

**BEFORE THE ADMINISTRATOR
TRANSPORTATION SECURITY ADMINISTRATION**

**David Pecoske
Administrator**

**Transportation Security Administration (TSA)
Office of the Chief Counsel, TSA-2
Attn: Regulations and Security Standards Division
601 South 12th Street
Arlington, VA 20598-6002**

**PETITION FOR RULEMAKING: CHECKED
BAGGAGE AMMUNITION BAN**

**SUBMITTED BY:
FLYERSRIGHTS.ORG
4411 Bee Ridge Road #274
Sarasota, FL 34233
800-662-1859
October 19, 2017**

I. Introduction and Background

FlyersRights.org is the largest nonprofit airline passenger organization, with over 50,000 members and supporters nationwide. It was the principal advocate of the 2009 Three Hour Rule ending tarmac confinements, for truth in scheduling regulations by the Department of Transportation, for regulation of seat size, and for the inclusion of airline passenger rights provisions in the 2012 FAA Modernization and Reform Act. FlyersRights.org publishes a weekly online newsletter, operates a toll-free hotline for airline passengers, and advocates for passenger rights and interests. FlyersRights.org engaged in successful litigation in support of continuing the ban on knives in airline cabins, and the application of the Whistleblower Protection Act to the Department of Homeland Security (*DHS v MacLean*, US Sup. Ct. 13-894 amicus).

Paul Hudson has been president of Flyersrights.org since 2013, a member of the FAA Aviation Rulemaking Advisory Committee representing the Aviation Consumer Action Project and Public Citizen since 1993, and a national advocate for air safety and security for over 25 years. He served as a member of the FAA/TSA Aviation Security Advisory Committee from 1997-2007 and has testified before Congress numerous times on aviation security and in support

of enacting legislation establishing the TSA in late 2001. He lost his daughter in the Pan Am 103 terrorist bombing in 1988—the second most deadly terrorist attack against America other than 9/11—and led the relatives group growing out of that. He has played a leading role in advocating for strong and effective aviation security measures including enactment of the Aviation Security Improvement Act of 1990, the Anti-Terrorism and Effective Death Penalty Act of 1996.

II. Authority

TSA has the legal duty to ban items from checked baggage on commercial air carriers in order to ensure the safety of aviation¹ and, specifically, of airports.² The TSA shall “prescribe regulations to protect passengers and property”³ in civil aviation. The TSA Administrator has the duty to improve domestic air transportation security “by correcting any deficiencies in that security discovered in the assessments, analyses, and monitoring carried out under this section.⁴ Under current regulations, airline passengers are allowed to bring “small arms ammunition for personal use [...] in checked baggage only, if securely packed in boxes or other packagings specifically designed to carry small amounts of ammunition.”⁵

Failing to respond to known security threats harms many FlyersRights.org members and the undersigned personally. FlyersRights.org has more than 50,000 members who travel by commercial aviation and who utilize and congregate in the unsecured parts of airports. FlyersRights.org has raised these security concerns privately to the TSA and the House Oversight Committee,⁶ but they have so far refused or failed to act, making this formal public filing necessary.

III. Argument

The Transportation Security Administration (“TSA”) must ban ammunition from being carried in checked baggage. Permitting both firearms and ammunition in checked baggage has led to a glaring flaw in airport security. Terrorists and criminals have exploited unsecured airport areas⁷ for over forty years,⁸ and more recently the rule allowing live ammunition in checked baggage without passenger background checks.

¹ 49 U.S.C. § 114(d)(1)

² 49 U.S.C. § 114(f)(11)

³ 49 U.S.C. § 44903(b)

⁴ 49 U.S.C. § 44904(e)

⁵ 49 C.F.R. § 175.10(a)(8)

⁶ See Appendices E-L for a series of letters and public statements by FlyersRights.org to the TSA, House Oversight Committee, and the public.

⁷ Unsecured airport area means: a portion of an airport, not specified in the airport security program, in which certain security measures specified in Title 49 of the Code of Federal Regulations are not carried out. *See* 14 C.F.R. § 153.3 (defining “secured area”).

