



**NATIONAL
BUSINESS AVIATION
ASSOCIATION, INC.**

1200 EIGHTEENTH STREET NW, SUITE 400
WASHINGTON, DC 20036-2527
Tel: (202) 783-9000 • Fax: (202) 331-8364
E-mail: info@nbaa.org • Web: www.nbaa.org

STATEMENT OF ED BOLEN

PRESIDENT AND CEO

**NATIONAL BUSINESS AVIATION
ASSOCIATION**

BEFORE THE

**COMMITTEE ON COMMERCE, SCIENCE
AND TRANSPORTATION**

U.S. SENATE

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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% 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, four and-a-half 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-US 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 US 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 provider 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 ensuring 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 US 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 capitol 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 US. 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.