

Congress of the United States
House of Representatives
Washington, DC 20515-2506

October 31, 2008

Honorable Michael Chertoff
Secretary
United States Department of Homeland Security
Washington, DC 20528

Dear Secretary Chertoff:

I am writing to you regarding a rule that was recently proposed by the Transportation Security Administration (TSA), the *Large Aircraft Security Program, Other Aircraft Operator Security Program, and the Airport Operator Security Program* (LASP). While I support the efforts of TSA to improve aviation security, and ultimately national security, this proposed rule has generated significant concern from the general aviation community. I appreciate your attention to this matter.

Let me first say that I do not have a position on the LASP at this time. However, the LASP represents a significant change in the conduct of private aircraft operations with regard to security. Namely, for the first time TSA's regulatory activities are being extended to general aviation aircraft, warbirds and vintage aircraft, operators, passengers, and pilots flying for personal and corporate use. Attempts to regulate a previously unregulated industry should be given careful consideration.

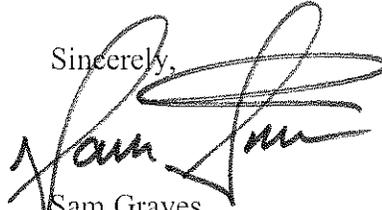
As proposed, the LASP will encompass aircraft exceeding a maximum certified takeoff weight (MTOW) of 12,500 pounds. Initial estimates suggest this weight will affect more than 15,000 aircraft, 10,000 operators, and more than 300 airports serving the aircraft/operators. The rule requires operators to submit passenger names to a third-party service provider to screen against the terrorist watch-list and requires operators to contract with third-party auditors to assess their security plans. Accordingly, I respectfully request clarification from TSA on a few proposed provisions.

- What is the rationale for including aircraft that exceed the MTOW of 12,500 pounds? Is this weight based on a threat assessment?
- Will there be any exceptions to the rule? Will the rule include warbirds and vintage aircraft?
- Given that TSA is currently taking over responsibility for watch-list checking through Secure Flight, what is the reasoning for requiring a third-party to submit information?
- Are operators expected to bare the cost of contracting with a security auditor?

- What appeals process will be made available in the event a pilot/operator/passenger is falsely identified on the terrorist watch-list?

Given the potential widespread effects of this proposed rule, I am asking that TSA work with Members of Congress, the aviation community, and the public before making a final rule. I encourage TSA to hold public meetings on this issue and I respectfully ask TSA to consider an extension on the current comment period for an additional 60 days, to close on February 27, 2009. I thank you again for your attention to this matter and look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Graves", written over a large, stylized flourish that loops back to the left.

Sam Graves
Member of Congress

Cc: Honorable Kip Hawley
Administrator
Transportation Security Administration
601 South 12th Street
Arlington, VA 22202-4220