

SEEKING CO-SPONSORS OF H.R. 3678

October 9, 2009

What's at Issue

On September 30, 2009, Representatives John Mica (R-FL), Thomas Petri (R-WI), Vernon Ehlers (R-MI), Sam Graves (R-MO) and Allen Boyd (D-FL) introduced H.R. 3678, in the U.S. House of Representatives. The legislation seeks to modify the authority of the Transportation Security Administration's (TSA) assistant secretary of homeland security to issue regulations and security directives (SDs) using emergency procedures.

Why It's Important

H.R. 3678 ensures that the SD process is reserved only for situations when the time-tested federal rulemaking process is inadequate to address quickly evolving or imminent threats to security.

Background

In December 2008, the TSA issued Security Directive 1542-04-08G (SD-8G) to the directors of airports serving commercial air carriers. SD-8G mandated changes to the issuance of airport identification media and expanded the base of individuals who would be required to obtain airport identifications.

Federal regulations give the TSA power to issue SDs in response to threats against civil aviation. 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 fact, SDs are typically considered Sensitive Security Information (SSI), thus limiting their distribution to directly regulated entities and/or individuals whom the TSA determines have a "need to know."

H.R. 3678 was introduced in response to SD-8G's requirement that pilots based at airports serving commercial air carriers get a badge in order to have unescorted access to the airport. While SD-8G has been troublesome for many airports throughout the country, one of the major concerns was the use of an SD to promulgate regulations where no imminent threat existed.

What to Do

Contact your Members of Congress and ask for their support and co-sponsorship of H.R. 3678. Visit [NATA's Legislative Action Center](#) that provides association members a quick, easy way to email letters directly to Members of Congress in their state. [Click here to view the form letter](#) provided by the association for your convenience in writing to your Members of Congress or their staff.

OVER...

NATA Position

NATA commends Representatives Mica, Petri, Ehlers, Graves and Boyd for introducing this legislation to ensure that SDs are used for the purposes for which they were originally intended, to address critical imminent threats to security. The federal rulemaking process was developed and has been improved over the years to ensure that regulatory agencies remain responsive to, and receive the benefits of, the tremendous knowledge and expertise of industry and the general public.

Status

It remains uncertain at this time whether the U.S. House of Representatives or the U.S. Senate will pass H.R. 3678 this year, but NATA remains hopeful that it may be completed next year. If the bill becomes law, SD-8G would have to go through the federal rulemaking process giving pilots the opportunity to comment and help change the outcome of the SD.

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