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# RECENT WASHINGTON D.C. AIRSPACE INCURSIONS AND REOPENING REAGAN NATIONAL AIRPORT TO GENERAL AVIATION

## HEARING

BEFORE THE

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

JUNE 9, 2005

Printed for the use of the Committee on Commerce, Science, and Transportation

U.S. GOVERNMENT PRINTING OFFICE

26–701 PDF WASHINGTON : 2006

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
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ONE HUNDRED NINTH CONGRESS

FIRST SESSION

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# RECENT WASHINGTON D.C. AIRSPACE INCURSIONS AND REOPENING REAGAN NATIONAL AIRPORT TO GENERAL AVIATION

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**THURSDAY, JUNE 9, 2005**

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
*Washington, DC.*

The Committee met, pursuant to notice, at 11 a.m. in room SR–508, Russell Senate Office Bulding, Hon. Ted Stevens, Chairman of the Committee, presiding.

## OPENING STATEMENT OF HON. TED STEVENS U.S. SENATOR FROM ALASKA

The CHAIRMAN. Let me welcome the witnesses here this morning. I will say to you that I was in an undisclosed location, and witnessed the items we are going to be reviewing on a classified basis. I don't want anything to be indicated that I'm commenting on what I personally saw or, heard that morning.

We do thank you for your willingness to appear to discuss the security of our Nation's Capital. I personally want to applaud the Transportation Security Administration for its recent proposal to reopen Ronald Reagan Washington National Airport to general aviation flights and to TSA's commitment to begin working on a plan to allow similar access to recreational general aviation flights as well. I believe that action is long overdue, and I do thank TSA for your hard work.

I also want to commend FAA, TSA, DHS and the U.S. Secret Service, the U.S. Capitol Police and others, that are involved in agencies that are pertinent to this hearing for their actions in responding to the recent unauthorized airspace incursion that resulted in the evacuation of the White House, U.S. Capitol buildings and U.S. Supreme Court.

While there are areas that can be improved to make the air threat assessment and response procedures more efficient for the most part the system worked. Today's hearing is meant to discuss TSA's plan to reopen Reagan Airport and to examine those things that went well during the recent air incursion incident and to discuss the things that may need improvement.

Senator Inouye?

## STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII

Senator INOUYE. I want to thank you for holding this hearing this morning. I have a full statement here may I request that it be made part of the record.

The CHAIRMAN. No objection. So ordered.

[The prepared statement of Senator Inouye follows:]

PREPARED STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII

I want to thank Chairman Stevens for holding this hearing today to focus on a number of issues that we have been following regarding General Aviation (GA) security. This hearing is a very timely opportunity to examine the Transportation Security Administration's (TSA) recent announcement of plans to reopen National Airport (DCA) to GA operations, as well as last month's incursion of the National Capital Region's prohibited airspace by a private GA aircraft which led to the second evacuation of major Federal offices in less than a year.

The GA community has a significant presence in most regions of the country, and plays a vital role in many of them. In the State of Hawaii, GA aircraft have a tremendous impact on the local economy with internationally acclaimed air tours, and they provide a critical resource in addressing transportation needs for isolated locations. Still, the nation's Federal intelligence agencies continue to identify GA security as a potential loophole that terrorists have considered using or may still be able to exploit. Warnings like these should not go unheeded in the post-9/11 world, yet relatively little Federal effort or funding has been committed to GA security since those terrorist attacks occurred.

The effort to reopen DCA is a welcome development for the local economy, and an initial look at the proposed plan indicates a major emphasis on establishing an effective security protocol. However, I am concerned about press reports regarding attempts to water down the proposed rules to allow GA aircraft to return to DCA before they have even been put in place. I think that we must be able to assess how the new system is working before making any sweeping changes to expand service at the airport. DCA has been shut down to GA operations for nearly four years because of security concerns. I believe it would be wise to move carefully and look closely at the effects of the newly proposed system before taking further steps.

The matter of airspace incursions into the D.C. Air Defense Identification Zone (ADIZ) also needs a closer look. I would like to know more about the TSA's assessment of this incident. It appears security protocol was properly followed, but was the end result the best of all possibilities? Is it prudent to evacuate thousands of workers and tourists from select locations? Do we have the proper systems in place to intercept slow moving aircraft? Would a faster moving plane have been shot down?

I am hopeful that today's hearing will provide the answers to these and other questions that many in Congress have been asking.

As the GA fleet in the U.S. continues to expand with the use of larger and faster aircraft, we must remain vigilant and make certain that Congress takes the necessary steps to ensure that GA security is effective and flexible enough to address any potential threats that may develop over time. I am hopeful that this hearing will be a proper first step to look more closely at the current structure of GA security and future efforts that must be undertaken to protect this critical segment of our aviation system.

The CHAIRMAN. Senator Burns?

## STATEMENT OF HON. CONRAD BURNS, U.S. SENATOR FROM MONTANA

Senator BURNS. Thank you Mr. Chairman, for the hearing. I would like to make a couple of comments. I'm excited that the TSA has taken the first step in dealing with some of the things that are going on around this town and across the country now that in the post 9/11 world Congress and the Administration have been forced to make several very difficult decisions. Right or wrong, we created the Department of Homeland Security.

Of course that carries with it some extreme challenges associated with propping up the new agency where it can effectively and efficiently fulfill the mission that it's set in place to do, and that is to protect the American public.

It's pretty tough whenever those people who want to do us harm, they can get lucky once, but we have got to be right 100 percent of the time. The odds against you are pretty bad. After several years we are finally starting to see flickers of common sense, I am getting a little bit happier. While I'm not completely satisfied with the gateway and cumbersome security protocols associated with the plan, I do see this as a positive first step.

Around this time next year I am hopeful that we'll be conducting similar hearings to discuss the implementation of Phase II for Reagan National. And I think we're finally starting to see the so called security EKG level, out from its turbulent inception after 9/11. And logical well thought decisions are being considered now, and we're starting to think long term rather than short term. Transportation, Homeland Security are extremely important issues. We have a lot riding on our security trying to be 100 percent right.

I've got a full statement here Mr. Chairman, I think with the questions and with the testimony we'll hear this morning that some of this common sense maybe starting to come into play.

And I thank you for holding the hearing.

[The prepared statement of Senator Burns follows:]

PREPARED STATEMENT OF HON. CONRAD BURNS, U.S. SENATOR FROM MONTANA

Thank you Mr. Chairman for calling this hearing today on the recent air incursions and the Transportation Security Administration's (TSA) proposal to reopen Reagan National Airport to general aviation (GA). Many of us have been waiting for this proposal for a couple years now. I am excited TSA has taken this first step, but I am hopeful we can expand the program in the years to come.

In the post-9/11 world, Congress and the Administration have been forced to make several difficult decisions. Right or wrong, we created the Department of Homeland Security (DHS) and the extreme challenges associated with propping up a new agency where it can effectively and efficiently fulfill its mission to the American public.

After several years we are finally starting to see flickers of common sense come out of DHS and the TSA. While I am not completely satisfied with the "gateway" and cumbersome security protocols associated with the plan, I do see this as a positive first step. Around this time next year I am hopeful we will be conducting a similar hearing to address the implementation of Phase II of the Reagan National plan.

I think we are finally starting to see the so-called security EKG level out from its' turbulent inception after 9/11 and logical, well thought out decisions are being considered. Transportation and homeland security are extremely important issues and we have a lot riding on our security being "right" 100 percent of the time. We have several challenges ahead of us but I think we can view today as a step in the right direction.

I also applaud the Chairman for bringing the GA groups before us today. They play an important role in this process. While the government can create all the programs, protocols and directives it wants, the burden of implementation, education and proper use fall on the GA community. It is important they take this responsibility seriously and utilize their role in the system.

I say this because, general aviation plays such a vital role in states like Montana and many others represented on this Committee. Most in the industry are projecting tremendous growth in the air charter, air taxi and business aviation sectors and we should do all we can to promote their growth. The economic opportunities and impact GA can have on a community are difficult to quantify but I'm willing to bet we could use the DCA example to show how important GA access to a community can be. Security restraints could easily impede progress and I want to make sure that doesn't happen.

Mr. Chairman, again, thank you for calling this important hearing and I look forward to the testimony.

The CHAIRMAN. Thank you, very much. Our first witness this morning is Mr. Jonathan Fleming, the Chief Operating Officer of the Transportation Security Administration. Good morning Mr. Fleming, may we please have your statement.

**STATEMENT OF JONATHAN FLEMING, CHIEF OPERATING OFFICER, TRANSPORTATION AND SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY**

Mr. FLEMING. Good morning, Mr. Chairman, Senator Inouye and distinguished Members of the Committee, it's my pleasure to be here with you today, and to testify regarding aviation security policies for the National Capital Region along with my colleague from the Federal Aviation Administration. In all decisions involving aviation operations in the National Capital Region we are ever mindful of the area's high profile as the target for terrorists. In a very compressed location rests the seat of government of the United States, the headquarters and operations facilities of various Federal departments, and the monuments, museums and other national treasures of immense symbolic and historic value to Americans. Assuring their safe and secure operation under security measures aimed at minimizing vulnerabilities and preventing attacks is an absolute essential.

A layered defense system has been established to protect the National Capital Region. An air defense identification zone or ADIZ surrounds Washington D.C., as well as an inner ring of protected air space known as the flight restricted zone, or FRZ, that operates under further restrictions.

The National Capital Region Coordination Center or NCRCC is an inter-agency group which includes several entities whose unified actions create a layered situational awareness structure. Six organizations provide daily representation. FAA, Secret Service, Capitol Police, Customs and Border Protection, DOD and TSA.

The incident on May 11, 2005, demonstrated the importance of this inter-agency approach. At 11:28 the NCRCC detected a track of interest squawking 1200 and entering the ADIZ 44 miles northeast of DCA heading south. Prior to entering the Washington D.C. ADIZ an aircraft in this profile is required to file a flight plan, contact air traffic control, and squawk a discrete or uniquely identifiable transponder code. This aircraft met none of these requirements. The aircraft initially flew westward on a course just within and paralleling the northern boundary of the ADIZ. Due to the nonthreatening nature of this vector, neither the military, nor Customs and Border Protection initiated an intercept. All agencies continued to maintain close monitoring and tracking of this aircraft.

The aircraft then turned left, assuming a southerly heading directly toward the FRZ. In response AMO launched its Blackhawk helicopter and Citation jet aircraft. This was communicated to all NCRCC agencies via two communications networks: the Domestic Events Network, or DEN, and the Defense Red Switch Network, or DRSN. These conference calls were convened per operating procedures.

The alert fighters at Andrews Air Force Base were brought to heightened alert posture and ultimately launched. As the Cessna entered the FRZ the AMO Blackhawk intercepted the Cessna and confirmed the identity of the aircraft. The Blackhawk attempted to get the Cessna to communicate via radio and the other visual means.

The AMO aircraft were then directed to depart the immediate area, and the F–16 intercepted the Cessna 10 miles from DCA. The discussions continued on the Red Switch, which included all relevant agencies and authorities. With the Cessna still not communicating or diverting, the F–16's dispensed flares.

The AMO citation ultimately made contact with the Cessna via radio, and directed the aircraft out of the FRZ. With F–16s as escort, the Cessna exited the FRZ at the western boundary. The Blackhawk assumed the escort responsibility. The Cessna departed the ADIZ and landed at Frederick Municipal Airport as directed. Both occupants of the aircraft were taken into custody by Maryland State Police.

The defensive system worked as intended. The communications and interactions among responsible entities that took place during this incident resulted in prompt decisionmaking and measured effective actions to divert this threatening aircraft. All agencies involved in this incident received and acted on the same information.

The events of May 11 have not interfered with or adversely affected proceeding with the security plan to resume general aviation operations at DCA. TSA led a concerted effort that resulted in the announcement on May 25 of a security plan to resume certain precleared general aviation operations, including charter flights, corporate aircraft, and on demand operations at the airport.

The measures required will provide a level of security equivalent to those in place for commercial operations. We anticipate the requirements will include TSA inspection of crews and passengers, of property and of aircraft, advanced submission of passenger and crew manifests, comparing of passengers against terrorist watch lists, criminal history records checks for flight crews, TSA-trained armed security officers onboard each aircraft, coordination with the NCRCC prior to departure and use of gateway airports as last points of departure.

General aviation security presents unique challenges requiring a range of measures. Locally we have increased the flow of general aviation commerce by reopening Maryland's three airports to transient aircraft. TSA efforts to foster general aviation security more broadly include the Airport Watch Program, clearance of alien flight training candidates, security measures for charter and corporate operations, temporary flight restrictions, publication of security guidelines for general aviation airports, vulnerability assessments, and specific requirements pertaining to National Special Security Events.

These initiatives demonstrate TSA's commitment to working with the general aviation community and our Federal partners to ensure the level of security is appropriate to the threat.

I would be pleased to answer any questions you may have.

[The prepared statement of Mr. Fleming follows:]

PREPARED STATEMENT OF JONATHAN FLEMING, CHIEF OPERATING OFFICER, TRANSPORTATION AND SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY

Mr. Chairman, Senator Inouye, and Members of the Committee, good morning. It is my pleasure to be here with you today to testify regarding the Department of Homeland Security's aviation security policies for the National Capital Region, the security plan for a measured resumption of general aviation operations at Ronald Reagan Washington National Airport (DCA), the events surrounding the incursion into the Flight Restricted Zone (FRZ) by a private aircraft on May 11, 2005, and general aviation security more broadly. I welcome this opportunity to appear before you, along with my colleague from the Federal Aviation Administration (FAA), to address these important matters.

In all decisions involving aviation operations in the National Capital Region, we are ever mindful that the area is an obvious target for terrorists. In a very compressed location rests the seat of Government of the United States—the White House, United States Capitol, the Supreme Court, and supporting buildings that house staff and other Federal courts; the leadership targets—the President and Vice-President, Members of Congress, Cabinet Members, justices and judges; the headquarters and operations facilities for the Nation's domestic and international security apparatus among the Federal departments; and the monuments, museums, and other national treasures of immense symbolic and historical value to Americans. These concentrated assets represent the lifeblood of the governance of our great Nation and our global responsibility to lead the war on terror and foster the continued spread of freedom and democracy. Assuring their safe and secure operation, under security measures aimed at minimizing vulnerabilities and preventing attacks, is an absolute essential.

As part of its effort to protect the National Capital Region, the Department of Homeland Security (DHS) and TSA, in cooperation with other governmental entities, regularly monitors the threat posed to or by particular types of aircraft arriving or departing from DCA and factors continually changing information into its operations and planning efforts. TSA plans and executes its general aviation security mission in a manner that exemplifies the threat-based, risk-managed approach used to strengthen security across all transportation modes. TSA has led a systematic effort over the last several months with other parts of DHS that deal with airspace protection in the National Capital Region (NCR), including Border and Transportation Security, Customs and Border Protection, Information Analysis and Infrastructure Protection, the United States Secret Service, and the Office of the National Capital Region Coordinator, to assess continually the security situation at DCA and ensure that security measures are appropriate to the threat. This concerted effort culminated in the announcement on May 25 of a security plan to resume certain pre-cleared general aviation operations, including charter flights, corporate aircraft, and on-demand operations, at the airport. We wish to thank all those who were instrumental in this achievement, especially Members of this Committee and other distinguished Members of Congress, our colleagues at the FAA and throughout the Departments of Transportation, Defense, and Homeland Security, and the general aviation industry.

I will provide more details about our plan for opening DCA to general aviation, but first I would like to describe the layered airspace security system that has been established to protect the National Capital Region. An Air Defense Identification Zone (ADIZ) surrounds Washington, D.C. In order to fly within the ADIZ, operators must follow specific procedures before and during the flight. The FAA, which is the lead agency for monitoring compliance of air traffic in the ADIZ, works closely with TSA, DHS, and stakeholders to assess and refine procedures for entering and operating within the ADIZ. There is also an inner ring of airspace, known as the Flight Restricted Zone (FRZ). The flight restrictions are outlined in FAA Notice to Airmen 3/2126.

The National Capital Region Coordination Center (NCRCC) is an integral component of the layered aviation security system for the National Capital Region. The NCRCC is an interagency group comprised of several agencies whose unified actions create a layered situational awareness structure to enhance airspace security for the NCR. Six entities provide daily representation in the NCRCC: the FAA, the U.S. Secret Service, the U.S. Capitol Police, U.S. Customs and Border Protection, the Department of Defense (DOD), and TSA. Other agencies, such as the Federal Bureau of Investigation (FBI), are key participants during major events or surge operations.

The NCRCC monitors the operations of all participating agencies to enhance airspace security within the defined limits of the ADIZ. Each agency that participates within the NCRCC maintains its own organic capabilities and complete command

and control over operational and tactical matters that fall within that agency's respective statutory authorities. The NCRCC does not infringe upon an agency's operational or tactical employment of its assets, nor does it have command and control over any participating agency. TSA, as the Executive Agent for the NCRCC, is responsible for disseminating relevant transportation security intelligence, documenting the activities of the NCRCC, and providing the physical infrastructure to accommodate NCRCC operations, to ensure that the participating agencies are fully informed about emerging requirements of the threat.

When an unidentified aircraft approaches the Washington, D.C., ADIZ, radar operators at one or all of the monitoring agencies, including the U.S. Customs and Border Protection's (CBP) National Airspace Security Operations Center, DOD's Northeast Air Defense Sector headquarters in Rome, NY, and the FAA's Potomac Terminal Radar Approach Control (TRACON) Facility, begin to actively track it. As it enters the ADIZ, one of the monitoring organizations announces the aircraft's presence on the Domestic Events Network (DEN), an interagency open line of communications that is continuously available. Pertinent information about the aircraft is broadcast on the DEN in this initial report. Immediately after the initial report, the FAA's representative in the NCRCC acknowledges the report and establishes a common identifier to be used in interagency communications regarding the track. Once a common identifier has been assigned, the agency representatives in the NCRCC each perform their respective duties.

The TSA representative to the NCRCC has a specific role to play when an unidentified aircraft approaches the ADIZ. He or she is responsible for notifying the Transportation Security Operations Center (TSOC) Command Duty Officer (CDO) of the situation, who in turn decides whether additional notifications are necessary. Where appropriate, the CDO will notify senior TSA and DHS officials. The TSA NCRCC representative also has the responsibility to record a timeline of the events that take place, in addition to monitoring radar feeds to assess the threat. Finally, the TSA representative also monitors the DEN to answer questions from other agencies, to enhance interagency situational awareness, and to gather information for documenting the incident.

To convey a sense of the scope of this operation, since the establishment of the NCRCC in January 2003 3,369 airspace incursions have occurred, resulting in the opening of 2,226 NCRCC case files and assessment of 1,411 pilot deviations. During this same period, 147 incursions of the FRZ occurred, on which 114 NCRCC case files were opened. Twenty-seven penetrations of the prohibited airspace above the Capitol, the White House, and the National Mall occurred. Alert aircraft launched or diverted 627 times in response to intrusive flights.

The incident on May 11, 2005, demonstrated the importance of the integrated, interagency approach that is constantly assessed and refined to ensure that the highest performance standards are set and maintained. At 1128 EDT, the NCRCC detected a TOI squawking 1200 and entering the ADIZ 44 miles northeast of DCA, heading south. A squawk of "1200" is a generic Mode 3 transponder code indicating an aircraft on a Visual Flight Rules (VFR) flight. Prior to entering the Washington, D.C., ADIZ, an aircraft in this profile is required to file a flight plan, contact air traffic control (ATC), in this case the Potomac TRACON, and squawk a discrete or uniquely identifiable Mode 3 transponder code assigned by ATC. This aircraft had met none of these requirements.

Radar tracking history for the aircraft showed it had departed from Smoketown Airport in Smoketown, Pennsylvania. The aircraft initially flew westward for about 20 miles, on a course just within and paralleling the northern boundary of the ADIZ. Due to the nonthreatening nature of this vector, neither the military nor CBP's Office of Air and Marine Operations (AMO) initiated an intercept. All agencies did maintain close monitoring, tracking this aircraft as it operated on a flight path just inside the ADIZ.

This aircraft turned left, assuming a south-southwest heading directly toward the FRZ. In response, AMO ordered the launch of its Blackhawk helicopter and Citation jet aircraft. This order was communicated to all NCRCC agencies via the DEN and on the DRSN conference call. The alert fighters at Andrews AFB were again brought to a heightened alert posture and ultimately launched.

The FAA watch officer conveyed information on events as they developed to all NCRCC components via the DEN.

The Cessna entered the FRZ while still on a southerly heading and maintaining a consistent speed of about 85 knots. The AMO Blackhawk intercepted the Cessna and provided a report confirming the identity of the aircraft. The AMO Citation took a position 1 mile in trail of the Cessna.

With the Cessna maintaining a southerly course, the AMO aircraft were directed to depart the immediate area and the F–16s intercepted the Cessna 10 miles from

DCA. Classified discussions continued on the DRSN conference call which included representatives from NORAD, the Continental NORAD Region (CONR), the responsible air defense sector (the Northeast Air Defense Sector (NEADS) in this case), and various other military command and control elements as well as the TSA Command Duty Officer (CDO), TSA Headquarters (including the Assistant Secretary), the NCRCC, the Homeland Security Operations Center (HSOC), the White House Situation Room, and the National Military Command Center (NMCC). In the NCRCC, both the TSA and FAA watch officers contributed to the coordination of effort via the DRSN conference and the FAA watch officer served as the principal speaker on the DEN.

Signaling measures included the F–16s dispensing flares after attempting contact by radio and other visual means. Of note, these actions followed standard operating procedure based on the location of the aircraft and its heading. Increase in readiness posture of DOD assets did not indicate any order or intent to engage.

The AMO Citation jet made contact with the Cessna via radio on the emergency frequency of 121.5 and ordered the aircraft to turn west. The Cessna did so and as it neared the western boundary of the FRZ the Blackhawk closed and assumed the escort position. The Cessna exited the FRZ and assumed a northerly heading. Potomac TRACON reported radio communication with the aircraft. Frederick Municipal Airport in Frederick, Maryland, was selected as the divert airport. The CBP National Airspace Security Operations Center and the TSA CDO coordinated the law enforcement response at Frederick Municipal Airport. The Cessna departed the ADIZ and landed at the airport at 12:39. Both occupants of the aircraft were taken into custody by the Maryland State Police.

This incident has not interfered or adversely affected proceeding with the security plan to resume general aviation operations at DCA. It does, however, demonstrate the importance of maintaining enhanced security measures. The volume of high value, high impact potential targets for terrorists in the Washington, D.C., area demands vigilance against the use of an aircraft as a weapon.

With this in mind, I would like to turn to our plan to reinstate general aviation operations at DCA. The measures required under the plan will provide a level of security equivalent to those in place for commercial operations at DCA.

TSA has developed a security protocol to be used by general aviation and charter flight operators desiring access to DCA. The specific requirements for access to DCA are built off of the Private Charter Standard Security Program and the Twelve-Five Standard Security Program. TSA anticipates that the requirements will include the following:

- TSA inspection of crews and passengers, of property (accessible and checked), and of aircraft.
- Submission of passenger and crew manifests to TSA 24 hours in advance of flight. Passengers will undergo enhanced background check vetting against terrorist watch lists.
- Fingerprint-based criminal history record checks for flight crews.
- Restricted access to the cockpit with a TSA-trained armed law enforcement officer (LEO) or Federal Air Marshal (FAM) on board the aircraft.
- Coordination with the NCRCC prior to departure.
- Utilization of 12 gateway airports as a last point of departure prior to embarking to DCA. Currently, TSA anticipates the following airports will serve as gateways: Seattle-Tacoma, WA; Boston-Logan, MA; Houston-Hobby, TX; White Plains, NY; LaGuardia, NY; Chicago Midway, IL; Minneapolis-St. Paul, MN; West Palm Beach, FL; San Francisco, CA; Teterboro, NJ; Philadelphia, PA; and Lexington, KY. TSA may revise or expand this list as necessary or appropriate.
- All general aviation operations at DCA will be subject to cancellation at any time.

