

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY**

**TRANSPORTATION SECURITY ADMINISTRATION**

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**Before the**

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

**June 9, 2005**

Mr. Chairman, Senator Inouye, and Members of the Committee, good morning. It is my pleasure to be here with you today to testify regarding the Department of Homeland Security's aviation security policies for the National Capital Region, the security plan for a measured resumption of general aviation operations at Ronald Reagan Washington National Airport (DCA), the events surrounding the incursion into the Flight Restricted Zone (FRZ) by a private aircraft on May 11, 2005, and general aviation security more broadly. I welcome this opportunity to appear before you, along with my colleague from the Federal Aviation Administration (FAA), to address these important matters.

In all decisions involving aviation operations in the National Capital Region, we are ever mindful that the area is an obvious target for terrorists. In a very compressed location rests the seat of Government of the United States – the White House, United States Capitol, the Supreme Court, and supporting buildings that house staff and other Federal courts; the leadership targets – the President and Vice-President, members of Congress, Cabinet members, justices and judges; the headquarters and operations facilities for the Nation's domestic and international security apparatus among the Federal departments; and the monuments, museums, and other national treasures of immense symbolic and historical value to Americans. These concentrated assets represent the lifeblood of the governance of our great Nation and our global responsibility to lead the war on terror and foster the continued spread of freedom and democracy. Assuring their safe and secure operation, under security measures aimed at minimizing vulnerabilities and preventing attacks, is an absolute essential.

As part of its effort to protect the National Capital Region, the Department of Homeland Security (DHS) and TSA, in cooperation with other governmental entities, regularly monitors the threat posed to or by particular types of aircraft arriving or departing from DCA and factors continually changing information into its operations and planning efforts. TSA plans and executes its general aviation security mission in a manner that exemplifies the threat-based, risk-managed approach used to strengthen security across all transportation modes. TSA has led a systematic effort over the last several months with other parts of DHS that deal with airspace protection in the National Capital Region (NCR), including Border and Transportation Security, Customs and Border Protection,

Information Analysis and Infrastructure Protection, the United States Secret Service, and the Office of the National Capital Region Coordinator, to assess continually the security situation at DCA and ensure that security measures are appropriate to the threat. This concerted effort culminated in the announcement on May 25 of a security plan to resume certain pre-cleared general aviation operations, including charter flights, corporate aircraft, and on-demand operations, at the airport. We wish to thank all those who were instrumental in this achievement, especially members of this Committee and other distinguished members of Congress, our colleagues at the FAA and throughout the Departments of Transportation, Defense, and Homeland Security, and the general aviation industry.

I will provide more details about our plan for opening DCA to general aviation, but first I would like to describe the layered airspace security system that has been established to protect the National Capital Region. An Air Defense Identification Zone (ADIZ) surrounds Washington, D.C. In order to fly within the ADIZ, operators must follow specific procedures before and during the flight. The FAA, which is the lead agency for monitoring compliance of air traffic in the ADIZ, works closely with TSA, DHS, and stakeholders to assess and refine procedures for entering and operating within the ADIZ. There is also an inner ring of airspace, known as the Flight Restricted Zone (FRZ). The flight restrictions are outlined in FAA Notice to Airmen 3/2126.

The National Capital Region Coordination Center (NCRCC) is an integral component of the layered aviation security system for the National Capital Region. The NCRCC is an interagency group comprised of several agencies whose unified actions create a layered situational awareness structure to enhance airspace security for the NCR. Six entities provide daily representation in the NCRCC: the FAA, the U.S. Secret Service, the U.S. Capitol Police, U.S. Customs and Border Protection, the Department of Defense (DOD), and TSA. Other agencies, such as the Federal Bureau of Investigation (FBI), are key participants during major events or surge operations.

The NCRCC monitors the operations of all participating agencies to enhance airspace security within the defined limits of the ADIZ. Each agency that participates within the NCRCC maintains its own organic capabilities and complete command and control over operational and tactical matters that fall within that agency's respective statutory authorities. The NCRCC does not infringe upon an agency's operational or tactical employment of its assets, nor does it have command and control over any participating agency. TSA, as the Executive Agent for the NCRCC, is responsible for disseminating relevant transportation security intelligence, documenting the activities of the NCRCC, and providing the physical infrastructure to accommodate NCRCC operations, to ensure that the participating agencies are fully informed about emerging requirements of the threat.

