

**GENERAL AVIATION SECURITY: ASSESSING RISKS
AND THE ROAD AHEAD**

HEARING

BEFORE THE

**SUBCOMMITTEE ON TRANSPORTATION
SECURITY**

AND INFRASTRUCTURE PROTECTION

OF THE

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HOUSE OF REPRESENTATIVES**

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GENERAL AVIATION SECURITY: ASSESSING RISKS AND THE ROAD AHEAD

Wednesday, July 15, 2009

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON TRANSPORTATION SECURITY AND
INFRASTRUCTURE PROTECTION,
Washington, DC.

The subcommittee met, pursuant to call, at 2:05 p.m., in Room 311, Cannon House Office Building, Hon. Sheila Jackson Lee [Chairwoman of the subcommittee] presiding.

Present: Representatives Jackson Lee, DeFazio, Norton, Kirkpatrick, Luján, Massa, Titus, Dent, Lungren, Olson, and Austria.

Ms. JACKSON LEE [presiding]. The subcommittee will come to order. I am particularly pleased to be holding this hearing. I am pleased to acknowledge the presence of my Ranking Member, Mr. Dent, as well as Mr. Olson of Texas and Mr. Austria of Ohio.

You know where I was going to put you? Hawaii. Would you like to be there now? Mr. Austria of Ohio, of course I know. Thank you, welcome.

Likewise, Ms. Titus of Nevada and Mr. Massa, we are very delighted to have you here.

He wants me to know, I know, Ohio. Thank you very much.

I am pleased to hold this hearing, because this is a bipartisan effort. In one of our markups, I agreed with Mr. Olson of Texas that we should have this hearing. But interestingly enough, our committee has been working on these issues for quite a while. We frankly believe that, to secure this Nation in its entirety, the good fortune of the Homeland Security Committee is to be engaged in preventative medicine and to work diligently to overcome, if you will, some of the misconceptions.

I also want to make note of the fact that we are pleased that, in the regulatory stage, as Mr. Sammon has indicated, the industry raised their voices and has had very substantial input. So, we look forward to making progress that does not diminish the high responsibility of securing the homeland; at the same time, however, being considerate of some important issues that have been raised.

So, the subcommittee is meeting today to receive testimony on general aviation security, about risks and the road ahead. Our witnesses today will testify on security risks associated with general aviation and help Members assess TSA's existing and proposed security programs for general aviation. It will also address how effectively relevant DHS components are working together to secure this important arena.

Today, we are here to discuss the critical issue of securing our general aviation system. We will consider the risks facing general aviation generally, whether a regulatory regime is required, whether we are doing enough to secure in-bound general aviation aircraft from being utilized to transport or deploy WMD, and we will hear perspective from non-governmental stakeholders.

The general aviation industry is a vital component to our economy, having an economic impact of \$100 billion annually, supporting 1.3 billion—million—1.3 million jobs. This tracks, of course, the commitment of our President, who wants to either create new jobs or save jobs.

General aviation encompasses aircraft of virtually every size that perform a wide variety of missions, from crop-dusting to large passenger charters. Further, international in-bound general aviation accounts for about 400 flights per day. Most, about 75 percent, are from Canada and Mexico, and the remainder is from a variety of countries.

Last year, TSA released its Large Aircraft Security Program rulemaking for general aviation security. While I think it is imperative that the Federal Government look at risks and address them, it is clear that this rulemaking process did not take into account some serious concerns raised by stakeholders. One in particular, of course, dealt with poundage or tonnage of the particular aircraft and what level of security should be placed depending on the size of the plane—a reasonable proposition that I think we have heard, and we will assess and address.

Led by Chairman Thompson, this committee expressed its concern with TSA's Large Aircraft Security Program. Today, we will hear from TSA and industry about whether the process has been improved and what the final rule may look like. Under my leadership, the House recently approved H.R. 2200 with overwhelming support. The bill includes provisions to significantly improve stakeholder input into TSA programs and polices for general aviation.

It is important for us to discuss the rule for general aviation security. But it is equally important for this hearing to also consider whether DHS as a whole is doing all that it should to secure general aviation.

In his recent book, "The Inheritance: The World Obama Confronts and the Challenges to American Power", the chief Washington correspondent for the New York Times, David Sanger, interviews Vayl Oxford, the former director of the Domestic Nuclear Detection Office at DHS—in the book, Oxford considers the prospect of someone flying—and of course, just so that you know that we really read here, this book, I think, is quite good, to my Ranking Member—the prospect of someone flying a nuclear weapon into the United States on a private plane and then detonating it in the air over a major city. In the book, Oxford asserts: My worry is that you wouldn't even have to land the jet.

Accordingly, staff has been looking into this hypothetical to determine what the Department is doing to mitigate such a risk. Regrettably, TSA and the rest of DHS do not seem to have a harmonious approach to this problem. One of the issues that really begs for my consternation is the report by the Office of Inspector General that frankly, I believe, does an overwhelming disservice to the

importance of homeland security and alerting people to the dangers or the vulnerabilities of an unsecure general aviation system.

To be able to write in a summary, “We determine that general aviation presents only limited and mostly hypothetical threats to security,” is irresponsible. To make light of a civilian report on various general aviation airports that were penetrated is, I believe, both disrespectful and certainly not encompassing of the thorough work that I would like to see from our governmental agencies.

Entities such as TSA assume that other components, like CBP, are taking measures that they are, in fact, not taking. Today, we will try to learn from DNDO about the risks posed by in-bound general aviation, how the Department is attempting to mitigate such risks, and what we in the Congress can do to help. I think today’s hearing will lay important markers about general aviation security and how DHS can more efficiently harness its resources. My subcommittee stands ready to provide DHS with the support it needs to keep the American people safe.

Yes, I believe in partnership with the Ranking Member. We are concerned about the industry, the jobs, and ensuring that we can have a balanced approach to the security of general aviation. I welcome that input today.

I thank the witnesses for their valuable testimony, especially our second panel, for making the effort to come to Washington, to enlighten us on this issue. Without objection, I submit for inclusion at an appropriate place in the record two news stories authored by one of our witnesses, Jeremy Rogalski, examining general aviation airports in the Houston area,* and the letter sent by Chairman Thompson to TSA earlier this year regarding its large aircraft security program. Hearing no objection, so ordered.

[The information follows:]

LETTER SUBMITTED FOR THE RECORD BY CHAIRMAN BENNIE G. THOMPSON

MARCH 2, 2009.

Mr. Erik Jensen,
Assistant General Manager, Policy and Plans, Office of General Aviation, TSNM,
TSA-28, U.S. Transportation Security Administration, 601 South 12th Street,
Arlington, VA 22202-4220.

DEAR MR. JENSEN: The purpose of this letter is to submit comments on the Notice of Proposed Rulemaking (NPRM) issued by the Transportation Security Administration (TSA) regarding the *Large Aircraft Security Program, Other Aircraft Operator Security Program, and Airport Operator Security Program* (Large Aircraft Security Program NPRM), which appeared in the Federal Register on October 30, 2008 [TSA-2008-0021].

Based upon my concerns over the issues raised in the following discussion, I urge TSA to delay implementation of final rulemaking with regard to the Large Aircraft Security Program until the new TSA leadership has had an opportunity to review the NPRM and engage with Congress and industry stakeholders.

Congress passed the Aviation and Transportation Security Act of 2001 (ATSA) which requires a security program for charter aircraft weighing 12,500 pounds or more and a report from TSA detailing measures which would be necessary to improve general aviation security.¹ The 9/11 Commission expressed concerns regarding vulnerabilities in aviation security and found that “[M]ajor vulnerabilities still exist

*The information referred to has been retained in committee files.

¹Pub. L. 107-71, Sec 132.

in cargo and general aviation security. These, together with inadequate screening and access controls, continue to present aviation security challenges.”²

The Committee on Homeland Security has worked diligently to ensure that the recommendations contained in the 9/11 Commission Report were passed into law. The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act) directed TSA to develop a risk-based threat and vulnerability assessment for general aviation airports, study the establishment of a grant program for general aviation security, and require international in-bound general aviation aircraft operators to submit advanced passenger information to Customs and Border Protection (CBP) before entering the United States.³

The Large Aircraft Security Program which would be established by the NPRM would require new security mandates for general aviation aircraft operators with aircraft of 12,500 pounds or greater. These mandates include conducting background and criminal history checks for flight crews, using a third-party watch list service provider to validate passengers against the Federal aviation watch lists, designating security coordinators at corporations and businesses operating the aircraft, and checking property on-board the aircraft for unauthorized persons and prohibited items. Although Congress has supported increased general aviation security protocols in the past, and will continue to do so, numerous concerns from industry stakeholders who would be impacted by the proposed protocols have been communicated to the committee. As such, the committee was pleased that TSA extended the initial comment period for the NPRM and conducted a series of five public meetings across the country to receive input from the general aviation community.

While all of the concerns expressed by stakeholders have merit, several critical elements in the NPRM, in particular, appear to be problematic, infeasible, or overly burdensome to industry. The committee is also concerned that the formulation of the NPRM was not based on a threat and risk methodology process tailored to the general aviation environment. I encourage TSA to continue to work with stakeholders in crafting a sensible, risk-based approach to improving general aviation security and to do so in a timely fashion.

The following comments outline the committee’s concerns with the NPRM.

WATCH LIST MATCHING OF PASSENGERS

The NPRM establishes a process whereby third-party watch list service providers would conduct watch list matching for passengers on large general aviation aircraft. This use of a third-party vendor would shift the responsibility away from individual aircraft operators.⁴ The NPRM states that this is an interim step until the Secure Flight system is fully operational. However, this proposed interim step raises several concerns. First, Congress has directed TSA to assume the aviation watch list matching function and TSA has subsequently developed the Secure Flight program. There is a question as to whether the use of third-party service providers to perform this function, as provided in the NPRM, in general aviation on a short-term basis would undermine Congressional intent to have TSA administer watch list matching. Moreover, it seems that the use of third-party vendors would require the release of confidential watch list information to the private sector. Additionally, it appears that this policy would indirectly impose a fee on general aviation operators for a service that commercial airlines receive without a fee. Since Secure Flight should be operational at some point in 2009, TSA should consider integrating general aviation watch list matching procedures into the Secure Flight system so that stakeholders will not be tasked with implementing a separate, interim watch list matching process.

In addition, the unspecified time requirements for conducting watch list matching in advance of a flight are of considerable concern to the general aviation industry. As you may know, the general aviation industry routinely performs unscheduled flights, often with very short notice. This kind of advance matching in the general aviation context could have adverse economic consequences on the general aviation community. Further, the proposed rule does not provide a protocol for general aviation aircraft operators if a prospective passenger is selected for secondary screening. Industry stakeholders should be involved in the development of a feasible protocol to address this scenario.

²The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States.

³Pub. L. 110-53, Sec 1617.

⁴Certain large general aviation aircraft operators are already required to perform passenger watch list matching such as operators of private charter aircraft. Currently for these operators, TSA provides the No-Fly and Selectee lists to the operators.

Finally, in addition to requiring the use of a third-party vendor for watch list matching services, the proposed rule would require general aircraft operators to contract with a third-party auditor to conduct biennial audits of watch list matching compliance. Not only does this requirement appear to be an additional unfunded mandate on aircraft operators, it would be a delegation of TSA's Federal responsibility to protect aviation security to the private sector. TSA should work with stakeholders to develop a process with a less costly impact on the general aviation industry, exerts stringent security controls over the personal data of private individuals who undergo watch list matching and supports the Federal Government's security interests in these sensitive areas.

UNAUTHORIZED PERSONS AND ACCESSIBLE WEAPONS ON-BOARD LARGE AIRCRAFT

The NPRM tasks aircraft operators with adopting procedures to prevent passengers from carrying prohibited items onto the aircraft. While unauthorized weapons, explosives, incendiaries, and other destructive substances must be excluded from general aviation aircraft, this rule appears to apply a commercial passenger security checkpoint standard to general aviation. Given that general aviation aircraft are configured differently from commercial aircraft, with cargo hold access being generally available to passengers, the rules for prohibited items aboard general aviation aircraft should be tailored to a risk-based methodology and assessment specifically developed for general aviation aircraft and their passengers. This assessment should be completed before implementing inspection and seizure protocols that may not be feasible or warranted in a general aviation environment. Additionally, it should be noted that the risk assessment should include delineation between protocols for Part 91 operators who have greater knowledge and control over passengers and Part 135 operators who are available for hire and may have more limited knowledge of their passengers.

The committee commends TSA for its efforts to strengthen vulnerabilities in general aviation as recommended and encouraged by the 9/11 Commission, and prescribed by statute. The committee has serious concerns, however, about several components in the NPRM as described above. Therefore, I urge TSA to postpone final implementation of general aviation security regulations until the new TSA leadership has had the opportunity to review the NPRM and engage in discussion with Congress and industry stakeholders.

If you have further questions, please contact Rosaline Cohen, Chief Counsel of the Committee on Homeland Security.

Sincerely,

BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security.

Ms. JACKSON LEE. The Chairwoman now recognizes the Ranking Member, the gentleman from Pennsylvania, Mr. Dent, for an opening statement.

Mr. DENT. Thank you, Madame Chairwoman, for conducting this hearing. We certainly appreciate the courtesies you have extended on this issue. Also, before we begin, I would like to say thanks to all of you here today for participating. Our subcommittee has been very, very busy thus far this Congress. So, I was very pleased to see the Chair make time for this important hearing.

As Ranking Member of this subcommittee, and as a Member of the committee on transportation and infrastructure's subcommittee on aviation, I am deeply interested in general aviation and hope this hearing serves as an opportunity to inform others of the vital role general aviation plays in the United States. Although general aviation flights account for some 77 percent of all domestic flights in America, it is not well understood by most Americans.

Supporters of general aviation come from all walks of life, not just corporate businesses who rely on these aircraft to meet client demands. In fact, some famous people like Harrison Ford and John Travolta are licensed pilots. Some less famous people, like my neighbor, Mark Kappas, fly corporate aviation. It is therefore truly unfortunate that recent events have painted all of general aviation

with the same brush as a symbol of wealth and excess. This is absolutely not the case.

General aviation supports over a million American jobs and adds about \$150 billion to the American economy. In 2005, general aviation supported businesses totaling over \$11 billion just in Texas and another \$6 billion in my home State of Pennsylvania. We have a proud tradition of general aviation in my State.

Furthermore, while commercial airlines reach only about 350 major metropolitan areas, there are some 19,000 air fields, air strips, and general aviation airports that reach the rest of the United States. If it is not scheduled commercial service or military flight, it is general aviation. While I recognize that general aviation is so very important to our small rural communities and towns, it also poses certain risks that may require some mitigation.

For example, few aircraft have keys. Aircraft can move much faster than cars and thus give our response capabilities less time to react. Finally, it gets a little dicey trying to pull over a general aviation aircraft with an F-16.

I also understand that Dr. Gallaway of the DNDO, the Domestic Nuclear Detection Office, has some concerns for the possibility that a terrorist might charter general aviation aircraft and use it as a mechanism for the delivery of a weapon of mass destruction, a very real concern.

As I also sit on this committee's intelligence subcommittee, I can say that I have never been briefed on such a plot, either real or hypothetical. Nevertheless, despite the exceptionally low probability of such an occurrence, as highlighted by the inspector general's report—the exceptionally high consequence certainly merits further review. So, I look forward to Dr. Gallaway's testimony on this subject.

The threat of a terrorist attack through general aviation, of course, is a very real concern. I am pleased that the Chairwoman has shared with us David Sanger's book. A lot of factors weigh in here—you know, the weight of the plane, international flights, and a lot of things we probably ought not discuss in an open session. But nevertheless, it is important that we talk about this issue and also understand, in some respects, it is a separate and distinct issue from the LASP program that we are going to get into here in a little bit.

Certainly, while general aviation could potentially provide opportunities to allow unauthorized persons and materials into the sterile area of an airport or airfield, I have strong reservations about the Department's attempt to address these potential vulnerabilities with a heavy-handed, one-sided approach. Of course, I am speaking of the Department's Large Aircraft Security Program proposal released in October of last year.

I am very interested in learning how the Department developed its initial LASP rulemaking, especially since it appears it summarily rejected any input by the general aviation stakeholders during the development of the proposed rule. At first blush, it appears the Department took everything it knew about risk-based asset allocation and performance-based standards and tossed it out the window. It checked the box in terms of consulting with relevant stakeholders and then went on its own way. This was a case of

Government heavy-handedness that I think that most of us do not embrace.

However, since March, the TSA has reached out extensively to general aviation stakeholder groups in a very public and a very inclusive way. I understand that TSA may be close to drafting a new rulemaking for regulating the general aviation community—a rulemaking built on collaboration and not confrontation. I think this is absolutely the right approach. I want to thank Mr. Sammon publicly and right now for his leadership on this matter. I know he has taken this very seriously. I appreciate his help on this.

Nevertheless, given the TSA's history in this particular area, I thought it important to introduce H.R. 3093, the General Aviation Security Enhancement Act of 2009, a bipartisan piece of legislation that requires the TSA to undergo a negotiated rulemaking to establish new general aviation security regulations.

Again, I would like to also specifically acknowledge Ed Perlmutter, our friend and former Member of the committee, Homeland Security Committee alumnus, for cosponsoring this legislation.

So, Madame Chairwoman, we have a lot to cover today. But I would beg your indulgence as I yield the balance of my time to my good friend and fellow supporter of this general aviation issue, to Mr. Olson of Texas.

Ms. JACKSON LEE. The gentleman is recognized.

Mr. OLSON. Well, thank you.

Hey, hit the microphone. It helps. Thank you, my colleague, Mr. Dent, for yielding your time.

Thank you, Madame Chairwoman for agreeing to hold this important hearing. This issue is of great importance to the Houston area. I am glad to see this subcommittee take an interest in it.

General aviation is a vital component of our national economy and contributes over \$11 billion to the Texas economy. By rough count, the 22nd District of Texas is home to a dozen small airports that serve the general aviation community, including Sugar Land Regional, Pearland Regional, and Ellington Field. The security of those airports, aircraft, pilots, and passengers is a great concern of mine.

However, I believe we must ensure that Congress and Government agencies do not go overboard in legislating or rulemaking in a way that would make it difficult for them to do business. I was pleased to see some good, common-sense provisions included in the TSA Authorization Act regarding general aviation, including an amendment I offered during the full committee mark-up prohibiting the outsourcing of the terrorist watch list to third-party contractors.

I will explore this issue further during my time for questions and will be interested on hearing the panel's thoughts on these issues.

Thank you again, Madame Chairwoman, for agreeing to host this hearing. I look forward to working with the subcommittee on these important matters, today, and in the future. I yield back the balance of my time.

Ms. JACKSON LEE. Thank you. The gentleman has yielded back.

Having consulted with the Ranking Member on the matter, the subcommittee will now view a video related to the issue being addressed at today's hearing.

[Video played.]

Ms. JACKSON LEE. As we begin, I think it is clear that we are looking at several issues. Mr. Sammon, I think, we've captured in some previous conversations. We are looking at vulnerabilities. Vulnerabilities represent not only the existence of the craft, the aircraft, but also perimeter. So, we cannot look cross-eyed at the holistic concept of general aviation. We must look at it for all of its elements.

Let me indicate that, to those Members who have come in, I want to welcome you. Mr. Luján, Ms. Kirkpatrick, Ms. Norton, and Mr. DeFazio, welcome to the committee.

Other Members of the subcommittee are reminded that, under committee rules, opening statements may be submitted for the record.

I welcome our first panel of witnesses. Our first witness is Carlton Mann. Mr. Mann has served as the Department of Homeland Security's assistant inspector general for inspections since 2006. In that position, Mr. Mann provides the inspector general with a means to analyze programs quickly and evaluate operational efficiency and vulnerability across the spectrum of DHS components. Mr. Mann was previously a senior program analyst with the Federal Emergency Management Agency's Office of Inspector General.

Our second witness, John Sammon, is the assistant administrator for transportation sector network management. He leads a unified effort to protect and secure our Nation's transportation systems. Mr. Sammon brings more than 25 years of transportation experience to his position, including management of customer networks for railroads, motor carriers, ocean carriers, petrochemical manufacturers, ports, and other public agencies.

Our third witness is Dr. Charles Gallaway. He is the deputy director of DNDO. Dr. Gallaway joined DNDO as a career SES with 32 years of service in the U.S. Government.

Prior to joining DNDO, Dr. Gallaway served the Defense Threat Reduction Agency as a director of the Chemical and Biological Technologies Directorate, responsible for transformational research and development to protect the warfighter from the threat posed by chemical and biological warfare agents. He has been involved with the development of a variety of close-in sensors to non-intrusively identify and characterize a nuclear weapon.

Without objection, the witnesses' full statements will be inserted into the record. I now ask each witness to summarize his statement for 5 minutes, beginning with Mr. Mann.

First of all, allow me to thank all of you for your public service. We look forward to hearing from you this afternoon.

Mr. Mann.

STATEMENT OF CARLTON I. MANN, ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS, OFFICE OF THE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY

Mr. MANN. Good afternoon, Madame Chairwoman, Ranking Member and Members of the subcommittee. I am Carlton Mann, assistant inspector general for inspections, Office of the Inspector General at the Department of Homeland Security. I certainly thank

you for this opportunity to discuss our report, TSA's Role in General Aviation Security.

In early February 2007, a Houston-area television station broadcast a report that alleged that there were deficiencies in security at regional airports near the city, and that those deficiencies represented a serious homeland security threat. The broadcast was titled: "Is Houston a Sitting Duck For Terrorism?" The report described visits by reporters to some Houston area general aviation airports to test airport security. Three were mentioned specifically: Sugar Land Regional Airport, David Wayne Hooks Airport, and the Lone Star Executive Airport.

Madame Chairwoman, you conveyed to us your concerns about the implications of this report and requested that we examine the issue. After meeting with you and your staff, we visited all three airports and a few general aviation facilities at other major metropolitan areas: Los Angeles, Chicago, and New York.

General aviation is commonly defined as all aircraft operations other than military and scheduled commercial passenger service. The vast majority of flight operations in the United States, approximately 230,000 aircraft, are engaged in general aviation. As the Ranking Member mentioned, there are approximately 19,000 airfields at which no scheduled commercial passenger operations normally occur—only general aviation. Even at commercial airports, there is usually some type of a general aviation operation.

We began our inspection. We defined the objectives to align with the interest expressed in the situation near Houston and the implications of general aviation activities occurring near major cities. We also focused on DHS's activities and responsibilities regarding general aviation. Our objectives were to identify TSA security requirements for general aviation airports and security measures taken, steps non-Federal stakeholders have taken to enhance security, and any incidents of concern with security at general aviation airports.

Our team visited 11 airports, where we interviewed managers and security staff. At each site, we also met with the nearest TSA officials responsible for aviation security. We examined Government and public records, consulted with some industry stakeholders, and obtained information from TSA headquarters.

We believe that the basic facts contained in the television report were accurate. However, we did not find those facts to be of significance from a homeland security perspective. For example, one of the incidents described the television crew driving up to a closed gate at Hooks Airport, ringing the callbox for admission and being admitted. The report stated: The gate slid open letting us past the barbed wire and onto the tarmac. No one asked us any questions.

When we visited Hooks, we were told that that is exactly what is supposed to happen, since the system is not intended to interrogate visitors. Specifically, the purpose of the remote-controlled gate with the intercom is to ensure that the airfield personnel will be aware of any vehicle coming onto the field. From that point, the vehicle and its passengers can be monitored or questioned as necessary to maintain safe operations.

The television report also described fencing at Sugar Land Airport that does not completely encircle the perimeter of the field.

Our inspectors examined that fence, as well as the unfenced property around the field, which borders a swamp and a prison. Managers at Sugar Land told us that the purpose for the fence is to direct normally occurring traffic off of the landscaped portions of the property onto the paved access passages.

The airport property includes large unused acreage quite some distance from aircraft operations. Most important aspect of the facility's security program, managers told us, involved maintaining control over the flight line area, not distant unused grass.

The third incident in the report involved the television reporter entering Lone Star Executive Airport and walking close to a parked aircraft. The managers at all three airfields told us it is routine for people on foot to approach parked aircraft at public airfields. Unlike commercial aviation, where airport passengers are sequestered and led down a ramp onto a plane, in general aviation facilities, airfield personnel, maintenance teams, pilots, and their passengers might be near aircraft or on the flight line all day.

The important security issues are: Is the aircraft under the control of its owner? Is the flight system locked or otherwise inoperable by others? Is the person who is approaching the aircraft being observed from a security post or control tower? Is any suspicious activity occurring near the aircraft? Is all aircraft movement coordinated with the control tower or with base operations?

It is possible to steal an aircraft. We certainly don't assert that a plane cannot be flown without its owner's permission. However, aircraft thefts are extremely rare. An attempted theft would almost certainly be noticed.

At each of the airfields we visited, we asked for information about any incidents of concern relating to general aviation facilities or aircraft. There were none. We also requested information from TSA about incidents reported at general aviation, through the General Aviation Hotline. Most of the incidents were characterized simply as suspicious activity, though a few were for property theft, vandalism, unlocked gates, or anonymous tips about narcotics smuggling.

As indicated earlier, one of our objectives for this inspection was to identify measures taken by TSA to secure general aviation. A list of those measures is contained in our report. We did not evaluate the cost benefit issues relating to those measures or make any judgments about them. We determined that TSA, even while it actively pursued all its other mandates, has also paid significant attention to general aviation.

When one of our inspections reveals an opportunity for improving a DHS program, we normally address a recommendation to the component head to rectify the condition. In this instance, we did not identify problems with TSA's activities. We released the results of our inspection without making recommendations.

Various Government industry studies have concluded that the risks associated with general aviation are relatively limited. Reports previously released by the General Accountability Office and the Congressional Research Service are consistent with this view. GAO concluded 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 Congressional Research Service reported that typical general aviation aircraft are too light to use as a platform for conventional explosives. Moreover, heightened vigilance among airport operators and pilots would make it difficult to load the necessary quantity of explosives without detection. The report concluded that, as a platform for conventional explosives, the threat posed by light general aviation aircraft is relatively small compared to the threat posed by trucks.

We are aware that our report may be used by those who are arguing either for or against a particular piece of regulation. We don't believe that our report is extensive enough to support such a debate. One of the most frequently quoted sentences from our report is, "General aviation presents only limited and mostly hypothetical threats to security." We believe this to be true. More importantly, it is consistent with the threat information we reviewed.

We have been forthcoming about the scope of our field work and about the goals that we established for this inspection. We had no bureaucratic inclination to dismiss the concerns expressed by the KHOU broadcast. A cynic can always wonder whether the DHS inspector general report would go easy or whitewash a DHS program. But DHS managers will tell you otherwise.

Madame Chairwoman, this concludes my prepared remarks. I would be happy to answer questions that you or the subcommittee have.

[The statement of Mr. Mann follows:]

PREPARED STATEMENT OF CARLTON I. MANN

JULY 15, 2009

Good afternoon, Madame Chairwoman, Ranking Member Dent, and Members of the subcommittee. I am Carlton Mann, Assistant Inspector General (AIG) for Inspections for the Office of Inspector General (OIG) at the Department of Homeland Security (DHS). Thank you for the opportunity to discuss our recent report *TSA's Role in General Aviation Security*.

