

**Statement of Edward M. Bolen
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**Before the Subcommittee on Aviation
Committee on Commerce, Science & Transportation
U.S. Senate**

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Mr. Chairman, Senator Rockefeller, and members of the Subcommittee, my name is Edward M. Bolen and I am President of the General Aviation Manufacturers Association (GAMA). GAMA represents approximately 50 of the world's leading manufacturers of general aviation airplanes, engines, avionics and component parts.

GENERAL AVIATION

As everyone on this Subcommittee well knows, general aviation is technically defined as all aviation other than commercial airlines and military aviation. Our airplanes range in size from small, single-engine planes to mid-size turboprops to large turbofans capable of flying non-stop from New York to Tokyo.

General aviation is the foundation of our air transportation infrastructure and the primary training ground for the commercial airline industry. We also help drive the economy and contribute positively to our nation's balance of trade. A recent DRI-WEFA study shows the industry's impact on the US economy exceeds \$40 billion annually.

GENERAL AVIATION'S SECURITY FOCUS

Mr. Chairman, the attacks that took place on September 11 had a profound impact on all Americans. Among other things, they caused us all to look at every aspect of life through the prism of security. The general aviation industry is extraordinarily serious about security. We recognize that the future viability and credibility of the industry is directly tied to security.

In response to the terrorist attacks on America, the general aviation industry hired security experts to assess the vulnerability of the general aviation industry and to help find ways to enhance general aviation security. We did so because we are extraordinarily serious about security. We recognize that the future of our industry is directly tied to security.

We learned from the experts who studied our industry that general aviation has many inherent security features that terrorists would find discouraging.

For example, according to the experts, terrorists like secrecy and anonymity. They don't want people to know who they are, where they live or what they are up to. Instead, they want to get lost in a big crowd, they want to blend in with a mass of people, they want to go unnoticed.

General aviation is not an industry that lends itself to secrecy or anonymity because it is a relatively small, closely-knit, and heavily regulated industry.

All general aviation pilots are registered—names and addresses—with the federal government. They are subject to periodic check rides and medical examinations so they are forced to interact with government and society. They operate out of general aviation terminals or airports that tend to be like small communities.

If you have ever been to a general aviation terminal at a commercial airport or to a general aviation airport, you know that there is a strong sense of community. There is camaraderie between the pilots and airport personnel and an aviation jargon that lends itself to familiarization. There is also a strong interest in airplanes that translates into people closely watching what types of aircraft are being flown and by whom.

According to the experts, this is not the ideal environment for terrorist operations.

The experts noted other aspects of general aviation that they found positive. Among those is the fact that general aviation pilots and passengers know one another. And, as general aviation airplanes become larger they operate out of larger airports and, because of their cost, they are well cared for and secured.

When we asked the experts how we could enhance security, they suggested we try to build on some of the industry's inherent security strengths. For example, since it is a strength that all pilots must be registered with the federal government, the experts suggested we make sure the Airman Registry is kept current. Since it is a strength that pilots have to carry an ID card known as a pilot's license, they suggested that a photo be added to the license to improve identification. Since it is a strength that general aviation airports are small communities, they suggested we establish neighborhood watch-type programs where pilots would be told what kind of things to look for and where to report suspicious behavior.

Based on this input, the general aviation community put together a list of 12 security recommendations and sent them to the Department of Transportation and the Federal Aviation Administration in December of 2001. A copy of those recommendations is attached.

SINCE SEPTEMBER 11

So what has actually changed in the area of general aviation security since the September 11th attacks? Here are just a few examples:

Today, all foreign-registered general aviation aircraft must be approved by the Transportation Security Administration (TSA) and submit a complete passenger manifest before they will be allowed to enter the United States.

As a result of the Patriot Act, companies that finance the sale or purchase of general aviation aircraft follow guidelines GAMA developed with the Treasury Department for identifying and reporting suspicious financial transactions.

The federal government is now regularly combing the Airman Registry looking for persons deemed to be a security threat.

New security procedures, including passenger screening, have been crafted for charter flights on aircraft weighing 12,500 pounds or more.

Aircraft are not allowed to fly over major sporting events at low altitudes unless they receive permission from the TSA.

Pilots are now required to carry a government issued photo ID in addition to their pilot's license whenever they fly.

