half of all people killed by law enforcement officers. Individuals with autism can be sensitive to loud noises, bright or flashing lights, or physical touch, which may cause them to act in a way that a law enforcement officer perceives to be threatening. An officer may believe an individual who is deaf or hard of hearing is disobeying a lawful order, when they simply cannot hear or understand the officer.

That is why several states, including Michigan, Texas, and Arkansas, have recently passed legislation allowing individuals with autism, hearing loss, or other disabilities to choose to have a "communication impediment designation" on their driver's licenses. For some states (i.e., Texas) the designation is visible on the identification card, and for other states (i.e., Michigan) the designation is embedded within data stored on the identification card. The communication impediment designation is meant to alert law enforcement officers to potential communication barriers, if an individual is pulled over or otherwise interacts with an officer. This way, a police officer can act accordingly and prevent an escalation to violence.

Given the emerging trend in state communication impediment designation laws, we believe there is an opportunity for TSA to ensure its workforce can recognize these designations, just as it already recognizes TSA Disability Notification Cards. Then, TSA agents can utilize the agency's existing infrastructure to ensure these individuals receive the supports they need during the TSA screening process.

In order to improve the travel screening process for individuals with disabilities or medical conditions, TSA should take steps to adequately incorporate communication impediment designations on state identification cards into their processes. In light of these concerns, I ask that you please respond in writing to the following questions at your earliest possible convenience.

1. What steps does TSA take to identify and review all state laws allowing for communication impediment designations on state identification cards and drivers licenses? How often does TSA review these state laws?
2. What steps does TSA take to ensure that TSA agents can recognize all state communication impediment designations via manual travel document checking and/or Credential Authentication Technology (CAT) processes? Also, what are the current capabilities of CAT in recognizing communication impediment designations? And if there are no such capabilities, what steps are being taken to make this happen?
3. How does TSA incorporate information on such designations into current PSS and Travel Document Checker (TDC) training? How often is such training/guidance updated?
4. How is feedback from stakeholders in the disability rights community incorporated into these trainings?

Thank you for your consideration.

Sincerely,

Daniel T. Kildee
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