Temporary Flight Restrictions

Background
Since September 11, 2001, the general aviation community has come under unprecedented scrutiny, resulting in new, unfounded security mandates that place a significant financial strain on NATA members. When the President of the United States travels or when a special event takes place such as the Super Bowl, a temporary flight restriction (TFR) is put in place by the Federal Aviation Administration (FAA) and the Department of Homeland Security (DHS). A TFR acts like a “bubble” prohibiting non-airline passenger aircraft from flying within a certain distance of the event, usually about 10 miles. While this may seem like a relatively small area, the restriction usually includes at least one airport, essentially closing that airport for the duration of the TFR. Other airspace restrictions, both permanent and temporary, are regularly issued nationwide, often with little or no notice, resulting in airport closures that are economically devastating to general aviation businesses.

Issue
The Aviation and Transportation Security Act (ATSA) established a security program for on-demand air charter operators whose aircraft weigh 12,500 pounds or more. This program, commonly known as the “twelve-five” program, requires the operators to have a security program approved by the Transportation Security Administration (TSA) and gives the operators access to terrorist watch lists and other security alerts. Despite the fact that charter operators participating in the program spent thousands of dollars to improve the security of their operations, the TSA does not recognize the heightened security these carriers have implemented. Whenever a TFR is established, the aircraft of the twelve-five operators are treated the same as any other aircraft, and prohibited from the restricted airspace. In October 2004, the TSA approved twelve-five operators who only carry cargo to fly though established TFRs, but passenger flights are still prohibited. NATA and the TSA are continuing to work together to enhance the twelve-five program, in hopes that operators will soon be allowed to fly passenger flights into and out of TFR airspace.

NATA Position
General aviation has taken tremendous steps to improve the safety and security of its operations in the period following September 11, 2001. Charter operators have adopted strict security protocols for aircraft weighing more than 12,500 pounds that include the same access to terrorist watch lists as the airlines. More and more general aviation businesses have incorporated newer technologies such as the use of biometrics in their security systems.
NATA requests that Congress assist in establishing a dialogue with the United States Secret Service to institute initiatives to improve aviation security that would allow general aviation operators to fly through TFRs in the same manner as scheduled airlines.

**Security Directives**

**Background**
Federal regulations give the Transportation Security Administration (TSA) the power to issue Security Directives (SD) in response to threats against civil aviation. These SDs prescribe specific procedural or policy changes designed to address the specific nature of the threat and differ from typical federal rulemaking in that they can be issued with no public notice, comment or cost-benefit analysis. In December 2008, the TSA issued SD 1542/08G (SD 08G) to the directors of airports serving commercial air carriers. The SD mandated changes to the issuance of airport identification media and expanded the base of individuals who would be required to obtain airport identifications. In May 2009, SD 08G was implemented, and it mandated that any individual requiring unescorted access to the airport operations area (AOA) of an airport serving commercial air carriers must apply for and receive airport-issued identification media. This requirement expanded the airport identification process to include individuals such as FBO employees, private aircraft owners, general aviation maintenance providers and flight instructors.

**Issue**
The SD requires that any individual applying for airport-issued identification must verify their identity and undergo a TSA Security Threat Assessment (STA). In the event that an individual does not pass the STA, the airport is not permitted to grant the individual regular escorted access to the AOA to circumvent the SD requirements, in effect banning that individual from accessing the AOA on a regular basis. On June 1, 2009, the TSA revised SD 08G and released SD 1542/08F (SD 08F) to address the concerns of the general aviation industry. However, because SD 08F is classified as Sensitive Security Information (SSI) NATA is unable to view SD 08F to address concerns that arise as airports implement the directive.

**NATA Position**
While NATA remains concerned with the TSA's decision to use a Security Directive to promulgate regulations affecting a broad category of previously unregulated individuals, the association understands the importance of not disclosing certain security procedures and policies due to safety concerns. While SD 08F is now effective, the opportunity to affect future activities by the TSA regarding SDs remains.

**NATA encourages Members of Congress to support H.R. 3011, the Transportation Security Administration Authorization Act of 2011, which amends the TSA's issuance of security directives, ensuring that the TSA doesn’t offer security directives in place of the federal regulatory processes without the presence of an imminent threat.**
Large Aircraft Security Program (LASP)

Background
In October 2008, the Transportation Security Administration (TSA) proposed the Large Aircraft Security Program (LASP) to govern operations of all aircraft weighing more than 12,500 pounds and require operators to implement an approved security program. The LASP proposal would, for the first time ever, require security programs for thousands of privately operated general aviation aircraft and ultimately seek to combine a number of security programs currently in place, including the Twelve-Five Standard Security Program (TFSSP), into a single, uniform program.

Issue
The proposed LASP would expand requirements similar to those currently found in the TFSSP to all operators of aircraft with a MTOW of more than 12,500 pounds regardless of the type of operation, federal regulation operating rules, or mission. Among the requirements contained within the proposal that concern the association are the FBI background check of pilots of owner-piloted aircraft, a mandatory biannual compliance audit at the aircraft owner’s expense, and the requirement that passenger lists be submitted for comparison to terrorist watch lists. There is an uncertainty about how managed aircraft will be treated, as many aircraft are managed by outside firms.

NATA Position
While the TSA has been working to revise and re-issue a modified version of the LASP rule, NATA is concerned about the length of time and unknown factors associated with the release of the revised rule. The Administration Procedure Act/Regulatory Flexibility Act requires federal agencies to weigh the costs of a proposed regulation against the anticipated benefits. It remains uncertain whether the TSA has validated the benefits outweighing the costs because of the agencies reluctance to provide any data.

NATA requests that Congress continue to evaluate the reason for the TSA’s delayed release of the revised security rule.

Foreign Repair Station Rule

Background
Congress passed legislation, Vision 100 – Century of Aviation Reauthorization Act and the 2007 Implementing the Recommendations of the 9/11 Commission Act requiring the Transportation Security Administration (TSA) to issue a rule to ensure the safety and security of foreign and domestic aircraft repair stations. In addition, these laws also prohibited the Federal Aviation Administration (FAA) from certifying any new non-domestic repair stations after August 2008 if the TSA had not yet promulgated the required regulations.
**Issue**

The TSA first held a public meeting on this rulemaking in 2004 and issued a Notice of Proposed Rulemaking (NPRM) five years later in November 2009. The aviation industry provided the TSA with comprehensive comments on the nature and diversity of repair station operations and how to make this rule an effective, risk-based security regulation. While the public comment period for this NPRM closed in February 2010, work on a final rule has been ongoing for the past 21 months. The United States has long been the world leader in aviation, and American aircraft and parts remain one of our key exports with aerospace contributing positively to our nation’s balance of trade. The extensive delay in promulgation of a final rule regarding repair station security has had a negative impact on our industry and the U.S. economy. American companies seeking to expand their markets overseas are hindered relative to foreign competitors due to the inability to get new repair stations certified.

**NATA Position**

The publication of a final rule will enhance security and also remove a regulatory roadblock that is currently damaging American companies.

**NATA believes that Congress should provide additional mandates on the TSA to finalize the rulemaking.**