

# **NBAA Testimony**

## **Before TSA's Large Aircraft Security Program Public Hearing**

January 8, 2009

Atlanta, Georgia

Good morning. My name is Doug Carr and I have the pleasure of serving as Vice President of Safety and Security for the National Business Aviation Association (NBAA). Our association represents 8,000 companies that have one key trait in common—they all depend on a general aviation aircraft to help their businesses survive and compete in a most challenging market environment.

In the United States, eighty-five percent of the U.S. companies that use a general aviation are small and mid-size businesses. These companies often operate to and from communities with little or no commercial airline service. They fly to multiple sites in a single day. And they often fly equipment that, for whatever reason, can't be transported on a commercial airliner. For these companies, business aviation is not an alternative to the airlines—it is an essential mode of transportation. Without their airplane, many of these companies would not exist.

As the TSA knows, NBAA and the other GA associations have been very aggressive promoting security initiatives since 9-11. When it comes to security, the general aviation community has led, not followed. We take a back seat to no one in our commitment to security, and our actions to date have demonstrated that fact.

Our motivation in commenting on the TSA proposal should be clearly understood. We want to work with the TSA to enhance general aviation security and harden general aviation against attack while simultaneously facilitating the operations that are essential to the survival of tens of thousands of U.S. businesses. The goals of enhancing security and facilitating mobility are not mutually exclusive; but achieving them will require a thoughtful, careful and tailored approach that, quite frankly, we do not see in the proposed rule.

Business aviation operations are substantially different from commercial aviation operations. That is why is why the Federal Aviation Administration treats them as separate and distinct in their safety regulations. By thoroughly understanding these differences and regulating accordingly, the FAA has been able to develop separate

and unique safety regulations that have resulted in equivalent safety records. The same can be done with security.

How are business aviation operations different?

Well for one thing, the planes are smaller. Commercial airliners typically weigh about 160,000 pounds. The proposed rule targets business airplanes as small as 12,500 pounds. A 12,500-pound airplane is less than one-tenth the size of a Boeing 737. The entire cabin of a 12,500-pound airplane – from windshield to back bulkhead – could comfortably fit sideways into the planes used in the 9-11 attacks.

Make no mistake about it: The “large aircraft” security program will apply to some very small aircraft.

Another key difference is that the commercial airlines have to transport unknown passengers. The commercial aviation industry holds out to the general public to transport anyone who purchases a ticket. By contrast, business aviation is used to transport only individuals who known are known to the company.

Comparing commercial operations to business aviation operations would be like comparing a city bus operation to the way a private company might use a passenger van for its internal operations. Knowing everything there is to know about your passenger changes everything. The proposed rule doesn’t seem to recognize that fact.

It’s a lack of understanding about differences like these that are at the heart of many of NBAA’s concerns about the TSA’s proposal. But given the time constraints, I will focus on just four.

A first concern is the application of the TSA’s proposal to airplanes as small as 12,500 pounds.

As I said before, the TSA's "Large Aircraft Security Program" applies to very small planes owned by individuals and small companies. The weight threshold needs to be substantially raised.

A second major concern for NBAA and its Member is the prospect for conducting security threat assessments beyond those individuals directly involved with operating the aircraft.

This proposal asks if TSA should apply stringent background check requirements to officers, directors, owners and other key individuals of a company that owns an aircraft. The proposal states that this would assist TSA in determining if the aircraft operator is a <quote> legitimate business. A review of the Aviation and Transportation Security Act of 2001 and subsequent modifications and additions to the legislation states nothing about granting the Agency this type of broad authority. It's troubling to read that the agency believes that this type of intrusive review of a company would reveal relevant information about possible threats posed by the company's airplane. We strongly believe the TSA should eliminate this requirement from further consideration.

A third serious concern for NBAA is the lack of any recognition for management companies and private contractors

As a businesses expands and travel needs become more complex, it's easy to see how the use of a business aircraft can produce much needed productivity enhancements and time savings. What is not always as easy is finding the talent and technical expertise that ensure the high safety standards embraced by this community. Aircraft management companies and individual contractors allow businesses to retain the technical and management expertise of a company or individual with decades of operational experience. Unfortunately, the proposal makes no allowance for a management company to facilitate execution of an owner's security program. Additionally, contract pilots, flight attendants and other contractors who provide an indispensable service for business aviation have no clear

guidance on how the rule would affect them. While the rule asks whether a pilot's security threat assessment should transfer from company to company, contract pilots are usually not employees of the business they fly for. Failing to include recognition of these vital segments of the business aviation community will cause great harm to businesses that rely heavily on their technical experience, capability and professionalism.

Another area of concern lies with the breadth of questions asked by TSA as part of this proposal.

TSA has included at least 43 questions seeking additional information from the community on a number of critical elements of the proposal. These include questions about whether 12,500 pounds is the right threshold, the role that Watch List Service Providers should play, how TSA will assign third party auditors, and whether additional airports should be required to comply with airport security requirements. Many of these questions focus on some of the basic requirements of the proposed rule. While NBAA plans on responding to every one of these questions, we believe that this number of questions indicates this entire proposal needs additional consideration and input before it is finalized.

In determining a final rule, it is important that we get this right. Overly broad or unnecessary regulations that do not take into account the unique attributes of business aviation will needlessly destroy companies and the jobs they create. We have seen, unfortunately, dramatic evidence of our fear.

The security regulations the TSA put in place at Washington Reagan National Airport have effectively eliminated 99 percent of the GA operations at that airport. Today, less than one percent of the companies that used to fly to and from Reagan can comply with the security regulations now in place.

We can appreciate that Reagan airport is unique, but it should also serve as a caution to all of us. Business aviation in the United States should not be effectively

restricted to a relative handful of large corporations. Regulations that kill 99 percent of an industry facilitate, rather than thwart, terrorist objectives.

Business aviation is a vital link in our nation's transportation infrastructure and an important engine for our economy. It allows small companies to compete in a global marketplace. It provides economic development in small communities. And it is the source of over 1 million manufacturing and service jobs.

We believe that by working together, we can harden business aviation against attack without destroying it in the process. I call upon the TSA to immediately establish an Aviation Rulemaking Committee that will allow industry and the TSA to work together on regulations that can simultaneously enhance general aviation security and facilitate general aviation operations.

Thank you.

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