⁸ *Fort Lauderdale Airport Shooting: What Are TSA Rules About Guns in Baggage?*, NBC NEWS (Jan. 7, 2017), <https://www.nbcnews.com/news/us-news/fort-lauderdale-airport-shooting-what-are-tsa-rules-about-gunsn704186> [hereinafter *Fort Lauderdale Airport Shooting*].

While these unsecured areas can be exploited by armed members of the public, there are a limited number of entry points that law enforcement and security must monitor.⁹ When a passenger packs ammunition and weapons in checked luggage, however, security personnel have more areas to survey when looking for suspicious or threatening behavior. As soon as the TSA relinquishes the bag after conducting the security examination, there is no exterior marking on the bag to identify it as containing firearms or ammunition.

To enact a ban on ammunition in checked baggage, FlyersRights.org proposes that 49 C.F.R. § 175.10(a)(8) be repealed and replaced as follows:¹⁰

Small arms ammunition may be carried in checked baggage only by active duty law enforcement personnel, traveling in the course of their official duties with a need to bring ammunition to their destination, if securely packed in boxes or other packagings specifically designed to carry small amounts of ammunition. Ammunition clips and magazines must also be securely boxed. This paragraph does not apply to persons traveling under the provisions of 49 C.F.R. 1544.219

A. Recent events have highlighted the attraction of baggage claim areas and other unsecured airport common areas to potential terrorists, criminal, and mass murderers.

On January 6, 2017, Esteban Santiago, flying from Anchorage to Fort Lauderdale, picked up his checked baggage from the baggage claim carousel. After retrieving the checked bag containing his weapon and ammunition, he loaded it in the airport bathroom and proceeded to fire his weapon in the baggage claim area, killing five people and wounding eight.¹¹ Santiago was recently committed for psychiatric evaluation for volunteering to local FBI agents that the CIA and ISIS was controlling his mind and pushing him to commit terrorism.¹² Despite this, Santiago legally checked a semiautomatic handgun and ammunition in his checked baggage. Copycat attacks are now more likely because this security flaw has been exposed.

Current regulations tolerate and enable this security threat. Santiago was not the first person to exploit this weakness. In 1972, terrorists from Japan killed 26 people in Tel Aviv, Israel with weapons and ammunition stowed in checked baggage.¹³

⁹ See Section B, *infra*.

¹⁰ Text of the regulation can be found in Appendix A.

¹¹ *Fort Lauderdale Airport Shooting*, *supra* note 8.

¹² *Fort Lauderdale Shooter Says He Carried Out Attack for ISIS, FBI Claims*, CNN (Jan. 17, 2017), <http://www.cnn.com/2017/01/17/us/fort-lauderdale-shooter-isis-claim/index.html>.

¹³ *Airport Shooting Raises Questions About Guns in Baggage*, BLOOMBERG (Jan. 7, 2017), <https://www.bloomberg.com/news/articles/2017-01-07/airport-shooting-raises-questions-about-guns-in-baggage>.

This rulemaking proposal is necessary as mass shootings increase in frequency and magnitude. Four of the ten worst mass shootings in the United States have occurred in the past five years alone, while the two worst mass shootings have occurred within the past year.¹⁴

Airports and commercial aviation remain and will continue to be favored targets of terrorists and would-be mass murderers until effective security measures are in place. This has been the immutable lesson since the 1960s when nearly weekly hijackings of airliners to Cuba occurred. This prompted the FAA to require every passenger and their carry-on baggage “to be either screened by metal detectors or searched by hand.”¹⁵

Recent, highly visible attacks at large international and domestic airports have only exacerbated the glaring need for new safeguards. The ISIS-coordinated suicide bombing in Brussels specifically involved explosives in suitcases, killing 17 and injuring 81.¹⁶

Not only are threats from checked baggage a concern, but unsecured parts of airports are also threatened. In Istanbul, attackers fired at an unsecured area near the Ataturk airport’s terminal entrance and proceeded to detonate suicide bombs after airport police responded.¹⁷ In October 2017, Michael Estes was accused of placing explosives in the Asheville, North Carolina airport at night, set to go off at a busy time the following day.¹⁸

Terrorist threats against unsecured areas of airports are no longer just an international threat. The TSA should take steps to prevent threats against unsecured airport areas, regardless of the source. A ban on ammunition in checked baggage closes off one major threat.

