

AIRPORT SECURITY

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

SEPTEMBER 20, 2001

Printed for the use of the Committee on Commerce, Science, and Transportation



U.S. GOVERNMENT PRINTING OFFICE

89-745 PDF

WASHINGTON : 2005

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

ERNEST F. HOLLINGS, South Carolina, *Chairman*

DANIEL K. INOUE, Hawaii	JOHN McCain, Arizona
JOHN D. ROCKEFELLER IV, West Virginia	TED STEVENS, Alaska
JOHN F. KERRY, Massachusetts	CONRAD BURNS, Montana
JOHN B. BREAUX, Louisiana	TRENT LOTT, Mississippi
BYRON L. DORGAN, North Dakota	KAY BAILEY HUTCHISON, Texas
RON WYDEN, Oregon	OLYMPIA J. SNOWE, Maine
MAX CLELAND, Georgia	SAM BROWNBACK, Kansas
BARBARA BOXER, California	GORDON SMITH, Oregon
JOHN EDWARDS, North Carolina	PETER G. FITZGERALD, Illinois
JEAN CARNAHAN, Missouri	JOHN ENSIGN, Nevada
BILL NELSON, Florida	GEORGE ALLEN, Virginia

KEVIN D. KAYES, *Democratic Staff Director*

MOSES BOYD, *Democratic Chief Counsel*

MARK BUSE, *Republican Staff Director*

JEANNE BUMPUS, *Republican General Counsel*

CONTENTS

	Page
Hearing held on September 20, 2001	1
Statement of Senator Allen	4
Statement of Senator Boxer	7
Statement of Senator Breaux	5
Statement of Senator Brownback	47
Statement of Senator Burns	2
Statement of Senator Carnahan	44
Statement of Senator Cleland	45
Statement of Senator Edwards	42
Statement of Senator Hollings	1
Statement of Senator Hutchison	3
Statement of Senator Inouye	5
Statement of Senator Kerry	8
Statement of Senator McCain	2
Statement of Senator Nelson	6
Statement of Senator Rockefeller	9
Statement of Senator Stevens	40
Statement of Senator Wyden	2

WITNESSES

Barclay, Charles M., President, American Association of Airport Executives on Behalf of the American Association of Airport Executives and Airports Council International-North American, prepared statement	63
Dillingham Gerald L., Director, Physical Infrastructure Issues, General Ac- counting Office, prepared statement	52
Garvey, Hon. Jane F., Administrator, Federal Aviation Administration	16
Hudson, Paul, Executive Director of the Aviation Consumer Action Project, prepared statement	67
Meenan, John, Senior Vice President, Air Transport Association	73
Mineta Hon. Norman Y., Secretary, Department of Transportation, accom- panied by Michael P. Jackson, Deputy Secretary	10
Prepared statement	13
Woerth, Captain Duane, President, Air Line Pilots Association, International, prepared statement	57

AIRPORT SECURITY

THURSDAY, SEPTEMBER 20, 2001

U.S. SENATE
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 9:32 a.m. in room SR-253, Russell Senate Office Building, Hon. Ernest Hollings, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. ERNEST F. HOLLINGS, U.S. SENATOR FROM SOUTH CAROLINA

The CHAIRMAN. I welcome our witnesses from the Department of Transportation. We want to get immediately to the questions, so we will ask all to try to limit their opening statements, but mine is a suggestion, or question, Mr. Secretary. Rather than Reagan National being a safety problem, why not make it a safety demonstration airport, an opportunity, in the sense that we know about the security of the cockpit, the need for air marshals and the federalization of security personnel at the airports, so why not immediately tell the—you do not have to do it all at once—tell those in the shuttle business out there that it is important to air transportation and the airlines themselves to say, all right, secure the doors on those craft, we have got the money to do it, and order it done, and along with that order say, never shall a door be opened in flight ever again, so that no longer can a domestic flight be used as a weapon of mass destruction.

Once the doors on those shuttle planes are fixed, in the next couple of weeks, by that time we ought to get enough security personnel to check them in and out for those shuttle flights and put air marshals on all of them coming and going, so that is my question. We have got to move, and we are going to wait on meetings upon meetings upon meetings and consultations.

I think it was Jack Kennedy years ago that quoted the Navy captain who said, if he waits for his ship to be fit, he never puts to sea. If you get those doors secured where there is no chance of hitting a Government building on takeoff or on landing, you cannot get inside, and that is the main thing. There is no difference. After all, we remember that the Dulles flight was the one that hit the Pentagon. I have flown in and out of Dulles since that time, so we have allowed flights at Dulles. For goodness sake, do not cancel it. You cannot be absolutely sure, but we can be mostly sure.

Let me yield to our distinguished Ranking Member.

**STATEMENT OF HON. JOHN MCCAIN,
U.S. SENATOR FROM ARIZONA**

Senator MCCAIN. Thank you, Mr. Chairman. I am going to be very brief, because we need to hear from our witnesses very badly. This is a very serious situation, to say the least. I am working with you and Senator Kerry, Senator Hutchison and others, so that we can develop a piece of legislation in order to ensure aviation safety and security.

This probably entails federalization of airport security personnel. It requires cockpit security. It requires better technology. It requires a broad range of activities, and actions, in order to do our best to see that airport security is at a level that the American people can feel some safety and confidence in.

I am looking forward to hearing from our Administrator of the FAA and our Secretary of Transportation. What we need from you is a list of recommendations and priorities. We need that very badly, and we need it quickly. Many of these issues have been discussed in this hearing room in the past, and so many of them are not new issues. What we need is your priorities and your recommendations as the actions that need to be taken both short-term and long-term, so we can put it into a legislative package and get it to the Congress as quickly as possible.

Mr. Chairman, I look forward to working with you and other Members on shaping that legislation as quickly as possible. I thank you, Mr. Chairman.

The CHAIRMAN. Very good.
Senator Burns.

**STATEMENT OF HON. CONRAD BURNS,
U.S. SENATOR FROM MONTANA**

Senator BURNS. Thank you, Mr. Chairman. I will associate myself with the words of the Ranking Member, and also the words you said. I think this is not a time for long statements. We all realize the agenda of this country has changed as of 9/11/01, and I look forward in working with everybody with regard to security, because I think that is going to go a long way in building the confidence back and get the people back in the air again.

Thank you.

The CHAIRMAN. Senator Wyden.

**STATEMENT OF HON. RON WYDEN,
U.S. SENATOR FROM OREGON**

Senator WYDEN. Thank you, Mr. Chairman. I, too, will be very brief. As a member of the Aviation Subcommittee, I have been studying this issue in some depth, and I think it is important to note that there has been a 15-year pattern on this aviation security issue, and that pattern is as follows.

There is a horrible aviation tragedy. Second, there is tremendous outrage in the Congress and in the country. Third, there are various recommendations issued by commissions and blueprint studies, and then fourth, there is slow motion implementation of those recommendations, and I think what I have heard from you, Mr. Chairman, and I am so pleased to see it, is that this time it is going to be different in the United States Congress.

This time, we want to make the changes so that in 6 months or a year we do not have Members of Congress back on the floor in a somber procession talking about how there was another tragedy.

I would wrap up, Mr. Chairman, by way of saying—and I outlined this in a floor speech yesterday—that we ought to have a to-do list made of the recommendations that the General Accounting Office and the Inspector General have issued. Senator McCain is absolutely right in talking about a priority list, and I just suggest in closing, we have got it. The General Accounting Office and the Inspector General have issued these recommendations again and again. You, Mr. Chairman, were warning years ago that they were not being implemented.

There are a few additional areas we can look at, such as technology, and of course this general aviation question that is not really regulated, but I think you were right, Mr. Chairman, years ago when you said we ought to implement the recommendations of the General Accounting Office and the Inspector General. That is, I would submit, our to-do list, and like our colleagues I look forward to getting it done this time and getting the job actually accomplished.

The CHAIRMAN. Thank you. Senator Hutchison.

**STATEMENT OF HON. KAY BAILEY HUTCHISON,
U.S. SENATOR FROM TEXAS**

Senator HUTCHISON. I want to thank you, Mr. Chairman and Senator McCain, as the Chairman and Ranking Member of the Committee. Working with Senator Rockefeller and myself as the Chairman and Ranking Member of the Aviation Subcommittee, we are already a way down the road on a security package. All of us have talked to Secretary Mineta and FAA Administrator Garvey about the high priorities. I look forward, Mr. Chairman, to our passing a bill by next week and sending it to the President for airport security.

I think we have a short-term issue and a long-term issue. I want to commend all of the executive branch Secretaries, who are contributing to what I see as an immediate response. I am seeing a supervision of the screeners in airports throughout our country. I am seeing air marshals already on airlines that are detailed from other law enforcement agencies.

I think we are going to build the confidence of the flying public on a short-term basis because of these actions, but in the long-term, I think we need a division of security in the FAA that would have control of the screeners and the air marshals. I think there should be a career track so that we attract people that want to stay in this business, and with that experience it will upgrade the quality of the product. I think we will be able to act together.

I just want to say that I think, short term we are in the process, and I commend you for that, but long term it is our responsibility, and I think we can act quickly because of the Chairman and the Ranking Member's early efforts to get us together and make a team.

Thank you.

The CHAIRMAN. Thank you. Senator Allen.

**STATEMENT OF HON. GEORGE ALLEN,
U.S. SENATOR FROM VIRGINIA**

Senator ALLEN. Thank you, Mr. Chairman, for holding this Committee hearing. Senator McCain, I also want to commend your leadership, and that of Senator Hutchison over the years. I am a rookie up here, but I have watched over the years and have been researching what has gone on in previous years, similar to what Senator Wyden has talked about.

This is a very important hearing, and I want to thank our witnesses for being here. I would like Secretary Mineta and Administrator Garvey to express our thanks to each and every person in the Federal Aviation Administration, who have been unsung heroes, working long hours diligently, effectively, and patriotically to get the flights down and to try to resume as best we can safe air travel in this country.

People pay attention to those rescue workers and firefighters and police, and they are heroes. But so are all the men and women who we do not see, but are working very diligently for us.

Mr. Chairman, we have a duty to make sure that no plane ever again in this country is taken over and used as a weapon of destruction. I associate myself with all your remarks on the things we will need to do, whether that is sky marshals or using new technology.

The cockpit has to be as secure as a vault, never able to be opened. The only people to determine whether it is opened or closed should be the pilots. We have a new paradigm, obviously, for our pilots.

We also need to understand, as the Chairman stated, the economic impact of all of this, and the devastating effect of all of this on our very important airline industry, whether that is general aviation or commercial aviation. That is a part of our economy. It is part of our freedom of travel, and our way of life in this country.

We have seen the layoffs of tens of thousands of people. Small businesses, tourism and general aviation, especially in small markets, have been adversely affected. I would like to hear testimony in that regard.

Insofar as Ronald Reagan National Airport is concerned, you are right, Mr. Chairman, we ought to use the Nation's capital airport as a model of security. We should put into effect whatever you think the best practices are for security, not just in the cockpits, but on the ground, and in all the security aspects. I would say to Secretary Mineta, first and foremost, I empathize with the tough decisions and confluence of concerns you have.

We all care about security, and I know the President is going to address the Nation tonight. First, I am sure he will try, to the extent he can, to talk about the actions we will take militarily against those culpable for these vicious terrorist attacks. I know he also has a concern about our economy, and making sure that we return as best we can to normalcy, and make sure America is open for business again.

The Nation's airport, Ronald Reagan National Airport, is the Nation's capital airport. It would give everyone a good boost if you could somehow give us a relatively certain date when Ronald Reagan can be open for business again so Americans can join us

here in the capital more easily, whether as tourists or for business matters.

The Nation knows that the only airport still closed is the Nation's airport, Reagan National. Setting a date for the reopening of Reagan National suggests confidence in the future. I think that would be appropriate for tonight's address, but you all make those decisions yourselves. I look forward to working with you all and hearing your recommendations, and working with my colleagues in this very important aspect of our economy and our American way of life.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Inouye.

**STATEMENT OF HON. DANIEL K. INOUE,
U.S. SENATOR FROM HAWAII**

Senator INOUE. Mr. Chairman, I thank you for scheduling these hearings. The outcome of these hearings will have a direct impact upon our economy. I believe it should be noted, Mr. Chairman, that 92 percent of the cargo that goes to and from Hawaii is by air transport, and 95 percent of the people's travel are also done by air transport. Therefore, it is very important to us.

I wish to commend Secretary Mineta and Administrator Garvey for their leadership during these trying moments. Thank you very much.

Mr. Chairman, thank you.

The CHAIRMAN. Thank you. For the record, we have now a quorum, so I want to confirm the appointment, without objection, of Marion Blakey of the National Transportation Safety Board, Joseph Clapp, Administrator of the Federal Motor Carrier Safety Administration, Read Van de Water to be Assistant Secretary for Aviation and International Affairs at the Department of Transportation.

Senator Breaux.

**STATEMENT OF HON. JOHN B. BREAU,
U.S. SENATOR FROM LOUISIANA**

Senator BREAU. Thank you, Mr. Chairman, and thank you, Senator McCain, for so promptly responding to an obvious security crisis in the aviation industry by having these hearings. They are obviously very timely, and extremely important.

I think we all can agree that transportation is the real key to economic security in this country, and that is all forms of transportation, whether by rail or by ship, and of course, particularly important is the transportation economic benefits of the aviation industry. If we do not have an aviation industry in this country, we do not have a strong and secure country. It is just very obvious.

I think what is also very obvious is that Americans obviously feel very vulnerable right now. They are scared to fly. They are scared to use aviation as a means of transportation both for business as well as for pleasure, and that has a huge economic impact in a very negative fashion on this country. It is our job, and particularly in this Committee, to do everything we can to reestablish that confidence that Americans used to have in the aviation system that

serves us all, and that is not an impossible task. We can do it, and we will do it.

But you know, talk is cheap, and obviously now is the time for action. As Senator Wyden has said, we have been studying this for years, and we have always talked about the problems, but obviously now is the time to take all of those studies and take them off the shelf and out of the library and start implementing them, and doing it as quickly as we possibly can. I think this Committee will do that.

Thank you.

The CHAIRMAN. Senator Nelson.

**STATEMENT OF HON. BILL NELSON,
U.S. SENATOR FROM FLORIDA**

Senator NELSON. Mr. Chairman, I went to two of Florida's major airports yesterday, and I am convinced that it is safe to fly, that the security operations are working, and I saw a number of the things that were confiscated yesterday. However, that was not the case last Friday.

The sheriff of Broward County at the Fort Lauderdale Airport, in order to test the security, had law enforcement officers go through the security checkpoints to see if they were working. They were not, and I want to show you what the sheriff has sent me to show this Committee, what law enforcement officers of the sheriff's department were able to get through security last Friday.

I might point out that since then they have continued to test the system, and it has worked. They have been able to detect the items, but it just underscores the point that the security checks of passengers need to be put in the hands of highly trained, highly skilled people in order to give the public the assurance.

Now, I believe that the public should have that assurance. I flew Monday night. I flew again last night, and I believe it is safe, but let me show you how the system broke down last Friday at the Fort Lauderdale International Airport. This was able to get through undetected by the magnetometers. It is an all-purpose tool. It folds up, the knife-blades fold up, the pliers fold up, and it fits into that little case, which is held together by velcro, but you can see in addition the officers were able to get through the box-cutters, the very same tool that we have been told has been utilized by the terrorists in last week's terrible tragedy.

The CHAIRMAN. Senator, that is why we had this hearing. It was tested on September 11, and the Committee will take judicial notice that we have not had sufficient security. That is why we are having the hearing.

Senator NELSON. That is why I thank you so much, but I will tell you, I was impressed, Mr. Chairman, yesterday with the security I saw at two of the major airports, and I thank you for having this hearing, and the legislation we are going to do, because it is absolutely essential to the economy of this country that the airlines, indeed, are functioning, and the American public is flying.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Boxer.

**STATEMENT OF HON. BARBARA BOXER,
U.S. SENATOR FROM CALIFORNIA**

Senator BOXER. Mr. Chairman, thank you very much, both you and Senator McCain. I will be quite brief.

First, I want to thank Secretary Mineta. I want to thank Jane Garvey for shutting down when you did on September 11. We have every reason to believe we could have been facing more death and destruction had you not acted, and I want to thank you for that.

I also want to note that every single plane that was hijacked was headed for California. I note that only to say we are grieving for our Californians and for every single person who died, and I have been phoning the relatives of the victims, and it is indeed something you just cannot—it is hard to bounce back from it, but I am honored that I am on this Committee so that I can do something to help you, Mr. Chairman and our Ranking Member, to be bipartisan, and get something done here.

I want to make some very quick points. I agree with Senator Wyden, when he talked about how many studies have been done. Mr. Chairman, this is just a few of them. They are all filled with recommendations that we never followed, and we need to do that, and I am convinced we will.

The other point I would make is that there is a role for the FAA, there is a role for the airlines in safety, safety in the skies, safety in the way the planes are put together, et cetera, et cetera, but Mr. Chairman, protection from criminals, it seems to me, is a different question. I may be the only one that feels this way, but I just think we are missing the boat here. I think the security, we need to look at giving that back to our law enforcement people.

The President has shown extraordinary leadership here, saying, in essence, we are at war. There is no declaration of war, but we are at war, figuratively speaking, with terrorism, and if we are, we ought to look at the laws and see if on a temporary basis we could fill in sky marshals with people who are trained in the military at this time, until we have been able to train them.

I frankly feel, and again I may be the only one—I think I may be, because I have tested it out. I think there ought to be air marshals on every plane, not just random, on every single plane. We have been warned, and I think that is the way to get back the confidence of the people.

A last point, and California's number 1 economic asset is tourism. We are like Hawaii, in many ways we are like other States. We are not going to get back on our feet unless people get back in the planes. That is as simple as it is, so I think we need to do everything that we can. I was hoping some of the funding we voted for would go to make our airports safe, our airlines safe. I trust that the money is there, but I just feel, frankly, if we do not do every single thing that we know needs to be done, not random air marshals, but air marshals on every plane, and something else happens, we will never get people back in the air. This is our moment. We are being tested, and I hope we rise to the test.

Thank you very much.

The CHAIRMAN. Thank you very much.
Senator Kerry.

**STATEMENT OF HON. JOHN F. KERRY,
U.S. SENATOR FROM MASSACHUSETTS**

Senator KERRY. Mr. Chairman, thank you very much. Thank you for having this hearing.

Mr. Chairman, you have been there before on this issue. You started talking about some of the needs to do this several years ago. Senator Wyden just said to me, he has just been back for 15 years over the proposals. There is no mystery here. The fact is that every single one of us knows, and the airline industry knows, people within the Commerce Department and the FAA and others know there are a whole series of steps that are available, that have been available for a long period of time, which we could take, and there has been an absence of willpower, and absence of the sense of urgency, and that is why we have not done it.

There has also been a cost consideration. The airlines have been responsible for the cost, and the airlines, as we all know, because we are talking about a major bail-out, are in financial trouble. If your financial bottom line is affected by your security cost, then your security is affected, and it has been. Every one of us knows that.

The folks at the security line, good people, well-intended, are earning less than the folks in the fast-food restaurants in those airports, and the training is less. We have got more than 100 percent turnover in airline security personnel in some of our airports, more than 100 percent, and the supervisors are there, many of them, for only a matter of months, so we have an extraordinary responsibility to make clear to the American people we are prepared to make flying foolproof, essentially.

I can guarantee you there is a simple answer to how you prevent ever again having an airplane used as a weapon. You may be able to have somebody go in and blow it up, I do not know, I would hope not, but you can certainly prevent anybody from ever getting into a cockpit.

There is an aerospace company that developed a cockpit door impervious to bullets, knives, axes. The company has yet to sell a single door, but last week that company got a lot of inquiries from some of the airlines. The fact is, you can have a policy where a hijacker and everybody in the world knows that under no circumstances will there ever be access to a cockpit unless the pilot wants there to be. There are ways to do this, and if a terrorist decides they want to blow up 100 people, they can walk into a restaurant or any other place, as we all know, very easily today and make that choice.

Mr. Chairman, the other part of the problem is, there is a law enforcement component here. I remember when I became an assistant district attorney, the practices were considerably backward. State police did not talk that much to the locals, and certainly not to the Feds, and the exchange of warrant information county to county, let alone State to State, was nonexistent.

If you enter the United States today, your passport goes through a scanner, and customs can tell whether you are on the watch list, how many countries you have traveled to, the money spent, and so forth. The same kind of capacity of exchange of information must

exist in airlines, and there is no way for a private company to manage that kind of effort.

You cannot know whether someone has warrants outstanding, you cannot know where they have traveled previously, you cannot know whether they have been on a watch list, and all of these things in a virtual world, with the computer capacity we have today, is discernible. Look how fast the FBI has discerned it in the aftermath of this event.

Much of the kind of clearances and much of the process could be done ahead of time, Mr. Chairman, if we have a Federal capacity for airline security, and we have to be prepared on this Committee and in this country to guarantee to our citizens that we are going to make flying safe.