When an unidentified aircraft approaches the Washington, D.C., ADIZ, radar operators at one or all of the monitoring agencies, including the U.S. Customs and Border Protection's (CBP) National Airspace Security Operations Center, DOD's Northeast Air Defense Sector headquarters in Rome, NY, and the FAA's Potomac Terminal Radar

Approach Control (TRACON) Facility, begin to actively track it. As it enters the ADIZ, one of the monitoring organizations announces the aircraft's presence on the Domestic Events Network (DEN), an interagency open line of communications that is continuously available. Pertinent information about the aircraft is broadcast on the DEN in this initial report. Immediately after the initial report, the FAA's representative in the NCRCC acknowledges the report and establishes a common identifier to be used in interagency communications regarding the track. Once a common identifier has been assigned, the agency representatives in the NCRCC each perform their respective duties.

The TSA representative to the NCRCC has a specific role to play when an unidentified aircraft approaches the ADIZ. He or she is responsible for notifying the Transportation Security Operations Center (TSOC) Command Duty Officer (CDO) of the situation, who in turn decides whether additional notifications are necessary. Where appropriate, the CDO will notify senior TSA and DHS officials. The TSA NCRCC representative also has the responsibility to record a timeline of the events that take place, in addition to monitoring radar feeds to assess the threat. Finally, the TSA representative also monitors the DEN to answer questions from other agencies, to enhance interagency situational awareness, and to gather information for documenting the incident.

To convey a sense of the scope of this operation, since the establishment of the NCRCC in January 2003, 3,369 airspace incursions have occurred, resulting in the opening of 2,226 NCRCC case files and assessment of 1,411 pilot deviations. During this same period, 147 incursions of the FRZ occurred, on which 114 NCRCC case files were opened. Twenty-seven penetrations of the prohibited airspace above the Capitol, the White House, and the National Mall occurred. Alert aircraft launched or diverted 627 times in response to intrusive flights.

The incident on May 11, 2005, demonstrated the importance of the integrated, interagency approach that is constantly assessed and refined to ensure that the highest performance standards are set and maintained. At 1128 EDT, the NCRCC detected a TOI squawking 1200 and entering the ADIZ 44 miles northeast of DCA, heading south. A squawk of "1200" is a generic Mode 3 transponder code indicating an aircraft on a Visual Flight Rules (VFR) flight. Prior to entering the Washington, D.C., ADIZ, an aircraft in this profile is required to file a flight plan, contact air traffic control (ATC), in this case the Potomac TRACON, and squawk a discrete or uniquely identifiable Mode 3 transponder code assigned by ATC. This aircraft had met none of these requirements.

Radar tracking history for the aircraft showed it had departed from Smoketown Airport in Smoketown, Pennsylvania. The aircraft initially flew westward for about 20 miles, on a course just within and paralleling the northern boundary of the ADIZ. Due to the non-threatening nature of this vector, neither the military nor CBP's Office of Air and Marine Operations (AMO) initiated an intercept. All agencies did maintain close monitoring, tracking this aircraft as it operated on a flight path just inside the ADIZ.

This aircraft turned left, assuming a south-southwest heading directly toward the FRZ. In response, AMO ordered the launch of its Blackhawk helicopter and Citation jet aircraft. This order was communicated to all NCRCC agencies via the DEN and on the DRSN conference call. The alert fighters at Andrews AFB were again brought to a heightened alert posture and ultimately launched.

The FAA watch officer conveyed information on events as they developed to all NCRCC components via the DEN.

The Cessna entered the FRZ while still on a southerly heading and maintaining a consistent speed of about 85 knots. The AMO Blackhawk intercepted the Cessna and provided a report confirming the identity of the aircraft. The AMO Citation took a position 1 mile in trail of the Cessna.

With the Cessna maintaining a southerly course, the AMO aircraft were directed to depart the immediate area and the F-16s intercepted the Cessna 10 miles from DCA. Classified discussions continued on the DRSN conference call which included representatives from NORAD, the Continental NORAD Region (CONR), the responsible air defense sector (the Northeast Air Defense Sector (NEADS) in this case), and various other military command and control elements as well as the TSA Command Duty Officer (CDO), TSA Headquarters (including the Assistant Secretary), the NCRCC, the Homeland Security Operations Center (HSOC), the White House Situation Room, and the National Military Command Center (NMCC). In the NCRCC, both the TSA and FAA watch officers contributed to the coordination of effort via the DRSN conference and the FAA watch officer served as the principal speaker on the DEN.