B. Airport security is better able to prevent mass shootings when an armed assailant must enter the airport through a limited number of entrances.

While would-be shooters are presently able to bring loaded firearms into unsecured airport areas, including baggage claim areas, it is far easier for airport security to monitor automobiles and pedestrians entering airports. Maintaining both video surveillance and a police presence in every airport common area is difficult enough without the presence of firearms and

¹⁴ Ciara Linnane, *These Are the 10 Deadliest Mass Shootings in Modern U.S. History*, MARKETWATCH (Oct. 4, 2017), <http://www.marketwatch.com/story/these-are-the-10-deadliest-mass-shootings-in-us-history-2017-10-02>.

¹⁵ Jane Engle, *U.S. Aviation Security Timeline*, L.A. TIMES (Jun. 12, 2011), <http://articles.latimes.com/2011/jun/12/travel/la-tr-airline-safety-timeline-20110612>.

¹⁶ Sheldon Chad, Christina Boyle & Corina Knoll, *Hunt is on for Brussels Bombings Suspect; Islamic State Warns of More, Worse Attacks*, L.A. TIMES (Mar. 23, 2016), <http://www.latimes.com/world/europe/la-fg-brussels-airport-explosion-20160322-story.html>; Kim Hjelmgard, Delphine Retuer & John Bacon, *Islamic State Claims Responsibility for Brussels Attack that Killed Dozens*, USA TODAY (Mar. 23, 2016), <https://www.usatoday.com/story/news/world/2016/03/22/explosions-rock-brussels-airport/82107254/>.

¹⁷ *Istanbul Ataturk Airport Attack: 41 Dead and More than 230 Hurt*, BBC NEWS (Jun. 29, 2016), <http://www.bbc.com/news/world-europe-36658187>.

¹⁸ *Man Left Jail Days Before Arrest for Alleged Airport Attack*, ABC NEWS (Oct. 15, 2017), <http://abcnews.go.com/US/wireStory/man-left-bomb-carolina-airport-freed-days-earlier-50495387>.

ammunition in checked bags. When shooters can pull firearms out of luggage or assemble and load them in private areas, attacks can foreseeably occur at any time and in any place.

Furthermore, this problem is magnified by the unfortunate reality that even full airport video surveillance can only enable airport police to react to these horrific events once they have already occurred. There is no way of identifying a passenger whose checked luggage contains ammunition simply by looking at the baggage because the baggage is not identified as containing firearms or ammunition.

Oversized checked bags and checked animals must be picked up at a different location than the baggage carousel. These types of bags are tagged, easily identifiable, and picked up at a specific spot. There is no justification for not treating firearms and ammunition in the same manner.

C. Absent an ammunition ban, other restrictions will be necessary, including limits on the number of guns and amount of ammunition, identification of bags, mental check, terror watch list check, and criminal background check.

Other restrictions are necessary if ammunition is still permissible in checked baggage. Currently, there is no limit on the quantity of firearms and ammunition allowed in checked baggage. There are no criminal records checks, mental health checks, or terror watch list checks.

D. There are alternative means for gun owners to acquire ammunition

This rulemaking petition still allows gun owners to pack firearms in checked baggage. Ammunition can be acquired in the destination state, and some ammunition can be commercially shipped by private companies such as FedEx and UPS.¹⁹ This does not present any significant additional burden to those who wish to use their firearms for legal purposes in the destination state.

IV. Conclusion

For the reasons stated herein, the Transportation Security Administration should repeal and replace 49 C.F.R. § 175.10(a)(8).

Respectfully submitted by:



Paul Hudson
President, FlyersRights.org
paul@flyersrights.org

¹⁹ See 49 C.F.R. Part 172, et seq. See also *Shipping Firearms or Ammunition*, UNITED PARCEL SERVICE, <https://www.ups.com/us/en/help-center/packaging-and-supplies/special-care-shipments/firearms.page> (last visited Oct. 18, 2017).