Everyone knows, if you have flown on El Al, you go through a 45-minute interview, and there is a separation of different folks based on the various ways in which they do their screening. Needless to say, it is inconvenient to business, and that is one of the reasons why it has not happened, facility, but I think Americans want to know they can get on a plane and be safe, and I know there are adequate numbers of proposals already made to empower us to be able to make that guarantee to them, and we need to just embrace it, and make it happen here soon.

One final thing I want to say, Mr. Chairman, I am for helping to bail out the airlines. I think all of us are. They were in trouble before this event took place, and we all know that, but I am not going to do that without a resolution of the problem of rail. We have been fighting for several years now to help resolve this issue, and we have had some \$321 billion invested in the last years into airports.

We have had about \$15 billion or so, excuse me, into roads, about \$15 billion into airports. Less than \$1 billion, about \$1/2 billion has been put into railroad stock, and what we learned in the last days that if terror takes place, and if there is terror in the skies, Americans need an alternative transport system and they turn to rail, and it was there for them, and we need to resolve that issue as we do this bail-out, and I am going to insist that we do that.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Rockefeller.

STATEMENT OF HON. JOHN D. ROCKEFELLER IV, U.S. SENATOR FROM WEST VIRGINIA

Senator ROCKEFELLER. I would hope the Senator from Massachusetts would not vote no on airline safety and airline financial viability unless he gets what he wants. I have a long list myself. This is a different time in our country. I think we have to face the fact that we have faced failures, but we have not faced fault. Fault lies with the terrorists. Failures lie with us, and if there is any silver lining out of Tuesday, and I cannot think of any, it is that all of the talk that others proceed to talk about over the last number of years on aviation issues generally, much less security and financial viability, we have been talking about this for a long time. We have been doing nothing about it. That is because the political will has not been there, and the public demand has not been there.

It is now there. This is an absolutely golden opportunity to take enormous numbers of steps to federalize certain security aspects, and to do other things that will put our whole aviation system on a basis that people can come to trust it and get back onto airplanes.

Like Senator Nelson, I flew commercial aviation twice this weekend. I wanted to make the point that it was safe. Unfortunately, I was virtually the only person on the airplane, so my message did not get very far, but we have to do these things to create the normalcy which is the American instinct, to get back to normalcy, so if we act wisely and prudently and quickly, I am convinced that we can do these things to provide for safety, to return the sense of trust and normalcy, which is so vital for one of the largest economic sectors in our entire country.

I thank the chair.

The CHAIRMAN. Senator Stevens.

Senator STEVENS. Mr. Chairman, I apologize for being late. I have no opening statement.

The CHAIRMAN. Thank you very much.

It should be noted that El Al, the best on airline security in Israel and around the world, of course, the safety director was invited to attend, but because of Rosh Hashanah he begged off, but will be with us at the first of the week. Otherwise, if some are watching, wondering why we are not asking questions at this particular hearing about finances, we have a hearing at 2 o'clock.

With that said, we welcome Secretary Mineta, the Secretary of Transportation, Ms. Jane Garvey, the Administrator of the Federal Aviation Administration, and Mr. Michael Jackson, the Deputy Secretary of Transportation.

Secretary Mineta.

**STATEMENT OF HON. NORMAN Y. MINETA, SECRETARY,
DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY
MICHAEL P. JACKSON, DEPUTY SECRETARY**

Secretary MINETA. Mr. Chairman, thank you very much, and other Members of the Committee. It is with both sadness and resolve that Deputy Secretary Jackson, Administrator Garvey and I appear before you today. Let me also, before I start my testimony, thank you for the expeditious handling of our nominees for positions within the Department.

Mr. Chairman, I join all Americans in my sadness and anger about the lives that were lost during the heinous, cowardly terrorist attack of September 11, and I also follow President Bush with a firm, unfaltering commitment to help our Nation, and specifically our transportation system, to respond, rebuild, and recover. Though we will never overcome the sorrow we feel for the families and friends who lost loved ones, we will ensure public safety, and protect economic vitality, and while it may take time to recreate comfortable confidence in air travel, let me assure this Committee that we can and we will enjoy a transportation system that is safe, secure, and stable.

I also want to express my gratitude publicly about the pride I have in the work of the Department of Transportation and all of the employees throughout this crisis, and I would like to call par-

ticular attention to the professionalism that was displayed by the Federal Aviation Administration from Administrator Jane Garvey, Deputy Administrator Monty Belger, on down. The FAA performed magnificently, as have other crucial players in our Department, including the Coast Guard and those who worked with the well-prepared Department of Transportation Crisis Management Center.

On the morning of Tuesday, September 11, I was in my office with Isabel Durant, the Deputy Prime Minister of Belgium, who is also the Minister of Transport, talking about United States–European noise issues. I was then interrupted, by the chief of staff, who came in and said, “Mr. Secretary, may I see you?”, and so I stepped from the conference room into my office, and on the television was the scene that everybody is familiar with, the smoke billowing from the World Trade Center. He said, “I am not sure, the reports are about an explosion.” So I said, “Well, keep me posted.” I went back into the meeting, and within 3 or 4 minutes, my chief of staff returned and said, “Mr. Secretary, may I see you?” So I came back out, and was watching the smoke billowing out, and he said, “It has been confirmed, it is an airplane that went into the World Trade Center.”

And as I am sitting there watching the television, I see this gray object coming in from the right, and then all of a sudden this billowing orange cloud that comes out of the side of the building, so I went in and told Mrs. Durant I would have to be excused, and by that time I had gotten a call from the White House to get over to the White House immediately, so I went to the White House, went into the situation room, and was briefed by Mr. Richard Clarke from the National Security Council, and he said, you have got to be over at the operations center with the Vice President, and so I went over there.

By this time, of course, we knew that there were two airplanes that had gone into two separate towers of the World Trade Center, and we shortly after that heard about an explosion at the Pentagon. The Vice President and I were not sure what that was. There was some talk about it being a helicopter, then it became apparent it was a commercial airliner.

Like anything else, when one of something occurs, it is an accident, when two of the same thing occurs, it is a pattern, and when three of the same thing occurs, it is a program, so I immediately called the FAA and told them to bring all the airplanes down “right now.”

All that we have learned since that fateful morning leaves me convinced that this unusual order was the right thing to do, and thanks to thorough preparation, the Department of Transportation’s Crisis Management Center took only minutes to kick into action. The various modal administrations within the Department secured thousands of transportation facilities, and the United States Coast Guard secured our harbors and waterways, while also readying its rescue capabilities.

As we look to the future, the administration is already moving to restore public confidence in our transportation system and infrastructure. On September 13, I announced the gradual restoration of mobility within the national air space system. We took immediate steps to develop heightened security measures to ensure the

security and the safety of airline passengers as well as people on the ground.

As all of you know, all the country's major airports, with the exception of the Ronald Reagan Washington National Airport, have resumed air service operations. Now, because safety is of paramount importance, I required that heightened security measures, including a thorough search and security check of all airports and airplanes be in place before any air service resumed last week.

In addition, we discontinued curbside check-in at every airport, and passengers are now required to go the ticket counter to check baggage. We also discontinued off-airport check-in. Only ticketed passengers are allowed to proceed past airport screeners. Well-wishers must stay out of the secured areas, and there will be no exception.

Now, consistent with the strict security measures that have been imposed upon startup last week, I announced on Sunday the creation of two rapid response teams consisting of FAA employees to offer specific recommendations for the further improvement of security within the national air space system. One team is focusing on ways to increase security at our Nation's airports. The other is focusing on aircraft integrity and security, with specific attention to cockpit access and an expanded Federal Air Marshal program. Both teams are meeting regularly and with urgency, and their reports are due on October 1 at the latest.

These internal teams will have input from a distinguished group of Americans with a wide range of expertise. Please note the need for a broad perspective as we address both security and commerce. The events of September 11 have focused media and public attention almost exclusively on aviation, which is understandable.

However, our responsibility is to be equally concerned about other modes of transportation. Under authority from the Ports and Waterway Safety Act, we have taken action to control the movement of all vessels in the navigable waters of the United States. All ports and waterways have remained open and secure since September 12, and we put pipeline operators on alert. As we restore America's confidence in our ability to maintain the mobility and general freedoms that we hold dear, Congress, the executive branch, and the American people must not lose sight of the sobering need for heightened vigilance. We cannot allow this enemy to destabilize our political system, our economy, and our way of life, and we will not.

As I am sure this Committee understands, the economic viability of the United States airlines is now also an urgent and critical matter, as all of you have stated. Given the crucial role of air carriers, and the role of the terrorist attacks in this economic drama, immediate action is mandated.

As soon as we get all of the approvals, we hope to submit a proposal that will include \$3 billion for airlines to offset new costs because of heightened and tightened security, \$5 billion in economic relief, authorization for use of the war risk insurance program at the President's discretion in the domestic as well as the international arena, and limited modification to certain aspects of collateral liability in order to avert a near-term threat to continued availability of insurance.

Now, these modifications will provide a brief time in which to resolve that threat for the longer term. Additional recommendations that we made include credits and loan guarantees. Those are details that still have to be looked at, and to be worked out.

As all of you have already noted, time is of the essence for these proposals. Therefore, I hope the measures that I have outlined will move forward as soon as possible. We would then have the time necessary to consider and consult with all of you about additional measures that may prove to be necessary.

I would like to close by noting my own firm commitment to working with the legislative leaders here today. You already deserve our thanks for the swift bipartisan action that you took last week to provide supplemental appropriations that helped get action underway across the Federal Government in these traumatic times.

I look forward to the honor of working closely with all of you as we face the complex and crucial challenges that lie ahead.

Mr. Chairman, I ask unanimous consent that my written statement be made a part of the record, and my colleagues and I would be happy to answer your questions.

The CHAIRMAN. It will be included.

[The prepared statement of Secretary Mineta follows:]

PREPARED STATEMENT OF HON. NORMAN Y. MINETA, SECRETARY,
DEPARTMENT OF TRANSPORTATION

Mr. Chairman, Members of the Committee, it is with both sadness and resolve that I appear before you today. Obviously, our lives, and the life of our nation, changed dramatically as a result of the terrible attack of September 11.

Though we will never overcome the sorrow we feel for the families and friends who lost loved ones, we will be able to ensure public safety.

And, while it may take time to recreate comfortable confidence in air travel, I assure this Committee that we can—and will—enjoy a transportation system that is safe, secure, and stable. The effort being expended by the government, the carriers, airport authorities, local police forces, and others on behalf of aviation will continue, and the traveling public can count on this.

That is the President's commitment, and I will marshal all resources of the Department of Transportation to accomplish that fundamental goal.

I should begin by taking this public opportunity to express my profound gratitude and pride in the performance of the employees throughout the Department of Transportation. I want to emphasize particularly my appreciation for the professionalism displayed by the FAA from top-to-bottom since the attack. From Administrator Garvey on down, the FAA has performed magnificently, as have other crucial players in our Department, including the Coast Guard and all those who worked with the well-prepared DOT Crisis Management Center.

I hope here briefly to outline some of the key activities of our Department on September 11 and then to move to essential plans for our future.

On the morning of September 11th, on first word of the attack, I moved directly to the Presidential Emergency Operations Center in the White House. As soon as I was aware of the nature and scale of the attack, I called from the White House to order the air traffic system to land all aircraft, immediately and without exception. That was an unprecedented step. But with the risk of additional flights that might be used as terrorist weapons, I believe that it was the right and necessary step to take.

In the moments that followed my call, countless brave, tough, and smart Federal air traffic controllers worked with courageous and calm pilots and flight crews to land over 4,500 aircraft. Though all these emergency landings were entirely unplanned, they were safely and successfully accomplished. That was an historic feat in crisis management, and it illustrated the magnificent skill of key players in our transportation systems.

This Committee should also be aware of the extraordinarily rapid response achieved with respect to all modes of transportation throughout our country on September 11th.

Thanks to elaborate simulation and preparation, the Department of Transportation's Crisis Management Center took only minutes to kick into action. The first crash occurred at 8:46 am, and the Crisis Management Center was fully operational—with secure lines of communication, initiation of security procedures, and key contacts on line—by 9 am. Then, in a pre-planned fashion, the Department rapidly secured thousands of transportation hubs and corridors across the United States—including bridges and rail lines, roads and harbors.

Of course, as we move forward, we must dramatically alter our approach. As President Bush has said: the world has changed. I add: so too has the very nature of our national transportation system.

The events of the past several days require us to take new steps to move people and commerce safely and efficiently, despite the fact that the nature of the threat has clearly changed. It is a mission we cannot afford to leave for a later time.

This Administration is already moving to restore and enhance our air transportation system. On September 13th, I announced the gradual restoration of flights within the national airspace system. We took immediate steps to develop heightened security measures to ensure the safety of airline passengers as well as people on the ground.

All of the country's major airports have resumed scheduled domestic commercial and cargo service operations, with the exception of Reagan National Airport, which remains temporarily closed. Scheduled passenger airline service is operating at about 78 percent of normal levels. General aviation operations have also resumed except for visual flight rules operations in the immediate vicinity of our nation's 30 largest airports. We are currently increasing access to international commercial and general aviation flights.

Because safety is of paramount importance, I required that heightened security measures be in place before any air service resumed. A thorough search and security check of all airplanes and airports took place before passengers are allowed to enter and board aircraft.

We discontinued curbside check-in at every airport. We discontinued off-airport check-in. We no longer allow passengers to check in for their flights at hotels or other locations. All passengers are now required to go to the ticket counters to check baggage. Only ticketed passengers and authorized personnel are allowed to proceed past airport screeners—well-wishers must stay out of the secured areas.

Let there be no doubt: we will soon be taking additional steps to increase security beyond those already taken.

Now we must deal more broadly with the aftermath of September 11th. We have already turned toward development of long-term, sustainable security improvements within our airports and on our aircraft to ensure American passengers are provided with the highest possible levels of safety.

Consistent with the strict security measures imposed upon startup last week, I announced on Sunday the creation of two Rapid Response teams to make specific recommendations for the further improvement of security within the national aviation system. Their conclusions are due October 1, at the latest. One team is focusing on ways to increase security at our nation's airports. The other is focusing on aircraft integrity and security. Among those areas that will be addressed will be making airport screening a more credible deterrent, expanding the Federal Air Marshal program, and enhancing cockpit security. Both teams are now undertaking their tasks with a sense of urgency.

As they work on these teams, our own experts at the Federal Aviation Administration and Department of Transportation will have input from a distinguished group of Americans with a wide range of expertise in many different aspects of air transportation and law enforcement.

I understand the complexity of these issues, and I know there have been numerous studies on many of these issues. Yet the larger context has changed dramatically. We now face a different security threat not only in transportation, but in all aspects of American life. We have to be willing to meet that changed threat with additional counter-measures, and still find ways to keep our transportation systems the efficient and vital circulation system of our economy. We must therefore judge our security options in a different light than we might have judged them in the past.

What I expect now are good, unambiguous answers to the new questions and heightened risks. The Department of Transportation has acted promptly in response to the changed circumstances, and we will take further actions promptly.

Broader Security Concerns

We also need to keep a broad perspective as we address both security and commerce. The events of September 11th have focused media and public attention almost exclusively on aviation, which is understandable. Yet, as Vice President Che-

ney has noted, the odds are good that terrorists may use entirely new lines of attack. The Department I am honored to direct is focusing on all modes of transportation, including but not limited to airplanes and airports.

Thus, under authority from the Ports and Waterways Safety Act, we have taken action to control the movement of all vessels in the navigable waters of the United States.

All ports and waterways have remained open and secure since Sept. 12 with very limited exceptions. We put pipeline operators on alert. And with the resources provided to the U.S. Coast Guard, it has performed with monumental efficiency.

In the New York City area, our employees have worked selflessly for days to bring services back, provide alternative means of access to the City, and, at the same time, guard against possible further acts of terrorism.

I want to emphasize the over-arching threat we now face. The new security measures we have already implemented—and those we will implement both publicly and discreetly—are not designed simply to deal with threats of further attacks like those of September 11th.

For example, the President has asked our Department to help protect the integrity of our nation's entire transportation infrastructure. And that is what we are doing. But we also have to recognize that we have to meet the challenge of new and different security threats not only in transportation, but throughout our society.

We will have to take precautions in transportation that we have never taken before, and we will have to do the same in virtually every aspect of American life. We will find ways to preserve the best of our transportation systems—the freedom of movement, the safe and efficient movement of goods and people that is so necessary to our economy. We will find ways to accomplish both heightened security and the benefits of efficient transportation system.

Economic Response

I turn now to another critical topic—maintaining the air transportation system in the face of severe financial problems. The current situation in the airline industry is that access to credit markets is greatly restricted and revenues dramatically diminished.

I would emphasize that the task at hand is not to prop up one or another of the carriers. It is not to “make whole” the industry as if September 11th had never occurred. Rather it is to recognize that this key part of the economy of this country requires new foundations in security and confidence as solid as they were once before. I believe the Federal Government has a responsibility for the safety of the public, airline passengers and crews in particular, and to ensure the foundation of security, insurance, and other necessities that will help this key part of the U.S. economy function. This nation needs a vital, viable, and competitive airline industry.

Accordingly, we are proposing on an expedited basis an initial package to provide strength, security, and confidence in air transportation.

Our proposal includes:

- \$3 billion to airlines to help offset the substantial new costs they are incurring because of tightened security requirements.
- \$5 billion in direct and immediate payments to airlines, roughly in proportion to their size.
- Authorization for the War Risk Insurance Program to be invoked, at the President's discretion, in the domestic arena as well as the international.
- Limited modifications to certain aspects of collateral liability, in order to avert a near-term threat to the continued availability of insurance coverage. The main purpose is to give us a brief period of time in which to try to resolve that threat.

We have additional steps under consideration, some of would take additional time to fully sort out. We believe that on the measures we are now proposing, time is of the essence. We believe these proposals should move forward immediately, and we would then have additional days to consider and to consult with you on additional measures that may be needed.

I would like to close by taking this occasion to thank this Congress for its swift, bipartisan action last week in providing needed supplemental appropriations to get action underway across the Government. I look forward to of working closely with each of you as we face and meet the challenges ahead.

This completes my prepared statement. I would be pleased to respond to the Committee's questions.

The CHAIRMAN. Ms. Garvey, do you have a statement?

**STATEMENT OF HON. JANE F. GARVEY, ADMINISTRATOR,
FEDERAL AVIATION ADMINISTRATION**

Ms. GARVEY. Mr. Chairman, I will be very brief.

Mr. Chairman, Senator McCain, Members of the Committee, let me first of all join the Secretary in offering our heartfelt condolences and prayers, and those of everyone at the FAA, to the families and friends of all of those victims of last Tuesday's terrible tragedy, and also if I could take a public moment to express my profound gratitude to the FAA staff as the Secretary has done, and particularly to the air traffic controllers.

One editorial writer who was on a plane that landed safely wrote in an editorial that in a life and death situation that might have been even more catastrophic, the controllers, the system people and management supporting them did their jobs and brought tens of thousands of Americans back to earth safely.

It is for me a singular honor to be associated with them in this time that has been extraordinarily difficult. As the Secretary has noted, in the aftermath of last Tuesday, the President called on America to begin to return to normal as quickly as possible. For those of us at the FAA, that has meant we have needed to focus on two principal areas. First of all, to work with the airports and to work with the airlines to put in place very stringent security measures, and we have done that. We have worked very, very closely with all aspects of the aviation community. The Secretary has mentioned those in some detail.

I will only add that I think when you look at all of those security measures, as some of you have mentioned, you really have to think of them as a series of redundancies within the system. Some of those initiatives, as many of you know, are very similar to those that were in place during the gulf war, others are a further step. I do want to add a note about the Federal air marshals, and again to join the Secretary in his comments.

We are extraordinarily grateful to Congress. You allowed us in the last several days to move very quickly on this air marshal program to enhance those numbers, to beef up those numbers, and we have done that really because we know the money that is in place to do exactly that. We are also extraordinarily grateful to the Attorney General, who has added forces from Treasury and Justice so we can proceed quickly and expeditiously in a program that we believe is very, very important.

The second focus for us at the FAA obviously has been to restore the system. We have done that, again, in very close collaboration with the airports and with the airlines. We have done it, we believe, methodically and deliberatively. The system still is not fully up and operational, but we have done that in a way that I think allows the airlines and commercial aviation to transition in a thoughtful way.

Airlines are moving throughout the system. They are operating at about 60 percent capacity, in some cases slightly more than that. The load factors are still very light, as some of you have suggested from your own travels, but in talking with the CEO's yesterday we are beginning to see some increase in passenger numbers, and that is very good news.

Let me just close by also mentioning, as the Secretary has mentioned, that the incidents of last Tuesday have caused all of us, airlines, airport operation, and public policymakers, to rethink the balance of responsibility for civil aviation security. We must simply think differently about this issue. Civil aviation has been forever changed, which really leads me to my last point.

