

Congress of the United States
Washington, DC 20515

August 16, 2023

Administrator David P. Pekoske
Transportation Security Administration
601 South 12th Street
Arlington, VA 20598-6020

Dear Mr. Pekoske,

I am writing to express my concerns regarding the Airport Security Program National Amendment TSA-NA-23-02 issued by the Transportation Security Administration earlier this year. This amendment requires airports in Montana and across the country to increase the physical screening of employees and install explosive detection screening equipment. Montana's airports expect these burdensome and costly requirements to affect all commercial service airports in the state. Airports in Montana will struggle to comply with the cost of implementation especially considering the tight deadlines required by the TSA. This amendment also opens Montana's airports to untold legal fees due to the Montana constitution's strict search and seizure protections.

Aviation security screening and safety at our airports is a national priority; however, this amendment imposes unreasonable requirements on Montana's airports which already contribute substantially to airspace security. However, this amendment is clearly beyond the scope of Montana's airport's security programs and current capabilities. Montana's airport's current security programs follow the TSA security directives to conduct badge inspections of individuals and inspect supplies and vehicles entering the secure areas of the airports. These inspections already work to impede insider threats.

Notably, nowhere in the Transportation Aviation Security Regulation the airport's security program or TSA Security Directives does it require airports to conduct screening of individuals. Therefore, with this amendment, the TSA is imposing an entirely new procedure that has been the sole responsibility of the TSA since the agency's creation, outlined in the Aviation and Transportation Security Act of 2001 and further clarified in the FAA extension Safety and Security Act of 2016. The TSA was created to screen individuals and their baggage at our airports, and this critical responsibility should remain with the TSA. This amendment would require Montana's airports to train staff and acquire equipment for a procedure the TSA is already performing. TSA, not Montana's Airports, has a direct line to critical intelligence information and has staff trained in behavior surveillance to make employee screening effective and practical.

The unrealistic timeline provided by TSA forces airports in Montana, using limited revenue sources, to develop procedures and implement random screening of aviation workers by September 25th, 2023. Airports in Montana cannot be expected to train staff, develop guidelines, and administer such a program. Furthermore, it was concerning to learn of recent comments by TSA leadership, which implied that TSA intends to expand requirements beyond just random screenings to full-time employee screening in the near future.

A robust and effective system for screening aviation workers is necessary. However, this task should be implemented and funded solely by the TSA. I request that the TSA rescind this unfunded mandate immediately and take financial and administrative responsibility for the requirements of this amendment.

Thank you for your time, and I urge you to reconsider TSA-NA-23-02 and thoroughly examine the effects this amendment will have on airports in Montana and across the country.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt M. Rosendale, Sr." with a stylized flourish at the end.

Matthew M. Rosendale, Sr.
Member of Congress