Appendix A

49 C.F.R. §175.10 Exceptions for passengers, crewmembers, and air operators.

- (a) This subchapter does not apply to the following hazardous materials when carried by aircraft passengers or crewmembers provided the requirements of §§ 171.15 and 171.16 (see paragraph (c) of this section) and the requirements of this section are met:

[...]

(8) Small arms ammunition for personal use carried by a crewmember or passenger in checked baggage only, if securely packed in boxes or other packagings specifically designed to carry small amounts of ammunition.

Ammunition clips and magazines must also be securely boxed. This paragraph does not apply to persons traveling under the provisions of 49 CFR 1544.219.

Appendix B

49 U.S.C. § 114 Transportation Security Administration

(d) Functions.—The Under Secretary shall be responsible for security in all modes of transportation, including—

- (1) carrying out chapter 449, relating to civil aviation security, and related research and development activities...

Appendix C

49 U.S.C. § 44903 Air transportation security

(b) Protection Against Violence and Piracy.—The Under Secretary shall prescribe regulations to protect passengers and property on an aircraft operating in air

transportation or intrastate air transportation against an act of criminal violence or aircraft piracy...

Appendix D

49 U.S.C. § 44904 Domestic air transportation system security

(e) Improving Security.—The Under Secretary shall take necessary actions to improve domestic air transportation security by correcting any deficiencies in that security discovered in the assessments, analyses, and monitoring carried out under this section.

All provisions are taken from the United States Code or the Electronic Code of Federal Regulations, with data current as of October 19, 2017.

APPENDIX E



PRESS STATEMENT

FOR IMMEDIATE RELEASE

June 6, 2013 5:00 PM

For More Information Call 800-662-1859

paul@FlyersRights.org

AIRLINE PASSENGER GROUP RELIEVED TSA HEAD PISTOLE BACKS DOWN ON ALLOWING KNIVES BACK ON AIRLINERS

Washington, D.C. Paul Hudson, President of FlyersRights.org expressed "relief" that the TSA today announced it was shelving not just postponing its announced rule change allowing passengers to carry knives up to 6 centimeters on airliners.

FlyersRight.org, the largest airline passenger organization, had filed a legal petition in opposition with the Flight Attendants and other unions, spoke out against it on numerous occasions, and submitted written testimony at an April 11th hearing by the House Subcommittee on Transportation Security.

Hudson noted, "This shows that when air traveler organizations unite and work together, a crazy and dangerous TSA policy like this knife policy, secretly lobbied for by the American Knife & Tool Institute and then promulgated in a surprise announcement by TSA Administrator John Pistole with no stakeholder input on March 5th, could be and was properly defeated. Hopefully, the TSA has learned the lesson that transportation security policies affecting many millions of air travelers need to be fully vetted with all stakeholders, not made just on internal deliberations and secret lobbying by those with special financial interests or insider connections. This is third time that the TSA has had to reverse a major security policy decision in the past several years."

APPENDIX F

From: globetrotter1947@hotmail.com
To: james.castelveter@tsa.dhs.gov; james.lafeminor@dhs.gov
CC: chs@mail.house.gov; tamla.scott@mail.house.gov; brian.turbyfill@mail.house.gov;
mike_matousek@mail.house.gov; rich_swayze@commerce.senate.gov; bnoren@panynj.gov;
president@messages.whitehouse.gov; globetrotter1947@hotmail.com; paul@flyersrights.org
Subject: LAX attacks
Date: Sat, 2 Nov 2013 10:12:42 -0400

TO: John Pistole, TSA Administrator
Rand Beers, Acting DHS Secretary

FROM: Paul Hudson, President, FlyersRights.org
DATE: November 2, 2013

I had strongly recommended against taking down armed security at major airports after 9/11 when I was on the Aviation Security Advisory Committee (1997-2007) and heading the Families of Pan Am 103/Lockerbie.

Especially after the armed attack on El Al at LAX and the confession by KSM mastermind of 9/11 attacks that al Qaeda follow on plots involved armed attacks on major airport to kill and hijack aircraft on ground for takeoff and crashing into nearby target.