Signaling measures included the F-16s dispensing flares after attempting contact by radio and other visual means. Of note, these actions followed standard operating procedure based on the location of the aircraft and its heading. Increase in readiness posture of DOD assets did not indicate any order or intent to engage.

The AMO Citation jet made contact with the Cessna via radio on the emergency frequency of 121.5 and ordered the aircraft to turn west. The Cessna did so and as it neared the western boundary of the FRZ the Blackhawk closed and assumed the escort position. The Cessna exited the FRZ and assumed a northerly heading. Potomac TRACON reported radio communication with the aircraft. Frederick Municipal Airport in Frederick, Maryland, was selected as the divert airport. The CBP National Airspace Security Operations Center and the TSA CDO coordinated the law enforcement response at Frederick Municipal Airport. The Cessna departed the ADIZ and landed at the airport at 1239. Both occupants of the aircraft were taken into custody by the Maryland State Police.

This incident has not interfered or adversely affected proceeding with the security plan to resume general aviation operations at DCA. It does, however, demonstrate the importance of maintaining enhanced security measures. The volume of high value, high

impact potential targets for terrorists in the Washington, D.C., area demands vigilance against the use of an aircraft as a weapon.

With this in mind, I would like to turn to our plan to reinstate general aviation operations at DCA. The measures required under the plan will provide a level of security equivalent to those in place for commercial operations at DCA.

TSA has developed a security protocol to be used by general aviation and charter flight operators desiring access to DCA. The specific requirements for access to DCA are built off of the Private Charter Standard Security Program and the Twelve-Five Standard Security Program. TSA anticipates that the requirements will include following:

- TSA inspection of crews and passengers, of property (accessible and checked), and of aircraft.
- Submission of passenger and crew manifests to TSA 24 hours in advance of flight. Passengers will undergo enhanced background check vetting against terrorist watch lists.
- Fingerprint-based criminal history record checks for flight crews.
- Restricted access to the cockpit with a TSA-trained armed law enforcement officer (LEO) or Federal Air Marshal (FAM) on board the aircraft.
- Coordination with the NCRCC prior to departure.
- Utilization of 12 gateway airports as a last point of departure prior to embarking to DCA. Currently, TSA anticipates the following airports will serve as gateways: Seattle-Tacoma, WA; Boston-Logan, MA; Houston-Hobby, TX; White Plains, NY; LaGuardia, NY; Chicago Midway, IL; Minneapolis-St. Paul, MN; West Palm Beach, FL; San Francisco, CA; Teterboro, NJ; Philadelphia, PA; and Lexington, KY. TSA may revise or expand this list as necessary or appropriate.
- All general aviation operations at DCA will be subject to cancellation at any time.

The current plan envisions that the screening of general aviation flights into and out of DCA will be conducted by TSA screeners using existing resources. However, it is anticipated that operators accessing DCA will be responsible for reimbursing TSA's costs associated with services, equipment, and supplies, and will be required to pay a fee for the cost of conducting required background checks for crews and passengers.

As noted, among the measures is the requirement of an armed security officer on board all general aviation aircraft arriving at and departing DCA. This officer's mission will be protection of the aircraft and flight crew, not enforcement of federal criminal laws. Active and retired Federal, State, and local LEOs, vetted and certified by TSA, will be eligible to perform this function. TSA is also considering including other highly qualified individuals, such as former police officers and former military personnel, in this program. TSA will develop rigorous standards and training criteria for these individuals in coordination with the Department of Justice, FBI, and the Federal Air Marshal Service. We anticipate that a predictable core of individuals qualified to serve corporate and

charter operators with professionalism and discipline will develop and stabilize over the course of time.

DHS will issue an Interim Final Rule – *Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations* – to define the security procedures for aircraft operators and gateway airport operators as well as the security requirements pertaining to crewmembers, passengers, and security officers on board general aviation aircraft operating to and from DCA.

