

STATEMENT OF

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Chairman Mica, Congressman DeFazio, Members of the Subcommittee, good afternoon. On behalf of NBAA's 7,500 Member companies, it is an honor to be here today.

More than two and a half years have passed since the terrorist attacks of 9/11. Today, in the general aviation community, we live in a new world of restrictions, but also one that is more secure than it was before the attacks.

This new world has come at great cost, both financially and in human terms, and it is important to acknowledge and honor the sacrifice made by so many Americans to protect our way of life. Their work continues, and we are so very thankful to them all.

Americans today appreciate the overarching importance of national security, as do the operators of business aircraft. For every reason, they, too, want to prevent the use of any aircraft by terrorists.

However, with the clarity afforded by two-and-a-half-years of hindsight, national security concerns manifested by crude blanket airspace restrictions at Reagan Airport (DCA) and Temporary Flight Restrictions (TFRs) continue to challenge business aircraft operators. Clearly, these restrictions are not truly in the national interest. They hurt the economy, hurt businesses and cause job losses at DCA and throughout the business aviation community.

These restrictions have been imposed universally, without genuine consideration for the existing security of any aircraft operator, or even for their willingness to operate to extremely high security standards. Both attitudes deny common sense. These restrictions are unnecessarily constraining the business community at a time when our economy needs every possible advantage to create jobs and strengthen America.

Secretary Ridge identified the government's challenge when he said, "In protecting our systems of commerce and transportation, we face a two-pronged challenge; safeguard our homeland, and at the same time, ensure that the free flow of people, goods, and commerce is not disrupted."

Appropriately defining that delicate balance between freedom and restriction admittedly is an immense challenge.

Today, we believe that it is time to strike a more sophisticated balance between general aviation security, the pressing need to further economic activity, and the freedom to travel. We call this initiative *Secure Access*.

Locally, our concern obviously is with the continued closure of DCA to general aviation aircraft. Nationally, our concern is with the proliferation of TFRs and their impact on the general aviation community.

We believe that the regulatory foundation already has been established to facilitate secure access both to DCA and TFRs for those general aviation operators who are willing to qualify under a reasonable and effective security protocol.

We believe that security-qualified general aviation operators should have access to DCA and TFRs equivalent to that of the scheduled commercial carriers.

We believe that the security protocol we are proposing today is equal to or more secure than that employed by the scheduled commercial carriers. We welcome Congressional and Administration discussion and review and support of its merits.

We further believe that the circumstances of DCA are unique and that Congress should make absolutely certain that the security protocol proposed and applied here, as in the commercial airline case, not be used as a basis for access to any other airport.

Finally, and thankfully spurred by this Committee through *Vision 100 – Century of Aviation Reauthorization Act*, we believe that now is the time for the government to act. Implementing the provisions of this law related to DCA well and soon is critical to fulfilling Secretary Ridge's vision, and to restoring the appropriate balance between security and the free flow of people, goods, and commerce.

We have taken this proactive approach because we believe it is in the national interest and may further public safety. In thinking about this challenge, we feel that it is vitally important that Congress, the Administration and the public clearly and fully understand the distinct differences between commercial and general aviation.

Their security risks are different, requiring different countermeasures to achieve the same security goal.

Let me give you one example: The goal of the multimillion dollar “CAPPS II” program is to identify the general public who fly as airline passengers, understand their backgrounds, and determine if their purpose for flying is more than getting from point A to point B. Business aviation passengers are on board only by invitation of the owners, who know not only who their passengers are, but why they are there – their intent – and where they are going, all on an unpublished timetable.

Because of these and other differences, a one-size-fits-all approach to aviation security is not only unworkable, but unwise. What is wise is an approach which is genuinely risk-based, which methodically and dispassionately assesses threats and vulnerabilities, and addresses them directly.

In the general aviation community, through the adoption of what the experts call rings of security, a general aviation-specific series of security measures should yield security which matches or exceeds that of the scheduled commercial carriers.

Secure Access creates these rings of security by establishing an equivalent level of security as that of the scheduled airlines, using appropriately different strategies and tactics. *Secure Access* creates this equivalency through the imposition of eight additional requirements to the TSA Access Certificate program currently in effect in the New York City area. The elements of *Secure Access* would be invoked on flights seeking access to TFR’s or flying to or from DCA, as appropriate.

