

# Congress of the United States

Washington, DC 20515

August 23, 2023

The Honorable David Pekoske  
Administrator  
Transportation Security Administration  
601 South 12<sup>th</sup> Street  
Arlington, VA 20598-6001

Dear Administrator Pekoske:

We write today to express our serious concerns regarding the Transportation Security Administration's (TSA) recently issued National Amendment on Aviation Worker Screening (TSA-NA-23-02). These ill-conceived requirements place a costly and undue burden on Montana airports while detracting from the common goal of safe and secure air travel.

As you know, the National Amendment requires airports with at least 250,000 enplanements to implement random screenings of aviation workers entering secure portions of the airport by September 25, 2023. It further requires airports to develop and implement plans for the explosive detection screening of aviation workers by April 2026. These vague, unfunded mandates are well beyond the current scope of airport security programs and the current capabilities of Montana's airports.

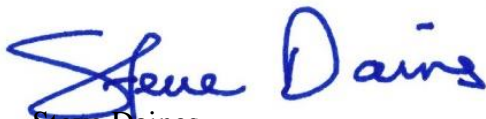
The estimated cost to train workers, remodel space, and acquire detection equipment to meet these directives will reach hundreds of thousands of dollars and staffing these new screening positions could consume as much as 20% of the total airport workforce in some smaller airports. The currently proposed five-month timeframe for compliance in the National Amendment is simply inadequate given the number of additional responsibilities airports are expected to bear.

Additionally, significant questions and concerns exist regarding the new spectrum of liability airports would be exposed to as a result of the National Amendment. In Montana, the state constitution contains strict search and seizure protections, which adds another layer of complexity and legal uncertainty.

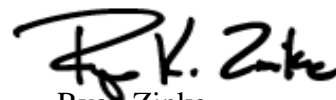
Ultimately, if implemented, the National Amendment would represent a fundamental shift in TSA's screening responsibilities and undermine the role in which they were specifically tasked to perform post-9/11. Airport staff would essentially be required to duplicate the individual screening process that TSA screening officers are trained for, have equipment for, expertise in, and are already performing at airports.

With these factors in mind, we request that the amendment be rescinded immediately and that aviation security screening remain the sole responsibility of the TSA, even for aviation workers at airports. If you intend to move forward with the amendment, we ask that its implementation be delayed for not less than one year and for a briefing no later than August 31, 2023, on how the agency plans to address the concerns Montana's airports have raised with the National Amendment.

Sincerely,



Steve Daines  
United States Senator



Ryan Zinke  
Member of Congress