Beyond the planned resumption of general aviation operations at Reagan National Airport, a further example of progress on general aviation operations in the broader Washington, D.C., metropolitan area is demonstrated by the status of the Maryland Three (MD-3) airports – College Park Airport, Potomac Airfield, and Washington Executive/Hyde Field. In accordance with a TSA Interim Final Rule (IFR), codified at 49 C.F.R. §1562, operations at these three general aviation airports, which are located within the Washington, D.C., Metropolitan Area Flight Restricted Zone, have been permitted to continue. The IFR, *Maryland Three Airports: Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC, Metropolitan Area Flight Restricted Zone*, took effect on February 13, 2005 and transfers responsibility for airport security requirements and procedures from the FAA (issued under Special Federal Aviation Regulation (SFAR) 94) to TSA. It also increases the flow of general aviation commerce by granting access to transient aircraft operations, that is, pilots not based at the three airports. Under SFAR 94, transient pilots were not allowed to operate to or from the MD-3 airports. Under the IFR, however, transient pilots are allowed to access the airports if they comply with TSA-mandated security requirements and procedures.

The IFR has specific security requirements to which the MD-3 airports and pilots must adhere. Each airport must appoint an airport employee as the airport security coordinator, who must undergo a TSA security threat assessment, including a fingerprint-based criminal history records check. The airport security coordinators must ensure the procedures mandated in the IFR, such as monitoring of aircraft at the airports during operational and nonoperational hours, are carried out. To be approved to operate to or from the airports, each pilot must undergo the same TSA security threat assessment and a check of his or her FAA record; receive a briefing that describes procedures for operating to and from the airport; secure the aircraft after returning to the airport from any flight; comply with any other requirements for operating to or from the airport specified by TSA; and comply with FAA requirements for operating inside the FRZ, including filing a flight plan, transmitting a discrete beacon code, and maintaining 2-way radio communication with air traffic control. Pilots must also check in with the airport security coordinator prior to accessing their aircraft. This measure assures unauthorized persons do not gain access to aircraft parked at the airports.

TSA has requested public comment on the IFR and will continue to work with stakeholders to minimize the burdens imposed by the IFR without compromising the security of the Washington, D.C., Metropolitan Area. The appropriate forms and

guidance materials can be accessed on the TSA General Aviation web site. The Aircraft Owners and Pilots Association (AOPA) has also posted the TSA forms on its web site.

Locally and nationally, general aviation presents unique challenges. The aircraft are relatively inexpensive and readily available. General aviation aircraft are very diverse, with the majority being small and having minimal payload capacity. Piloting these smaller aircraft generally requires less skill and training than larger aircraft, but the regular owner/operator community is very close knit and is particularly diligent in self policing. Two well-publicized incidents involving crashes of small general aviation aircraft into buildings in Milan, Italy, and Tampa, Florida can be used by terrorists as examples of new, demonstrated tactics even though the incidents were not terrorist-related. Indeed, the April 2003 arrest of terrorist Waleed bin Attash uncovered a plot to crash a small aircraft laden with explosives into the United States Consulate in Karachi, Pakistan. The diversity of the threats and risks precludes a “one size fits all” program for the broad range of aircraft and the approximately 19,000 general aviation facilities nationwide. Prevailing circumstances, risks, vulnerabilities, threats, and potential consequences all factor into the nature of the security approach.

The plan for DCA and the program developed for the MD-3 airports reflect the unique circumstances that apply to operations in this area. Other locations present different profiles and available resources vary. Thus, differing approaches will be the norm. TSA focuses on several particular areas to provide a broad and solid foundation for the security of general aviation.

- **Airport Watch Program** -- TSA, in partnership with the general aviation stakeholder associations, implemented a General Aviation Hotline that is the linchpin of the highly regarded Aircraft Owners and Pilots Association Airport Watch Program. We endorse the Airport Watch Program and aviation security inspectors encourage its use to all airport managers visited in the course of the ongoing general aviation outreach program. The hotline provides a mechanism to enable any pilot or airport employee to report suspicious activity to one central federal government focal point. It is also cited as a reporting method in the Flight School Security Awareness Training Program.
  
- **Alien Flight Training** -- Section 113 of the Aviation and Transportation Security Act, P.L. 107-71 (November 19, 2001), mandates that any non-federal U.S. provider of flight instruction seeking to train an alien in the operation of an aircraft weighing more than 12,500 pounds must first ensure their candidates are cleared by the Attorney General. The Department of Justice implemented this requirement with the Flight Training Candidate Checks Program. The Vision 100 – Century of Aviation Reauthorization Act (Vision 100 Act), P.L. 108-176 (December 12, 2003), transferred oversight of this program from the Department of Justice to TSA. The TSA IFR, codified at 49 C.F.R. §1552, was issued on September 20, 2004, and its requirements became effective in October 2004 for most alien flight training candidates and flight schools. A 60-day exemption applied for aliens who already held a pilot’s certificate, the requirements becoming effective on December 19, 1994 for this group. In addition, flight schools are required to provide employees with security awareness training. TSA

has developed a training module that flight schools can use to meet this requirement. Of note, the IFR has been refined and clarified through consultation with stakeholders.