First, the program proposes real time classified threat intelligence sharing between the intelligence community and the aircraft operator. From the perspective of general aviation, most if not all information sharing today is one way, between the industry and the government. An effective solution must allow for bidirectional communication of important security information.

Second, *Secure Access* requires the aircraft operator to develop and maintain a ground security program. This program would involve, to the degree necessary, other airports used by the operator.

Third, the program requires a fingerprint based criminal history record check for the entire flight department, not just the flight crew. Anyone who could have access to that aircraft – a mechanic, a scheduler, a dispatcher, and of course, pilots and flight attendants – would be checked.

Fourth, the program would require a check of all passengers against a watch list used by other elements of the aviation community. No passenger would be allowed to board the aircraft until a successful screening of the passenger’s name has been completed.

Fifth, and perhaps most critical, an independent verification and validation (IVV) of the crew, passengers and aircraft would occur prior to allowing the aircraft to depart. The entity performing the IVV could be a TSA employee, a TSA-trained person, a TSA-designated representative such as local law enforcement, or other appropriate independent authority with the ability to deny the aircraft to depart if any aspect of the program is not met.

Sixth, for access to DCA, the use of real time access procedures like those used by the scheduled airlines that indicate secure command and control of the aircraft.

Seventh, the ability for the aircraft operator to track the real-time status of a flight into a TFR or into or out of DCA.

And finally, the use of the General Aviation Desk at the FAA Command Center in Herndon to coordinate *Secure Access* with the FAA, the National Capital Region Command Center and the security community at large.

Going forward, we welcome study and review of these ideas by officials in Congress, the Department of Homeland Security and others working toward the same goal.

Since DCA opened just after World War II, more than two million general aviation aircraft have visited Washington most efficiently through this airport without a security incident. In the year prior to 9/11, there were approximately 60,000 general aviation takeoffs and landings at DCA. Among them were those flown by Steelcase, the Kalamazoo, Michigan, office furniture company which has used DCA to pick-up and return qualified customers for a day of sales briefings. Purdue University regularly flew to DCA so that school officials

could pursue grant requests and progress with Federal officials. AT&T's leadership routinely came to town to meet with Federal regulators. In total, more than 2,000 companies used DCA in the year prior to 9/11.

Nationally, since 9/11, the number of TFRs – no-fly zones for general aviation aircraft – has increased dramatically, totaling more than 3,000 in just the past two-and-a-half years. They typically are announced on very short notice, are troublesome for pilots to navigate, and difficult for Federal authorities to enforce. During that time, of the hundreds of interdictions and investigations launched by Federal officials against aircraft inadvertently entering TFRs, none have been found to have been of malicious intent.

The closure of National Airport and the increase of TFRs since 9/11 have resulted in significant economic losses for the general aviation community. Combined, these restrictions have cost the nation approximately \$1.3 billion since 9/11 in lost jobs, lost productivity, and lost revenue. That converts to between \$43 million per month. At DCA alone, these losses have exceeded \$177 million. These losses will continue to climb until a solution like *Secure Access* is adopted and implement to grant access for those that need it and can meet the security standard.

Today, we ask that the Department of Homeland Security review *Secure Access*, augment it if necessary, and implement it. We ask further that the Committee take the next necessary step of asking that DHS complete implementation of a reasonable and effective plan by August 1, 2004.

Restoring security qualified general aviation access to DCA and TFRs can benefit our country in many ways – it will restore jobs lost; it will boost the economy and significantly increase productivity; it will improve the prospects of the general aviation industry which was damaged by 9/11 and remains uncompensated for its loss; and maybe most importantly, it will be an important step in proving that terrorists will not succeed in reducing the freedom of Americans.

No terrorist act or hijacking has ever involved business aircraft. With your help, we will continue our community's extraordinary track record.

This hangar has been filled with aircraft since it opened in 1948 and for all of the nearly six decades since – but has stood largely empty for the last two-and-a-half-years. This consequence of 9/11 is symbolic of what still is yet to be corrected. We cannot turn back the clock but we can make right that which is still wrong today.