

B.

Purpose of the Legislation

H.R. 1496 directs the Department of Transportation, through the Federal Aviation Administration and in consultation with the Department of Homeland Security, to resume general aviation operations at Ronald Reagan Washington National Airport.

Background and Need for Legislation

In response to the terrorist attacks of September 11, 2001, the Federal Aviation Administration (FAA) immediately shut down the National Airspace System (NAS). Two days later, on September 13, 2001, Federal Aviation Administration (FAA), in cooperation with the National Security Council (NSC), began incrementally reopening the NAS to civilian operations, first on a flight-by-flight basis to commercial air carriers, and then to other segments of the aviation industry.

Ronald Reagan Washington National Airport (DCA) was the last large commercial service airport to be reopened and, in fact, it remained closed to all aviation activity until October 4, 2001, when it opened to limited commercial air carrier service. No general aviation traffic was allowed.

DCA was also the last airport to fully resume scheduled airline flights (March 13, 2002) and still requires additional security measures not required elsewhere, including: the use of air marshals, a 30-minute in-seat requirement while arriving and departing at the airport, passenger manifest checks, and secure cockpits doors. Some types of aircraft that cannot meet all of these requirements are not allowed into DCA.

General Aviation (GA) was the last segment of the aviation industry allowed back into the air after September 11th. Despite the fact that GA was neither a target nor a tool of the 9-11 terrorists, the Federal government has imposed more security-related flight restrictions on GA than any other sector of the aviation industry. Additionally, except for waivers for certain VIPs, GA operations have never been allowed to resume at DCA.

In section 823 of Public Law 108-176 ("Vision-100"), Congress directed the Department of Homeland Security to develop and implement a security plan to permit GA aircraft to take off and land at DCA. The FAA was directed to allow GA aircraft that comply with the requirements of the security plan to land and take off at the airport except during times that the President suspends the plan due to national security concerns. Almost a year and a half after the passage of Vision-100, the Department of Homeland Security (DHS) has failed to develop and implement a security plan for DCA.

It is the FAA's sole responsibility and jurisdiction to manage the Nation's airspace and H.R. 1496 directs the FAA to carry out that function with regard to access to DCA and the airspace surrounding DCA.

The Committee believes that there is a way to allow GA operations to resume at DCA while assuring the security of the Nation's Capital. The continued failure over the last three-and-one-half years to reopen DCA to GA operators is unacceptable.

The Committee also believes that reopening DCA is a first step to allowing GA operators' access to the National Capital Region. In addition to the 15-mile no fly zone surrounding Washington, D.C., there is an almost 40-mile Air Defense Identification Zone (ADIZ), which was established by the FAA in 2003 as a temporary and specific response to a heightened security threat, the highest terrorist threat level since the attacks on September 11th. The Committee understood that when the threat level was reduced, the ADIZ would no longer be needed by the FAA. Should the threat level again be raised, then the ADIZ might again be an appropriate response by the FAA. However, the ADIZ was never intended to be permanent. The Committee believes that the FAA should not make the ADIZ permanent.

It is the Committee's understanding that a number of aviation security enhancements have and will be developed by the DHS, the FAA and the Department of Transportation (DOT). It is further the Committee's understanding that the GA community has offered to work with the DOT and FAA to develop reasonable operational and safety procedures and with the DHS in developing reasonable security enhancements to assist in the protection of the National Capital Region without creating impediments to the region's economy and law abiding private pilots.

Summary of the Legislation

Sec. 1. – Short Title

This Act may be cited as the "Return of General Aviation to Ronald Reagan Washington National Airport Act of 2005".

Sec. 2. – Air Charter and General Aviation Operations at Ronald Reagan Washington National Airport.

This section directs, within 60 days of enactment, the Department of Transportation through the Federal Aviation Administration and in consultation with the Department of Homeland Security, to resume general aviation operations at Ronald Reagan Washington National Airport. This section also requires the Department of Transportation to consult with the General Aviation industry.

Legislative History and Committee Consideration

H.R. 1496 was introduced by Transportation and Infrastructure Committee Chairman Don Young, Transportation and Infrastructure Committee Ranking Minority

A.

1 aircraft by March 1, 2006: *Provided*, That these screening
 2 standards and protocols shall be developed in consultation
 3 with the industry stakeholders: *Provided further*, That
 4 these screening standards and protocols shall be developed
 5 in conjunction with the research and development of tech-
 6 nologies that will permit screening of all high-risk air
 7 cargo: *Provided further*, That of the amounts appropriated
 8 in this Act for the "Office of the Secretary and Executive
 9 Management", \$10,000,000 shall not be available for obli-
 10 gation until new air cargo screening standards and proto-
 11 cols are implemented.

12 SEC. 523. The Transportation Security Administra-
 13 tion (TSA) shall utilize existing checked baggage explosive
 14 detection equipment and screeners to screen cargo carried
 15 on passenger aircraft to the greatest extent practicable at
 16 each airport: *Provided*, That beginning with November
 17 2005, TSA shall provide a monthly report to the Com-
 18 mittee on Appropriations of the House of Representatives
 19 detailing, by airport, the amount of cargo carried on pas-
 20 senger aircraft that was screened by TSA in August 2005
 21 and each month thereafter.

22 SEC. 524. The Secretary of Homeland Security shall
 23 implement a security plan to permit general aviation air-
 24 craft to land and take off at Ronald Reagan Washington
 25 National Airport 90 days after enactment of this Act.