



## **Background**

NATA member companies have raised concern regarding the authority of Visible Intermodal Prevention and Response (VIPR) teams to conduct security searches at FBOs across the country.

## **Issue**

VIPR was created as part of the Aviation Transportation Security Act (ATSA) approved by Congress in 2002. The 9/11 Commission Act, enacted in August 2007, recognized the need for VIPR teams, granting authority to the Transportation Security Administration (TSA) and the Department of Homeland Security (DHS) to “augment the security of any mode of transportation at any location within the U.S., using any asset of DHS, including Federal Air Marshals, surface transportation security inspectors, canine detection teams, and advanced screening technology.”

According to the TSA, the purpose of VIPR teams is to “operate throughout the airport environment as an additional layer of security to enhance TSA’s ability to prepare for, protect against, or respond to acts of terrorism and to protect persons, facilities, and critical infrastructure in all modes of transportation. VIPR teams are to consult with all transportation entities directly affected by the deployment of VIPR teams, as appropriate, including air carriers, airports operators, local security and law enforcement officials and fixed-based operators.”

All VIPR actions are intended to counteract the threat posed by explosives, weapons, or terrorist activity in the airport. VIPR teams may approach people to ask questions and examine bags or accessible property. These teams may also search vehicles approaching airport parking areas or terminals.

VIPR teams are purposely meant to be unpredictable and vary from airport to airport.

According to the TSA, searches conducted by VIPR teams, also referred to as “special needs searches” or “administrative searches,” are exceptions to the normal rules under the Fourth Amendment of the U.S. Constitution, requiring that searches undertaken by the government must be based on a legitimate suspicion of criminal wrongdoing (based on probable cause or reasonable suspicion.) Searches conducted by VIPR teams are instead justified by the government’s need to ensure the public’s safety.

### **NATA Position**

NATA encourages members to work with VIPR teams and to alert association staff should these squads appear to be overly aggressive in reviewing security protocol at your location or do not provide advance notice when a site inspection is to take place. While VIPR teams are not required to alert any entity that will encounter a site inspection, past experience has seen that many do.