BACKGROUND

In early February 2007, a Houston-area television station broadcast a report that alleged there were deficiencies in security at regional airports near the city, and that those deficiencies represented a serious homeland security threat. The broadcast was titled "Is Houston a Sitting Duck For Terrorism?"

The report described visits by reporters to some of the area's general aviation airports to test airport security. Three were mentioned specifically: Sugar Land Regional Airport in the town of Sugar Land, about 25 miles southwest of Houston; David Wayne Hooks Airport in Spring, 30 miles northwest of the city; and Lone Star Executive Airport in Conroe, 45 miles to the north.

Madame Chairwoman, you conveyed to us your concerns about the implications of this report and requested we examine the issue as it pertains to the Department of Homeland Security. After meeting with you and your staff, we undertook field visits to all three airports and to a few other general aviation facilities near other major metropolitan areas: Los Angeles, Chicago, and New York.

OUR REVIEW

General aviation is commonly defined as all aircraft operations other than military and scheduled commercial passenger traffic. The vast majority of flight operations in the United States, approximately 230,000 aircraft, are engaged in general aviation. There are approximately 20,000 airfields and helipads at which no scheduled commercial passenger operations normally occur—only general aviation. Even at commercial airports, there is usually some type of a general aviation operation.

As is normal in our evaluation process, before we began, we defined our inspection objectives to align with the interest expressed in the situation near Houston, and the implications of general aviation activities occurring near major cities. We also focused, as we must, on DHS activities and responsibilities. This is significant because most aspects of aircrew, aircraft, and airfield operations are overseen by the Federal Aviation Administration within the Department of Transportation.

Our team visited ten airports and interviewed managers and security staff. At each site, we also met with the nearest Transportation Security Administration (TSA) officials responsible for aviation security. We examined Government and public records, consulted with some industry stakeholders, and obtained information from TSA headquarters.

It would not have been practical for our office to perform any kind of comprehensive assessment of the entire industry. Our objectives for this inspection were to identify TSA security requirements for general aviation airports, threats to general aviation, measures taken to secure general aviation, steps non-Federal stakeholders have taken to enhance the security of general aviation, and any “incidents of concern” with security at general aviation airports.

OUR FINDINGS

We believe that the basic facts contained in the television report were accurate. However, we did not conclude that those facts were of significance from a homeland security perspective.

For example, one of the incidents described the television crew driving up to a closed gate at David Wayne Hooks Airfield, ringing the callbox for admission, and being admitted. The report stated: “A loud buzzing occurred and the gate slid open letting us past the barb wire and onto the tarmac. No one asked us any questions.”

When our team visited Hooks, we were told that this is exactly what is supposed to happen. The purpose of the remote-controlled gate with the intercom is to ensure that airfield personnel will be aware of any vehicle coming onto that section of the field. From that point on, the vehicle and its passengers can be monitored or questioned as necessary to maintain safe operations. The system is not intended to provide an opportunity to interrogate the visitor, merely to establish oversight and control.

The television report also described fencing at Sugar Land Regional Airport that does not completely encircle the perimeter of the field. Our inspectors examined this fence, and also the unfenced areas of the property, which border a prison and a swamp. Managers at Sugar Land told us that the purpose of the fencing is to direct normally occurring pedestrian and vehicle traffic off the landscaped portions of the property facing the main road and onto the paved passages intended for their access. The airport property includes large unused acreage quite some distance from aircraft operations. The most important aspects of the facility’s security program, managers told us, involved maintaining control over the flight line area, not distant unused grass. Any fence, they added, could easily be scaled by an intruder. And whatever threat an intruder would pose on the perimeter of the property is no greater than the threat the same person would pose if he or she was 10 feet further away but on the other side of a fence.

The third and final incident in the report involved the television reporter entering Lone Star Executive Airport and walking close to a parked aircraft. As managers at all three airfields told us, it is not uncommon for people on foot to approach parked aircraft at a public airfield. Unlike commercial aviation, where airport passengers are sequestered and then led down a ramp and onto the plane, at general aviation facilities individuals walk directly to the aircraft. An aircraft owner, who is frequently the pilot, usually does not wear a uniform and their passengers do not have tickets. Airfield personnel, maintenance teams, and pilots and their passengers might be near the flight line all day. We were told that security did not involve separating aircraft from people. The greater and more important security issues are:

- Is the aircraft under the control of its owner?
- Is its flight system (not necessarily its door) locked or otherwise inoperable by others?
- Is the person who is approaching the aircraft being observed from a security post or control tower?
- Is any suspicious activity occurring near the aircraft?
- Is all aircraft movement coordinated with the control tower or with base operations?

It is possible, of course, to steal an aircraft. We do not assert that no one can fly a plane without the owner’s permission. It is, however, extremely rare, and almost certain to be noticed.

Our review also examined the several cases in which aircraft have for one reason or another struck buildings. We are of course forever mindful of the horrible events of September 11, 2001. Nevertheless, in most cases when an aircraft impacts a building, the damage to the building and its occupants has been limited.

At each of the airfields we visited, we asked for information about any incidents of concern relating to general aviation facilities or aircraft. There were none. We also requested information from TSA about incidents reported to the General Aviation Hotline. TSA gave us detailed year-by-year lists, which showed that the number of reports had declined since 2004 (the first year for which we collected data) and that in 2007, the last full year before our fieldwork, the total was 66 reports, Nation-wide. Most of these were characterized simply as “suspicious activity,” though a few were for property theft, vandalism, unlocked gates, or an anonymous tip about narcotics smuggling.

WHAT HAS DHS BEEN DOING?

As I indicated earlier, one of our objectives for this inspection was to identify TSA security requirements for general aviation airports, and to identify measures taken by TSA to secure general aviation. A list of those measures is contained in our report. We did not evaluate cost-benefit issues relating to those measures or make any judgments about them.

We determined that TSA, even while it actively pursued all its other mandates, had also paid significant attention to general aviation. This was true both in the Office for Transportation Sector Network Management and in the Office of Intelligence.

When one of our inspections reveals deficiencies or inefficiencies in a DHS program we normally address a recommendation to the component head to rectify the condition. In this instance, we did not identify problems with TSA’s activities and we therefore released the results of our inspection without making recommendations to TSA.

RISK AND THREAT

Various Government and industry studies have concluded that the risks associated with general aviation are relatively limited. Reports previously released by the General Accountability Office (GAO) and the Congressional Research Service (CRS) are consistent with this view. In a November 2004 review, GAO concluded 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.” GAO recommended that TSA develop a plan for implementing a risk management approach to strengthen general aviation security, and that the Federal Aviation Administration (FAA) establish a documented process to review and revalidate flight restrictions. TSA and FAA generally concurred with GAO’s recommendations.

In January 2008, the Congressional Research Service reported that typical general aviation aircraft are too light to use as a platform for conventional explosives. Moreover, heightened vigilance among airport operators and pilots would make it difficult to load the necessary quantity of explosives without detection. The report concluded that as a platform for conventional explosives, the threat posed by light general aviation aircraft is relatively small compared to the threat posed by trucks.

In March 2008, the Aircraft Owners and Pilots Association (AOPA) report, General Aviation Security, noted that GAO had observed that although nuclear power facilities were not designed specifically to withstand a terrorist aviation attack, they are among the most hardened industrial facilities in the United States, as they were designed to withstand tornadoes, hurricanes, fires, floods, and earthquakes. The study concluded that most general aviation aircraft could not penetrate the concrete containment vessel of a nuclear power plant, release radiation through an explosion, or otherwise severely damage nuclear power plants.

We reviewed details of several well-publicized incidents involving general aviation accidents involving municipal areas—the Tampa and New York City incidents we mentioned in our report, and a third incident we did not include involving an ultralight aircraft in Germany. None of these incidents had consequences of national security significance—in the New York City and Tampa cases there was damage to, but no fatalities within, the buildings. The German case seems to have been a suicide.

Many risk scenarios describe the hypothetical delivery of a destructive device to a population center. For such a purpose, a large truck is probably a superior vehicle. Aircraft in flight are highly visible by large audiences, and most airspace particu-

larly airspace near major metropolitan areas is well monitored by civil and military authorities.

An intelligence analyst at TSA explained the distinction that is usually made between risk and threat. Risk is sometimes defined as the intent and the capability of the hostile actor; threat is the vulnerability of the target and the consequence if the attack succeeds. If it is easier to steal a small private plane than a commercial airliner, there is a general aviation risk. If a small private plane cannot do much damage on impact, there is not a general aviation threat.

CONCLUSION

We are aware that the results of our report may be used by those involved in arguing for or against some particular piece of regulation. We do not believe that our report is extensive enough support such a debate. On the Internet, one of the most-frequently quoted sentences from our report: “. . . general aviation presents only limited and mostly hypothetical threats to security.” We believe this to be true, and more importantly, it is consistent with threat information we reviewed.

At the same time, we acknowledge the limited scope of our work on this inspection. In an informal communication we received from TSA after sharing our draft with them, they pointed out to us that all of our airport visits were arranged in advance, that we made no independent efforts to verify security measures, and that we visited very few sites. This is true. Our inspection techniques were tailored to the objectives of our review, not to an exhaustive evaluation of the general aviation industry.

Madame Chairwoman, this concludes my prepared remarks. I would be happy to answer any questions that you or the subcommittee Members may have.

Ms. JACKSON LEE. Thank you for your testimony.

I now recognize Mr. Sammon to summarize his statement for 5 minutes.

STATEMENT OF JOHN SAMMON, ASSISTANT ADMINISTRATOR, TRANSPORTATION SECTOR NETWORK MANAGEMENT, TRANSPORTATION SECURITY ADMINISTRATION

Mr. SAMMON. Good afternoon, Madame Chairwoman Jackson Lee, Ranking Member Dent, and distinguished Members of the subcommittee. It is my pleasure to appear here to discuss general aviation security. Today, I would like to discuss TSA's engagement with key industry stakeholders to develop appropriate security measures that minimize general aviation risk and our process going forward.

General aviation includes all operations outside of scheduled commercial air carrier flights and military operations. More than 600,000 pilots, 200,000 aircraft and 19,000 airports and landing facilities are included in general aviation. General aviation aircraft range in size from Cessnas to privately owned jumbo jets, such as Boeing 747s.

The vast majority of the general aviation community is responsible and concerned about security. Much of the input we received during our industry discussion reflects best practice security procedures. We would like to thank the industry representatives who have contributed considerable time and effort to provide valuable input to this process.

There has been long-standing Federal regulation of parts of general aviation security. For-hire passengers and crew on general aviation aircraft greater than 12,500 pounds have been vetted for many years. International passengers and crew are vetted prior to departure overseas. The airspace over the national Capitol region is permanently restricted to general aviation. There are temporary airspace restrictions over Presidential travel locations, major sport-

ing events and special events, such as national political party conventions or G8 summits, for example.

There is no specific threat in GA, although there have been past incidents involving the use of GA aircraft. Yet, as with other transportation modes, where there is no specific threat, but there is risk, such as toxic chemicals transported by rail in urban areas, or hazardous trucking, TSA takes prudent measures to minimize potential vulnerabilities and having those vulnerabilities exploited in high-consequence situations.

The risk for domestic general aviation is in the potential consequence of a large aircraft being used as a weapon, as in 9/11, or to introduce dangerous articles into the air side of commercial airports. In order to reduce GA vulnerabilities, TSA began a rule-making process in 2008. The TSA rulemaking process is working as designed.

TSA proposed a Notice of Proposed Rulemaking in October 2008, held five public hearings throughout the United States, received thousands of public comments and extended the public comment period through February 2009. The day following the close of the public comment period, TSA invited general aviation stakeholders and other interested partners to workshops held in April, May, and June.

Industry groups included were the Aircraft Owners and Pilots Association, the National Business Aviation Association, the General Aviation Manufacturers Association, the National Air Transportation Association, the Experimental Aircraft Association, the American Association of Airport Executives, the Airport Council International, the National Association of State Aviation Officials, the U.S. Chamber of Commerce and specific operators, such as the Gulf Stream Corporation, Limited Brands, NetJets, Flexjets, Centennial Airport, White Plains Airport and Flight Safety among others.

At these workshops, which I personally led, general aviation security issues were discussed at length. As a result of this valuable input from stakeholders, TSA is developing appropriate protocols to restrict the ability for terrorists to pilot large aircraft, purchase or lease large aircraft, steal large GA aircraft, overtake control of large GA aircraft, or bring dangerous articles into the air side of a commercial airport on a GA aircraft.

These protocols reflect many best-of-industry security practices used by corporations world-wide. We expect that the measures developed from the industry workshop comments will be incorporated into a revised NPRM, which will be available for public comment in coming months. We will continue our dialogue with the industry until the regulatory process is reopened for general public comment.

Our new general manager for aviation, Brian Delauter, brings extensive general aviation and commercial aviation experience with him to craft this next edition of the NPRM.

In summary, we recognize there is general aviation risk. Through close stakeholder collaboration, we are developing a series of sensible security measures to minimize risk. We expect to release those measures for public comment in the upcoming months. Thank you, and I will be happy to answer any questions.

[The statement of Mr. Sammon follows:]

PREPARED STATEMENT OF JOHN SAMMON

JULY 15, 2009

Good afternoon Chairwoman Jackson Lee, Ranking Member Dent, and distinguished Members of the subcommittee. It is my pleasure to appear today to discuss the security of general aviation (GA), a vital part of our Nation's aviation system, an important economic engine, and an essential link to larger communities for many small communities. As always, we appreciate the subcommittee's support as we continue to explore optimal security measures for this industry.

The Transportation Security Administration (TSA) and the Department of Homeland Security (DHS) are committed to ensuring that GA is appropriately protected from exploitation by terrorists and other security risks while ensuring the free flow of commerce. Following specific directions from Congress, we already have instituted a few targeted security measures tailored to the risk posed by certain GA operations. Our approach to the task of addressing GA security mirrors our approach to our overall mission of securing the Nation's transportation systems—we begin by assessing the risks and then we work closely with our stakeholders to fashion programs to address those risks.

General aviation encompasses diverse aircraft, airports, facilities, operators, and operations. GA operators and their aircraft include recreational pilots, corporations that operate business jets for executive and employee use, and companies that lease small and large aircraft to individuals and corporations or manage aircraft on their behalf. Nation-wide, there are more than 19,000 GA facilities (including helipads) at some of our largest commercial airports, at small exclusively GA airports in remote areas, and at airports of all sizes in between. Aircraft that are used in GA include, among others, small aircraft with minimal payload capacity, business jets, and jets often used by commercial airlines, such as the Boeing 747.

Added to this structural diversity is a diversity of risk facing the industry. The level of risk does not necessarily correlate to the size or sophistication of a given aircraft or airport. As a result, general aviation presents unique challenges that preclude a "one size fits all" security program. Prevailing circumstances and risks—vulnerabilities, threats, and potential consequences—all factor into the formulation of our security approach. Accordingly, each of the elements of TSA's security agenda—whether initiated by TSA or specifically directed by Congress—has been or is being developed to address a specific risk associated with the GA system—its aircraft, airports, facilities, operators, and its operations.

DHS'S CURRENT GENERAL AVIATION SECURITY RULES AND PROGRAMS

Currently, there is a range of security measures protecting GA operations. Some take the form of guidance that airports or airport operators may voluntarily implement, while other requirements are implemented pursuant to mandatory regulations and security directives. All are intended to meet the dual goals of protecting GA from terrorism and other security risks without unduly impacting the free flow of commerce. The following represent some of the major security initiatives.

Restricted Air Space Over the Nation's Capital.—Soon after the 9/11 attacks, the Federal Aviation Administration (FAA) issued a rule defining the restricted airspace over the Washington, DC Metropolitan Area and established rules for all pilots operating aircraft to or from any of the three Maryland GA airports located closest to the National Capital Region (College Park Airport, Potomac Airfield and Hyde Executive Field, known as the "Maryland Three Airports"). This rule established regulatory requirements for operating aircraft within the defined areas, known as the Special Flight Rules Area and the Flight Restricted Zone.

Temporary Flight Restrictions (TFR).—TFRs are employed to mitigate the threat of an airborne attack against key assets and critical infrastructure on the ground; they affect the general aviation community by prohibiting flight in areas of concern; for example, near sporting arenas for major events such as the Super Bowl. TSA evaluates requests for security-related TFRs based on several criteria, including specific and credible threat and intelligence information, the number of people in attendance at a particular venue, and the number of allocated defense assets. Additionally, the FAA-issued Notices to Airmen prohibiting many general aviation aircraft from operating within a specified distance above ground level of any stadium with a seating capacity of 30,000 or more people where major sporting events are being held, or of the Disney theme parks in California and Florida, have been made permanent by Congress, pursuant to the Consolidated Appropriations Act, 2004, Pub. L. 108-199.

Additionally, the United States Secret Service in coordination with FAA, TSA, and the Department of Defense establish restricted airspace for specified Presidential and Vice Presidential movements, the United Nations General Assembly, as well as National Special Security Events such as the G-20 Summit and Democratic and Republican National Conventions.

DCA Access Standard Security Program (DASSP).—Recognizing the need to normalize GA commerce while continuing to protect the National Capital Region, Congress directed DHS to develop a security plan to permit general aviation aircraft to resume operations into and out of Ronald Reagan Washington National Airport (DCA), where GA operations had been prohibited after 9/11. In coordination with other DHS agencies, the Department of Transportation, and the Department of Defense, TSA issued a rule, effective August 18, 2005, requiring TSA inspection of crews, passengers, property, and aircraft; TSA identification checks of passengers; submission of passenger and crew information 24 hours in advance of the flight; Security Threat Assessments (STAs) for all passengers; fingerprint-based criminal history records checks (CHRCs) for flight crew; and armed security officers on board each flight. On average, 20 flights per month into and out of DCA utilize this program.

Twelve-Five Standard Security Program (TFSSP).—TSA currently requires aircraft operators that are air carriers or commercial operators with a maximum certificated take-off weight (MTOW) of more than 12,500 pounds (5,670 kg) to implement the TFSSP, which establishes mandatory vetting procedures of crew and passengers against the FBI Terrorist Screening Center's No-Fly and Selectee Lists.

Private Charter Standard Security Program (PCSSP).—The PCSSP is similar to the TFSSP, but for aircraft operators using aircraft with a MTOW of greater than 100,309.3 pounds (45,500 kg) or with a seating configuration of 61 or more, adds a requirement to physically screen passengers and their accessible property.

Maryland Three Airports.—The Maryland Three Airports program was originally instituted by the FAA in order to reopen these airports, which, like DCA, had been closed to operations after the 9/11 attacks. The program was transferred to TSA in February 2005. In addition to defining the restricted airspace and establishing rules for all pilots using the Maryland Three airports (discussed above), the rule provides that in order to be approved to fly into or serve as a security coordinator for any of these airports an individual is required to submit certain information and successfully complete a STA.

General Aviation Airport Vulnerability Assessment Tool.—Section 44901(k) of title 49, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. 110-53, requires TSA to develop and implement a standardized threat and vulnerability assessment program for GA airports, to evaluate the feasibility of a program to provide grants to GA airport operators to upgrade security, and to establish such a program, if feasible. The assessment tool contemplated by this provision is currently under review by the Office of Management and Budget. When released, this program will assist our stakeholders in performing self-assessments to determine their security needs. Their planners will be able to identify security needs and seek funding from appropriate sources.

Automatic Detection and Processing Terminal (ADAPT).—The ADAPT system was developed by FAA to allow real-time vetting of air traffic operating in the National Airspace System (NAS) and neighboring airspace, in order to distinguish between legitimate flights and those that might pose a security risk to the United States. TSA identified the need to prevent the misuse of aircraft as weapons against critical infrastructure and to provide senior leadership with a common real-time picture of aviation activities in the NAS. TSA requires a single integrated solution that can incorporate all segments of aviation, with a primary focus on GA, and potential expansion to other modes of transportation.

ADAPT is particularly important to the GA community. By providing advance warning of potential threats within the NAS and allowing the monitoring of GA security anomalies before they arrive in the United States, ADAPT assists in mitigating two critical risks specific to GA: The use of GA aircraft as a kinetic weapon and the use of GA aircraft as a conveyance to transport dangerous materials (including chemical, biological, radiological, and nuclear weapons) or malevolent people.

Electronic Advance Passenger Information System (eAPIS).—U.S. Customs and Border Protection (CBP) issued a final rule, effective May 2009, that requires more detailed information about GA aircraft arriving and departing the United States and persons on-board. As part of a comprehensive effort to strengthen GA security, the rule expands existing regulations governing these aircraft. Pilots must submit the following information 1 hour prior to departure for flights arriving into or departing from the United States: Departure information; arrival information; infor-

mation identifying the aircraft; and complete passenger and crew manifest data, identifying who is aboard the aircraft.

DHS Domestic Nuclear Detection Office (DNDO) and TSA.—DNDO has led an effort to identify key vulnerabilities and threats associated with weapons of mass destruction, specifically with regard to radioactive and nuclear items. DNDO, together with CBP and TSA, is working to facilitate international general aviation operations, while enhancing security for these operations and for the Nation as a whole.

In April 2007, then-Secretary Chertoff directed CBP and DNDO to implement full radiological and nuclear scanning of all arriving international general aviation aircraft. DHS achieved this goal at the end of 2007. Today, all international general aviation aircraft are scanned upon arrival in the United States by CBP officers using handheld Radiation Isotope Identification Devices (RIIDs). Earlier last year, DNDO and CBP also conducted a testing program at Andrews Air Force Base to identify improved operating procedures using these handheld detectors and to determine requirements for improved next-generation technologies. These measures are part of a much larger initiative to create a Global Nuclear Detection Architecture to protect our country from radiological and nuclear threats whether they come by land, air, or sea.

PUBLIC, CONSULTATIVE PROCESS IS THE KEY TO EFFECTIVE REGULATION

A critical aspect of TSA's regulatory approach is the process-oriented nature of devising mandatory security measures. DHS believes it is important to consult with stakeholders to better inform the Department about the feasibility, benefits, and costs of these security options.

The Large Aircraft Security Program Proposed Rulemaking.—As risk associated with air carriers and commercial operators has been reduced or mitigated, terrorists may view general aviation aircraft as more vulnerable and thus attractive targets. If hijacked and used as a missile, many of these aircraft would be capable of inflicting significant damage. In June 2006 TSA initiated a rulemaking process to address the risk associated with large GA aircraft. The Large Aircraft Security Program (LASP) demonstrates our on-going commitment to government/stakeholder consultation. After engaging in outreach to the GA community, on October 30, 2008, TSA published a Notice of Proposed Rulemaking (NPRM) seeking comments on the proposed LASP. This NPRM marked the beginning of the process established by the Administrative Procedure Act for engaging the stakeholder community and the public at large in formulating new regulatory requirements.

TSA extended the formal comment period for the NPRM by 60 days from December 29, 2008, to February 27, 2009, to further facilitate industry input and encourage additional comments. During that time, TSA also conducted five public meetings throughout the country to solicit input from the GA community and other members of the public.

In the process of evaluating over 7,000 written comments received, TSA also actively engaged industry stakeholders and entities indirectly affected by the NPRM in comment sessions to discuss key issues of concerns raised during the formal comment period and public meetings. These comment sessions have featured positive discussions focused on developing a security solution tailored to GA and have provided TSA with additional insight on potential alternative solutions that may be more feasible for industry to implement, while still maintaining an effective level of security.

TSA appreciates the participation of the many stakeholders who have contributed to this process, including the Aircraft Owners and Pilots Association (AOPA), the National Business Aviation Association (NBAA), the National Air Transportation Association (NATA), the General Aviation Manufacturers Association (GAMA), the Experimental Aircraft Association (EAA), the American Association of Airport Executives (AAAE), the National Association of State Aviation Officials (NASAO), the Airports Council International (ACI), and other valued stakeholders. TSA and DHS are now determining the path forward, based upon the feedback received from industry and the public. There will be additional opportunities for stakeholders and interested members of the public to review and comment on any modified proposal.

Security Directives (SD) 1542-04-08F and -08G.—The productive interplay between TSA and the stakeholder community also is exemplified in the issuance and amendment of security directives (SD). Congress provided TSA authority to implement security measures without prior notice or opportunity for comment when deemed necessary to protect the transportation system. SDs are issued in response to emergent situations and may be amended to adjust requirements to evolving circumstances. The authority to issue SDs is not new—it had been exercised routinely by FAA for decades prior to the creation of TSA.

Whenever possible, TSA engages in a collaborative process with stakeholders when formulating these directives. The recent issuance of SDs relating to Security Threat Assessments and credentialing of individuals with unescorted access to secure areas of airports is illustrative. In the course of preparing the SDs, TSA consulted with key stakeholders, made changes in response to their feedback, and conducted several conference calls afterward to ensure they understood the contents of the revised directives. TSA also extended the deadlines to give airports significant time to comply.

The SDs, issued in December 2008 and June 2009, apply to Federalized commercial airports with full TSA security programs in accordance with 49 CFR Part 1542. The SDs improve identification/work authorization verification procedures and expand biographic information collected for processing STAs to improve turn-around time and redress procedures. The SDs also establish minimum audit procedures for identification media and require identification media for unescorted access to areas of the airport for which identification was not previously required. Although the SDs do not apply directly to GA operations, they do affect GA pilots who use these regulated airports.

It is important to note that the need for these SDs followed several special emphasis inspections of airports across the country during which TSA found an unacceptable level of compliance with existing credentialing programs. Even with effective stakeholder outreach in the preparation of SD 1542-04-08-0F, some in the GA community later raised concerns about potential impacts on GA pilots. TSA responded to those concerns, on May 28, 2009, by issuing a revision, SD 1542-04-08G, that clarifies certain issues in SD-08F. The most significant for the GA community is a clarification that transient pilots need not obtain an ID at each airport they visit, only at their home airports.

THE INSPECTOR GENERAL'S REPORT VALIDATES OUR APPROACH TO GA SECURITY

We are pleased that the DHS Inspector General's (IG) May 2009 assessment of TSA's role in GA security concluded that TSA's risk reduction regime has been appropriate. We do not disagree with the report's assessment of the level of threat to GA airports; we would emphasize that risk is composed of more than specific threats and it is our obligation to address the other risk components: vulnerability and consequence. We must address the risk associated with larger GA aircraft. We are gratified that the IG recognizes the effectiveness of our measured, collaborative approach toward further regulation of this industry. The IG's report reflected TSA's current efforts to promulgate new GA security regulations through the Large Aircraft Security Program rulemaking process.

MEETING THE CHALLENGES OF SECURING THE GA SYSTEM

While we have made progress in meeting the challenges of securing the GA system, we continue to consult with stakeholders to improve our efforts. Our goal remains clear: Protecting GA from terrorist and other security risks while advancing the free flow of commerce. The GA security programs currently in place have diligently endeavored to meet those dual objectives. Our success is dependent in large part upon the collaborative relationships we maintain with stakeholders, which will continue as we consider new regulations.

Thank you, again, for the opportunity to address the security of this important sector of our aviation system. I will be happy to answer any questions you may have.

Ms. JACKSON LEE. Let me thank you very much for your testimony.

Dr. Gallaway, you are now recognized for 5 minutes.