The Secretary spoke about the rapid response teams. We are very actively engaged in producing those recommendations. My direction to the staff has been based on my conversations with the Secretary. The actions must be implementable. They must be implementable in the short term, in the long term. This is no time for study. This is no time for review. This is really a time, as the Secretary has told all of us, it is a time for action.

One final last personal note, I will tell you in the last week there have been many moments at the FAA when despair has set in, but I will tell you that in every one of those moments, overriding despair has been an absolute resolve, and an absolute determination to work around the clock, if that is what it takes, to do everything that we can to restore public confidence in aviation.

I am really proud to be associated with the people who have done that, and I am proud to be here today in front of you and thank you all for your help and your confidence and your support.

The CHAIRMAN. Mr. Michael Jackson has been heading up for the Secretary the Task Force on Security, and I invited him to also join us at the table. Do you have a prepared statement?

Mr. JACKSON. I do not, Mr. Chairman. I am happy to be here.

The CHAIRMAN. Well, we welcome you.

Mr. Secretary, again, I am trying to get safety ahead of money, but it looks like this crowd can work quicker on money than they can on safety. What is the matter with Reagan National? When it comes to air operations, there is no difference in proximity than Baltimore or Dulles, and the plane that hit the Pentagon, everyone knows, of course, came from Dulles.

In fact, I do not know that the Afghans have got an air operation, but an Afghan plane landing at Baltimore could turn and come and hit the Committee room here or going to Dulles could turn, and so you have got that threat and everything else, but not from the commuters, the shuttle flights, and while I am dillying I am putting them out of business.

Now, we have had 10 days, and I suggested last week, when I told you of this hearing, let us go with Reagan right now. Tell me why not.

Secretary MINETA. Mr. Chairman, Ronald Reagan Washington National Airport is closed because that decision really is not in our hands.

The CHAIRMAN. If it is in the Secret Service's hands, it will never get open.

Secretary MINETA. It is in the hands right now of the National Security Council, and specifically the U.S. Secret Service.

The CHAIRMAN. That is what I was afraid of. Can you explain the facts of life and the reality that we can make it secure, and tell those commuters those shuttle planes to order one of these Kevlar doors and get them in there in the next 2 weeks? We can move, and once we secure the cockpit, you have got the marshals, you

have got the personnel to federalize it, so what are they going to wait on? Just keep it closed and make sure the airlines go broke.

Secretary MINETA. We have made all those points, Mr. Chairman, and I recognize that one of the airlines is in a very precarious state, and I even made the statement that if we do not open DCA within 10 days one of the major airlines will be going under, but their concern is the security issue.

The CHAIRMAN. Well, I have got the record of the hearings with respect to the federalization of personnel at the airports, the security personnel, that is from Secretary Pena back 5 years ago, but rather my hope is to help and not to nag and to prove my point or everything else of that kind. I still cannot understand why the National Security Council is dillying around. Tell them, let us move and order the doors, and get the personnel out there, and get the marshals on those particular planes, and let us get this country moving.

If you are at war—and I will never forget, when we had World War II come on there was a little lieutenant colonel from the Army Corps of Engineers that broke ground for the most massive manufacturing facility in the world, Building Number 1 outside Marietta, Georgia, covering 73 acres. By the end of the war, they were spitting out five B-29's a day. Ground was broken on February 1, 1942, and by March 1, 1943 it was producing planes at that time.

This country, if we are really going to war, has got to get moving up here. We seem to be the problem, studying and continue to study, but that point has been made.

Secretary MINETA. Mr. Chairman, I can only speak to my activity since the 25th of January, when I was sworn in to be the Secretary of Transportation.

The CHAIRMAN. Well, Mr. Jackson, you have been moving over there, and you used to work with Andy Card. Can you not get Andy moving?

[Laughter.]

The CHAIRMAN. Tell him, let's go, come on.

Mr. JACKSON. I think there is a strong commitment to work through this issue, Senator. We have two elements we are pursuing aggressively, as the Secretary has instructed us. First, a series of issues, related to air traffic control patterns and how best to insulate the security risk there, and in addition, as you yourself have suggested, a series of—

The CHAIRMAN. It can be done in steps.

Mr. JACKSON. We are actively involved in that conversation. This is not an issue the Department or the FAA is at all insensitive to, or sitting back on our heels on, so we are absolutely working this with the security agencies, at the Secretary's strong urging.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. Secretary Mineta, I want to say, with regards to Reagan National Airport, I would like to see it open, all of us would for convenience, but I will not only respect but support whatever decision is made by the experts who are responsible for this Nation's security, and safety is obviously paramount, and if that means that Reagan National Airport stays closed forever, I will not only respect it but support it.

Mr. Secretary, in your list of financial recommendations, you leave out loan guarantees. Have you considered that option? Is that part of your package, or what?

Secretary MINETA. That was part of our recommendations as we talked out these issues. At the present time that has not been included in the package at the White House—I think it is still an open question, but let me turn to Mr. Jackson on the latest since he was in a meeting as late as 9:10 this morning on this.

Mr. JACKSON. Senator, as the Secretary has said, the industry came to us and asked for a variety of actions. We are trying to get a first tranche of support into the system this week, and we are hoping to work with the Congress to move that. We know that there are a series of second tranche issues to look at.

Senator MCCAIN. The airlines view this as a first tranche issue, as far as their financial viability is concerned. I think we need to visit that issue very carefully, and not 100 percent, maybe only 80 percent, but I have talked to no one in the industry that does not believe that loan guarantee is a critical item first tranche, so I hope we can work on that.

Secretary Mineta, do you believe we need to federalize the airport security forces?

Secretary MINETA. We have looked at that, and I suppose if it would be a question of whether or not—when you say federalize, I assume this is referring to the screening operation at the airports.

Senator MCCAIN. Airport security personnel.

Secretary MINETA. If we are to federalize that, we feel it would probably take in the range of about 28,000 FTE's, full-time equivalents. When you take salary, equipment, retirement, all of the cost involved, we are looking at somewhere around \$1.8 billion, so there is an alternative that we are pressing.

Senator MCCAIN. Well, if we do not do that, what are the other options?

Secretary MINETA. The alternative is something advocated in the past such as Senator Kay Bailey Hutchison's bill relating to security, giving to the FAA the authority to increase the standards and to increase the training requirements, do things on background investigation, and that has already been passed. We have the regulations prepared on that. The problem is that there was a hold put on the regulations going forward by OMB until our task forces come back with their specific recommendations on airport security.

Senator MCCAIN. Ms. Garvey, do you have a view on the federalization of airport security?

Ms. GARVEY. The first point is, it has to be fundamentally changed. Federalization is one option, as the Secretary said, the cost to it is about \$1.8 billion, but that is certainly one option. Another option that has been proposed, that the rapid response team is looking at, is a not-for-profit corporation with a board of directors, with a dedicated part of the ticket tax, or a dedicated part of the PFC. I think the principle is that aviation security must be fundamentally changed, and whether it is federalized or not-for-profit corporation, those are two alternatives.

Senator MCCAIN. Mr. Secretary, the rapid response task force is going to report to you on October 1. How quick are you going to have a legislative package up for us after that?

Secretary MINETA. Even though, Senator McCain, the task force report will come to me then, every day we are staying in touch with those task forces in terms of their recommendations, so it is not that I am waiting until October 1, but as soon as that report comes in, we will have specific legislative recommendations where they are necessary. Some of it may already be possible, given present law and given the appropriations that was passed last week.

Senator MCCAIN. Ms. Garvey, do you believe there is anything within reason that the FAA could have done to prevent the tragedy that happened last Tuesday?

Ms. GARVEY. I have asked myself that every single day, Senator. I think we always, whenever there is a tragedy like this, you have to ask yourself that question, are there things that you could have done differently. I do think in the face of an individual who was willing to commit suicide, in the face of an individual who was willing to use a plane as a weapon, it was a very difficult situation. It has changed the way we think of our own security, all of our security directives, and I spoke with Ken Mead about this at length yesterday.

All of our security recommendations in the past have been geared toward explosive. If you look at many of the recommendations that the IG has put forward, and the GAO, and our own, it has had to do with combatting explosives. This was a whole new world for us.

Senator MCCAIN. Let me point out in September 1996 the Gore commission asked that security screening companies develop uniform training procedures for all security screening personnel. In its 2000 report, the Inspector General for the Department of Transportation discussed the test that he conducted in which the Inspector General sent an armed individual through secure areas in airports, in some cases illegally boarded an aircraft. We have had study after study, commission after commission come before this Committee and issue reports and recommendations that called for significant changes.

Ms. GARVEY. To the screeners in particular, Senator.

Senator MCCAIN. On a broad variety of areas, and in all candor, many of those recommendations were either not taken seriously enough, or not implemented.

Ms. GARVEY. Senator, just one note on the screeners. As the Secretary mentioned the training requirements are ready to go. Quite honestly, we have pulled all those back and said, given what we have seen now, are those really the right requirements we want to put in place.

Senator MCCAIN. Do you have aviation security equipment now sitting in warehouses because of a lack of funds for installation?

Ms. GARVEY. We have had some difficulties with the equipment, yes.

Senator MCCAIN. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Burns.

Senator BURNS. I think the Administrator has struck upon something, because whenever you get a person that is willing to die, and

use themselves, no matter what kind of screening we have, you are almost faced with an impossible situation. How close does the Department of Transportation work with our intelligence people about the traveling public?

Secretary MINETA. Senator, every morning I get a briefing from the CIA about threats, about things that are going on in the intelligence world, and again, if I were to look back at all the reports since I have been there on January 25, and I get briefed every day, every morning, and I ask the CIA, including our own security people, Admiral Underwood, if you took all those things that we know now, is there a matrix, with that information that we had, that would have pointed to anything close to what happened on September 11, everyone says no. You just cannot do it.

So the first time we had a commercial airliner turned in to a lethal weapon, people boarded with plastic knives, that can be as sharp as metal knives. They had box openers with a blade this long, razor-sharp, and under the then-existing threshold, those passed security. That is why we have the heightened security requirements and screening requirements.

But I do get intelligence briefings every day.

Senator BURNS. Well, I want to submit to you that there is probably something on each one of us here this morning in this room that could be used as a lethal weapon. I sit right next to a man right here that was using one, and that is a regular pen. This is a lethal weapon. It can be used as a lethal weapon. It does not have to be a knife, or anything like that. I guess us old farmers, we have always carried a pocket knife. Now I am going to have to keep a pocket knife in Montana and one here, because I ain't gonna get one in between.

But around this table, this broken glass could be used as a lethal weapon, and that is hard to guard against.

I guess where I am going with this is that here was an operation that was in the planning process for, I would say, as much as 2 years, and no one had a clue, not one leak, or had a clue that this thing was in process, and I find that really disturbing, that somewhere along the line involved was 50 to 100 people, but there was no indication anywhere that this operation was being planned, so what I am saying is that I think we should, number 1, look at our intelligence, and how we fund it, and the information we collect, and also in the area of civil defense.

World War II taught us a mentality on how to think about how we defend our country, and it gave us the mind set that we survived the cold war. This incident now gives us a mentality on what we are going to need as far as civil defense, and a mind set to defend ourselves against these kinds of actions, and so I have got to think we have to start changing our mind, our process a little bit on what we fund, how we fund it in the security, because if a person wants to be a human bomb, there is nothing we can do about that.

A person can walk into a restaurant, I mean, it goes on around the world, and there is very few things we can do about it in a free society, so our equipment, I think we are going to have to have a visible, visible uniformed security screeners in airports to put the confidence back in the American people that it is safe to fly. They

want to see some visibility where there is security, and with that we have to show some signs, kind of like it is a duck on top of the water that looks pretty comfortable, and not doing much, but underwater we have got to be paddling like the dickens with our intelligence and our security and the way we do business now, and the way we watch the movements of people, and I have no recommendations. It is going to take somebody smarter than I am, but I think we can throw good money after bad if we operate in the same mind set that we thought about security prior to 9/11/01, so that is why I say, are you in touch with the CIA, and do they brief you on the movements of people, and of course I think we are in a different kind of a situation.

I thank the Chairman. I look forward to other questions that might be asked by this Committee.

The CHAIRMAN. Senator Wyden.

Secretary MINETA. Mr. Chairman, if I might just respond.

The CHAIRMAN. Surely.

Secretary MINETA. There is no question that what happened on September 11 has changed the world for all of us. Normalcy is trying to restore economic vitality and part of this whole process, I think, is that all of us, all American people are going to have to show patience, and that patience is a form of patriotism that they are going to have to exercise, because life is not going to be as it was on September 10.

So the mind set for all of us is vastly different in terms of how we approach issues, the urgency with which we deal with issues. I know this, since I have been there trying to get rules and regulations out of the Department, pushing to try to reduce that time line, and to deal with issues in terms of what we do as a Department differently than we have in the past. You are absolutely right, it requires a mind set that is totally different from where we have been in the past, and I believe in our agency, in the Department of Transportation and in the Federal Aviation Administration, as well as all our other modes, we are in a different mind set today.

Senator BURNS. Well, hindsight is always 20/20, and we have got to turn it around.

The CHAIRMAN. Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman.

Mr. Secretary, in recent days I have outlined a 15-year pattern of inaction on this issue, even on the certification question. In 1987, the General Accounting Office issued those recommendations to tighten up the screening procedures, and here we are today, and it still has not been done, and I will tell you, today I am not interested in the blame game. There is plenty to go around, but what I would really like to hear, Mr. Secretary, from you is that this time the Government's response is going to be different.

I do not think, for example, that we can wait till October 1. I mean, we are hearing once again the pattern of recommendations and various efforts to study this. I think what the public wants to hear is that this time, not just our mind set, but the Government's response is going to be different, and you are going to break the spiral of more tragedies, outrageous recommendations, and then slow-motion implementation, and I would like to give you the op-

portunity to tell the public this morning that this time you are going to break that 15-year pattern and things are going to be different.

Secretary MINETA. I think it was broken at about 9:15 a.m. on Tuesday, September 11 when I subsequently ordered down over 4,500 aircraft, and the skill of the air traffic controllers and the pilots and the flight deck crews across the country brought those airplanes down safely in less than 2 hours. From that moment on, we have been trying to rebuild the system, including with different rules, new rules. We did that because the President wanted to restore the aviation system, and I said on that Tuesday that I hoped to have it back in the air by 12:00 noon on Wednesday.

There were a lot of practicalities that prevented us from moving to be able to open up the system by 12:00 noon, because there were going to be new procedures that were going to be required right then and there, and we could not put those procedures in place to ensure the security and the safety of the system by 12:00 noon. To recap, the first plane went into the World Trade Center at 8:48. By 9:15, 9:20 we were looking at a different world. I apologize if that was too slow, but we are making differences in the system in rules and procedures, we are not laggards, and I will put my record on the line at this time.

Senator WYDEN. Mr. Secretary, again, I am (a) not interested in any blame game, and (b) I think what you did in the specific instance you described was very welcome. What I am interested in, though, is knowing whether the Government is now going to be persistent and relentless in making the changes for the long term. For example—

Secretary MINETA. The answer is yes.

Senator WYDEN. That is what I wanted to hear. That is what we are interested in working with you on.

The second question I wanted to explore with you, Mr. Secretary, is the matter of general aviation. It is very clear that there are significant vulnerabilities there. They are described in the news media. Apparently in many respects you can just put your money down and walk on out, and nobody really knows much of anything with respect to security risk there. In your view, how serious are the problems there, and what is it that again you want to do with a new approach to change it?

Secretary MINETA. Well, as you know, general aviation is not just someone getting in a Piper Cub and deciding to fly around. It also includes corporate aircraft and others. It includes, say, a wide range of different aircraft. They were not allowed to fly until, I believe it was on September 14th that we allowed general aviation IFR flying—instrument flight rules, which requires a filing of a flight plan. It also requires an airplane to have a transponder. We allowed IFR flying, I believe, to proceed on Friday.

General aviation VFR flying was kept on the ground until early today, and yesterday we forwarded our recommendations on general aviation with VFR flying to the National Security Council. The recommendations we made were modified by the National Security Council. There are some 30 airports around the country, major airports in which they will not be able to fly. There are a number of general aviation types that will not be able to operate, and so there

have been a number of restrictions that have been placed on the general aviation community by the National Security Council in their condition to approve what we recommended to them.

Senator WYDEN. Let me ask you just one last question, if I might, because I do think on general aviation and cargo, I mean, Federal Express pilots, for example, are asking for changes in rules with respect to cockpit doors, and I hope that again this is something that you will stay with.

I want to wrap up by asking you a question about technology. We have heard, for example, that there are new technologies out there that could create a sort of auto pilot function that would make it essentially impossible to fly into a building. I would like to know whether you think that that is credible, whether those technologies are credible, and that we should be working with you to promote them.

Secretary MINETA. Well, this is an area I think in which I would be very reluctant to see us legislating certain solutions. There have been a lot of suggestions as to how the security of the airplane might be accomplished. One of the things that happened in this instance, the first thing they were ordered to do, or if the hijackers, the terrorists took over the airplane, the first thing they did was turn off the transponder. The transponder gives us speed, altitude, and the identity of the aircraft.

The question was, should we make it impossible for the pilots to turn off the transponder, or maybe when it rotates off the runway it becomes an auto switch that cannot be turned off. The problem is that as I understand it, if there is an electrical malfunction, they want to be able to turn off the transponder if that is the source of where the malfunction might be so that it does not affect the rest of the aircraft. You could also do that by pulling the circuit breaker.

But in any event, these are technological items that are being looked at. There is just a whole array of items, technologically. Kevlar doors. There are doors in which, when you close it, pins go into the bulkhead. A lot of pilots say one of the reasons that they want to bust out the door is to deal with fires. In the case of doors, there is a ventilation panel not so that they can breathe in there—so that if there is sudden decompression there is an ability of the cockpit to maintain structural integrity.

Now, there are maybe ways to provide decompression panels in the bulkhead between the cockpit and the cabin of the aircraft, but that can have drawbacks. I suppose somebody could go in with gas and put it up against the vent, but I cannot understand why anyone would do that, knock out the pilots, because the plane would go down.

In any event, we are looking at all of the requirements that might be imposed, and that is why our team is an internal team, with input from the chief engineer on the 777, also a person who was an active pilot in the airlines, so we have got people who are advising our FAA people who are trying to identify new rules and regulations, and they are trying to figure out those rules and regulations as they go along, not waiting till October 1, so that I can say, okay, go. I am seeing those every day in terms of recommendations as to what direction they are going, and they are getting prac-

tical, real world, real life opinions from people who have to deal with these situations.

So sure, "too little, too late," maybe, but we are working at this, the people in the Department and people in the private sector, trying to figure this out as quickly as possible.

The CHAIRMAN. Senator Hutchison.

Senator HUTCHISON. Thank you, Mr. Chairman. Mr. Secretary, I am pleased that you said we are going to address aviation security, but we are not going to just fight the last war. You are also looking at securing our waterways, our mass transit systems, our buses, our Amtrak trains, which are now serving so many of the traveling public, but today we are talking about aviation security.

Ms. Garvey, the Secretary mentioned my legislation that was passed by Congress last year, that would require better training and education for screeners. You just said that those rules probably will not come out because of other things you would like to add. However, the traveling public is still working within the system that we have. What are you doing to assure that there is better supervision and better screening at the airports of our country?

Ms. GARVEY. Let me clarify the first point. The rules may still come out. We want to look at them very carefully. I got a very helpful call yesterday from OMB, from the fellow who heads the Rules Office, and he said, look, I want you to know we have got a team ready. We ought to all take a look at those rules, but we will make changes, and as the task forces or other recommendations are coming forward, we have got a team ready to spring right into action so we can get whatever needs to be done, done quickly.

In the short term, you are absolutely right, even if we put the increased training in place, that is going to take a little hit of time just to train people and get them up to speed. In the short term, right now, just about all the major airports and most of the midsize airports as well I think really, nearly all of the airports are using local law enforcement officials, state police in some cases, county officials, National Guard. We have supplemented, in any case, where the airport has asked, with some Federal forces at those local screening points and checkpoints.

The Secretary had talked with us the other day about even expanding the use of AIP money, and I think this gets a little bit to Senator Wyden's question as well, that in the short term, you can use those AIP moneys perhaps to reinforce and to reimburse some of those local officials, so in the short term you can beef up those security checkpoints.

In addition, in a conference call on Monday, we asked all of the major airports to pull together at each one of the airports the station managers and the security companies. Again the security companies are hired by the airlines, but at the local level bring together the security companies, the station managers, go through the guidance, make sure that if there are questions still remaining, get those answered, so we are trying to work at not just the national level, but from the local level as well.

Senator HUTCHISON. Will the FAA monitor those State and local efforts at the major airports of our country to assure that there is more being done at the screening than has been done before?

Ms. GARVEY. We have directed our security officials to do exactly that. I have to also, though, be realistic and say that right now there are a number of other security issues, so they are doing a lot of things. I spoke with the Inspector General the other day about using some of his forces as well, and so we will do that, and we will draw on other Federal offices to help us in that.

