

STATEMENT OF MARTHA KING

KING SCHOOLS, INC

BEFORE THE

SUBCOMMITTEE ON TRANSPORTATION SECURITY

AND

INFRASTRUCTURE PROTECTION

COMMITTEE ON HOMELAND SECURITY

U.S. HOUSE OF REPRESENTATIVES

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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 thirty 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 U.S 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 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.

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 on to 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 two 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 onboard 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 onboard 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 U.S. 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 ongoing 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.