This attack has revealed anew this glaring vulnerability to terrorists, and considering the recent US attacks on Islamic terrorist leadership in Pakistan, Libya and Somalia, retaliation attacks must be expected.

Accordingly, President Obama should ensure visible armed security is in place at all category X airports using national guard if necessary as was done after 9/11. This is necessary to both deter further attacks and reassure the flying public.

cc Senate Committee on Commerce, Science & Transportation
Senate and House Committees on Homeland Security
House Committee on Transportation and Infrastructure
Port Authority of New York and New Jersey
President Obama

APPENDIX G



April 28, 2016

Committee of Oversight
US House of Representatives Revised

RE: Aviation Security and TSA Management Problems

Dear Chairman Chafetz and Ranking Member Cummings:

I am writing to commend the Committee for holding a hearing on TSA mismanagement and to offer our assistance and support in pursuing reforms to protect airline passengers and aviation from terrorist attack.

As way of background, I have been involved in aviation security on behalf of passengers since 1989 after my daughter was killed on Pan Am 103/Lockerbie, see enclosed.

Flyersrights.org is the largest airline passenger organization with over 60,000 members. We operate a toll free hotline 877-FLYERS6, publishes a weekly newsletter, and maintains a staffed office in Washington, DC.

Passengers should be able to count on TSA to protect them but also to notify them of serious security risks. The two principal lessons from Lockerbie and the 9/11 attacks are

- 1) private security operated by airlines and airports with government oversight consistently failed to prevent aviation terrorism and had even more failings than TSA,
- 2) the traveling public, not just those with airline and government connections, should be notified of serious terrorist threats.

The principal reforms that we are recommending which have not been addressed at this time are

- 1) Installing airport perimeter security in light of the Brussels and other airport attacks to detect weapons and explosives on persons entering major airports.
- 2) Posting routes of flights overflying conflict zones, particularly where militants have the capacity to shoot down airliners as happened in the Eastern Ukraine.
- 3) Permitting passengers to obtain return of confiscated property by TSA.

4) Providing a transparent process for persons to be notified and potentially removed from the watch list, and for abusive or overly invasive searches.

We previously supported the application of the Whistle Blower statute to TSA and Homeland Security Dept. in a successful amicus brief to the US Supreme Court in 2014. Copy enclosed.

We also successfully opposed the reintroduction of knives in planes in 2013 by former TSA Administrator Pistole.

I have reached out to the TSA for meetings for several years and for passengers to have representation on the Aviation Security Advisory Committee which has currently has no US nonprofit passenger representation other than two air crash groups. The agency has been completely unresponsive.

If the agency has bad managers they need to be fired, and the agency head needs to be held accountable and have the power to hire and fire his top people. In corporations and the military services in wartime, senior officers and CEOs are routinely fired if he/she fails to perform. The VA and other mismanaged agencies seem to have similar problems which relate to a sickness in the civil service system that badly needs reform.

Sincerely,

Paul Hudson, President
FlyersRights.org (2013-present)
Member, Aviation Rulemaking Advisory Committee (1993-present)
Member, FAA/TSA Aviation Security Advisory Committee (1997-2007)
President, Families of Pan Am 103/Lockerbie (1989-1993)
Chairman and founder, Victims of Pan Am Flight 103 (1989)
Executive Director, Aviation Consumer Action Project (1997-2003)

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APPENDIX H



FLYERSRIGHTS.ORG



President Barack Obama
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

May 19, 2016

RE: Air Travel Delays and the TSA Security Crisis

Dear President Obama:

FlyersRights.org, the largest non-profit consumer organization in the United States representing airline passengers, and Travelers United are deeply concerned about outrageously long delays of up to THREE HOURS at TSA security checkpoints.

Long lines not only cost airline passengers time, money and inconvenience, but the large airport passenger crowds are becoming bigger and more tempting targets for terrorists like a Brussels airport massacre.

As President, you have the ultimate responsibility for this breakdown in the basic service of domestic aviation security. Unlike most Federal government services aviation security is provided directly to the public by the TSA and DHS under the supervision of your appointees.