STATEMENT OF CHARLES R. GALLAWAY, ACTING DIRECTOR, DOMESTIC NUCLEAR DETECTION OFFICE, DEPARTMENT OF HOMELAND SECURITY

Mr. GALLAWAY. Good afternoon Chairwoman Jackson Lee, Ranking Member Dent and distinguished Members of the subcommittee. As acting director of the Domestic Nuclear Detection Office at the Department of Homeland Security, I would like to thank you for the opportunity to discuss the work we are doing with regards to general aviation. I would also like to thank the committee for its

support of DNDO's mission to reduce the risk of radiological and nuclear terrorism to the Nation.

DNDO was established to improve the Nation's capability to detect and report attempts to import, possess, store, develop, or transport nuclear or radiological material for use against the Nation and to further enhance this capability over time. To that end, our work is guided by the development of a global nuclear detection architecture or GNDA.

DNDO has developed a time-phased, multi-layered, defense-in-depth GNDA that is predicated on the understanding that no single layer of defense can detect all rad/nuc threats. For this reason, the GNDA provides multiple detection and interdiction opportunities overseas, at our borders, and within the United States to effectively increase the overall probability of system success.

My testimony today is focused on DNDO's efforts to address one aspect of the GNDA—international general aviation. While no current known terrorist threat exists that pinpoints general aviation as a vehicle for a specific plot, DNDO's initial architecture study highlighted several exploitable gaps that exist in the current rad/nuc detection architecture, including the use of GA aircraft to move or deliver rad/nuc weapons.

GA may be an attractive alternative for an adversary to exploit, because it offers speed, physical control of the weapon, and the relative lack of inspection, detection, and regulation.

For in-bound international general aviation, DNDO is working closely with CBP to facilitate detection and interdiction of illicit rad/nuc weapons or materials entering the United States through international general aviation. By the end of 2007, CBP was using handheld radiation detectors to scan all international general aviation aircraft upon arrival in the United States. Once these detection processes were established, we worked with CBP to characterize the current radiological scanning capability and identify methods to improve effectiveness by enhancing equipment and operational techniques at Andrews Air Force Base.

Beyond scanning of international general aviation arrivals in the United States, we are working with our partners to address some of the unique challenges of detection and interdiction of international general aviation. Unlike the other pathways, once an aircraft is in transit, opportunities for determining the contents of the aircraft or the intent of the operators are extremely limited. Challenges include the general aviation direct-to-target scenario, which describes the ability of an aircraft to deliver a weapon directly from overseas, non-stop to a target within the United States.

Further analysis of the GA pathway led to consideration of a concept for gateway airports to provide rad/nuc scanning of all in-bound international GA aircraft. International gateway airports are airports outside the United States where GA aircraft would be scanned for the presence of rad/nuc material before they enter the United States.

We are exploring the option that rad/nuc scanning could be done concurrently with other required U.S. entry screening and inspection activities at these gateway airports. This option would allow international general aviation aircraft to proceed to any destination within United States, rather than having to stop at a CBP air port

of entry and might allow for increased efficiency and reduced costs to GA operators.

To minimize flight deviations for international GA traffic originating from Canada and Mexico, our proposed concept would pair the international gateway airports with a complementary network of domestic gateway airports. Domestic gateway airports would be current CBP air ports of entry within the United States, near southern and northern borders, but located away from densely populated urban centers.

I would like to point out that this gateway airport concept is still under development. Our gateway airport concept would require international and domestic participation and address mainly those aircraft that are compliant with the system.

To effectively secure the GA pathways, there must also be a capability to detect and interdict any noncompliant aircraft. With our Federal partners, we are exploring ways to increase air domain awareness and use available information to quickly and accurately determine if an aircraft present a threat.

In conclusion, this on-going analysis of general aviation is part of DNDO's work to enhance the global nuclear detection architecture and to evaluate programs to effectively fill gaps in our national capability. We will continue to work with our Government and aviation community partners to improve the Nation's ability to detect radiological and nuclear threats. DHS will balance maintaining the flexibility and mobility of general aviation and the needs to sufficiently protect the Nation from nuclear terrorism.

Thank you for your attention. I would be happy to answer any questions.

[The statement of Mr. Gallaway follows:]

PREPARED STATEMENT OF CHARLES R. GALLAWAY

JULY 15, 2009

INTRODUCTION

Good afternoon Chairwoman Jackson Lee, Ranking Member Dent, and distinguished Members of the subcommittee. As Acting Director of the Domestic Nuclear Detection Office (DNDO) at the Department of Homeland Security (DHS), I would like to thank you for the opportunity to discuss the work we are doing with regard to general aviation (GA). I would also like to thank the committee for its support of DNDO's mission to reduce the risk of radiological and nuclear terrorism to the Nation.

DNDO was established to improve the Nation's capability to detect and report attempts to import, possess, store, develop, or transport nuclear or radiological material for use against the Nation, and to further enhance this capability over time. To that end, our work is guided by our development of a global nuclear detection architecture (GNDA). DNDO has developed a time-phased, multi-layered, defense-in-depth GNDA that is predicated on the understanding that no single layer of defense can detect all radiological and nuclear (rad/nuc) threats. For this reason, the GNDA provides multiple detection and interdiction opportunities overseas, at our borders, and within the United States to effectively increase the overall probability of system success. DNDO has worked with intra- and inter-agency partners to develop time-phased strategies and plans for improving the probability of detecting and interdicting nuclear threats. DNDO will continue to enhance the GNDA over time by developing better detection technologies, working with our operational partners to improve concepts of operations (CONOPs), enabling real-time reporting of detection events, and supporting effective response to real threats.

My testimony today will focus on DNDO's efforts to address one aspect of the GNDA—international GA. Specifically, I will speak about our on-going work to secure the international GA threat pathway.

GENERAL AVIATION PATHWAY STUDIES

The United States border is the first layer within the GNDA where the United States has full control over detection and interdiction. For this reason, considerable effort and resources have been placed at this layer to provide robust radiological and nuclear detection capabilities, particularly at ports of entry (POEs). While no current, known terrorist threat exists that pinpoints general aviation as a vehicle for a specific plot, DNDO's initial architecture study highlighted several exploitable gaps that existed in the current rad/nuc detection architecture, including the use of GA aircraft to move or deliver rad/nuc weapons. Further, the study concluded that GA was an attractive option for adversary exploitation because it offered a number of operational advantages—including speed, control of the weapon, and the relative lack of inspection, detection, and regulation—when compared to scheduled passenger and cargo operations.

Initiatives for GA security include several interrelated activities that are considerably broader in scope than radiation detection. DNDO has approached the solution to the GA threat through a four-phase series of architecture studies:

In Phase I DNDO developed an end-to-end architecture and identified gaps by various pathways, including the use of GA as a pathway for the movement and delivery of weapons. The Air Pathways Phase II study explored measures to mitigate the vulnerabilities presented by GA and concluded that the most difficult scenario to counter was the use of GA aircraft delivering a weapon from outside the borders of the United States directly to a target. The study identified that once a weapon-carrying aircraft is airborne, detection and interdiction of rad/nuc threats are unlikely. A primary Phase II recommendation was to consider a concept that would provide for screening of all international GA aircraft for nuclear weapons prior to takeoff for a flight into the United States. The Phase III study followed with specific recommendations: (1) Pre-departure screening of most GA aircraft entering the United States, and (2) requiring all near-border GA traffic to land only at a small number of specific GA airfields in the United States for screening. The Phase III study established an architecture, a CONOPS and rough order of magnitude (ROM) cost estimates for establishing and operating a system of foreign and domestic airfields that could perform rad/nuc screening for in-bound international GA traffic. Phase III recommendations were subsequently followed up with variants that included screening at U.S. airfields and screening at U.S.-Canadian airfields. Phase IV seeks to expand the GA work and address additional elements within civil aviation.

INTERNATIONAL GENERAL AVIATION

DNDO is working closely with U.S. Customs and Border Protection (CBP) to facilitate detection and interdiction of illicit rad/nuc weapons or materials entering the United States via the international GA pathway. For rad/nuc detection with regard to international GA arrivals, CBP uses handheld Radiation Isotope Identification Devices (RIIDs). By the end of 2007, CBP was scanning all international GA aircraft upon arrival in the United States. Once these detection processes were established, we worked with CBP to characterize the current radiological scanning capability and identify methods to improve effectiveness by enhancing equipment and operational techniques. In Spring 2008, DNDO, in partnership with CBP, began testing detection equipment in the GA environment and in controlled laboratory tests using next generation human portable devices. Focusing on international GA applications, the testing was conducted at Andrews Air Force Base (AFB) in March–June 2008. Five test sessions were conducted at Andrews AFB to baseline the performance of currently-deployed systems for scanning of small, medium, and large international GA aircraft, to determine if any CBP operational procedure changes are necessary and to evaluate performance of other human-portable scanning equipment. Test results validated the effectiveness of the current technologies for use during a majority of State-side scanning operations. These test results will be used to guide subsequent research and development efforts, including improvements to identification capabilities of current technologies through the use of alternate systems that are being assessed through our Human Portable Radiation Detection Systems (HPRDS) program. The evaluation of operational systems also resulted in recommendations to enhance scanning Standard Operating Procedures for this type of rad/nuc detection.

Scanning of international GA arrivals in the United States is one step towards mitigating the rad/nuc threat, but the international GA pathway presents other unique challenges that we are working with our partners to address. Unlike other pathways, once an aircraft is in transit, opportunities for determining the contents of the aircraft or the intention of the operators are extremely limited. Challenges

include the GA “direct-to-target” scenario, which describes the ability of a GA aircraft to deliver a weapon directly from overseas, non-stop to a target in the United States. GA aircraft originating from overseas and flying to a target would enable an adversary to bypass the multiple detection and interdiction opportunities that are part of a defense-in-depth architecture. To effectively secure the GA pathways there must be a capability to detect any non-compliant aircraft (aircraft that do not submit a flight plan or otherwise attempt to enter the country illegally and aircraft that divert from their legal flight plans) and options to mitigate the threat.

GATEWAY AIRPORTS

Additionally, the Gateway Airports concept was developed as a way to defend against the international GA threat. Gateway Airports are airports at which GA aircraft are screened for the presence of rad/nuc material: (a) Before they enter the United States, or (b) before they approach major population centers or high-value targets. International Gateways are airports outside the contiguous United States. Some international GA aircraft flights may originate from International Gateways and others may choose to pass through them for rad/nuc screening en route to the United States. In either case, rad/nuc screening is accomplished as the last act prior to takeoff for the flight into the United States. We recommend exploring the option that all other U.S. entry screening and inspection activity (e.g., Customs, Agriculture, and Health) be conducted concurrently with rad/nuc screening at the Preclearance Gateway. This option would allow international GA aircraft to proceed onward to any destination in the United States, rather than having to stop at a CBP Aerial Port of Entry (APOE) and might allow for increased efficiency and reduced costs to GA operators. In fact, the Gateway Airport system might be presented as a convenience for GA operators—as part of a “one-stop” service that would consolidate disparate activities and provide for more efficient flight operations.

The United States already operates border preclearance facilities at a number of ports and airports in foreign countries. They are staffed and operated by CBP officers. Travelers pass through Immigration and Customs, Public Health, and Department of Agriculture inspections before boarding their aircraft, ship, or train. This process is intended to streamline border procedures, to reduce congestion at ports of entry, and to facilitate travel between the preclearance location and some U.S. airports that may not be equipped to handle international travelers. Preclearance exists at most major Canadian airports, providing convenience to travelers from those cities to the United States. Arrangements also exist with some airports in Bermuda, Aruba, and at two airports in Ireland. The proposed Gateway Airport plans could leverage some of these existing foreign pre-clearance sites and would require some additional locations for rad/nuc detection. Based upon the priorities identified in the GNDA, DHS, and the Department of State are working to increase international awareness and participation in our general aviation pre-clearance programs.

In order to properly serve international GA traffic with minimal flight deviations, our proposed plan would pair the international Gateways with a complementary network of Domestic Gateway airports, to serve short flights originating from Canada and Mexico. Domestic Gateways would be current CBP APOEs spaced around the U.S. southern and northern borders. These would be inside the United States but at least 100 miles away from major urban areas designated by the 2006 Urban Area Security Initiative (UASI). The 100-mile standoff range is arbitrary, but it provides increased reaction time for identification and interception of non-complying aircraft when compared to the 30-mile distance commonly used for the largest temporary flight restricted (TFR) areas.

I would like to note that while the Gateway Airport concept is a proposal for rad/nuc detection for international GA, it is only a piece of the viable solution. The Gateway Airports plan as proposed would require international and domestic participation and addresses mainly those aircraft that are compliant with the system. We are still faced with the challenge of identifying and dealing with noncompliant aircraft. With our partners, we are exploring options to increase air domain awareness and use available information to quickly and accurately determine if aircraft present a threat. This on-going analysis of GA is part of DNDO’s work to enhance the GNDA and ascertain appropriate programs to effectively fill gaps.

PATH FORWARD

In the near term, we will work with partners and stakeholders to support programs to produce widespread awareness of rad/nuc scenarios at airports of all sizes across the United States. Detection capabilities will become more available at air POEs with improved detection capability over current assets. Initial deployments of

rad/nuc detection technology for GA outside the United States will begin the process of scanning international GA traffic and introduce the concept of gateway airports, beyond what already is in place.

The long-term structure of the GA architecture will expand to include a network of gateway airports, including overseas pre-clearance airports. GA traffic will be tracked more closely, providing increased air domain awareness and an enhanced ability to interdict rad/nuc materials or devices. The end result will be integrated security programs that provide a high degree of protection against GA transport of radiological/nuclear materials, including direct-to-target scenarios.

CONCLUSION

DNDO will continue to work with TSA, CBP, and other partners and stakeholders within and beyond DHS to improve the Nation's ability to detect radiological and nuclear threats at our ports and borders. DHS intends to balance facilitating the flexibility and mobility of general aviation and the need to sufficiently scan in-bound flights for radiological or nuclear threats.

I welcome and appreciate the committee's active engagement with this program, and look forward to continuing our cooperation as we move forward together. Chairwoman Jackson-Lee, Ranking Member Dent, and Members of the subcommittee, I thank you for your attention and will be happy to answer any questions that you may have.

Ms. JACKSON LEE. Again, let me thank all the witnesses for their testimony. I would remind each Member that he or she will be recognized for 5 minutes to question the panel. I will now recognize myself for 5 minutes.

Let me thank you, Mr. Sammon. As I proceed with my questions, let me, first of all, ask unanimous consent to introduce into the record letter dated June 18, 2009 addressed to John from the Chamber of Commerce, United States of America, that in part thanks you once again. Your keen understanding of the vital role that the private sector plays in securing our homeland is evident to all. Much is appreciated by the Chamber and its members.

But it really recounts your meeting with them and reflecting on the insight necessary. I would ask unanimous consent to submit that in the record. Hearing no objection, so ordered.

[The information follows:]

LETTER FROM THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA
SUBMITTED BY CHAIRWOMAN SHEILA JACKSON LEE

Washington, DC, June 18, 2009.

MR. JOHN SAMMON,
Assistant Administrator, Transport Security Administration, U.S. Department of Homeland Security, 601 S. 12th Street, Arlington, VA 20598.

DEAR JOHN: Thank you for meeting with Ann Beauchesne, Kevin Schmiegel, and me last month. The Chamber is looking forward to working with you and your team on a wide array of homeland security issues over the coming months.

I appreciate you updating us on the issues surrounding the Large Aircraft Security Program (LASP). As you know, the LASP is an important issue for the Chamber, and your comments have assured me that the Chamber's voice, and the voice of its members, is being heard. Ann told me that your stakeholders' meeting this week was very productive, and that all of the points that we agreed during our meeting were well-received. We look forward to seeing the details of the next Notice of Proposed Rulemaking and are hopeful that things continue to move in the right direction.

Thank you once again for your time. Your keen understanding of the vital role that the private sector plays in securing our homeland is evident to all—and much appreciated by the U.S. Chamber and its members. I look forward to working together and please call if I can be of help.

Best wishes!

Sincerely,

TOM.

Ms. JACKSON LEE. I also introduce into the record a letter that comes from an organization of general aviation representatives dated April 15, 2009. Each of them have signed it to indicate their appreciation for your coordinating an April 6 meeting.

[The information follows:]

LETTER SUBMITTED BY CHAIRWOMAN SHEILA JACKSON LEE

APRIL 15, 2009.

Mr. John Sammon,
Assistant Administrator, Transportation Sector Network Management, Transportation Security Administration, East Building, 601 South 12th Street, Arlington, VA 22202-4220.

DEAR MR. SAMMON: We would like to thank you for coordinating the April 6 meeting with representatives from the general aviation industry to discuss the proposed rulemaking on the Large Aircraft Security Program. This collaborative effort between the Transportation Security Administration (TSA) and the general aviation industry clearly demonstrates how common ground can be achieved when addressing America's aviation security needs.

As we prepare for our next meeting on May 6, 2009, we ask that TSA provide us with its summary of the April 6 meeting discussion within the next week. Providing this summary in a timely manner will allow representatives from the general aviation industry to better prepare for the May 6 meeting so that we may continue this productive effort.

Continued dialogue on this important issue is critical to a successful resolution. We also encourage you to utilize this collaborative process on other critical security issues affecting the general aviation industry.

Thank you again for your commitment and support to address the general aviation industry's concern on this important rulemaking.

Sincerely,

CRAIG SPENCE,
Vice President, Regulatory Affairs, Aircraft Owners & Pilots Association.
CHRISTOPHER BIDWELL,
Vice President—Security and Facilitation, Airports Council International—North America.
CARTER MORRIS,
Senior Vice President, Trans. Security Policy, American Association of Airport Executives.
DOUG MACNAIR,
Vice President, Government Relations, Experimental Aircraft Association.
JENS HENNIG,
Vice President of Operations, General Aviation Manufacturers Association.
ERIC R. BYER,
Vice President, Government & Industry Affairs, National Air Transportation Association.
HENRY M. OGRDZINSKI,
President and CEO, National Association of State Aviation Officials.
DOUG CARR,
Vice President, National Business Aviation Association.

Ms. JACKSON LEE. I assume now we can go forward unshackled by any thought that the Congress and/or the administration has any interest in undermining the 1.3 million jobs and not recognizing the vital economic role and the important role that general aviation plays.

My first logistical question to you is when do you foresee moving forward on the next step of rulemaking, having proceeded in the initial rulemaking? I consider this fine reading that you gave me, the old rules. What will we expect with the new rules? When will that proceed?

Mr. SAMMON. We have a very firm outline of where we want to proceed from the workshops. We expect to begin writing that next

week. We expect to sit down with folks in TSA and begin putting that to pen. The subject matter and the content, I think, we are fairly clear on. We expect to start—

Ms. JACKSON LEE. So you begin next week.

Mr. SAMMON. Yes, ma'am.

Ms. JACKSON LEE. You are also aware of the inspector general's report that was dated May 2009.

Mr. SAMMON. Yes, ma'am.

Ms. JACKSON LEE. You are also aware of the language that indicates, in a cavalier manner, that general aviation has nothing to worry about, and it is insignificant. Do you agree with that?

Mr. SAMMON. Not—

Ms. JACKSON LEE. In terms of its vulnerabilities.

Mr. SAMMON. I believe the report indicated there was no threat. We don't believe there is a specific threat. But we believe there are vulnerabilities, as was mentioned in the film, and you have mentioned, particularly larger aircraft have no keys. They need to be secured, among other things.

Ms. JACKSON LEE. Well, let me just suggest for our memory there was no perceived threat with commercial airlines driving into the World Towers on 9/11.

Mr. SAMMON. Correct.

Ms. JACKSON LEE. So, can I ask you the question again? Is perceived threat the basis upon which we make a report that, in essence, deadens our ears, deadens our sensitivities to being more secure or being more responsible about security in general aviation?

Mr. SAMMON. We agree that threat is one part of risk. We think there is a risk for general aviation. The vulnerabilities must be addressed.

Ms. JACKSON LEE. I thank you very much.

Mr. Mann, there is no doubt that we respect the public service that the IG's office has given.

Mr. MANN. Thank you.

Ms. JACKSON LEE. But for the life of me, I am not sure why there couldn't have been a broader understanding of the question as relates to Houston, which is only an example. I am hoping that we could have looked at that as an example of the question of general aviation security.

The statement that Houston is not a sitting duck—and might I just say, again, this is generic for any city that has general aviation—because I guess you focused only on the framework of the question. Because as Dr. Gallaway has indicated, the potential of some aircraft coming in with radioactive materials and coming into general aviation, that poses a threat.

If, for example, a general aviation aircraft took off and had untoward intentions, are you suggesting that it is an impossible thought to have the vulnerability of our refineries being the eye of the storm? Did you not look at that, which is part of the question—certainly should have been part of the question that should have been answered in this IG report?

Mr. MANN. It is a good question.

Ms. JACKSON LEE. To me, it looks as if you made complete light of some very real and serious issues. I am just appalled.

Mr. MANN. Well, I can assure you, Madame Chairwoman, that we did not make light of the very serious issues that you have indicated. Certainly none of us can forget the horrible events of 9/11/2001. I think you make a very good point with regard to perception. There was not a perceived threat at that time either.

But I think that a lot of general aviation depends on how risk is defined. If it is easier to steal a small airplane, then there is certainly a risk in general aviation. However, if the damage that a small airplane can do by running into a building or running into a chemical plant is minimal, then we have to consider whether or not there is a serious threat.

Ms. JACKSON LEE. The only question I would say to you, Mr. Mann, is I am not sure if you are doing a risk analysis in this report, or the IG's office is just speculating; because again, I emphasize that no one would have speculated on 9/10 that there would be terrorists that manipulate their documents, that would have been trained to fly a plane and not land, that will have taken a major commercial aircraft and gone into the towers.

Our job at homeland security is to be preventative. Your report kills any intention or effort by anyone to believe, well, we should be a little careful here; because you mention that, in a general statement, is there a concern? Absolutely not. I don't understand how you made a report without expanding it to perceive potential threats, so that we could at least have a framework to work from.

Let me just quickly, and I will finish with you and move to the next question. That will be my last question. The perimeter issue is an issue. You made a point of suggesting that someone entering on the grounds was not a problem. And certainly coming back after the fact, all of the potential heads of these aviation airports, general aviation airports, were on notice. So their answers certainly were going to be ones that you wanted to hear.

But, from my perspective, the entrance onto the grounds was similar to the terrorists getting on the airplane. So, I don't know why that is not a potential vulnerability or threat, because it could have been someone wanting to do something untoward. The first act could have left a bomb on site. Maybe it would have done nothing but blow up a number of unoccupied airplanes, but it would have been an action.

Why wasn't the intrusion on the perimeter something of concern?

Mr. MANN. Well, Madame Chairwoman, we can speculate on numerous possibilities of things that could have happened. Yes, it could have been a vulnerability, or it could have been a very serious incident if an individual enters onto an airport unchallenged. I mean, it is—that undeniable.

But the mere fact that we have not had an incident of significant proportions certainly doesn't mean that we won't have one. But it doesn't appear that there is a clear threat for that sort of activity to happen.

Ms. JACKSON LEE. All right, Mr. Mann. It seems as if, in conclusion, that probably further assessment might have shown that there were vulnerabilities. I thank you for your testimony.

Let me just quickly ask Dr. Gallaway, you quickly indicate something that I think is very, very important in your testimony. That is the seeming coordination necessary with DNDO on this potential

radioactive/nuclear component. I want to know how we can help you.

It seems as if there is not the coordination. TSA, CBP, DNDO do not appear to be working cohesively for the potential of a large aircraft, general aviation, coming from overseas, equipped to create havoc with nuclear materials. How can we be of help, Dr. Gallaway?

Mr. GALLAWAY. Ma'am, we work as a result of our global nuclear detection architecture, working across the spectrum of opportunities to mitigate the risk. Many of our resources in the past have gone into containerized cargo. We are scanning 98 percent of the cargo coming into the United States every day, for example.

We, as a Nation, have started turning our attention to these other pathways. But we have not done it as aggressively as we probably should to try to mitigate the threat across the board.

I think we are working quite well with CBP and TSA. It is a matter of the amount of resources that are available. So right now—

Ms. JACKSON LEE. Do you need more funding?

Mr. GALLAWAY. Yes, ma'am.

Ms. JACKSON LEE. I think you have just answered how we can be of help. We will pursue that with you.

Let me now recognize the gentleman from Texas for 5 minutes.

Mr. OLSON. Well, thank you, Madame Chairwoman. I appreciate the time to ask the witnesses some questions.

I am going to start out with you, Mr. Mann. You know, your report says that TSA is using a threat-based approach to assess some of the things we saw in the report from KHOU. I don't want to confuse some of the large aircraft with the general aviation aircraft.

As we remember the attacks of September 11, those were large passenger liners loaded with over 20,000 pounds of aviation fuel at the time they hit those buildings. Now, as we know, one of the factors that brought those buildings down was that excessive fuel burning and heating the steel that ultimately resulted in the collapse.

So, I am concerned that we are confusing some of the threats from a large aircraft with threats from a small aircraft, like a Cessna 182, which holds 92 gallons of aviation fuel. So I just wanted to give you the opportunity to explain some of the differences in your study between the threat assessment from a large aircraft, as opposed to the threat assessment from a small general aviation aircraft.

Mr. MANN. Well, as we mentioned small general aviation aircraft makes up the majority of the fleet. Larger 747s are privately owned. 747s are larger airplanes, have a, in our experience, what we are able to determine, are secured differently, most always in hangars. They are not just generally available; would certainly require a higher level of expertise, not only to gain access to the plane, but be able to move it, navigate it, take off, do all the things that it would take in order to use that aircraft as a weapon of mass destruction.

So, quite honestly, sir, the bulk of our concern was with regard to smaller aircraft, less than 12,500 pounds. As the GAO, the CRS

and as we have indicated, they do not appear to have a significant threat to homeland security.

Mr. OLSON. Yes, sir. Thanks for the answer. Very different threat, largely because of the size of the aircraft—

Mr. MANN. Yes.

Mr. OLSON. Mr. Sammon, I would just like to also ask you about the public comment period. The LASP ended in February. Your office has engaged with the stakeholders, who had serious concerns with the mandate in the Notice of Public Rulemaking. I want to commend you for the effort you have undertaken to hear their concerns. I just wanted to let you know that I am pleased today to hear you are going to put out an NPRM. Is this going to be a new NRPM or a revised NRPM?

Mr. SAMMON. Our attorneys are looking at the best vehicle. It may be easier to take where we are going from and start from a clean sheet of paper. The attorneys are wrestling with that right now. But they will work out the specifics of that shortly.

Mr. OLSON. Okay. We will get out of the business if the attorneys are wrestling with it. Don't want to get involved in that. Anyway, my final question for you, Mr. Sammon, is just how are DHS and TSA going to deal with the terrorist watch list and its possible outsourcing in future, large aircraft security program rules?

Mr. SAMMON. Through our discussions in the workshop, when the rule was originally proposed, Secure Flight, which you may be aware of, was quite some far off in the distance. Secure Flight is now a reality. We started with a number of carriers. So a variant to Secure Flight is something called eSecure Flight, which would be available directly to the operators. We do not envision using third-party auditors or third-party watch list services.

Mr. OLSON. Thank you very much. I appreciate my time. I yield back my time, Madame Chairwoman.

Ms. JACKSON LEE. Mr. Olson, thank you so very much. It is a delight to recognize the gentleman from Ohio, who is a pilot. I hope will continue his oversight of this regulatory process. His input early on, I believe, helped this committee and the Chairman look to TSA for their visions as relates to the aircraft and a distinctive weights of the aircraft. So I thank you very much.

