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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

RICHARD J. KESSLER, STAFF DIRECTOR
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October 29, 2013

VIA U.S. MAIL & EMAIL (Sarah.Dietch@DHS.gov)

The Honorable John S. Pistole
Administrator
Transportation Security Administration
601 South 12th Street
Arlington, VA 20598

Dear Administrator Pistole:

The *Arizona Republic* recently reported on an “intolerable situation” where many passengers with disabilities at Sky Harbor International Airport in Phoenix, Arizona have complained of “invasive” searches by the Transportation Security Administration (TSA). At Sky Harbor, passengers with disabilities are filing formal complaints about TSA procedures at a rate of more than two and a half times the national average. I write to ask you to explain the alleged wrongful actions of TSA personnel at Sky Harbor and review TSA’s screening policies for passengers with disabilities to ensure that security protocols meet contemporary threats and respect the dignity of travelers.

In June, an 82 year-old wheelchair-bound woman reportedly went through the security line at Sky Harbor to board a flight to London and set off a metal detector. She apparently explained to the TSA agent on duty that she had survived a battle with breast cancer and, as a result, had a prosthesis. Ignoring her explanation, however, TSA agents reportedly brought the elderly woman to a back room where they ordered her to remove her blouse, bra, and prosthesis for examination. Only after this search – which her granddaughter described as “degrading” and “invasive” – was she allowed to finally board her flight.

In fact, her story is only one example in a series of searches involving breast cancer survivors at Sky Harbor that have led to formal complaints. I understand that eight complaints from breast cancer survivors with prostheses have been filed against TSA since 2011 at Sky Harbor alone. Reportedly, one of the victims had her prosthesis pulled out of her blouse and searched in the middle of the terminal. When she protested that the search was being conducted in public, the agent apparently told her to “shut up.”

Breast cancer survivors are not the only people who have complained about TSA’s procedures. In March, TSA agents reportedly forced a Marine in a wheelchair who lost both of his legs in Afghanistan to remove his artificial legs to pass through the full body scanner at Sky Harbor’s Terminal 4. Similar complaints have come from passengers with artificial joints, pacemakers, insulin containers, spinal cord stimulators and oxygen tanks. Those passengers

have been forced to undergo additional security checks because of their essential medical equipment.

It is unfortunate that TSA subjects seniors, wounded veterans and passengers with special medical needs to excessive searches. I am sure you would agree that no 82 year-old woman should ever have go through such a process in order to board an airplane. Of course, TSA has to strike a balance between privacy and security, but in the case of passengers with disabilities, that common-sense balance seems to be eluding TSA's screeners at Sky Harbor.

In order to address this concern, please provide responses to the following questions by no later than November 13, 2013:

1. Have any TSA agents faced disciplinary action for their behavior involving the elderly and disabled at Sky Harbor?
2. How has TSA addressed complaints from disabled travelers who have been subjected to degrading and invasive searches?
3. What has TSA done to make appropriate arrangements to respect the dignity of the elderly and disabled as they go through security checkpoints?
4. What technological measures has TSA examined to ease the screening process for elderly and disabled passengers?
5. Does TSA have processes in place to achieve a reasonable balance between security and privacy for passengers with special medical needs? Were those processes followed in the cases described in this letter?

Thank you for your attention to this important matter. If you have any questions or concerns, please have your staff contact Jack Thorlin, Counsel to the Minority, Permanent Subcommittee on Investigations, at 202/224-2224.

Sincerely,

A handwritten signature in blue ink that reads "John McCain". The signature is written in a cursive style with a large, sweeping "J" and "M".

John McCain
Ranking Minority Member
Permanent Subcommittee on Investigations