As this situation has reached crisis proportions with the summer travel season rapidly approaching, we call on you to convene a White House meeting to resolve the issue before it is too late.

TSA is telling summer airline passengers to prepare for at least three hour wait lines and with reports of an average of 100 TSA agents quitting every week due to a culture of fear, intimidation, and mismanagement, the situation has become dire.

TSA is operating with 5000 fewer screeners today than it had in 2013, but is doing so with an additional 97 million more passengers flying than in 2013. Compounding the problem is Congress's insistence on diverting money collected through TSA fees to other programs like the national debt and the Highway Trust Fund.

Some are using this crisis politically to discredit your administration and to advance the cause of re-privatizing aviation security controlled by airlines and airports. This system disastrously allowed the 9/11 attacks killing 3,000, destroying the World Trade Center and part of the Pentagon, and before that the 1988 bombing of Pan Am 103 over Lockerbie Scotland killing 270 including 189 Americans.

Airline travel is not a luxury, but a daily necessity for millions. Airline passengers cannot afford to consistently spend more time processing through the airport than they do on the actual flight. While we are encouraged by the appointment of Administrator Neffenger and his efforts to correct deficiencies in TSAs management, his efforts have so far been ineffective. Passengers heading into the busy summer travel season need much more immediate relief. Relief you can provide by taking strong executive action and exercising Presidential leadership.

We therefore urge you to call a meeting in the next 10 days with your appointees, and the other relevant parties including the undersigned as passenger representatives to motivate and resolve the twin challenges of the current inadequate personnel and the increased aviation terror threat.

Such a meeting was largely effective when called by President George W. Bush in 2007 to resolve a congestion crisis at NYC and other major airports.

We look forward to further discussion of this issue, and would be happy to be a resource for the Administration as it addresses the needs and rights of airline passengers.

The enclosed Action Plan contains some of our ideas for a meeting agenda and the enclosed newsletter today went out May 19th to our 60,000 members and the national media.

Sincerely,

Paul Hudson, President
FlyersRights.org
Member, FAA Aviation Rulemaking Advisory Committee (1993-present)
Member, FAA/TSA Aviation Security Advisory Committee (1997-2007)
Former President, Families of Pan Am 103/Lockerbie
Father of Melina Hudson (1/24/72-12/21/88)

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Charles Leocha, President
Travelers United
Member, DOT Advisory Committee for Aviation Consumer Protection

P.S. Previous attempts to meet with the TSA Administrator have been ignored while the TSA's Aviation Security Advisory Committee inexcusably lacks any US based passenger representation (N.B. The "International Airline Passenger Association" is a UK based for profit corporation with close ties to airline corporations.)

Cc Peter Neffenger, Administrator, US Transportation Security Administration (TSA)
Jeh Johnson, Secretary, US Department of Homeland Security (DHS)

Valery Jarrett, Senior Advisor to the President

Anthony Foxx, Secretary, US Department of Transportation (DOT)

Michael Huerta, Administrator, Federal Aviation Administration (FAA)

APPENDIX I



Administrator Peter V. Neffenger
U.S. Transportation Security Administration
601 South 12th St. TSA-1
Arlington, VA 20598

January 10, 2017

BY OVERNIGHT MAIL

RE: FLL mass shooting and TSA policies

Dear Administrator Neffenger:

FlyersRights.org, the largest non-profit consumer organization in the United States representing airline passengers, mourns the loss of life by the recent act of terrorism or mass murder at Fort Lauderdale International Airport. Five people were killed and six others wounded because Esteban Santiago was allowed to retrieve a gun and live ammunition from his checked bag.

Like so many other acts of terrorism, there were clear signs of Santiago's unfitness to possess a firearm and live ammunition - including his questionable mental state observed by the FBI upon him presenting himself in their offices in Anchorage claiming that the CIA was forcing him to watch ISIS videos, his recent psychiatric commitment, his military record, and his history of domestic violence – clear predictors of future violence.¹

It is questionable whether common sense gun laws would have prevented Santiago from possessing a gun and live ammunition as a domestic abuser or a mentally unfit person. But while these are serious issues that should require examination by the State of Alaska, the most obvious reason for the loss of life in Fort Lauderdale, and the simplest to fix, is that Santiago was allowed to bring a gun and live ammunition in checked baggage aboard an airliner.