Mr. Massa is recognized for 5 minutes.

Mr. MASSA. Thank you, Madame Chairwoman. I will be—for me to offer a correction. But my constituents in New York would hold me accountable should I—

Ms. JACKSON LEE. You let me get away with that twice. I am sorry.

Mr. MASSA. Yes, ma'am. Out of respect. But in self-defense, I must—

Ms. JACKSON LEE. You must defend yourself. Thank you very much.

Mr. MASSA. It is the proud heritage of western New York that brings me here today.

Ms. JACKSON LEE. There might be some connection. I am not sure if there is a border. But I will proudly say that this gentleman is from New York.

Mr. MASSA. Thank you. I do hail from one of the cradles of general aviation, the home of Glenn Curtiss, the home of Schweizer

Aircraft Corporation. So, I come at this, not only from personal experience, but also from a very strong interest in seeing general aviation in all of its categories flourish in this country.

A couple specific questions if I may. I would ask the appropriate witness to comment. I saw in the beginning of the rulemaking process, the potential of embarking air marshals on corporate aviation jets. Is that still a provision that is under consideration?

Mr. SAMMON. No. It originally was in there really under exigent or extreme circumstances that the administrator would do that. But it is not envisioned that you would have air marshals flying on general aviation planes, no.

Mr. MASSA. Well, I commend TSA for removing that provision, and that I believe that most individuals who use corporate aviation are the CEOs of some of our most important companies who probably have a good idea of who is supposed to be on the airplane with them. I envision that they would be able to identify any interlopers with relative speed and ease.

I also would like to comment for the record that I recognize general aviation embodies a wide swath of flying aircraft. In fact, by the rules discussed today here, also in company up to our largest aircraft, if they are non-scheduled commercial aircraft, including passenger and cargo-carrying Boeing 747s. So, it is very important to get the rules right on this as far as access to those aircraft.

I also agree with the gentleman from Texas that a Cessna 152/182, a King Air or Queen Air, does not possess the same kinetic energy threats as those larger multi-engine commercial jets. As a pilot, I understand very clearly, and I believe here in the audience today we have a representative from a company who has done its very best to take a large number of dollars out of my back pocket, Jefferson, Incorporated, without whom general aviation would suffer greatly.

But, as a community of pilots that adds a great deal, not only to the transportation, but just to the outright fun of flying, I really would like to be very deeply involved in ensuring we get this right. It is very, very important that we do not overpenalize general aviation and act in a heavy-handed draconian manner that will destroy a large industry that brings so much to this country. I would like your comment on how we are going to balance that please.

Mr. SAMMON. Good. We, again, have had lengthy discussions. The meetings we had lasted up to 8 hours. In those months, it wasn't an hour meeting coming in and brushing things off. They were significant dialogue back and forth. I have briefed Joe Lombardo, the president of Gulfstream in Savannah 2 or 3 weeks ago, and understanding where we are.

Craig Fuller, I attribute Craig Fuller's leadership to the process in terms of where we have gotten and how far we have come along. So we have, in addition to Tom Donohue in the Chamber of Commerce, we have engaged folks, outlined what we see coming out of the process. I think that they are comfortable we are hitting the right way.

I would be happy to offer a brief to you, or any Members of the subcommittee, on the details of what we are thinking right now. Also, any of the studies we have that support where we are going. I would be happy to do that.

Mr. GALLAWAY. I would like to also add one comment—that one of the things that makes general aviation so appealing from a corporate point of view is the access and speed of transportation of those executives, where time definitively is money. So, I hope that, as we move forward, we do not place irrational or unnecessary barriers to that very essence that makes those aircraft such an important part of American business.

Mr. SAMMON. Again, that is why we have made specific—in addition to other folks, the folks from Gulfstream, obviously, that is what they do. That is their business. That is what they are selling is speed and flexibility. We wanted to make sure that they were aware. Also the folks from Gulfstream offered us quite a bit in terms of securing aircraft, simply, easily, inexpensively, but securely. We appreciate their input.

They attended our working sessions. So, I think that, if you look at the folks whose ultimate—the end of chain, we have got to sell these things for that particular purpose, I think we have had very good dialogue with them. I think if you called Mr. Lombardo, you would find out where we are.

Mr. MASSA. Well, thank you very much for your attention to this. I look forward to being available to you in any manner possible to be of assistance.

Ms. JACKSON LEE. I want to thank the gentleman of New York, Mr. Massa, for his questioning and his insight into these areas.

I am now pleased to recognize the gentleman from California, Mr. Lungren, for 5 minutes.

Mr. LUNGREN. Thank you very much, Madame Chairwoman. I sometimes wonder what is the greater threat to general aviation, over-regulation or comments out of the White House condemning executive jet service and private aircraft. Hopefully, we are getting away from that sort of thing. That is an industry that the United States is involved in. When we condemn it, we create an atmosphere in which we lose jobs.

I am also reminded, when I hear some of the questions asked of Mr. Sammon and Mr. Mann, that you two are sort of in a damned-if-you-do-and-damned-if-you-don't situation.

I have noticed some of the comments that have been coming out lately about the CIA, an agency of the Federal Government that appears to have done a pretty good job in keeping us from being attacked by terrorists. As a result, CIA employees get threatened with prosecution. They get threatened with investigation.

Sometimes I just have to shake my head, because we haven't had an attack on U.S. soil since 9/11. It hasn't happened by accident. So I would actually like to take my hat off to those of you in the Federal Government, in the Executive Branch, who have been doing a good job of attempting to ensure that we don't have another attack.

Having said that, obviously I, as others, am concerned about the risk as it exists with respect to general aviation.

So, Mr. Sammon, I would like to ask you this question. Have we moved away from the risk-based approach? Have we moved away from the layered defense approach that we have embarked on with respect to the Department of Homeland Security in all other areas,

particularly other areas of aviation, as we have tried to deal with the potential threat in the area of general aviation?

Mr. SAMMON. No. I think if you look at risk, obviously, many people have had the conversation. But we look at risk in terms from DHS's perspective is made of three parts: The threat, the vulnerability, and the consequence. As we focused our discussion, in my oral testimony, it said that there is not a specific intel-based threat on general aviation.

But, in terms of the vulnerability of unsecure aircraft and other issues that we talked about, and the consequence that a large GA aircraft could cause, we need to address those two other portions of risk. So, just as other areas where we don't have specific threats, but we do take prudent measures that are reasonable, sensible to reduce the risk, that is our responsibility to do that.

Mr. LUNGREN. What I hear from some of my constituents who are private aircraft owners or operators, particularly those in the agricultural industry, and some in the business industry, what they are concerned about is this. They say, look, we may get up in the morning and not know where we are going to fly that day. We may not know who is on our plane until we make a decision a half-hour ahead of time.

For legitimate business reasons, particularly in the area of agriculture, where you have got large expanses of property, or for example, farmland in California and farmland in Arizona, maybe farmland in Nevada, their concern is—and I would ask you if it is justified or not—that the Department, in its effort to try and respond to the legitimate issues that we have talked about here, may impose obligations on them that don't make sense from their perspective.

Can you give me an idea of how you deal with that issue, because they have been worried about, gee, do we have to give prior notice of who we have on board? Do we know who is going to be on our plane 12 hours from now? I may not know that.

Mr. SAMMON. Yes. That was one of the subjects of considerable discussion during our workshops. I think we have worked out with the industry associations reasonable protocols from the group. I have reviewed these personally with most of the folks who participated in the workshops in terms of how we deal with that and how to pilot and command the discretions they have or wouldn't have to do address some of the issues you are concerned about.

I think when we publish these—and again, I would be happy to brief you separately—I think you will see that they seem reasonable.

Mr. LUNGREN. Dr. Gallaway, I would just like to ask you about the gateway airport situation, can you give us a little more detail on how that is shaping up, and how you see that as an effective means of dealing with this issue that you brought up?

Mr. GALLAWAY. Right now, it is still in a conceptual phase. We are working out the details, because there are a lot of different options that we can work. Of course, the amount of money that is spent to implement those options can vary considerably.

But ultimately, we are trying to balance the inconvenience to the flying public or to the general aviation public with increasing the security. So costs will ultimately be a large driver in whatever solu-

tions start gelling. Then we would take it to the aviation community to see how they would—

Mr. LUNGREN. Cost to the aviation community, cost to the individual operator, or cost to the Government?

Mr. GALLAWAY. We are looking at costs across the board, because it would increase the cost, depending on which of these solutions we are talking about, it could potentially increase the cost to the operator as well as the Government.

Mr. LUNGREN. Thank you very much.

Thank you, Madame Chairwoman.

Ms. JACKSON LEE. Let me thank the gentleman for his question.

My pleasure to recognize Ms. Norton of the District of Columbia for 5 minutes.

Ms. NORTON. Madame Chairwoman, I can't thank you enough for putting the focus on the Homeland Security Committee on general aviation. For the first time, I think, most of the work on general aviation has been done in the aviation subcommittee. It is very frustrating, particularly considering we are talking about a major industry, 50 percent of all aviation in the United States.

I listened to all of you for evidence of the risk analysis that you say—I agree is the way to approach this has been done. I thought it was a disgrace to contrast what we saw, which is virtually none of what I would take to be the appropriate guidance that you would want to give, regardless of vulnerability in Houston with what can only be described as nuclear overregulation.

Here, in the Nation's capitol, it is shameful. It makes us, what is it, 8 or 9 years after 9/11 look like we haven't even learned how to protect our own Nation's capitol, New York airports, New York—far greater risk and consequences analysis. Density, if you are looking to do damage there—

Shortly after 9/11, they did the right thing. Major commercial center, general aviation was up, up and going. Let us contrast that to the District of Columbia where, for example, we get what even looks to be arbitrary actions—South Capitol Street Heliport, deliberately kept open for 2 years. It is a heliport now—2 years after 9/11, abruptly shut down, no explanation to the public or anybody else, including this committee.

General aviation in the District of Columbia, you, Mr. Sammon, lay out the shameful picture. You have destroyed the entire industry in the Nation's capitol. You have 240 you say. Our information is 200 flights per year.

Guess what, sir? It was 2,000. You just wiped it out in the Nation's capitol. Indeed, you, TSA, wouldn't even open national or general aviation in this airport until the chair of the Transportation Infrastructure Committee, when I was in the minority, said that he was going to hold the agency in contempt.

Then you opened it in a way that was in the face—it was a kind of in-your-face opening, because you said, okay. You can fly into the Nation's capitol. But you have got to do a security threat assessment for all passengers coming in, including fingerprints and criminal histories. Don't mind it for the flight crew, of course; but all the passengers.

Guess what? Those air marshals, you have got to have them on every flight. That means that you opened it all right with a destroyed industry that still can't come into your Nation's capitol.

I am trying to reconcile how you have treated civil aviation here with the testimony of Mr. Mann, the assistant IG. Now, here is what he said—and he says the GAO and CRS agree. The small size lack of fuel capacity and minimal destructive power of most general aviation aircraft make them unattractive for terrorists and thereby reduce the possibility of threat associated with their misuse.

A light use of a—that too light an aircraft to use for conventional explosives, Mr. Gallaway. Let me just ask you point blank, because this gets to be very tiresome, given the resistance of an agency that is supposed to know how to keep us safe and open at the same time.

We understand there is already a plan to open general aviation at national airports. Is there a plan? When do you intend to issue it, so that general aviation is available here the way it is in New York City and every other part of the United States?

Mr. GALLAWAY. In terms of the national capitol region and the airspace, TSA does not control the airspace security. We are one member of an airspace working group, including the Department of Defense, the FAA—

Ms. NORTON. I asked you a point-blank question.

Mr. GALLAWAY. We don't have a—

Ms. NORTON. Is there a plan?

Mr. GALLAWAY. There isn't. There is not a plan.

Ms. NORTON. We were told in a hearing that there was a hearing of the Aviation Subcommittee. Now, you say there is no plan. Has there ever been a plan?

Mr. GALLAWAY. I don't know—

Ms. NORTON. Do you intend to do a plan?

Mr. GALLAWAY. I don't have a plan. I think that—

Ms. NORTON. So, you believe that it is justifiable to essentially close down general aviation and a major commercial and government center of the United States—what is it? How many years after 9/11, when you believe that is acceptable and that that is necessary?

Mr. GALLAWAY. I think if we get our rule out and in the in force—

Ms. NORTON. Will the rule make it possible?

Mr. GALLAWAY. I think it will be helpful with the other members who control the airspace—

Ms. NORTON. We are the stakeholders, our people who use—

Mr. GALLAWAY. Yes, we agree.

Ms. NORTON [continuing]. The—who in fact have used general aviation services in the Nation's capitol and are the people who own helicopter services—

Mr. GALLAWAY. Yes.

Ms. NORTON [continuing]. Who routinely flew into Merseley among the stakeholders with whom you are meeting?

Mr. GALLAWAY. Yes. Again, I think when the rule comes out and talks about plane size and other issues associated with that, I think that discussion becomes easier to have with the members of the people who control the overall—

Ms. NORTON. Mr. Sammon, we are going to demand equality with New York. You have not, in this testimony, nor has anyone from the Department ever made the case that is more necessary to reduce general aviation here than it is in New York City, where your own assessments show the risks, the threats, and the consequences to be far greater than in the Nation's capitol.

Therefore, that is what I am looking for—that, and nothing less. You can tell that to the other people at the table that you are trying to point the finger at as the reason; because that is what we want here, equal treatment.

Thank you very much, Madame Chairwoman.

Ms. JACKSON LEE. Let me thank the gentle lady from the District of Columbia. Frankly, let me say to the gentle lady that she has this Chairwoman's support for the issue of general aviation in Washington, DC, so that we recognize that the balanced perspective that I utilize is that what we do have should be secure. But it does not mean that we cannot look in an open-minded manner at how we can restore general aviation in this area.

So, Mr. Sammon, I knew you are just one part of it. This committee will take up the issue. We would like you gentlemen to remain. We understand the challenges. But we have votes. We will then recess, and we will restart this panel, so that Mr. Dent, the Ranking Member, will be able to pose questions to the panel. We thank you very much for your time and courtesy. The committee stands at recess.

[Recess.]

Ms. JACKSON LEE. This hearing will be resumed; thank you for your patience. It is my pleasure to yield 5 minutes to the distinguished Ranking Member from Pennsylvania, Mr. Dent.

Mr. DENT. Thank you, Madame Chairwoman.

Thank you to the panel for sticking around here. I apologize for the interruption.

Mr. Sammon, thanks for being here too, and also for your work on this issue, and also for meeting me separately from this meeting.

Why do you think that, in hindsight, TSA issued such a broad sweeping rule that, in the opinion of many was pretty far off the mark with respect to the LASP program?

Mr. SAMMON. I think the approach there was just to bring something back down once you get the comments, rather than trying to broaden if you find out you have missed the mark somewhere. So, it was probably more broadly based. I think where we are going, as we have discussed, is a much more narrow focus based upon considerable industry input.

Mr. DENT. Thank you. Did you guys consult with any stakeholders prior to the release of the original NPRM?

Mr. SAMMON. Yes. In fact, Administrator Hawley on numerous occasion had meetings with stakeholders and attempted to come to some process. But, he had met personally, as I did, and other staff met, with stakeholders beforehand.

Mr. DENT. How does TSA document any consultations with outside groups or industry groups or stakeholders, while developing a potential rule?

Mr. SAMMON. The documentation of those meetings, I would have to check and get back to you and let you know. On the working sessions, we have documented them. I think they are being cleared to be put on a public format.

Mr. DENT. Also, and finally, in your written testimony, you mentioned the automatic detention and processing terminal, or ADAPT—

Mr. SAMMON. Yes.

Mr. DENT [continuing]. As a system designed to mitigate the use of a GA aircraft as a conveyance to transport dangerous persons, materials in the country. How does that work? How does it distinguish between a scheduled legitimate flight and a flight that may be deviating from its flight path?

Mr. SAMMON. Yes. ADAPT is a program developed by FAA. They track tail numbers. Essentially ADAPT is just a—if you think about it as a data management system. So, with that tail number, for instance, if the particular aircraft is part of the security plan, and ADAPT recognizes that. If people who do not have security plans and are applying to come into the country, for instance, apply for waivers, if they have a waiver, ADAPT will recognize that. If they don't, ADAPT will recognize the aircraft, highlight it to FAA and ground-stop at that aircraft.

We have had a considerable number of aircraft, say from Venezuela, to have come up without a waiver is ground-stopped in Ft. Lauderdale, stopped. But essentially, what kind of information that you want to tag onto that particular tail number, ADAPT is simply a—that is what it does.

Mr. DENT. Thank you.

Dr. Gallaway, thank you too for being here as well. I have been out to the DNDO facilities out there in Nevada and I got quite an education out there. As you know, DNDO's responsible for developing a global nuclear detection architecture predicated on the understanding that "no single layer of defense can detect all radiological and nuclear threats."

How does the radiation, nuclear detection on general aviation aircraft play into DNDO's global nuclear detection architecture?

Mr. GALLAWAY. We look at all the pathways coming into the United States in the border layer. We look at the maritime coming across land and also air. So, we looked at the entire aviation pathway and found, obviously, a variety of flights that come into the country. So, we are trying to work across the board.

Our analysis, however, shows that international general aviation is particularly attractive, because it allows somebody a lot of autonomy. They can maintain control of the weapon, because they can travel with it if they chose. The speed, obviously, is attractive. But then finally, that they could fly it, in fact, directly to the target without ever encountering officials here in the United States.

Mr. DENT. My next question is this. I understand that concern. Do you agree with the TSA and the inspector general's conclusion that general aviation provides a possible method for terrorist attack. But it is not a probable method for an attack. Do you agree with that contention?

Mr. GALLAWAY. We have no specific intelligence information that suggests that this is a threat vector, that the adversary is pursuing.

Mr. DENT. How would DNDO, working with TSA and CBP, address this high-consequence, but low-probability, method of attack?

Mr. GALLAWAY. We would work with both those agencies. But CBP would probably be the more natural one that we would have overseas pre-clearance airports, where we would go out and do radiation scanning of the aircraft to assure that there is not a nuclear device on board the aircraft before it departs foreign soil. Then, we would have confidence that, as it enters U.S. airspace, that it is okay.

Mr. DENT. Can I ask one more question?

I am sorry. Mr. Sammon, one other series of little questions here. In your testimony you mentioned that a critical aspect of TSA's regulatory approach is the process-oriented nature of devising mandatory security measures. By process-oriented nature, are you referring to the rulemaking process?

Mr. SAMMON. I am sorry, the process-oriented nature is what—

Mr. DENT. Yes.

Mr. SAMMON. I think—

Mr. DENT. Are you referring to the rulemaking process when you say that?

Mr. SAMMON. Yes.

Mr. DENT. Okay. If so, then why does the TSA have literally dozens of security directives issued without any opportunity for public notice or comment?

Mr. SAMMON. I think there were two security directives which were issues recently: One called 8F, another 8G. The regulated parties in both cases, the directly regulated parties, were the airports. 8F was designed specifically to address vulnerabilities for people with unescorted access in commercial airports. They do not apply to general aviation airports.

We consulted specifically with both AAAE and ACI, the two major airport associations who also brought airports in to comment both on the security directive. As we got closer to the deadlines, we also consulted with other affected stakeholders. But you must also be aware that the other people who were affected by this would be Coca-Cola vendors, plant maintainers, anybody who is wandering around airports, with unescorted access, who has not been issued an airport clearing security badge.

So, there is a wide variety of folks that we—most of our consultation was with the regulated party and the airports.

Mr. DENT. Finally, what is the process for issuing these security directives? Are they ever reviewed to identify if an actual rulemaking would be possible?

Mr. SAMMON. In the case when the security directive, particularly the 8F, was issued because of security vulnerabilities that were identified by ICE and other parties at O'Hare, where parties were using unauthorized badges. Illegal people were basically taking badges out of a box, using those as their airport credentials. We wanted to move forward as expeditiously as possible to close that vulnerability. Rulemaking would have taken us much longer.

Mr. DENT. Thank you.

Thank you for your indulgence. I yield back.

Ms. JACKSON LEE. Thank you very much, Mr. Dent. Before I move to the next panel, I have just a few questions that I wanted to make sure that we were clear, and that I had a full understanding.

Mr. Sammon, as we go forward in the rulemaking process, I am going to ask you and your team—and I know that your team is being rebuilt as it moves forward under this new administration—to keep this committee, this Chairwoman and the full committee apprised of the progress of the rulemaking. In fact, as Chairwoman of this subcommittee, I would like to have, along with the staff, specific briefings as you make your way through this process.

The other question is, as you watched the video—and I do agree with much of the comments that have been made by my colleagues. Particularly Mr. Lungren, I think, made some points about farmers and the question of a manifest, and some of the challenges in general aviation, when you ask for the preciseness of a manifest and a time frame.

I might add that I also recognize that general aviation has much different topography, when we talk about where small planes may land. Coming from Texas, they may land on an airstrip on a farm.

But my question to you is, in the view that you have just been able to look at, we do have reasonable need to be concerned about perimeter invasion or entry. Let me not use the term invasion as much as perimeter entry.

Will you look at that in your rulemaking? Particularly as it relates, as we discussed previously, Teterboro, I believe, in New Jersey, in a congested area, and the airports in Houston; because there was a clear, if you will, violation of the perimeter—an un-ID'd, uninvited, nonrelevant, meaning that the person had no purpose, and I won't even call them a visitor—got on the grounds with no bar or no security check whatsoever.

So, that is a problem, is it not? If you could turn your mic on, so I could hear you. I think that is a problem, is it not?

Mr. SAMMON. Yes. In May, in 2004, we issued a series of security guidelines.

Ms. JACKSON LEE. Right, I understand that.

Mr. SAMMON. The guidelines, for instance, at airports as you were speaking of would include fencing, hangar security, CCTV, intrusion detection, access controls, lighting, personal ID and so on, so forth. Our struggle there has been to issue those as a mandate without a funding source.

That has been the thing we have been struggling with is—in terms of we are—the assessment of vulnerabilities, the riskiness of the airport, the grass strip, for instance, compared to Teterboro. The requirements are clearly laid out.

But the question is, if we issue a rule, how will it be paid for? We don't know that yet. That is our new struggle.

Ms. JACKSON LEE. Well, we have established that there is a threat. We established that there is a vulnerability. I think we established on this record that 9/11 was not predicted, per se. I assume there were many security experts that probably have written or wrote articles pre-9/11 saying America's vulnerable. But it had not reached the American psyche, or unfortunately the policy mak-

ers, many of whom are here today, including myself if you will, on this whole question of terrorism.

So, we now have a different look at terrorism. We know that we may not all be able to predict what might happen. Even though we have not had a terrorist act on our soil, which we are very grateful for, the combination of the Executive and Congress working together to ensure that not happen, we cannot predict the future.

So, my point to you would be that we want to work with you. There needs to be a balance in the struggle that you have. Frankly, I believe there can be a balance. Teterboro, there can be established parameters and regulations that would be very helpful. I believe in Houston, there can be a balance. Although smaller airports, but as you noted in the video, large airplanes seemingly were housed there.

So, I want to pose the question—and I would like to work on the response with you—that we look at perimeter security as it relates to risk-based analysis, small and large, but also as it relates to just the penetration and vulnerability aspects of it; because you can have a small airport with large aircraft that is, in essence, housed there. Can we work on this issue? Do you see the necessity of ensuring perimeter security?

Mr. SAMMON. I would be happy to come up and sit down with staff and with you to discuss this and discuss the procedures that are in place; and then discuss how we would go forward, particularly if it were made part of a rule and without the funding. I think that is really the issue. I would be——

Ms. JACKSON LEE. I understand.

Mr. SAMMON [continuing]. Happy to spend as much as time as possible.

Ms. JACKSON LEE. You see the need for perimeter security.

Mr. SAMMON. It is in part of our guidelines. We just have no means. It is just the resource to make it happen.

Ms. JACKSON LEE. Mr. Mann, let me just raise this one question with you. I would appreciate it if you convey this to the IG, Mr. Skinner. I do believe that you worked in good faith. But I do believe you did a disservice in the summary and the conclusions that came about.

I assume you responded to what was an interesting and provocative headline as to whether or not Houston was a sitting duck. I don't believe the answer needed to be as provocative—no, it is not a sitting duck. Do you have any scientific evidence that, if a small plane was either loaded or non-loaded, and penetrated one of our refineries, one of the tanks in our refineries, one of the areas that are holding chemicals, that there wouldn't be a potential catastrophic event?

Mr. MANN. Well, there is certainly the potential for that. But——

Ms. JACKSON LEE. Let me have you answer the question. A small plane could cause damage in a catastrophic event. Could it not?

Mr. MANN. It could.

Ms. JACKSON LEE. It could. So even if you want to hang your hat on the question of risk and whether it ever happens, again I emphasize to you that I am not trying to, in essence, cry fire in a crowded theater. I am not trying to re-elevate the horror of 9/11. We all went through that. Those in New York most of all.

But I am trying to capture the unpredictability of terrorism. Therefore, the concern I have with the IG's report is that you gave no credence to the unpredictability of terrorism. You gave you credence to the particular area that you are in. You have just heard me say that I supported Ms. Norton. I am not against general aviation. I frankly believe it should be open here in this region, and we should find ways to secure it.

But then, in Houston, it is just laissez-faire. It is okay. You seem to not look at the region that we were in. Those airports were minutes away from our refinery corridor, with all kinds of potential. We have had catastrophic incidences, and that we are not, in essence—it didn't take a major loss of life. But we had loss of life, 15 at one particular incident. That was, of course, an accident that occurred. But it has great potential.

So, my simple question is do you concede the point that, even if it is a question of how you assess the risk, that a small plane in the region that we are speaking of could cause major damage?

Mr. MANN. I think that is correct, yes.

Ms. JACKSON LEE. And could cause loss of life.

Mr. MANN. That is correct.

Ms. JACKSON LEE. If it was not an accident, meaning some unfortunate pilot that lost their way, but in fact someone who intended to do so, the perimeter entry that you witnessed by video, and the easy access to airplanes, could contribute to that.

Mr. MANN. That is correct.

Ms. JACKSON LEE. All right. I want to thank you for that.

Let me just go to Dr. Gallaway. I think, Dr. Gallaway, that people are not understanding—I shouldn't say understanding—but capturing the essence of what you are saying; because I think it is major. You really focused us on international general aviation. Many times, those are large planes. It could be that they could be carrying radioactive material. They are unscreened overseas. Is that my understanding?

Mr. GALLAWAY. That is correct.

Ms. JACKSON LEE. So you have come here today. Let me just read into the record again your testimony that says: We recommend exploring the option that all other U.S. entry screening and inspection activity, i.e., customs, agriculture, and health, be conducted concurrently for radioactive nuclear screening at the pre-clearance gateway.

What you are saying is that you would like to have a scheme, a structure in place, that would put in place the international general aviation structure that would screen for potential radioactive or nuclear material, that is not at this point happening, and therefore making them a potential deadly target heading towards the United States, if that was their destination.

Mr. GALLAWAY. That is correct.

Ms. JACKSON LEE. Did I understand you to say that you are working on such a structure, and funding would be the asset that you would need to carry through with this?