Senator HUTCHISON. Okay. Let me ask you this. When we are talking about aviation security, we are talking about airport, and we are talking about aircraft. We are talking about federalizing the screening process and the air marshal system, but there is also the patrolling function at airports, especially outside the screening area. What is your recommendation about a Federal role to take over all airport security, or leave that to the local law enforcement officials with better coordination?

Ms. GARVEY. That is exactly the issue. That is exactly one of the points that the rapid response teams are discussing today, and very early this morning I met with some of them, and one of the points was something you had raised earlier. Might it make more sense, for example, to combine these screeners with the air marshals, with the other forces at the airport, and combine that into one security unit so that you have a sense of career progression, for one thing, and you have a much more robust force. I think that is something we have to look at very, very carefully, and I know that is going to be one of the considerations that will probably be forwarded to the Secretary. I think that is something that is well worth looking at, because it may not be enough.

We are focused on screeners. We started the discussion around screeners, but it may be important to go a little further. I am anxious to hear from some of the experts, airport officials as well on that.

Senator HUTCHISON. Well, of course, we want to put that in a bill that would be going through Congress this week and next week, and I think a career track could really enhance the quality and the experience level of the screeners and also, of course, the air marshals.

Also, Ms. Garvey, we have been talking about the aviation system in our country. Are you considering it to be a requirement of any foreign carrier that would have access to our airports to require an air marshal, to provide this space, and to allow an armed police officer, if we request it, to be given a seat on their aircraft?

Ms. GARVEY. Yes, we are. Yes, we are, Senator.

Senator HUTCHISON. Let me just ask—

Ms. GARVEY. Let me just add one other note to that. In the past, our whole focus with the air marshals has been much more international, because that has been a concern, so there have been discussions and similar arrangements with foreign carriers in the past.

Senator HUTCHISON. Before giving them the ability to land, we ought to set certain requirements. My time is about up, but I just want to say one other thing. I have talked to all the airline CEO's with Senator Rockefeller, all of you have as well, but I do not want to forget the airports, and their role in this, their concerns, their loss of revenue, as we are talking about shoring up the aviation system, because it is so important to our economy. We must also

include the role of the airports in that security and in the financial health of the industry.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Allen.

Senator ALLEN. Thank you, Mr. Chairman. Administrator Garvey, I want to thank you for last Thursday afternoon's meeting with so many people in this entire region concerned about Reagan National Airport. I think you are well aware that this is a concern to our area.

Every Member of this Committee understands and shares security concerns. I think you recognize that there are over 10,000 people who now can apply for unemployment benefits just from Reagan National Airport, and the multiplier effect is five to seven times greater, as far as jobs lost, or the economic implications in this region.

I would also add that while everybody looks at it as Reagan National Airport, it is really managed with Dulles Airport, and to the extent that Reagan National Airport is closed, that has a direct impact on Dulles. It is part of Dulles Airport in the way the Metropolitan Washington Airports Authority handles not just paying off the billions of dollars in bonds for the renovations a few years ago, but also for the even more significant improvements being made at Dulles Airport.

That needs to be considered, and we know that millions of dollars are being lost every single day. As Secretary Mineta mentioned, there is a particular airline that may go under. We all know the trouble they were in, based upon your statements, and obviously the Chairman's as well.

I would ask you, Secretary Mineta, whether you have an update for us as to when a decision will be made by the FAA and the Department of Defense and the Department of Transportation and the Secret Service regarding this airport, Reagan National Airport? Do you have any idea when you will all make a decision?

Secretary MINETA. I cannot give you a date.

Senator ALLEN. Do you have a range?

Secretary MINETA. We are working every day with the National Security Council on this issue, to come up with alternatives. Remember, one of the conditions for reopening Reagan National Airport is that there would only be approaches from the south and departures to the south, which is fine to say, but there are laws of airlift physics. You cannot fly as safely if the wind is not coming into you, so something in the range of 35 percent of the flights that had previously been operational at DCA would be able to continue on to the future.

So there are requirements there that from a practical airport, airline operational perspective, that we are working every day with the National Security Council about, what about this, what about this, but I cannot give you a date as to when an approval might be coming.

Let me turn to Administrator Garvey and see if she has got a crystal ball.

Ms. GARVEY. I wish I did have a crystal ball. I can tell you that yesterday the air traffic staff was with the NSC all day long working on what the options are, and I really do believe that they want

to see a resolution on this as quickly as possible, but as Senator McCain said, we want to make sure we are addressing all of the security issues as well.

I do understand they brought in some additional outside threat experts and I think that is welcome. We can use all the help, of course, that we can get.

Secretary MINETA. One of the suggestions I had made is we put an air marshal on every departure out of DCA, and every arrival coming into DCA. Now, that alone involves something like 830 flights. That is a lot of air marshals just to tie up for one airport.

Senator ALLEN. That is with the reduced demand for air travel, and some of the flights that have been canceled.

Secretary MINETA. But every day we have something like 5,000 air carrier operations. That is not including general aviation. That is a lot of air marshals.

Senator ALLEN. If some of those ideas are what it will take, I think there are many of us who are saying that that is alright.

Actually, what I would like to see, along with the general public, is some technical or operational case made of why you would distinguish Reagan National Airport compared to other urban center airports, such as Logan or La Guardia. You need some factual basis why there is a security threat.

Secretary MINETA. Let me turn to Deputy Secretary Jackson.

Mr. JACKSON. Senator, I would just volunteer that we understand the importance of this issue, and particularly your ability to bring together the community in the Northern Virginia area to focus on these issues is most welcome, and we would volunteer to meet with you on an ongoing basis as these plans evolve, and discuss options with you. We have tried to stay in touch with the head of the airport authority as well in this regard, but I would personally be happy to make certain that we stay very closely in touch with you as we explore these options.

Senator ALLEN. When you talk to the Secret Service folks, do you talk about the concept in light of what you just said—the concept of a phased-in approach that was advanced at that meeting Tuesday afternoon?

Secretary MINETA. Yes, sir, that has been an integral part of the discussion.

Senator ALLEN. That would be a good first step, if you can get them to agree to it.

Secretary MINETA. The question about flights within 500 miles, or 300 miles, and all of those options have been talked about in terms of expanding operations incrementally so that the shuttle might be the first to be reinstituted. But we recognize that this is not just a Reagan National Airport issue, because if you do not operate out of here, you do not operate out of Martinsburg, West Virginia, you do not operate in Charlotte, and you do not operate in a lot of places, so it is not just about National. It is national in scope; it is more than just Reagan National Airport.

Senator ALLEN. My time is up. Thank you, Mr. Chairman. I will have further questions later—

The CHAIRMAN. Senator Inouye.

Senator INOUE. Mr. Secretary, I would like to ask a few parochial type of questions. The State of Hawaii is a rather unique

State. It is separated from the mainland by an ocean. The State itself is made up of seven inhabited islands. When your order was issued to ground all aircraft, several things happened that would not happen elsewhere. For example, we were not able to carry two donated kidneys for kidney transplants from one island to another. There were other, similar type emergencies that we were not able to cope with. Would your agency favor any sort of special waiver for the State of Hawaii?

Secretary MINETA. Well, I think in all instances now, like that, would be able to proceed today, even after we had the order to have no aircraft operations, we must have granted, I would guess a couple of hundred exceptions on Wednesday, Thursday, Friday, until September 14th when we opened up general aviation IFR.

We had requests for exceptions, and we looked at those on a one-by-one basis, and we did grant them.

Today, I think that most operations are allowed, except for specific general aviation operations as they relate to flight schools, VFR flight training operations, towing operations, site-seeing flight operations, traffic watch flight operations, airship and blimp operations, news reporting operations. In the 30 major airport areas, those aircraft are excluded, and I think now most are now able to operate.

Let me turn to Administrator Garvey, because I think those are the only exclusions as relates to class B air space.

Ms. GARVEY. Senator, the Secretary is right, most of the general aviation restrictions have been limited, or lifted, many have been lifted, but I would underscore that in the case of a medical emergency, even last week, waivers were given, so I apologize if you made a request and it was not honored. It absolutely should be. Medical emergencies should be absolutely honored. There were some specific issues in the State of Alaska, that is also dependent on aviation, too, that we had to deal with in those early hours and first few days.

Senator INOUE. On the VFR operators, there is some uncertainty as to certain types of activities. We have been told, for example, that the scenic tour helicopters are still grounded. Why?

Ms. GARVEY. Senator, we are working very closely with the NSC as we sort of phase in the elements, and that was one that there was still a level of discomfort about it. There have been some difficulties, I think, from their perspective.

But again, we are working this every day. That list of restrictions was put in place last night, so many of the other operations that people have been clamoring for will be able to resume, or did resume as of last night. We will continue to work those issues with the Security Council, continue to work those issues among the aviation communities and just will keep in very close touch with your office to make sure that you know as those restrictions are lifted.

Senator INOUE. I realize that these matters are not of great concern when you look at the problems of this Nation, but I hope you will also look at hang gliders. I cannot see that national security has concerns for hang gliders, but that is restricted, is it not?

Ms. GARVEY. That one I am going to have to go back and check. I actually thought that category was allowed.

Secretary MINETA. I think that would be permitted outside of what we call the enhanced class B air space, so if someone is over in Kona, wanting to do ultralights and hang gliding—

Senator INOUE. The only place you can do hang gliding as of this moment I believe is Nehi, Lanai, and Molokai.

Secretary MINETA. I would say that under what we have authorized and given the fact that it is not class B air space, it would be allowed.

Senator INOUE. I am grateful if you will look at all these little problems for us.

Secretary MINETA. I will look at that specifically and get back to you, sir.

Senator INOUE. Thank you, sir.

The CHAIRMAN. Thank you. Senator Breaux.

Senator BREAUX. Thank you, Mr. Chairman. I thank the panel for being with us.

Senator Kerry and I were talking early on, when the hearing first started, that while today we concentrate on aviation problems, you know, if we were in a terrorist group it would probably be the last area that we would go to for a second hit on this country, and we have been looking at other ways to create havoc on the American public, and I think that other areas of transportation obviously also has to be considered, railroads, for instance, which the security of getting on a train is almost nonexistent, as an example, or passenger ships that have thousands of passengers that leave every day from ports in Miami and New Orleans, and on the West Coast as well.

These are all areas that I think under the umbrella of the Department of Transportation we are going to have to take a look at, and with the Chairman's permission, the Surface Transportation Subcommittee is going to have a hearing on security at railroads in particular, and also on ships, which carry thousands of people.

I will tell you what I am for. I am for the Government doing the inspections at the airports, inspection of the passengers when they come on, doing the security on the tarmac and around the airport. We should not be concentrating on how cheap we can do it, but how good we can do it, and not only do I think it gives us a better result, it goes a long way to bringing about the confidence that the American people need to regain in order to start flying again, so I think the Government should do it.

I think we should consider arming the pilots, not necessarily with pistols, but certainly at least with stun guns that are capable of incapacitating a potential hijacker.

I think we ought to have sky marshals on planes that are going from vulnerable airports, potentially vulnerable, that also are at least armed with stun guns to disable hijackers if one should happen to try and take over a plane.

And finally, I think we ought to secure the cockpit. I mean, whether it is with metal or steel or titanium—I mean, we make tennis rackets and golf clubs out of titanium. Certainly we can make a cockpit door out of something that cannot be pried open with a fork or something even less strong as a fork.

We talked about what could have been done. Had we had a secure cockpit door, the chances are those hijackers could never have

gotten into the cockpit, and I think the science today is certainly capable of providing us a secure cockpit door that can be opened from the inside by the pilots when they have to get out, but it cannot be opened by passengers.

Does that put the passengers at risk? Maybe so, but at least the pilot could get the plane down, and they would not have the ability to crash it into the World Trade Center.

So I think those are things that I am for, and you know, talking about the security, I have always been sort of mystified, and maybe you can give me just a rationale, and I am not asking this question to be a Monday morning quarterback, but when we have passengers going through all of the security to make sure you do not have a penknife or a pocket knife or a gun, or the tool that Senator Nelson pointed out, it is interesting that after you get on the airplane, certainly if you are sitting up front in first class, when they serve you the meal, they give you the napkin, and wrapped in the napkin is a metal fork, a metal spoon, and a metal knife. We actually give passengers knives on airplanes. What is the rationale?

Why do I have a knife? You just told me I could not bring one on the plane, and then when I get on the plane, they give me one.

Secretary MINETA. Senator Breaux, have you been on a plane since?

Senator BREAUX. Not since Monday, but I mean, up until that time.

Secretary MINETA. You will not get one.

Senator BREAUX. I understand, but for years we allowed that. What was the rationale for that? It is our fault. It is your fault. It is all of our fault. We gave knives to passengers.

Secretary MINETA. You will not get a knife. I do not know how I am going to eat that steak, or whatever, but there ain't going to be a knife there.

Senator BREAUX. The other point is, in looking at all of these options, there is an article, Mr. Jackson, and maybe you could answer this, too, on the front page of USA Today on one of the sections, I guess the money section, that says an official at the General Services Administration says that the very task force you all have set up is illegal, because it does not comply with the Federal Advisory Committee Act of being diverse in the makeup of the Committee. It says that the Federal Advisory Committee Act requires that membership of an advisory committee be fairly balanced in terms of the points of views represented. Is that a problem?

Secretary MINETA. I do not know. I'm not sure why GSA would even get into that, for one thing.

Senator BREAUX. The guy that says this is Jim Dean of the General Services Administration. His job is to ensure that Government advisory groups comply with Federal laws.

I am glad you have got it. I support what you are doing, but I am concerned.

Secretary MINETA. We checked with our general counsel. This does not come under FACA, the Federal Advisory Committee Act. That is why this is an internal employee rapid response team, with our ability to talk to experts from the private sector, and we cleared this to make sure that we did not have a FACA problem.

Senator BREAUX. GSA says you do.

Secretary MINETA. I hope I made that clear.

Senator BREAU. I support you on this. I think you ought to have the advisory committee that can give you the advice that is helpful to you, but General Services is challenging you on that, and I hope that we take steps.

Secretary MINETA. They had better stick to renting buildings.

Senator BREAU. Mr. Jackson, do you have a comment on that?

Mr. JACKSON. The Secretary is right. We have worked with our counsel, and we are certain we are operating effectively, and we will double back with the individual you mentioned.

Senator BREAU. If you need help from Congress, I am sure there will be people willing to try and make sure that DOT is all right on that particular issue.

Mr. JACKSON. Thank you. We will obey the law and get the job done fast.

Senator BREAU. Thank you all. Thank you very much.

The CHAIRMAN. In deference to the remaining Members of the Committee, Secretary Mineta has to leave at 12:00, so let us try and shorten the questions.

Senator NELSON.

Senator NELSON. Thank you, Mr. Chairman.

Mr. Secretary, Madam Administrator, I certainly embrace the recommendations that have been made here, and on the basis of what I learned yesterday, I want to give you a couple more recommendations.

At both Orlando and Tampa, with the aviation directors, they both made the case to me that we should reopen curbside check-in, because they felt that it was as safe as the at-the-counter check-in, because those employees, the sky caps at the curbside, go through all of the security checks and the training with regard to the bags as much as do the counter personnel of the airlines. That was what was stated to me yesterday, and that was at two major airports. I wish you would consider that.

Second, the question of airports being put into different categories, category X, which Orlando is, Tampa is a category 1, Fort Lauderdale, that I mentioned about the weapons coming through, is a category 1.

If, by virtue of an administrative decision about a different categorization of the airport, that there is a lessened security, which the implication to me yesterday was that there was—and I will give you an example. Anybody going to the ramp in Orlando had a badge that had a computer chip, that in order to get access from the terminal out to the ramp, for example, the baggage handlers, that badge was swiped, and up came the employee's image, their picture on the computer screen. That was not the case in the Tampa airport, which was the category 1.

So if there is a difference on the security, particularly with regard to, for example, catering personnel—Monday night on the flight to Florida, the flight attendant said to me, look, I have been here 25 years with this airline. They have done checks on me completely. What about the catering employee that has been hired for 2 weeks that has access to the airplane.

And so the question of the security there, and then furthermore, I would respectfully ask that the Committee and you all consider

that as we federalize the security people that allowed that knife to come through that I showed you last Friday, and I can give you the details—and by the way, it did not happen just in one terminal. It happened in several terminals. They were ticketed. The law enforcement people of the Sheriff's Office were ticketed passengers. They did not board the plane. They did it at several checkpoints.

All of the security failed Friday, after the Tuesday disaster. Since then, however, things have gotten tighter, but the question is, who ought to perform that function? What we have heard here today is that it should not be the airlines contracting for that function, that in order to get to a greater security degree—everybody here has talked about federalizing it. Well, what about the aviation authorities themselves, who has a security force in place with high standards that they monitor from a central control room? What about possibly them doing it, instead of federalizing it?

The idea is to get a greater degree of security to catch those kind of lethal items I showed you a few minutes ago.

Secretary MINETA. There is no question about that. I cited an example to Administrator Garvey of an airport where the crews did not go through security on Sunday. I said, tell your FSM's, your Federal security managers to be thorough. You see, one of the concerns I had as we were implementing this is, just as when I was chairing the aviation Subcommittee in the House, we had airplane mechanics who were "pencil-whipping" as to whether or not they checked something on an aircraft. They go right down the line, checking yeah, yeah, yeah, yeah.

I said to Administrator Garvey, make sure, because your FSM's are good friends of airport directors, that they do not just sit there and pencil-whip, that those airports were doing certain things, that they were adhering to the new security measures. This is because I have this example of the person who phoned me and said, "Norm, I never went through airport security, yet it is a requirement that everybody goes through airport security." So yes, there are those things where we have got to "plug the hole" to make sure that our own people are adhering to these standards, and you know, we are trying to monitor those and stay on top of them as much as possible.

On the earlier example, this is what Tampa does. Does Tampa also have a finger print machine, or a retina examination procedure? No, because each airport determines what they are going to use as a screening device, following standards that we establish. The question of how those standards are fulfilled at each airport is the responsibility of each airport, and then it is the responsibility of our Federal security manager to make sure that the airport is adhering to those standards.

Security standards are uniform across the board, except for maybe general aviation airports, and even that has become a concern to me. If I go somewhere and get on a charter, am I going through security? Are my bags checked? We are looking at that now. Maybe I could have Administrator Garvey expand on that whole issue about security by categories of airport.

Again, catering personnel as you mentioned. Absolutely, there are a lot of people on the ramp under the new stringent measures, that have got to be properly badged, and if they are not badged,

they ain't on the ramp anymore. Again, those are the rules and regs we set out there. Is anyone observing them? Well, we want to make sure that our Federal security managers are on top of those kinds of things so that you do not come to me and say, well, guess what happened, here is a leatherman that got through, as you did here.

I carry a leatherman. I do not any more, but I used to, in my briefcase. I had one all the time.

Ms. GARVEY. Three very quick points. One is, the Secretary is right. We have basic standards, and airports can add to them if they like. We have always felt that category X airports were higher risk airports. Therefore, we have a security manager at those airports, but you are right, I heard from Fort Lauderdale yesterday who asked whether we can consider putting a security manager there. We are looking at that, because we do believe that is important.

The issue of the caterers—anyone who is in the secure area must have an approved badge. We are asking—more than asking, we are requiring airports and airlines to validate those badges. I will not get into a lot of detail because of the security implications, but let me simply say they are validating those badges. If you have access to the secure area, you must have a badge that has been validated by the airline or the airport.

The CHAIRMAN. Very good. Senator Boxer.

Senator BOXER. Thank you, Mr. Chairman.

Mr. Secretary, Madam Administrator, I know you both really well. I guess I had one strong request that I wanted you to keep in your mind. You do not have to write it down, because it is not a specific improvement, because I agree with so many of them that have come out, and I have talked to you about that. It is an attitude and a mind set that I think Senator Wyden is trying to get at.

I want to know when you are sitting across from the President, when you are sitting across from the Vice President, that there is only one thing in your head, what happened on the 11th, and how to make sure it does not—I do not want you to think about, well, what will it cost, and Norm, I know you well enough that when you talk to Senator Allen and said well, one idea is to put a marshal on every flight going in and out of Reagan National, you kind of rolled your eyes, because I know you, and you sort of said, gee, that is 800 flight marshals, and please, we voted—I never saw a vote as strong, \$40 billion as the first vote, putting all other concerns aside.

How much of that money is going to go to make our airports safe? I was voting for it believing that a lot of it would do that. It will cost \$2 billion to put an air marshal on every plane. That is what we have calculated. Maybe it is three, maybe it is four, and I believe we are going to see fewer flights. I think Senator Allen is right on that. Once this thing all gets around, we are going to see fewer flights, and I think that is okay as long as our airlines can be healthy and run fewer flights, and run them full, but all I want to know from you—and I am not even asking the question.

I am asking you to think about this, that those people will have died in vain if some bureaucratic mentality takes over, or some

budgetary consideration lets someone from OMB yell about it, but I want you both to be there saying, I have calculated this, I know it is a lot, but I cannot look the American people in the eye unless I know that it is going to take me X billion a year, and I am going to spend it right, and here is how I am going to do it. I need to know that you will do that.