The secondary factor appears to be that despite these glaring red flags, he was apparently not placed on the TSA Watch List or No Fly List.

Transportation Security Administration (TSA) rules allow any passenger to bring onboard an unloaded gun and ammunition in a hard-sided locked case in their checked luggage. (49 CFR 1540.111) There is nothing to prevent them from accessing that luggage upon arrival and opening fire, as Santiago did in Fort Lauderdale and as others have done before him, notably in Israel in 1972, where members of the Japanese Red Army terrorist organization killed 26 people before being stopped.

Clearly this policy allowed the loss of life at the Fort Lauderdale Airport to occur, and has now received widespread publicity. Many airline passengers have been shocked to learn of this TSA policy and are nervous to fly with such a glaring security gap. Would be terrorists or mass murderers are now also fully informed of this dangerous TSA policy and unless quickly changed are likely to engage in copycat attacks at US airports. This has occurred after every other new means of terrorism or mass murder in history that have been successful, until effective defensive measures are in place.

The TSA and the Department of Homeland Security (DHS) are responsible for aviation security directly to the public; therefore, it is up to **you to promptly** institute measures to ensure the public's safety. Airline travel is not a luxury, but a daily necessity for millions of Americans and essential to the national economy.

We therefore urge you to institute an immediate ban on carrying live ammunition in checked baggage. Such a measure would still allow gun owners to travel with their weapons, but would eliminate the possibility of violence, by eliminating the live ammunition, which can easily be purchased on the ground at their destinations or shipped ahead.

Kindly respond promptly to this request so that the flying public, TSA staff and law enforcement can clearly understand the TSA position and policy on this urgent matter.

Sincerely,

/s/

Paul Hudson, President

FlyersRights.org

Member, FAA Aviation Rulemaking Advisory Committee (1993-present)

Member, FAA/TSA Aviation Security Advisory Committee (1997-2007)

Former President, Families of Pan Am 103/Lockerbie

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cc

President Barack Obama

Jed Johnson, Secretary of Homeland Security

Congressional Committees on Homeland Security

FBI Director Comey

Chief, Anchorage Alaska Police Dept.

Office of Victim Assistance, US Dept. of Justice

APPENDIX J

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 20598-6028



Transportation
Security
Administration

FEB 3 2017

Mr. Paul Hudson
President
FlyersRights.org
1440 G Street, NW
Washington, DC 20005

Dear Mr. Hudson:

Thank you for your letter of January 10, 2017, to the Transportation Security Administration (TSA) Administrator, regarding the recent shooting by Esteban Santiago at Fort Lauderdale International Airport and your recommendation of an immediate ban on carrying live ammunition inside checked baggage.

On behalf of TSA, I want to personally acknowledge the involvement and contributions of FlyersRights to enhance aviation security across the country. Moreover, I want to assure you that TSA routinely reviews existing security policy in an effort to ensure that policies are in place to reasonably limit the freedoms of the traveling public to ensure their safety. As you note, Code of Federal Regulations (CFR) part 1540.111 (d) does not prohibit carrying ammunition in checked baggage or in the same container as a firearm. However, Title 49 CFR part 175 provides additional requirements for carrying ammunition and states that ammunition must be securely boxed or packaged. While we have reviewed your suggestions and understand your concerns, TSA will continue to enforce this regulation.

Thank you for taking the time to share your concerns.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Eddie D. Mayenschein".

Eddie D. Mayenschein
Assistant Administrator
Office of Security Policy and Industry Engagement

APPENDIX K



R FLYERSRIGHTS.ORG



May 22, 2017

Aviation Security Advisory Committee
Washington, DC

RE: Effective Aviation Security Policies

Dear Committee Members:

As you know the threat of terrorism has not abated now that the Trump Administration is now in charge of US aviation security. It is therefore more important than ever that this Committee play an active role in advising the TSA and DHS on effective aviation security policies.