Mr. GALLAWAY. We are still in the planning phase for this. I will call it more that it is a sophisticated concept at this point. But there would be a lot of things to actually require to implement this. Funding would certainly be the backbone for it. But we would have

to negotiate with our international partners. We would have to figure out, in fact, how to set up the gateway airports and the scanning processes, and then to operationalize all those. So, it would be a challenge, but a doable challenge.

The other component of that problem would be to deal with the aircraft that come across on relatively short flights from Canada and Mexico, that we would set up airports along the U.S. border, but away from population centers, where they could land safely in the United States and then be scanned once they are on the ground. But the key to that is keep them away from population centers.

Ms. JACKSON LEE. Do you think maybe we could work with this proposal and utilize pilot programs initially to see how this structure would work?

Mr. GALLAWAY. Yes. In fact, customs and border protection has gateway airports in Aruba, Canada, and Bermuda, and which we are trying to negotiate the rights overseas with the foreign countries to allow us to do rad/nuc screening. I think we are doing pretty well in those negotiations. Then we would implement them as pilot programs.

Ms. JACKSON LEE. Well, I think most Americans would be grateful, Dr. Gallaway, for your work. I would think most Americans wouldn't be aware of the potential threat of rad/nuclear materials coming in on an international general aviation flight. Again, we are not attempting to create hysteria. But we are attempting to be good stewards of the American people and their need of security.

I would like to ensure that we have an opportunity to be briefed as you move forward. Particularly, I would like to get a status report on the cooperative efforts that you are attempting with our neighbors. I would also like to hear on the progress we are making with our extended neighbors, and that is our allies and friends and various countries that are, of course, in Europe and other parts of the world, because our general aviation flights come from all over the world, which leaves us vulnerable to any precipitous incident that might occur.

So, I would appreciate that. I would appreciate us engaging on this concept of beginning with a pilot program. As you have indicated, funding is not the only part of your need. We need to have an effective structure. I think it is both insightful and needed. I will look forward to meeting with you as you make progress on this particular effort.

I would like to thank the witnesses and appreciate, again, very much, your—

Ms. NORTON. Madame Chairwoman, Madame Chairwoman, could I say a word?

Ms. JACKSON LEE. Oh, I am sorry. I didn't see you come in.

Let me yield for a moment to the gentle lady from the District of Columbia, which I have already gone on record saying that I support her proposition with respect to the District of Columbia and general aviation. The gentle lady from the District of Columbia, Ms. Norton.

Ms. NORTON. I appreciate your support, Madame Chairwoman. I particularly appreciate this hearing, because it has given us a study in contrast without evidence that has been an underlying

risk/consequences analysis. Everyone knew, particularly after 9/11—but they would know in any case—that New York was a particularly vulnerable jurisdiction to planes of every kind, yes, even of course general aviation with its skyscrapers, with its enormous, indeed, its magnificently unique density.

Indeed, Department of Homeland Security knows it, because it places New York City as the highest-risk jurisdiction in the United States. Yet, the Homeland Security Department, it tells us it isn't us, it is the Secret Service, approved within days of 9/11 general security aviation in the Big Apple. You know, they did a risk and consequences analysis of the kind they gave lip service to here, when it came to Houston and to the District of Columbia.

Now, as a result of this hearing, Madame Chairwoman, I must say I believe that Houston is more vulnerable than the Nation's capitol. We don't have any manufacturing facilities, nuclear facilities, fuel storage facilities anywhere close to the Nation's capitol. There is plenty of perimeter control here. In Houston, I saw no evidence, either of perimeter control, or of control by TSA in the air.

Yet, if I am a terrorist, and all I have got is a small plane, I am not likely to try the Nation's capitol. For one thing, we got the Air Force, as all of you know, who since 9/11 we have seen go in the air if they see anybody who even looks like they are penetrating the airspace of the Nation's capitol—false alarms, but all of us were put out in the street several times.

There is no question that the only thing that you have not given sufficient attention to is commercial aviation in a country that prides itself on keeping commerce in place.

Frankly, we have had to—in this city, Madame Chairwoman—beat Federal officials around the head and shoulders, just to keep the city open until finally people understood that this is the United States. This is America. We are capable of protecting our country.

I wanted to say to all three of you gentlemen, it is a matter of some embarrassment to me that we created a whole Department of Homeland Security, and you all haven't figured out how to get ordinary commerce into the Nation's capitol. It is not only the Nation's capitol, it serves one of the real growth regions of the country. So, it is a matter of embarrassment. It should be a matter of shame to you.

Even without general aviation up in the air, you have had precautions here of the kind we don't have in New York and the kind we don't have in Houston. I think you have got to get your cities straight. I think an appropriate risk analysis must be done here in the Nation's capitol.

There are all kinds of layers. I didn't see any in that film. I haven't heard you speak in any layers. So, while I would agree with you that, on any Nation-wide risk analysis, general aviation doesn't come up very high, but a particularized risk analysis needs to be done.

It looks like you have done it only for the Nation's capitol. You got it all wrong—all wrong. You have never been able to justify what you have done here. But I haven't seen comparable attention paid to jurisdictions near nuclear facilities, near fuel storage facilities. It does seem to me you have got some work to be done.

By the way, I still think general aviation does not pose a major threat, even to those jurisdictions. But this testimony today, Madame Chairwoman, has convinced me that no risk analysis, major area of the country by major area of the country, has been done; and that they are dealing with Nation-wide assessment that I think you and I would agree with. I think we are entitled to more than that, given vast differences.

Sometimes they don't have the same population. But terrorists are smart enough to know that we have guarded places like New York and the District of Columbia and have a lot of chatter going on there. They may be smart enough to look for places where if you just do a big blow-out, and where maybe you want to take extra precautions there, instead of spending all your time looking at the navel of the Nation's capitol and stopping all general aviation for all intents and purposes here.

Shame on you. That has simply got to be corrected. You have got to get all the players at the table and show that you know how to meet your dual responsibility to, in fact, keep this Nation safe and to keep us economically and commercially strong at the same time. You have got two missions, not one.

Thank you very much, Madame Chairwoman.

Ms. JACKSON LEE. We thank the gentle lady.

I think, gentlemen, you have just recognized the great interest of this issue of general aviation probably more so than you might have expected. I think we have had an opportunity to strike a balance in recognizing that general aviation is valuable. But it has its vulnerabilities.

Maybe we now need to look across the Nation, Mr. Sammon, as you look at your regulations. Of course, the issue of the District of Columbia is more than you and a major policy decision, which we, as Members of Congress, will join with the congresswoman.

But as you look at this issue of general aviation and the regulations, I think there is merit to looking at perimeter security, looking at where airports are located. Certainly you have already worked with the industry as relates to manifests, protection of vehicles, size of vehicles. We are making progress. But I want to be able to see a holistic approach to this issue.

As I indicated, I want to thank Mr. Mann, Mr. Sammon, and Dr. Gallaway. There being no further questions for this first panel, I would like to thank the witnesses for appearing before the subcommittee today. The Members of the subcommittee may have additional questions for you. We ask that you respond to them expeditiously in writing.

We now welcome our second panel to the witness table.

I welcome our second panel of witnesses. Our first witness is Martha King. Since the early 1970s, Ms. King and her husband, John, have been teaching pilots. Their company, King Schools, operates out of a dedicated complex in San Diego, California, that includes a television and software production facility. For more than 34 years, King Schools has delivered millions of videotapes, CD-ROMs, DVDs and on-line courses to pilots and mechanics.

Ms. King is the first and only woman to hold every category and class of FAA rating on her pilot's certificate, as well as every flight and ground instructor certificate offered by the FAA.

Our second witness is Mr. Olislagers, who is the executive director of Centennial Airport in Denver, Colorado, one of the busiest general aviation airports in the United States, and among the 30 busiest U.S. airports of any kind.

Our third witness is Mr. Jeremy Rogalski. He is an investigative reporter for KHOU-TV, the CBS affiliate in Houston. In February 2007, he aired a report exposing security lapses at three general aviation airports in the greater Houston area. Specifically KHOU-TV acquired entry to those facilities and, in many cases, the aircraft doors were wide open, and nobody questioned KHOU-TV's activities. This important reporting helped to galvanize a national conversation of general aviation security and was among the reasons for the IG report we discussed during our first panel.

Our fourth witness is Mr. Mark Van Tine. Mr. Van Tine is the president and chief executive officer of Jeppessen. Jeppessen is a subsidiary of the Boeing Company. He has spent his career working in a variety of different areas within Jeppessen's businesses, including flight operations, customer service, charting, and information technology.

Without objection, the witnesses' full statement shall be inserted in the record. I now ask each witness to summarize his or her statement for 5 minutes, beginning with Ms. King.

Ms. King, you are recognized.

STATEMENT OF MARTHA KING, PILOT

Ms. KING. Chairwoman Jackson Lee, Ranking Member Dent, Members of the subcommittee, good afternoon. It is a privilege to be here before you today. My name is Martha King. I am co-owner of King Schools, a family-owned business located in San Diego, California. Our company produces DVD and Web-based training courses for pilots.

Nearly half the pilots in America, who learned to fly in the last 30 years, have taken one of our courses. In addition to being type rated in our small company airplane, as Chairwoman Jackson Lee indicated, I also hold every category and class of FAA rating on my pilot and instructor certificates.

My husband and I wouldn't have been able to build our business without the use of a general aviation business aircraft. Our airplane is critical to the survival of our company and to the customers we serve.

For example, King Schools provides the computer-based pilot training materials for some 300 flight schools throughout the United States that are Cessna pilot centers. These small independent businesses are located on small airports at some distance from airports served by the airlines. We visit these flight schools regularly to give marketing and business development talks to their owners and employees. We bring along software engineers and technical support staff to solve our customers' computer issues.

Because of our relationship with these Cessna pilot centers, we visit often with Cessna Aircraft Company in Wichita, Kansas. By using our company airplane, we can take eight members of our small management team from San Diego to Wichita in the morning and return to San Diego that same night. The airplane helps us turn travel time into work time and limits our employees' time out

of the office. This productivity just wouldn't be possible using the airlines.

You don't often hear about companies like King Schools when you hear discussions about business aviation. But for every large company that operates a business airplane, there are eight or nine companies, just like mine—small and medium-sized companies that provide jobs and bring commerce to communities across the United States.

I want to thank you for having me here today as part of your hearing to discuss the Large Aircraft Security proposal or LASP, as put forward by the Transportation Security Administration. From an overall perspective, the proposal does not recognize the significant differences between commercial airline operations and non-commercial operations which do not carry members of the general public.

The primary difference is that we general aviation operators know personally everyone on our aircraft. As a GA operator, I am concerned about several provisions in the proposal. I would like to briefly mention three of them.

A first concern is the prohibition of more than 80 items from being carried on board. This plan would dramatically restrict the productivity of many businesses. Some wouldn't be able to carry their own necessary equipment or their own products.

A second major concern is the proposal to establish a third-party compliance audit program. Some business airplane operators have told me this proposal would actually decrease security, since businesses would now be required to reveal internal security procedures to outside parties. I am also concerned with the requirement to constantly vet our passengers against a no-fly list that, at times, has proven to be inaccurate or incomplete. We know our passengers. They are our employees and our customers.

I believe that general aviation security would be best enhanced by the TSA establishing a rulemaking committee to address the questions and concerns raised by industry and the public on the LASP. This type of forum, often used by the FAA and other Government agencies, has proven benefits.

Since the events of 9/11, the general aviation community has been very proactive in developing and implementing a large number of workable and effective security measures. What general aviation operators seek, and America needs, are measures that do not represent a needless sacrifice in liberty without a benefit to society.

The freedom of movement of private citizens has always been one of our great American ideals. We are confident that we can ensure security without sacrificing that ideal.

Thank you, and I am happy to address any questions you may have.

[The statement of Ms. King follows:]

PREPARED STATEMENT OF MARTHA KING

JULY 15, 2009

Chairwoman Jackson Lee, Ranking Member Dent, Members of the subcommittee, good afternoon. This is the first time I have testified before a Congressional subcommittee and it is a privilege to be here before you today.

My name is Martha King, and I am co-owner and co-chairman along with my husband John—of King Schools, Inc. which is a family-owned business located in San Diego, CA. Our company produces CD-ROM, DVD and web-based training courses for pilots in training. I say with some pride that it has been estimated that nearly every pilot has taken one of our courses during their flying career. We launched our pilot training business out of our home more than 30 years ago.

In addition to being type rated in our company airplane, a Dassault Falcon 10, I also hold every category and class of FAA rating on my pilot and instructor certificates. I regularly fly everything from jet and piston airplanes and helicopters to weight-shift trikes and powered parachutes. I also pilot blimps from time to time.

Since 1996, King Schools has been a member of the National Business Aviation Association (NBAA). I am pleased to appear today on behalf of the Association which represents over 8,000 diverse companies with only one thing in common—they all depend on general aviation aircraft to help them address some of their business travel challenges.

My husband and I would not have been able to build our business, or conduct our now world-wide small business enterprise, without the use of a general aviation airplane for business. Our plane is critical to the survival of our company and the customers we serve.

For example, King Schools provides the computer-based pilot training materials for some 300 flight schools throughout the United States that serve as Cessna Pilot Centers. These small independent businesses prefer to be located on small general aviation airports at some distance from airports served by the airlines, because that is the best location to conduct flight training. We visit these flight schools regularly in order to give marketing and business development talks to the flight school owners and employees, and occasionally take software engineers and technical support staff to solve our customers' computer and networking issues.

As an additional example, because of our relationship with these approximately 300 Cessna Pilot Centers we have the need to visit often with the Cessna Aircraft Company in Wichita, Kansas. By using our company airplane, we can take eight members of our small management team from San Diego to Wichita in the morning, and return our staff to San Diego that same night. In a small company like ours, it is important that we minimize the duration of time our management team is out of the office. The airplane helps us turn travel time into work time and limit our employees' time out of the office. This productivity would not be possible using the airlines.

My story is a familiar one—every Member of this subcommittee has businesses in your State with a story similar to ours.

You don't often hear about companies like King Schools when you hear discussions about business aviation. People tend to exclusively focus on large companies when in reality large companies represent only a small portion of business aviation operators. For every large company that operates a business airplane, there are 8 or 9 companies like mine—small and mid-size companies that provide jobs and bring commerce to communities all across the United States.

I know that you invited me to be here today to talk not only about the benefits of business aviation, but also about the important issue of general aviation security and the pending TSA rulemaking known as the Large Aircraft Security Program or "LASP." My long experience as a businesswoman, aviator, and flight instructor gives me additional insight into some of the challenges general aviation faces in today's economic, political, and regulatory environment. So I am pleased to have the opportunity to be with you today to be part of this discussion on general aviation security.

Let me be clear. The general aviation community is committed to the security of our national transportation system. We want to be a partner with the Federal Government on reasonable, workable, and effective regulations that simultaneously ensure security and facilitate general aviation operations.

Since the events of 9/11, NBAA and indeed the entire general aviation community has been very proactive in enhancing security by developing and implementing a large number of workable and effective security measures. We have worked closely with several Government agencies including the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) and this partnership approach has produced tangible results. The security measures we have implemented include an AOPA Airport Watch program, the monitoring of aircraft financing transactions, a new requirement for government-issued, tamper-proof photo-IDs for pilots, and guidelines for security at general aviation airports. In addition, 5 years ago, NBAA members in the NY area voluntarily initiated a pilot program to design a security program specifically for operations in that area.

We believed that these collaborative efforts would set the foundation for a reasonable and effective Large Aircraft Security Program, which we all understood the

TSA to be developing. Unfortunately, that turned out not to be the case. The community was not only disappointed but alarmed when TSA issued its Notice of Proposed Rulemaking (NPRM) known as the “Large Aircraft Security Program” (LASP) in October, 2008. Their proposed rule clearly reflected a lack of basic understanding of general aviation.

Let me give you two clear examples: First, it appeared to “cut-and-paste” security measures specifically designed for commercial operations onto non-commercial general aviation operations. The proposed rule did not demonstrate even a basic understanding of the vast differences between commercial operations, and non-commercial general aviation operations which, among other things, do not carry unknown members of the public. The failure to understand and recognize these fundamental differences can lead to absurd results. For example can you imagine a company that makes tools not being able to take the tools they make on the plane they own? Secondly, the Large Aircraft Security Program as it has been proposed would apply to very small airplanes—airplanes that are one-twentieth the size of the smallest airplane used in the 9/11 attacks.

I do want to point to one area of agreement—for over 2 years, the TSA has repeatedly indicated that pilot identification has been the agency’s primary focus in the development of a general aviation security protocol. NBAA members recognize the value and endorse the concept of pilot background checks. We stand ready to work with TSA to further define and implement this proposal.

As a general aviation operator, I am most concerned about several of the proposed mandates contained in the current LASP proposal. These include:

- The proposal to include a list of more than 80 “prohibited items” which could no longer be carried on-board GA aircraft. Many of these items are routinely carried aboard because they are central to the business needs of the operator. As I mentioned before it makes little sense for a company sending a team of employees to fix a problem with a customer’s assembly line to be unable to access their tools during a flight—or a company to not be able to use their own products during flight as they prepare for a sales presentation.
- The LASP would also require owners/operators of some airplanes to develop procedures to carry a Federal air marshal when told to do so by the TSA. Here again, this proposal shows a lack of understanding of the general aviation community since every business operator knows who is on-board their aircraft at all times.
- The proposed LASP rule proposes to establish an external third-party audit program to measure compliance with the rule. We believe that “contracting out” such security functions to oversee the application of TSA’s No-Fly and Selectee list and to conduct compliance audits is contrary to our national homeland security goals.
- The requirement to constantly vet our passengers against a no-fly list that at times has proven to be inaccurate or incomplete. We know our passengers. They are our employees and our customers.

In response to the proposed LASP rulemaking, the TSA received over 7,000 public comments including a letter from Committee Chairman Thompson as well as other letters from many House and Senate Members expressing concern with the proposal.

Following release of the LASP NPRM and in recognition that the TSA proposal was seriously flawed and needed to be modified, NBAA joined with other general aviation associations in requesting that the TSA establish a rule-making committee to address questions and concerns raised by industry and the public on the LASP.

We greatly appreciate the support which we received from Members of Congress for such a working group. We continue to believe that this type of forum—often used by the FAA and other Government agencies—would be beneficial for the development of the LASP, and we hope that the TSA will consider the proven benefits of utilizing the “rulemaking committee” mechanism going forward.

As the subcommittee is aware, the TSA also held a series of listening meetings across the United States to receive additional public testimony from hundreds of other concerned parties.

My husband John attended the TSA listening session in Burbank, CA last January, and provided comments for the record. I believe his comments on our commitment to aviation security are shared by the general aviation community at large when he stated that:

“My wife and I operate an airplane that weighs more than 12,500 pounds—still it weighs less than 10% of the weight of a Boeing 737. When applied to private operators like us, these proposed regulations are pointless. You asked earlier about what security procedures are in place. Our airplane is located at a secondary airport, but it is fenced and gated and has 24-hour security. The airplane is in a locked hangar.

The airplane itself is locked and the steering system is disabled. But what is more important, we already have in place the best security system possible—we personally know every one of our passengers. And we are not going to allow an unknown person into our airplane, even at the point of a gun. You see, we have all learned from 9/11 that the days of complying with hijackers, and living through the experience, are over.”

We appreciate that TSA made those additional forums available for the public to ask questions and express concerns with the LASP proposal. Following those meetings, the TSA and the general aviation stakeholders have held three additional listening sessions to further discuss our outstanding concerns with the current proposed LASP rule. These meetings were insightful, deliberative, and valuable to both industry and I believe the TSA. I’m encouraged by reports of the progress made since February and by Mr. Sammon’s comments today.

It is regrettable that these types of open exchanges didn’t occur prior to the release of the LASP as I believe that the proposal would have looked significantly different. I am hopeful that TSA’s commitment to releasing a revised LASP proposal for another round of public comment shows renewed commitment to developing a reasonable, effective, and implementable security program.

I’m looking forward to reviewing TSA’s revised proposal as part of the next public comment period and hopefully we’ll all see a more rational approach to general aviation security. Adoption of TSA’s current LASP proposal would most surely create significant economic and operational burdens for general aviation operators and to many American businesses—like mine—that rely on general aviation aircraft to support their businesses and the economic base that is so vital in today’s difficult economic environment.

I would also like to express our congratulations and appreciation to the Members of the Homeland Security Committee for your hard work and efforts in crafting HR 2200, the TSA Authorization bill. We are pleased that this important legislation creates an Aviation Security Advisory Committee (ASAC) for aviation stakeholders and a “General Aviation Working Group” within the ASAC to give the GA community a forum to formulate recommendations on GA security proposals for TSA consideration.

Chairwoman Jackson Lee, in closing, I want to reiterate the general aviation community’s commitment to ensuring that we continue to operate in a secure environment. We were pleased that the recent Department of Homeland Security report by the Office of the Inspector General—which you requested—effectively summarized the current state of general aviation security. It reports that general aviation “presents only limited and mostly hypothetical threats to security” and, that actions taken by GA airports and operators are “positive and effective.” We are especially mindful of the responsibility that we as a community have to maintain and improve those efforts.

I also want to express my appreciation and that of all the members of the National Business Aviation Association (NBAA), to you, Chairwoman Jackson Lee, Ranking Member Dent and the Members of House Homeland Security Committee for your on-going support for general aviation. You have been most helpful in working with us on the LASP and other issues of concern to general aviation.

Please be assured that the general aviation community is committed to working in partnership with this subcommittee, the Congress and the administration in developing and supporting reasonable and effective aviation security measures.

The freedom of movement of private citizens has always been one of our great American ideals. We are confident that we can ensure security without sacrificing that ideal.

I look forward to responding to any questions you might have. Thank you.

Ms. JACKSON LEE. Thank you, Ms. King. We appreciate your testimony.

I now recognize Mr. Olislagers to summarize his statement for 5 minutes. Thank you.

**STATEMENT OF ROBERT P. OLISLAGERS, EXECUTIVE
DIRECTOR, CENTENNIAL AIRPORT**

Mr. OLISLAGERS. Good afternoon, Madame Chairwoman, Ranking Member and Members of the committee. My name is Robert Olislagers, and I am executive director at Centennial Airport, which is located in the metropolitan area of Denver. I wish to

thank you for the opportunity to appear before you here today regarding the general aviation security program, as well as the Large Aircraft Security Program.

Before I begin my testimony, I would like to thank the committee and the committee Members for your continued support on this issue. The provisions in H.R. 2200 could foster the kind of cooperative relationship that we are seeking with TSA. We also appreciate the security grant program as part of H.R. 2200. It is equally important and very much appreciated.

I would also like to thank Mr. Sammon for his personally leading the stakeholder meetings following the closure comment period of the NPRM. His open and pragmatic approach certainly was refreshing. We hope that that will carry forward in the revised NPRM when issued.

By way of background, I served on the working group of the Aviation Security Advisory Committee, which drafted the Security Guidelines for General Aviation Airports. I have also managed General Aviation airports for the last 25 years. At present, I manage one of the busiest GA airports in the country. I also studied national and international security at the Air War College and at Harvard University.

I believe that progress has been made with respect to general aviation airport security, including the recommendation that the TSA reconvene the working group to update the Security Guidelines for General Aviation Airports. It appears that that suggestion is resonating with the TSA.

That said, while the industry does not question that potential threats exist, I remain concerned with the over-emphasis on the threat and the threat posed by general aviation aircraft. I am also concerned about associated program costs, irrespective of the state of the current economy, as well as the erosion of civil liberties.

Specifically, the NPRM-stated reason for the proposed rule contradicts TSA's own intelligence evaluation and conclusions. The TSA states that the reason for the NPRM is that the TSA is aware that, as vulnerabilities within the air carrier and commercial industry are reduced, GA operations become more attractive targets. However, this is in direct contradiction with the assessment by the TSA Office of Intelligence and the recent 2009 report by the IG makes the same finding.

Another point I would like to make is that the NPRM constitutes, in our opinion, an unfunded mandate pursuant to the Unfunded Mandate Act of 1995. Just at Centennial Airport alone, we estimate the law enforcement cost—nothing else, just the law enforcement cost—to run between \$300,000 at the very low end, up to \$1.3 million per year. That would amount to a current operating level somewhere around \$60 to \$80 per landing or takeoff for each aircraft coming into Centennial Airport. It basically amounts to double taxation.

The NPRM ignores privacy laws and private property rights. We are very concerned, and this is one of the more complex aspects of the NPRM. But it touches on both conflicts with other laws as well as Federalism issues. I am not an attorney. However, extensive case law suggests that citizens enjoy extraordinary legal protections related to private property, privacy rights, as well as due

process. For this reason, we recommend that the privately owned aircraft be exempt, and that the NPRM focus only on publicly operated aircraft for the most stringent initiatives.

The NPRM also may inadvertently force some airports that are unable to comply with the NPRM as proposed to violate Federal Aviation Administration grant assurances, and also be in non-compliance with Federal commerce law relating to interstate access, possibly resulting in becoming ineligible for airport improvement program funding or becoming subject to other punitive actions.

The NPRM also proposes an aircraft weight threshold not supported by the facts. The proposed weight threshold of 12,500 pounds is at least 50 percent below TSA's own classified throw weight analysis and well below the industry recommended weight thresholds. Industry recommends that the threshold be at least 100,000 pounds or more. I can go into greater detail if you would like.

In conclusion, regarding the NPRM, we do not question that potential threats exist, but these must be weighed against mitigations already in place, including voluntary as well as mandatory, the threat to national security, and their likely probability. If the TSA is indeed serious about taking a more pragmatic approach to managing who flies the aircraft, who is on-board the aircraft and what is on-board the aircraft—as Administrator Sammon said, a more aircraft-centric approach—then the industry sees no need for costly airport security measures that do not demonstrably improve security.

However, the effectiveness of a layered approach to security compels general aviation airports to play a value-added role in security. For this reason, we reiterate the recommendation that TSA reinstate the working group and update the Security Guidelines for General Aviation Airports in lieu of the airport security requirements proposed in the NPRM.

This concludes my prepared remarks. Thank you very much for your time.

[The statement of Mr. Olislagers follows:]

PREPARED STATEMENT OF ROBERT P. OLISLAGERS

JULY 15, 2009

Good afternoon, Madame Chairwoman, Ranking Member, and Members of the committee, my name is Robert Olislagers and I am Executive Director of Centennial Airport, located in the Denver metropolitan area. I wish to thank you for the opportunity to appear before you today regarding General Aviation Security.

Before I begin my testimony, I would like to thank the committee and committee Members for your continued interest in this issue. As many of you have pointed out over the past several months, the lack of collaboration with general aviation airports and the general aviation industry has brought us to this point. As was illustrated very clearly, effective security requires TSA and industry to work closely together toward common goals. The provisions you have constructed as part of H.R. 2200 to establish stakeholder working groups to address general aviation security and other important security issues could foster the kind of cooperative approach that was initially missing as TSA developed the NPRM. Your efforts to create a general aviation security grant program as part of H.R. 2200 is equally important and much appreciated.

I would also like to express my appreciation to TSA Assistant Administrator John Sammon for personally leading several stakeholder meetings following the conclusion of the NPRM public comment period. I participated in two of the three meet-

ings and his open and pragmatic approach was particularly refreshing. The general aviation industry, including the airport community, look forward to seeing this pragmatism carried forward in the much-anticipated reissue of the NPRM.