The current plan envisions that the screening of general aviation flights into and out of DCA will be conducted by TSA screeners using existing resources. However, it is anticipated that operators accessing DCA will be responsible for reimbursing TSA's costs associated with services, equipment, and supplies, and will be required to pay a fee for the cost of conducting required background checks for crews and passengers.

As noted, among the measures is the requirement of an armed security officer on board all general aviation aircraft arriving at and departing DCA. This officer's mission will be protection of the aircraft and flight crew, not enforcement of Federal criminal laws. Active and retired Federal, State, and local LEOs, vetted and certified by TSA, will be eligible to perform this function. TSA is also considering in-

cluding other highly qualified individuals, such as former police officers and former military personnel, in this program. TSA will develop rigorous standards and training criteria for these individuals in coordination with the Department of Justice, FBI, and the Federal Air Marshal Service. We anticipate that a predictable core of individuals qualified to serve corporate and charter operators with professionalism and discipline will develop and stabilize over the course of time.

DHS will issue an Interim Final Rule—*Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations*—to define the security procedures for aircraft operators and gateway airport operators as well as the security requirements pertaining to crewmembers, passengers, and security officers on board general aviation aircraft operating to and from DCA.

Beyond the planned resumption of general aviation operations at Reagan National Airport, a further example of progress on general aviation operations in the broader Washington, D.C., metropolitan area is demonstrated by the status of the Maryland Three (MD–3) airports—College Park Airport, Potomac Airfield, and Washington Executive/Hyde Field. In accordance with a TSA Interim Final Rule (IFR), codified at 49 CFR § 1562, operations at these three general aviation airports, which are located within the Washington, D.C., Metropolitan Area Flight Restricted Zone, have been permitted to continue. The IFR, *Maryland Three Airports: Enhanced Security Procedures for Operations at Certain Airports in the Washington, D.C., Metropolitan Area Flight Restricted Zone*, took effect on February 13, 2005, and transfers responsibility for airport security requirements and procedures from the FAA (issued under Special Federal Aviation Regulation (SFAR) 94) to TSA. It also increases the flow of general aviation commerce by granting access to transient aircraft operations, that is, pilots not based at the three airports. Under SFAR 94, transient pilots were not allowed to operate to or from the MD–3 airports. Under the IFR, however, transient pilots are allowed to access the airports if they comply with TSA-mandated security requirements and procedures.

The IFR has specific security requirements to which the MD–3 airports and pilots must adhere. Each airport must appoint an airport employee as the airport security coordinator, who must undergo a TSA security threat assessment, including a fingerprint-based criminal history records check. The airport security coordinators must ensure the procedures mandated in the IFR, such as monitoring of aircraft at the airports during operational and nonoperational hours, are carried out. To be approved to operate to or from the airports, each pilot must undergo the same TSA security threat assessment and a check of his or her FAA record; receive a briefing that describes procedures for operating to and from the airport; secure the aircraft after returning to the airport from any flight; comply with any other requirements for operating to or from the airport specified by TSA; and comply with FAA requirements for operating inside the FRZ, including filing a flight plan, transmitting a discrete beacon code, and maintaining 2-way radio communication with air traffic control. Pilots must also check in with the airport security coordinator prior to accessing their aircraft. This measure assures unauthorized persons do not gain access to aircraft parked at the airports.

TSA has requested public comment on the IFR and will continue to work with stakeholders to minimize the burdens imposed by the IFR without compromising the security of the Washington, D.C., Metropolitan Area. The appropriate forms and guidance materials can be accessed on the TSA General Aviation website. The Aircraft Owners and Pilots Association (AOPA) has also posted the TSA forms on its website.

Locally and nationally, general aviation presents unique challenges. The aircraft are relatively inexpensive and readily available. General aviation aircraft are very diverse, with the majority being small and having minimal payload capacity. Piloting these smaller aircraft generally requires less skill and training than larger aircraft, but the regular owner/operator community is very close knit and is particularly diligent in self policing. Two well-publicized incidents involving crashes of small general aviation aircraft into buildings in Milan, Italy, and Tampa, Florida can be used by terrorists as examples of new, demonstrated tactics even though the incidents were not terrorist-related. Indeed, the April 2003 arrest of terrorist Waleed bin Attash uncovered a plot to crash a small aircraft laden with explosives into the United States Consulate in Karachi, Pakistan. The diversity of the threats and risks precludes a "one size fits all" program for the broad range of aircraft and the approximately 19,000 general aviation facilities nationwide. Prevailing circumstances, risks, vulnerabilities, threats, and potential consequences all factor into the nature of the security approach.

The plan for DCA and the program developed for the MD–3 airports reflect the unique circumstances that apply to operations in this area. Other locations present different profiles and available resources vary. Thus, differing approaches will be

the norm. TSA focuses on several particular areas to provide a broad and solid foundation for the security of general aviation.

- **Airport Watch Program**—TSA, in partnership with the general aviation stakeholder associations, implemented a General Aviation Hotline that is the linchpin of the highly regarded Aircraft Owners and Pilots Association Airport Watch Program. We endorse the Airport Watch Program and aviation security inspectors encourage its use to all airport managers visited in the course of the ongoing general aviation outreach program. The hotline provides a mechanism to enable any pilot or airport employee to report suspicious activity to one central Federal Government focal point. It is also cited as a reporting method in the Flight School Security Awareness Training Program.
- **Alien Flight Training**—Section 113 of the Aviation and Transportation Security Act, Pub. L. 107–71 (November 19, 2001), mandates that any non-Federal U.S. provider of flight instruction seeking to train an alien in the operation of an aircraft weighing more than 12,500 pounds must first ensure their candidates are cleared by the Attorney General. The Department of Justice implemented this requirement with the Flight Training Candidate Checks Program. The Vision 100—Century of Aviation Reauthorization Act (Vision 100 Act), Pub. L. 108–176 (December 12, 2003), transferred oversight of this program from the Department of Justice to TSA. The TSA IFR, codified at 49 CFR § 1552, was issued on September 20, 2004, and its requirements became effective in October 2004 for most alien flight training candidates and flight schools. A 60-day exemption applied for aliens who already held a pilot's certificate, the requirements becoming effective on December 19, 2004 for this group. In addition, flight schools are required to provide employees with security awareness training. TSA has developed a training module that flight schools can use to meet this requirement. Of note, the IFR has been refined and clarified through consultation with stakeholders.
- **Charter Operations**—For public charter operations in aircraft with 61 or more passenger seats, TSA has always required security measures, including screening of passengers and property. TSA currently regulates a large segment of the charter operations in smaller aircraft, as well as scheduled operations in smaller aircraft, through the Twelve Five Standard Security Program. TSA regulates the larger private charter operations through the Private Charter Standard Security Program. The Twelve Five Program covers scheduled, public charter and private charter operations, passenger or cargo, using aircraft with a maximum certificated take-off weight of more than 12,500 pounds while the Private Charter Standard Security Program covers private charter operations using aircraft with a maximum certificated take-off weight of 45,500 kg (100,309 lbs). These programs include requirements for vetting of flight crew, designation of a security coordinator, and checks against terrorist watch lists. Like the Twelve Five Program, the Private Charter Program also requires screening of passengers and their carry-on baggage. TSA has established an inspection regime to ensure the effectiveness of the programs. Additionally, TSA is on track to meet the requirement in section 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. 108–458 (December 17, 2004), to allow operators of aircraft with a maximum certificated take-off weight of more than 12,500 pounds to request vetting of individuals seeking to charter or rent an aircraft against the watch lists.
- **Corporate Operations**—In early 2003, TSA launched a pilot project in cooperation with the National Business Aviation Association (NBAA) at Teterboro Airport and Morristown Municipal Airport in New Jersey and White Plains Airport in New York. The initiative was conducted as a "proof-of-concept" to validate an NBAA-proposed security program developed for operators of business aviation aircraft. TSA is currently considering a national roll-out of the program.
- **Temporary Flight Restrictions (TFR)**—TSA evaluates requests for security-related TFRs based on several criteria, including specific and credible threat and intelligence information, number of people in attendance, and number of air and ground-based defense assets. TFRs are employed to mitigate the threat of an airborne attack against key assets and critical infrastructure on the ground. TFRs largely impact the general aviation community by prohibiting flight in areas of concern. In response to the Congressional mandate in the Vision 100 Act, the FAA issued a Notice to Airmen that permanently establishes TFRs over four types of sporting events: major league baseball games, National Football League games, major motor speedway events, and NCAA Division I football

games occurring in stadiums with a seating capacity of 30,000 or more. TSA processes requests from general aviation operators for waivers to these TFRs, in accordance with the criteria specified in the Vision 100 Act, and works with the FAA to issue these waivers.

- **General Aviation Airports**—On May 17, 2004, TSA published an Information Publication (IP) entitled, "Security Guidelines for General Aviation Airports." The purpose of the IP is to provide owners, operators, sponsors, and other entities charged with oversight of general aviation airports a set of Federally endorsed security enhancements and a method for determining when and where these enhancements may be appropriate. Aviation security inspectors are incorporating the IP into the TSA outreach program to the general aviation community.
- **Vulnerability Assessments**—TSA is preparing to launch a general aviation vulnerability self-assessment tool that will facilitate the examination of airports and assessment of vulnerabilities. The tool focuses on the characteristics of the facility and inventories its countermeasures. Initially, the tool will be used to assess the approximately 5,600 public use general aviation facilities.
- **National Special Security Events (NSSE)**—TSA has established an internal organization that deals specifically with NSSE events. This group is responsible for coordinating with other agencies responsible for security of the event and overseeing TSA's role in establishing transportation-related security controls, including conducting vulnerability assessments at local general aviation airports and security outreach programs to educate general aviation pilots on upcoming restrictions.

These initiatives demonstrate TSA's commitment to working with the general aviation community and interested government agencies to ensure that the level of security is appropriate to the threat. We are acutely aware that as vulnerabilities within commercial aviation are reduced, general aviation may be perceived as a more attractive target and consequently more vulnerable to misuse by terrorists. The diverse range of general aviation operations and airport facilities may provide a tempting target for terrorist exploitation. TSA continues to work with key general aviation associations to encourage their members to avoid complacency and to remain vigilant during every operation. We are committed to making decisions based on threat analysis and risk management, balanced with common sense.

Thank you for this opportunity to address the Committee on these matters of importance to security and economic vitality both in the Washington, D.C., area and nationally.

The CHAIRMAN. First let us go to Mr. Michael Cirillo, Vice President for System Operations Services of the Air Traffic Organization for the Federal Aviation Administration. Good morning, sir.

## STATEMENT OF MICHAEL A. CIRILLO, VICE PRESIDENT, SYSTEM OPERATIONS SERVICES AIR TRAFFIC ORGANIZATION, FEDERAL AVIATION ADMINISTRATION

Mr. CIRILLO. Thank you Chairman Stevens, Senator Inouye and Members of the Committee. I'm pleased to appear before you today along with my colleague from TSA, to discuss the FAA's responsibilities in matters involving general aviation security.

The CHAIRMAN. Pull that mike up toward you.

Mr. CIRILLO. I'm sorry. I am pleased to appear before you today to discuss the FAA's responsibility in matters involving general aviation security particularly and in and around the Nation's Capital.

As you know since September 11th security in and around the Nation's Capital has changed significantly. With respect to aviation a number of restrictions and procedures have been put in place, that were designed to protect the significant assets in this area.

For obvious reasons when aircraft approach the National Capital Region we want to know who they are, and where they're going. There are two airspace zones established around the National Cap-

ital Region. There's the 2,000 square mile area surrounding Washington's three major airports, known as the Air Defense Identification Zone or a ADIZ. Within the ADIZ and extending approximately 15 miles around the U.S. Capitol is a flight restricted zone or FRZ. Aircraft operating in these zones must comply with operational and procedural restrictions. When they don't, there's a coordinated interagency response.

The incident that occurred on May 11, 2005 can serve as a good example of how FAA interacts with other agencies, when an unidentified aircraft approaches Washington D.C.

At 11:28 a.m. FAA and the National Capital Region Coordination Center became aware of an aircraft entering the ADIZ from the northeast. The FAA's Watch Officer for key communications, working with the Domestic Events Network, or DEN, contacted the Potomac TRACON which confirmed to participating NCRCC agencies that the aircraft was not in communication with air traffic control, had not filed a flight plan and that its transponder was not transmitting a unique code. All requirements for operating within the ADIZ. The aircraft was not considered a threat until it turned southbound toward the FRZ, the second restricted zone surrounding the Capitol.

This information was communicated on the DEN to the participating NCRCC agencies. At this point the Customs and Border Protection Office of Marine Operations or AMO, ordered the launch of its Blackhawk helicopter and Citation jet aircraft from DCA.

In addition two F–16 aircraft were scrambled from Andrews Air Force Base. The AMO Blackhawk initially intercepted the aircraft about 10 miles north of the Capitol. The aircraft was visually identified as a high winged single engine Cessna type aircraft. Attempts by the Blackhawk helicopter to signal to the pilots of the Cessna and get them to communicate on an emergency frequency were initially unsuccessful.

The Department of Defense authorized the F–16 pilots to use flares and they were dispensed when the aircraft was 6.7 miles from DCA. The Blackhawk continued to signal to get the pilots to communicate. Ultimately the Cessna pilots were able to make contact with the AMO Citation on an emergency frequency. The Cessna turned west and proceeded through the prohibited space over the Naval Observatory with the F–16s in escort.

The Potomac TRACON reported on the DEN that the pilots were in communication with air traffic controllers at 12:22 p.m. The pilots reported to the controllers that they had been instructed to proceed to the airport in Frederick Maryland. Escorted by the Blackhawk, and the F–16s, the aircraft landed in Frederick at 12:39 p.m. Upon landing the occupants of the aircraft were taken into custody by the FBI, Secret Service, and Maryland State authorities for questioning.

After Federal and state authorities questioned the occupants of the aircraft, they determined that there was no criminal intent involved in their actions, and they were released.

One of the individuals Hayden L. Shaffer, held an FAA pilot's license, the other individual, Troy Donovan Martin holds a student pilot certificate. Although Mr. Martin was manipulating the controls of the aircraft during the entire incident in question, Mr.

Shaffer by virtue of being the only fully certificated airman in the aircraft was pilot in command of the flight.

His inability to navigate adequately, his lack of knowledge of how to respond to an intercept, his failure to communicate with air traffic control despite being lost in controlled and restricted airspace, have left FAA to conclude that he lacks the qualification required to hold an airman pilot certificate. There for on May 20th, 2005 FAA issued an emergency order revoking Mr. Shaffer's pilot's license.

Mr. Shaffer appealed both the merits of the revocation and the emergency nature of the action to the National Transportation Safety Board, On June 3, 2005 an NTSB Administrative Law Judge sustained the emergency nature of FAA's revocation and set a hearing date of June 15, and 16 to adjudicate the merits of the revocation.

While Mr. Shaffer's case received an extraordinary amount of media attention, due to how far into the ADIZ and FRZ he penetrated and the resulting evacuations, ADIZ violations are fairly common around the D.C. area. Most are inadvertent and the pilots do not travel very far into the restricted area.

The FAA has taken enforcement action against approximately 600 pilots for violations of the ADIZ since the beginning of calendar year 2003. The other major security issue concerning general aviation in this area, is the continued restriction in place that effectively prevents general aviation aircraft from using Reagan National Airport.

This restriction has been in place since September 11, 2001. I know this Committee has long supported reopening National Airport to general aviation, and I am pleased to say that on May 25, 2005, the Administration under the leadership of the Department of Homeland Security, and TSA announced a plan to do just that.

As the agency that has control over the airspace, FAA's role in implementing this is critical but limited. The FAA's representatives at the NCRCC and the DEN will develop procedures to timely disseminate and validate information on all approved aircraft and operators. FAA will also be responsible for issuing advisory circulars, and notices to airmen, to pilots, that include all new procedures put in place.

Obviously, reintroducing general aviation to DCA will be monitored closely by all interested agencies and adjustments to the plan will be made as necessary.

In conclusion, I'd like to say that although the May 11th incident was disturbing and resulted in the evacuation of thousands of people, causing alarm and uncertainty for a period of time, from FAA's standpoint the system worked as it was designed to.

NCRCC member agencies, coordinated their decisions based on accurate information that was shared in real time. While it is always appropriate after an event such as this to review whether, and to what extent the government's responses were proper. From the coordination and communication standpoint the FAA believes the system worked. This concludes my statement and I'll be happy to answer your questions at this time. Thank you.

[The prepared statement of Mr. Cirillo follows:]

PREPARED STATEMENT OF MICHAEL A. CIRILLO, VICE PRESIDENT, SYSTEM OPERATIONS SERVICES AIR TRAFFIC ORGANIZATION, FEDERAL AVIATION ADMINISTRATION

Chairman Stevens, Senator Inouye, Members of the Committee: I am pleased to appear before you today to discuss the Federal Aviation Administration's (FAA) responsibility in matters involving general aviation security, particularly in and around the Nation's Capital. This includes the role FAA played with respect to the incident that occurred on May 11, 2005, which led to the evacuation of the U.S. Capitol, the White House and the Supreme Court. I will also discuss how FAA will help implement the Administration's recent decision to reopen Ronald Reagan Washington National Airport (DCA) to general aviation on a limited basis. It's a pleasure to be here with my colleague from the Transportation Security Administration (TSA).

As you know, since September 11, security in and around our Nation's Capital has changed significantly. With respect to aviation, a number of restrictions and procedures have been put in place that were designed to protect the significant assets in this area. At the outset, I would note that the restrictions and requirements for operating aircraft in this area are unique. Ordinarily, a general aviation aircraft operating at low altitudes and under visual flight rules (VFR) could operate legally within the National Airspace System without filing a flight plan or communicating with air traffic control. Flights occur all the time around the country without direct FAA control or contact. For obvious reasons, however, that is not the case in this area. When aircraft approach the national capital region, we want to know who they are and where they are going.

There are two airspace zones established around the national capital region. There is a 2,000 square mile area surrounding Washington's three major airports known as the Air Defense Identification Zone (ADIZ). How flights are handled heading toward or entering the ADIZ varies depending on the existing threat level, but generally aircraft operating in the zone are required to file a flight plan, be in continuous communication with air traffic control, and have a functioning transponder that transmits a discrete or uniquely identifiable code. Within the ADIZ and extending approximately 15 miles around the U.S. Capitol is the Flight Restricted Zone (FRZ). Additional operating requirements apply to general aviation aircraft operating within the FRZ, including applying for and receiving a TSA and FAA waiver.

Unidentified aircraft operating in restricted airspace are taken very seriously. FAA is a member of the National Capital Region Coordination Center (NCRCC), a group comprised of representatives of security and military agencies to ensure that, in the event of a threat from an unidentified aircraft, coordinated action can be taken to appropriately address the threat and keep the region safe.

An analysis of what happened on May 11, 2005, will serve as a good example of how FAA interacts with other agencies when an unidentified aircraft approaches Washington, D.C. At 11:28 a.m., FAA and the NCRCC became aware of an aircraft entering the ADIZ from the northeast, approximately 44 miles from DCA. The FAA's watch officer for key communications working with the Domestic Events Network (DEN), contacted the Potomac Consolidated Terminal Radar Approach Control (Potomac TRACON), which confirmed to participating NCRCC agencies that the aircraft was not in communication with air traffic control, had not filed a flight plan and that its transponder was transmitting a generic, rather than a unique code. At this point, the aircraft was considered to be a track of interest (TOI). Because the aircraft was flying just within and parallel to the northern boundary of the ADIZ, it was not considered an immediate threat and, while it was monitored closely, no intercept action was taken at this point.

The aircraft subsequently turned southbound toward the FRZ, the second restricted zone surrounding the Capitol. This information was communicated on the DEN to the participating NCRCC agencies. At this point, the Customs and Border Protection Office of Marine Operations (AMO) ordered the launch of its Blackhawk helicopter and Citation jet aircraft from DCA. In addition, two F–16 aircraft were scrambled from Andrews Air Force Base. The AMO Blackhawk initially intercepted the aircraft about 10 miles north of the Capitol. When the aircraft continued to proceed south toward the Capitol, the F–16s moved in to intercept. The aircraft was visually identified as a high-winged, single-engine Cessna-type aircraft.

Attempts by the Blackhawk helicopter to signal to the pilots of the Cessna and get them to communicate on an emergency frequency were initially unsuccessful. At noon, the Department of Defense authorized the F–16 pilots to use flares. The flares were dispensed when the aircraft was 6.7 miles from DCA. At this time, the Secret Service and the U.S. Capitol Police made the decision to evacuate the White House and the Capitol, respectively. The Blackhawk continued to signal to the pilots to get

them to communicate with them. Ultimately, the Cessna pilots were able to make contact with the AMO Citation on an emergency frequency and the Cessna turned west. The Cessna proceeded through the prohibited airspace over the Naval Observatory with the F–16s in escort. As the aircraft exited the FRZ, the Blackhawk joined the escort north.

The Potomac TRACON reported on the DEN that the pilots were in communication with air traffic controllers at 12:22 p.m. The pilots reported to the controllers that they had been instructed to proceed to the airport in Frederick, Maryland. Escorted by the Blackhawk and the F–16s, the aircraft exited the ADIZ at 12:25 p.m. and landed in Frederick at 12:39 p.m. During the flight, Potomac TRACON controllers communicated with the pilots several times to tell them how far they were from the airport and to warn them to look for other VFR traffic. There was little communication back from the pilots of the light aircraft to the controllers during the flight.

The Secret Service sounded the all clear at the White House at 12:14 p.m. and the U.S. Capitol Police sounded the all clear at 12:40 p.m. Upon landing, the occupants of the aircraft were taken into custody by the FBI, Secret Service, and Maryland State Authorities for questioning.

In this instance, we consider the interaction of the agencies to have worked as intended. The communication and interface that took place during this incident were an improvement over the interagency communication that took place during the incident last June involving the Governor of Kentucky's plane which, on approach to DCA, was known to FAA controllers, but appeared as an unidentified aircraft to the other members of the NCRCC. By contrast, on May 11th, the decision to evacuate the Capitol and the White House was made by the U.S. Capitol Police and the Secret Service based on the accurate information that an unknown aircraft operator had penetrated the ADIZ and the FRZ, was heading toward the Capitol, and was not immediately responding to the intercept. Once the aircraft changed direction away from the areas of concern, an all clear was announced. All agencies in the NCRCC learned from the June 2004 event and, as a result, today, both FAA controllers and NCRCC members are seeing and acting on the same information.

After Federal and state authorities questioned the occupants of the aircraft, they determined that there was no criminal intent involved in their actions and they were released. One of the individuals, Hayden L. Sheaffer, held an FAA pilot's license. The other individual, Troy Donovan Martin, holds a student pilot certificate. Although Mr. Martin was manipulating the controls of the aircraft during the entire incident in question, Mr. Sheaffer, by virtue of being the only fully certificated airman in the aircraft, was pilot-in-command of the flight. As such, he failed to navigate properly and to check adequately for, and adhere to, airspace restrictions during the flight. This resulted in the aircraft penetrating the Class B airspace around BWI Airport, the restricted airspace around the national capital region (both the ADIZ and the FRZ), and the prohibited airspace over the Naval Observatory without authorization and in violation of FAA regulations and procedures. His inability to navigate adequately, his lack of knowledge of how to respond to an intercept, his failure to communicate with air traffic control despite being lost in controlled and restricted airspace, have led FAA to conclude that he lacks the qualification required to hold an airman pilot's certificate. Therefore, on May 20, 2005, FAA issued an emergency order revoking Mr. Sheaffer's pilot's license. The emergency nature of the order means that the revocation is effective immediately. Mr. Sheaffer appealed both the merits of the revocation and the emergency nature of the action to the National Transportation Safety Board (NTSB). On June 3, 2005, an NTSB administrative law judge (ALJ) sustained the emergency nature of FAA's revocation and set a hearing date of June 15 and 16 to adjudicate the merits of the action.

