

July 19, 2011

Honorable Mike Rogers
Chairman
Committee on Homeland Security
Subcommittee on Transportation Security
U.S. House of Representatives
Washington, DC 20515

Honorable Sheila Jackson Lee
Ranking Member
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Rogers and Ranking Member Jackson Lee:

On behalf of the over 8,000 members of the National Business Aviation Association, I would like to commend both of you as well as the members of the Subcommittee on Transportation Security for inviting stakeholder input as part of House Homeland Security Committee's development of TSA Reauthorization legislation in the 112th Congress.

The general aviation community is committed to the security of our national transportation system. We seek to 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 the 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, five years ago, NBAA members in the NY area voluntarily initiated a pilot program to design a security program specifically for operations in that area.

As the House Homeland Security Committee continues its work on TSA Reauthorization legislation, NBAA would like to highlight the following issues of concern and interest to business aviation operators:

Large Aircraft Security Program (LASP)

In 2008, TSA introduced a proposal for a mandatory general aviation security program called the Large Aircraft Security Program (LASP). This proposal would have initially applied very airline-centric security measures to all aircraft weighing more than 12,500 pounds. For perspective, the cabin of an aircraft weighing 12,500 pound can fit sideways inside the passenger cabin of most airliners.

In response, TSA received over 7,400 public comments--an unprecedented number opposing the initial LSAP proposal. This included a letter from then-House Homeland Security Chairman Thompson expressing the Committee's concerns about the TSA plan. In addition, this subcommittee followed up with a hearing on LASP in which NBAA was pleased to be represented by Ms. Martha King of King Schools (a nationally recognized leader in general aviation flight training) who provided a GA operator's prospective on the issue. TSA also received letters of concern from Members of Congress, Governors, and local leaders. A number of State legislatures also passed resolutions or submitted petitions in opposition to the initial LASP proposal.

To their credit, the TSA reconsidered the initial LASP proposal and ultimately reached out to the GA community to work collaboratively in attempting to address our primary concerns with the initial rulemaking. We have met numerous times

with TSA representatives to provide suggestions and further discuss our concerns as we move forward.

We have been advised that a revised LASP proposal is currently working its way through the approval process at the Department of Homeland Security (DHS) and then next to the Office of Management and Budget (OMB). We remain hopeful that the new LASP proposal will address the views and concerns of the GA community and reflect the unique characteristics and diversity of general aviation.

NBAA and our members stand ready to work with TSA again on this issue once the Agency releases its new proposal. We urge this subcommittee to continue to conduct the appropriate oversight on the LASP issue as the regulation moves forward.

Access to Temporary Flight Restrictions

The government frequently uses airspace restrictions called Temporary Flight Restrictions (TFRs) to limit air traffic around or through a particular area for a variety of reasons. These include natural disasters, sporting events, Presidential movements and other security and safety related events.

When TFR's restrict access to airports -- as they frequently do during Presidential travels -- general aviation operators are routinely prevented from accessing key aviation resources, like airspace and airports. Airports are as important to general aviation as they are to the nation's scheduled airlines. However, due to routinely short advance notice of TFRs, along with their often long durations, general aviation is frequently denied equal access to affected airspace and airports. In some cases, the size of the TFR will often limit access to cities and make it impossible to do business during those periods.

In early June, NBAA joined with other general aviation stakeholders in writing TSA Administrator John Pistole to request agency consideration for implementing procedures "that would allow aviation businesses and operators to continue operating near normal levels but address the security needs necessary to protect the President during travel."

General aviation operators must have a process which permits equal access to TFR's that does not rely solely on the concept of portal airports for prior screening. Our industry has a long history of partnership with TSA and it's clear that other

voices within the security decision-making chain have made it difficult to affect any meaningful changes on GA access to TFRs

NBAA is willing to work with any and all stakeholders to find a reasonable solution that would allow general aviation access to TFRs so that American businesses can continue to utilize their aircraft. NBAA believes that this issue deserves further consideration by this subcommittee.

DCA Access Standard Security Program

In 2005, TSA and other government agencies allowed the reopening of general aviation access to Ronald Reagan Washington National Airport (DCA) under a very strict protocol of security measures. The program mandates screening of the aircraft, crew and passengers at portal airports prior to departing for DCA and prior to takeoff from DCA.

The DCA program has seen limited success due to the relatively few number of TSA-designated portal airports available to general aviation operators who seek equitable access to DCA. The program also fails to recognize the need for operational flexibility as GA operators seek to respond to real time changes in flight schedules. This has effectively reduced general aviation traffic at DCA from pre-9/11 levels of nearly 30,000 operations per year to nearly 300, a drop of 99%. This has also had a very clear measurable impact on the local and regional Washington, DC/Northern Virginia economy.

TSA has recently introduced additional new portal gateways and provided new flexibility to the DCA access program which we are confident will significantly increase the number of general aviation operations at the airport. We remain hopeful that once TSA finalizes the LASP, it will provide general aviation with opportunity for greater access to the nation's airspace including DCA.

International Security Waivers

Since 9/11, general aviation aircraft have been faced with a variety of access restrictions for entering the United States as well. In the early years, the processes

for applying for TSA security waivers was difficult, uncoordinated, and unpredictable. This challenging process led to significant concern from foreign countries, many of which are allies of the US, about the ability of their aircraft operators to access U.S. airspace.

NBAA was able to work successfully with TSA and others to facilitate a new process that reduced the processing time for obtaining an operating waiver for non-US aircraft from the initial seven days to 1 hour while providing all of the necessary information for our government to analyze information about incoming flights. We understand this enhanced process has reduced the number of waivers processed by TSA by roughly 60%.

What remains is the requirement for non-US aircraft to apply for and receive a TSA waiver for flights they conduct within the U.S. The waiver application requires the same information needed by Customs and Border Protection, Immigration and Naturalization and Agriculture, Plant and Health Inspection Service. In addition, the waiver request also requires planned itineraries, destinations and passengers. Much of this information is likely unknown when the waiver is submitted since business travel plans can change once they have arrived in the U.S. It makes little sense that after a complete initial vetting by CBP, TSA, INS and APHIS, that these aircraft operators are then required to go through additional vetting for flights they intend to conduct within the U.S.

The vetting process for international operators can take up to seven days to receive a waiver. Without such a waiver, foreign aircraft operators face having their aircraft grounded, or find themselves unable to depart the US. We remain unclear as to the security benefit of requiring an additional security waiver process for non-US aircraft that are traveling within the US.

In closing, I would like to reiterate NBAA's commitment to working with this subcommittee, the Congress and the Administration in developing reasonable and effective risk-based aviation security measures. I also want to express my appreciation to the members of the House Homeland Security Committee for your continued support for general aviation.

Sincerely,

A handwritten signature in black ink, appearing to read 'ED Bolen', with a horizontal line extending to the right.

Ed Bolen
President and CEO