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DEPARTMENT OF TRANSPORTATION
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International Air Transport Association

DOCKET SECTION

Washington Office

FAA-98-4758-4

Montreal/Geneva

If you have any questions about this filing in
Docket FAA-1998-4758, please call David O'Connor
or Wanda Warner at 624-2977.

Thank you,

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**INTERNATIONAL AIR TRANSPORT ASSOCIATION
PAPER SUBMITTED TO: PUBLIC HEARING 24 FEBRUARY 1999
PRELIMINARY COMMENTS: US ANTI TERRORISM AND DEATH
PENALTY ACT 1996
FEDERAL AVIATION ADMINISTRATION
NOTICE OF PROPOSED RULE MAKING
(DOCKET No FAA-1998-4758 Notice No 98-17)**

The International Air Transport Association (IATA) is a not for profit trade association of the world's major airlines. In December 1998, IATA had 262 Members which together carry some 95% of all scheduled international air traffic. These comments are submitted on behalf of IATA's Members from outside the United States of America:

IATA's Act of Incorporation lists as its first objective,

“... to promote *safe* regular and economical air transport for the benefit of the peoples of the world”.

IATA's annual corporate objectives consistently identify safety and security as its number one goal. IATA's work in the field of aviation safety and security is presumably well known to the panel and requires no further elaboration.

IATA has participated in numerous meetings with parties opposed to the proposed rule, and is aware that detailed arguments are being filed by such parties on each of the points outlined below. Consequently, at this stage, IATA restricts itself to listing areas of concern.

- IATA believes that the proposed rule contravenes the Convention on International Civil Aviation (the Chicago Convention).
- The proposed rule will be perceived by other governments as extra-territoriality and will undoubtedly provoke retaliatory action. Carriers, passengers, and aviation safety will suffer the consequences.
- IATA urges the panel to carefully consider the Resolution of the Council of the International Civil Aviation Organization dated February 5, 1999.
- IATA's Security Committee believes that the proposed rule would be counterproductive.
- The proposed rule will have a strong negative effect on passenger facilitation.
- Non-US airlines contend, and are in the process of documenting, that they will be obliged to incur huge costs without any corresponding benefits.
- As drafted, the proposed rule is confusing and impossible to comply with.

More detailed comments will be filed on or before March 23rd.

Respectfully submitted February 24, 1999.