The ALJ's ruling could be appealed to the members of the NTSB. A final NTSB decision is appealable to the U.S. Courts of Appeal. Because Mr. Sheaffer's case is ongoing, I am limited in what I can discuss with respect to our investigation and subsequent enforcement action.

While Mr. Sheaffer's case received an extraordinary amount of media attention due to how far into the ADIZ and FRZ he penetrated and the resulting evacuations, ADIZ violations are fairly common around the D.C. area. Most are inadvertent and the pilots do not travel very far into the restricted area. Although not all pilot deviations have resulted in enforcement action, the FAA has taken enforcement action against approximately 600 pilots for violations of the ADIZ since the beginning of calendar year 2003. Our sanction guidance recommends a 30 to 90 day suspension of a pilot's license for a typical ADIZ violation. However, that guidance does not preclude imposing a more severe sanction should the circumstances warrant. In one case, a revocation was sustained due to the intentional nature of the violation. The case against Mr. Sheaffer is not just an ADIZ case. It involves his basic qualifications to hold an airman pilot certificate.

The other major security issue concerning general aviation in this area is the continued restriction in place that effectively prevents general aviation aircraft from using Reagan National Airport. This restriction has been in place since September 11, 2001. I know that this Committee has long supported reopening National Airport to general aviation and I am pleased to say that on May 25, 2005, the Administration, under the leadership of the Department of Homeland Security (DHS) and TSA announced a plan to do just that. As the agency that has control over the airspace, FAA's role in implementing this plan is critical, but limited.

FAA will work with TSA and other stakeholders to solidify all procedures and requirements necessary to implement the Administration's plan. The FAA's representatives at the NCRCC and the DEN will develop procedures to timely disseminate and validate information on all approved aircraft and operators. We are working on a Web based program to streamline this process. FAA will also be responsible for issuing advisory circulars and notices to airmen and to pilots that include all new procedures put in place. At this time, we do not anticipate that approved general aviation aircraft will be required to install special equipment beyond what would already be required. Obviously, reintroducing general aviation to DCA will be monitored closely by all interested agencies and adjustments to the plan may be made as necessary. We see the announcement of this plan as a significant benefit for general aviation in the D.C. area.

In conclusion, I would like to say that, although the May 11 incident was disturbing and resulted in an evacuation of thousands of people, causing alarm and uncertainty for a period of time, the system worked as it was designed to. NCRCC member agencies coordinated their decisions based on accurate information that was shared in real time. While it is always appropriate after an event such as this to review whether and to what extent the government's responses were proper, from a coordination and communication standpoint, the FAA believes the system worked.

This concludes my statement. I will be happy to answer your questions at this time.

The CHAIRMAN. Thank you very much. First, let me apologize on behalf of myself and the Co-Chairman for starting this hearing late. We were with the Chinese members of the U.S.-China Parliamentary Conference, and they did not depart from that meeting until just before 10:30, so we're sorry to get started late, but I again apologize.

Now I am a pilot of sorts. I was interested in the fact that this plane that we were talking about on May 11, was really a fairly slow moving plane. And I agree, as I've indicated before, that the system worked. But would it have worked if that had been a high speed jet?

Mr. FLEMING. Yes, sir I believe it would have. Different procedures are taken into consideration. A slow moving aircraft squawking 1200 around the boundary of the ADIZ is a fairly normal occurrence. A fast moving aircraft inbound to the ADIZ, not identified, not talking, and not squawking would be highly unusual and would raise suspicion much earlier, 60 miles to 100 miles out.

The CHAIRMAN. We had the situation with the Kentucky airplane that did just that. And it was almost through the airspace wasn't it, before it was intercepted?

Mr. CIRILLO. In the case of May 11, we identified the aircraft, we followed correct procedures. In the case of the Governor of Kentucky, correct procedures were not followed.

The CHAIRMAN. Tell me how FAA has changed those procedures so it won't happen again.

Mr. CIRILLO. We've have done a number of things, we have provided equipment to the people in the NCRCC so that they have the same picture as the people in the air traffic control facilities. We have done training, so that the identification of an aircraft without a transponder, even if it contains a data block is clearly identified,

and also we have clarified coordination responsibilities relative to that incident.

The CHAIRMAN. How far out of the zone would you intercept a high speed jet that was not squawking at all?

Mr. FLEMING. That would completely depend on the situation sir. Certainly a number of individuals whether it's DOD or FAA and CBPAMO are watching that air traffic within a 100 mile radius, 150 mile radius.

The CHAIRMAN. Well, he came in from Kentucky and he wasn't squawking at all anytime. What's our procedure for intercepting such a plane?

Mr. FLEMING. Actually its transponder, sir, was malfunctioning so it did squawk, just enough to pass the identity to FAA's system. And so it was an intermittent transponder, it was working, and was recognized, was captured by the FAA system. Since then we have been able to correlate two systems that were not in one location. And very soon after the Governor Fletcher incident, that system was installed at the TSOC which would eliminate the possibility of that sort of failure happening again.

The CHAIRMAN. All right. One last question Mr. Fleming. Your proposal for the reopening of the Ronald Reagan Washington Airport as I understand it, says that a general aviation aircraft would have to have onboard an armed law enforcement person. Now some of those aircraft are not very large. The proposal requires that the aircraft, its crew and passengers and baggage must be screened at the airport from which it departed.

Why do you need an armed law enforcement officer on a small plane if you have had those four procedures complied with?

Mr. FLEMING. Yes sir. In an effort to ensure that the security levels afforded to GA are commensurate with those commercial aircraft. Many of these smaller GA aircraft, or corporate jets do not have the ability to have a hardened cockpit door, meaning that despite the fact that we've done background checks on the individuals, there's no physical barrier in many aspects between the passengers and the actual pilot. That's why we recommended that law enforcement personnel be onboard to ensure that there is a physical barrier between the cockpit and passengers.

The CHAIRMAN. We all fly from time to time on general aviation. Where are you going to find a supply of law enforcement officers to fly in from these airports, that general aviation enter? They have to land somewhere on the circle outside of the Capitol don't they?

Mr. FLEMING. Yes sir, there's 12——

The CHAIRMAN. Isn't that an extreme procedure, without regard where they came from? I mean if I come in from Seattle I am going to land at an airport before I land at Reagan, right?

Mr. FLEMING. That's correct, sir.

The CHAIRMAN. And I'm going to go through a second screening procedure, I've gone through one in Seattle, but I'm going through another one now? I'm the pilot of a small general aviation jet, and I've got 7–8 passengers. I'm going to have to take one of them off to bring in a law enforcement person, is that right?

Mr. FLEMING. If you were to do that sir, when you submitted your plan to fly into DCA there would typically be no screening at

the Seattle end of things. Your screening would occur at the gateway airport.

The CHAIRMAN. Well I have news for you, almost everyone of general aviation fixed space operators, you go through screening now. I haven't left any one of them recently that we haven't gone through screening. They are aware that there's a new standard through general aviation. But what I'm saying to you, it looks like to me you are going to take a passenger off those general aviation planes to put on a law enforcement person. Now how do I get one, if I am coming out of Seattle.

Mr. FLEMING. We're working on a plan now sir, that we think will provide access to a lot—various law enforcement officials, as well as security officials working very closely within the Department to coordinate the training requirements for individuals, so we can have a fairly large community of people to draw from to fulfill that job.

The CHAIRMAN. Well I hope you take a good look at what you're doing. Because being on those planes is not cheap to start with. If I have to pick up a law enforcement officer somewhere say in Kentucky or Ohio and bring him in here then I am going to have to send him back. And the persons chartering those planes are soon going to be deterred from chartering a general aviation plane.

I think that burden is too great to put a law enforcement officer—I'd rather see you hire ten people and put them at that fixed base operator and make them search the plane and allow them to get onboard whatever you want. But the concept of putting a law enforcement officer on and then having the duty to get him back where he came from. I think that's a burden that's just going to kill general aviation in terms of private charters that want to terminate here in Washington.

As a matter of fact, I think there would be no question they won't terminate there. They'll take us to Philadelphia, or take us to New York, they'll take us to somewhere in Virginia and let us off, they are not going to go through this. And you're killing the very thing we want to do and that's sinuate rapid access for those people coming in and going out the same day. Senator Inouye. Oh, I had one other question, pardon me if I may. And that was to Mr. Cirillo. I have some question about the delay in giving the "all clear." And until you give the "all clear" we all stand out in the street. That was a considerable delay on May 11. What have we done to change that so that the "all clear" will be put into the system and it's really not a crisis, the government can go back to work in Washington D.C.?

Mr. CIRILLO. Actually sir, the FAA provides all available information relative to the status of the flight but does not actually issue the "all clear." We provide it to the appropriate law enforcement agency so that they may determine the status of the threat level.

The CHAIRMAN. Who's going to be responsible for giving the "all clear?"

Mr. CIRILLO. I'm not actually sure who is responsible for giving the "all clear."

The CHAIRMAN. Mr. Fleming?

Mr. FLEMING. Sir, if I may. The all clear being given as far as evacuation procedures are concerned, would be given by the agency tasked with the protection of that particular building. Our goal within TSA, and within the Department, is to make sure they have the accurate information of the incident as it occurs so they can make that assessment independently.

The CHAIRMAN. That's not what we were told. I was in a secure location, believe me. Our people waited until you gave the "all clear." That was a considerable amount of time. I think that has to be looked at, because we leave these buildings, the Supreme Court left their building, the President left his building, everyone left their building and we are out there until we get an "all clear" from somebody. And it was very unclear who had the authority to give the "all clear." I think that must be cleared up. We request that you notify this Committee what is the procedure for determining the "all clear."

Mr. FLEMING. I'll take that for action, sir.

The CHAIRMAN. Senator Inouye.

Senator INOUYE. Mr. Chairman, if I may followup we were evacuated, and we were advised by CNN that it was all clear. But yet the Sergeant at Arms was not authorized to do so because he said "I haven't received word from higher up that everything is clear." Can you explain that to me? Why was CNN notified before our Sergeant at Arms?

Mr. FLEMING. Sir, I don't know how that communication took place and who notified CNN. I do know that considerable communication came from the Department on the status of the incident to the various entities.

However since the incident I also know that considerable work has been done to improve that communication through text, as well as voice capabilities. So I believe there's been some enhancement there. I would certainly like to defer that to the appropriate Department officials that can explain better the traction we've gotten toward that.

Senator INOUYE. I'm certain you're aware that after the "all clear" the Chief of Police of the District of Columbia told the press that his department had not been notified? Why was that?

Mr. FLEMING. Sir, I'd have to defer that to the Department of Homeland Security Operation Center. I know they have a number of predetermined notifications in place that had been agreed upon. But I can't speak directly to those. I will defer that to the Department for some more specific answers for you, sir.

Senator INOUYE. Now that you are going to open up Ronald Reagan for general aviation I've already heard reports that people are trying to loosen the security requirements that you have in place. What do you say to us? Are you going to make it tighter or loosen it up again?

Mr. FLEMING. I think the plan as stated is an excellent base point. I think as we implement that plan, we'll continue to monitor and make adjustments as necessary.

Senator INOUYE. What do you think of Chairman Stevens' concern about general aviation?

Mr. FLEMING. I think we certainly have communicated often with the industry that would like access to Ronald Reagan. I believe this

plan not only meets our security needs but meets their access needs. Again, this is a base starting point for us. As we move forward with this plan if the adjustments need to be made, if it's found to be too onerous, or we can adjust the security levels we'll certainly continue to monitor that.

Senator INOUYE. Thank you, very much.

The CHAIRMAN. Senator Burns?

Senator BURNS. I'm interested in a couple areas, you have only chosen this one gateway airport here at DCA for this time. Are other airports going to be chosen?

Mr. FLEMING. From a gateway standpoint sir, we have 12 airports around the country that were selected as gateways, which would be screening points that would allow you to access Ronald Reagan. So if you are coming from, somewhere in the country, you've got a choice of 12 different airports. We selected those airports, based on various factors, primarily those airports that served the largest portion of traffic in the DCA prior to 9/11. And then we also selected some additional airports just for access and ease of operation.

Senator BURNS. Mr. Fleming, will you describe the criteria that's involved now whenever they land at a gateway airport to come into the DCA?

Mr. FLEMING. Yes sir, the first step would be part of the access program. There are some program requirements which include some physical security requirements at the FPO itself. Once that's been established you would communicate your requirements to enter DCA. You would provide us a list of your crew and your passengers, and those would be vetted. You would proceed to that gateway airport where we would do physical screening, both of the aircraft, the passengers, carry-on, as well as any checked baggage if that's appropriate.

A law enforcement officer would be added potentially at the gateway or could be brought from the location in which the aircraft originated. And from that point they would contact the NCRCC and notify their intent to fly into the DCA area and depart.

Senator BURNS. All this costs money. Where does it come from?

Mr. FLEMING. Yes, sir. In the plan now we plan to pass the cost of screening equipment, and other associated cost to those that desire access to DCA. We currently—in that current configuration those fees would be transmitted into the general fund and in order for that revenue to go back to TSA, the legislation would have to be enacted to allow TSA to keep those funds.

Senator BURNS. Those are all the questions I have.

The CHAIRMAN. Senator Nelson?

**STATEMENT OF HON. E. BENJAMIN NELSON, U.S. SENATOR FROM NEBRASKA**

Senator NELSON. Well, thank you Mr. Chairman. First of all, I want to commend you for an effort to reopen general aviation at National so close to all of us who can come in and come out. I believe in a belt and suspenders approach. I can't believe you would choose gateway locations requiring then security as opposed to requiring a hardened door. I don't understand why if someone wants to fly in a private plane that it wouldn't be more feasible to require

a hardened door. And when they stop at the gateway airport it can be verified that they have a hardened door. I can see going through the manifest to see who the passengers are, vet them, work your way through it.

But once you have a hardened door the chances of the misuse of that airplane have been reduced significantly. And probably reduced more than even with a security person onboard. So it seems to me that we have chosen the right course, the wrong way. And I don't understand why, perhaps you can enlighten me. Either of you, I'm not picking on anyone. Choose between yourselves, it doesn't matter to me.

Mr. FLEMING. From a security standpoint hardened doors are an incredible asset. However, from an air frame standpoint which I can defer to the FAA, a large percentage of these aircraft that would like access to DCA are not capable of being retrofitted for hardened cockpit doors.

Those that are would require considerable expense in doing so and I'd defer to the FAA on that process.

Mr. CIRILLO. Actually that's not my area of responsibility, so I'm not exactly sure what the process is. But we can get you that information.

Senator BURNS. But couldn't you make it either or? In other words, I don't know why we have a one-size-fits-all approach here, as opposed if you have the hardened door, or if you can harden the door, why would you have to have a security passenger as well? It seems to me we ought to have some flexibility here that makes sense to recognize that some may choose to do it one way, and others may choose to do it another way. But I commend you for trying to find a way to do it. I just don't want it to be an impossible task or put the barrier so high that it's very difficult for anybody to really meet it, feasibly.

I don't see that this is feasible quite honestly. I don't know why you don't just keep it closed as opposed to putting up a standard that very few are going to be able to meet or want to meet. Or the cost is going to be so great that it becomes difficult to meet. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Allen?

## STATEMENT OF HON. GEORGE ALLEN, U.S. SENATOR FROM VIRGINIA

Senator ALLEN. Thank you Mr. Chairman. Thank you, for holding this hearing. I have a statement that I would like to be part of record.

The CHAIRMAN. It will be, thank you.

[The prepared statement of Senator Allen follows:]

PREPARED STATEMENT OF HON. GEORGE ALLEN, U.S. SENATOR FROM VIRGINIA

Thank you Mr. Chairman. I appreciate you convening this hearing so we can examine our policies pertaining to the District's airspace and the importance of allowing general aviation flights to again operate at Reagan National Airport.

Following the terrorist attacks of September 11 it was necessary to take extreme security precautions to make sure further attacks could not be carried out. One of these precautionary measures was the closure of Reagan National Airport to general

aviation flights and strict limits on aircraft permitted to fly into Washington, D.C. airspace.

Since that time, we have progressively re-opened our civil aviation system and today virtually all flights and airports are as accessible as they were prior to September 11. An exception is obviously access to D.C. airspace and general aviation flights into and out of Reagan National Airport.

The policies that have been implemented to limit access to the airspace of the Capital Region are providing the necessary degree of security. The agencies tasked with protecting D.C. airspace are continuing to work together and improve the way in which information is shared and analyzed.

There have been two high-profile incursions into restricted D.C. airspace. This should be cause for concern, but not panic. I understand there was a transponder problem in the case regarding the Kentucky Governor, and that FAA identified deficiencies in its own response procedures that were subsequently corrected.

The second incident involved a pilot that "froze" once his aircraft was intercepted. There were numerous and clear signals given to the pilot to divert and he ultimately did.

I do not believe these two incidents should affect how we establish policy with regard to general aviation at Reagan National Airport.

I am pleased that the Administration has agreed to again allow general aviation to operate in and out of Reagan National Airport. In reviewing TSA's plan, I would submit that it is a good *first* step.

This is an important victory for the airport and many surrounding businesses. Non-scheduled air carrier operations at Reagan National once generated an estimated $50 million a year in direct economic activity from charter revenue, aircraft handling and refueling services. The lack of charter and general aviation passengers coming into the city, hotels, restaurants and other service businesses near Reagan National have suffered a significant, negative economic impact as well. Hopefully the implementation of this plan will bring those revenues back.

As many know, I have been working on this issue for quite some time. I introduced legislation directing the Administration to allow general aviation flights at Reagan National, but also provided for some reasonable, practical conditions to be included in any plan to re-open the airport.

Security is and will remain the paramount consideration with this change in policy. I understand the Administration's plan contains a number of additional security measures (similar to those in my legislation) that are going to be required for general aviation flights to operate out of Reagan National. I believe that is a prudent approach at this time.

I do however want to make sure these conditions are not so impractical that general aviation operators are unable to meet them. It is important that we give this policy a chance to succeed. Overly restrictive regulations that go far beyond those applicable to commercial aviation will not give us a fair determination that general aviation can be safely operated at Reagan National Airport.

Should the implementation of this plan go smoothly, it is important that we re-evaluate the current restrictions and consider opening Reagan to more general aviation flights each day.

Again, I view the plan the Administration has put forward as a good and appreciated first step. I look forward to working with TSA and FAA in the future to ensure the safety and practicality of general aviation flights at Reagan National Airport.

Senator ALLEN. This is an issue that as Members of this Committee and those in Administration know, I have been focusing on for many years because of the impact, the adverse impact that the closure of Reagan National to general aviation has had, in jobs, in revenue, as well as obviously in access to our Nation's Capital.

I want to applaud the Administration for finally coming up with a plan for reopening Reagan National. I introduced a measure this year, Senate Bill 433 that had the understanding in it, in directing the Administration to reopen Reagan National so that they could have additional security. It's logical to have additional security requirements for Reagan National.

The requirements should be rational, they should be reasonable, and they should be practical. This is a first step, you called it a

start, a base plan, I am referring to Mr. Fleming taking those notes down. In looking at it, the questions from Senator Burns and our Chairman, are ones of practicality. In fact even in Senator Nelson's proposal to get a hardened cockpit door, you would need to have a law enforcement officer onboard.

I think in most cases for general aviation it's pretty hard to get in a hardened cockpit door, when you think of what pilots do on such planes and some of them they're just—it's just as a practical matter difficult to do. However, some may want to do that, and if they do meet that criteria, you ought to have the flexibility of saying we want this added security, but have the flexibility on different ways that it can be done. It will probably have to be in a place like Lexington, Kentucky, a lot of these law enforcement officers ready to get hired on.

They maybe deputy sheriffs, they be who knows what, just to take this flight in. Most general aviation planes do not have hundreds of seats on them. There's usually anywhere from 8 to maybe 12, I suppose, and so that could be a limit. The other thing you all need to understand is with the closure of Reagan National, it really clogs up Dulles Airport for general aviation, where you have the cargo and commercial and folks who are on that runway for a long time. Smaller planes, as well as the big commercial aircraft. What I would like to know from you, Mr. Fleming, is that first when are we likely to get this final rule accomplished? Because once this final rule is accomplished, then you're going to see how many want to avail themselves of these added burdens of flying into Reagan National. Can you give us a date when you think this will actually kick in?

Mr. FLEMING. It's a very high priority of the Department. We're finalizing that IFR, now. I don't have a specific date for you. But I assure you it's a high priority and we're in the finalization process.

Senator ALLEN. Do you think it will take a month? Will it be done by, for example, Independence Day, or August 1 when do you think this will——

Mr. FLEMING. Sir, I don't have a date. I do know that we're just in the finalization process of the rule now. I don't anticipate a lengthy delay.

Senator ALLEN. All right. Let's assume this kicks in, in a month or so. And you will be monitoring this, and there are a certain limited number of slots that are available. What will be the indicators to you, as to when you're monitoring this first step that adjustments need to be made? What will be the indicators? Will it be that there are fewer flights coming in than there are available? Will it be comments from those who say, gosh I would like to come in but it's so impractical to fly the way that we have to fly in these gateway airports, so you may actually increase the number of gateway airports. Or maybe modify the law enforcement officer requirement, or any other sort of things that would come up. What will be the criteria, so that people if they do have comments, ideas for necessary changes, greater practicality, how will that be taken in, and what will be the conduit? And what will be the criteria you will use to determine more gateway airports, or whether or not this is actu-

ally having the desired effect of allowing more to use general aviation at Reagan National?

Mr. FLEMING. Sir, I think certainly a primary conduit would be the industry itself in general feedback on the plan. For those that do enter into this security program, each of them will be identifying a security point of contact. And that will be our main contact between those private entities and TSA on how that program is going. We have a normally instituted feedback with our compliance group with that security point of contact within the industry. So we plan to get feedback through both those mechanisms, and adjust accordingly.

In addition to that, we'll continue to work with our Federal partners within the Department, and outside the Department on access and availability.

Senator ALLEN. How do you envision today this requirement of—the requirement of a law enforcement officer on a flight. Do you envision a training program for individuals and that will be in different parts of the country, or how do you actually envision that taking place?

Mr. FLEMING. Yes sir.

Senator ALLEN. I am trying to get the practicality for those who may want to use it. I know there are a lot, very many who want to reopen Reagan for general aviation. That is probably going to be the most problematic matter not just taking up a seat in a smaller aircraft. But how do you actually get such personnel on a plane? And you know, who's qualified? If you can share with us how that would actually work as a practical matter?

Mr. FLEMING. We're working now to establish a level of training required and background required to act in this capacity. Our goal is, once that's established and we are finalizing that now, once that is established to ensure that training is readily available across the United States, so that access is open. So that's our program for the security officer on board and we should be, you should see details of that delineated in the IFR as soon as it's issued.

Senator ALLEN. Do you envision the TSA conducting this training or could it be done from law enforcement, say local or state law enforcement, or others who would be conducting—excuse me.

The CHAIRMAN. Go ahead.

Senator ALLEN. If you would just say who would you envision being the instructor of such training to meet this criteria?

