

Advocacy Recommends That TSA Clarify Risks; Consider Alternatives to Proposed Large Aircraft Security Program Rule

On February 27, 2009, the U.S. Small Business Administration's (SBA) Office of Advocacy (Advocacy) submitted comments to the Transportation Security Administration (TSA) on TSA's *Proposed Large Aircraft Security Program Rule*. [73 Fed. Reg. 6764970 (October 30, 2009)]. TSA's proposed rule would expand current aviation security regulations to require operators of all aircraft with a maximum takeoff weight above 12,500 pounds to adopt a TSA-approved security program similar to those already in place for commercial and charter operations, and would also require a number of small airports to adopt security programs. TSA estimates that some 10,000 existing aircraft operators (operating some 15,000 aircraft) and 315 existing airports would be subject to the new rule at a cost of between \$859 million and \$1.9 billion (discounted) over ten years.

Because of small business concerns about TSA's proposed rule, Advocacy hosted a small business roundtable on February 13, 2009 to discuss the rule, obtain small business input, and consider feasible alternatives. Advocacy's comments and recommendations are reflective of the discussion during the roundtable and in subsequent conversations with small entity representatives.

A complete copy of Advocacy's letter to TSA is available at: www.sba.gov/advo/laws/comments/.

- Advocacy recommends that TSA reassess the basis for the proposed rule to ensure that it is consistent with current TSA risk analysis and properly tailored to address demonstrated security threats to general aviation.
- Advocacy recommends that TSA reassess the expected costs and benefits of the proposed rule to determine whether its threat scenarios and assumptions are appropriate.
- Advocacy recommends that TSA consider significant alternatives to the proposed rule, including the possibility of developing a model security program, adopting a performance standard, or organizing the rule based on the size of the entity, operation, or anticipated risk. Advocacy also recommends that TSA work with industry to develop these alternatives and consider pilot testing any program before it is mandated on a widespread basis.

For more information about TSA's proposed Large Aircraft Security Program rule, please visit Advocacy's Web page at www.sba.gov/advo or contact Bruce Lundegren, Assistant Chief Counsel, at (202) 205-6144 (or bruce.lundegren@sba.gov).