



Congress of the United States
House of Representatives
Washington, DC 20515

May 2, 2022

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, D.C. 20590

Dear Mr. Secretary:

The Federal Aviation Administration (FAA) oversees our nation's airspace with the mission of providing the "safest, most efficient airspace in the world".ⁱ Unfortunately, special interests may have hijacked the agency's mandate, in the sheep's clothing of national security, for commercial gain.

The FAA has authority to prohibit or limit aircraft from operating in certain airspace. These flight restrictions add complexity and restrict freedom—and they should be reserved for compelling national security and safety needs. In recognition of this principle, most flight restrictions in the United States reside over places of high security, such as military bases, or hazards like wildfires and hurricanes. Yet, because aircraft can be noisy or disruptive, interest groups may lobby Congress to enact restrictions for their benefit. The principle of fairness requires that the federal government does not favor one organization over another, or thereover, enact flight restrictions to benefit one favored organization.

In 2003, Congress passed Section 352 of Public Law 108-7, which was later amended by Section 521 of Public Law 108-199. These acts created permanent "temporary" flight restrictions in the airspace over Disney's resorts in Florida and California. These restrictions only applied to Disney's parks. **No other theme parks have restrictions on airspace, including neighboring competitors like Universal Studios.**

In the case of Disney Resorts, the Federal Aviation Administration's (FAA) official Notice to Airmen (NOTAM) references "Special Security Reasons" as a justification for the restrictions, but safety regulators at FAA have questioned the need for these restrictions. In 2013, FAA Administrator Michael Huerta testified that Disney's "no-fly-zones" do not meet standard requirements and would not be in place had Congress not enacted specific legislation.ⁱⁱ

Other independent observers have long questioned the security rationale for these "no-fly-zones". In 2003, the *Orlando Sentinel* reported that the decision "angered pilots across the country who

accuse Disney of manipulating the nation's terrorism fear for one clear commercial aim: to close public airspace over its parks as a way to ban competitors' aerial advertising planes and sightseeing helicopters." The *Orlando Sentinel* also reported that Disney used its well-connected lobbyists to influence members to carry out its ask.ⁱⁱⁱ While it's unclear what makes Disney's properties a unique security risk, the financial benefits are clear. This may be why in 2003, Disney's spokesperson acknowledged that the flight restrictions would promote the "enjoyment" of their guests by eliminating "banner ads from trial lawyers" and aircraft "buzzing the parks".^{iv}

Measures designed for protecting our national security and public safety must not be co-opted by companies looking to gain. Given that almost 20 years have passed since the designation of these "temporary" flight restrictions and the long-standing controversy around their creation, I am inquiring as to whether the Biden administration supports the continued preferential treatment of Disney Resorts. Please respond to my office by June 3, 2022.

Sincerely,

A handwritten signature in dark ink, appearing to read "T. Nehls", is written over a horizontal line.

Troy E. Nehls
Member of Congress

ⁱ <https://www.faa.gov/about/mission>

ⁱⁱ <https://www.govinfo.gov/content/pkg/CHRG-113hhrg80937/pdf/CHRG-113hhrg80937.pdf>

ⁱⁱⁱ <https://www.orlandosentinel.com/news/os-xpm-2003-05-11-0305110293-story.html>

^{iv} <https://www.latimes.com/nation/la-na-disney-airspace-20141110-story.html>