Mr. FLEMING. We think there are other entities, other than TSA, that may be able to provide this training. We are exploring that now.

Senator ALLEN. Thank you Mr. Chairman.

The CHAIRMAN. Sorry to interrupt you. But I'm trying to keep the time down.

Senator ALLEN. Understood.

The CHAIRMAN. Senator Rockefeller.

**STATEMENT OF HON. JOHN D. ROCKEFELLER IV, U.S. SENATOR FROM WEST VIRGINIA**

Senator ROCKEFELLER. Thank you, Mr. Chairman. I have to say that I find it a bit ironic that this hearing concerns itself with opening up Reagan National Airport, which is what would certainly

be convenient for all of us and all the lobbyists that come into town. In the meantime there are 200,000 general aviation planes that take off every day. And two-thirds of them, in fact three-quarters of all traffic in the air is general aviation, private aviation. Two-thirds of that is single engine.

Now I'm—that's fine we open up Reagan National that's fine. I've never found any crowding at Dulles. I have to charter sometimes, I have to drive a half hour, so what. In West Virginia, we have to do that all the time. I am worried about that 200,000 that are not being monitored, have virtually no protocol for security for which you have, I believe you cannot testify other than that you have ten or fewer people associated with looking at their protocol in which there are no substantial pilots licenses, no checking, people just get on and get off airplanes. The 9/11 Commission made a big point of this, that it's a lethal weapon. The single engine plane is a lethal weapon. So are any of them. And we're talking about Reagan National. I am happy to talk about Reagan National. But I would like to know, is it true that you have zero dollars, and about ten employees that are monitoring 200,000 plus private airplanes across this country that take off—that are in the air every day?

Mr. FLEMING. I believe the funding level is at the 1.5 million level, and I believe it's 12 FTE that are dedicated toward general aviation, sir.

Senator ROCKEFELLER. Twelve. I stand corrected then, it's 12 not 10. The 9/11 bill said that we had to improve the existing pilot licenses, they're kind of paper, with a photograph. And it talked about upgrading them substantially including the use of biometrics is any of that in process? Except for the 12—I assume that's going to be on the 12 entry points, is that going to be effective anywhere else, anybody doing any work on that?

Mr. CIRILLO. The FAA is working on the modified pilot license, yes, sir.

Senator ROCKEFELLER. What does that mean?

Mr. CIRILLO. To——

Senator ROCKEFELLER. I know what a modified pilot license is. What do you mean, is working on it. I am working on lots of things, it doesn't mean I get them all done.

Mr. CIRILLO. It's in process, it involves rulemaking, and it's in a certain stage of that process.

Senator ROCKEFELLER. I don't know what that means. It involves rulemaking and it's under a—is it being done or not? Is it halfway done, two-thirds done?

Mr. CIRILLO. I'm not sure exactly the time line for completion of it.

Senator ROCKEFELLER. Is biometrics involved?

Mr. CIRILLO. I'm not absolutely sure what the final criteria is going to be.

Senator ROCKEFELLER. Is there any other general aviation plane in the country, other than the one that you're talking about which is having any of its luggage checked, which is having any of its passengers wanded or any of its pilots using other than the regular form paper license with the photograph attached primitive stop? I am not trying to be hostile, I think it's a very dangerous situation

for Homeland Security. It's an extremely dangerous situation. Every single hour of the day, we know something about that here.

Mr. CIRILLO. Relative to security measures I can't answer to that, but the change in the pilots license has not occurred. It is being worked.

Senator ROCKEFELLER. I think that you are, Mr. Fleming you are the Chief Operating Officer of TSA. You ought to be able to answer that question.

Mr. FLEMING. Sir, we've have taken a number of approaches from a TSA standpoint, the threat, vulnerability, and consequence of general aviation compared to commercial aviation, there are some obvious differences. However you do point out the size of the community. And we look at the size of the community, compared with that threat, vulnerability and consequence. We have leveraged a number of programs. We are instituting and working with the industry to institute a vulnerability assessment program that GA airports and FBOs will institute. We have issued guidelines in working with Civil Aviation Security Working Group——

Senator ROCKEFELLER. Guidelines, but essentially they're self regulating, is that correct?

Mr. FLEMING. That is true, sir.

Senator ROCKEFELLER. So the commercial is under control of the TSA, they're the minority of the planes flying and the majority of the planes flying are self regulating?

Mr. FLEMING. That is correct. The majority of the planes flying that have a high threat, vulnerability, and high consequences are the ones we have regulated to date.

Senator ROCKEFELLER. My time is up, I thank you.

[The prepared statement of Senator Rockefeller follows:]

PREPARED STATEMENT OF JOHN D. ROCKEFELLER IV,
U.S. SENATOR FROM WEST VIRGINIA

I would like to thank Senator Stevens for holding this hearing today and would like to welcome our witnesses.

First, I would note that I have supported legislation re-opening National Airport to general aviation, but have always predicated my support on whether or not sufficient security protocols could be established.

The Administration has developed a rigorous security program for National and before anyone wants to ease these requirements, I believe it would be prudent to implement them and then see what, if any, future adjustments need to be made.

Although much of this hearing will be devoted to issues surrounding the re-opening of National Airport to a limited amount of general aviation traffic, I believe it is important to take this opportunity to explore what I believe is one the most pressing issues in aviation security today—the lack of a comprehensive Federal security regime for general aviation.

As we all know, the 9/11 report and other recent DHS reports confirm that general aviation represents a substantial security risk. As we strengthen our passenger and cargo security systems the terrorists will seek other avenues. I believe that general aviation remains a rich and easy target for terrorists. I do not make this statement lightly. We have a serious problem and we must address it.

In reviewing the Transportation Security Administration's actions on general aviation security, I remain deeply troubled. To be blunt, the Agency is doing nothing but relying on voluntary self-compliance from the affected stakeholders to devise a security system for general aviation. This simply is not good enough. I know our panel of industry representatives will argue that their voluntary measures are sufficient, but I disagree.

The reason the Federal Government is relying on industry for general aviation security is because TSA does not have the resources and staff to do it themselves. This is another glaring example of the Administration shortchanging our aviation secu-

rity needs because of irresponsible budget policy. It is my understanding that TSA has only a limited number of staff devoted to general aviation security and no dedicated budget. Given the size of the industry, this lack of resources and commitment is stunning.

I also dispute the notion that the size of the aircraft limits its damage potential. We evacuated the Capitol weeks ago because the government did not know what might be in that small plane. A small plane packed with lightweight explosives, biological or chemical agents can be as much of a threat as a commercial airliner.

I want to work with the other Members of the Committee, the Administration and the general aviation community in establishing an effective Federally operated security regime and to strengthen aviation security as a whole. This may take an implementation of a general aviation security fee. I strongly believe that general aviation needs to be kept operating, but there is a legitimate need for more security.

The CHAIRMAN. Senator Lautenberg.

**STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM NEW JERSEY**

Senator LAUTENBERG. Mr. Chairman, I ask that my full statement be included in the record.

Senator ROCKEFELLER. As do I.

The CHAIRMAN. Yes sirs, they will be.

Senator LAUTENBERG. First of all let me clearly say that I support the access to general aviation for those who are fortunate enough to use it and those who go along with those who can afford it. The fact is that it's a significant convenience, a significant part of our culture. Terrorism has inflicted many new, complex problems on us. We see it every day, and every time we go to the airport and wait in the long security lines et cetera. That's the price you pay for protecting our public. Now, Newark airport is short the full complement of security screeners that we are supposed to have. Officials at the airport say we need 1,440 in round numbers, but we only have 1,200. In Teterboro, there is a very active airport that serves the New York marketplace. And prior to 9/11, Teterboro also sent more GA aircraft to Washington National on a regular basis than any other airport of origin.

Well now, the Administration wants to take something like 3 to 5 only, just a small number of screeners, over to Teterboro from Newark, which is already short screeners all together. So Mr. Cirillo, is that something you are looking at and what's the answer to that?

Mr. CIRILLO. Sir, I think I once again defer to Mr. Fleming for that question.

Senator LAUTENBERG. Sorry. I've still got the jurisdictions mixed up here. Please go.

[The prepared statement of Senator Lautenberg]

PREPARED STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM NEW JERSEY

Mr. Chairman, thank you for calling this hearing and giving us an opportunity to examine important issues affecting General Aviation.

General Aviation (GA) accounts for three-fourths of flights in the United States each day. There are more than 200,000 active GA aircraft, operating at almost 19,000 airports. All of these aircraft pose a tremendous challenge for the Transportation Security Administration. Federal intelligence agencies have reported on several occasions that terrorists have considered using GA aircraft to launch attacks. And the report of the 9/11 Commission found that "major vulnerabilities" still exist in GA security.

In the immediate aftermath of 9/11, GA flights were restricted in a number of areas around the country, especially the Washington, D.C. region. In May of this year, however, the TSA proposed re-opening Washington National Airport to GA flights from 12 designated airports around the country—including Teterboro Airport in New Jersey.

In order to upgrade security operations at Teterboro, the TSA indicated it will transfer security screening personnel from Newark Liberty Airport.

Mr. Chairman, I certainly agree that security personnel are needed at Teterboro, but it would be wrong to divert resources from Newark Liberty Airport, which is one of the largest in the country. It is also, I must remind my colleagues, one of the airports that the terrorists used on 9/11.

Newark Liberty is already understaffed. Officials say they need another 200 screeners to handle the amount of traffic at this busy airport. I also think that before we begin allowing more flights from Teterboro to National Airport, we must have a clear picture what the impact on the local community will be.

Speaking of small aircraft flying to the Washington region, several important questions were raised by the recent air incursion that caused the emergency evacuation of the Capitol and Congressional office buildings. For one thing, despite the possibility of an airborne attack with biochemical weapons, local authorities in the District of Columbia were not notified. Also, even though the situation was serious enough that the First Lady was removed from the White House, the President, who was just a few miles away riding a bicycle, was not informed of the situation.

With the resumption of General Aviation flights to the Washington Region, I hope that the protocols for handling possible security threats can be developed more thoroughly. Once again, Mr. Chairman, I thank you and our witnesses for this opportunity to learn more about this important issue.

Mr. FLEMING. Sir, resources within TSA is something that we constantly look at and evaluate, and to balance the needs across the system is something that we need to be constantly mindful of.

We do have a history and Newark Airport is operating from a metric standpoint very nicely within the operating environment, with the screeners that they have. With orange—the orange level increase in the New York area last summer, we did deploy screeners from Newark to Teterboro to conduct some screening. And during the RNC process, we set up gateways and did screening with assets from Newark. That did not prove to be taxing, however we will continue to watch that.

Senator LAUTENBERG. Well, Mr. Fleming, if you saw some of the lines that we have at Newark, you'd see that it's a very busy airport. And frankly, I have spoken to some of the TSA screeners during a few minute opportunity that I had to talk to some of them, and they complained about the break time and other working conditions. That it's hard to focus on the passing of baggage on a regular basis when they are shorthanded. And they are. I mean you say it's operating well. It's operating, it's quite a secure airport, I think. But the fact is that they want 200 persons more screening baggage and now we are going to take screeners away from Newark. I'd like not to see that happen if we can do it.

I started by saying that I believe we should be securing general aviation. It's a part of our culture, and a part of the convenience for important matters that occur in the business world and private world as well. I want to ask you this. What do you mean when you say that every GA airplane that's coming to Washington National is going to have a law enforcement officer aboard?

Mr. FLEMING. That is part of plan, sir.

Senator LAUTENBERG. That is part of the plan.

Mr. FLEMING. Although we are looking at, as was mentioned earlier, the hardened cockpit door in those few aircraft that we think

are in the community that can support that, we are looking at the possibility of replacing that requirement for those.

Senator LAUTENBERG. Would there be a rule that says you can't have an airplane—So it's true what you would like to do is have a law enforcement officer aboard every plane. Is that correct, sir?

Mr. FLEMING. Yes, sir.

Senator LAUTENBERG. What's that going to take in terms of expanded Departmental resources? Do you know how many more people you might need?

Mr. FLEMING. Sir, that's not going to be a law enforcement officer that's provided by the Department. We are going to set some training and background standards and then work to get that training program throughout the country. So that law enforcement officers, off duty law enforcement officers can avail themselves to that training, and provide that service to the operators.

Senator LAUTENBERG. It may not sound fair but could you bar, let's say single-engine airplanes from coming in? Some of them are pretty big these days. But can you put a handle on identification of the kind of aircraft that should be allowed through? Also, would every airplane have to have at least two persons aboard in addition to the law enforcement person? I'm saying that you have to have at least two persons in the aircraft, and the background on each of them would, I assume, be checked. Are you looking at this as part of a rule for general aviation operations coming into Washington National?

Mr. FLEMING. We have not envisioned focusing on the numbers of passengers, or persons onboard the aircraft. The requirement would remain the same for any number of passengers that happened to be onboard, the prevetting of their backgrounds. We have looked at the size of aircraft and what sort of operations the aircraft are taking.

Senator LAUTENBERG. And along the way would they be checking in with flight service stations so that their identification is updated as they go along? Or would they have filed for Washington National Airport anyway? But there should be a routine that would require check-in on a regular basis. I would ask one last question Mr. Chairman. And that is, at what point does interference with a flight take place by the military if someone is coming in.

Do they—are they going to be constantly supervised by military planes in the sky? Because for several of airports you're talking about less than an hour ride from Washington—the gateway airports, right?

Mr. FLEMING. Yes, sir.

Senator LAUTENBERG. So at what point would one take military action? Would you wait until they are right up at the door or the circumference of the circle that is prohibited space? At what point is the notice given to scramble aircraft for the military?

Mr. FLEMING. Sir, I would defer to the Department of Defense to answer their scramble procedures.

Senator LAUTENBERG. Well, Mr. Fleming, you're here. You're representing the TSA and you are the folks that manage the security around these places. And I assume that you're close enough to the Defense Department to know you would issue an order when an order should be issued to say: "hey, get in the way of this guy."

Mr. FLEMING. From a monitoring standpoint the NCRCC, and all the agencies that are resident there, they are watching aircraft in and around the ADIZ, or the D.C. area. At any time we feel uncomfortable with the actions, or lack of communication, or other indicators of the aircraft there are immediate protocols to engage all the authorities necessary. In many cases the Department of Defense does engage.

Senator LAUTENBERG. Thank you, Mr. Chairman.

The CHAIRMAN. Let me just make sure that my friend from West Virginia stated the number of private planes that are out there. I think one area of private planes that is the acute area, is that those entities that lease private planes. My state has more private planes per capita than anywhere in the world. We have more pilots per capita than anywhere in the world. We don't have buses or taxicabs, we don't have street cars, we have airplanes. And I can tell you that in most areas of the country I've visited fix base operators know who owns which plane and who can fly that plane. They would be very quick to try to prevent anyone from taking up a plane that didn't belong to them. It's the leasing of airplanes that is the greatest risk to security in my opinion.

Have you concentrated on that at all?

Mr. FLEMING. We are looking at that, sir. We are looking at that. We have not formulated an opinion specifically on our approach on leased aircraft, but we are in negotiations on that now.

The CHAIRMAN. I do think we ought to find some way to increase the responsibility of fix base operators to know those who use the facilities and to check their identity, and not just the drivers license but real identity. We would cooperate with that in every way. I have no problem about identification. I don't know if any general aviation pilot that I've ever met would refuse to have a change in the license, biometrics or whatever you want.

But the real problem is to try to control those who abuse the system, not those who use the system. So I would urge you to try to look at the abuse, and not the use of the general aviation system. But thank you very much for appearing today. We have another panel we would like to get that if we could. I assume no one else has any further questions of these gentlemen?

Senator BURNS. I have a question. One short question in slots. I have one short question and slots. If you know, DCA has controlled slots. And how they will be allocated among those gateways. Can one gateway city take up all the slots and leave somebody else, out in the cold. I think they're allotted, and how that will be done. Is that first come first serve, but I think it's a logical question?

Mr. CIRILLO. I think from the FAA standpoint we will receive a vetted request for a slot from TSA, and we will allot those on a first come first serve basis.

Senator ALLEN. Mr. Chairman, may I just ask one quick question?

The CHAIRMAN. Yes sir.

Senator ALLEN. As I was mentioning earlier on these airports, the 12 gateway airports. As you monitor this and just looking at logistics from the west if somebody is coming from some place from the west, which is east of certain areas they are going to have to stop, probably in Lexington, if they are going to come to the west

from here to Reagan National. From the north there's a lot of Teterboro in light planes and so forth up north including Philadelphia. If you are coming from the south there are none other than West Palm Beach as a practical matter, or Houston. Would you envision for those that are coming from a place like Charlotte or Atlanta or Nashville, or Memphis, that you set up a gateway airport closer in. Whether that's practical. I'm not trying to do this just for Virginia, but there's a logic if Lexington from the west—Lexington is going to be your gateway, if you are coming from a place like the plains, or you want to go to Minneapolis.

If you look at this logistically in the country, if you're coming from the south other than West Palm Beach, Florida, or Houston, Texas you're going to have to divert somewhere, unless you want to backtrack down to southern Florida or backtrack all the way back to Texas. Would you think of having some perimeter airports? It may be Richmond or Roanoke. It might be for that matter, it might be Danville, it might be Greensboro, North Carolina.

Do you understand what I'm saying, just for the practicality of those that are not flying from places like Houston or West Palm Beach they are going to have a heck of a time getting up here. Maybe they will have to go to Lexington, but do you understand what I'm saying?

Mr. FLEMING. Yes sir.

Senator ALLEN. Do you envision or will you have the practicality to be flexible? Say we're going to have another gateway airport just to service those coming from non-gateway airports in the south?

Mr. FLEMING. Absolutely, I think these initial gateways that were laid out, were really based on the market requirements prior to 9/11. If we get into this and find out that these don't meet the needs, we will certainly look at that and make adjustments to it if necessary.

Senator ALLEN. All right. And you'll see that maybe it will make sense to use Newport News for an airport for whatever reason, as a gateway airport. Even though there are not many flights that may originate from Newport News, it will at least get all the Carolinas and Georgia covered.

Mr. FLEMING. Sure.

Senator LAUTENBERG. Chairman, I've have got one question.

The CHAIRMAN. I would hope we'd get on to the other panel. But yes, sir.

Senator LAUTENBERG. Yes, please. The 9/11 Commission recommended a Transportation Security Plan. And under the leadership of Senator McCain, Congress, the Senate passed it. Now, it's 4 years, and we still don't have a Transportation Security Plan. Is there, do you know of any plan that's in development Mr. Fleming, and when it might be available?

Mr. FLEMING. Definitely in development. I'm working with the new leadership to get that vetted and out.

Senator LAUTENBERG. How long might that take?

Mr. FLEMING. I'm sorry, sir. I don't have a time line on that.

Senator LAUTENBERG. I would add some urgency to it. Thank you. Thank you Mr. Chairman.

The CHAIRMAN. We have available peripheral airports now, Dulles and Maryland. We just checked what the estimate would be on

an average day, there'd be about 24 of these planes landing at Reagan. That would be 8,760 slots per year. If you put a $500 dollar fee on them you are talking about $2,787,000 for revenue. The burden that you are putting on those planes are such that they're not going to come. They're going to go to Dulles, and they're going to Maryland. Unless you find some way to take the burden off. If you really want to land there has to be another way to solve this problem. Thank you very much gentlemen. We'll call the second panel.

Next panel is Ed Bolen, President and CEO of the National Business Aviation Association. James K. Coyne, President of the National Air Transportation Association. Mr. Andrew Cebula, Senior Vice President of Aircraft Owners and Pilots Association.

Gentlemen, we thank you very much, and appreciate your willingness to appear, and give us your views. I believe if it will be proper as far as you are concerned we'll go in the order that I read the names. If we'll just proceed, Mr. Bolen.

**STATEMENT OF ED BOLEN, PRESIDENT AND CEO, NATIONAL BUSINESS AVIATION ASSOCIATION**

Mr. BOLEN. Well, Thank you Mr. Chairman, thank you for convening this hearing. I would ask that my full statement be made part of the record. Thank you very much.

Mr. Chairman, as you and the others on the Committee well know, general aviation is a vital part of our Nation's air transportation system and an important cog in our economic engine. Everyone on this Committee also knows that general aviation is different and distinct from the commercial airlines. And as a result of that, the security approaches need to be different and they need to be distinct. They also need to be effective.

Now since September 11, 2001, the general aviation community has come together and it's worked very hard to try to understand our vulnerabilities. We hired outside experts, we've met together in groups and as a result of that we have offered a number of security recommendations and more importantly implemented a number of security initiatives that we believe have enhanced the security of general aviation since 9/11.

And in my written testimony I go through a number of those. We think that this diligence that we have taken toward addressing general aviation's security, combined with the tremendous leadership of Congress and with the commitment from the new Secretary of the Department of Homeland Security, and the Deputy Secretary has really led to the resumption of general aviation operations at Reagan National Airport. And we're profoundly grateful for the opportunity to once again be able to have access to that important airport.

We recognize as all of you have talked about that it is a very limited opening. The restrictions are very very onerous. But I don't think we should lose sight of how important this first step is. Because it means we are beginning to evolve our approach to security. After 9/11 we had a very crude, effective, but crude response and that was to immediately ban all general aviation flights. And over time we began to bring back general aviation, we brought it back

everywhere but Reagan National Airport. We continued to use that crude instrument of just creating a no fly zone.

That needs to evolve. We need to find a way over time to do more with less. What I mean by that is we need to do more security, with less interruption to our individuals' mobility, and the openness of our society. And so the first steps here at Reagan National Airport are really important because they say we are going to do something that enhances security at Reagan National Airport, and at the same time facilitates mobility. And I think over time we continue to work on that and we can continue to evolve it.

I know that those of us in the general aviation community have been working very hard at how we can do that. NBAA, the community that I have the pleasure and honor of representing, has worked on a tool, that we think goes a long way toward that. It's called Transportation Security Administration Access Certificate (TSAAC). It's a pilot program that's been instituted in the New York area. Twenty-four companies are participating in it. They are providing a lot of information to the TSA, and in return they are receiving some benefit on international operations.

In some ways it's very similar to a registered traveler program for business aviation operators. And we would like to see that particular program rolled out on a nationwide benefit. We think the benefits ought to be expanded beyond international waivers, but perhaps be used to also provide access to temporary flight restricted airspace. The idea on a lot of security is that, with trying to find a terrorist, you are trying to find a needle in a haystack. With programs like the TSAAC you're able to remove some of that hay and make it a little easier to find a needle in the haystack. So, were excited about that.

But as I said before, the important thing for us is to constantly work with ourselves, with the security experts, with Congress and with the TSA to constantly try to find security initiatives that can simultaneously enhance security but also promote the openness of our society, and the mobility of our individuals. Because I think we believe that it's important for us to preserve our national values at the same time we are enhancing security. And we believe it's everyone's responsibility.

So we look forward with working with the Committee on that and I want to also take the opportunity to once again thank you for the tremendous leadership that this Committee showed in making the opening of Reagan National a reality.

[The prepared statement of Mr. Bolen follows:]

PREPARED STATEMENT OF ED BOLEN, PRESIDENT AND CEO, NATIONAL BUSINESS AVIATION ASSOCIATION

Chairman Stevens, Co-Chairman Inouye, Members of the Committee, I am pleased to be here today representing the National Business Aviation Association (NBAA). While I have testified before this Committee representing GAMA and as a member of the FAA's Management Advisory Council, this is my first opportunity to appear before you as the president and CEO of NBAA.