I want to get into something—I want to talk about Reagan for just a second, because I hear the frustration of my Chairman because his people are left in the lurch, and that is an economic nightmare, and I understand it, and I am wondering whether you have looked at ways to put some of those shorter hops out of other airfields around this area. I will tell you the reason.

I do not think you need to be a genius to know what these terrorists did to us. They hit an economic symbol in the World Trade Center, and Jay, you and I, you remember, and John, where we were when we watched it happen. They hit a military symbol at the Pentagon, and I believe they wanted to hit a political symbol. I could be wrong, I do not know. I am thinking that may be it, so I understand why there is a great concern around the NSC for air traffic right over our heads. I understand that. Frankly, I am glad they have control.

But I differ a little bit with my esteemed Chairman on the point, because I think you are under a lot of pressures that they are not under, frankly, but I would love to see us do something pretty soon to save the people who are relying on Reagan National, and I am wondering if you have looked at how to get some more gates up and running for those people who rely on Reagan National. Have you looked at that issue?

Secretary MINETA. Well, first of all, US Airways has, I believe, transferred seven shuttle flights from National to Dulles. Part of the problem is, we do not have enough gates right now at Dulles, but airlines are looking at what alternatives they have.

Senator BOXER. Are we helping them? Are we helping them look? In trying to figure out how to do that?

Secretary MINETA. Absolutely, in terms of air space allocation, in terms of gate space allocation. We're not in the command and control system where we can say, Delta, move over here.

Senator BOXER. I am glad you are helping.

Secretary MINETA. But whatever their needs are, we are helping. This is what the President said to me.

Senator BOXER. I only have time for just one more. I want to get to one other area, then I will stop. I just feel so bad for those people who rely on—it is not my people, but it is a lot of people, and so I hope we can help.

Last question. I want to deal with the cockpit issue, because I feel the frustration, because—but I will not get into the past. Right now, today, while we wait, figuring out if we can use a type of door, et cetera, we could put a heavy bolt. It will not cost that much, and yet I read, Mr. Secretary, that you did not want to put out any rule, because you are waiting to hear, and so on, and I would encourage you, we need to take action today to secure that cockpit, so I hope you will think about a cheap and simple way, a heavy bolt door, and whether the bolt will cost \$1,000 or \$5,000 or \$500

is something I do not know. That ought to be coming down from you, and I would like you to comment on that.

And last, do we have video cameras in the cockpit that give the pilot a chance to look at what is happening in the cabin, and if not, maybe this is an inexpensive way to do something tomorrow to buy an inexpensive type of machine that if somebody in the—if there was a disturbance, or somebody took out that camera, the pilots would have a sense that something was wrong. Can you comment on those rather inexpensive ways to act now, rather than wait for your commission and your committee?

Secretary MINETA. It is not a commission. It is not a committee. These are FAA employees. I do not know what I have to do to explain this better.

Senator BOXER. It is not funny, because I think we can——

Secretary MINETA. Of course it is not funny. I am the one who ordered these planes down.

Senator BOXER. I was not talking about you. I am talking about the people out there.

Secretary MINETA. In terms of the cockpit and the video camera, again, we are looking at every plausible alternative, and we are not the only ones involved. Airlines are involved in this process, airline pilots.

Senator BOXER. Have you looked at a video camera and a bolt, that you could order?

Secretary MINETA. A video camera used to be in the American Airlines cockpit.

Senator BOXER. Looking at the passengers.

Secretary MINETA. They had their eye on the runway.

Senator BOXER. I am talking about—let me just repeat, and maybe I should ask Mr. Jackson, have you looked at—or Jane Garvey, doing this right away, a heavy bolt to go on the door, and a camera in the cockpit that looks out at the passengers and at what is happening in the cabins?

Ms. GARVEY. The bolt is one of the issues the pilot and flight attendants have suggested, and that is under consideration. Frankly, FAA is looking at what the logistics are, how to do it and so forth.

Secretary MINETA. How long would it take to get a type certificate changed to do that, and to retrofit?

Ms. GARVEY. That is what we have to do, determine just that thing.

Secretary MINETA. One of the things we are doing is saying that, whatever the airlines do out of that money that you appropriated last week, those are eligible expenses for reimbursement.

Senator BOXER. Well, that is exactly what we wanted.

Secretary MINETA. Well, you got it. We are just waiting right now for someone, whether it be an airline, or for the Rapid Response Team—as I said, I am not waiting for October 1 to come with these actions. I am waiting for——

Senator BOXER. And the answer, have you considered a camera that looks out at the passengers?

Secretary MINETA. Yes.

Senator BOXER. Thank you. I am sorry I took so much time.

The CHAIRMAN. That is all right. Senator Kerry.

Senator KERRY. Thank you very much.

Mr. Secretary and Madam Administrator, let me begin by complimenting you, and I think the decision you made was an extraordinary decision. It was the right decision. You executed it effectively, and there is some evidence that there may well have been other mischief that was diverted because of it, and you deserve our thanks for that, and I wish you would convey, Madam Administrator, to all of the controllers and those in the system how proud we are of the job that they did. It really showed a discipline and a capacity, I think, that was exceptional.

I think for better or worse, this kind of situation obviously has a lot of people afraid. There is even a little panic in the air, and there should not be. There is no question in my mind it is safer today to fly in the United States of America than it has been in months, if not years, and clearly the events of the 11th and the steps you have taken since have heightened security levels. I do not think any American should fear in the current construct getting into an airplane. I just do not believe that.

Terrorists always seek out the next weakness, and they will, and the greater concern for the United States is going to be thinking about the things we have not thought about. It is a terrible way, fighting the last war, fighting the last campaigns, it is always the next one that comes to bite you. To that end, I think you have no choice but to federalize, and there are ways we can clearly make it safer even as I say, I believe it is safe to fly today, and I absolutely believe that.

But we can make it foolproof. We can make it safer. We certainly can guarantee that never again will an aircraft be used as a weapon, directable into a building, and the doors are obviously one component of that, and I understand and appreciate the certification issues and the need to do that correctly, it can be done, I think, relatively fast, and with respect to Reagan Airport, you know, one of the strongest responses to terrorism is defiance, and I think we need as an act of defiance not to consider shutting Reagan Airport.

I also think, as a matter of safety, I agree with what Senator McCain said. If there is an issue of safety, I am with Senator McCain, as we all would be, but most of the pilots flying those aircraft, the aircraft in the United States are ex-military pilots, United States Air Force, U.S. Navy, and the concept that you have a pilot risk is inconceivable. There is not a pilot in America who has not said they would have to kill me, tie me up, as they did, in order to take control of the plane.

If you do not have access to the cockpit, you cannot make it a weapon, and if the pilots controlled that, it may be tough as a matter of policy, but we have to be tough. If a terrorist knows there is no access, no terror in the cabin is going to open that door, then they will start thinking about different things. Does that mean the plane could go down? Yes, it does, but so could the restaurant explode, and so could this Capitol under certain circumstances, and we all know that.

The next thing we would say about Reagan is that the screening, if you combine the lack of access to cockpit with a significantly augmented capacity and screening, and even marshals, whether it be on every flight or not, to be determined, then the North River route fears that we all understand really disappear, and there is no rea-

son to panic and not recognize our capacity to provide security. You could even have a preferred pilot system. You could have all the pilots who are eligible to fly into Washington precleared.

I mean, there are all kinds of ways to approach this. Even on charters, fixed-base operators become part of the system. Fixed-base operators might even be considered to be licensed, certainly clearance checks. They become part of the process. I do not know many charters in America where the people who get on the charter do not know each other, and where in many cases they are not U.S. companies that are preclearable and so forth and so on. All of this is manageable, if we kind of stay with common sense and thoughtfulness.

Now, with respect to the real issue here, airport security and the clearance issue, it is true, is it not, that the companies that currently are utilized bid, do they not, and the bid process encourages low bid, does it not?

Secretary MINETA. It does, that is correct.

Senator KERRY. So if you have a low bid, bid process, which is hiring minimum wage employees with minimal training, we are not providing the kind of screening, are we, that we have potentially?

Secretary MINETA. We recognize that as well.

Senator KERRY. Having recognized that, and recognizing that it is also a law enforcement issue, I mean, this is not just a matter of screening somebody. If an airport has information about potential people on a watch list, or certain kinds of people or screening, that is an FBI-shared information. It is a CIA-shared information. It is a process of intelligence, which is perhaps the single biggest gap in the United States today with respect to any war on terrorism, and I do not know how one can contemplate an adequate screening process that allows us to get on with the business of moving the country forward economically by making the airways safe without having a standardized system with accountability, with capacity to share information between law enforcement agencies, with procedures that apply at every single airport, and with accountability at their chain of command that gives the American people confidence. Now, is that not a fair statement of the benefits of federalizing?

Secretary MINETA. It is, sir, and those are, in terms of standardization, levels of training, all of these issues are paramount with us in terms of standards to be met as a screener.

Senator KERRY. And a final question. Is it not fair to say that if you have that level of screening, and you have a cockpit impregnability, a plane cannot become a weapon again?

Secretary MINETA. I would like to think so.

The CHAIRMAN. Senator Rockefeller.

Senator ROCKEFELLER. Thank you, Mr. Chairman. I thank all three of you very much.

I agree that flying is safer than it has ever been. I also agree that, in a post-last Tuesday psychology, this country and its people and all of us to some extent focus exactly on what happened at the World Trade Center and tend not to think about all the other things that might happen in the way of terrorist attacks.

I mean, I happen to believe that one of the, again, silver linings, if there were any of last Tuesday, were the two great unknowns,

one hidden and one simply ignored. That is, aviation security, aviation as an important factor in our national economy, financial viability on the one hand and intelligence, particularly human intelligence. You know, that attack did not go through a series of human discussions, not conducted on the Internet between people. Had we had people penetrating in there, then we could have known this, so that all of us on these two issues, one taken for granted, the other simply not understood, rose to the top of the national agenda, along with national security as a whole.

Now, having said that, and having said that I think aviation is safer than it ever has been, we are talking about improvements. In the conversation that Senator Hutchison and I had with a number of the CEO's and a number of other people, there was this feeling that, for example, on the doors, on modifications within the cockpit, do you put a lavatory, for instance, within a cockpit so the pilot does not have to come out, or that there is a warmer inside so that the lunch or dinner does not have to go in, and people do not see that, that there are some 7,000 commercial airliners in the air, or potentially in the air, and that this cannot be done at all quickly.

I would like to get your sense of how quickly do you think we could begin to move, once you have made the decision between Kevlar, whatever else it might be, adequate cockpit aspect security, that we could proceed to make those changes, pay for those changes, see them happen, because that will directly affect, because it will be reported on extensively, public confidence, which in turn will put people into airplanes, which in turn will satisfy some of the problems we are going to be discussing this afternoon, financial viability. Seeing the improvements happen, as opposed to saying, 7,000, that is too much, we can only do that on new airplanes that we build later, we cannot reconfigure now.

I welcome your thoughts.

Secretary MINETA. First of all, on securing the cockpit, there is in this legislation that will be coming up to the Hill a certain amount of money that will be able to go to the airlines for the retrofitting of their aircraft for the heightened security requirements, including things like a hardened door, including maybe modification of the electronics to deal with the transponder, or to deal with the communications systems so someone doesn't come in and say, turn off your radio and your transponder. It is going to be out of their control.

Those modifications are going to have to be done—and I would have to defer to Administrator Garvey as to what the time schedule will be. I think we can compress that schedule as quickly as is practicable, but you know, everyone sort of cites El Al as an example of an airplane that may be the least vulnerable, but I believe their door does not meet FAA standards, or it is not certified by the FAA, so even if we were to say, hey, man, that El Al door is really good, and say, put it in every U.S. aircraft, I do not believe it is certified by the FAA as an acceptable approach right now.

Now, I believe, and I will have to defer to Administrator Garvey, but she would have to talk to the time line on whether, how quickly we could do this, but our direction from the President on down is, whatever has to be done, get it done as quickly as possible as

it relates to, again, safety, security, and the stability of the aviation industry.

Senator ROCKEFELLER. Not waiting for the convenience of new airliners to be built. Okay, a second question, last question, so that everybody gets a chance to talk with you both, and that is on technology.

I know that there is a lot—you have your explosion detection system, there are a lot of other types of technologies which could be enormously rapid in terms of airport safety and passenger safety, check-in, and getting on biometrics, for one, eye or facial recognition, finger prints, things of this sort. What I wanted to get was that when we look at what we are going to do in terms of inspecting people, as well as baggage, that it is not simply going to be the best of what we currently have, but that there is an ongoing sense of research and development now, much-enhanced, to make sure that we have more rapid ways of data collection, data comparison, face, eye, all the rest of it, so that you could match things together much more quickly and resolve matters more quickly.

Secretary MINETA. We are exploring all of these possibilities. Whether it be a person putting in their hand for finger-print imaging, that then gets run through FBI in a very short period of time, whether it be retinal examination, what kind of technology might be there, all of those are being explored, and some of them are already available off-the-shelf for utilization, and for the airlines it may mean cost so that they get—they may take a look at it, take a second look at it, but again, under the legislation that we are looking at, those kinds of heightened security measures I am quite sure would fit for reimbursement from the moneys that you folks are appropriating.

Senator ROCKEFELLER. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Stevens.

**STATEMENT OF HON. TED STEVENS,
U.S. SENATOR FROM ALASKA**

Senator STEVENS. Thank you very much, Mr. Chairman.

Each of you, Mr. Secretary and Ms. Garvey, have brought us experience from the past administration, and we are proud of you. As a matter of fact, we would not be sitting here—based on information I have received we would not be sitting here today, Norm, if you had not said, pull them all down, so I think any implication here from anyone that might think that you have not already thought about all of the things we have discussed so far I think is wrong. We know you and we trust you, and I want you to know that I personally am grateful to you for what you did to try and recognize the situation in Alaska and Hawaii as quickly as you did.

I do have a couple of questions, though, about that, so I would like to get right to it.

First, there is no relief that has been suggested for the part 135 operators. Their losses are small compared to the others, but enormous compared to their size, and I would hope that we would somehow or another catch up with them before this is over.

For the benefit of some of my colleagues, the President does not have \$40 billion, he has \$10 billion. The next \$10 billion comes 15 days after we have received the plan. The next \$20 billion comes

as each individual bill is passed to make it available, so we have got a lot of time ahead of us to review some of the things that you can do, and I do hope you get access to as much as possible of that \$10 billion. That was our intention.

As a matter of fact, we wanted to make the full \$20 billion available, but there were some people that wanted to review plans and take time, and it will take time, but I certainly do not think you ought to be criticized for taking the time you have taken so far.

I do have a little problem about one reg, and that is, you have now really totally prohibited our Combi operations in Alaska, combination cargo and passenger. Aircraft such as the 737-200's serve our regional hubs. That means that they can go from Seattle and go out to Bethel or out to Nome; without them, we can have intra-Alaska hubs, but we cannot have the large hubs. I think it is going to increase the cost to our rural areas. I would urge you to take a look at that. I do not need your comments about that now, but I would urge you to take a look at it.

Secondly, the FAA now requires, Ms. Garvey, background checks for pilots but not for students. I would urge you to take a look at that.

Ms. GARVEY. We are, sir.

Senator STEVENS. I knew you would, but it does seem to me we ought to be doing more about it. I am going to get to that also. You have got another order, I do not know how extensive it is now, about pilot training. In my State, as you know, more than 75 percent of all travel is by air. Our average age for pilots is in excess of 50 years now, and as a matter of fact we believe that of those that are flying twin-engined planes, more than 60 percent of them are over 55.

Unless we have a pipeline of trained pilots coming at us, we are going to be in real trouble. I would urge you to look at that restriction on pilot training. It makes no sense, in view of the increased demand now from the Air Force to call up the reservists. They are going to disappear from our commuters and our intra-State flights within days. I would urge you to take a look at that.

Lastly, and I am not going to take all of my time. I am going to see you again this afternoon, as a matter of fact, at the joint House and Senate hearing. I would urge you to consider one thing. I have had to bother you, too, and some of your assistants so many times the last few days here, since the 11th. Can you not give some of the regional people a little bit more discretion to deal with the exemptions such as Senator Inouye mentioned?

We had organs for transplant in the air that were put down. We had medevacs that were grounded. We had problems getting the school teachers out to the schools. We had to get exemptions for so many things from headquarters, even though the regional people know us best. We are dealing with flights from Seattle north, only.

I guess Hawaii has a similar problem with intra-State aviation, too, but I would urge you to give those people more discretion to make the common sense exemptions on the spot for emergencies, for traditional uses of aircraft such as medevacs. They are our ambulances.

My last comment would be, I do not know that there have been any restrictions on taxis in New York. There have not been any re-

strictions on buses in New York. There have not been any restrictions on planes going in and out of New York, but guess what, we do not have any of those. We are totally dependent, in a State one-fifth the size of the United States, on aviation, and we just need a little bit more understanding of that as we move forward, particularly in terms of some of the costs that people seem to think can be easily absorbed by airlines. We have people still flying World War II planes on a daily basis. They cannot be modernized that fast, and I do think that when we are dealing with intra-State aviation, and we are dealing with planes that obviously cannot become a bomb, that we ought to have some greater flexibility without coming to your desk.

I thank you, each one of you, for what you have done to help us, and again I congratulate you, Norm. I think that decision you made saved more lives than most people will ever, ever know. When you called and said, bring them down, you made the decision that saved a lot of us, and I thank you again.

The CHAIRMAN. Mr. Secretary, let me associate myself with the praise and the thanks of Senator Stevens, but can you give us time for Senators Edwards, Carnahan, Cleland, and Brownback?

Secretary MINETA. Yes, sir. Could we take a little break here before we proceed?

The CHAIRMAN. Yes, we can take a little break. The Committee will be at ease here just for a minute.

[Recess.]

The CHAIRMAN. Senator Edwards.

**STATEMENT OF HON. JOHN EDWARDS,
U.S. SENATOR FROM NORTH CAROLINA**

Senator EDWARDS. Thank you, Mr. Chairman.

Mr. Secretary, I want to thank you, too. I want to thank you for the important service you have provided for us over the course of the last 10 days. The truth of the matter is that we have collectively, all of us, let our guard down, and I think it is important that we not just address this attack, but that we prepare for the next attack, and it seems to me we ought to have some basic principles, broad, comprehensive, basic principles in preparing for that.

One is to have the right people in place, two is to have the right technology, the right and best technology in place, and three is to be forward-looking.

One of the concerns I have is, we have had lots of discussion about some very important measures, some of which you have already taken, some of which are already being discussed, including the security of the cockpit being one, putting marshals on planes being another, but the reality is, we have to prepare for the next creative attack that these terrorists are working on right now, and whether, in terms of getting the right people in place, whether we federalize it or not, which a lot of my colleagues seem to support and I think makes some sense, it is critical that those people have proper education and training, no doubt about that.

Second, it seems to me we ought to take advantage of the best cutting-edge technology that is out there in this process, but third, and the thing that I think concerns me the most, is that we be forward-looking. I think many of us have been concerned not about

this specific kind of attack, but about attacks of this kind for some kind, and for example, chemical and biological weapons is one example, a mode of attack that I think we need to be prepared for.

I would like to first get your comment on those principles, on making sure that we take a broad look at this issue, and not be overly focused on the specifics of what happened last Tuesday, although obviously we need to prepare for that, too, but that we also be creative and forward-thinking about what may happen in the future, which I think is a critical component of whatever policy we develop as a response. I would like your response to those issues first, and then I want to ask you a couple of specific questions about potential attacks that have not yet occurred.

Secretary MINETA. Well, first of all, as it relates to your three basic principles about the right people in place and the right technology in place, there is no question that that is what we are trying to do.

When you are talking about, in terms of forward-looking, again I think that would have to really be done in the context of a closed, secured hearing in terms of what and where, because again, as I said earlier, with all the information we have got, could we have built a matrix to give a hint about what happened last Tuesday, everyone says no.

Everyone has got bits and pieces of information, but to try to focus all those elements and have it pointing in one direction in terms of mode of what would happen and how it would happen, very little, and so the very question you are asking is something that, because we have pipelines and rail and all these other modes, we are thinking about what the future threat is. In terms of getting someone to patrol pipelines with helicopters, whatever, those things are getting done right now. Those things started a week ago last Tuesday, the Coast Guard, in terms of checking on passenger cruise vessels, checking on bulk ships, whatever.

But this whole issue about forward-looking is the part that is probably the most difficult, and it is something that Admiral Underwood in our shop, working with the CIA and all the intelligence agencies, FBI, we keep probing and thinking about. I am looking at these reports day-in and day-out. Jane Garvey is, as well as her security person, and so in terms of forward-looking we are trying to make sure that all the modes are thinking about these things in terms of what is the best way to deal with it, dealing with the railroads, dealing with the oil companies, dealing with the pipeline companies, dealing with the ports, whomever.