- **Charter Operations** -- For public charter operations in aircraft with 61 or more passenger seats, TSA has always required security measures, including screening of passengers and property. TSA currently regulates a large segment of the charter operations in smaller aircraft, as well as scheduled operations in smaller aircraft, through the Twelve Five Standard Security Program. TSA regulates the larger private charter operations through the Private Charter Standard Security Program. The Twelve Five Program covers scheduled, public charter and private charter operations, passenger or cargo, using aircraft with a maximum certificated take-off weight of more than 12,500 pounds while the Private Charter Standard Security Program covers private charter operations using aircraft with a maximum certificated take-off weight of 45,500 kg (100,309 lbs). These programs include requirements for vetting of flight crew, designation of a security coordinator, and checks against terrorist watch lists. Like the Twelve Five Program, the Private Charter Program also requires screening of passengers and their carry-on baggage. TSA has established an inspection regime to ensure the effectiveness of the programs. Additionally, TSA is on track to meet the requirement in section 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458 (December 17, 2004), to allow operators of aircraft with a maximum certificated take-off weight of more than 12,500 pounds to request vetting of individuals seeking to charter or rent an aircraft against the watch lists.
- **Corporate Operations** -- In early 2003, TSA launched a pilot project in cooperation with the National Business Aviation Association (NBAA) at Teterboro Airport and Morristown Municipal Airport in New Jersey and White Plains Airport in New York. The initiative was conducted as a “proof-of-concept” to validate an NBAA-proposed security program developed for operators of business aviation aircraft. TSA is currently considering a national roll-out of the program.
- **Temporary Flight Restrictions (TFR)** -- TSA evaluates requests for security-related TFRs based on several criteria, including specific and credible threat and intelligence information, number of people in attendance, and number of air and ground-based defense assets. TFRs are employed to mitigate the threat of an airborne attack against key assets and critical infrastructure on the ground. TFRs largely impact the general aviation community by prohibiting flight in areas of concern. In response to the Congressional mandate in the Vision 100 Act, the FAA issued a Notice to Airmen that permanently establishes TFRs over four types of sporting events: major league baseball games, National Football League games, major motor speedway events, and NCAA Division I football games occurring in stadiums with a seating capacity of 30,000 or more. TSA processes requests from general aviation operators for waivers to these TFRs, in accordance with the criteria specified in the Vision 100 Act, and works with the FAA to issue these waivers.
- **General Aviation Airports** -- On May 17, 2004, TSA published an Information Publication (IP) entitled, “Security Guidelines for General Aviation Airports.” The

purpose of the IP is to provide owners, operators, sponsors, and other entities charged with oversight of general aviation airports a set of federally endorsed security enhancements and a method for determining when and where these enhancements may be appropriate. Aviation security inspectors are incorporating the IP into the TSA outreach program to the general aviation community.

- **Vulnerability Assessments** -- TSA is preparing to launch a general aviation vulnerability self-assessment tool that will facilitate the examination of airports and assessment of vulnerabilities. The tool focuses on the characteristics of the facility and inventories its countermeasures. Initially, the tool will be used to assess the approximately 5600 public use general aviation facilities.
- **National Special Security Events (NSSE)** -- TSA has established an internal organization that deals specifically with NSSE events. This group is responsible for coordinating with other agencies responsible for security of the event and overseeing TSA's role in establishing transportation-related security controls, including conducting vulnerability assessments at local general aviation airports and security outreach programs to educate general aviation pilots on upcoming restrictions.

These initiatives demonstrate TSA's commitment to working with the general aviation community and interested government agencies to ensure that the level of security is appropriate to the threat. We are acutely aware that as vulnerabilities within commercial aviation are reduced, general aviation may be perceived as a more attractive target and consequently more vulnerable to misuse by terrorists. The diverse range of general aviation operations and airport facilities may provide a tempting target for terrorist exploitation. TSA continues to work with key general aviation associations to encourage their members to avoid complacency and to remain vigilant during every operation. We are committed to making decisions based on threat analysis and risk management, balanced with common sense.

Thank you for this opportunity to address the Committee on these matters of importance to security and economic vitality both in the Washington, D.C., area and nationally.