And, as a result of efforts by the Aircraft Owners and Pilots Association, neighborhood watch-type programs have been established at general aviation airports complete with a toll-free number for reporting suspicious behavior (1-866-GA-SECURE).

As you can see Mr. Chairman, the general aviation world has changed significantly since 9-11, and the general aviation industry itself is continuing to push for more changes.

For example, GAMA supports improving the Airman and Aircraft Registries to better reflect all relevant pilot and aircraft information. We support the concept of giving general aviation companies that charter or rent aircraft weighing more than 12,500 pounds access to the Computer Assisted Passenger Screening (CAPS) system used by commercial airlines. We support the concept of allowing Part 91 operators who voluntarily participate in a federally certified security program the same access to airspace as commercial operators—a concept that is being refined and tested through a demonstration program involving Teterboro Airport and the National Business Aviation Association.

However, Mr. Chairman, another security measure required by the Aviation and Transportation Security Act (ATSA) that all aliens seeking flight training in aircraft weighing 12,500 pounds or more are now required to undergo a Department of Justice background check has yet to be implemented.

The reason I omitted the DOJ background checks earlier is because the Department of Justice has ignored Congress by disregarding the clear intent of the Aviation and Transportation Security Act (ATSA).

Members of this Committee will recall that early drafts of ATSA did not include a time limit in the provision requiring all aliens seeking flight training in aircraft weighing 12,500 pounds or more to undergo a Department of Justice background check. GAMA did not oppose the provision but expressed concern about the fact that there was no time limit on how long the DOJ could take to conduct its background check. We cautioned that without some statutory time limit, the DOJ might never get around to conducting the required background checks.

We are grateful that Congress took our concerns to heart and inserted a 45-day limit to the final version of the bill which became law on November 19, 2001.

Unfortunately, the Department of Justice has ignored the clear intent of the statutory time limit and refused to conduct the Congressionally mandated background checks. The way DOJ has avoided the 45-day clock is by claiming that the clock did not start with bill's enactment. Instead, the DOJ claims the 45-day clock will start only if and when it gets around to putting a process in place for conducting the required background checks.

It has now been nearly 15 months since ATSA became law and the DOJ has still not implemented such a procedure for aliens seeking flight training in aircraft weighing 12,500 pounds or more. This is an outrage. As a result of the DOJ's inaction, flight schools have lost students, flight instructors have lost their jobs, and domestic manufacturers have lost sales to foreign competitors. Perhaps most importantly, the safety of airline passengers around the world has been compromised.

Mr. Chairman, there is a reason more pilots are trained in the US than anywhere else in the world. The US has the highest safety standards, best instructors and the most advanced flight training simulators in the world. We do not want foreign airlines that carry U.S. passengers or foreign corporations that carry U.S. business people to train elsewhere.

Since passage of ATSA, the Department of Transportation has given life to the entire 70,000 person Transportation Security Administration (TSA). That agency, which was nothing more than a name on a piece of paper 15 months ago, has been able to conduct criminal and financial background checks, fingerprinting and drug testing on 44,000 baggage screeners, and has ordered over 150,000 background checks on pilots and airport personnel. Over that same period of time, the DOJ has not able to conduct a single

background check on an alien seeking initial flight training on an aircraft weighing 12,500 pounds or more. That is inexcusable.

We understand the rule that establishes the background check process is ready for publication. All the other federal agencies have signed off on it, and the rule has cleared the OMB.

DOJ itself claims to be just about ready to publish the rule. They say they are just working out a few kinks in their software and should be ready to go in another week or two. Of course they told us that last February, and last March, and last October.

DOJ's failure has financially damaged U.S. flight schools, cost hundreds of flight instructors their jobs, and cost U.S. manufacturers aircraft sales.

Mr. Chairman, this is not what Congress intended when it passed ATSA. It is not what GAMA intended when we worked with you on the legislation. As a result, we are urging you to take steps to correct this action immediately. We can't keep waiting for DOJ to start the clock. It is possible they never will.

CONCLUSION

In closing, I want to once again state clearly and unequivocally that the general aviation community takes its security seriously. The industry has come together on this issue and been very proactive promoting security enhancements.

We look forward to working with Congress, the Department of Homeland Security, the Department of Transportation, and others as we continue to develop reasonable and effective security tools.

Thank you for the opportunity to testify today. I am happy to answer any questions you might have.