By way of background, I served on the Working Group of the Aviation Security Advisory Committee (“ASAC”) and assisted the TSA in drafting the “Security Guidelines for General Aviation Airports”. I have managed General Aviation (“GA”) airports for 25 years and at present, I manage one of the largest and busiest GA Reliever airports in the United States. I also studied national and international security at the Air War College and Harvard University, and I am a published author on the subject of GA airport security. I served as the Principal Investigator for the only GA security research grant ever issued by the TSA and previously chaired two aviation security research projects on behalf of the National Academy of Sciences, Transportation Research Board. I currently chair the General Aviation Security Working Group for the American Association of Airport Executives (AAAE).

I believe that progress has been made with respect to general aviation airport security, including the recommendation that the TSA reconvene the ASAC Working Group and update the Security Guidelines for General Aviation Airports in lieu of the NPRM recommendations related to airports—a suggestion that appears to resonate with TSA. However, while the industry does not question that potential threats exist, I remain concerned with the over-emphasis on “the threat”, and the threat posed by general aviation aircraft. I am also concerned about associated program costs, irrespective of the state of the current economy, as well as the erosion of civil liberties. Specifically;

(1) The NPRM stated Reason For The Proposed Rule (145) contradicts TSA’s own intelligence evaluation and conclusions;

(i) Specifically, on page 181, the TSA states that the reason for the NPRM is that; the “TSA is aware that, as vulnerabilities within the air carrier and commercial aviation industry are reduced, GA operations become more attractive targets.”¹ However, this is in direct contradiction with an assessment by the TSA Office of Intelligence (“OI”), which concluded that there is little evidence that terrorists have turned their attention to general aviation in the United States.² The recent May 2009 report by the Department of Homeland Security, Inspector General makes the same finding.³

(ii) General aviation is an asymmetric business and unlike commercial airlines with very predictable time schedules and routines, general aviation behavior is random and too unpredictable for terrorists to conduct training exercises that lead to well-planned attacks with a high degree of success.

(iii) Unlike the commercial aviation sector, the vast majority of pilots and passengers flying on general aviation aircraft are known to aircraft and airport operators. Therefore, the focus should be on the small number of unknown travelers, including any unusual situations, transactions, or behavior.

(2) The NPRM proposes to make mandatory what is already in place without demonstrating the efficacy [or lack thereof] of the existing combination of mandatory and voluntary initiatives, including a cost benefit analysis;

(i) Specifically, the NPRM suggests that the GA industry is mostly unregulated, and that this presents a risk (145). We know in fact that GA is highly regulated, including security. I will not repeat all the mandatory and voluntary security initiatives that have been implemented since 9/11; however, it appears that the TSA issued this NPRM without a comprehensive vulnerability assessment of the GA industry that takes into account the effectiveness of all mandatory and voluntary initiatives implemented to date.⁴ We believe therefore that it is premature to conclude that this proposal is in fact, needed.

(ii) Ancillary, the TSA did not provide a cost/benefit analysis in the NPRM that justifies the cost of implementing the NPRM against the efficacy of the existing mandatory and voluntary initiatives.⁵

(3) The NPRM constitutes an Unfunded Mandate pursuant to the Unfunded Mandate Act of 1995 (182);

¹ *Large Aircraft Security Program, Other Aircraft Operator Security Program, and Airport Operator Program*, Federal Register TSA Docket 2008–0021. P. 145

² *Civil Aviation Threat Assessment*. Transportation Security Administration, Office of Intelligence. December 30, 2008 (U/FOUO), Appendix A, P. 2.

³ *TSA’s Role in General Aviation Security*. Department of Homeland Security, Office of the Inspector General. OIG–09–69, May 2009. P. 28, 29.

⁴ For example, the TSA is just now in the process of reviewing data of vulnerability assessments at 100 GA airports through a pilot program.

⁵ It should be noted that former DHS Secretary Chertoff often spoke about “measurable programs” and therefore this standard should apply to this DHS/TSA-crafted NPRM.

(i) Specifically, the TSA estimates that it will cost affected GA airports \$5.5 million over 10 years, while estimating its own costs to implement the program at \$136.6 million.

(ii) In spite of having access to data at all U.S. reliever airports, TSA relied instead on very general data to conduct its fiscal impact analysis. The results are not only deeply flawed but even the TSA questions its own data in the NPRM (174, 175) Even more troubling is the fact that the TSA did not verify its data against even one airport. For this reason, AAAE conducted a survey of member airports and 45 (or 18%) of the 273 Reliever Airports responded. The resulting data confirmed that the TSA substantially underestimated NPRM implementation costs while overestimating airport revenues and, the TSA completely omitted Law Enforcement Officer (“LEO”) costs.

- 24% of Reliever Airports (“RA”) that operate 24/7 have full time staff on hand, therefore,
 - 64% of RAs report having to add staff to meet ASC requirements.
- Individual cost analyses are on file with AAAE for TSA’s review but below are some of the findings of the survey:

- 72% of airports reported ASC training costs to be no more than \$5,000;
- 28% of airports reported ASC training costs to be more than \$10,000, with most of the larger airports reporting costs in excess of \$20,000, including Centennial Airport.

But this is only part of the story:

(iii) The TSA completely omitted from the NPRM cost analysis what every airport reported would be the largest cost center, which is Law Enforcement Officer (LEO) training and deployment. One-third of airports surveyed indicated having to enter into a reimbursement agreement with local law enforcement and another 24% are uncertain of whether they have to negotiate such agreements. Most Alaska airports and many of the larger Reliever Airports reported estimated annual LEO costs in excess of \$200,000 and smaller Reliever Airports estimated costs between \$50,000 and \$100,000. Centennial Airport for example handles some 130,000 itinerant operations per year with aircraft weighing more than 12,500 lbs. Assuming half are departures with 20% deadheading, the airport would have to accommodate an average of 142 aircraft per day, operating from four separate Fixed Base Operators (“FBO”) The timely emplaning of GA passengers is the bane of existence for GA and with multiple departures from multiple locations, we would need multiple LEOs in order to satisfy customer throughput. We are just one example. All told,

- 60% of airports estimated the annual NPRM cost at more than \$40,000, with the larger airports report costs over \$200,000. Centennial Airport estimates costs at more than \$300,000 at a minimum and as high as \$1.3 million per year depending on traffic volume.
- 88% of airports told AAAE that they would pass the cost on to aircraft operators;
- 22% of RAs may have to consider giving up RA status or ban large aircraft; and,
- 15% of RAs will either close or consider closing if they cannot meet the NPRM;

(iv) The TSA also grossly overestimated revenues earned by airports, with only the very largest of airports reaching or exceeding the estimate cited in the NPRM. Most Reliever Airports, however, report less than \$500,000 in annual revenues, a significant discrepancy from the \$3.8 million NPRM estimate.

(v) Finally, for the record, unlike the commercial air carrier sector, TSA does not propose to reimburse any costs to GA airport operators to implement the NPRM, nor will TSA provide screeners or other logistics support.

(4) The NPRM ignores privacy laws and private property rights (181, 183); this is one of the more complex aspects of the NPRM and touches both on conflicts with other laws and Federalism issues. I am not an attorney; however, extensive case law suggests that citizens enjoy extraordinary legal protections related to private property and privacy rights. For this reason, we recommend that privately owned aircraft be exempt and that the NPRM focus only on publicly operated aircraft for the most stringent initiatives:

(i) Specifically, the Fourth Amendment guarantees “the right of the people to be secure in their persons, houses, papers and effects”, which includes vehicles and aircraft. Private aircraft do not operate with the benefit of a “Contract of Carriage” as is the case with commercial air carriers, and passengers on private aircraft therefore do not waive any rights as such. Warrantless searches are not automatic with respect to private aircraft; however, although there is no case law at this time that would deny or uphold the right of law

enforcement to conduct warrantless searches involving private aircraft without probable cause, the issue nevertheless requires substantial justification.

While the United States Constitution does not use the word “privacy,” our courts have identified the interests of Americans in their individual privacy as flowing from a number of constitutional provisions. Most importantly, the Fourth Amendment protects Americans from “unreasonable search and seizure” by the Government of their “persons, homes, and effects,” including many types of personal information. To be sure, the Fourth Amendment does not prohibit entirely Government collection and use of individuals’ protected information. It does, however, require that any such intrusion be justified by a valid governmental interest in having and using the collected information, that such collection only be as intrusive as necessary to accomplish the Government’s legitimate interest, and that the information be handled, protected, used, and destroyed reasonably.

Historically, constitutional justification for intrusive airport security measures, notwithstanding the Fourth Amendment’s warrant requirement has rested in significant degree on the so-called “special needs” exception. Beginning in the 1970s, our courts recognized the need for warrantless searches and seizures at commercial airports in the wake of a wave of aircraft hijackings. However, courts were only willing to recognize such an exception—and permit new warrantless searches and seizures at airports—based on evidence of a real and substantial threat to human life, public safety, and U.S. national security and foreign relations. Even after September 11, 2001, our courts have consistently held that, for the “special needs” exception to apply, in addition to other conditions being met, there must be some showing of a distinct or definite threat, although, for air threats, specific intelligence concerning a threat to any particular flight is not necessary for generalized security measures.

Further, to pass constitutional muster under the “special needs” exception, a security program must intrude on Americans’ privacy and civil liberties interests to the minimal extent necessary to protect against the threat and the program must be expected to be effective. In other words, the Government’s interest in preventing the potential harm, and the reasonable expectation of effectiveness of the proposed measures must be balanced against the intrusion on Americans’ privacy and liberty likely to result.

In light of these requirements for “special needs”-justified searches and seizures, the lack of a valid threat assessment and seemingly little consideration of relevant privacy and civil liberties interest, balance, or effectiveness in the NPRM, is troubling.

(5) The NPRM may inadvertently force some airports to violate Federal law (181);

(i) Specifically, the NPRM may force GA airports unable to comply with the NPRM to violate Federal Aviation Administration Grant Assurances and be in non-compliance with Federal commerce law relating to Interstate access, possibly resulting in becoming ineligible for AIP funding or becoming subject to other punitive actions.

(6) The NPRM proposes an aircraft weight threshold not supported by the facts;

(i) Specifically, the proposed weight threshold of 12,500 lbs is at least 50% below TSA’s own classified throw weight analysis and well below industry recommended weight thresholds.⁶ Industry has concluded that 100,000 lbs is more appropriate.

IN CONCLUSION (REGARDING THE NPRM)

Many individuals and entities have provided separate verbal and written responses that provide greater detail than was possible here today. That said, I believe that it has been demonstrated that this NPRM as written, is seriously flawed because of the numerous discrepancies noted in this response. It is flawed not only by virtue of the fact that the NPRM contained an overwhelming 44 unresolved questions posed by the TSA; its use of highly questionable data, faulty and incomplete financial analyses without the benefit of verification, is very disturbing. Most disturbing is the fact that the NPRM appears to contradict TSA’s own intelligence assessment, which, coupled with the lack of sound threat assessment in view of existing security mandates and initiatives, makes this NPRM a leap of faith rather than

⁶ Although the TSA throw weight analysis remains classified, TSA nevertheless concluded that a threshold weight of 25,000 lbs was more appropriate, acknowledging that the lightest of aircraft do not have the kinetic energy to cause much damage. However, TSA also concluded that 10,000 gallons of fuel (approx. 1,500 lbs of fuel) had sufficient kinetic energy to cause significant damage. Applying both thresholds it would appear that a higher weight threshold is warranted. In a national security assessment I prepared for the TSA, I concluded that a throw weight threshold of 100,000 lbs was more appropriate.

a well-executed plan to improve security. We do not question that potential threats exist, but these must be weighed against mitigations already in place; the threat to national security; and, their likely probability.

If the TSA is indeed serious about taking a more pragmatic approach to managing who flies the aircraft; who is on-board the aircraft; and, what is on-board the aircraft, the industry sees no need for costly airport security measures that do not demonstrably improve security. However, the effectiveness of a “layered approach” to security compels general aviation airports to play a value added role in security. For this reason, we reiterate the recommendation that TSA reinstate the Aviation Security Advisory Committee Working Group and update the Security Guidelines for General Aviation Airports in lieu of the airport security requirements proposed in the NPRM.

SUPPLEMENTAL COMMENTS REGARDING SECURITY DIRECTIVE 08G

The general aviation industry continues to have concerns with the use of Security Directives (“SDs”) for the purpose of issuing new rules. The recent release of SD 08G and the numerous questions it has raised within the general aviation community is a case in point. Specifically, the SD has raised a host of issues concerning the potential need for multiple badges, the treatment of pilots who fly into regulated airports for after-hours fueling, and the like. While TSA is said to be addressing some of the concerns raised by the general aviation community, there remains a startling lack of communication and collaboration concerning the implementation of this SD.

Beyond the specifics of this particular SD, there is a broader policy question regarding the use of Security Directives as a means of implementing policy by TSA. Through the utilization of SDs, TSA can effectively bypass collaborative efforts and limit the ability of industry to comment on such changes. As our experience with the Large Aircraft Security Program NPRM has illustrated so vividly, effective policy and results are best achieved when TSA and industry work together toward common goals.

This concludes my prepared remarks.

Thank you for your time.

Ms. JACKSON LEE. Mr. Olislagers, we do thank you for your testimony.

I now recognize Mr. Rogalski to summarize his statement for 5 minutes.

**STATEMENT OF JEREMY ROGALSKI, INVESTIGATIVE
REPORTER, KHOU-TV**

Mr. ROGALSKI. Thank you, Madame Chairwoman, for the opportunity to discuss our investigative report which aired in February 2007. KHOU-TV’s initial approach was quite simple: Go to general aviation airports and see if you can get in. If so, how far in could you get? As you have seen, the result was some GA airports were practically wide open to someone potentially stealing an executive-sized jet, taking off, and turning it into a lethal weapon.

Acting on a tip from inside the aviation industry, KHOU-TV investigative photojournalist, Keith Tomshe, and I visited three GA airports in the Houston area. Using undercover cameras, we captured how easy it was to gain access into these facilities and to aircraft with doors left wide open—aircraft, I should mention, with auxiliary power units plugged in; aircraft with unobstructed pathways to the tarmac and the runway.

At one airport, we walked right through an unlocked door and walked right up to an unlocked executive jet. At another, we parked just yards away from a regional commercial jet and walked right up to it—no fences, no security, no questions. At another, it had a security gate and call box. But both proved seemingly worthless on our visits, as evidenced by Photojournalist Tomshe’s comments to gain access.

Can you open her up for me? I am here to see the plane. I was here last week. In both cases, the gate opened, and we were next to a hangar and those aircraft with doors wide open.

But KHOU-TV also uncovered the one thing that no one seemed to want to talk about in Houston, and that the DHS Office of Inspector General failed to address as well in its recent study. That is our area is a target-rich environment that potentially makes us particularly vulnerable for a particular type of terrorism.

Why crash a plane into a building when the Houston area, the Houston ship channel to be specific, is littered with million-gallon containers of toxic chemicals right next to a vulnerable population center—containers that chemical plant engineers say could easily be ruptured by a small jet, a jet under 12,500 pounds; containers that often are no more than a half-inch thick; containers that, in the words of one veteran chemical engineer, would “tear like tin foil from the kinetic energy alone, irrespective of fuel or weight-carrying capacity.”

In fact, we discovered deadly chlorine gas, a certain type of nerve gas and many other dangerous chemicals stored all around Houston. To quote a 2004 Homeland Security Council study, that study showed at least 17,000 people could die in such a strike from the ensuing toxic vapor cloud.

Also, as we stated in our report, Mohamed Atta, the purported ringleader of the 9/11 hijackings had been considering a similar sort of attack for years. We have attached a verbatim transcript of our original report as well as a follow-up report we did 3 weeks later in 2007.

In that, I should mention, a corporate tenant at one of the airports we featured was quickly in the process of taking action—installing \$100,000 in security upgrades, including a barbed wire chain link fence, cameras, infrared and motion sensors. In that follow-up report, I should add, then-DHS secretary, Michael Chertoff, promised to “turn up the temperature on the general aviation industry.”

Thank you for your time. I will be happy to answer any questions.

[The statement of Mr. Rogalski follows:]

PREPARED STATEMENT OF JEREMY ROGALSKI

JULY 15, 2009

Madame Chairwoman and Members of the committee: Thank you for the opportunity to discuss our investigative report, “Airport Insecurity” which first aired February 2, 2007.

KHOU-TV discovered while commercial airports all over the country had been forced to make millions of dollars in security upgrades since 9/11, smaller general aviation airports remained unchanged. In fact, we found they were practically wide open to someone stealing a corporate to mid-size jet, lifting off, and turning it into a weapon.

Acting on a tip from inside the aviation industry, KHOU-TV Investigative Photographer Keith Tomshe and I visited three general aviation airports in the Houston area. Using undercover cameras, we captured how easy it was to gain access into these facilities and to aircraft with doors left wide open and an unobstructed pathway to the tarmac.

At Hooks Airport in Northwest Harris County, we walked right through an unlocked door and into a hangar containing an unlocked executive jet. At Lone Star Executive Airport, about an hour north of Houston, we parked just yards away from a regional commercial jet and walked right up to it—no doors, no fences, no secu-

rity, no questions. At Sugarland Regional Airport southwest of the city, it had a security gate and call box. But both proved worthless on our visits, as evidenced by our comments to gain access:

First visit: "Can you open 'er up?" (Gate Opens).

Second visit: "I'm here to see the plane I was here last week" (Gate Opens).

In addition, we consulted with numerous security experts so as to ascertain was this scenario a real threat? Indeed terrorism experts, a former Inspector General for the FAA, structural engineers, industrial chemists, and others all confirmed that in these situations, one could indeed take these planes and do effective terrorism with them.

Part of the reason for that was something else KHOU-TV uncovered: That our area was a target-rich environment that made us "a sitting duck" for a particular kind of terrorism. Why crash a plane into a building when the Houston area is littered with million-gallon containers of toxic chemicals right next to a vulnerable population center? In fact, we found deadly chlorine, a certain type of nerve gas, and many other dangerous fluids stored all around Houston, and uncovered a Government study showing at least 17,000 people could die in such a strike. Again, we confirmed with chemical plant security experts that nearly all such plants were vulnerable to a plane crash attack. We also interviewed structural engineers specializing in these types of plants, who agreed that a general aviation plane could easily pierce and explode one of the many huge containers lining the Houston Ship Channel. Finally we also brought in one of the leading national experts on such scenarios, Dr. Jay P. Boris of the Naval Research Laboratory, to examine our local landscape. Using computer-modeling programs to assess the possibilities and outcomes of an attack in our city, Boris concluded such an attack would be "far worse than 9/11."

And one more thing: Mohammad Atta, the self-proclaimed ringleader of 9/11, and his cohorts had been considering a similar sort of attack in the years leading up to that tragic day. Various news reports, security reports, and counter-terrorism experts we consulted confirmed this.

Attached is the verbatim transcript of our February 2, 2007 report as well as a follow-up report which aired February 22, 2007.* In that, Wing Aviation, a corporate tenant at Lone Star Executive Airport, was in the process of installing \$100,000 in security upgrades. Additionally, DHS Secretary Michael Chertoff promised to "turn up the temperature" on the general aviation industry.

I will be happy to answer any questions you may have.

Ms. JACKSON LEE. Mr. Rogalski, thank you for your testimony.

I now recognize Mr. Van Tine to summarize his statement for 5 minutes.

Mr. Van Tine.

**STATEMENT OF MARK VAN TINE, PRESIDENT AND CHIEF
EXECUTIVE OFFICER, JEPPESEN, INCORPORATED**

Mr. VAN TINE. Thank you. Chairwoman Jackson Lee, Ms. Norton, distinguished Members of the subcommittee, my name is Mark Van Tine. I am president and chief executive officer of Jeppessen and chairman of the General Aviation Manufacturers Association for 2009.

Jeppessen is a wholly owned subsidiary of the Boeing Company and is based in Englewood, Colorado. For more than 75 years, my company has provided navigation charts, electronic databases, and other information services to general aviation and commercial airlines around the world. We serve more than 1 million pilots globally. I am also an active general aviation pilot.

That said, I appear here today primarily in my capacity as the current chairman of GAMA. General aviation is an important contributor to the U.S. economy, supporting over 1.2 million jobs, and providing more than \$150 billion in economic activity annually.

In 2008, general aviation generated over \$5.9 billion in exports of domestically manufactured airplanes. We are one of the few

*Attachments have been retained in committee files.

manufacturing industries that still provides a significant trade surplus for the United States.

Madame Chairwoman, I appreciate you for convening this hearing and to discuss general aviation security issues. GAMA has long been an advocate for general aviation security to be based on risk analysis, measuring threats, vulnerability, and consequences. When higher risks are identified, the appropriate countermeasures and security postures absolutely should be deployed in order to mitigate those risks.

Since the events of 9/11, the general aviation community has worked diligently to increase security and raise the awareness of potential threats to the aviation system. A number of voluntary and regulatory initiatives have been put in place by both Government and industry, which have substantially increased aviation security. I included a list of these numerous initiatives in my written testimony.

These initiatives have been implemented to help prevent terrorists from using a general aviation airplane to attack the United States. It is in this light that we should review the development of the TSA's Large Aircraft Security Program.

When TSA issued a Notice of Proposed Rulemaking for last October, it generated a groundswell of negative reaction from the general aviation community, as well as from many Members of Congress; because, as it was written, it was unnecessarily burdensome, impractical, and did not reflect an adequate understanding of general aviation operations.

I want to be very clear. The general aviation community does not oppose enhancing security. Rather, it believes the NPRM, as proposed, needs to be reworked with adequate input from stakeholders. We want to help the TSA develop a program that mitigates legitimate security risks by facilitating general aviation pilots and passengers to exercise their freedom to fly.

We have made good progress. During two industry working group sessions in April and May, we were able to agree with TSA on a framework for the LASP rule. Assistant Administrator John Sammon has committed to building upon what the TSA has learned from these two sessions and to issue a second NPRM. We commend the hard work that Mr. Sammon and the staff within the general aviation office has put into reworking the NPRM and their willingness to consider our views.

We also appreciate the strong support we received from Members of Congress, who have recognized our concerns and urged TSA to develop a more practical and effective approach. In particular, I want to thank Congressman Dent and Congressman Olson for introducing H.R. 3093, the General Aviation Security Enhancement Act of 2009, which would ensure stakeholder participation in the development of LASP.

Madame Chairwoman, I would like you to know that GAMA is very concerned about TSA's liberal use of security directives to implement new requirements on operators that are not subject to the rulemaking requirements of the Administrative Procedures Act. For instance, TSA has issued a security directive mandating an expansion of security credential requirements for tens of thousands of pilots, employees at airports and aviation manufacturing facili-

ties without prior input from these constituents or due process protection under APA.

We recognize and we respect TSA's authority to issue security directives. However, we do not believe that TSA should use security directives to make policy, unless there is a compelling and immediate national security risk that warrants it.

In closing, Madame Chairwoman, I wish to thank you for providing me the opportunity to appear and testify today on these important issues. I must say I feel strongly that if TSA, industry, and the Congress continues to work together on general aviation security issues, we will put in place a security system that is safe and effective, yet does not inhibit the freedom people enjoy today to privately use general aviation aircraft.

Thank you again for allowing me to be here. I am happy to answer any questions you may have.

[The statement of Mr. Van Tine follows:]

PREPARED STATEMENT OF MARK VAN TINE

JULY 15, 2009

INTRODUCTION

Chairwoman Jackson Lee, Ranking Member Dent, distinguished Members of the subcommittee; my name is Mark Van Tine and I am the president and chief executive officer of Jeppesen and the chairman of the General Aviation Manufacturers Association (GAMA) for 2009. Jeppesen is a wholly owned subsidiary of the Boeing Company and is based in Englewood, Colorado. For more than 75 years, Jeppesen has provided navigation charts, electronic databases, and other information solutions to general aviation and commercial airlines around the world. I appear here today in my capacity as the current chairman of GAMA.

As the committee knows, general aviation (GA) is an essential part of our transportation system that is especially critical for individuals and businesses people needing to travel and move goods quickly and efficiently in today's just-in-time environment. GA is also an important contributor to the U.S. economy, supporting over 1.2 million jobs, providing \$150 billion¹ in economic activity annually and, in 2008, generating over \$5.9 billion² in exports of domestically manufactured airplanes. We are one of the few remaining manufacturing industries that still provide a significant trade surplus for the United States.

GENERAL AVIATION SECURITY

GAMA has long advocated for general aviation security to be based on risk analysis—measuring threat, vulnerability, and consequences. When higher risks are identified, appropriate countermeasures and security postures should be deployed in order to mitigate those risks. We also believe that this risk analysis should consider the security risks inherent with other modes of transportation.

Since the events of September 11, 2001 the general aviation community has worked diligently to increase security and awareness of potential threats to the aviation system. Numerous voluntary and regulatory initiatives have been put into place by both Government and industry that have substantially increased security. For instance:

- The TSA has published Security Guidelines for General Aviation Airports that outline best practices for enhancing security at GA airports.³
- The Twelve-Five Standards Security Program requires that commercial operators of general aviation airplanes weighing more than 12,500 pounds establish a formal security program which is overseen by the TSA.
- The TSA has established a hotline for the general aviation community to report suspicious activity and the Aircraft Owners and Pilots Association (AOPA) is actively promoting an airport watch program for the community.

¹ General Aviation Contribution to the U.S. Economy, Merge Global 2006.

² 2008 General Aviation Statistical Databook and Industry Outlook, GAMA 2009.

³ TSA Information Publication A-001, May 2004.

- Non-U.S. citizens seeking flight training are subject to background checks through the Alien Flight Student Program (AFSP).⁴ Flight school employees are also required to undergo security awareness training per 49 CFR 1522.23(d) to be able to identify potential risks.
- GAMA has, in conjunction with the Department of Treasury, published “Guidelines for Establishing Anti-Money Laundering Procedures and Practices Related to the Purchase of a General Aviation Aircraft” to assist in identification of suspicious transactions in accordance with the USA PATRIOT Act.
- Foreign airplanes flying into the United States are subject to specific security procedures from both the TSA and Customs and Border Protection and are actively monitored by the TSA when operating into, within, or out of United States airspace.
- Domestic aircraft are subject to the requirements of the Electronic Advanced Passenger Information System when crossing into the United States from an overseas location.
- General aviation aircraft are subject to specific airspace requirements within the Washington Air Defense Identification Zone and its more restrictive Flight Restricted Zone (FRZ) including restrictions at three Maryland Airports⁵ where pilots are subject to additional background check and procedural requirements. General aviation operators who wish to fly into Ronald Reagan National Airport are required to comply with the DCA Access Standard Security Program.

All of these initiatives have been put into place to help prevent a terrorist from using a general aviation airplane to attack the United States. At the same time, we would like to draw the attention of the committee to the Department of Homeland Security’s Office of the Inspector General’s⁶ May, 2009 report which concludes that “general aviation presents only limited and mostly hypothetical threats to security” and that “the steps general aviation airport owners and managers have taken to enhance security are positive and effective.” We appreciate the recognition by the IG and believe we have been a positive, proactive partner in addressing legitimate security threats.