Toward this end I am enclosing copies of recent letters and communication to TSA about aviation security policies that need urgent attention.

We are very concerned that the Trump Administration not only fail to correct past inadequacies but avoid compounding them as

- by cutting or eliminating the budgets for airport security patrols and turning over all airport security other than passenger and baggage screening to local law enforcement, as suggested in the Trump budget outline (some Florida legislators have responded by calling for making airports an easy conceal carry zone)
- by continuing to permit live ammo to be carried with guns in checked baggage so that more Fort Lauderdale style airport massacres are enabled
- by refusing any airport perimeter security so that Brussels and Istanbul style airport attacks with automatic weapons and explosives are now likely at US airports (such attacks killed about 300 in 2016 and paralyzed air travel for days)
- by unnecessarily banning lap top computers and other electronic devices in airliner cabins on long haul flights to the US (instead of just requiring that they go through explosive detection screening as used for checked baggage and then be reclaimed on board)

-by using increasingly invasive pat downs, especially on children, disabled, elderly, transgender and sexual assault victims, thereby undermining public confidence and instilling fear and even loathing by many passengers for TSA

-by the continuing refusals of high level TSA and DHS to meet with passenger groups, and continued ignoring of correspondence.

-by mismanagement and a culture of ignoring Congressional subpoenas and requests on dubious grounds.

The US despite many TSA problems has been fortunate to have avoided massive new aviation terrorism attacks since 9/11/2001. But unless effective security policies are updated and bad one discontinued, I fear that such relative good fortune will not continue despite good faith efforts by most TSA employees.

Sincerely,

Paul Hudson, President

FlyersRights.org

Member, FAA Aviation Rulemaking Advisory Committee (1993-present)

Member, FAA/TSA Aviation Security Advisory Committee (1997-2007)

Former President, Families of Pan Am 103/Lockerbie

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APPENDIX L

PRESS RELEASE

For Immediate Release

Contact for more information Paul Hudson 800-662-1859 paul@flyersights.org

Airline Passenger Group Warns Trump Administration re Its Aviation Security Policies

WASHINGTON D.C. May 26, 2017 Flyersights.org, the largest US airline passenger organization, has written to the Transportation Security Administration (TSA) and the Trump Administration warning against a series of ineffective or dangerous aviation security policies it is pursuing.

Paul Hudson, President and former longtime member of the Aviation Security Advisory Committee, noted,

“We are alarmed that the Trump Administration is not only failing to correct past TSA inadequacies but is compounding them by pursuing newly misguided policies including-

1. FY 2018 budget proposal eliminating budgets for airport security patrols and turning over all airport security other than passenger and baggage screening to local law enforcement (some Florida legislators have responded by calling for airports to become easy conceal carry zones);
2. Continuing to permit live ammunition to be carried with guns in checked baggage so that more January 2017 Fort Lauderdale airport massacres are enabled (policy reaffirmed by TSA February 3rd);
3. Refusing any airport perimeter security so that the US is vulnerable to Brussels, Istanbul airport and Manchester style terrorism (such attacks killed about 320 and paralyzed travel for days);
4. Proposed banning of lap top computers and other electronic devices in airliner cabins on long haul flights to the US (instead of just requiring that they go through explosive detection screening as used for checked baggage and then reclaimed on board);
5. Highly invasive pat downs, especially on children, disabled, elderly, transgender and sexual assault victims, thereby undermining public confidence and instilling fear and loathing by many passengers for the TSA, and used by no other country.

6. Continued refusal of high level TSA and DHS officials to meet with passenger groups and the exclusion of US based airline passenger organizations from its Aviation Security Advisory Committee.

7. Ignoring Congressional subpoenas and requests on dubious grounds apparently to cover up mismanagement.

The U.S. despite many TSA problems has been fortunate to have avoided massive new aviation terrorism attacks since 9/11/2001. But unless effective security policies are updated and bad one discontinued, we fear that such relative good fortune will not continue despite good faith efforts by most TSA employees.”

Previously, Flyersrights.org successfully supported in court cases the continued banning of knives in airliner cabins and the application of the Whistle Blower Protection statute to the Dept. of Homeland Security.

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