Senator EDWARDS. You agree, though, with the notion that these basic principles make sense, making sure we have got the right people, making sure we have got the right technology, and making sure that we are engaging in forward-looking thinking?

Secretary MINETA. Absolutely, and as you say, federalizing may be part of that.

Senator EDWARDS. Ms. Garvey.

Ms. GARVEY. I would absolutely agree with both your statements and the Secretary, and I believe that we are doing exactly that, focusing on those principles.

The CHAIRMAN. Very good. Senator Carnahan.

**STATEMENT OF HON. JEAN CARNAHAN,
U.S. SENATOR FROM MISSOURI**

Senator CARNAHAN. Thank you, Mr. Chairman.

I think clearly the goal of the terrorists last week was to instill a crippling fear in America. They wanted, literally, to bring us to our knees economically and politically. We have had others who have tried to do the same. They did not succeed, and nor will these. I think our response needs to be twofold. We must act quickly to see that these attacks never happen again, and we must act quickly to restore public confidence.

Mr. Secretary, obviously the new security measures are important to protect the safety of the flying public, but these measures are also important so that Americans regain confidence and continue to buy airline tickets.

I understand that after the gulf war, that Barbara Bush took a ceremonial commercial airline flight to instill this kind of reassurance. Are there things you think that we can do today, such as to have, perhaps, a much-publicized celebrity flight, or to have a professional sports team take a flight to demonstrate their confidence? In fact, perhaps you could take a highly publicized flight and perhaps come to Missouri. We would enjoy that.

Secretary MINETA. In fact, this is something that Administrator Garvey and I had talked about, taking what I called a whistle-stop, barnstorming commercial flight just coming in somewhere, having a press conference, talking to the local air traffic controllers, to the local press, getting on another plane, going on to somewhere else, and doing the same thing, just barn-storming.

Senator CARNAHAN. Let me know when you do that. I would like to join you.

Secretary MINETA. We were thinking about having Members of the House and Senate accompany us, as well as press. We have not finalized those plans, but somewhere in my stack is the series of airports we would visit and things we might consider doing.

Senator CARNAHAN. There is one other question, Mr. Secretary, I want you to address, if you would, as sort of an auxiliary question, because you will not be here this afternoon.

Secretary MINETA. I will be before the Appropriations Committees, a Joint House and Senate Appropriations Committee meeting.

Senator CARNAHAN. But you will not be here for our Commerce Committee meeting. As you know, we are currently considering providing financial relief to assist the Nation's airlines with their efforts to overcome their financial troubles associated with last week's terrorist attack.

I am convinced we must pass a comprehensive financial stabilization measure for the airline industry that would address the liability question in a meaningful way, but I also believe that any relief package for the airlines must include an additional component to provide assistance to displaced workers.

This Congress must demonstrate that while we stand ready to bolster the airline industry, we are also committed to supporting the men and women who are the heart and soul of the industry. I am working with a number of my colleagues to craft a proposal that would provide trade adjustment assistance benefits to these displaced workers from the airline industry.

News reports this morning indicate that the administration has come out with a proposal for an airline relief package, but I have not heard mention of aid for any of the displaced workers. What are your thoughts, or the thoughts of the administration on including such a provision in an overall stabilization package.

Secretary MINETA. As a result of what happened on September 11, a DCPC was set up, a Domestic Consequences Policy Committee, because there are a lot of consequences that impact on a domestic basis, rather than the foreign policy or military policy issues. The President has very clearly talked about making sure that present programs relating to unemployment compensation, trade adjustment assistance, or retraining programs be part of the whole consideration of what we are doing, and that is not in the jurisdiction of the Department of Transportation, but those are on the President's menu of things that the Domestic Consequences Policy Committee is doing.

Senator CARNAHAN. Thank you very much. I appreciate hearing that.

The CHAIRMAN. Senator Cleland.

**STATEMENT OF HON. MAX CLELAND,
U.S. SENATOR FROM GEORGIA**

Senator CLELAND. Thank you very much, Mr. Chairman and Members of the Committee, distinguished panelists. I have been listening to what our colleagues have been saying here, and trying to think how I could add to the discussion. I will say that I took my own whistle-stop tour. It was on a train, on Friday, going back to Atlanta, but I came back on Delta Tuesday afternoon. I spent a good deal of time at Hartsfield talking to the management there, the security people there, passengers there.

This is my conclusion. I think we have to dramatically upgrade our technology and our people to do the screening at our airports or else we will basically fail in our main mission here, and that is to increase the confidence of the flying public in our commercial aviation system. The clock is ticking on our airlines, as we well know.

The phrase that FDR had a number of years ago, in 1933, comes to mind. The only thing we have to fear is fear itself, blind, unreasonable fear, and there is blind, unreasonable fear out there in American hearts today about flying on American commercial airliners. We have to address that fear. We have to do some confidence-building measures, and I think there are two that we ought to zero-in on, two that have to do with what the GAO has really called our weakest link. The GAO called our x-ray process at the screening points our weakest link, but I think we have another weak link, and before I get beyond the question of technology, I would just like to point out that Senator Edwards is correct, Senator Kerry is correct, and Senator John Breaux is correct. We need to think maybe about the next attack.

In that regard, we can think about biological chemical warfare. Georgia Tech has invented a sensor just that can detect chemical and biological residue. This is the kind of technology that I think we are going to have to instill in our screening process.

Secondly, I think we are going to have to dramatically upgrade our people. Sadly enough, according to the National Academy of Sciences, there are about 18,000 screeners that work in the United States that cover some 700 security checkpoints, but the DOTIG has reported high turnover rates, anywhere from 100 percent to 400 percent, and that 400 percent is at the busiest airport in the world, Hartsfield, I am sad to report. What do they make? Anywhere from \$5.25 to \$6.75 an hour, without benefits.

The sad news, as I have discovered here, Mr. Secretary, is that our screeners look at going to work for Cinnabon as a promotion. We cannot have that kind of culture now as our first line of defense. I favor, as would Senator Kerry, Senator Breaux, and some others, the federalization of our screening process. I think that is the only way we are really going to get at this problem of instilling some confidence of the American people and providing the technology, providing the capability to really get the job done. I asked our security people at Hartsfield exactly what they recommended, and that seemed to be the unanimous opinion.

What do we have now? Unfortunately, we have a security company that covers 17 of the 20 largest airports in the country where two of the four hijacked planes originated. That company pled guilty to allowing untrained employees, including some with criminal backgrounds, to operate checkpoints in Philadelphia. The parent company was fined over \$1 million.

It is also pled guilty to falsifying test scores for two dozen applicants, hiring at least 14 security screeners with criminal backgrounds ranging from aggravated assault and burglary to drug and firearm possession, and the highest advertised job paid \$8 an hour.

Now, we can do better than that. We are going to have to do better than that. Congress, the presidential commissions, the GAO, the Inspector General, the DOT, all over the last number of years have indicated that we have to do better on that screening process. The GAO looked at five other countries that do screening at airports, and they found all of those five had more extensive qualifications and training for screeners and higher pay and benefits for screeners, assigned responsibility for screeners to the airport, or to the National Government, and had in place more stringent screener checkpoint operations.

As a matter of fact, the British in the wake of the Lockerbie, Scotland airline disaster, where the plane was blown up in flight, have installed very highly sophisticated x-ray machines, and I think this kind of upgrade in technology, upgrade in people is a tangible way to begin reinforcing the view that it is safe to fly on American commercial air.

Mr. Secretary, do you favor—are you prepared to share with us today your view that you favor this kind of federalization of the screening process?

Secretary MINETA. I have not come to a real determination as to federalization, because there are various meanings for that term—whether these are Civil Service employees, or does federalization mean making sure that our private operators are going to be required to meet new standards?

Senator CLELAND. I am thinking like a domestic customs service. We have the customs service to look at people coming into the country.

Secretary MINETA. As I said earlier, yes, we have looked at that. It is one part of the things we are looking at. It would be the equivalent, as I said earlier, of 28,000 plus full-time equivalents at a cost of close to \$1.8 billion. If the Congress is willing for us to do that, of course we would do that, but again there are a number of items on that menu about how to deal with the screening and the ultimate answer may be Civil Service of that screening operation, but I have not come to the conclusion yet that that is the best way to go.

The CHAIRMAN. Senator Brownback.

**STATEMENT OF HON. SAM BROWNBACK,
U.S. SENATOR FROM KANSAS**

Senator BROWNBACK. Thank you, Mr. Chairman. I want to thank the panel for the work you have done here recently under a very, very difficult atmosphere and thank you for taking aggressive action and taking it quickly. Administrator Garvey, if I could, I'd like to direct questions to you, if I might, on general aviation. You've been to my state. You've been to Wichita I think twice.

Ms. GARVEY. Three times, actually.

Senator BROWNBACK. That's even better. To the manufacturers, you know the concentration of general aviation manufacturing that is taking place there. Boeing is also there and has announced 30 percent layoffs, so it has a major impact. I understand your concern on visual flight—limiting those flights right now. I can see the tension that you've got about, "should we allow some of these or shouldn't we given the potential problems." I'm wondering in particular what your thinking process is that you're going through on flight schools. Those are the largest users of general aircraft, general aviation aircraft and as I understand, generally they operate under visual flight rules and they have not been released, as I understand it. You've got a timetable that you're thinking of in viewing this because obviously at some point and time these need to get going again so that we can train pilots.

Ms. GARVEY. Senator, as you know, last night, yesterday actually, we worked through a number of these issues with the NSA and with the Secretary's approval and go-ahead last night, we lifted many of the restrictions that we had in place for general aviation. But you're absolutely right. Flight schools were still an issue where the regulations or the restrictions had not yet been lifted. I heard an excellent suggestion today that perhaps if we looked at some of the, or did a background check on some of the students, I think given some of the history of the hijackers, there has been some concern but I took note of that recommendation and that suggestion and would like to bring that back. Perhaps if we could do something like that, we might be able to lift that restriction. And, again, this is in consultation with the NSC who are, of course, looking at some of the security issues involved. But I know of the concern, not only in your state but in a number of other states as well, that flight schools are very important and a number of them are

very small businesses and this has an enormous impact. So, it was a good suggestion. We'll look at it and see what we can do.

Senator BROWNBAC. Well, if we can put those students through some kind of a test or screening so that we can see, then that might give us clues or leads on potential problems. I think this is one we need to try to work out together because clearly there's a tension here. I don't want to get people in training that could be potential terrorists or use a general aviation aircraft for some sort of a bomb delivery device as well. So, we need to look at that very carefully and I agree with doing that. It is just we're also going to have to find a way that we can train pilots and we're going to need to get some of these general aviation aircraft back up in the air. Do you anticipate, then, that you will be doing this within the next week or two?

Ms. GARVEY. We are continuing to look at these issues every day with the NSC. There are a whole series of issues that we are working through every day, and I'm going to go back and talk to staff. This suggestion that was made here at this Committee today may be something that would sort of break that one loose. So, we'll aggressively pursue it. I do understand it's a real concern.

Senator BROWNBAC. And I thought, I mean Senator Stevens thought about giving some discretion on other general aviation work to more regional administrators and some of these calls might be worth taking a look at. We cannot breach security issues. I think those have to be at the top and paramount for us but, situations do differ in differing areas and general aviation is a very important thing in my state and many regions of the country. Secretary Mineta, if you've had particular thoughts about this as well?

Secretary MINETA. Sir, many of the things that we do have to be cleared through the National Security Council. So, even if we delegated to a regional office, it would still have to be cleared through the National Security Council and that's why we've held it here, but these things that we're doing right now are not engraved in marble. We go back every day and say, okay now, what about this? You know, yesterday we banned this but can we lift it today? So, it's an ongoing process.

Senator BROWNBAC. If I could, before my time is up, are you going back through the list of pilots or people that have taken flight training? I presume everybody's going through those now to see about potential other problems.

Secretary MINETA. The FBI is doing that primarily.

Senator BROWNBAC. Do we have good records on individuals that have gone through flight training or do those records need to be upgraded?

Secretary MINETA. We could give you a classified briefing on that issue if you need it.

Senator BROWNBAC. Thank you, Mr. Chairman.

The CHAIRMAN. Very good. Mr. Secretary in thanking you on behalf of the Committee and Administrator Garvey and Deputy Secretary Jackson, normally, one, with respect to affording the federalization of security personnel, I can take a bill out here this afternoon and whip it through both houses with almost a majority vote. Why? Because in Europe, they afford the federalization. Those security personnel at all the airports are government employees. If

they can afford it, we can. In fact, after 9/11 we must. Point two with respect to Reagan, I wouldn't allow any plane to fly off of Reagan unless that cockpit was secured. But what you're saying in having opened up the experts Dulles and Baltimore, it's safe enough to hit the White House from Baltimore and Dulles. Or, specifically, with respect to New York, we're really concerned about the safety of the government down here in Washington but not for the people of the government because you can fly off LaGuardia and hit the Empire State this afternoon. So, let's get it with and tell them to make some decisions and quit dallying around. And finally, since you're Secretary of Transportation, nine out of ten containers we've added. We've been trying to get the bill passed. Now out of ten containers coming into the ports of the United States of America. Come in at New York, Bale, New Jersey, and taken right down to Times Square, with up to 40 tons of anthrax and boom. And you don't have to send them to driver school to get that done. So, we've got a lot of work to do and we've got to get serious about it but we can't, while we're dallying around with the Secret Service, the President would still be down there in Louisiana. You know what I mean? So, let's get realistic about it and make sure you secure that cockpit but once that cockpit with a marshal and the security personnel but particularly when the cockpit is secured, then you can open up Reagan.

Senator NELSON. Mr. Chairman, may I just add that we have been hit with the issue of the flight schools in Florida so much and I would just add to that the simulators because they were people that just didn't go out and learn to fly two engine airplanes. They were people that had pinpoint accuracy at high rates of speed, accounting for wind direction and a lot of that's got to come from either the aircraft itself or a simulator. And that's where we need the background checks as well.

The CHAIRMAN. Senator Rockefeller and then Senator Wyden and then we've go to go.

Senator ROCKEFELLER. Mine is real fast. Everybody at the hearing this morning and virtually all who considered this matter have made it an article of faith assumption that screeners will be federalized. It was unanimous. When the Senator from Georgia asked you what your view was, Mr. Secretary, you said you hadn't made up your mind and I was stunned by that. I'm asking for a response.

Secretary MINETA. Again, we have got all these items on the menu and even though I may be the Secretary of Transportation, I'm also still the assistant to the President or staff to the President, and there's OMB, and NSC, offices, that we have to clear it with. So, to that extent I'm talking about these at the DCPCS we had and I will continue to do that.

Senator ROCKEFELLER. I hope you will mention to them your discomfort at not being able to ask or answer on nation television something that the American people I think feel very strongly about and surely we do because of the usual processes of clearance.

The CHAIRMAN. Senator Wyden.

Senator WYDEN. I'll be very quick. Mr. Secretary, the point that the Chairman and Senator Rockefeller have made is absolutely key and the point is that the Congress wants to work with you so that quickly we can federalize this function and we don't have a situa-

tion that 15 years from now we're having more GAO reports. We want to work in partnership with you so that quickly a bill that comes actually gets done and I think that has been sort of the theme of this hearing—to work with you in partnership so we don't have 15 years of these reports once again. And I thank you, Mr. Chairman.

The CHAIRMAN. Senator Allen.

Senator ALLEN. Thank you, Mr. Chairman. Our next panel will be good for asking questions on remote guidance of aircraft and so forth. I would say that Senator Wyden, hopefully, our Subcommittee can have a hearing on the use of automatic ground control systems. But let me follow up on the issue of general aviation. I'm glad that in all but 30 areas, VFR is now open, at least as of last evening. That means a great deal to under-populated or smaller areas. How do you envision this industry changing in the future? When it gets back to where you might consider relatively normal, how do you see general aviation changing in the future, after this tragedy?

Ms. GARVEY. Well, I think we're already starting to hear from officials of the associations in general aviation and from members of general aviation as well that they want to look at their own security, look at the issue of security with us. I give a great deal of credit to the fixed based operators who in a number of occasions over the last several days have stepped forward with some very specific ideas on security and I think that's good. I think we're going to see the industry and that part of the community as engaged with us on security measures as they have been on safety measures in the last several years. So, they're thoughtful; they're deliberative; they're smart. They care a lot about aviation and I expect we'll be working closely with them on ways that we can make general aviation which has a lot more challenges even more secure.

The CHAIRMAN. Senator Boxer.

Senator BOXER. Thank you. Let me just very quickly pick up on Senator Rockefeller's point and it gets back to what I said about your being at the table, looking at OMB and telling them this is what you want. I am sad that today you can't say, in my view, after all these studies and the stuff that Max Cleland told you I'm sure you know about, people checking out bags who are criminals, who look at it as a step up to working in the donut shop, that you could say to us you are intent upon making sure that as in other countries in the world that these screeners have steady jobs, get the respect and the training, and your answer is basically at this day, well, you know, I'm the President's, I work for the President and I have got to sit around with OMB and everybody else. What I want you to tell me, and you haven't and you won't, and that's just the way it is and I would sacrifice my whole future if I felt we weren't doing every single thing we could do. And this screening issue is absolutely crucial here. So, I just hope after this hearing to take away anything is that colleagues here are really ready to go. We want to work with you. We want to make sure that the flying public is safe because I could tell you, if they aren't then we'll try to re-roll this tape and we'll all say at that moment, did we really rise to the occasion. Mr. Chairman, I feel so strongly about this because I think it is the turning point today, right now, what

we all do together. And I just want you to be strong in those meetings, Norm,. And I say the same to Administrator Garvey, if you're not, if this isn't your only concern, the safety, then we haven't done much today and that's what I'm worried about.

The CHAIRMAN. Norm will be strong.

Secretary MINETA. I don't want you to have the feeling that I'm for the status quo. It is going to be enhanced. It is going to be a hell of a lot better than it is right now but I can't guarantee you sitting here that these are going to be civil servant employees doing the job. If that's the definition of federalization, if it is the definition of federalization, I don't think Jane is ready or Michael is ready to say let's make it a civil service program.

Senator BOXER. But aren't there federal standards now?

Secretary MINETA. No, there are not. That was Senator Hutchison's bill that gave to the FAA the ability to come up with new training requirements, new screening requirements. As Senator Cleland said, so that we know the company.

Senator BOXER. And you would call that federalization?

Secretary MINETA. What is that?

Senator BOXER. Having better standards in place.

Secretary MINETA. It is a form of federalization.

Senator BOXER. And then leaving it up to the airlines and leaving it up to the airlines to decide who those people are?

Secretary MINETA. Based on our standards, we could still do the screening, making sure that—

Senator BOXER. That sounds to me more like the status quo. I've taken up too much time. I am sorry.

Secretary MINETA. It is absolutely not. I'm sorry. To think about the screeners as we know them today, absolutely not. This is going to be substantially different but if you're asking me is it going to be a federal civil servant doing this work, I can't give you that answer right now but it will be enhanced. It will be a hell of a lot better than it is right now.

The CHAIRMAN. Making them civil service is really the only way to get competent personnel and to get the pay up and everything else. But that having been said, thank you all, three of you, very, very much and we ask Panel Number II to please come forward as quickly as they can.

Mr. Gerald Dillingham, the Director for Physical Infrastructure Issues at the GAO; Mr. John Meenan, the Senior Vice President of the Air Transport Association; Captain Duane Woerth, President of the Airline Pilots Association; Mr. Charles Barclay, President of the American Association of Airport Executives; and Mr. Paul Hudson. We want to know him as Executive Director of the Aviation Consumer Action Project. Now, gentlemen, the committee apologizes, but you can understand the interest and that's what we have every time when we organize a committee. We tell the leadership, wait a minute. We used to have 8 and 7 and 15 on the committee and that's the only way to get thoroughly into the questioning and finding out from the panel where the witnesses, and they've give us 23. And we've got plenty of other questions I wanted to ask and others and, of course, the record is open. That being the case, we're going to ask you to file your statements here in full with the committee and let me yield for the questioning of the members here

and then any add-ons you gentlemen would wish because you're under pressure too.

[The prepared statement of Mr. Dillingham follows:]

PREPARED STATEMENT OF GERALD L. DILLINGHAM, DIRECTOR, PHYSICAL
INFRASTRUCTURE ISSUES, GENERAL ACCOUNTING OFFICE

Mr. Chairman and Members of the Committee:

A safe and secure civil aviation system is a critical component of the nation's overall security, physical infrastructure, and economic foundation. Billions of dollars and a myriad of programs and policies have been devoted to achieving such a system. Although it is not fully known at this time what actually occurred or what all the weaknesses in the nation's aviation security apparatus are that contributed to the horrendous events of last week, it is clear that serious weaknesses exist in our aviation security system and that their impact can be far more devastating than previously imagined.

We are here today to discuss the vulnerabilities that we have identified throughout the nation's aviation system. Our testimony is based on our prior work and includes assessments of security concerns with (1) aviation-related computer systems, (2) airport access controls, and (3) passenger and carry-on baggage screening, including how the United States and selected other countries differ in their screening practices. Our testimony will also offer some observations about improving aviation security in these various areas.