Before I begin, on behalf of NBAA, I would like to express our appreciation and gratitude to the Committee for their ongoing support of General Aviation's efforts to regain access to Reagan Airport. I would also like to commend DHS Secretary Chertoff and Deputy Secretary Jackson and the leadership at the Department of Homeland Security and DOT Secretary Mineta and FAA Administrator Blakey for their work to make this plan a reality.

**Facts About Business Aviation**

Today, there are over 10,000 companies in the United States that utilize General Aviation aircraft to help them compete in what has become a global marketplace.

Business aviation operators encompass a broad cross-section of interests, including businesses (large, medium and small), governments, schools and universities, churches, foundations, and charitable organizations.

- Approximately 85 percent of these companies are small or midsize companies—most of which own and operate a single airplane.
- Surveys indicate that 86 percent of business aircraft passengers are marketing and sales personnel, technical experts, other company representatives and customers. Only 14 percent of passengers are top company managers.
- Piston-twins and turboprops make up the majority of the business aviation fleet.
- Business aviation tends to fly at altitudes above or below the commercial airline traffic that prefers to operate in the range between 29,000 feet and 39,000 feet.
- We also tend to use different airports. In fact, business aviation represents less than 3.5 percent of the total operations at the Nation's 20 busiest commercial airports. The ability to use these smaller, less-congested facilities is key to the value and flexibility of business aviation aircraft.

**General Aviation Security**

America is a different place, 4½ years after September 11, 2001. Security is at the forefront of our Nation's conscience. But much has been done to reduce our vulnerability to terrorist attacks, especially within the aviation community.

The General Aviation community, that segment of aviation that includes all activity except for the scheduled airlines and the military, has made significant security enhancements. These efforts, while no less important than those designed for the commercial airline industry, have received less public attention which has led some to question whether General Aviation is less secure. The facts tell a different story.

As a result of efforts from NBAA, government security agencies and other General Aviation interests, several important programs are now in place that proactively reduce the vulnerability of General Aviation:

- The Airport Watch Program, developed by AOPA, encourages pilots at General Aviation airports to report suspicious activity to a toll-free number staffed 24 hours a day by TSA operations staff.
- The aircraft manufacturing and sales community has adopted procedures to report suspicious financial transactions during the purchase or sale of an aircraft.
- The flight-training industry is complying with strict government standards that screen non-U.S. citizens seeking flight training in the United States.
- The FAA has begun issuing tamper-proof licenses for pilots, flight instructors, air traffic controllers and maintenance technicians. Previously, these licenses were printed on readily available card-stock.

Pilots must now carry government-issued photo identification in addition to licenses issued by the FAA.

- The Nation's law enforcement agencies have cross-checked the FAA's airman and aircraft registries against known terrorist and criminal databases.
- Chartered business aircraft weighing over 12,500 pounds must comply with TSA mandated security procedures similar to those of the scheduled airlines.

TSA's Aviation Security Advisory Committee, consisting of government and industry security experts, developed best practices and recommendations to strengthen security at General Aviation airports.

These specific actions, along with heightened security awareness within the General Aviation community have reduced the vulnerability of General Aviation aircraft to terrorist activity.

**For everyone in General Aviation—which includes more than 200,000 aircraft—the security of airports, including Reagan Washington National, and aircraft is paramount.** That's why the industry voluntarily worked with Federal officials to enhance security at General Aviation airports and aircraft, large and small, following the 9/11 terrorist attacks.

**Transportation Security Administration Access Certificate (TSAAC)**

NBAA has worked with government officials to take even further action on General Aviation security. NBAA has supported the Transportation Security Administration (TSA) on the development of a TSA program with new voluntary security

procedures for personnel, facilities, aircraft and in-flight operations. The program, which is in a test phase, is called the Transportation Security Administration Access Certificate, or "TSAAC." Broader implementation of TSAAC would enhance security and could be used to enhance access to currently restricted airspace.

In 2003, NBAA and the TSA began a proof of concept program to demonstrate the capability of the TSAAC program. The current test program involves 24 companies based at airports in Morristown and Teterboro, New Jersey, and White Plains, New York. These companies voluntarily stepped up to additional security requirements that focus on the aircraft, the facilities and the personnel.

The program includes rigorous security requirements like: flight crew background checks; screening/inspection of passengers and baggage; integration of pre-flight, in-flight and ground security programs; and, utilization of threat intelligence. Designed to provide the Federal Government with more information about some of the companies that operate General Aviation aircraft, the current TSAAC ensures appropriate security practices by these U.S. companies and grants additional international access in return for compliance. TSA has audited all 24 participating companies and found each company in full compliance with the TSAAC standards.

Voluntary programs that provide additional privileges are not new to either the aviation or security communities. For example, the airspace surrounding the Nation's busiest airports requires aircraft to carry equipment such as a two-way radio and a transponder and also requires VFR pilots to receive permission to enter the airspace. In return for these equipage requirements, pilots can receive clearances through that airspace which reduce travel time and increases government oversight of that flight.

Similarly, the security community has adopted voluntary programs such as the TSA's Registered Traveler (RT) program, currently being tested at five airports. Airline passengers who participate in the RT program submit to extensive background and personal history checks in exchange for expedited processing at airport security checkpoints. Many of the components of the RT program, such as name, address, phone number and date of birth along with biometric data, including a fingerprint and/or an iris scan would also prove valuable under the TSAAC program.

In both of these scenarios, participation is voluntary. Pilots who have no need to access the complex airspace surrounding busy and congested airports do not need to outfit their aircraft with expensive equipment. Those same aircraft are not able to access reliever airports surrounding busy hubs as they often fall within the complex airspace of the hub airport. Similarly, travelers not participating in the RT program cannot access special screening lines at the TSA airport security checkpoints.

Finally, another program managed today by the U.S. Customs and Border Protection Agency contains many of the elements used in the TSAAC program. The Customs program known as Customs-Trade Partnership Against Terrorism (C–TPAT) is a joint government-business initiative to build cooperative relationships that strengthen overall security. Through this initiative, Customs is asking businesses to ensure the integrity of their security practices and communicate their security guidelines to their business partners.

Participation in C–TPAT requires companies to sign an agreement that commits them to a number of actions including a security program that focuses on the facility, theft prevention, and information security controls. The program emphasizes personnel security with emphasis on pre-employment screening and background reviews, employee security training and internal controls. It also covers requirements for service providers including written standards and internal controls for their selection. All of this information is available to the Customs Department which may be audited at any time. It is our understanding that this program essentially represents a registered traveler-type program for cargo.

Simply put, these voluntary aviation and security programs that provide additional benefits to participating companies and individuals have been successful at focusing limited government resources on only those aircraft and people needing additional attention. The TSAAC program would build upon these existing concepts for a security program designed for those with a need to access restricted airports and restricted airspace in return for additional information and heightened security standards.

NBAA believes that expansion of the TSAAC program to airports and operators beyond the New York City area will yield significant benefits for government security specialists but companies need an incentive to participate in the program. The TSAAC program requires the submission of extensive personal and corporate information, allowing the government to conduct a thorough security assessment. Last December, the TSA announced that the Agency and NBAA "are continuing their successful partnership to further enhance the TSAAC . . ." As stated in the press release, "The TSAAC program is a cooperative effort that enhances security by en-

suring appropriate security procedures are in place, while at the same time allowing increased access to our Nation's airspace." We look forward to working with the Agency as they develop the details for the program's expansion.

TSAAC can serve as a foundation for a process to allow security-qualified General Aviation aircraft to have the same access to airspace and airports as the scheduled airlines. Following the terrorist attacks of September 11, 2001, scheduled airlines resumed their operations within days while most General Aviation operations were grounded for weeks, and in some cases months. Even today, General Aviation operations are restricted from certain airspace and at certain airports. The post-9/11 delay in the resumption of General Aviation flights and continued restrictions on General Aviation access to airports and airspace have caused significant harm to companies and communities that depend on this important form of transportation.

A key reason for the delay in the resumption of General Aviation flights and the continued restrictions on airspace and airports is that those charged with ensuring our Nation's security have only limited knowledge of General Aviation operators and their security practices. This resulted in significant restrictions to General Aviation aircraft in the form of TFRs and restricted airspace.

Domestic flight restrictions create significant challenges to businesses conducting time-sensitive, mission critical flights. Temporary flight restrictions (TFRs) that "pop up" with little notice prevent companies from developing contingency plans to address restricted airports and airspace. Often this results in grounded aircraft unable to arrive or depart until the TFR expires. Since September 11 more than 3,000 Temporary Flight Restrictions (TFRs) have been ordered over the Nation's airspace.

It is important to note that TSAAC is a program that could permit approved access to TFRs and other security sensitive areas without restricting the government's ability to issue TFRs. Airspace protection is a solemn responsibility of the U.S. government. TSAAC would simply provide the government with the ability to allow additional security-qualified aircraft operators into secured airspace and airports.

**Ronald Reagan Washington National Airport**

Along with our efforts on TSAAC, NBAA has been a leading advocate of restoring General Aviation access to Ronald Reagan Washington National Airport. Last month, the TSA and Federal Aviation Administration (FAA) announced a plan to restore General Aviation flights to Reagan National Airport. We are grateful for the strong support for ending the prolonged closure of Reagan National Airport to General Aviation, which has taken a significant economic toll on the region, the Nation and certainly the business aviation community.

More than $177 million already has been lost to the region's economy as a result of the closure of Reagan National Airport to General Aviation, along with hundreds of jobs. It's time to stop those losses and implement reasonable security protections while bringing economic activity back to the airport. The TSA's plan is a significant move in the right direction.

The plan to reopen Reagan National Airport is an acknowledged first step that has taken over four years to achieve. Under the plan developed by the TSA for reopening Reagan National Airport to General Aviation, even tighter regulations will apply than those required of commercial flights. That's not our opinion, but the assessment of the plan provided by former Assistant Secretary of Homeland Security for TSA David Stone. When the plan was announced last month, Admiral Stone noted that it strikes a good balance between restoring access and increasing security, and he added: "The plan exceeds the level of security required for commercial aviation that currently operates in and out of Reagan Airport."

TSA has acknowledged the complexity of this plan and that some of the measures may be difficult to implement. NBAA looks forward to receiving more detailed information about the plan once the Agency releases the Interim Final Rule because we have concerns over some of the more onerous aspects of the proposal. TSA has stated that they will continue to review the plan and make adjustments as necessary. We are committed to working with TSA as the Agency implements and refines the program.

Both the TSA and General Aviation industry recognize that the airspace surrounding the Nation's Capital is unique and requires special security procedures for access. Because of this uniqueness, we believe that the security procedures established for access at Reagan National Airport, much like the special security procedures followed by the scheduled airlines, should remain at Reagan National Airport. These unique security requirements apply only for Reagan National Airport and not for access into any other airport in the U.S. Recognition, we believe, that Reagan National Airport is unique but that these unique procedures do not require duplication elsewhere.

If there is one thing that we hope our testimony will leave you with today is that business aviation is committed to working with the government to implement reasonable and effective security programs because transportation and access to airports and airspace is critical to the success of companies and communities that rely on business aviation. NBAA stands ready to assist officials at the Department of Homeland Security, TSA and the Federal Aviation Administration as they review security procedures and programs affecting the business aviation community. We believe that only through trust and cooperation with our government partners will we be able to create a reasonable and effective security environment for business aviation.

Once again, I appreciate the opportunity to testify before you today and we look forward to working with this Committee. I would be happy to answer any questions.

The CHAIRMAN. Mr. Coyne.

**STATEMENT OF JAMES K. COYNE, PRESIDENT, NATIONAL AIR TRANSPORTATION ASSOCIATION**

Mr. COYNE. Thank you Mr. Chairman, other members of the panel, it's a real pleasure for me to be here for one very, very important reason. I would like to thank you, especially Senator Allen and to the Members of the Committee and the Administration who have provided such leadership, in helping us reopen National Airport to general aviation. There's a very fundamental reason why I believe that this is important. And that is that I believe it is the core purpose of government. And especially this body and Congress to determine what the rules, what the laws are that allow American Citizens to do what they want to do safely without injury to one another. After 9/11 the airlines were very quickly allowed back into National Airport. New rules were created for them. I represent through the National Air Transportation Association especially those unscheduled airline operators or aircraft operators, charter operators, people that we call our on demand commercial aviation businesses.

Senator, you are very familiar with them up in Alaska. Alaska almost couldn't exist without these charter operators. These are businesses just like the airlines. And all they wanted from day one after 9/11 was for their government to tell them what would be the rules under which they would be allowed to operate their businesses, just as the airlines were given rules under which to operate their business in and out of National Airport. And frankly I have a time line in my public testimony here, which I hope you will accept as part of the record, which shows month by month since virtually a few weeks after 9/11 we maintained constant dialogue with FAA, DOT, Homeland Security, TSA and almost every month we were told well we're working on it, we're working on it. It's coming pretty soon. And had it not been for Senator Allen, your leadership Mr. Chairman, we would probably be still waiting.

But all we were asking for from our government was for them to give us the rules, to lay down the law by which we were willing to operate. And now thankfully that law, those rules are going to be coming forth. Now that's not to say that we are going to like every rule, that—nobody in America likes every rule or every law. And nobody expects every rule or every law to be cast in concrete, or necessarily be one size fits all. But obviously we view this process as beginning today, or beginning on May 25th with a process that will get us back eventually to the ability to serve all the Americans who want to use National Airport.

What we call in our industry getting back to normal. Now when I say that I don't mean it's ever going to be the same before it was 9/11. Clearly the world is different. The rules should be different. But the ability to meet the needs of the public, to meet the needs of people who want to use what as you described earlier Senator Rockefeller what amounts to the finest form of transportation we know in America: private personal aviation aircraft. We want to get that back to normal so all the people who want to use it, can use it.

And the good news is, with new aircraft under development, with new economics more and more Americans are being able to use this new high quality form of air transportation than ever before, and thankfully so. Because as we have seen in many corners of America the quality of airline service has been going down. We want to get this finer service available at National for anyone who can use it. Of course that's not to say we don't have some problems with the proposed rule.

It's probably premature to complain about it before it's actually been issued. But it's been widely reported and I think you all discussed in your comments three core issues that are kind of problems. They are going to be needed to be looked at as the rule is introduced, and operated. And believe me we are going to be there watching very closely to see if we can improve this rule. The three principal rules—problems that occur to us, are the portals, the LEO issue, and the guarding the cockpit door issue. These are core tough issues we want to make sure we do right.

Mr. Chairman, you've addressed that fact that these—that the current rule as it appears, is going to be very problematic. And I couldn't agree with you more. Having 12 portals doesn't make sense. Senator Allen, you've clearly demonstrated in your comment, that you know, virtually a quarter of the country is going to turn around to fly back to Palm Beach in order to get to Washington National. That makes no sense.

So clearly the concept of a limited number of portals has got to be investigated further. In my discussions with TSA leadership they tell me that the reason they are starting with 12 is because they want to train TSA employees into doing this. They want to work out the bugs and have if you will beta sites to work through and figure out the right—but their full intent, or logical intent at least is, that any airport where there are TSA employees, there ought to be able to have a portal they to come in and out.

Just like any airport that there is a Customs office, general aviation airplanes can fly in there and take advantage of that Customs office. So that's our hope, that over time virtually every airport that has TSA employees, and perhaps many many others where they can be brought over in a timely basis will be able to meet this need.

The second issue of course is the LEO, and it is apparent to us that this is something that was insisted upon because there's confusion over the security of the cabin, of a general aviation aircraft. The cabin of a general aviation airplane is not filled with 150 or 200 strangers. It's going to be filled in some cases, with just one or two people. I'm probably the only person here in this panel that actually has an airplane that is in charter use. My aircraft was

chartered to people like Senator Allen, Jascha Haifitz to Yo-Yo Ma, these people chartered my airplane by themselves, so that they could take their cello with them or something, to go give a speech some place on a short notice. To tell them that they've got to have a law enforcement officer in the plane with them, strikes me, and them, and I think most Americans as a rather foolish thing to suggest. But we understand that part of this is because there's anxiety about whether the cockpit door is hardened. As was mentioned earlier the cockpit door is a problem because the design of small general aviation airplanes doesn't provide the structural support that would be necessary for a truly hardened cockpit door. But there may very well be the ability to put, so for example, Kevlar netting between the cabin and the cockpit other forms of temporary equivalencies to allow the same level of confidence.

And fundamentally that's what we're trying to get to from day one. Is to show that we can, our charter industry and the business aviation industry, can operate in and out of National Airport with a higher and more secure level of safety and security than the airlines are doing.

We don't want to tell the airlines we don't want to break there. I don't think it's fair for the government to not provide rules for us to operate there, and to meet the needs of our customers. Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Coyne follows:]

PREPARED STATEMENT OF JAMES K. COYNE, PRESIDENT, NATIONAL AIR TRANSPORTATION ASSOCIATION

Chairman Stevens, Co-Chairman Inouye, and Members of the Committee:

Thank you for this opportunity to appear before you today to discuss the state of general aviation security, particularly in the Washington, D.C. metropolitan area. My name is James K. Coyne and I am president of the National Air Transportation Association (NATA). I ask that my full statement be submitted for the record. NATA, the voice of aviation business, is the public policy group representing the interests of aviation businesses before the Congress, Federal agencies and state governments. NATA's over 2,000 member companies own, operate and service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation and the military.

Nearly 4 years after the September 11, 2001, terrorist attacks, the general aviation industry continues to come under unprecedented scrutiny. Many in the media and government have labeled the industry as unregulated and inherently lacking in security. Although nothing can be further from the truth, misleading reports and incendiary statements have done considerable damage to the industry's reputation. New security regulations have resulted in unfounded mandates that have placed a significant financial strain on NATA members.

Since September 11, 2001, NATA members, working with the association, have taken a proactive step to improve the security of their operations before being ordered to do so by the government. Following the attacks, NATA formed the Business Aviation Security Task Force to develop "best practice" guidelines for fixed-base operators, air charter companies, aviation maintenance providers, and flight training schools. The Task Force issued a series of recommendations that NATA encouraged aviation businesses, their customers, and tenants to adopt. These recommendations included background checks for all employees with access to aircraft; implementation of security procedures including designation of a corporate security coordinator; posting of emergency numbers and a security mission statement; vehicle verification and escort; and identification and escorting of all flight crews and passengers.

In addition to the Task Force's recommendations, NATA has released its General Aviation Security Guide. This comprehensive guide and CD–ROM provide rec-

ommended security measures to be incorporated by fixed-base operations, line service, aircraft charter companies, maintenance and avionics service providers, flight schools, cargo handlers and other general aviation service entities operating an airport. NATA members welcomed these comprehensive recommendations and, together with using recommendations later released by the Transportation Security Administration, have improved general aviation security as demonstrated by the actions of NATA member Fostaire Helicopters.

Last year, in the midst of Orange Alerts and regular reports from the Department of Homeland Security of terrorist activity, NBC News producers attempted to show the vulnerability of general aviation by preying on a St. Louis, Missouri-based helicopter charter operator and NATA member, Fostaire Helicopters. Sending unidentified men with cash and a desire to charter a helicopter immediately to Fostaire Helicopters, the news organization thought they had a major story—showing how easily terrorists could charter an aircraft. Instead, Fostaire's owners and employees stalled the suspicious customers until law enforcement authorities arrived. The actions of Fostaire's employees demonstrate both the security of the general aviation industry as well as the mindset of thousands of general aviation employees.

**Twelve-Five Standard Security Program**

The Aviation and Transportation Security Act (ATSA) passed in November 2001 included a provision directing the Transportation Security Administration (TSA) to develop regulations implementing security programs for non-scheduled commercial air carriers whose aircraft weigh more than 12,500 pounds. These regulations, popularly known as the "Twelve-Five" and the "Private Charter" rules, became effective in 2003, and have established effective security protocols for non-scheduled commercial air carriers to enhance what is arguably already the most secure mode of commercial air transportation today. NATA is proud to have played an integral part in the implementation and rollout of the Twelve-Five Standard Security Program (TFSSP) and commends the Transportation Security Administration as well as its supporters in Congress for their efforts in making the program an authentic aviation security success.

Enhancements and refinements to the programs continue. Today, operators must each manually check passenger and employee names against a special TSA-issued watch list. Operators accept this as a necessary, but cumbersome, security step. But, just last year, as part of the Intelligence Reform Act, Congress instructed the TSA to develop a system whereby operators would submit names to the agency and it would vet names against the government's consolidated terrorist watch list. NATA worked successfully with Members and staff of this Committee to help create this solution that will increase the effectiveness of the TFSSP and ensure greater governmental control over sensitive personal data while alleviating a significant burden on security program participants.

However, even with the Twelve-Five program's overall success, operators have yet to realize any tangible benefit from their extensive—and expensive—compliance efforts. Put simply, even though these operators have put in place a government-approved security program equivalent to, if not more secure than, those employed by scheduled commercial air carriers, the Federal Government still treats all non-scheduled operators alike. This unjustified parity includes banning non-scheduled commercial air carriers from certain airspace or grounds them altogether on the slimmest of suspicions that someone, somewhere could possibly use an aircraft to commit a terrorist act. These Twelve-Five operators have invested thousands of dollars and man-hours to comply with security mandates and yet are treated exactly the same as operators without security programs. This "one-size-fits-all" treatment of non-scheduled commercial air carriers as threats to national security must end. NATA believes that non-scheduled carriers in compliance with a TSA-approved security program should receive similar airspace and access benefits as the scheduled carriers.

**Temporary Flight Restrictions**

Such flight restrictions for "Twelve-Five" operators lead me to my next point of discussion, the issuance of temporary flight restrictions (TFRs) and their effect on non-scheduled operations. So-called "VIP TFRs" are usually issued when either the President or Vice President is traveling, or when a special event such as the Super Bowl warrants closing the airspace for security reasons. These VIP TFRs and all other TFRs act like a "bubble," prohibiting non-airline passenger aircraft from flying within a specified distance of an area, usually about 10 miles. While this may seem like a small geographic area, this restriction usually centers on at least one airport, essentially closing that airport for the duration of the TFR.

The difficulties resulting from these closures are that the closures usually are established at the direction of the U.S. Secret Service with little or no notice and they ground aircraft at an airport for a long period of time, wreaking havoc on general aviation businesses. These TFRs were especially troublesome during last year's Presidential elections, when candidates from both parties traveled to essentially the same small number of states, closing airports across those states at an alarming rate. During one TFR last year, a chief executive officer of a major U.S. corporation was told that he and his staff would be unable to fly overseas on an aircraft they chartered at a great cost because the airspace was closed around the airport from which they were taking off. Although the aircraft operator was part of the "Twelve-Five" program and certified by the TSA, that aircraft was grounded and that operator lost a significant amount of money.

NATA's efforts to get the Federal Government to recognize the enhanced level of security provided by the TFSSP have paid off for all-cargo carriers, however. The approved language that now exists in most TFR descriptions permits all-cargo operators complying with the Twelve-Five Standard Security Program to conduct operations during VIP events that trigger TFRs. NATA and the Transportation Security Administration are continuing to work in partnership to advocate for enhanced TFR access for passenger flights under the TFSSP, and NATA hopes that similar permits for passenger-carrying TFSSP operators will be granted by the TSA and the Secret Service. Your support in this endeavor is greatly appreciated.

**Ronald Reagan Washington National Airport**

Like the double standard that exists with last-minute TFRs, the continued closure of Ronald Reagan Washington National Airport (DCA) to non-scheduled operations remains a prime example of the misconceptions that general aviation is less secure than commercial air carriers. Since DCA's closure in 2001, NATA has placed the reopening of non-scheduled commercial operations at DCA at the top of the association's agenda. The proximity of DCA to downtown Washington, D.C. provides a unique opportunity to travel to and from our Nation's capital city in a most convenient manner. Prior to 9/11, this was a time-saving benefit that was afforded to all flying passengers. Since 9/11 however, this convenience has been denied to thousands of aircraft due to unspecified security concerns. NATA and other organizations representing the various facets of the general aviation industry have launched a vigorous campaign to reopen DCA to non-scheduled operations. The industry took its message of reopening DCA to all levels of the local and Federal Government, including the Department of Transportation, Department of Homeland Security, Congress, and the White House.

