



Chapter 736 Newsletter for December 2008



Officers for 2009

The annual election of chapter officers was held at the November meeting. Elected were:

Mike Watson, President
Wilkes Harper, Vice President
Ben Brown, Secretary
Ed Roy, Treasurer
Bob Gembala, Newsletter and Web Master
Al Yarberry, Membership Coordinator

Fraud investigation leads to changes on medical application

You've already heard about changes to the way the FAA asks aviation medical applicants about their driving records, but new medical application forms arriving at your AME's office also feature new questions and terms.

A new question, 18y, asks pilots if they receive medical disability benefits—a change that arose out of a congressional investigation into Social Security fraud. Answering “yes” doesn't necessarily indicate a disqualifying medical condition, but the medical condition that results in disability payments should be reported on the application. That information can be shared with other federal agencies thanks to an accompanying change in the Privacy Act Statement for the medical application.

A new section in that statement specifies that information on the medical application can be disclosed to other federal agencies for verification of the accuracy or completeness of the information.

Other changes to the form have little real impact on pilots, but were made for clarification as part of the overhaul of the document. For example, the word “urinalysis” has been

replaced with “urine test” to more accurately describe the type of tests performed by medical examiners.

Pilot vigilance needed during presidential transition

The recent tragic events in India (where local citizens noted suspicious activity) and a reported subway threat to New York underscore the possibility of a terrorist attack on the United States. Both terror attacks on the World Trade Center and the attacks on the bus and subway system in London happened shortly after new administrations came into power.

“This is a time for all Americans to exercise heightened vigilance,” said Craig Spence, AOPA vice president of security. “General aviation pilots already have a program in place that they can follow—[AOPA’s Airport Watch](#).”

Airport Watch is modeled after the effective Neighborhood Watch program. It encourages pilots to “Look Out. Lock Up,” meaning lock their aircraft and hangars and watch for suspicious activity at the airport.

Airport Watch has a toll-free alert line (866/GA-SECURE) that pilots can call to report anything suspicious.

“Pilots and airport personnel are in the best position to be able to spot and report something or someone that just doesn’t belong in the airport environment,” said Spence. “Complacency during this period of heightened awareness can be our biggest enemy.”

For more tips on how you can help with airport security, take [AOPA’s “General Aviation Security” interactive online course](#).

GA Hit With Flurry of Burdensome Security Regulations

Acting on only a handful of [the concerns put forth in late 2007](#) by EAA and other organizations, the U.S. Department of Homeland Security announced *The Advance Information on Private Aircraft Arriving and Departing the United States* final rule on Monday, November 17, with an effective date of December 18, 2008, and a compliance date of May 18, 2009.

Along with the Washington D.C. Air Defense Identification Zone (ADIZ), which is reportedly about to be made permanent, and the Transportation Security Administration’s Large Aircraft Security Program (LASP) looming large on the horizon, it appears that much of general aviation will have new and troublesome federal regulations promulgated in the final days of the outgoing administration.

This latest set of security regulations comes from the Bureau of Customs and Border Protection (CBP) and elevates requirements for private aircraft entering or departing the United States to a level similar to those of commercial airliners. The rule requires private aircraft operators or their designees to electronically transmit advance notice and

passenger/crew manifest information through CBP's Electronic Advance Passenger Information System, or eAPIS, no later than 60 minutes before departing a U.S. airport for a foreign location or departing a foreign airport for a U.S. destination. Flights would be authorized to proceed only after vetting passenger and crew manifests through the terrorist watch list. CBP did however, act on EAA comments to permit departure and arrival manifests to be submitted at the same time and with no limit on how far in advance they may be submitted, allowing some flexibility for operations to remote areas.

Also at the urging of EAA and others, certain elements of a previously submitted arrival and/or departure manifest (i.e., flight cancellation, expected time of arrival and changes in arrival location) may be amended via telephone, radio or by other existing processes and procedures (such as flight service) if access to the Internet is unavailable.

Private aircraft are defined by CBP as "any aircraft, other than government or military, which are not engaged in carrying passengers or cargo for compensation." There is no distinction with regard to weight or capacity. Failure to comply with the new regulations could result in a fine of \$5,000 for a first offense, \$10,000 and possibly jail time for subsequent violations.

"What's especially troubling is that EAA and other GA organizations have for the most part successfully mitigated proposed security measures that have sought to treat small GA aircraft the same as commercial airliners," said Doug Macnair, EAA vice president of government relations. "This new rule makes no distinction, and seeks to paint all aircraft classes with the same broad brush, which shakes any belief that TSA's proposed Large Aircraft Security Rule would really be held to only large aircraft over the long term."

"Any size aircraft (large or small) may meet the definition of a private aircraft under CBP regulations," CBP maintains. "Furthermore, even though large aircraft may inflict more damage if flown into infrastructure, both large and small aircraft present a threat because they may be used to transport terrorists or terrorist weapons. Creating an exemption for private aircraft would provide a loophole that could compromise our national security. Furthermore, the purpose of the rule is not only to provide CBP with advance aircraft information, but to also provide CBP with advance information regarding pilots and passengers traveling via private aircraft. This will allow DHS to conduct threat assessments and reduce the probability of a terrorist attack by allowing for the advance identification of individuals on the "No-Fly" list prior to their gaining access to U.S. airspace via an airborne aircraft, and granting, denying or restricting landing rights accordingly. This information is needed for each flight by private aircraft arriving in and departing from the United States, regardless of the size or weight."

CBP has gone so far as to apply its new border crossing regulations to hot air balloons.

The CBP rule also ignores the contention of hundreds of NPRM commenters including EAA; the rule does little to increase security for private aircraft operators because passengers aboard private aircraft generally have an established relationship with the pilot.

In response, CBP writes: *"The purpose of this rule is to increase U.S. national security as well as that of private aircraft operators. As such, it is entirely possible that the family members, friends, acquaintances and employers who may travel as passengers on private*

aircraft are in fact on the “No-Fly” list unbeknownst to the pilot, which will affect whether CBP grants, denies, or restricts landing rights to the aircraft. Because the advance screening will allow for the identification of individuals on the “No-Fly” list and as such will prevent these individuals from gaining access to U.S. airspace, the rule will in fact increase security for private aircraft operators. As previously stated, CBP believes that the passenger manifest information allows CBP and other law enforcement officials to better identify the travel plans of individuals on the “No-Fly” list. The final rule addresses the threat to national security presented by private aircraft or any of its occupants, whether or not the operator of the aircraft has a personal relationship with any or all passengers.”

EAA is urging its members to [submit comments](#) to the TSA’s proposed Large Aircraft Security Program (LASP), which if enacted would require owners and operators of aircraft 12,500 lbs or heavier to obtain permission from the agency to operate their own personal aircraft every time they carry passengers in domestic airspace. Additionally, all flight crews would be required to undergo fingerprinting and a background check, all passengers would have to be vetted against the government’s terrorist watch lists, and numerous security requirements would be imposed on airports serving these “large” aircraft.

EAA successfully petitioned TSA for an extension to the comment period and adamantly opposes this regulation. EAA urges all members to respond to TSA by the comment deadline, February 27, 2009, regardless of the weight aircraft they operate.

Next Meeting

Our next meeting will be at a special time and place.

The vote is in so the next gathering will be at the **Weatherwane Restaurant** on Kennedy Memorial Drive in Waterville on **Wednesday, December 17th beginning at 6 p.m. in the Captain’s Room.** Just ask where the EAA #736 group is located. All drinks and meals are your choice and your bill. Let’s have a good turn out. This get together will be in lieu of our regular meeting.