In summary:

- As we reported last year, our reviews of the Federal Aviation Administration's (FAA) oversight of air traffic control (ATC) computer systems showed that FAA had not followed some critical aspects of its own security requirements. Specifically, FAA had not ensured that ATC buildings and facilities were secure, that the systems themselves were protected, and that the contractors who access these systems had undergone background checks. As a result, the ATC system was susceptible to intrusion and malicious attacks. FAA is making some progress in addressing the 22 recommendations we made to improve computer security, but most have yet to be completed.
- Controls for limiting access to secure areas, including aircraft, have not always worked as intended. As we reported in May 2000, our special agents used fictitious law enforcement badges and credentials to gain access to secure areas, bypass security checkpoints at two airports, and walk unescorted to aircraft departure gates. The agents, who had been issued tickets and boarding passes, could have carried weapons, explosives, or other dangerous objects onto aircraft. FAA is acting on the weaknesses we identified and is implementing improvements to more closely check the credentials of law enforcement officers. The Department of Transportation's Inspector General has also documented numerous problems with airport access controls, and in one series of tests, the Inspector General's staff successfully gained access to secure areas 68 percent of the time.
- As we reported in June 2000, tests of screeners revealed significant weaknesses as measured in their ability to detect threat objects located on passengers or contained in their carry-on luggage. In 1987, screeners missed 20 percent of the potentially dangerous objects used by FAA in its tests. At that time, FAA characterized this level of performance as unsatisfactory. More recent results have shown that as testing gets more realistic—that is, as tests more closely approximate how a terrorist might attempt to penetrate a checkpoint—screeners' performance declines significantly. A principal cause of screeners' performance problems is the rapid turnover among screeners. Turnover exceeded over 100 percent a year at most large airports, leaving few skilled and experienced screeners, primarily because of the low wages, limited benefits, and repetitive, monotonous nature of their work. Additionally, too little attention has been given to factors such as the sufficiency of the training given to screeners. FAA's efforts to address these problems have been slow. We recommended that FAA develop an integrated plan to focus its efforts, set priorities, and measure progress in improving screening. FAA is addressing these recommendations, but progress on one key effort—the certification of screening companies—is still not complete because the implementing regulation has not been issued. It is now nearly 2 ½ years since FAA originally planned to implement the regulation.
- Screening operations in Belgium, Canada, France, the Netherlands, and the United Kingdom—countries whose systems we have examined—differ from this

country's in some significant ways. Their screening operations require more extensive qualifications and training for screeners, include higher pay and better benefits, and often include different screening techniques, such as "pat-downs" of some passengers. Another significant difference is that most of these countries place responsibility for screening with airport authorities or the government instead of air carriers. The countries we visited had significantly lower screener turnover, and there is some evidence they may have better screener performance; for example, one country's screeners detected over twice as many test objects as did U.S. screeners in a 1998 joint screener testing program conducted with FAA.

The events of September 11, 2001, have changed the way this country looks at aviation security. Last week, FAA and the air carriers implemented new controls that promise a greater sense of security. We support these actions. Yet, to further minimize the vulnerabilities in our aviation security system, more needs to be done. Additional considerations for the immediate future could include prioritizing outstanding recommendations that address security, developing a strategic plan to address the recommendations, assigning specific executive responsibility for carrying out this plan, and identifying the sources and amounts of funding needed. In establishing priorities, a key action needed is to complete the promulgation of the screening company certification regulation, which also implements the requirements of the Airport Security Improvement Act of 2000, enacted by the Congress last November. The Congress also needs to reconsider whether airlines should continue to bear primary responsibility for screening operations at the nation's airports. Aviation security has truly become a national security issue, and responsibility for screening may no longer appropriately rest with air carriers. Consideration of the role of air carriers in conducting passenger screening could be examined as part of the ongoing effort to identify and structure mechanisms to provide financial and other assistance to help the aviation industry emerge from the current crisis.

Mr. Chairman, it has been observed that previous tragedies have resulted in congressional hearings, studies, recommendations, and debates, but little long-term resolve to correct flaws in the system as the memory of the crisis recedes. The future of aviation security hinges in large part on overcoming this cycle of limited action that has too often characterized the response to aviation security concerns.

Background

Some context for my remarks is appropriate. The threat of terrorism was significant throughout the 1990s; a plot to destroy 12 U.S. airliners was discovered and thwarted in 1995, for instance. Yet the task of providing security to the nation's aviation system is unquestionably daunting, and we must reluctantly acknowledge that any form of travel can never be made totally secure. The enormous size of U.S. airspace alone defies easy protection. Furthermore, given this country's hundreds of airports, thousands of planes, tens of thousands of daily flights, and the seemingly limitless ways terrorists or criminals can devise to attack the system, aviation security must be enforced on several fronts. Safeguarding airplanes and passengers requires, at the least, ensuring that perpetrators are kept from breaching security checkpoints and gaining access to secure airport areas or to aircraft. Additionally, vigilance is required to prevent attacks against the extensive computer networks that FAA uses to guide thousands of flights safely through U.S. airspace. FAA has developed several mechanisms to prevent criminal acts against aircraft, such as adopting technology to detect explosives and establishing procedures to ensure that passengers are positively identified before boarding a flight. Still, in recent years, we and others have often demonstrated that significant weaknesses continue to plague the nation's aviation security.

Potential for Unauthorized Access to Aviation Computer Systems

Our work has identified numerous problems with aspects of aviation security in recent years. One such problem is FAA's computer-based air traffic control system. The ATC system is an enormous, complex collection of interrelated systems, including navigation, surveillance, weather, and automated information processing and display systems that link hundreds of ATC facilities and provide information to air traffic controllers and pilots. Failure to adequately protect these systems could increase the risk of regional or nationwide disruption of air traffic—or even collisions.

In five reports issued from 1998 through 2000, we pointed out numerous weaknesses in FAA's computer security.¹ FAA had not (1) completed background checks on thousands of contractor employees, (2) assessed and accredited as secure many of its ATC facilities, (3) performed appropriate risk assessments to determine the vulnerability of the majority of its ATC systems, (4) established a comprehensive security program, (5) developed service continuity controls to ensure that critical operations continue without undue interruption when unexpected events occur, and (6) fully implemented an intrusion detection capability to detect and respond to malicious intrusions. Some of these weaknesses could have led to serious problems. For example, as part of its Year 2000 readiness efforts, FAA allowed 36 mainland Chinese nationals who had not undergone required background checks to review the computer source code for eight mission-critical systems.

To date, we have made nearly 22 recommendations to improve FAA's computer security. FAA has worked to address these recommendations, but most of them have yet to be completed. For example, it is making progress in obtaining background checks on contractors and accrediting facilities and systems as secure. However, it will take time to complete these efforts.

Weaknesses in Airport Access Controls

Control of access to aircraft, airfields, and certain airport facilities is another component of aviation security. Among the access controls in place are requirements intended to prevent unauthorized individuals from using forged, stolen, or outdated identification or their familiarity with airport procedures to gain access to secured areas. In May 2000, we reported that our special agents, in an undercover capacity, obtained access to secure areas of two airports by using counterfeit law enforcement credentials and badges.² At these airports, our agents declared themselves as armed law enforcement officers, displayed simulated badges and credentials created from commercially available software packages or downloaded from the Internet, and were issued "law enforcement" boarding passes. They were then waved around the screening checkpoints without being screened. Our agents could thus have carried weapons, explosives, chemical/biological agents, or other dangerous objects onto aircraft. In response to our findings, FAA now requires that each airport's law enforcement officers examine the badges and credentials of any individual seeking to bypass passenger screening. FAA is also working on a "smart card" computer system that would verify law enforcement officers' identity and authorization for bypassing passenger screening.

The Department of Transportation's Inspector General has also uncovered problems with access controls at airports. The Inspector General's staff conducted testing in 1998 and 1999 of the access controls at eight major airports and succeeded in gaining access to secure areas in 68 percent of the tests; they were able to board aircraft 117 times. After the release of its report describing its successes in breaching security,³ the Inspector General conducted additional testing between December 1999 and March 2000 and found that, although improvements had been made, access to secure areas was still gained more than 30 percent of the time.

Inadequate Detection of Dangerous Objects by Screeners

Screening checkpoints and the screeners who operate them are a key line of defense against the introduction of dangerous objects into the aviation system. Over 2 million passengers and their baggage must be checked each day for articles that could pose threats to the safety of an aircraft and those aboard it. The air carriers are responsible for screening passengers and their baggage before they are permitted into the secure areas of an airport or onto an aircraft. Air carriers can use their own employees to conduct screening activities, but mostly air carriers hire security companies to do the screening. Currently, multiple carriers and screening companies are responsible for screening at some of the nation's larger airports.

Concerns have long existed over screeners' ability to detect and prevent dangerous objects from entering secure areas. Each year, weapons were discovered to have passed through one checkpoint and have later been found during screening for a subsequent flight. FAA monitors the performance of screeners by periodically testing

¹ *Aviation Security: Weak Computer Security Practices Jeopardize Flight Safety* (GAO/AIMD-98-155, May 18, 1998), *Computer Security: FAA Needs to Improve Controls Over Use of Foreign Nationals to Remediate and Review Software* (GAO/AIMD-00-55, Dec. 23, 1999), *Computer Security: FAA is Addressing Personnel Weaknesses, But Further Action Is Required* (GAO/AIMD-00-169, May 31, 2000), *FAA Computer Security: Concerns Remain Due to Personnel and Other Continuing Weaknesses* (GAO/AIMD-00-252, Aug. 16, 2000), and *FAA Computer Security: Recommendations to Address Continuing Weaknesses* (GAO-01-171, Dec. 6, 2000).

² *Security: Breaches at Federal Agencies and Airports* (GAO/T-OSI-00-10, May 25, 2000).

³ *Airport Access Control* (AV-2000-017, Nov. 18, 1999).

their ability to detect potentially dangerous objects carried by FAA special agents posing as passengers. In 1978, screeners failed to detect 13 percent of the objects during FAA tests. In 1987, screeners missed 20 percent of the objects during the same type of test. Test data for the 1991 to 1999 period show that the declining trend in detection rates continues.⁴ Furthermore, the recent tests show that as tests become more realistic and more closely approximate how a terrorist might attempt to penetrate a checkpoint, screeners' ability to detect dangerous objects declines even further.

As we reported last year, there is no single reason why screeners fail to identify dangerous objects.⁵ Two conditions—rapid screener turnover and inadequate attention to human factors—are believed to be important causes. Rapid turnover among screeners has been a long-standing problem, having been identified as a concern by FAA and by us in reports dating back to at least 1979. We reported in 1987 that turnover among screeners was about 100 percent a year at some airports, and according to our more recent work, the turnover is considerably higher.⁶ From May 1998 through April 1999, screener turnover averaged 126 percent at the nation's 19 largest airports; 5 of these airports reported turnover of 200 percent or more, and one reported turnover of 416 percent. At one airport we visited, of the 993 screeners trained at that airport over about a 1-year period, only 142, or 14 percent, were still employed at the end of that year. Such rapid turnover can seriously limit the level of experience among screeners operating a checkpoint.

Both FAA and the aviation industry attribute the rapid turnover to the low wages and minimal benefits screeners receive, along with the daily stress of the job. Generally, screeners are paid at or near the minimum wage. We reported last year that some of the screening companies at 14 of the nation's 19 largest airports paid screeners a starting salary of \$6.00 an hour or less and, at 5 of these airports, the starting salary was the then minimum wage—\$5.15 an hour. It is common for the starting wages at airport fast-food restaurants to be higher than the wages screeners receive. For instance, at one airport we visited, screeners' wages started as low as \$6.25 an hour, whereas the starting wage at one of the airport's fastfood restaurants was \$7 an hour.

The demands of the job also affect performance. Screening duties require repetitive tasks as well as intense monitoring for the very rare event when a dangerous object might be observed. Too little attention has been given to factors such as (1) improving individuals' aptitudes for effectively performing screener duties, (2) the sufficiency of the training provided to screeners and how well they comprehend it, and (3) the monotony of the job and the distractions that reduce screeners' vigilance. As a result, screeners are being placed on the job who do not have the necessary aptitudes, nor the adequate knowledge to effectively perform the work, and who then find the duties tedious and dull.

We reported in June 2000 that FAA was implementing a number of actions to improve screeners' performance. However, FAA did not have an integrated management plan for these efforts that would identify and prioritize checkpoint and human factors problems that needed to be resolved, and identify measures—and related milestone and funding information—for addressing the performance problems. Additionally, FAA did not have adequate goals by which to measure and report its progress in improving screeners' performance.

FAA is implementing our recommendations. However, two key actions to improving screeners' performance are still not complete. These actions are the deployment of threat image projection systems—which place images of dangerous objects on the monitors of X-ray machines to keep screeners alert and monitor their performance—and a certification program to make screening companies accountable for the training and performance of the screeners they employ. Threat image projection systems are expected to keep screeners alert by periodically imposing the image of a dangerous object on the X-ray screen. They also are used to measure how well screeners perform in detecting these objects. Additionally, the systems serve as a device to train screeners to become more adept at identifying harder-to-spot objects. FAA is currently deploying the threat image projections systems and expects to have them deployed at all airports by 2003.

⁴Information on FAA tests results is now designated as sensitive security information and cannot be publicly released. Consequently, we cannot discuss the actual detection rates for the 1991–99 period.

⁵*Aviation Security: Long-Standing Problems Impair Airport Screeners' Performance* (GAO/RCED-00-75, June 28, 2000).

⁶*Aviation Security: FAA Needs Preboard Passenger Screening Performance Standards* (GAO/RCED-87-182, July 24, 1987).

The screening company certification program, required by the Federal Aviation Reauthorization Act of 1996, will establish performance, training, and equipment standards that screening companies will have to meet to earn and retain certification. However, FAA has still not issued its final regulation establishing the certification program. This regulation is particularly significant because it is to include requirements mandated by the Airport Security Improvement Act of 2000 to increase screener training—from 12 hours to 40 hours—as well as expand background check requirements. FAA had been expecting to issue the final regulation this month, 2 ½ years later than it originally planned.

Differences in the Screening Practices of Five Other Countries and the United States

We visited five countries—Belgium, Canada, France, the Netherlands, and the United Kingdom—viewed by FAA and the civil aviation industry as having effective screening operations to identify screening practices that differ from those in the United States. We found that some significant differences exist in four areas: screening operations, screener qualifications, screener pay and benefits, and institutional responsibility for screening.

First, screening operations in some of the countries we visited are more stringent. For example, Belgium, the Netherlands, and the United Kingdom routinely touch or “pat down” passengers in response to metal detector alarms. Additionally, all five countries allow only ticketed passengers through the screening checkpoints, thereby allowing the screeners to more thoroughly check fewer people. Some countries also have a greater police or military presence near checkpoints. In the United Kingdom, for example, security forces—often armed with automatic weapons—patrol at or near checkpoints. At Belgium’s main airport in Brussels, a constant police presence is maintained at one of two glass-enclosed rooms directly behind the checkpoints.

Second, screeners’ qualifications are usually more extensive. In contrast to the United States, Belgium requires screeners to be citizens; France requires screeners to be citizens of a European Union country. In the Netherlands, screeners do not have to be citizens, but they must have been residents of the country for 5 years. Training requirements for screeners were also greater in four of the countries we visited than in the United States. While FAA requires that screeners in this country have 12 hours of classroom training before they can begin work, Belgium, Canada, France, and the Netherlands require more. For example, France requires 60 hours of training and Belgium requires at least 40 hours of training with an additional 16 to 24 hours for each activity, such as X-ray machine operations, that the screener will conduct.

Third, screeners receive relatively better pay and benefits in most of these countries. Whereas screeners in the United States receive wages that are at or slightly above minimum wage, screeners in some countries receive wages that are viewed as being at the “middle income” level in those countries. In the Netherlands, for example, screeners received at least the equivalent of about \$7.50 per hour. This wage was about 30 percent higher than the wages at fast-food restaurants in that country. In Belgium, screeners received the equivalent of about \$14 per hour. Not only is pay higher, but the screeners in some countries receive benefits, such as health care or vacations—in large part because these benefits are required under the laws of these countries. These countries also have significantly lower screener turnover than the United States: turnover rates were about 50 percent or lower in these countries.

Finally, the responsibility for screening in most of these countries is placed with the airport authority or with the government, not with the air carriers as it is in the United States. In Belgium, France, and the United Kingdom, the responsibility for screening has been placed with the airports, which either hire screening companies to conduct the screening operations or, as at some airports in the United Kingdom, hire screeners and manage the checkpoints themselves. In the Netherlands, the government is responsible for passenger screening and hires a screening company to conduct checkpoint operations, which are overseen by a Dutch police force. We note that, worldwide, of 102 other countries with international airports, 100 have placed screening responsibility with the airports or the government; only 2 other countries—Canada and Bermuda—place screening responsibility with air carriers.

Because each country follows its own unique set of screening practices, and because data on screeners’ performance in each country were not available to us, it is difficult to measure the impact of these different practices on improving screeners’ performance. Nevertheless, there are indications that for at least one country, practices may help to improve screeners’ performance. This country conducted a screener test-

ing program jointly with FAA that showed that its screeners detected over twice as many test objects as did screeners in the United States.

Mr. Chairman, this concludes my prepared statement. I will be pleased to answer any questions that you or Members of the Committee may have.

[The prepared statement of Mr. Woerth follows:]

PREPARED STATEMENT OF CAPTAIN DUANE WOERTH, PRESIDENT, AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

Good morning, Mr. Chairman and Members of the Committee. My name is Duane Woerth and I am the President of the Air Line Pilots Association, International. ALPA represents 67,000 airline pilots who fly for 47 airlines in the U.S. and Canada. In addition, I am also here today representing the Transportation Trades Department of the AFL-CIO, of which I am a Executive Vice President.

It is an honor to be able to speak to you today, but I sincerely wish that I could do so under more pleasant circumstances. Before last Tuesday, most of us could not have imagined the possibility of the horror that occurred on that day.

Our hearts, thoughts and prayers are with the families and friends of those killed as a result of the four separate aircraft hijackings. We have lost pilots and flight attendants from our ranks who, though gone, will never be forgotten. The survivors of the Attack on America, as it has been called, must now work diligently to ensure that our beloved country, and its airline industry, are protected from further acts of terrorism.

One of the lessons of this tragedy has been that the nation truly does rely upon the aviation industry as the "wings" of our economy. Without a strong airline industry, our economy is in serious peril. With that thought in mind, I want to inform you that we are striving to do all that we can to help the industry get back into the air and we urge the Administration and Congress to do likewise. I am certainly proud to inform you that union pilots and flight attendants demonstrated a "can do" spirit and a willingness to return to work shortly after the events of the 11th in order to get the aviation system running again.

General Comments

Prior to the events of last Tuesday, the aviation security community was generally opposed to the concept of adopting a "fortress" mentality to protect our airlines and airports. The use of tall security fences, highly visible armed police officers roaming the airport terminal, hand searches of bags, interviewers asking probing questions of passengers, and other such measures were thought to be incompatible with commercial aviation in a free society.

It is probably safe to say that the entire aviation industry, including most in the government, traveling public, airlines, airports, and perhaps, even crewmembers, enjoyed a false sense of security before September 11th. I suspect that many of us believed that, although flawed, our security system was generally doing the job that it was intended to do. Unfortunately, that mind set may well have been at the root of what enabled the 19 terrorists to perform their acts of unspeakable devastation on an unsuspecting and innocent public.

If, in fact, there has ever been a false sense of security, it most certainly no longer exists. We must replace that *false* sense of security with a *genuine* sense of security, by instituting the most advanced civil aviation security system in the world.

The security improvements that I am here to recommend to you today range from the simple, inexpensive and quickly achieved to the difficult, expensive and longer term. We believe that if the government, working with us and the rest of the aviation industry, will act on them forthrightly, we will some day be able to tell our children and grandchildren that we turned tragedy into triumph.

Several years ago, ALPA embarked on a campaign entitled One Level of Safety. That effort, as you probably know, was highly successful in bringing to the attention of the traveling public, elected officials and the aviation industry the need for significant safety improvements to small airline aircraft operations. As a result of those efforts, smaller airline aircraft now meet the same, or equivalent, standards of the largest aircraft in the fleet.

This week, we must embark upon a new mission to achieve one level of *security* throughout the airline industry. The security in place last week was, by design, of differing levels. The rationale behind those disparate levels of security was that the threat posed to small aircraft was thought to be less than that posed to large aircraft. The dangers associated with operating at small airports were thought to be less than the risks germane to large airports. The hazards posed by service personnel carrying items around the screening checkpoint were, curiously, thought to

be of less concern than those associated with uniformed crewmembers going to their aircraft. And for the most part, we even felt that the threat to domestic flights was less than the threat to international flights. These assumptions have been proved wrong.

