

**BEFORE THE
TRANSPORTATION SECURITY ADMINISTRATION
WASHINGTON, DC**

**COMMENTS OF
AIRLINES FOR AMERICA
ABOUT THE
TRANSPORTATION SECURITY ADMINISTRATION PLAN TO ALLOW
KNIVES ONBOARD COMMERCIAL AIRCRAFT**

Airlines for America ("A4A") submits these comments urging the Transportation Security Administration ("TSA") to rescind its revision of its Prohibited Items List. A4A welcomes TSA's suspension of the implementation of the proposed policy and its recent coordination with stakeholders seeking comments.

A4A's members and their affiliates transport more than 90 percent of all U.S. airline passenger and cargo traffic.¹ That traffic is carried on both domestic and international flights. Our members employ tens of thousands of cabin and flight-deck crew professionals. Moreover, U.S. airlines on average enplane approximately two-million passengers a day. As such, we have a deep interest in assuring that any modification in security policy concerning the carriage of permissible items in the cabins of air carrier aircraft occurs in a procedurally sound way, is methodically considered, benefits from stakeholder participation and is convincingly justified.

Overview

A4A's members strongly support TSA's increasing reliance on risk-based security measures. This is a commonsense, well-validated approach to civil aviation security. It reflects the understanding that finite security resources must be adroitly applied to threats; recognizes that thorough, ongoing risk assessments are indispensable to effective security; provides the flexibility to identify and respond promptly to emerging threats; and, with its focus on differentiating the threat environment, avoids subjecting passengers and shippers to a one-size-fits-all security regime and the attendant inefficiencies inherent in such a regime.

¹ A4A's members are Alaska Airlines, Inc.; American Airlines, Inc.; Atlas Air, Inc.; Delta Air Lines, Inc.; Federal Express Corporation; Hawaiian Airlines; JetBlue Airways Corp.; Southwest Airlines Co.; United Continental Holdings, Inc.; UPS Airlines; and US Airways, Inc. A4A's associate member is Air Canada.

Stakeholder participation is an essential ingredient in the development of successful risk-based security measures. Stakeholders bring uniquely informed insights about the implications of contemplated regulatory initiatives. That is to be expected because they must deal with the implementation and operation of those initiatives. TSA's March 5, 2013 announcement that it would allow certain knives aboard air carrier aircraft was not preceded by an outreach to stakeholders. We appreciate the TSA suspending implementation of its policy, originally scheduled for April, and giving stakeholders an opportunity to weigh in.

Specific Shortcomings of TSA's Decision

In the interest of our crew members and our customers, the new policy should be rescinded immediately. In addition to the concerns about the safety and security implications of the new policy that have been expressed by various stakeholders, including A4A and its members, there are three reasons why the new policy should be withdrawn.²

1. Given the clear congressional mandate about the carriage of weapons aboard aircraft and TSA's unreserved implementation of that mandate in 49 C.F.R. § 1540.111(a), the agency's new policy cannot be characterized merely as an "interpretative rule" within the meaning of the Administrative Procedure Act. 5 U.S.C. § 553(b).
2. This change in policy is significant and has broad implications for crewmembers, passengers and TSA. The views of the public should have been solicited before announcing such a substantial shift in policy, and we appreciate the TSA seeking input prior to implementation.
3. Given the foregoing lack of evidentiary support publicly revealed for the change in policy, this action appears to lack an appropriate record to support TSA's decision.

Conclusion

We very much appreciate and support TSA's commitment to risk-based security measures. However, in the interest of our passengers and cabin crew—who are front line safety professionals—we ask that the weapons policy be rescinded.

² TSA's April 23rd announcement that it had temporarily delayed implementation of the new policy does not lessen the need for a withdrawal of the policy because the agency has given no indication that it is open to reversing its decision announced on March 5th.

Respectfully submitted,

AIRLINES FOR AMERICA

A handwritten signature in black ink, appearing to read "DK Elwell", written over a horizontal line.

Daniel K. Elwell
Senior Vice President, Safety, Security and Operations
1301 Pennsylvania Avenue, NW
Suite 1100
Washington, DC 20004
202-626--4240

May 16, 2013