**Timeline**

The following is a timeline of the actions taken by NATA to reopen DCA to charter and general aviation flights:

September 2001: NATA forms the Business Aviation Security Task Force to develop "best practice" guidelines for fixed-base operators, air charter companies, aviation maintenance providers, and flight training schools. The task force issues a series of security recommendations that aviation businesses, their customers, and tenants were encouraged to support. Recommendations include background checks on all employees with access to aircraft; implementation of security procedures including designation of a corporate security coordinator; posting of emergency numbers and a security mission statement; vehicle verification and escort; and identification and escorting of all flight crew and passengers.

Spring 2002: The Department of Transportation (DOT) announces completion of a program to restore DCA to general aviation. NATA and other industry groups are briefed on a six-part plan to reopen the airport to general aviation operations. DOT halts this program in June 2002.

March 2003: NATA files a petition for rulemaking with the Federal Aviation Administration (FAA). The petition calls on the FAA to initiate rulemaking that would establish security procedures necessary to allow general aviation aircraft to operate to and from DCA.

June 2003: The FAA denies NATA's petition for rulemaking. NATA then submits security protocol concepts to the TSA including specific proposals to permit access to DCA for non-scheduled operations, beginning with those operators with TSA-mandated security programs in place.

Spring/Summer 2003: NATA launches an aggressive campaign on Capitol Hill to secure support for reopening DCA. Over 60 U.S. House of Representatives and U.S. Senate Members send President Bush, Department of Homeland Security (DHS) Secretary Ridge, and others letters in support of reopening DCA to general aviation.

December 2003: Congress passes and the President signs the FAA Reauthorization Act, Vision 100, which includes language directing the TSA to develop a plan within 30 days that would allow for the resumption of general aviation operations at DCA.

March 2004: After months of inaction by the TSA, NATA and other industry groups testify at a U.S. House of Representatives Subcommittee on Aviation Hearing held at DCA.

July 2004: At the request of NATA and other general aviation groups, 15 Members of Congress sign a letter to Secretary Ridge asking that the DHS provide regulations for reopening DCA to general aviation ahead of time to general aviation operators so they can quickly comply with the upcoming procedures.

February 2005: Working closely with NATA in developing language, Sen. George Allen introduces S. 433, which would require the Department of Homeland Security to issue regulations permitting the reopening of DCA to general aviation within six months. Shortly following, Rep. Tom Davis introduces similar legislation in the House (H.R. 911).

April 2005: After meeting with NATA and other general aviation representatives, the U.S. House of Representatives Committee on Transportation and Infrastructure introduces and passes legislation requiring DCA to open to general aviation within 60 days.

May 2005: On consecutive days, the U.S. House of Representatives passes two bills, each containing provisions mandating the return of charter and general aviation to DCA. The Department of Homeland Security Appropriations Act requires the DHS to reopen the airport within 60 days and the Department of Homeland Security Authorization Act gives the department 90 days. Both bills are approved overwhelmingly.

After over 3½ long years, industry efforts have begun to pay off. The announcement by TSA Administrator David Stone and FAA Administrator Marion Blakey on May 25th of the agencies beginning a plan to allow for the resumption of non-scheduled flights into DCA marked a milestone in our efforts to open the last airport in the country closed to such operations. This announcement would never have taken place without the help of our friends in the Congress, including many of you on this Committee. We sincerely appreciate all of the help you have given to our cause, and thank you for continuing to keep the pressure on the Administration to get the ball rolling. I am enthusiastically looking forward to this Labor Day, when Signature Flight Support begins to welcome its first charter and business aircraft in nearly four years.

In our efforts to reopen DCA to charter operations, NATA welcomed virtually any security plan that would allow the airport to accept air charter operations. We realized that there were some in the Administration who strongly objected to permitting any general aviation aircraft to use DCA. Thanks to the leadership of the Department of Homeland Security, including Secretary Michael Chertoff and Deputy Secretary Michael Jackson, the leadership of the DHS was able to pull all of its agencies together to derive a plan that will once again have non-scheduled operations flying into and out of DCA. Secretaries Chertoff and Jackson should be commended for taking leadership in getting this plan approved.

With the Interim Final Rule soon to be released by the department, NATA now looks forward to working with the DHS to discuss some of the issues that remain unresolved on this policy. The requirement to equip all DCA flights with an armed Law Enforcement Officer (LEO) raises questions for our operators. We hope that as the plan moves forward, the DHS allows more than just Federally trained marshals to serve as LEOs on these flights. Coordinating effective use of such a small pool of approved LEOs will make it more difficult for operators to find armed officers to serve on these flights to DCA. A more progressive solution would be to broaden the pool of qualified officers to include local law enforcement officials, including police officers and county sheriffs, provided they meet certain specifications. There is no reason why local LEOs cannot be counted on to perform the same tasks as Federally trained officers on these operations. Armed law enforcement officials are considered one of the last lines of defense on these flights, and offering a wider pool from which to find qualified officers benefits both the operator as well as the government.

NATA also has questions concerning who will be responsible for compensating the LEOs aboard non-scheduled aircraft using DCA. The association feels that placing the burden for compensating these officials on aviation businesses will undoubtedly serve as a deterrent for using the airport. The Federal Government should take responsibility for this compensation, as it is an issue of both local and national security. The costs associated with paying for an armed officer for what could amount to a significant period of time will make it quite difficult for many air carriers to

participate in the program. NATA notes that scheduled airlines are not required to pay a specific fee when LEOs serve on their flights.

While we have concerns with some of the provisions, we nonetheless wholeheartedly welcome this opportunity to demonstrate the capabilities and security of our industry. However, we want to make it clear that the department and Congress should absolutely make certain that these requirements do not cause undue financial or logistical burdens that will ultimately leave most operators unable to use the airport. Non-scheduled air charter operators are more than willing to make the reasonable necessary upgrades in security and comply with any regulation put forth by DHS that will allow them to use the airport, but the government should take the steps necessary to ensure that as many qualified operators as possible are able to take part in this important program.

Overall, we are delighted to see the government moving forward with a plan to allow general aviation at Ronald Reagan Washington National Airport in the coming months. This plan is long overdue; but now that it is here, we can demonstrate to the rest of the country and the world the safety and security of the general aviation industry.

**Conclusion**

We ask that as Congress continues to seek ways to improve the overall security of our aviation system, you recognize the implications of security directives on all facets of the industry, including non-scheduled operations. On-demand air charter and other general aviation operators participate in a number of Federally sanctioned security programs yet are still deemed unregulated and unsecured by many. Non-scheduled operators participating in programs certified by the TSA should be allowed the same airspace and airport access as the scheduled airlines and should be recognized as being just as secure as the airlines.

As we move forward in a post-September 11 world, NATA is eager to work with both the Congress and the Administration in easing any concerns you may have about the security of our operations. NATA has worked well with officials on Capitol Hill and in the agencies to foster relationships that have proved beneficial for everyone involved. Our relationship with the TSA has never been stronger, and I would like to take the opportunity to commend Admiral Stone on the job he did as TSA Administrator. We look forward to working with the new leadership of the TSA as well as others in the government to spread the message that general aviation is paying close attention to the security of our industry.

Thank you again for this opportunity to testify, and I look forward to answering any questions you may have.

The CHAIRMAN. Mr. Cebula.

## STATEMENT OF ANDREW V. CEBULA, SENIOR VICE PRESIDENT, GOVERNMENT AND TECHNICAL AFFAIRS, AIRCRAFT OWNERS AND PILOTS ASSOCIATION

Mr. CEBULA. Good afternoon Senator, I appreciate the opportunity to be here I'm Andy Cebula with the Aircraft Owners and Pilots Association. I'm representing 400,000 pilots and aircraft owners. So when you see me, think of all those people in your home states. More than two-thirds of all pilots in the United States are members of AOPA. I have to tell you that they take security responsibilities very seriously.

However, they also tell us that they are concerned about what kind of requirements get imposed on small aircraft. They are concerned that this may reduce their access to airports and air space. One of the most important principles that we feel, is that it has to be recognized that the threat posed by piston engine, general aviation aircraft, is minimal. In November of 2004 the GAO did a report on general aviation security and said the small size, lack of fuel capacity, and minimal destructive power of most general aviation aircraft make them unattractive to terrorists and thereby reduce the possibility of threat associated with their misuse.

We read this as saying it's imperative that the government use a risk-based approach. Now looking at the events of May 11th of this year. I have to tell you we find it unacceptable. We ran an ad in the *U.S. Today,* and in *Roll Call,* you have a copy of it there with you. Because we wanted to make this clear, the air space is charted, there's notices to airmen that are in place. We have free flight planning software that we make available to all members that depict temporary flight restricted areas. We want you to know that this incident is not looked on highly by the general aviation community and it doesn't reflect us.

However it does underscore that reason must be applied as Congress and the agencies address issues of national security. A small slow flying aircraft does not propose the major terrorist threat. On that day I think the intercept pilots understood and responded appropriately. Since 9/11 there have been significant enhancements to general aviation security. Much of that is due to the work of this Committee. Senator Rockefeller, you were very instrumental last year for the requirement for the pilots certificate to have the photograph on it. Senator Allen, obviously your work on Washington National. But since 9/11 there have been new security requirements that pilots are vetted and their names are cross checked against terrorist watch lists. Flight training candidates are screened, flight instructors receive security training. Pilots have to carry government-issued picture IDs. State and local governments have responded with new security procedures and equipment at general aviation airports, and the airspace can at anytime and anyplace be closed or limited to pilots anywhere in the country.

The majority of what our members tell us, that security has changed since 9/11 at their airport. We are also as an organization committed to working with the TSA and FAA on security and also with educating general aviation about security requirements. Last year we spent nearly $5 million, that's $5 million e-mail alerts about airspace restrictions that occurred in the local area of pilots across the country. AOPA and our safety foundation have developed 8 specific training tools for the ADIZ and post 9/11 airspace operations. Including a soon to be released program on the laser visual warning system here in the Nation's Capital.

And since it's launch in 2002 AOPA has invested a million dollars in association funds in the Airport Watch Program. That program is supported by all segments of the general aviation community along with local municipalities, states, the FAA, TSA and a list of over 550,000 general aviation pilots to watch for and report suspicious activities.

Pilots can report suspicious activities to the TSA using the general aviation hotline. I would have to say while the community has generally accepted all of these initiatives, one air space restriction is particularly troubling. And that is the air defense identification zone here around the Nation's Capital. It adversely affects safety. It's costly to operate, and it's negatively impacting aviation business. From our perspective it doesn't work. It was established as a temporary security measure in February of 2003. That was 17 months after 9/11 when the threat level was raised, and it never was removed once the threat level was lowered.

There's a graphic that you have, but the actual airspace that it covers is huge. It includes 19 public use airports. It captures 10 thousand pilots over 2,100 hundred aircraft who account for about a million operations per year. It spans about 90 miles stretching from West Virginia across the Chesapeake Bay to Maryland's eastern shore to just—and south just to Fredericksburg, Virginia.

It has quadrupled the controller workload and it's created significant safety concerns for pilots in the air that are forced to hold and waiting to enter the ADIZ. It distracts them from their important see and avoid responsibilities, as they are operating their aircraft. The 15 mile flight restricted zone, this inner core protects the sensitive areas of the Nation's—the National Capital Region in recently put into place laser visual warning system to alert pilots straying into protected air space, and it's enhanced security along with ground based missile defenses. Congress has called on—for operational improvements to the ADIZ but as of yet there is no evidence this has been met. Neither has the aviation community been invited to engage in discussions about operational improvements with the Federal agencies.

The FAA is now moving to make the ADIZ permanent through rulemaking. AOPA opposes this and asks this Committee to require the FAA to give pilots the opportunity to have a meaningful information exchange about the best way to provide security in the National Capital Region.

Thank you for the opportunity to be here.

[The prepared statement of Mr. Cebula follows:]

PREPARED STATEMENT OF ANDREW V. CEBULA, SENIOR VICE PRESIDENT, GOVERNMENT AND TECHNICAL AFFAIRS, AIRCRAFT OWNERS AND PILOTS ASSOCIATION

Good morning, my name is Andy Cebula, Senior Vice President Government and Technical Affairs, of the Aircraft Owners and Pilots Association (AOPA). AOPA represents over 400,000 pilots and aircraft owners—more than two-thirds of all the pilots in the United States.

**AOPA Members and General Aviation Security**

The individuals that we represent are your constituents and I want to share with you their anxiety about Congressional action related to general aviation security. In a recent survey, over 90 percent expressed their concern that issues related to homeland security threatened general aviation operations in the national airspace. Likewise, 84 percent expressed concern that security measures mandated by Congress would adversely affect their ability to fly. My purpose today is to explain what has been done to enhance general aviation security since 9/11 and some of the current challenges being faced by AOPA members. General aviation is an essential part of the air transportation system, serving over 18,000 private and public airports in communities across the country, carrying over 166 million passengers per year. There are 5,400 public use airports.

General aviation security is a responsibility taken seriously by AOPA and its members. Before 9/11, general aviation security focused primarily on preventing aircraft theft and airspace regulations were typically safety related. However, in the last three and a half years that has changed dramatically, the general aviation community and the government have responded with programs to enhance the security of pilots, aircraft and airports, and airspace. Security, previously not thought much of by the general aviation community, has become a top priority.

While the average airline passenger has seen little change in the basic security process since 2001, the typical general aviation pilot has witnessed tremendous changes with numerous new security requirements. Pilots are vetted, their names are cross checked against terrorist watch lists, new security procedures and equipment has been implemented at general aviation airports, and the airspace can at anytime and anywhere be closed or limited to pilots anywhere in the country.

Given the relative low speed and small size of the majority of general aviation aircraft, AOPA has advocated improving general aviation security, but doing so recognizing the low threat it posses to the Nation. As we begin to look at the improvements to general aviation security, it is helpful to establish some comparative benchmarks.

**General Aviation and National Security—Small and Slow**

The typical AOPA member operates an aircraft like a Cessna 172 Skyhawk. There are more than 25,000 Cessna 172 Skyhawk's registered in the United States, making it the most popular general aviation airplane. This four-seat airplane operates at about twice the speed of a car (120 mph), has an average maximum weight of 2,300 pounds, carries 40 gallons of fuel and has a useful load (after full fuel) for people and baggage of around 500 pounds. A Cessna 172 is less in size and weight than a typical compact car like the Honda Civic, which weighs around 2,600 pounds.

The number of general aviation aircraft stolen is down sharply since the general aviation community took steps to enhance security since the late 80's to discourage aircraft thefts that were used mostly for drug smuggling. According to the most recent statistics available from the Aviation Crime Prevention Institute, in 2003, there were only six aircraft stolen nationwide.

The combination of these factors and security enhancements put into place since 9/11 limits the desirability of general aviation for illicit uses. Independent analysis by government agencies concurs with this assessment. A November 2004 Government Accountability Office (GAO) report on General Aviation Security, concurred, noting that "the small size, lack of fuel capacity, and minimal destructive power of most general aviation aircraft make them unattractive to terrorists and, thereby, reduce the possibility of threat associated with their misuse."

The report found that most of the airports GAO visited had, on their own initiative, established a number of security enhancements, using either airport revenue or state or Federal grant money to fund some of the enhancements. The report concludes that continued partnerships between the general aviation industry and the government, such as AOPA's Airport Watch program, are vital to the long-term success of efforts to enhance security at the Nation's general aviation landing facilities.

With this information as a prelude, let us examine the improvements in general aviation security and current challenges.

**AOPA's Airport Watch—Cornerstone of General Aviation Security Awareness**

With over 18,000 public and private general aviation-landing facilities, the government cannot, nor is it necessary to regulate or directly oversee airport security at these facilities. Recognizing that general aviation airports are similar to small communities, AOPA worked with the Department of Homeland Security to develop and implement the Airport Watch program. Much like a neighborhood watch program, this Airport Watch enlists the support of some 550,000 general aviation pilots to watch for and report suspicious activities that might have security implications.

Since December 2002, TSA receives reports of suspicious activities through the general aviation hotline 866–GA–SECURE (1–866–427–3287). The Airport Watch program and the general aviation hotline are critical elements of general aviation security. The program serves as a centralized reporting system for general aviation pilots, airport operators, and maintenance technicians wishing to report suspicious activity at their airfield.

The program materials are the Airport Watch brochure explaining the program and what to watch for, warning poster, warning decal, warning sign, and an instructional video featuring the Secretary of the Department of Homeland Security. The Airport Watch program has been actively supported by the TSA, FAA, Civil Air Patrol, aviation businesses on airports, pilot groups, manufacturers, and state departments of transportation.

In launching the program, AOPA distributed Airport Watch materials to all 550,000 general aviation pilots and 5,280 public-use general aviation airports. AOPA continues to make program materials available and during the past 12 months AOPA has fully funded efforts to send additional Airport Watch materials to pilots and aviation officials in Iowa, Massachusetts, Tennessee, and New Jersey. Since the program's inception, AOPA has spent more than $1 million of Association funds in developing, distributing and promoting the Airport Watch program. Another industry-wide mailing is anticipated later this year.

Congress has shown its support of the Airport Watch program with directive language in the Homeland Security Appropriations bill for the past 2 years, and the House-passed Homeland Security Appropriations bill for FY06, which contains funding for an additional nationwide educational and promotional effort.

The Airport Watch concepts have been proven to work. Even though actionable calls are rare, they have been viewed as beneficial. Time and again, the TSA has praised the valuable information they receive from pilots reporting suspicious behaviors. Below is a small sampling of reports taken through the Airport Watch program.

- In Kansas, the Airport Watch concepts caught an accused con man. Airport employees became suspicious and contacted authorities when a man tried to rent aircraft at several different FBOs, claiming to be a pilot. At one location, he left the space for the pilot certificate number blank. Others who dealt with him said that for someone who supposedly owned and flew aircraft, the suspect didn't seem to know much about aircraft systems.
- In St. Louis, two suspicious individuals offered to pay cash for a charter helicopter flight, they presented driver's licenses from two different states while their car was registered in a third state and had backpacks and odd shaped luggage that caught the attention of an FBO employee. While another employee stalled the suspects, the first employee contacted authorities. Authorities discovered box cutters and other potential weapons hidden inside the suspect's bags. It was later determined the suspects were actually news reporters from New York trying to do a story on how a terrorist could hijack a helicopter.
- In Ohio, a Certified Flight Instructor reported to the general aviation security hotline a student who during ground school review and instructional flight time asked questions about how background checks are done, and how long they take. He also asked the instructor numerous questions about lowest levels to fly to avoid radar, how to find power plants if not on sectional maps, and how close can they be flown to. Federal officials followed up by conducting a criminal and watch list check of the student.
- In Georgia, an aircraft charter company reported a suspicious caller who wanted to reserve a flight for 11 to 12 passengers to fly to Washington Dulles Airport. The caller was elusive when asked for his name, credit card, and passenger information. He provided a company name with a tax ID number that did not match. Federal Authorities were following up.
- In Arkansas, an airport manager reported receiving two phone calls from a suspicious person with a heavy accent inquiring to store an aircraft and some equipment inside a hangar for about three weeks. The manager was concerned due to the airports proximity to a nuclear power plant.
- In Minnesota, a flight instructor received a suspicious telephone call from an unknown individual requesting flight training for a Korean citizen. When the caller was advised a background check was required, he abruptly ended the call. The instructor was able to obtain the telephone number from the caller ID. Local FBI was notified and is conducting an investigation.

*Airspace Restrictions*

Immediately following the tragic events of four commercial airliners being hijacked to be used as weapons against the United States on the morning of September 11, 2001, the FAA issued a Notice to Airman (Notam) grounding all civil air traffic. This historic action was unprecedented and underscored the concern security policy makers had about civil aircraft being used as weapons. It set the stage for changes in security policies for the commercial airline industry and the general aviation community.

The report to Congress, "Improving General Aviation Security" issued in December 2001, by the newly formed Transportation Security Administration (TSA) launched the strategy for addressing security of general aviation. This included airspace restrictions, scrutiny of pilots and improvement of their credentials, and security enhancements for general aviation airports—and the all-important issue of educating the pilot community. One of the underlying principles is the importance of balancing security requirements with the threat that general aviation presents. That is one of the reasons the Department of Homeland Security (DHS) has adopted risk-based approaches to security—balancing the cost for security, the limitations and restrictions, with the security benefits.

It is absolutely essential, that any security requirements do not eliminate the very industry they are designed to protect. If that occurs, the terrorists have won. Many pilots are asking this very question about the airspace restrictions in the Baltimore-Washington, D.C. area (National Capital Region). Just last week, over 5,000 pilots visited our headquarters in Frederick Maryland and the most discussed topic was the flight restrictions around the National Capital Region.

Expanded use of Temporary Flight Restrictions

To understand the general aviation perspective on the National Capital Region airspace, it is important to recognize that prior to 9/11, Temporary Flight Restrictions (TFRs) were issued, but were typically smaller, shorter duration, and did not come with the severe penalties for violations. Today, a pilot can face FAA enforcement action including the loss of their pilot certificate and the extreme prospect of loosing their life by being shot down for violating a TFR. As an example of the magnitude of airspace restrictions, anytime the President travels a 30-mile TFR is established. Last year there were over 200 of these TFRs.

National Capital Region—Airspace Restrictions

While much of the emphasis on general aviation has been access to Washington Reagan National Airport and this Committee is to be commended for its work to reopen this airport to general aviation the majority of AOPA members are concerned about the airspace restrictions around the National Capital Region. As illustrated in the chart, there are two areas of airspace restrictions on general aviation operations created since 9/11, the inner ring Flight Restricted or "No Fly" Zone (FRZ) and the outer Air Defense Identification Zone (ADIZ).

Air Defense Identification Zone Surrounding the 15-Nautical-mile Radius Flight Restriction Zone

Flight Restricted Zone—sensitive areas of the Nation's Capital

In the days following 9/11 the FAA implemented a total ban on general aviation operations in the 15-mile radius FRZ, sometimes referred to as the "No-Fly-Zone" that extends from ground level to 18,000 feet around Washington, D.C. In February of 2002, the FAA partially lifted this ban by allowing limited operations at College Park and Potomac Airports, as well as Hyde Field in Maryland. Until then, no general aviation aircraft could operate to or from these airports, referred to as the "DC–3" unless the aircraft was based at the airport prior to 9/11 AND the pilot has undergone FBI fingerprinting and criminal history record check before being permitted to operate under very strict flight rules. This meant that all three general aviation airports were closed to all but 300 based aircraft since 9/11.

For many AOPA members the DC–3 airports were the aviation access point to the Nation's Capital, essentially the light aircraft operator's Washington Reagan National Airport. That is why we were pleased when the TSA in February of this year allowed vetted transient pilots to apply to operate at the DC–3 airports. These pilots must undergo the same rigorous background check as pilots based at the airport. Pilots are required to complete an FBI fingerprint background check and security training prior to receiving a unique PIN code to operate in the FRZ. Underscoring the importance of these airports to AOPA members, just this past weekend, over 180 pilots took advantage of the opportunity to complete two of the three required steps by participating in a seminar held during AOPA's Fly-In.

Washington, D.C.—29 months after 9/11 the Air Defense Identification Zone Established

The FRZ was deemed to be sufficient for the 29 months following 9/11. This was due in part to the large Washington, D.C. Class B airspace area over the capital region that requires all aircraft contact air traffic control (ATC) and obtain a clearance to enter the airspace. Additionally, all aircraft operating in the Class B airspace must remain under positive ATC contact.

