



## 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 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, thus limiting their distribution to directly regulated entities and/or individuals that the TSA determines have a “need to know.” In December 2008, the TSA issued an SD to the directors of airports serving commercial air carriers. This SD mandated changes to the issuance of airport identification media and expanded the base of individuals who would be required to obtain airport identifications.

## Requirements

The SD mandates 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 may expand the airport identification process to include individuals such as:

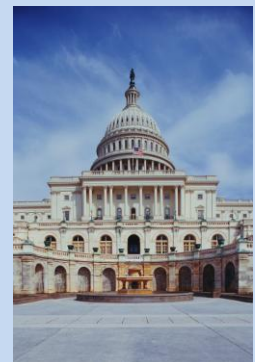
- FBO employees
- Private aircraft owners
- General aviation maintenance providers
- Flight instructors
- Flight School Students
- Other airport tenants needing unescorted access to the AOA

The SD also requires that any individual applying for airport-issued identification must verify their identity and undergo a TSA Security Threat Assessment (STA). To undergo an STA, the TSA requires that individuals submit the following information to the airport operator:

- Full legal name
- Current mailing address
- Daytime telephone number
- Personal information
  - Gender
  - Date of birth

## TALKING POINTS

- ❖ TSA has chosen to use an SD to promulgate regulations affecting a broad category of previously unregulated individuals.
- ❖ General aviation pilots, service providers and aircraft owners affected by the SD believe the TSA should issue a Notice of Proposed Rulemaking (NPRM).
- ❖ An NPRM will allow those potentially affected by the SD to voice their concerns and offer suggestions on the best methods for securing the AOA. Ask your Members of Congress to write the TSA.



- Country of birth
  - Citizenship country code
- Social Security Number
  - This item is voluntary, but failure to provide may delay completion of STA
- For non-U.S. citizens
  - Alien Registration Number; or
  - I-94 Arrival/Departure Form Number
- For individuals who hold a non-immigrant visa; the visa control number
- For individuals who are U.S. citizens born abroad or naturalized U.S. citizens
  - U.S. passport number
  - Certificate of naturalization number
  - Certification of Birth Abroad
- Employer's name

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.

## NATA Position

NATA is concerned that the TSA has chosen to use an SD to promulgate regulations affecting a broad category of previously unregulated individuals. NATA understands the importance of not disclosing certain security procedures and policies; however, many of the mandates imposed by the SD will be public knowledge upon their implementation, thus negating the importance of non-disclosure in their implementation.

Due to the large number, and varied interests, of the general aviation pilots, service providers and aircraft owners who will be affected by this SD, NATA believes that it is imperative that the TSA approach the issue of securing the AOA of

commercial airports by issuing a Notice of Proposed Rulemaking. By following this time-tested process of federal rulemaking, the TSA will allow those affected by the proposed rule the ability to voice their concerns and suggestions on the best methods for securing the AOA.

NATA is involved in a dialogue with key staff at the TSA regarding this issue and will continue to work towards a more reasonable and cooperative solution to securing the AOA at regulated commercial airports.

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