THE LARGE AIRCRAFT SECURITY PROGRAM (LASP)

The Large Aircraft Security Program (LASP) has received significant attention from the general aviation community and Members of Congress since published as a Notice of Proposed Rulemaking (NPRM) in October 2008. The general aviation community does not oppose enhancing security; rather it believes that the NPRM proposed by the TSA was unnecessarily burdensome and did not reflect an adequate understanding of general aviation operations.

For instance, under the NPRM, an individual who wishes to fly his or her own plane would have to pay a third-party contractor to undergo a background check before every flight. Not only is this needlessly redundant from a security standpoint, it could also substantially increase the cost of flying a plane. The proposed use of private contractors also raises important questions about privacy and protection of personal information and the ability of TSA to oversee this program. It is these types of concerns that generated a groundswell of negative reaction from general aviation operators across the country.

INDUSTRY VIEW

The LASP proposal is the first time that TSA has attempted to regulate private travel. We believe strongly that the TSA should take pains to recognize this and ensure that LASP does not infringe on the ability of general aviation pilots and passengers to exercise their freedom to fly.

In this regard, GAMA believes that any final rule should recognize that passengers who board general aviation aircraft are known to the operator and crew, and are made up of employees, guests, family members, and clients who typically have close ties to the operator of the aircraft. Unlike commercial operations, passengers in this context are not “revenue service passengers” and warrant a uniquely different consideration from a security vulnerability context. In assessing risk, the general aviation “passenger,” an individual known to the pilot, represents an inherent and significant risk reduction which should be recognized and accounted for by the TSA as it finishes drafting a final rule for LASP.

Indeed, as a point of reference, the preamble to Federal Aviation Administration (FAA) NPRM “Security Related Considerations in the Design and Operation of

⁴ Additional background about the AFSP is located at <https://www.flightschoolcandidates.gov>.

⁵ College Park Airport, Washington Executive/Hyde Field, and Potomac Airfield.

⁶ TSA’s Role in General Aviation Security, OIG–09–69, May 2009.

Transport Category Aircraft 14 CFR Parts 25 and 121” (i.e. above 12,500 pounds in scheduled commercial operations) the FAA states:

“Generally, airplanes in private use carry heads of state, business leaders, and ordinary citizens. In contrast to commercial passenger airplanes, access to airplanes in private use is limited to specific individuals, names, the owner and guests. For this reason, these airplanes typically are not targets of onboard terrorists. [We] believe that applying the proposed requirements to airplanes in private use would not provide significant improvements in security.”⁷

GAMA believes this basic philosophy should be the guiding principle throughout the development of the LASP and for any future regulations proposed for general aviation.

STEPS TAKEN TO ADDRESS CONCERNS IN LASP

Over the past 8 months, our industry has raised concerns with the LASP and actively engaged with the TSA to help develop a program that appropriately balances legitimate security risks with the right of citizens to fly their own airplanes.

GA manufacturers have testified at the five public hearings hosted by the TSA and GAMA submitted a formal position paper that was among 7,000 comments to the docket during the public comment period. We have also provided TSA officials with opportunities to visit general aviation manufacturers to see the types of aircraft that would be subject to the LASP.

We have made good progress. During two industry working group sessions in April and May set up by the Transportation Security Network Management (TSNM) office we were able to agree on a framework for the LASP rule. Assistant Administrator John Sammon⁸ has committed to build upon what the TSA has learned from these two sessions and issue a second NPRM that incorporates suggestions from stakeholders.

The framework we have identified in our sessions with the TSA includes:

- The establishment of a “trusted pilot” system that would require pilots to meet certain requirements before operating their aircraft if that aircraft falls within the TSA-defined scope of LASP.
- The trusted pilot would be responsible for conducting key security functions for flights including identity verification of known passengers and an established process for subjecting unknown individuals to vetting through eSecure flight.
- The establishment of a sensible restricted items list that takes the place of the prohibited items list originally proposed by the TSA.

We commend the hard work that Mr. Sammon and the staff within the General Aviation Office has put in to reworking the NPRM and their willingness to consider our views. We also appreciate the strong support we have received from Members of Congress who have recognized our concerns and urged TSA to develop a more practical and effective approach. In particular, I want to thank Congressman Dent and Congressman Olson for introducing H.R. 3093, the General Aviation Security Enhancement Act of 2009, which would ensure stakeholder participation in the development of the LASP.

TSA’S USE OF SECURITY DIRECTIVES

The general aviation industry is very concerned about the TSA’s liberal use of Security Directives to implement new requirements on operators that are not subject to the rulemaking requirements of the Administrative Procedures Act.

The general aviation community strongly supports a risk-based, threat vulnerability approach to securing our national transportation system. However, we have seen the TSA repeatedly use Security Directive to vastly expand existing security requirements without consideration of the implementation challenges, operational impacts, and economic burdens these mandates impose on the aviation industry. Our most recent experience involves the expansion of security credentialing requirements to tens of thousands of pilots and employees at airports and aviation manufacturer facilities without any input from these constituencies or due process protections under the APA.

GAMA strongly supported an amendment that was offered by Representative John Mica to the Transportation Security Administration (TSA) Authorization Act (H.R. 2200), which would require TSA to initiate a rulemaking process for Security Directives 6 months after implementation. Representative Mica’s amendment pro-

⁷ FAA NPRM RIN 2120–AI66, Docket No. FAA–2006–26722; Notice No. 06–19.

⁸ John Sammon, Associate Administrator for Transportation Security Network Management (TSNM).

vided appropriate discretion to TSA to waive the rulemaking process in the event of an emergency situation.

We supported the Mica amendment because it struck the right balance between national security and due process. We recognize and respect TSA's authority to issue Security Directives. However, we do not believe that TSA should use Security Directives to make policy unless there is a compelling and immediate national security risk that warrants it.

This is an issue of great concern to the general aviation community and we urge Congress to include the Mica amendment in the final TSA reauthorization bill.

CONCLUSION

In closing, Madame Chairwoman, thank you for your leadership on these issues and for inviting me to testify before the subcommittee. I feel strongly that if TSA, industry, and Congress continue to work together on general aviation security issues we will put in place an effective security system that does not inhibit the freedom people enjoy today to privately use general aviation aircraft.

Thank you and I would be glad to answer any questions that you may have.

Ms. JACKSON LEE. Let me thank all of the witnesses for their testimony. I would like to remind each Member that he or she will have 5 minutes to question the panel. I now recognize myself for questions. I would like to also add just an additional welcome to all of the Members who have come and have been effective in contributing to our deliberations.

I am hopeful that, in your opportunity to listen to the earlier testimony, and as stakeholders, many of you, that you have had a positive response to this committee's personal, or this committee's inquiry, about March 2009, to TSA, to ensure that the industry would have ample opportunity to engage.

So I do want to pose a general question to all of you. I respect the different perspectives in which you have come. That is to answer the question whether or not you think, overall, whether security has improved at general aviation airports. Again, some will be speculating. Some will be based upon what you have heard.

But I think the second question is even more important. That is, do you feel that security regulations are necessary for general aviation?

Let me start with Ms. King.

Ms. KING. Thank you, Chairwoman Jackson Lee. In my personal observation around the airport, I find very noticeable increases in general aviation security in awareness of all of the people at the local—base operators, the people that sell gas and provide services; and an awareness of who is around the airports checking out the cars as they are let through the gate.

One of the things that some people may not be aware of is that many of the security procedure that are enacted are not obvious, deliberately so, because the point of having good security is that some of it is obvious to stop the casual person. Some of it is less obvious.

One of the points I would make is that, in our own aircraft, when we go on a transient basis to another airport, the first thing we do after we land, and the last thing, is to disable the steering on the aircraft for security. Also, it allows the operators there to tow the aircraft if they need to move it to allow for space.

But, the steering is disabled. It is not obvious that it is disabled. The last thing we do before we leave is to enable it again. We may have the door open while we are loading luggage. But the airplane

is still not stealable, if you will, because it is not steerable until we are back there permanently and ready to leave.

So, many of the security procedures that have been put in place are not obvious to someone who is not knowledgeable. The security measures will vary depending on the model of the aircraft. That is just an example regarding our particular aircraft.

Ms. JACKSON LEE. Same question, just go right across and answer the question.

Mr. OLISLAGERS. Thank you, Madame Chairwoman. I think general aviation security, the awareness since September 11 has been raised significantly. As a result, I believe that general security at general aviation airports has increased.

Should it be regulated? We believe that there is already a number of regulations in place, including the 12-5 Rule, large charters. So, going beyond that, with respect to the large aircraft security program, we believe that the industry has done an outstanding job regulating itself. I was part of the drafting of the guidelines for general aviation airport security. We believe at this point that that is sufficient.

We are asking the TSA that working group is reconvened, so that we can take another look at it. Thank you.

Ms. JACKSON LEE. Mr. Rogalski.

Mr. ROGALSKI. Since our report aired, Madame Chairwoman, we know two of the three airports we featured made voluntary security enhancements. As we mentioned Lone Star Executive in Montgomery County, north of Houston, a corporate tenant there made \$100,000 in security upgrades. I spoke with the airport director as of yesterday. He informs me that an interior security fence has been installed, and a contract has been awarded to install a perimeter fence as well. That interior security fence has six locked gates.

At Sugar Land Regional Airport, a spokesman there tells me 90 percent of their small planes have been moved into a fully fenced-in area with locked gates accessible by authorized key card holders. So, in terms of the three airports we featured, we know two of the three have made those security upgrades. We have not received comment from the third airport, Hooks Airport.

Ms. JACKSON LEE. We know that you are not an aviation expert. But would you then suggest that regulations with oversight would be a responsible act?

Mr. ROGALSKI. Respectfully, ma'am, as a news reporter, it is neither appropriate nor germane for me to offer an opinion. I can only report on the facts, shine a mirror up to those in the industry and those in your seats and let you decide the appropriate course of action.

Ms. JACKSON LEE. That is a fair enough response. We will take from what you reported as an offering of what you perceive to be facts. We will make our own decisions.

Mr. Van Tine, your response.

Mr. VAN TINE. Madame Chairwoman, if you look at the response since 9/11, a lot of organizations, such as Aircraft Owners and Pilots Association; the National Business Aircraft Association; GAMA, who I am representing today; and the Airport Operators and all the general aviation organizations that represent the industry, I think it is clear that security is improved as a result of these

different programs that have been put in place and the actions that they take.

Improving security will be a never-ending goal and activity in our industry, in our world, as we go forward, which is why we must work closely with FAA and TSA to look at those practical risks. Risk mitigation comes from very accurate risk assessments. As an industry, we will take action to close and mitigate those risks where we can.

At the same time, it is easy to come up with a myriad of scenarios that make it very difficult for us to make it 100 percent safe. So, as an industry and organizations industry, we are committed to work with the Government to find ways to make it practical, and yet allow the free commerce and use of aircraft the way that we have for almost 100 years.

Ms. JACKSON LEE. I will come back. I will come back to you on my line of inquiry, Mr. Van Tine. I thank you for your answers.

I recognize the Ranking Member, Mr. Dent, for 5 minutes.

Mr. DENT. Thank you, Madame Chairwoman.

For Mr. Olislagers, Mr. Rogalski's investigative report pointed out that he and a colleague were able to gain access to an airport, and that one had a substantial gap in the fence around the perimeter. You contend in your written statement that "the industry sees no need for costly airport security measures that do not demonstrably improve security." Is it fair to say that you see airplanes, as opposed to airports, as the proper focus of additional security?

Mr. OLISLAGERS. Thank you. The security of general aviation airports is layered. I prided myself, when I first started to get into the flying business, when I was a little boy, just being very interested in aircraft, being able to walk onto an airport. The thing that people decry today is that all these airports are now shut down, and fathers can't take their kids out to the airport, you know, see the airplanes anymore.

I think that is a very sad state in the industry. In fact, at Centennial Airport, which is one of the busiest general aviation airports in the United States, we continue to encourage folks to be able to get to their aircraft and even visitors to be able to get to the aircraft.

With respect to security of airplanes, there is a complex series of things that happen in order to perpetrate anything with an airplane. It is just not simply of being able to access an aircraft, but being able to access a hangar, maybe, do something in that hangar.

Most of our clients are known to our industry. We have lease agreements with them. We know who they are. They have been vetted properly. So we feel that the current regulations are sufficient. In fact, as Mr. Sammon had suggested, there should be a more aircraft-centric approach to security rather than an airport-centered approach.

Mr. DENT. So you think it should be more aircraft- as opposed to airport-centric.

Mr. OLISLAGERS. Yes, sir.

Mr. DENT. Do you believe that fencing around an airport's entire perimeter will have any substantial effect on general aviation security?

Mr. OLISLAGERS. No, sir. Just like locks on doors, they are for honest people only.

Mr. DENT. So what do you say to Mr. Rogalski, then, regarding his finding about the general aviation airports' vulnerabilities in the Houston area?

Mr. OLISLAGERS. You know, reporters have come on-board at Centennial Airport on the ramp. That is just one part. I don't believe that that is necessarily a breach of security, grabbing the airplane, loading it perhaps with explosives, turning it into an IED. A lot of other things have to happen. We take a layered approach to security, simply getting on an airfield is very simple.

Mr. DENT. Sure. Thank you.

Mr. Van Tine, thank you too for being here. You mentioned that expanding existing security requirements will involve implementation challenges, operational impacts, and economic burdens on the aviation industry. Could you please elaborate on that statement? In particular, what is the nature, extent, and severity of the side effects to increased security requirements?

Mr. VAN TINE. Well again, we focus on the safe use of aircraft, but the efficient use of those aircraft. So, for example, when we look at the DNDO requirements and the suggestions they have for having gateway airports, which would require an additional stop for aircraft coming into the United States, it takes away the utilitarian benefit of the airplane as a time machine and a time—support the efficient use. We would put airplanes into locations, 100 nautical miles away from major metropolitan areas, unfortunately put some into the airports that don't have the facilities or the infrastructure to support these kind of aircraft.

So, it is situations like that that we are concerned about.

Mr. DENT. Will expanding existing security requirements exacerbate the already intense economic challenges businesses face every day, do you think?

Mr. VAN TINE. It certainly will.

Mr. DENT. Finally, I have a minute left.

To Ms. King, thank you for being here as well. I have to tell you, you know, when this issue first hit, many pilots have contacted me, but none more forcefully than my neighbor, you know, who actually, at 11 o'clock at night, came over and on the kitchen table laid it all out for me and said, my goodness, what are you doing?

What is happening here in Washington to our industry? You are going to make it very difficult for us to fly and for me to maintain my job in corporate aviation. So he really made the point not very delicately. But he made it just the same.

Could you please elaborate on and describe the differences between commercial and general aviation operations? Why do you think they are so different?

Ms. KING. Well, in a commercial operation, you are basically taking an airline operation or even a charter for hire. You are basically taking anyone who walks up with money. You don't know them. You don't know who they really are necessarily. You don't know what they really want.

In an operation like ours, we are a small company. We have about 50 employees. The people we carry on our airplane, and what most general aviation business aircraft carry, are their employees

and their customers, all of whom have been known to them for a significant period of time. In my case, my husband and I are also the pilots.

Pilots are already vested with great responsibility for the safety and the airworthiness of their aircraft, and also really for the security; because when we take any person onto our aircraft, we are not like someone standing at a metal detector in the terminal. When we make the decision that we are going to take that person on the aircraft, we are betting our lives on the fact that we know those people well enough that nothing is going to happen; that we know our employees, we know our customers. We are in the airplane all together.

Mr. DENT. You are not picking up any hitchhikers. I understand.

Ms. KING. We are not picking up any hitchhikers.

Mr. DENT. I am going to yield back my time and just thank all of you for being here and just say I felt very encouraged about Mr. Sammon's comments today. What he told me in my office the other day, I feel very encouraged. I am looking forward to something positive occurring on this issue.

Thanks, I yield back.

Ms. JACKSON LEE. Thank you very much.

The Chairwoman will now recognize other Members for questions they may wish to ask the witnesses. In accordance with our committee rules and practice, I will recognize Members who were present at the start of the hearing based on seniority on the subcommittee, alternating between Majority and Minority. Those Members coming in later will be recognized in order of their arrival.

Before I yield to the distinguished gentle lady from Washington, DC, I just want to make sure Mr. Van Tine is aware of the legislation that I offered, Transportation Security Legislation H.R. 2200, that really laid the groundwork for improving stakeholder input into security policy decisions made by TSA.

I think it is important to note that, if we are to have the structure that you are speaking of, we really need to be careful about discussing security-sensitive information in a public rulemaking process. We need to be careful in restricting the administration's ability to issue security directives that address an imminent threat.

I think we struck the right kind of balance in H.R. 2200. But we did give you some additional rights. I just wanted to make sure that was on the record. We will have an opportunity to discuss this shortly.

But let me yield to the gentle lady, Ms. Norton, for 5 minutes.

Ms. NORTON. Yes, Madame Chairwoman. Your work and the work of this committee is why they are at the table at all.

The Chairwoman has constantly discussed balance, because I believe she, as well as I, have been on this committee since 9/11. We lived through the worst of it. So, the last thing we want to do is to go throw out the baby with the bathwater.

But the subcommittee and committee have been very, very critical of lack of balance and of failure to do—in fact, we had to, over and over again, compel homeland security to understand that risk and consequences and threat is what it is all about, as opposed to,

you know, close the joint down, meaning the United States of America.

Ms. King, I want to congratulate you on your accomplishments as a pilot and the work of your company. I am particularly interested in getting any real-time experience you may have. For example, have you flown into DCA or, in general aviation aircraft, into the Nation's capitol since 9/11?

Ms. KING. Since 9/11, no, not in general aviation aircraft, because I am not allowed to.

Ms. NORTON. Why are you not allowed to, as one of the most experienced pilots in the country?

Ms. KING. Because there are extremely difficult-to-meet rules about gateway airports and criminal background checks and air marshals on-board the aircraft that, frankly, take the flexibility and the efficiency out of using a general aviation aircraft for transportation. We do still, on occasion, come to the D.C. area. But at this point, our airports of choice are either Manassas or Frederick, Maryland.

Ms. NORTON. So, they have made it, even with the so-called open general aviation here, impossible, economically impossible—

Ms. KING. Economically impossible.

Ms. NORTON [continuing]. For you to come that—

Ms. KING. Technically possible, but economically not.

Ms. NORTON. Yes. Of course, notwithstanding your experience, the reduction in general aviation here means that you reflect what is happening throughout the industry.

Could I ask all of you—thank you, Mr. Rogalski, for your work.

But could I ask those in the industry to say to me, I know you are getting good cooperation. We heard from Mr. Sammon. I want you to know, you are getting that cooperation, because this committee has insisted upon it. This is not the goodness of their heart.

So, this committee needs to know, are the relevant representatives of helicopter, small aircraft companies, and pilots at the table as we speak?

Mr. VAN TINE. So, I will answer the question from our perspective, and the answer is yes. They are there. The fact that there were 7,000 responses and input back to the NPRM. Again, we appreciate Mr. Sammon and the work that TSA is doing to allow that process to happen. We need to continue to do it. They are being represented and being heard now. That is important. We still have a lot of work to do.

Ms. NORTON. Mr. Olislagers, do you agree with that?

Mr. OLISLAGERS. Yes, I do agree with that. Certainly, I have been able to represent a lot of the general aviation airports in particular, the reliever airports, on behalf of the American Association of Airport Executives, as well as airports and pilots in the State of Colorado. We have seen great representation at all levels, as well as my own airport, where we have 700 based aircraft, again from the very large aircraft to the very small aircraft. We appreciate—

Ms. NORTON. So, I ask all of you, what about your ability to fly into other airports using general aviation aircraft? Are you able to fly? Ms. King indicated something very close to the Nation's capitol. Do these other airports have gateways, entrances with air marshals, things—

Ms. KING. No, they do not. They make——

Ms. NORTON. How about New York City?

Ms. KING. We go into Teterboro. We have been into Newark. We go into Macarthur on Long Island. We go into White Plains. They, of course, have appropriate security on the airfield and the operators that provide services.

Ms. NORTON. But no Gateway, no——

Ms. KING. No gateway, no air marshals, no criminal background checks.

Ms. NORTON. Right there in the Big Apple with all those skyscrapers, you were able to fly into New York City.

Ms. KING. Absolutely. They are very welcoming.

Ms. NORTON. That is the experience, I take it, of all of you. The problem is one peculiar to here. But you have been able, at least, to get in and out. I mean, get in and out of Houston. But it looks like nobody is watching where they should be.

We learned that, of course, it is prohibitive to come into the Nation's capitol, even though the capitol, if you add to the capitol the surrounding region, you have one of the engines of the American economy. What is then, finally, the impact nationally on the industry, whether you are looking at it from the pilot's point of view or from the point of view of the manufacturers?

I am trying to find out the industry—the result of the apparent, until you all got at the table, application across the board with very little distinction between commercial and general aviation. How is the industry——

Ms. KING. From a pilot training point of view, the regulations and particularly the prospect of more additional regulations that were considered when they were proposed to be very onerous with very little benefit, has been very discouraging to people who might otherwise have been interested in taking up pilot training. So it has been very detrimental to the growth of the industry. It has been detrimental to the growth of the pilot population. Pilot training, at the basic level, is of course where eventually our airline pilots come from.

Ms. NORTON. Okay. So, nobody wants to be a pilot anymore, because you can't get in the air.

Mr. Olislagers, you are the industry. Does anybody want to make these planes anymore?

Mr. OLISLAGERS. I am actually part of the airport industry. Certainly for us, since 9/11, things have changed considerably, because we do operate these airports. I can tell you, you know, there are about 19,000 different landing facilities on the general aviation side of the house. You have seen one airport, you have seen one airport.

So, it has been very difficult having personally been involved with the working group, writing the guidelines for general aviation security to really get a template going that covers all of the airports. I think the most important thing that we have been able to do, working with AOPA and then VAA and other organizations is just raise the bar on awareness. Frankly, that has been the best security measure that we have been able to take.

That goes for Centennial Airport as well as some of the small grass fields. It is just be aware of your surroundings. I think that

goes to the same as you are, you know, walking in a parking lot these days or any other threat environment.

Ms. NORTON. Finally, Mr. Van Tine.

Mr. VAN TINE. Well, these security programs have added overhead to the industry clearly, and one that we have accepted. To your question about whether we want to build airplanes or not, we are also challenged by the economic times that are in front of us. The optics that have come from Washington and from other such areas as through the use of, just particularly business aircraft.

Certainly the misunderstanding that those situations have created, and how the airplane really is a general aviation airplane is an important tool of our economy, an important tool to commerce and to the businesses that use it. It is not just CEOs that use airplanes. In fact, some 85 percent of business aircraft operations do not contain, in the back of the airplane, the CEO or executive management, but are used for middle management, are used for transportation of parts, materials, and for the conduct of commerce.

So we are an industry that has entrenched in many different directions. This is one. But again, one that we recognize our obligation and need to support that continued enhancement in security in a practical way that works on both sides of this issue.

Ms. NORTON. Thank you.

Thank you, Madame Chairwoman.

Ms. JACKSON LEE. I thank the gentle lady for her constructive questioning.

Now, I would like to recognize the gentleman from Texas, Mr. Olson, for 5 minutes.

Mr. OLSON. Thank you very much, Madame Chairwoman.

I appreciate the second panel. You guys are thinking it out, learning a little bit about congressional procedure. I know it has been a long day for you. Thank you for giving us your time and expertise today.

I want to briefly talk about, again, the Large Aircraft Security Program. Mr. Olislagers—and I apologize if I mispronounced that. But can you generally describe what has been required of you as executive director of a general aviation airport, at least how the LASP would have affected you as it was proposed originally; and how some of the changes are going to affect you?

Mr. OLISLAGERS. Thank you for your question. You know, prior to the NPRM being issued, we had a robust security program in place already. We had a lot of high-income individuals at the airport who bring in their own security. So, we kind of follow that line.

At the same time, we are also host to a lot of small aircraft. Folks that come on the airfield with their grandkids and so on, want to have an open environment as well. So we try to strike the balance. As Ms. Norton mentioned earlier, we have always tried to strike that balance.

With the NPRM, our greatest cost, which actually the TSA completely omitted from its cost-benefit analysis, were the law enforcement officer requirements that this would have imposed on general aviation airports at Centennial Airport.

We estimated, at the very low end, about \$300,000 for that. The normal operating level at the high end, \$1.3 million in additional

costs. That represents about 20 percent of my operating budget, which is not very large. We run a fairly lean operation on a 24/7 basis. So, that would have been a very significant hit to us.

We had indicated, as many other airports did when we did a poll through the American Association of Airport Executives, that all these other airports would, in fact, pass those costs on to the aircraft operators. In our case, anywhere between \$60 to \$80 per landing or takeoff, very significant.

There are a host of other issues that come with it. But that was certainly the most significant one.

Mr. OLSON. It sounds like you are happy, then, with the progress that has been made on the Large Aircraft Security Program.

Mr. OLISLAGERS. Yes, sir. I have actually participated with two of the three stakeholder meetings that took place following the closure of the comment period. Mr. Sammon has been very pragmatic in his approach. We certainly look forward to seeing that reflected in the revised NPRM, thanks to you.

Mr. OLSON. Thank you.

Ms. King, same question for you, ma'am.

Ms. KING. Most business aviation is in small companies like ours. We have about—as I say, about 50 people. The economic impact of the original proposal would have been very significant in terms of, not just directly, but considerable administrative obligations and reporting requirements.

We are a small, lean company. It is very important to us to be efficient in order to be competitive. Every administrative burden and impact that we have to bear significantly decreases our competitiveness and our ability to operate profitably. The original proposal would have had substantial economic impact on us.

Mr. OLSON. I don't want to put words in your mouth, but it sounds like you are very happy with the progress that has been made since that original proposal.

Ms. KING. I am personally not part of the stakeholders meetings as an individual business owner. The organizations that I belong to—MBAA and AOPA and EAA—have been involved, and they are happy with the progress being made. My feeling is that aviation security is very much like aviation safety. We do have, in aviation, the safest mode of transportation in the country. But that doesn't mean that we sit back and say that is enough. We have done all we need to.

Industry has partnered with the FAA and others on the issue of aviation safety to continually keep increasing and enhancing safety. That is what we look forward to doing with the TSA and with your committee and with the Government to partner with you, to continue to increase and enhance safety.

Mr. OLSON. Thank you very much. So, the answer to that is a great point about how it relates to safety, and how they are sort of analogous. I appreciate that.

My final question is for you, Mr. Van Tine. I personally believe that flight and aviation is the perfect example of American innovation and ingenuity at its finest. I enjoyed your written testimony and how you talk about the freedom to fly, and how the LASP must not hinder that freedom. If you are not familiar with my background, I was a pilot in the Navy for 10 years; had those wings of

gold with P-3s. Taking off was the thing I enjoyed the most about it, going up to 5,000, 10,000, and 20,000 feet, looking down at the world, looking at the ocean.

I tried to fly a little bit after I got out of the Navy, flew a Cessna out of Winchester, Virginia here. But it became pretty obvious that the costs were going to be a little different than with the Navy who supplied all the fuel I needed to go flying. But I just can't tell you how much I identify with that freedom to fly. Can you explain how the LASP may be detrimental to that freedom?

Mr. VAN TINE. Well, I think one of the examples we talked about, that I heard in earlier testimony, had to do with ranchers using aircraft to move materials and move workers. This is under commerce. That the LASP rule, particularly as it talked about prohibitive items list, which really was a carry-over from the commercial side, would make it impossible for those folks to use that aircraft in rural areas.