However, in early February 2003 over a weekend, the general aviation community was told by the TSA that a Washington, D.C. ADIZ would be established as a temporary security measure in response to an increase to the National Threat Level Alert status and the pending hostilities in Iraq.

The Washington, D.C. ADIZ is huge, encompassing 19 public-use airports, over 10,000 pilots, 2,147 aircraft, accounting for nearly one million operations per year. Geographically, the ADIZ spans a distance of 90-miles, stretching from the tip of West Virginia, across the Chesapeake Bay to Maryland's Eastern Shore and south to just outside of Fredericksburg, Virginia.

To fly in the ADIZ, all general aviation aircraft must comply with operational procedures similar to those designed for instrument flying. Specifically, all pilots must file and activate a flight plan with a Flight Service Station (FSS), and obtain a discrete transponder code from Air Traffic Control (ATC) or FSS. Once in the air, pilots must maintain two-way radio communication with ATC, squawk the assigned code on their transponder, and fly according to the flight plan while following instructions from the ATC until they are outside the ADIZ boundary.

In the months following the ADIZ implementation, the Federal Government subsequently decreased the National Threat Level Alert Status to Yellow, and the

President declared an end to the major fighting in Iraq. The Federal Government has taken steps to eliminate all the heightened security measures related to the Code Orange, including eliminating an ADIZ over New York City, and a TFR over downtown Chicago, IL when the threat level was lowered.

Despite the fact that the threat level was lowered, more than two years ago, the ADIZ remains in place. AOPA has also learned that there is currently a proposed rule at the Office of Management and Budget (OMB) to make the ADIZ permanent, something that AOPA opposes.

The ADIZ adversely affects safety, is costly to operate, and is negatively impacting pilots and aviation businesses—it doesn't work.

Because it is such an anomaly, the ADIZ creates operational challenges that the government has been unable to remedy. Even experienced pilots and aviation officials are often confused in regard to its requirements and procedures. As a result, in addition to the high-profile violations that occasionally make the news, there have been numerous military and police aircraft that have violated the ADIZ airspace. This underscores the need for change.

Operationally, the ADIZ has been a disaster affecting pilots and slowly smothering the businesses that employ people in the National Capital Region. With the ADIZ in place, the limited resources of the government and congested airspace have created unnecessary safety risks for both general aviation and commercial flights. Because the ADIZ requires that all aircraft be on a flight plan, controller workload has quadrupled. The increased workload for controllers consequently often diverts controllers from their primary responsibility, traffic separation.

Significant safety concerns also arise for pilots in the air. Pilots and ATC report that aircraft forced to circle outside the ADIZ while waiting for a discrete beacon code creates safety problems. There are safety implications of forcing multiple aircraft to circle and loiter over common points while they wait to enter the ADIZ. In one instance, a pilot faced an unexpected delay to enter the ADIZ, ran out of fuel, and made a forced landing. Thankfully no one was seriously injured, but the aircraft sustained extensive damage.

Inside the ADIZ, a visual flight rule (VFR) pilot's attention is divided between his traditional "see and avoid" responsibilities and compliance with complicated ADIZ requirements. The air traffic controllers even have a policy memo making it clear that VFR aircraft flying in ADIZ are not receiving traffic advisories—creating confusion because the pilots expect this when talking to ATC.

The ADIZ was designed and is currently staffed as a temporary measure. We understand that it costs the FAA $18 million per year to operate the ADIZ ($8M for ATC cost and $10M related to enforcement actions). The ADIZ requirements have overloaded the ATC system and pilots continue to experience extreme difficulties in gaining access to the 19-public use airports in the ADIZ. The Air Traffic system was not designed to support the increased workload caused by imposing Instrument Flight Rule (IFR) operational requirements on VFR traffic and the FAA does not have the resources in place to effectively manage, for extended periods of time, the volume of general aviation traffic requiring access.

Contacting ATC via landlines has led to delays that ranged from 10 minutes to over two hours because of the ADIZ. Likewise, pilots attempting to obtain discrete codes via clearance delivery on the ground also experienced delays of up to 45 minutes while holding at the runway threshold with the engine running.

The current system does not deal well with routine situations that occur while flying. Even a small power surge can reset a transponder, and as we have seen with the recent violation by a Canadian pilot, aircraft do occasionally have difficulties with lightning. The shear size of the ADIZ combined with the fact that a minor mechanical difficulty can technically cause a pilot to violate the airspace, means that the probability of future problems is high. Pilots have difficulty meeting ADIZ requirements

There have been a few high profile ADIZ violations, including the May 11 violation by a Cessna 150, and a transponder failure on the plane carrying the Kentucky Governor. From January 2003 to July 2004, the FAA has tracked 2,000 "tracks of interest" ranging from cloud formations and flocks of birds to aircraft infringing on the Washington airspace.

For the general aviation community, the May 11 event was unacceptable. Certainly the pilot knows that and has apologized. However, it also underscores that there must be reason applied as Congress and agencies address issues of national security. A small, slow flying aircraft does not present a major terror threat. On that day, the intercept pilots understood this and responded appropriately.

AOPA has continually heard from pilots on the difficulties with the ADIZ. Below is a list of a few short examples that help highlight the issue:

1. Medical Airlift Pilot Suspended. The operator of a medical helicopter legally departed an airport inside the ADIZ. The helicopter was observed by controllers to be in the vicinity of the airport transmitting the proper squawk code. The aircraft remained in constant communications with air traffic control; however, during the flight the transponder momentarily reset causing it to squawk the wrong code for a period of less than two-minutes. When notified, the pilot immediately corrected the code. Unfortunately, the incident has resulted in the FAA proposing to suspend this medical pilots flight privileges for 30-days.

2. Transponder Failure Near Home Airport. An aircraft departing Leesburg, Virginia was notified by ATC that the transponder was not working. The transponder was cycled several times. The pilot was told to depart the ADIZ, and notified that he would not be allowed back in. The pilot notified departure that the aircraft would return to Leesburg, the base airport for the aircraft in order to have it fixed (aircraft was less than two miles away from the airport at that time). Upon landing, the pilot was notified that landing does not constitute departing the ADIZ and the FAA is pursing an investigation and enforcement action against the pilot.

3. Two-Hour Wait For Departure Clearance. On a Saturday afternoon, the pilot of an aircraft in the Manassas Virginia area reported trying at least 40 times with a busy phone signal to get thru to Flight Service to file an ADIZ flight plan to depart the area. After calling Potomac Approach, he finally got an answer. The controller told him to call back in five minutes and relayed they were so overloaded they were holding all VFR ADIZ departures for approximately one hour. This pilot eventually got thru and received his transponder code to depart. The whole process took two hours.

For these reasons and others, AOPA has continually sought changes to the ADIZ and continues to believe that a more reasonable approach can be taken for lighter, smaller aircraft.

Congress has supported attempts to make changes to the ADIZ. Vision 100 (Pub. L. 108–176) contained a section requiring a report to Congress on changes in procedures or requirements that could improve the operational efficiency or minimize the operational impacts of the ADIZ on pilots and controllers. The law also calls for the FAA to justify the necessity of the ADIZ. Unfortunately, Federal agencies have not been capable of fulfilling the requirements of the law.

Looking at all this from a security perspective—none of the ADIZ violations or "tracks of interest" has been tied to terrorism. It raises the question, "Is the ADIZ worth the cost?"

Is the ADIZ worth the cost?

As the GAO pointed out in its analysis of general aviation, to date, there has been no systematic or detailed assessment analyzing the security threat posed by general aviation in the Washington area. Further, the government has made no serious attempt to analyze whether the ADIZ measurably increases security. Certainly the security of the President and Congress are paramount, but security measures such as the ADIZ should be imposed only after a careful analysis of the threat and the actual benefits of proposed security measures. Maintaining the ADIZ costs more than $18 million dollars for the FAA alone and the economic losses of the general aviation community are estimated in the millions.

To improve the data on the economic impacts, AOPA has contracted with a firm to conduct an analysis of the cost of the ADIZ and anticipate that we will have this completed by the end of the summer. The ADIZ is slowly smothering an industry that generates almost $123 million in economic activity for the Washington region each year, and which accounts for more than 60 percent of aircraft operations in the National Capital Region. The impact on the local aviation economy has been dramatic. The ADIZ has caused reductions in the number of aircraft based at airports in the ADIZ, a decrease in flight activity, resulting in a dramatic domino effect on businesses that support aviation. The last time AOPA surveyed the ADIZ airports we learned that there has been a 30 to 50 percent decrease in business at these airports. Fuel sales have decreased as much as 45 percent at some airports. If the ADIZ is not eliminated or modified, it could permanently jeopardize the economic viability of general aviation operations in the Washington area.

**Government Security Enhancements to the National Capital Region**

Although rumored to be in existence for some time, a story in the February 27, 2005 issue of the Washington Post validated that missile batteries, intended to shoot down aircraft, augment the National Capital Region airspace security. While the hope is these would never be necessary, their presence illustrates an additional capability available to defend the Region.

Likewise, last month the Department of Defense implemented its Visual Warning System (VWS) that enables them to notify pilots that have flown into the protected airspace in the National Capital Region. A series of red and green laser lights signals a pilot that they have flown into an area without meeting the security requirements necessary for entry. This is another tool to protect the seat of the Nation's government and is supported by AOPA.

From a government and industry prospective, both public and private resources are limited, requiring that security measures as extreme as the ADIZ should not be imposed without a careful cost-benefit analysis. Considering the enhancements made to security in the area, the experiences since it was implemented and the security enhancements outlined later in this statement, AOPA believes it is time to reexamine the ADIZ to determine whether its questionable contribution to security justifies the high costs it has imposed on the industry. Unless such a justification is produced, the ADIZ should be eliminated or modified to provide an equivalent level of security in a less intrusive way. Improving General Aviation Security.

Significant progress has been made in enhancing the security of general aviation. Nearly 60 percent of AOPA members reported to the Association earlier this year that there has been a noticeable increase in the security at their home airport. There is also an amazing commitment by general aviation pilots to help by serving as the eyes and ears for security at local airports through AOPA's Airport Watch program. Over 80 percent of the members operating at general aviation airports are aware of the program.

Congress, TSA, FAA, and state legislative and executive branches have also acted on general aviation security since 9/11. The requirements related to pilots have been significantly increased.

Government security requirements on pilots have increased dramatically since 9/11.

Shortly after the events of September 11, current and student pilots in the FAA's databases were reviewed for links to known or potential terrorists. This has now been enhanced by the TSA and FAA Airman Revocation regulation that enables the agencies to prevent an applicant from receiving a pilot certificate, or revoke one already issued to individuals that are deemed to pose a security threat to the United States. Through the Aviation and Transportation Security Act and Vision 100, Congress specifically directed the TSA to establish procedures for notifying the FAA of the identity of individuals known to pose a risk to aviation.

Building on a Congressional requirement for screening of individuals receiving flight training in large aircraft (12,500 lbs. and above), on September 21, 2004, the TSA issued an interim final rule requiring proof of citizenship and background checks for all individuals receiving flight training, regardless of the size of the aircraft. U.S. citizens must prove citizenship before receiving flight training and all foreign flight students are required to complete a fingerprint background check process with the TSA. The rule requires individuals to validate their status with the TSA for initial training, multi-engine training or training to receive an instrument rating.

**The Pilot's Credential—Improving This Important Piece of Identification**

Responding to the need for improvements in the pilot's paper certificate that does not contain a photograph, AOPA took a rare step in February 2002, by asking for an immediate final rule mandating that pilots carry, and present for inspection, government-issued photo identification. This was viewed as an interim step to be replaced by an FAA issued pilot certificate with a photograph. Later that year, October 2002, the FAA issued the final rule implementing this requirement.

Work continues on improving the security of pilot certificates. In July 2003, the FAA began to issue new difficult-to-counterfeit pilot certificates to be used in conjunction with government issued photo identification.

In December 2004, through the leadership of Members of the Senate Aviation Subcommittee, the National Intelligence Reform Act (NIRA) of 2004, mandated the development of an improved pilot certificate that includes a photograph of the pilot and the ability to record biometric information within one-year. While AOPA supported the concept, we were pleased the legislation included provisions to allow the use of FAA designees for facilitating the photographic information, rather than mandate pilots visiting the limited number of FAA facilities. For pilots, this will greatly improve the accessibility of providing this information to the FAA and eliminates opposition to the requirement. The FAA successfully makes use of designees in many of its requirements the one most obvious to pilots is for medical certification.

It is our understanding that the FAA is developing a rule to meet this requirement.

**Airports and Aircraft**

The general aviation community and TSA work together to develop essential airport security guidelines.

The TSA has also been active in improving general aviation security. One of the major initiatives of the TSA was addressing security at the 18,000+ landing facilities across the country. The vast difference in size between, for example, a rural Alaska airport and a busy general aviation facility near a major metropolitan area necessitates that a one-size-fits-all policy will not work and could easily consume massive government resources with little security benefit. TSA sought to address this reality by developing a set of guidelines for all airports.

In May 2004, the TSA published its "Security Guidelines for General Aviation Airports." These guidelines were developed under the Aviation Security Advisory Committee and provide a list of recommended security best practices for airport operators, sponsors, and tenants. The Aviation Security Advisory Committee is a broad-based group including victims of terrorist acts against aviation, law enforcement and security experts, government agencies, aviation consumer advocates, airport tenants and general aviation, airport operators, airline labor and management, and air cargo representatives.

The guidelines also include an assessment tool to discriminate security needs at differing airports. This tool, the Airport Characteristics Measurement Tool, helps airport operators assess the local situation at their airport and helps operators determine which security enhancements would be most appropriate.

**On the Horizon—Vulnerability Assessments**

In addition, as part of Homeland Security Presidential Directive 7 (HSPD–7), DHS was required to develop a National Critical Infrastructure Protection Plan and Sector Specific Security Plans. Section 4001 of Public law 108–458, the "Intelligence Reform and Terrorism Prevention Act of 2004" required DHS to submit the National Strategy for Transportation Security, including the modal security plans by April 1, 2005.

One component of those plans is an assessment of vulnerabilities and prioritization of transportation assets. The General Aviation Vulnerability Identification Self-Assessment Tool (VISAT) is currently in development and is expected to be out in late summer/early fall. This tool will:

- Capture a snapshot of the general aviation airports baseline security system.
- Provide general aviation airport operators with a vulnerability assessment tool.
- Assist the airport in the development of a comprehensive security plan. Assessment tools for other modes of transportation, such as regulated ports, have been developed. When complete, the tools will work together to evaluate vulnerabilities across multiple-transportation modes in order to determine resources needed to protect critical infrastructure. TSA recently provided several airport operators the opportunity to demonstrate the tool and to offer feedback.

**AOPA and Pilots are Extremely Involved in State and Local Security Efforts**

Virtually all states have taken action to improve general aviation security. For many of the Nation's 5,400 public-use airports, the local pilots, airport managers, law enforcement and first responders are the critical element of general aviation security.

These airports also range from small grass strips with just a few based-aircraft, to large centers of general aviation activity with an air traffic control tower. This wide range of airport necessitates a broad range of security programs and responses. The Airport Watch program has been accepted and promoted by nearly every state in the country as an efficient means to enhance security by successfully enlisting pilots and other individuals who routinely work or fly at an airport.

Many states and local municipalities have taken additional steps to improve the security of their general aviation airports. Below are a few examples:

- The State of Virginia has provided their general aviation airports with security audit checklists and manuals to help airports assess vulnerabilities and tailor appropriate security measures to their facilities.
- The State of Tennessee has helped in distributing more than $1 million in Federal grants to aid general aviation airports statewide for the installation of better security lighting, fencing and gates.
- New Jersey requires airports to display emergency contact information, has established a communications system for all airport managers in the state and

has issued an RFP for a closed circuit television surveillance system to be installed at many of their public use airports.

- In Massachusetts, the Massachusetts Aeronautics Commission has issued a set of security directives for all airports in the commonwealth.
- California passed a state law that allows the Division of Aeronautics to provide the entire local match to a general aviation airport receiving an AIP grant for security projects such as fencing, gates, and lighting.
- Florida passed state legislation that requires many public use general aviation airports to implement a security plan consistent with guidelines published by the Florida Airports Council.
- The State of Washington contracted with a consultant to do a security assessment of public use general aviation airports.

These efforts are paying off in visible ways. In a recent survey of our members, 78 percent of members say their general aviation airport has a fence while nearly 60 percent have said they have seen a noticeable increase in security implemented at their local airport since September 11. The majority of AOPA members reported that they lock or store their aircraft inside a locked hangar. In addition, nearly all AOPA members say they are familiar with Airport Watch and that their local airport has posted signs requesting pilots to report all suspicious activity to 1–866–GA–SECURE.

**AOPA Educational Efforts**

AOPA is committed to working with the FAA and TSA to educate pilots about general aviation security requirements. These efforts include:

- Direct e-mails to AOPA members anytime TFRs are issued. In 2004, there were 209 TFRs. During this time, AOPA sent 4,772,210 e-mails to members alerting them to airspace restrictions and changes
- AOPA Web site is continuously updated with all announced airspace restrictions and has devoted an entire section of the front page to educating members on post 9/11 security measures.
- AOPA's monthly magazine, AOPA Pilot, runs an airspace story in every issue. This magazine reaches over 400,000 pilots each month. Furthermore, AOPA Pilot runs an expanded feature story on airspace about three times a year.
- Air Safety Foundation training programs—AOPA's Air Safety Foundation (ASF) has committed substantial efforts to educating pilots with much of this work focusing on the Washington, D.C. ADIZ. The AOPA Air Safety Foundation has also developed interactive airspace instruction programs and printed advisories and education materials distributed through industry, FAA, and TSA.

Highlights of the AOPA and ASF work that focus on the ADIZ include:

- ADIZ Graphical Web Page—The graphical web page lists all FAA Notams, provides a plane language description and provides a graphical depiction of the airspace, providing a one-stop-shop for pilots.
- AOPA's Real Time Flight Planner—This interactive program allows pilots to plan a flight from point to point, while seeing the ADIZ and Temporary Flight Restrictions.
- ADIZ Checklist—Easy to understand handout that pilots can take into aircraft to ensure compliance with the ADIZ procedures.
- ADIZ Frequently Asked Questions—ADIZ questions from pilots and detailed answers with research help from the appropriate Federal agency.
- ADIZ Interactive Presentation—An interactive program that specifically highlights ADIZ operations and procedures.
- ASF "Know Before You Go" Online Course—A course developed to educate pilots on a wide range of security restrictions implemented since 9/11.
- ASF "Airspace For Everyone" Safety Advisory—A detailed handout that examines the airspace structure and how pilots are expected to operate with-in it, including an explanation on in-flight intercept procedures.
- Coming Soon—ASF "Visual Warning System"—A training program designed to educate pilots on the new visual warning light system being used to alert pilots to incursions in the ADIZ.

Clearly, AOPA is committed to doing all possible to train and educate pilots on security related information.

**Summary**

The government and the general aviation community have taken numerous steps to enhance the security since 9/11. AOPA is committed to continue the Airport Watch program, pilot education and outreach, and work with Congress, TSA, FAA, and state and local government to implement appropriate security measures for general aviation.

However, there are grave concerns that the pilot community has over the continuation of the ADIZ. In its current form it simply does not work, jeopardizing safety, imposing significant cost on the government and the aviation community for questionable security benefit. With the implementation of general aviation security enhancements, AOPA contends that it is time to either eliminate or dramatically change the requirements of the Washington, DC ADIZ.

Again, thank you for the opportunity to appear before you this morning; I would be pleased to respond to any questions.

The CHAIRMAN. Thank you very much. That's exactly what we are starting right now. Unfortunately I have to go to another meeting, and I'd ask Senator Allen if he will close this meeting. But we do intend to ask that these people come up and tell us how we are proceeding on some of these rules. Everyday there are containers coming through this city, that came from anywhere off shore and that haven't been inspected. There are people coming in on trains carrying bags and boxes. There are people driving trucks and cars through this city. And somehow or another we get just spastic over the fact that someone might fly an airplane in here because of what happened on 9/11. And I say that 9/11 people overreacted to what the Commission did, to the concept of general aviation becoming a weapon of terrorists. Anything could become a weapon of terrorists, but the concept that there's a threat there in general aviation field as there is in containers, there is in regulation of trucks and so many other things I think is misplaced. I do believe this Committee ought to know what they are planning to do. Because if they carry out what they got out there right now, it will kill general aviation. And that's no answer.

And if that happens I'd say Senator to you, I again have to get an exception for Alaska. You are not regulating your buses, you're not regulating your trucks, you're not regulating your trains, you are not regulating your containers, but when you regulate aviation you regulate me. Everything in my state moves by air. Seventy-eight percent of inter-city travel, inner-city travel is by air. And north of Fairbanks everything is by air. You can't get to an Eskimo village except by air. Now, are we going to put locks on the Cessna's doors in order to take the freight into an Eskimo village. There has to be some common sense in this, and I hope to work with you to make sure there is. Will you finish this for me, please?

Senator ALLEN [presiding]. Thank you to our witnesses, and I will ask some questions and then turn it over to the Ranking Member from West Virginia, Senator Rockefeller. Thank you all for your testimony. This is a positive step, and while we sometimes focus on some of the practicalities, and logistics, we do want to commend TSA for finally belatedly doing this, but they have done it. I am glad they have and we don't have to go through the whole legislative process, which is very long and burdensome. Any of you all could testify.

Can any of you estimate how much adhering to these new regulations costs per flight? If any of you all have you done a cost estimate? I know these are preliminary regulations, but you have the

law enforcement officers, obviously a cost. And I know you have views on that. Do you all have any estimate of what the average cost per flight would be?

Mr. COYNE. Well, if I can I think at the low end I mean it's conceivable that somebody, for example we have a charter operator that I was with yesterday who was hiring law enforcement officers as pilots. So they may provide charter service in and out of National with already vetted law enforcement up front, kind of getting rid of two birds with one stone if you will.

So for that operator the only significant cost depends upon where the person is coming from. If the person is departing from a portal airport where this pre-screening is relatively easy and there's no additional cost for stopping en route at another airport, you really can have relatively modest impact. Now clearly the preliminary discussions with TSA suggest they are going to be charging about $150 dollars both inbound and outbound for the cost they are assigning and absorbing, and passing onto the users. This is what we hear preliminarily.

And then in addition there's the additional cost. Now at the high end you could have somebody who is literally flying in from Los Angeles, and has to stop in Lexington and pick up a law enforcement officer there and pay for his time and trouble to come into Washington and buy him a plane ticket to get back to Lexington. And so you could very easily if you add up all those costs in addition to $300 in TSA fees you could very easily have a $2,000 or $3,000 added cost. So really it's over a range. But I think the average cost to me in my mind, preliminarily, is going to be in the $600 to $800 per flight additional costs, given the current expectation of the cost of law enforcement officers.

Senator ALLEN. Do the witnesses generally agree with that?

Mr. BOLEN. I think that's ballpark.

Mr. CEBULA. I think that's the range.

Senator ALLEN. As this base plan initially kicks off, how much usage do you envision with these requirements? In other words, I know that the general aviation community feels like we have had a victory. This is a threshold breakthrough victory. But as a practical matter, do you foresee a large number of your members? You're probably the best Mr. Coyne for it, but the point is——

Mr. COYNE. Yes, I don't want to hog the microphone, I had a very good long discussion with this issue with the President of Signature yesterday. So I'll pass along her estimates, because they are the FBO at National Airport as you know.

Senator ALLEN. And lost many, many jobs when they shut down, and millions of dollars every year.

