



General Aviation Leads National Efforts on Aviation Security and Supports Effective and Reasonable Security Program

Continues to Urge Joint Industry – Government Collaboration to Improve Pending TSA Proposal on General Aviation Security

Background:

Since the events of 9/11, NBAA and the general aviation community have partnered with both the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) in developing effective and efficient general aviation security measures. These include implementing an Airport Watch program, monitoring aircraft transactions, conducting background checks and developing tamper-proof licenses for pilots. In addition, five years ago, NBAA members in the NY area voluntarily participated in a TSA pilot program to design a security program specifically for private operations. NBAA works collaboratively with the general aviation community, airports and federal homeland security officials to review existing programs, evaluate the need for enhancements, and assist the TSA in allocating scarce resources where they can be most effectively utilized.

On October 30, 2008, the TSA issued a Notice of Proposed Rulemaking (NPRM); known as the "Large Aircraft Security Program" (LASP) would apply security measures designed for the nation's commercial scheduled airlines to private aircraft. The original proposal did not reflect the significant operational differences between commercial airlines and general aviation. The public comment period closed on February 27, 2009.

Update:

Since the close of the public comment period in February, 2009, the TSA has held three public meetings to gather additional information about the industry and existing security processes. In addition, the House Homeland Security Committee held a subcommittee hearing on July 15, 2009 on the LASP proposal. The TSA has taken all the feed back provided through written comments to the docket, statements made at public hearings and those from additional meetings to develop a revised proposal.

The TSA has stated that they intend to release a Supplemental Notice of Proposed Rulemaking (SNPRM) that addresses industry and Congressional concerns while also providing another opportunity for comment from the public. TSA hopes to complete its work on the revised proposal sometime later this year.

Additionally, TSA has created a General Aviation (GA) subgroup of the Aviation Security Advisory Committee (ASAC). The GA subgroup has met several times to provide TSA input on a number of additional GA security issues. NBAA believes that the creation of the GA subgroup has provided benefit both TSA and the industry through both increased communication and information sharing.

Government – Industry Agreement:

As noted above, NBAA has closely coordinated with TSA to address government security priorities. Over the past two years, former TSA Administrator Kip Hawley repeatedly indicated that pilot identification is the agency's primary focus in the development of a GA security protocol. NBAA members recognize the value and endorse the concept of pilot background checks. We stand ready to work with TSA to define and implement this portion of the proposal.

Major Concerns:

NBAA and the General Aviation community are committed to continue working with the TSA to harden the industry against terrorist threats. However there are some serious concerns about certain proposals contained in the LASP which include the following:

Application of the TSA's Proposal to Smaller Aircraft: Despite its name, "The TSA's "Large Aircraft Security Program" would apply to some very small aircraft-- about the size of a SUV-- which are owned and operated by individuals and small companies. We believe that the current proposed weight threshold for aircraft to be covered by this proposed regulation should be carefully reviewed and adjusted to reflect a data-driven, risk-based approach.

Prohibited Items: The LASP proposal includes a list of more than 80 items which could not be carried onboard a general aviation aircraft. This mandate mimics a requirement on commercial airlines. Security requirements should be specific to each segment's segments unique operations and vulnerabilities. For example, measures appropriate for commercial airlines carrying large number of unknown people are not workable on small private aircraft carrying a few known individuals in a closely connected group.

Many of these "prohibited" items identified by the LASP proposals are necessary to the business needs of the aircraft operator such as maintenance tools to repair and maintain the safety of the aircraft. In addition, the LASP could prohibit a company from carrying necessary sales and business products central to their business needs. For example, sporting goods manufacturers would be unable to access many of their products in flight as they prepare for a sales presentation or customer visit. Given that most airplanes used in business aviation have little or no cargo space, it will be difficult, if not impossible to transport these necessary "business tools" in a general aviation aircraft.

Procedures for Carrying Federal Air Marshals (FAMs): TSA's proposal would also require private operators to develop procedures to carry a federal air marshal when required by the TSA. It is difficult to understand why a non-commercial operator would ever be required to transport a law enforcement officer given that the company that owns the plane is familiar with everyone onboard and that the appropriate TSA background checks and watch-list requirements in the proposed rule will have been completed by the aircraft operator.

Third-Party Audits: The LASP also includes a mandate for third-party audits to be conducted to measure security compliance. Surveillance and federal oversight are inherently governmental functions. NBAA members do not object to working exclusively with TSA in this area. The industry is opposed to outside, private third parties having access to sensitive and proprietary information and operations.