

The need for a secure and safe homeland coupled with the challenges of keeping a transportation system unequalled in the world free of terrorist activities while at the same time providing for the rights and principles on which this country was founded appear to be in substantial conflict with Final Rule FAA-2003-14293.

The entire Final Rule justification with respect to terrorist activity rule is that "...taking action to deny, suspend, or revoke airman certification is intended to make it more difficult..." i.e. more difficult to pursue terrorist activity.

While making it more difficult to pursue terrorist activity is a laudable and desired goal, the cure in this case is worse than the cold.

Final Rule FAA-2003-14293 is deficient in the following:

- Lack of a speedy process

The certificate holder may only write to the TSA
"...And provide any information the individual believes the TSA should consider..."

- Inability to face one's accuser

The certificate holder does not have the opportunity to face their accuser, a fundamental aspect of our judicial system.

- Right to see evidence against the accused

In addition the certificate holder may never know why they were considered a security threat as Final Rule FAA-2003-14293 states that: "...eligibility standards adopted in this rulemaking rely on threat assessments made by the TSA..."

It has been reported that the TSA will not tell a certificate holder why they are considered a security threat. This is in direct conflict with the accused's right to see all evidence against the accused.

- Lack of Judicial Appeal. No benefit of a peer jury

Finally the entire process is subject "... to review by the TSA's Deputy Administrator..." No judicial appeal process is provided for or a jury of peers.

- Economic Impact

The certificate holder in the case of a commercial pilot, mechanic or inspector faces an immediate and substantial negative economic impact as the result of an "Initial Notification".

No economic recourse to the certificate holder is provided for in this Rulemaking. FAA-2003-14293 makes The certificate holder pay for this final Rulemaking.

These deficiencies require immediate correction.