General aviation supports—when you look at the 19,000 airports, landing strips, heliports around the country, many, many of those are located in rural areas or areas not served by commercial aviation. This is a vital asset to, not just to our commerce, but for people being able to travel, to see family, for recreation purposes as well as for business.

So, LASP, if you looked at an original submission by TSA, when you talk about the passenger watch list, people who get on our airplanes are known to us. If they are not known to us, we have systems now that, in working with TSA, I think we ought to find a way to make use of the eSecure system for the private sector, so we can vet those that may not be known to us, but yet come to us recommended by a friend or by somebody that also will be flying with us.

So, this is an important part of our American heritage, certainly an important part of our commerce. So, again, practical rules that mitigate security risk, but allow us to use these airplanes as we have had for many, many decades is important to us. We are making progress with TSA. Certainly, there still are many things to do, though.

Mr. OLSON. Good to hear. Again, we can't ever lose the freedom to fly, in my personal opinion.

I want to thank all the witnesses for your time, your patience and your expertise today.

Thank you very much, Madame Chairwoman. I yield back the rest of my time.

Ms. JACKSON LEE. I look forward to us utilizing what I think has been very important. Before I conclude this hearing, Mr. Olson, you were able to fly. The rest of us want to fly. So, we are grateful for your comments about the freedom of flying.

There is something I think we all agree with as Americans. This hearing is to promote safe and secure general aviation. You have heard from both sides of the aisle a commitment to general aviation. In fact, you have heard a rather vigorous statement by the gentle lady from the District of Columbia wanting to ensure that general aviation can come to Washington, DC.

I do think it is important, as I ask these few questions of clarification, that we try to assess, again, the line of questioning of Mr.

Olson. I would like to hear it from the three industry representatives, just again—because we are moving forward. I hope that you will affirm that, because of this committee's work, that we got the attention of TSA. You were in very important industry meetings.

So, I know, Ms. King, that you were not in the meetings. But do you feel that we don't have the next step of the written regulations? But have you gotten word back that TSA's new procedures, with the stakeholders' input, was a better procedure, was a better opportunity?

Ms. KING. We participated in the TSA's general public meeting hearings in Burbank, California. Ours was one of the 7,000 comments that went in regarding the original NPRM. We are very encouraged by the fact that the TSA is rewriting or reworking—I am not quite sure the procedure that they follow—that notice.

The information that we are hearing through the associations that we belong to does indicate that they are paying attention to the stakeholders and recognizing that what they had done in the previous proposal was a cookie-cutter copy all of the commercial airline rules over. That they recognized that that is inappropriate.

There are, of course, still issues to be worked out. But I understand that there are significant discussions underway. That is the extent of my knowledge.

Ms. JACKSON LEE. You feel better about the process?

Ms. KING. I do.

Ms. JACKSON LEE. Mr. Olislagers, would you comment on this whole idea of your thought about vulnerabilities that need to be addressed? We would be interested in your perception of whether or not we can do that together.

Mr. OLISLAGERS. Certainly. First of all, I would like to thank this committee for continuing to raise the issue, because I think, without it, the TSA may not have come to the table necessarily to provide the perspective and some of the sit-downs that we have had with the TSA. So I want to thank you for your leadership on the committee and the Members.

With respect to vulnerability assessments, TSA to date has not done any vulnerability assessments that I know within the general aviation industry. Obviously, we have done our own vulnerability assessments at Centennial Airport. We had the National Guard in. Also private sector, we did red team exercises. I think they are very important to understand for any infrastructure environment, any critical asset that should be done.

My own assessment of the general aviation industry is such that we believe that there are a lot of other threats elsewhere that are far greater than the general aviation. I hope that those will get addressed as well. We are doing our part, at Centennial Airport. On behalf of the American Association of Airport Executives, I am assisting certainly my colleagues are all grappling with this issue.

But, again, we appreciate all of your time in this as well. Thank you.

Ms. JACKSON LEE. Mr. Van Tine, thank you.

Mr. Van Tine and Ms. King, I would like to ask this question. How much do you think general aviation can invest in security measures?

Mr. VAN TINE. Well, that is a difficult question to answer, because it depends on what those security measures need to be; which is again why we feel it is important that we team with TSA and really understand those risk assessments and then what are mitigating actions that will result from that.

So, it is an industry that, you know, is highly regulated, and it is expensive. So, you know, clearly in this kind of economic environment, our tolerances are low, as are other industries. But, at the same time, this is an essential issue. We are going to do our part to find the right way, and the right balance between that security and the ability for the industry to operate.

Ms. JACKSON LEE. I think that is a cooperative expression of being willing to work with us on security and safety. In this instance, this is about security.

Ms. King.

Ms. KING. Obviously, security is important to everyone in general aviation, because it is part of our whole safety orientation. As pilots in general aviation operators, we are trained from the time we first start flying to focus on risk management and risk assessment and mitigating risk. The economic impact of the additional security measures, and again, as Mr. Van Tine remarks, it depends on what those measures are—maybe disproportionate depending on the size of the company.

For a company our size or smaller, it could be—depending again on what security measures we are talking about—it could be a crushing economic impact issue that makes you reconsider whether you can afford to use a company airplane. That would be, in my opinion, a tragedy, because it would mean a considerable decrease in efficiency and competitiveness.

Ms. JACKSON LEE. I appreciate that. I want to leave this hearing, so that we have the parameters that we can work with TSA in this committee.

So, Mr. Olislagers, let me just suggest that there are all levels of suggested security procedures or implementation. Say, for example, an airport, a small airport, was asked to have signs, was asked to document their security procedures, have some sort of report, positive passenger cargo baggage—four passengers, four bags, or however many—the aircraft secured at night or in the daytime, community watch program in the contact list, and the contact list would be who do we reach in times of trouble. Is that onerous?

Mr. OLISLAGERS. Madame Chairwoman, that is not onerous. Those are all good business practices. Those are part of the best practices. During last summer, we hosted the Democratic National Convention. We also ramped up during that special event our security protocols. We stand down when we believe there are no specific threats.

So, we take a layered approach to security. All the aforementioned items that you brought up, certainly, are part and parcel of a good best practices program.

Ms. JACKSON LEE. Can those of you who deal with airlines, the airports and airplanes, tell me the size plane by pounds—and I use tonnage at another point, but I will use pounds—12,000 to what, Ms. King, have you been engaged in or utilized in terms of aircraft?

Ms. KING. The airplane that we currently own weighs approximately 18,000 pounds.

Ms. JACKSON LEE. Eighteen thousand, thank you.

Mr. Olislagers.

Mr. OLISLAGERS. The aircraft, we can effectively handle up to 100,000 pounds, although we have had Boeing 737s up to about 160,000 pounds. So we can handle those airplanes.

Ms. KING. So, and you go down—what is the smallest?

Mr. OLISLAGERS. Probably J-3 Cub, a slow Piper Cub, you know, fabric wings, that sort of things.

Ms. JACKSON LEE. Okay.

Mr. OLISLAGERS. Probably less than 5,000.

Ms. JACKSON LEE. Less than 5,000.

Mr. Van Tine.

Mr. VAN TINE. Personally, I am flying aircraft that are 3,000 to 4,000 pounds, since I have those very small. Although, again, my company works with 650 airlines in all segments of general aviation around the world. So my exposure comes from working with customers. But personally operating small, very small, light aircraft.

Ms. JACKSON LEE. Thank you.

Mr. Rogalski, when you did this report, did you visit with or look at video or work that other reporters had done on this same topic?

Mr. ROGALSKI. No, we didn't, Madame Chairwoman.

Ms. JACKSON LEE. Do you have any knowledge about whether or not any other incidences occurred in terms of just other locations? If you didn't consult with them, do you know of any tapes or any other reports like this, not in Houston, but around?

Mr. ROGALSKI. From a news perspective, one would think that would have been the objective of the inspector general reports. But when you make announced visits—as we sought comment from aviation security experts regarding that report, one of the takeaways that they got was that the OIG visits to these airports were announced.

The proper analogy, according to this expert, was if you are a restaurant owner, and the Health Department is going to do a health inspection, and they call you ahead of time, by golly, you are going to have your kitchen spotless clean. Whether or not that holds true is, again, not my place to make a judgment. But no, I don't know of any other incidents. But then, again, I think it is evidence from the OIG report that there was no attempt to gain entry unannounced, unplanned—

Ms. JACKSON LEE. My—

Mr. ROGALSKI [continuing]. To see if there was a larger issue, ma'am.

Ms. JACKSON LEE. I can say that my staff did find other media outlets who had come across some of the same circumstances. I wouldn't expect you were not made aware of them. But they existed. That was my question to the IG.

Now, you raised a very good point, the announcement. But, more importantly, did they take the single question that happened to come from a single market trying to express a broader concern? Did they thoroughly look any more broader fashion, so that we could help all? This was not a Houston story. This was, in fact, an effort

to secure America better. That is what I took from the reporting that you were able to do.

Let me compliment, as I conclude, so that you can understand the thrust of our efforts. You can view this as a compliment, even though it is a stark set of circumstances.

Ms. King, I think, teaches pilots, or is it only that you have a craft that people are able to secure? Do you do training, pilot training?

Ms. KING. We do. What we do is training pilots for the knowledge component. We don't actually teach in the aircraft.

Ms. JACKSON LEE. Okay. But we all are aware, certainly, of the facts of 9/11 as relates to general aviation. We know that the terrorists found a general aviation facility. We know that they were being trained in all innocence. We understand that their source of exchange was U.S. cash. We also documented that they were trained in their rush to take off.

It appears that they really were not interested in getting any training to land. It may have been differing levels of how they handled that. But we know that happened.

So, my question or my comment is look how far we have come.

Mr. Van Tine, do you think anyone is now, we hope, at least monitoring how they take cash. Would you say that is occurring? Would you say that general aviation is very suspicious of anyone who wants a hybrid training takeoff and have no way of getting down?

Mr. VAN TINE. Absolutely.

Ms. JACKSON LEE. Would you also surmise that there is a little bit more documentation on students that are coming into, you would suspect, any training facility to be trained?

Mr. VAN TINE. Not just a little bit, but quite a bit.

Ms. JACKSON LEE. I make the point, because although that was a set of circumstances that none of us could have ever imagined, look how far you have come. You have made very reasonable and rational decisions that really are about security. We applaud you for that.

But we live in remorse, obviously, of that whole tragedy which had many different factors that contributed to it. That is why we are here today, to ensure that we take the next leap, having the industry as stakeholders, recognizing it is a vibrant and thriving industry, and as well, recognizing that the media reporters help us in an instructive manner, so that we have the documentation, the actual documentation, that can help us do better. That is what this hearing was about today.

So, I simply wanted to make that point. Mr. Van Tine has answered for all of you.

But if Ms. King, if you want to say that you believe you have made strides, I know you were in business in 2011—nine, excuse 9/11, 2001, 9/11. Were you not?

Ms. KING. Yes. Flight instructors throughout the country are taking security training and recurrent training on a regular basis. The points that you have talked about, Madame Chairwoman, about taking cash and students who want unusual kinds of training—those and other points are a very heavy focus of that training. So there is a very, very heightened awareness.

Ms. JACKSON LEE. I thank you.

Mr. Olislagers, do you want to comment?

Mr. OLISLAGERS. Very briefly, I think since 9/11, just as passengers on a commercial flight will no longer accept a hijackers thought, you know, that they will still survive the end of the flight, we have seen changes in general aviation and, you know, become smarter. I think that awareness issue needs to continue to take place.

As I have said before, overregulation is probably not the answer. We have a security program at Centennial Airport that is probably the simplest security program we have. We reward people who see anything that happens on the airport that is unusual. It is very successful.

No high-tech cameras can do a better job than us being aware. That is really, I think, the focus, certainly from our general aviation, and would like to continue to pursue. So, less regulation and more awareness.

Ms. JACKSON LEE. Well, I thank you for that final word. I will just add back that it will be regulation with balance. I think that will be a fair approach to how we move on general aviation.

Allow me to thank all of the witnesses who have now appeared. I want to make mention of the fact that I also thank the Members for their valuable questions and acknowledge the constructive manner in which the witnesses answered the questions. The Members of the subcommittee may have additional questions for the witnesses. We ask that you respond to them expeditiously in writing.

Hearing no further business, the subcommittee stands adjourned. Thank you again for your patience.

[Whereupon, at 5:55 p.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRWOMAN SHEILA JACKSON LEE OF TEXAS FOR CARLTON I. MANN, ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS, OFFICE OF THE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY

Question 1. Mr. Mann, the OIG report talks about your discussions with Transportation Security Administration's (TSA) Office of Intelligence, which takes the lead for developing threat assessments for aviation. Did you feel the office was adequately staffed and has all of the necessary resources to be able to make threat assessments concerning existing or emerging threats?

Answer. We did not collect the information you have requested during the course of our review, which had a different focus. Nevertheless, in the interest of being as helpful as possible to the committee, we recently contacted TSA and asked them about resource sufficiency. They have informed us that the Office of Intelligence Threat Assessment Unit is staffed sufficiently and has the necessary resources to make threat evaluations concerning existing and emerging threats.

Question 2. Mr. Mann, the OIG report states that the terrorist threat to general aviation is low due to the fact that most of the aircraft are too small to inflict great damage. What are your thoughts on large general aviation aircraft that could inflict damage? Do you have any comments about larger general aviation aircraft and the risk they pose?

Answer. Aircraft operated by corporations for executive and other corporate employee travel, charter services, or private citizens who use business jets and large turbo-prop aircraft, as well as businesses such as Federal Express, which use aircraft that are equivalent to commercial airliners, do pose unique risks because of their size, payload capacity, and speed. As evidenced by the terrorist attacks of September 11, 2001, large aircraft can cause catastrophic damage to structures. However, occurrences of misuse of general aviation aircraft in this category are practically nonexistent. According to the Aviation Crime Prevention Institute, thefts of all types of aircraft have declined since 2001, when 15 planes were stolen compared to five reports of aircraft thefts thus far in 2009. Of the five aircraft stolen this year, all were propeller-driven—four single-engine and one light twin-engine plane. To our knowledge, no jet aircraft have been reported stolen since 2005, when a man stole a Cessna Citation VII, belonging to a flight services company in Arkansas. The subsequent investigation into the theft of the Cessna revealed no terrorist activity or intent to cause harm.

We believe charter services pose the most significant risk. Unlike corporate and private flights where the crew usually knows the passengers, the crew of charter flights might not have "first-hand" knowledge about those aboard the aircraft. However, TSA has enacted the Twelve-Five Security Program and the Private Charter Standard Security Program to deter the potential misuse of chartered flights. Twelve-Five Security Program requirements include passenger identification checks, fingerprint-based criminal history records checks for the flight crew, specific bomb and hijacking notification procedures and requirements, and the implementation of a TSA-approved operator security program. The Private Charter Standard Security Program requires operators of passenger charter flights using aircraft with a maximum takeoff weight greater 100,300 pounds, or with a passenger-seating configuration of 61 or more passengers, among many other requirements, must ensure that all passengers and accessible baggage are screened prior to boarding the aircraft. In addition, the Private Charter Standard Security Program prohibits passengers from boarding a chartered flight with weapons, explosives, and incendiary devices. It also requires the use of metal detectors and X-ray systems that meet TSA standards, to screen charter passengers. These operators must have a security program that establishes all the required security components for private charter operations.

As is a matter of record based on our July 15, 2009 testimony, one of our objectives for the *TSA's Role in General Aviation* inspection was to identify TSA security

requirements for general aviation airports, and to identify measures taken by TSA to secure general aviation. We determined that TSA, even while it actively pursued all its other mandates, had also paid significant attention to general aviation. This was true both in the Office for Transportation Sector Network Management and in the Office of Intelligence. Various Government and industry studies have concluded that the risks associated with general aviation are relatively limited. Reports previously released by the General Accountability Office and the Congressional Research Service are consistent with this view.

QUESTIONS FROM CHAIRWOMAN SHEILA JACKSON LEE OF TEXAS FOR MR. JOHN SAMMON, ASSISTANT ADMINISTRATOR, TRANSPORTATION SECTOR NETWORK MANAGEMENT, TRANSPORTATION SECURITY ADMINISTRATION

Question 1. Mr. Sammon, in your written testimony you discuss, to some extent, the collaboration between DNDO and CBP to mitigate risks associated with inbound general aviation aircraft. As TSA continues to develop its GA security policies with the LASP and other tools, what will be TSA's role in the collaboration DNDO and CBP are currently undertaking?

Answer. Response was not received at the time of publication.

Question 2. What is TSA's overall strategy for addressing the security of general aviation airports?

Answer. Response was not received at the time of publication.

Question 3. Since 2004, what actions has TSA taken to strengthen the security of the general aviation system? To what extent have these actions been developed in coordination with general aviation stakeholders?

Answer. Response was not received at the time of publication.

Question 4. How does TSA plan to assess the effectiveness of its actions?

Answer. Response was not received at the time of publication.

Question 5. What additional actions does TSA plan to take to further strengthen this area of aviation security?

Answer. Response was not received at the time of publication.

Question 6. What financial, technological, and operational challenges do TSA and its stakeholders face in securing the general aviation system?

Answer. Response was not received at the time of publication.

Question 7. What progress has TSA made in its efforts to conduct a systematic analysis of security vulnerabilities at general aviation airports Nation-wide? How has this progress been measured?

Answer. Response was not received at the time of publication.

Question 8. To what extent were the general aviation security regulations issued in the last year based on the results of a systematic risk analysis?

Answer. Response was not received at the time of publication.

Question 9. What steps has TSA taken to systematically and comprehensively obtain general aviation stakeholder input in developing the proposed regulations to enhance general aviation security?

Answer. Response was not received at the time of publication.

Question 10. In the absence of a focused risk assessment for general aviation, is TSA justified in imposing a broad array of additional security regulations on the general aviation industry? What is the specific threat that these regulations seek to mitigate?

Answer. Response was not received at the time of publication.

Question 11. Conversely, if general aviation represents a significant threat that justifies the proposed regulations, why has it taken TSA 6 years to develop and implement regulations to close these security gaps?

Answer. Response was not received at the time of publication.

Question 12. What steps has TSA taken to systematically and comprehensively obtain general aviation stakeholder feedback on the quality of the agency's risk communication efforts?

Answer. Response was not received at the time of publication.

Question 13. What steps, if any, has TSA taken to identify and prioritize the need for security enhancements at general aviation airports? What is the estimated cost of the improvements needed to comply with the proposed regulations?

Answer. Response was not received at the time of publication.

Question 14. What, if any, general aviation security enhancement has TSA funded to date?

Answer. Response was not received at the time of publication.

Question 15. Has TSA developed any security requirements for domestic charters flights operated by foreign air carriers?

If yes, which regulations are required to be met?

If no, has TSA made a determination that private charter operations in the United States conducted by foreign air carriers pose no significant security risk to aviation and national security?

Answer. Response was not received at the time of publication.

Question 16. What is the likelihood of a nuclear attack occurring from a GA aircraft?

Answer. Response was not received at the time of publication.

Question 17. What will be the financial costs of intensifying the security measures to GA aircrafts?

Answer. Response was not received at the time of publication.

QUESTIONS FROM RANKING MEMBER CHARLES W. DENT OF PENNSYLVANIA FOR MR. JOHN SAMMON, ASSISTANT ADMINISTRATOR, TRANSPORTATION SECTOR NETWORK MANAGEMENT, TRANSPORTATION SECURITY ADMINISTRATION

Question 1. Which general aviation stakeholders did the TSA consult with prior to the release of its October 2008 Large Aircraft Security Program (LASP) Notice of Proposed Rulemaking (NPRM), TSA-2008-0021?

Answer. Response was not received at the time of publication.

Question 2. How did TSA document these consultations with outside industry groups or stakeholders while developing the LASP NPRM?

Answer. Response was not received at the time of publication.

Question 3. Do you believe that the TSA's use of open forums and workshops since April 2009 will result in a better, more risk-based rulemaking? If so, will TSA endeavor to, whenever possible, use much more inclusive, open, and transparent approaches in future rulemakings?

Answer. Response was not received at the time of publication.

Question 4. Who does the Automatic Detection and Processing Terminal work? How does it distinguish between the scheduled, legitimate flight and a flight that may be deviating from its flight path?

Answer. Response was not received at the time of publication.

Question 5. In 2007, then-Secretary Chertoff required CBP and DNDO to scan all arriving general aviation aircraft for radiation and nuclear signatures. Does the Department have any programs either deployed or scheduled to be deployed that would require general aviation aircraft inspections overseas vice once the aircraft has landed in the United States?

Answer. Response was not received at the time of publication.

Question 6. We've heard from the DNDO that these foreign in-bound general aviation flights are of particular concern to them. Do you agree with the DNDO as to the extent of the threat of these aircraft to the United States?

Answer. Response was not received at the time of publication.

Question 7. If TSA really believes, as you testified, "a critical aspect of TSA's regulatory approach is the process-oriented nature of devising mandatory security measures," why does the TSA have literally dozens of security directives issued without any opportunity for public notice or comment? What is the process for issuing these security directives? How often are security directives formally reviewed to identify if an actual rulemaking allowing for public comment would be possible?

Answer. Response was not received at the time of publication.

QUESTIONS FROM CHAIRWOMAN SHEILA JACKSON LEE OF TEXAS FOR DR. CHARLES R. GALLAWAY, ACTING DIRECTOR, DOMESTIC NUCLEAR DETECTION OFFICE, DEPARTMENT OF HOMELAND SECURITY

Question 1. Dr. Gallaway, according to DNDO, what approach poses the greatest risk for radiological and nuclear terrorist attack from a foreign departure point?

Answer. Response was not received at the time of publication.

Question 2. What are some of the advantages that terrorists might associate with GA aircraft when orchestrating a terrorist attack?

Answer. Response was not received at the time of publication.

Question 3. How does the preclearance agreement structure currently utilized by CBP mitigate the risk of unknown in-bound GA aircraft? How could the program be strengthened?

Answer. Response was not received at the time of publication.

Question 4. Can you tell us about the weapons that might be used to inflict a nuclear or radiological attack using a GA aircraft?

Answer. Response was not received at the time of publication.

Question 5. Domestic general aviation air carriers have complained that Air Canada has a competitive advantage in its charter programs because it is not required to screen passengers and baggage like domestic carriers. Please explain the Air Can-

ada issue. Do you feel this is a security vulnerability? If so, what steps is TSA taking to address it?

Answer. Response was not received at the time of publication.

QUESTIONS FROM RANKING MEMBER CHARLES W. DENT OF PENNSYLVANIA FOR DR. CHARLES R. GALLAWAY, ACTING DIRECTOR, DOMESTIC NUCLEAR DETECTION OFFICE, DEPARTMENT OF HOMELAND SECURITY

Question 1. How is DNDO working with TSA and CBP to address the high consequence by low probability WMD attack utilizing a general aviation aircraft?

Answer. Response was not received at the time of publication.

Question 2. What capabilities current deployed to the field exist for DHS inspectors to identify shielded radiological materials? What R&D projects are in the works to improve radiological detection capabilities that might be useful in the general aviation field?

Answer. Response was not received at the time of publication.

QUESTIONS FROM CHAIRWOMAN SHEILA JACKSON LEE OF TEXAS FOR MARTHA KING, PILOT

Question 1. Mrs. King, are some security programs being administered by TSA for general aviation more effective than others? Could you tell us what programs work well in general and which need improvement? For example, the Airport Watch hotline or the security program for large charters, how effective are these programs?

Answer. General aviation aircraft represent a significant investment and commitment of time and effort for general aviation operators. It is in their interest to keep these valuable assets secure. The best approach TSA can take is to provide tools to assist operators in discharging this responsibility that the operators have recognized was theirs long before the creation of TSA. The Airport Watch Program is an excellent example of the kind of tools that are helpful and effective. Since I am not a charter operator, I am not in a position to judge the effectiveness of the security program for charter operators of large aircraft.

Question 2. Mrs. King, do you think there are some situations in general aviation transportation where it would be beneficial to know the watch list status of a passenger or do you feel that, in all circumstances, general aviation passengers are known to pilots and crew?

Answer. It is hard to image a case in which someone would present an unknown person to be carried on a private flight along with valued personnel, who are often conducting confidential discussions and work on-board. In any event, making the watch list available to a trusted pilot would provide one more security tool should a question ever arise.

Question 3. Mrs. King, I would like your opinion on how vulnerable general aviation is to the insider threat—either flight crew or airport personnel. Do we currently have enough security protocols in place to mitigate this risk?

Answer. Aircraft large enough to possibly be used as a weapon are owned by operators who consider the aircraft and the highly valued personnel they carry strategically important to the well-being of their business. These operators carefully vet all those who will come into contact with the airplane or its occupants. In every case these companies will have a security system in place that functions differently than, but often exceeds the effectiveness of, of airline security programs. It is highly improbable that Government regulation would improve this process. In many cases it is likely the specificity in the regulation and the disclosure of plans to outsiders would result in the unintended consequence of degradation in security.

Question 4. Mrs. King, what is your opinion on the international in-bound threat? How can the Government work to address this vulnerability?

Answer. This is a subject in which I am not an expert. Having said that, here is my opinion:

My observation from the occasional international travel I have conducted with our aircraft is that the TSA and CBP processes in place at our borders and overseas effectively detect and deter those that would do harm to our country. We are subject to passenger and aircraft screening at ports of entry, including radio isotope scanning. And CBP now requires submission of the names of our passenger and aircraft information prior to departing from a foreign location for the United States.

International access for general aviation is as important to the economy of our country as access for the commercial airlines. We must ensure commerce and transportation remain a easily accessible for all businesses and travelers.

An aircraft large enough to be a threat on an international flight would represent a substantial investment, and would be a valuable resource to its owner. It would be carefully secured by an owner with legitimate intent. Additionally, an organiza-

tion able to purchase such an aircraft to commit mayhem would have many avenues available that might be subject to less scrutiny and be much more effective than the use of an aircraft. The simplest answer of making every aircraft go through a portal and inspection abroad would have a disastrous effect on the use of general aviation aircraft for commerce and travel and on the economy of the United States. The best answer is international cooperation and intelligence that follows the money.

The risk that a general aviation aircraft might be used to carry a nuclear weapon is limited by the fact that any nuclear weapon that a general aviation aircraft could carry would have to be produced through a sophisticated Government program. The best solution for that problem would be to focus efforts on tracking the results of those programs. For more information on this subject, see *Physics for Future Presidents* by Richard A. Muller.

QUESTIONS FROM CHAIRWOMAN SHEILA JACKSON LEE OF TEXAS FOR ROBERT P. OLISLAGERS, EXECUTIVE DIRECTOR, CENTENNIAL AIRPORT

Question 1. Mr. Olislagers, tell me about how the general aviation industry is faring in this recession and what impact you think changes in the number of flight operations has on revenue and security programs.

Answer. Response was not received at the time of publication.

Question 2. Mr. Olislagers, please tell us generally how involved State and local governments are with providing resources for security at general aviation airports? How has the recession impacted State and local grants or programs for general aviation?

Answer. Response was not received at the time of publication.

Question 3. Mr. Olislagers, what is your opinion on the international in-bound threat? How can the Government work to address this vulnerability?

Answer. Response was not received at the time of publication.