Mr. COYNE. And millions of dollars absolutely. And probably won't make any money at all when this is reimplemented. Because they're frankly expecting an average of somewhere between 15 and 20 flights a day, if things go reasonably well. But a wide variety of that—I mean there will be some days certainly where it's a lot less than that. And obviously you know the maximum is 24 inbound and 24 outbound with the 48 slots. We would be—you know we view this as a first step. This is going to be burdensome and expensive and confusing. A lot of people are going to be intimidated. In the practical sense, the real benefit to our customers and

our marketplace are for those thousands of people who used to come into Washington on a turn around. They want to come in and meet with a government official. They want to meet with Congress, they want to get home in time for dinner with their family.

And there were thousands of people every year. This was a way to come to Washington whether you were coming from Farmville, or Newport News, or whether you were coming from Texas or Colorado. You could get to Washington, meet your Congressman and get home.

That still is going to be a challenge under these rules because of the need to stop and land at a portal inbound. But—many people may decide to fly inbound to Dulles, reposition the plane to National so they can leave more quickly. It will be interesting to see how they use the preliminary rules. But our hope is, that as many as who want to, eventually will be allowed to use it.

Senator ALLEN. That's a creative thought. Several of those that you talked about have the pilot a law as a law enforcement officer. I suppose an owner of a plane might—could get the training and get certified as a law enforcement officer.

Mr. CEBULA. Senator Allen on that issue. It's probably not as publicized, there were three airports that were also closed for people that weren't based there, to be able to fly into that the TSA establish a program in February to allow that to happen. We call them the D.C. Three, College Park Airport is probably the one that people are most familiar with.

Last weekend we had an event at our headquarters in Frederick were people could receive the training as part of vetting the process that they have to go through. And there were 180 people that were there. And so there was a lot of enthusiasm on behalf of the——

Senator ALLEN. To qualify as a law enforcement officer?

Mr Cebula: No, this was to qualify to be able to fly into the D.C. Three. There's a three-part process, and there were two parts of it.

Senator ALLEN. What are the D.C. Three, just for the record?

Mr. CEBULA. I'm sorry it's Hyde Field, Potomac Air Park, and College Park Airport. They're all in Maryland. And they're the ones that are I guess, kind of our access point to the Nation's Capital. Our being the smaller aircraft owner and operator.

I will tell you that there was discussion about what's going to happen with someone who is in a police station like Philadelphia where they are at a gateway facility. Will they be able to have access? I'm not sure that TSA at this point has the answer to that question. I have raised it to them as recently as yesterday I think that those are issues that they are still working through.

Senator ALLEN. Well, in the event. I see willingness of them to work something like that out for practicality. If you had Mr. Coyne in the situation—I fly into Dulles, drive in for the association meeting or whatever the meeting is or whatever the event is, the celebration, whatever it maybe. How can you under these regulations could you reposition the plane to Reagan National from Dulles since that is not actually a gateway airport? Would they have to fly to Dulles to Philadelphia, or Lexington, or something, and get them to fly back in?

Mr. COYNE. We've had discussions with TSA and it's been our assumption that a Dulles aircraft that is already in the ADIZ zone,

where you have TSA officials at Signature or Hawthorne out there in Dulles, and you would have no passengers on the airplane. It would be a repositioning we call it, in aviation where the pilots move the airplane. TSA has expressed to us that the pilots, since there would be no passengers on the airplane there would be no need for a law enforcement officer, just as a dead headed flight with an airline coming in, doesn't have Marshalls coming into National with just pilots. The pilots have been screened and it's our expectation they'd be able to reposition that airplane without any difficultly.

Senator ALLEN. Let me ask a final question. Since we've brought up all the things that we are concerned about as far as practicality and reasonableness such as the limited number of portal cities, in here—or portal airports, the cockpit doors, and how these law enforcement officers would qualify and so forth. Are there—since we do care about security and we all agreed that whatever was done, you could have a special requirement or requirements for general aviation to Reagan National. Are there—and I'll ask you all. You all are the experts and represent those who are most familiar with the operations. Are there any security precautions that are not included in the Administration's plan that you believe ought to be made a part of the new security regulations for general aviation flights?

Mr. COYNE. Well I personally believe that the use of a biometric registered traveler card that of course has been discussed for airline use, and transportation worker use would be very useful for facilitating the identification of passengers. Ed talked about something similar to this in their TSAAC program. If we could develop enough confidence in a core group of trusted passengers, then it would seem to me, just like we trust people that go through the process of getting into the White House and getting—you're submitting your social security number and getting permitted to go in and stand next to the President.

We ought to be able to get the same confidence and giving them a biometric identification card that can be swiped at each FBO, and you have confirmation that that's the only people who are on the airplane. That if Yo-Yo Ma got his trusted traveler card and he was the only one on the airplane, then it would be fine for him to charter a plane and get in and out of National to perform at the Kennedy Center, or something like that. And so we want to make it relatively easy in the long term, for trusted Americans, people who are absolutely not security risks in any way shape or form to not to be, you know unnecessarily aggravated, and hassled.

Senator ALLEN. Thank you, Mr. Bolen?

Mr. BOLEN. Let me just followup on that. With regard to Reagan National Airport, I think a determination has been made that that is a unique airport. And that there are requirements that will be placed on Reagan National that you will not see anywhere else in the country, and certainly that's commercial airline experience. We think the list of restrictions for getting into Reagan National for general aviation are certainly comprehensive.

There are some that we question whether or not it is the best way to do it, or if it's workable. But I don't think there was a lot

left out of there. But I think what Mr. Coyne is talking about is that there are other restricted air spaces in the country.

Typically the TFR's which can go over a city and prevent general aviation operations for long periods of time even over night. There ought to be a way for companies or individuals that routinely fly in and out of airports to make themselves and their operations well enough known to our Nation's security forces to be able to operate whether or not it's restricted air space.

And I think that the commercial airlines have established that, the security forces are comfortable with their operations and that's why they are allowed to operate in restricted air space. What we need, we believe, is to have rules where our community can voluntarily provide whatever information, open themselves up, change their operations to make the security groups comfortable. But then in return for that be able to operate. That's the foundation of the TSAAC program that's going on in the New York area.

Senator ALLEN. Mr. Cebula, do you have any added regulations that——

Mr. CEBULA. No, no, I wouldn't have any added regulations. The one comment though I would make is, again for the individual that owns an aircraft that wants to have access to National, I think that is an important issue that really has to be accommodated under the TSA rule.

Senator ALLEN. And could you—would you all envision an owner, I know you represent the pilots and some owners are pilots, some owners are not pilots. But if the owner would qualify, if the owner took the training, and I guess they would have to get firearms training as well. If they got the training, would they meet the requirements of these proposed regulations?

Mr. CEBULA. Well, the way that I, at least I understand it and until the rule comes out we won't know for sure. But the way I am understanding it, the pilots of a aircraft flying without passengers would not have to have a law enforcement officer onboard. So if a pilot is in fact vetted and has gone through the screening process, what our desire is that they would be able to fly into National, having met that.

Mr. COYNE. But, I do think your point is a very good one because we foresee, certainly a return to what we call based aircraft at National airport. Someone who actually keeps their plane there. In fact, I kept my airplane there for 15 years when I was a Member of Congress. I kept my airplane at National Airport and was able to get home for meetings with my family and constituents every evening. We would love to see that for many people who base their airplanes. There were literally hundreds of people who had based aircraft at National Airport. For them to have the pilot exemption work for them when they fly, that's fine.

But they are going to want to take their children with them. You decide to take your son, or daughter with you does that mean I've got to have a law enforcement officer on the airplane? So that's an example of the kind of common sense rulemaking discussion that we hope we can work with TSA as this progresses. But you know, we're just happy that Congress has given us a rule, or like any other rule or any other law—I mean one thing you learn about pilots, we are an incredibly rule following group of people. And we—

with the exception of two of the dumbest pilots on the planet last month—really believe in following rules, and we want to work with you in developing rules that will work for us.

Senator ALLEN. Thank you sir, Senator Rockefeller?

Senator ROCKEFELLER. Thank you. Thank you, Senator Allen. I guess, I want to go back and make a couple of points, to sort of take it back to the larger picture. As Ed Bolen knows we have been working with the Taiwanese for 12 years to develop 7 passenger jets that will cross the United States without stopping, and cross the Atlantic without stopping. I think we are about there.

So I understand very well the role of charter, and have to use it in West Virginia sometimes, a number of our cities have airports but don't have airport service so to speak. Sometimes, you have to use the charter. But it is true just to put it back into perspective, not talking about just Reagan National, and I congratulate you for that Senator Allen, the Senator from the unconstitutional, you would put it, State of West Virginia congratulates you for that. But it is true that about three-quarters of all aircraft that take off and land every day are general aviation. So that's the bigger picture. There maybe 25–35 that land per day 24 in, 24 out at Reagan National.

But that's not the larger picture here. And I've been trying to get a hearing on this for—since before the beginning of this session. And I haven't been able to. So that's why I'm concentrating a little bit more on this area. There are 19,000 general aviation airports on a nationwide basis. I think that would come as a surprise to most people. So it's a huge amount of people and about two-thirds of those are single engine. I guess one of the things I worry about is that, and I don't worry about it negatively, I just worry about it with real concern.

If the Homeland Security folks have attached 12 people to this, and a million and the half dollar budget. I think their concentration is going to be pretty much on the Reagan National experience. I think it's going to have to be because one, it will be an intense experience that involves a lot of people from Congress and people who people listen to. So, I just got to think about all those other situations out there. I'm sorry I have no choice.

Mr. Cebula you indicated in your AOPA testimony that, that you believe there's a limited threat involved with the small turbo prop airplane. Actually I'm a little unclear about that. Senator Stevens was—it looks like we're going to have to exempt all of Alaska, to satisfy the Chairman. I don't say that insincerely, if three-quarters of traffic within the city, that is truly stunning. We don't have subways in West Virginia, but we have pretty much everything else. But that turbo prop aircraft does not provide a threat. Now, in Iraq a threat is a rock, it's an IED could be, a threat is anything. But above all, in the minds of American people and I suspect, and I work on this all the time in my Committee work that an airline, that an airplane is still the matter of choice for biological, for chemical, and for worse.

Mr. CEBULA. Senator, could I make a comment to that.

Senator ROCKEFELLER. When I'm finished.

Mr. CEBULA. OK. Sure.

Senator ROCKEFELLER. There's no proof of that. But there's proof so far, because it's the only experience that we've had of a dramatic nature and there was all the single engine crop dusting and all of that stuff, that went on, a lot of it involved aviation. One can't escape that. And you indicated that a light plane, a small plane would carry about 500 pounds of material or so. A limited amount of fuel, "only" 500 pounds or so in material. Just to put that in perspective Mr. Cebula. I wonder what your view of 500 pounds of plastic explosives means. What's your view of 500 pounds of biological weapons, which after all you can shut down a coast in a day if you belt yourself with smallpox. It hasn't happened, it doesn't mean it won't. You got the biological, you got a variety of other things. And I just, there's been a tendency from the panel to say that we're doing everything we can, but we don't like the following rules. And the rules tend to be most of the rules.

Now, I think Mr. Coyne, you may have a point on LEO. I mean I don't see—that doesn't strike me as a huge thing. I want to look into that. But it strikes me as a point of reasonable negotiation. But I think having the right kind of licenses, the biometric available licenses, the right kind of checking. I go in and out of Hawthorne, and there has been absolutely nothing that has changed there, including the crowding I might say. There's never crowding that I have experienced there. There's just a desk by the little door that you walk out of. Which I don't have to sign into. Somebody signs into it and someone is sitting at it, and he's got something that sort of looks like this.

I don't know whether that's official, whether that isn't, who signs up for what, or who does what. But there has been no change. I would agree with the Senator from Virginia that if you are going from Dulles to Reagan maybe that's the special situation. You don't have passengers that's repositioning, as you put it. Maybe it's a special situation, all of it is negotiation. But what I worry about, is those 200,000 flights. The most of which are general aviation. And all of the potential problems that can come with somebody who's not stable, somebody who does have a different purpose, somebody who did use a charter or rental service, and somebody who did so with a purpose. You know flight schools didn't enter into our lexicon incidentally. They did so because there were people who saw that as a purpose. Just saying that 500 pounds doesn't really constitute a threat. I'm kind of interested in why you think that?

Mr. CEBULA. The general aviation community prior to 9/11 security wasn't really in our vocabulary. The only thing we did related to security was try to prevent an aircraft from being stolen.

Senator ROCKEFELLER. I'm talking about post 9/11, not prior.

Mr. CEBULA. Right. So when 9/11 happened the general aviation community have gone through what I think is a pretty phenomenal change. So that pilots now, you can't learn to fly without at least proving your citizenship. If you are not a U.S. citizen you are going to have to go through a background check. There's an incredible increase in awareness, whether it's by regulation, or whether it's by program, of the need to be alert, vigilant, and report those activities. On top of that from an airport side the——

Senator ROCKEFELLER. This is all voluntary, right?

Mr. CEBULA. Not all of those programs, some of them are regulations and some of them are voluntary, as the Airport Watch Program, as I mentioned. Just to give you a context on the Airport Watch Program, 400,000 members, 80 percent of our members have a recognition and understand what the program is. So I mean it's definitely gotten out there into the community. One of the things we did earlier this year is surveyed our members about some of the security requirements at the airports and 73 percent of them have fences at the airports which I have to say was surprising.

I was surprised and pleased quite frankly that it was quite that high. There have been things that have been implemented. And we really came from what I think was probably just not very strong awareness pre 9/11, and an incredible awareness post 9/11. There has been a lot that has been done. It also, in the context of looking at all of the potential threats to Homeland Security what we would ask as the representative for these pilots across the country, is that a light aircraft be viewed in context with other threats. And in that——

Senator ROCKEFELLER. I don't understand what that means.

Mr. CEBULA. The threat from whether it's a Ryder truck or whether it's containers arriving from overseas.

Senator ROCKEFELLER. But you see, that way you will never have to worry. Because if you are using context with trucks. Have you seen the movie Dirty War put out by BBC?

Mr. CEBULA. No.

Senator ROCKEFELLER. You ought to. It's just a plain white truck that closes down, this is a docudrama highly researched, no pretty girls, no handsome men, it's a stunning thing to watch. It takes about a hour and the half. It shuts down central London through a dirty bomb for 30 years, to allow it to irradiate, you know to deradiate. And I just say, see it in context. Everything is dangerous. I think planes have generally tended to be viewed by those who would do us ill as the weapon of choice. That doesn't mean they will continue to.

But that's the way it's been to this point. I just say, that putting—when you want to put yourself in context. I think what you want to stay, is voluntary as possible. I think some of your people will cooperate and some of them won't. I don't think it's particularly in the national security interest, particularly when you don't have a TSA which either has the money, or the people to do commercial properly.

And in particularly with their 12 and the million and a half, which they will probably send on Washington to do any of the other 200,000 airlines. Why would the American public, or why would a terrorists say, I'm going to pick the commercial, and I'm going to ignore private, general aviation. Why would they do that when they know that private doesn't have the requirements that commercial does. I just pose that to you. I think that you want to speak Mr.Coyne?

Mr. COYNE. Yes, I very much wanted to. Several comments I'd like to make. I want to thank you for saying one thing at the beginning is that you are worried about this. Believe me, the three of us are as worried about it as you are, and more so. Because frankly it is something that virtually we think of almost every day.

Speaking also for the FBOs and you've talked about Hawthorne, one of our most successful and distinguished member companies. I submit to you, that if you tried to go through that little desk at Hawthorne and go to a plane other than the one that the pilots were expecting you to get on, you would not be able to get off the ground at all, even as Senator Rockefeller. There are many layers of security especially in the charter area. These are rules that we have to obey by law. These are not voluntary rules, these are the so called Twelve-Five rules in charter. And a charter pilot is not allowed to depart with passengers other than who he is supposed to depart with. And those passengers all have to be pre-screened, and then in addition to that, there is the person at the FBO to see if there's anybody that doesn't look like they might be a passenger.

But there are several layers of security in the charter world.

Senator ROCKEFELLER. I have never been pre-screened. I've never ever——

Mr. COYNE. No, no. The pilot——

Senator ROCKEFELLER. And they don't recognize me.

Mr. COYNE. You've never gotten on an airplane that the pilots weren't expecting you to get on. And they knew who you were and they knew that you were not a threat. And you would have not been allowed to get on a plane where you were not expected on a airplane.

Senator ROCKEFELLER. On the voluntary basis, the pilots, and I won't argue with you. They are doing that with a great majority of the part.

Mr. COYNE. No, it's a law requirement basically.

Senator ROCKEFELLER. I understand but they are going to be so long as the system is voluntary.

Mr. COYNE. It's not voluntary.

Senator ROCKEFELLER. No, I'm talking about the general system.

Mr. COYNE. You're talking about general aviation pilots?

Senator ROCKEFELLER. Yes.

Mr. COYNE. I was talking about a charter plane. When you go through——

Senator ROCKEFELLER. Well I'm talking about——

Mr. COYNE. And I want you to feel comfortable about the charter aircraft that are coming into Piedmont that you get on. Nobody else will be allowed to get on that airplane except you. And you won't be allowed to get on any other airplane. And if there's someone that shows up that's not supposed to be there, they will be stopped at that FBO. But I also wanted to address your point, that you said where terrorist—aviation aircraft are the weapon of choice. Virtually every terrorist act involves transportation. And in fact, although aviation was involved in 9/11 tragically as we all know. Of course not general aviation. Commercial airline aviation.

But you know, the terrorists used boats to blow up the USS COLE. They have used trains in Madrid. They have used subways in Japan. They have used ambulances in Israel. They have used ordinary trucks, all sorts of vehicles, bicycles have been used in Iraq. I mean the terrorists choose transportation in almost every case. What they have not chosen in the United States at all, is general aviation aircraft. But NBC did. NBC decided to pretend to show that it would be easy to go into an aircraft FBO and take a private

airplane by charter and use it. And the operator of the facility in St. Louis, where NBC tried to do this, never—the FBI was called within 30 minutes after they showed up. Raising all sorts of bells and whistles. We have not seen in America, a general aviation aircraft. That's not to say that we are not vigilant. We are. The good news is that——

Senator ROCKEFELLER. What percentage of general aviation is chartered?

Mr. COYNE. What percentage of general aviation——

Senator ROCKEFELLER. Special, or chartered.

Mr. COYNE.—is charter? Well of the smaller aircraft a very relatively small percentage, except in Alaska. The turbine aircraft, of the larger turbine aircraft, probably something approaching 25 to 30 percent is charter now. But the good news that I want to make you—because I know you are worried about this I wanted to give you some good news. And that is, that at these thousands of airports across the country there are our employees. FBO employees, charter company employees, flight department employees, private owners of aircraft, who are at that airport. And they are far more worried that any law enforcement officer will ever be. Far more worried than any other government official would ever be. It's their livelihood. And they are constantly looking for something that might be wrong.

And if they see it. The first people to call the FBI about the potential of a terrorists was the flight school, 2 weeks before 9/11. And it took three phone calls to the FBI as the 9/11 report showed before Moussaoui was interrogated by the FBI. So our guys are America's eyes and ears at airports, and we have done an outstanding job making sure that our airplanes are not misused.

Senator ROCKEFELLER. I just want to—it's very easy to make that statement. We have done an outstanding job, there have not been anymore——

Mr. COYNE. We're still worried. I mean we continue to be.

Senator ROCKEFELLER. Well I want you to be very worried.

Mr. COYNE. We are.

Senator ROCKEFELLER. Because generally speaking, in a broad citizenry if something is voluntary, and you indicated that certain things that aren't, but where things are, most people will comply, there are however those who will not. And those who wish to do harm, will definitely not. Ed.

Mr. BOLEN. Senator, I just wanted to take a moment, you talked about the 200,000 airplanes, 600,000 pilots, 19,000 airports, and that concerns you. I want to assure you it concerns us a lot too. And what we did after 9/11, is we brought in the security experts and we said, we don't know a lot about security, can you look at our industry and tell us what you say we need to do to enhance it.

And what they said to us was, you know what, general aviation has got a lot of inherent strings. You need to find ways to build on it. For example, every pilot in the United States is registered with the Federal Government. That's a good thing. Make sure the Federal Government's data base of pilots is routinely matched against the Federal Watch Program, the Watch List. They said it's great that every pilot has to carry around the pilot's license. But

you need to do more, you need to improve those with biometrics, and we've been working with your office to do that. They said these airports are really good because they're sort of small communities, with very nosey neighbors. Everybody kind of watches everybody else, everybody speaks in their own language.

And so if somebody comes up and doesn't know what a tail dragger is. There's a pretty good chance they shouldn't be at the airport. So it's good that you've got a community where everybody is kind of talking to each other, you've got our own language. But what do you do if you don't recognize, if you recognize suspicious behavior, who are you going to call. That's why we've worked to try to setup the 1–800 number, where you can call and report suspicious behavior.

So there's been a whole list of things that we have done to try to build on inherent strengths as we been educated about them and to reduce our vulnerabilities. And we're continuing to do that today. I think a lot of it has gone under the radar because a lot of it has been tweaking, and building on things that were already out there. Making improvements on them.

And I think that it hasn't hit as the massive regulation. There have been some like the 12–5 rule, where charter operators are now subject to specific regulations they weren't subject to before. But a lot of what we have done is built on inherent strengths, as we have educated about them from security experts. And we think that's taking us in the right direction and we'd like the opportunity to continue that.

Senator ROCKEFELLER. And Ed I understand that and I'll conclude Mr. Chairman, simply by saying that, one deals in the United States with folks that come from a lot of places, and we're glad they're here. And that generally speaking human nature tries to do the right thing. The problem is as in the field of intelligence, if you make one mistake that's the one that lasts. If you don't know nobody notices it. Human nature is not always good. There are a lot of people here who wish us evil.

There are a lot of people if you were—Mr. Cebula, I really want you to go get that movie, get it on DVD called Dirty War. It's not a movie, it's a docudrama. And it is stunning and chilling, because Britain thinks—it takes place in London, and they think they got all the answers because the average Brit is photographed 46 times, videoed 46 times a day.

They've been dealing with the IRA for all these years, and think they've got pretty much the answers and it turns out they don't have a single clue. They don't have a single clue, as to how to take the person who comes from Pakistan, the person who comes from Chechnya, they each bring a little bit, suddenly some barrels, a white truck appears, and central London goes up. I have to worry about that. I am paid to worry about that. So are you. It's just that the TSA has 12 people assigned to this, and a $1,500,000 and that doesn't give me a whole lot of confidence. But I do understand what you're saying. I appreciate your testimony, and the I appreciate the Chairman's patience.

Mr. CEBULA. Thank you.

Senator ALLEN. Thank you Senator Rockefeller. I want to thank all of our witnesses as we conclude. I think all of us do commend

the new Administration, the TSA making this a positive step forward. We are going to work together to make sure it's practical and reasonable.

Moreover, you all have some good ideas. And I do think the concept of this biometric identification card, not just for general aviation pilots, or passengers, is one that ought to be adopted actually in regular commercial aviation for trusted travelers as well, to make commercial aviation less of a nightmare, stress, and aggravation for individuals. I thank you Mr. Bolen, Mr. Coyne, Mr. Cebula, for your testimony. I know we will work together with the Administration in a positive way. This is good news for jobs, and access to the Nation's Capital. I thank you all, and thank my colleague from West Virginia for his assistance. And I will note what you are doing if you look at the map, people fly in from West Virginia, Ohio, would actually have to backtrack to get to Reagan National. Hearing's adjourned.

[Whereupon, at 1 p.m., the Committee was adjourned.]

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