We now know that those assumptions must be discarded so that we can get about the work of preventing any further acts of aircraft piracy and other acts of malice. It is now clear that any size aircraft flying from any size airport, international or domestic, can be used as a human-guided weapon. Accordingly, we believe that in order to create a truly secure aviation system, we must start with the principle that the traveling public and aircraft crewmembers need *one level of security*, no matter where they fly to or from and regardless of the size of aircraft in which they travel. The remainder of our comments should be understood in that light.

Last week's horrific acts of violence were perpetrated, as we now know, against a nation despised by certain Islamic terrorists. The weapon of choice, namely, an airline aircraft loaded with fuel and passengers, was viewed as a handy resource aimed at destroying our nation's economic viability and wracking the American people with fear. I am sure that you will agree with me that the terrorists will accomplish neither objective. But, it should be recognized by all that airline security must be viewed as a component of national security from this day forward. It is no longer feasible to expect that the airlines alone can protect the industry that gives wings to the rest of the national economy. While we are not suggesting that airlines be excused from all costs associated with securing their aircraft or the facilities that they occupy, we are saying that the federal budget must share in the costs of defending this national resource.

We call upon the Administration and Congress to ensure that the funding necessary for fortifying our airlines and airports be made available so that we can boost the public's confidence in returning to the skies. Our economy needs a healthy airline industry and enhancing security immediately will be essential to achieving that goal.

A New Aviation Security Blueprint

In the early 1970's, pilots took a strong, solitary stand against hijackings by demanding that the government mandate security screening of passengers. We were not successful in persuading the government to provide that protection, despite literally dozens of hijackings in prior years, until late 1972, when two separate incidents resulted in two woundings and one death.

Thirty years later, we find that we must take another strong stand. The aviation security system, as constructed today, must be *completely* overhauled in order to (1) address the new risks that could harm us and (2) bolster the confidence of the traveling public that it is safe to fly again. We are promoting a new security "blueprint" which we believe will accomplish both of these goals.

Near-Term Actions

Aviation security must be dramatically improved, and it must begin not next month or next year, but *today*. It must happen now to limit the amount of damage being done each day to the health of the airlines and our national economy. As mentioned previously, the federal government should provide the funding for these "defense-related" expenditures to avoid further harm to an already weakened industry.

Following are the near-term actions that we are pursuing, for which we request your support and assistance. As used herein, we define "near-term" actions as those that are under development now, or could be very shortly, and can be implemented in a relatively short period.

1. Current cockpit doors are weak and flimsy, and can be easily compromised by a determined adult. There is a clear need for the increased security that a stronger door would provide. A dead bolt lock should be installed on the inside of cockpit doors that cannot be overridden with a key from outside; the door must be capable of being opened quickly in the event of a safety problem. This will offer a relatively small, but needed, additional margin of security over today's cockpit doors.

A second, lightweight mesh net door should be installed behind the cockpit door on the flight deck side. This net door could be used as an additional protection device in the event of a security breach in the cabin.

2. The development of standards for an advanced cockpit door technology, and research on this technology, is already under way. Such a door, when installed, will be capable of securing the flight crew against attacks by would-be cockpit intruders, armed or otherwise. The door system, which must be fail-safe in the event of an accident requiring rapid egress, should be retro fitted on current aircraft and installed

by the manufacturers on new airplanes. This item cannot be accomplished immediately, but ongoing work on it needs to be expedited.

3. Before last Tuesday, we could scarcely have envisioned calling for cockpit protection in the form of weapons carried in the cockpit. However, the world has changed and we must change with it. We recommend the installation of at least two stun guns as standard equipment in the cockpits of airline aircraft, three if there are three flight crewmembers.

There are sophisticated stun guns on the market today that are capable of immediately incapacitating a person of any size or strength, without posing any health risks to the individual. The devices have laser sights for accuracy and are capable of being used on a person up to 15 feet away. Use of these guns would be done in only the most extreme circumstances, to protect the lives and safety of the passengers and crew.

4. We are most pleased to learn that the FBI is in the process of creating a cadre of federal law enforcement officers to fly armed on airline aircraft. The FAA is also making plans to increase the number of Federal Air Marshals (FAMs) assigned to its contingent. ALPA has long been a proponent of the FAM program, because we are confident in its training standards and professionalism. We are also confident that the FBI will successfully create a professional air marshal group capable of defending against the types of hijackings that we saw last week. We recommend that the Congress provide such assistance as may be needed to facilitate the creation of the FBI's marshals and an enlargement of the FAA's FAMs.

5. One of the most basic functions of a good security system is positively identifying those individuals who are authorized entrance to an area and keeping out all others. The absence of access controls was a primary factor in the downing of PSA flight 1771 in December 1987. Since that time, we have called for the institution of electronic means of positively identifying each and every employee who has authorization to enter secured airport areas.

Today, the failure to require airlines and airports to verify employee identities is the cause of serious concerns about the security of flight. The reported possibility that terrorism are, or may have, posed as airline employees has caused us to focus our limited security resources on honest, trustworthy employees instead of unknown possible-threat passengers.

Last spring, it became public knowledge that GAO inspectors were able to gain entrance to 19 federal office buildings and carry weapons around two airport security checkpoints using phony credentials. The FAA is in the process of developing a highly secure Memory Chip Card (MCC) system to identify armed law enforcement officers (LEO's). Plans have been announced to install a special MCC reader at each security screening checkpoint in the U.S. in order to positively identify armed LEO's. This technology could also be used to positively screen airline and airport employees traversing the screening checkpoint.

Until there is a means in place to electronically verify the identity of all employees and armed law enforcement officers, they should produce a company ID and a photo driver's license for this purpose. These items should be examined and validated by the airport police at the security-screening checkpoint. An alternative measure that would work for those airports having a computerized access control system would be the placement of a card reader at the screening checkpoint for use by employees.

6. In today's aircraft, there is only one way for the flight attendants to talk with the flight crew when the cockpit door is closed, namely, by calling on the interphone. This method of communication is very observable when a flight attendant makes a call under duress. We recommend the installation of a discreet switch(es) in the cabin for use by flight attendants which enables them to discreetly notify the flight crew that there is a security breach occurring in the back of the airplane.

7. All personnel seeking employment in the aviation industry who need access to airline aircraft in the performance of their duties should, effective immediately, be required to undergo a criminal background check. The airline industry must create and maintain the highest personnel hiring standards in order to protect against "insider" threats. The technology for processing criminal background checks has advanced to the point where they can be made via electronic means.

8. Related to item #5, airports and airlines should immediately revalidate all of their employee's identification cards using hologram stickers, or through card reissuance. Some airports may be able to electronically revalidate their cards, if they have a computerized access control system. The industry is going to experience

significant layoffs and reductions in force over the next several months; this could lead to many unaccounted-for ID cards that could be used in an illegal manner.

9. The Computer-Assisted Passenger Prescreening System (CAPPS) is designed to use the passenger information in airline data bases to determine whether the individual poses a security risk. We have recently learned that CAPPS is assisting the FBI in its ongoing criminal investigation by providing information on the travel history of known and suspected terrorists. If properly configured, CAPPS can help identify potential security risks prior to boarding. We recommend that CAPPS be used on all domestic and international arrivals and departures in the U.S., Canada, and Mexico, even after the current threat is diminished.

10. It has been the experience of U.S. pilots and flight attendants that, depending on the carrier, airline-provided security training is poor and outdated. Current training includes showing crewmembers videos that focus on hijacking situations faced in the 1970's. Airline security training must not only be more current, it must also address the threats that a crew is likely to encounter. We recommend that the airlines enhance their crewmember training through the use of cabin mockups, problem solving, role-playing scenarios and other quality instructional methods.

11. The FAA is in the process of updating its documentation on the "Common Strategy," which is used by FAA, law enforcement, airlines, and pilots during hijackings. The Common Strategy was written in the Cuban hijacking era, and so involves procedures for handling extortion-types of hijackings (e.g., demands for money). It does not address suicidal hijackers or other such extreme hazards. ALPA recommends that the Common Strategy be amended to include procedures and training on the newest type of threats.

12. We have a long-standing opposition to the INS's practice of deporting illegal aliens via airline aircraft. The agency's current guidance allows groups of up to 10 deportees to board airline aircraft without any type of escort. There have been serious incidents of unruly behavior and, most disturbing, the possibility exists that a large group of deportees may attempt to commandeer an aircraft to avoid deportation. Clearly, INS should find another method of deporting illegal aliens that does not place the traveling public at avoidable risk. We urge the INS to only board deportees when they are accompanied by two or more armed INS agent escorts.

13. The FAA issues its pilot licenses as traditional paper and ink documents that could be easily duplicated or forged. Given that pilots use these licenses to help identify an individual who desires to ride the jumpseat, it is essential that they be produced in a highly secure format (i.e., electronically verifiable).

The FAA decided approximately one year ago to put the names and addresses of pilots in public view on the World Wide Web. This information could be used in any number of malicious ways. We recommend that FAA remove the data from the Web and any other publicly accessible locations.

14. We are all familiar with the long-running public information campaign of Smoky the Bear, a cartoon figure who reminds us that "only you can help prevent forest fires." We believe that a similar campaign should be created by the government and industry aimed at educating the traveling public about aviation security. A better-informed public could serve as additional "eyes and ears" of security, assist crewmembers as appropriate, and cause fewer problems onboard aircraft. We recommend the slogan "Security is Everybody's Business," and some type of cartoon figure to carry that message via advertisements, posters, etc.

15. Consistent with #14 above, the industry should implement the recommendations of the FAA's Aviation Security Advisory Committee's Employee Utilization Working Group. The essence of those recommendations is that all airport, airline and service employees can, and should, receive an appropriate level of training and ongoing information about how to make aviation more secure. One noteworthy recommendation is the creation of a security reporting "hotline" at all airports for tips, suspicious behavior, abandoned bags, and the like.

16. The threat information that pilots get, if any, is poor and usually outdated. The government intelligence community, working in concert with the airlines, should develop a greatly enhanced methodology for relaying timely threat information to the carriers, which can be shared with airline pilots.

17. We must prepare today for the possibility of a chemical/biological agent attack in our aircraft. Airlines should install full-vision oxygen masks in all commercial aircraft to enable the crews to safely land during a chemical/biological agent attack. Aircraft should be equipped with air quality monitors that can provide an alarm in the cockpit if the presence of chem/bio agents is detected.

18. The FAA should immediately develop and implement an ATC communication code for advising all pilots within radio contact that an aircraft is under duress or has experienced a significant security-related event. The major purpose of this action is to alert crews to take appropriate precautionary measures to prevent a similar occurrence on their aircraft.

19. The ban on all remote check-ins must include disallowing electronic ticketing check-in kiosks that currently let passengers check-in and receive a boarding pass without ever being identified by the carders. All passengers must check in and show identification at staffed check-in counters.

20. Regarding baggage security, we recommend that the FAA impose standard limits on carry-on baggage in order to let security screeners spend more time examining each item brought on the aircraft. We strongly support increasing the percentage of bags subjected to search.

21. Security deficiencies can, and currently are, impacting safety. One example virtually every cockpit crewmember has traditionally carried a small tool kit or "combination" tool in their flight case for dealing with small mechanical issues inflight. Based on the most recent FAA Security Directives of which we are aware, pilots may not carry them through the security-screening checkpoint.

We are urging the FAA to (1) allow pilots to carry such tools through the screening checkpoint after their identification has been verified, and (2) require that the airlines place these tools in the cockpit as additional aircraft equipment.

Longer-Term Actions

Following are our recommendations concerning action items that could be initiated fairly soon, but will take longer to implement than those above.

1. In view of the unprecedented terrorist threat that may continue for some time, we believe that the Administration and Congress should consider the creation of a new aviation law enforcement agency. Currently, civil aviation security is but one of many responsibilities of the FAA. The FAA assumed the task of providing aviation security in the 1970's, approximately 20 years after its creation as a civilian agency. Although there are many hard-working, talented people at the FAA, it is not a law enforcement agency nor is it staffed to provide law enforcement support.

Additionally, this branch of the FAA has to compete internally for resources and priorities within the agency's overall budget. To avoid this conflict and provide the law enforcement expertise which is now necessary, we believe that a law enforcement agency should be established whose sole responsibility would be to prevent and combat aviation-related crime. The removal of the security responsibility from the FAA would allow the new agency to be much more proactive. Whereas the FAA's focus is on the development, promulgation and enforcement of regulations, the law enforcement agency should be focused on countering existing and evolving threats. This agency would also be responsible for coordinating threat and other security information with other law enforcement agencies. ALPA is committed to work with you to create such an agency.

2. The government's own inspectors, from the General Accounting Office and DOT Inspector General's Office, not to mention the FAA's security auditors, have found time and again that the U.S. security screening system is ineffective. The status quo, whereby airlines contract with the lowest bidder to perform security screening, has been a complete validation of the concept "you get what you pay for." It is past time to fix this problem using highly trained and motivated, wellpaid, screening professionals and the best possible equipment. A well-run, security-screening corporation, selected not on the basis of lowest bid but highest competency, should perform the screening function under the aegis of the aforementioned aviation law enforcement agency. The U.S. should borrow from successful European security screening systems, which employ interviewers, maintain separate ramp crew access and other measures in the development of the new security screening system.

3. Government and industry have, as partners, made great progress in the development of explosive detection systems capable of spotting the most ingeniously disguised bombs and most minute particles of explosive material. However, there is much work still to be done.

FAA is in the initial phases of researching "Free Flow," a high-tech security screening system. We strongly support this concept and urge the Administration and Congress to fully fund it, ultimately as a means of rapidly and accurately detecting explosive devices, weapons, and chemical/biological agents on persons and in their bags.

4. We have known for some time that individuals, almost certainly terrorists, are stealing pilot uniforms and credentials. The imposter threat cannot be effectively dealt with unless there is positive, electronic verification of the identities of each employee authorized to enter the secure areas. It is past time that we created a system that will prevent an airline employee imposter from fraudulently gaining access to our aircraft and threatening the lives of all onboard and others on the ground. We have long supported the development and implementation of the Universal Access System (UAS), an effort aimed at closing the gaping hole in airline employee identification. FAA has completed UAS standards; we urge that implementation of it begin immediately.

5. Similar to the problem of employee identity verification, the airlines are not currently capable of positively determining who is getting on their aircraft. This is demonstrated when aircraft leave the gate with an inaccurate manifest; we know of one airline that routinely allows flights to leave the gate with a two-person error.

As another example, after one accident last year, an airline CEO made a public request for assistance in identifying the passengers on his own aircraft! The security ramifications are substantial—unless we know that the person boarding the aircraft is the same one who bought the ticket, we cannot positively ascertain that the individual has been through the security checkpoint and is not carrying a weapon.

6. We are aware of a technology, available today, which is capable of taking a photo of each person and their checked bags. The photo is encrypted on the airline ticket in the form of a striated bar code, known as two-dimensional bar coding. The ticket is machine read at the gate and a monitor shows the gate agent the photo of the ticket bearer. If the two faces do not match, the passenger is denied boarding. The photo of a checked bag can be used to identify it easily, if it needs to be taken off the aircraft subsequent to boarding, but prior to flight. The system also avails the ability to positively match the passenger with his/her bags.

We recommend that the government investigate the various technologies available for positive passenger and checked baggage identification and begin moving toward the eventual goal of requiring the airlines to use it for security purposes. This identification system can be integrated with CAPPS for even greater synergy.

7. In connection with the item above, the airlines should create, and have readily available, basic information about each passenger's special capabilities, if any. In the event of an emergency, the captain could, by contacting dispatch, immediately determine if there were any doctors, police, bomb specialists, etc., on the flight who could be requested to provide assistance. This capability would be extremely helpful in the event of a security breach, because the captain could determine whether there are onboard resources that could help resolve the problem.

8. There is much discussion ongoing today about the feasibility of arming pilots. The events of last week demonstrated that lethal force could be used to advantage. We have given this matter serious discussion and we believe that there could be potential for making this possibility a reality. However, as noted above, we have a seriously deficient employee identification system that must first be addressed. We want to ensure that anyone who is armed and going through the security checkpoint is positively identified.

After meeting that goal, a thorough study should be given to a program where airline pilots who meet strict qualifications could voluntarily be trained as sworn federal law enforcement officers with arrest authority and allowed to carry weapons in the cockpit to protect themselves and their passengers.

9. The FAA should begin a program to certify flight attendants as safety professionals. This would enhance flight attendant training and formalize and reinforce their role as safety professionals. This would also ensure proper training for all types of emergencies. It is essential that flight attendant training be improved in this area.

Thank you, again, for the opportunity to appear before you today. I would be pleased to respond to any questions that you may have.

[The prepared statement of Mr. Barclay follows:]

PREPARED STATEMENT OF CHARLES M. BARCLAY, PRESIDENT, AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES ON BEHALF OF THE AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES AND AIRPORTS COUNCIL INTERNATIONAL-NORTH AMERICAN

Chairman Hollings, Ranking Member McCain and Members of the Senate Commerce Committee, thank you for inviting me to participate in today's hearing on aviation security. I am testifying today on behalf of the American Association of Airport Executives (AAAE) and Airports Council International-North America (ACI-NA). ACI-NA represents local, regional and state governing bodies that own and operate commercial airports in the United States and Canada. AAAE represents the men and women who manage the primary, commercial service, reliever and general aviation airports. I appreciate this opportunity to discuss ways that we can work together to improve aviation security.

I know I speak on behalf of all AAAE and ACI-NA members throughout the United States and Canada when I say our thoughts and prayers go out to those who suffered as result of the terrorist attacks that occurred last week. The fact that terrorists hijacked four commercial airlines to carry out their attacks against the World Trade Center and the Pentagon is particularly troubling to our members because they consider passenger safety and security to be their most important responsibilities.

Our hearts also go out to our friends and colleagues who work for the Port Authority of New York and New Jersey. The Port Authority, of course, operates John F. Kennedy International, LaGuardia, Newark International and Teterboro airports. Until last week the Port Authority's aviation department was located on the 65th floor of One World Trade Center—the first tower struck by American Airlines Flight 11 from Boston to Los Angeles. From reports that we have received, it appears that most of those who served in the aviation department were able to escape the north tower before it collapsed. Unfortunately, approximately seventy of their colleagues from the Port Authority are still missing. Many of those are law enforcement officers from the Port Authority who were trying to help people evacuate the World Trade Center. We will never forget that they and so many police officers, firefighters, and office workers risked their lives in an effort to save others.

In a speech that he gave at Harvard University on June 5, 1947, Secretary of State George C. Marshall proposed that the United States help to rebuild Europe after World War II. More than 40 years later, the United States must repair the destruction that occurred in our own country after terrorists struck the World Trade Center and the Pentagon. There is no question that we will rebuild the financial district in New York City and repair damage done to the Pentagon. But I would suggest that all of us with an interest in aviation need to work together on a Marshall Plan for improving airport and airline security. We simply cannot allow the hijackings and terrorist attacks that occurred last week to happen ever again.

On Monday, Secretary of Transportation Norman Mineta formed two rapid-response teams to make recommendations on improving aviation security. One will focus on ways to improve aircraft security, and the other improving airport security. I am honored that the Secretary asked me to work on the airport team. I look forward to working with him, Deputy Secretary of Transportation Michael Jackson, Federal Aviation Administrator Jane Garvey and the other members of the rapid response teams to propose new security requirements to protect the safety of the flying public.

But as you have been asked to do so many times before, Members of the Senate Commerce Committee and others in Congress will need to play a key role in developing solutions to the security shortfalls that we experienced last week. This Committee, under the guidance of Chairman Hollings, Ranking Member McCain, Aviation Subcommittee Chairman Rockefeller and Ranking Member Hutchison, has a long track record on improving aviation security, and all of you should be commended for your leadership on this issue. I am also pleased that members of this Committee and others in Congress are continuing to propose constructive ways to improve aviation security in the aftermath of last week's terrorist attacks. I look forward to working with you to explore those and other opportunities to enhance airport and airline security.

After the terrorist attacks that occurred last week, the Federal Aviation Administration (FAA) promptly closed our nation's commercial airspace system and issued two emergency amendments that included several security initiatives. I think the Administration, Secretary Mineta, and Administrator Garvey deserve a great deal of credit for their quick response during this national crisis. I also applaud the leadership and staffs of the nation's airports that have been working with Department of Transportation (DOT) and FAA officials at an extraordinary pace to heighten security and resume air travel.

As all of you know, airports and airlines were required to implement these new security measures before being allowed to resume their operations. Airports, for instance, were immediately required to deploy more law enforcement officials and K-9 units, increase security inspections throughout their facilities, strengthen access control measures and remove all vehicles parked near their terminal buildings. In addition to the new security measures that were implemented in recent days, I think there are many other options that Congress and the Administration should explore in an effort enhance security at our nation's airports. I would like to take a moment to outline some proposals for your consideration.

Use Well-Trained Security Professionals to Screen Passengers and Baggage: As all of you know, airlines are responsible for screening passengers and their carry-on baggage for weapons and explosives, and carriers usually contract security companies to hire and train screeners. The numerous shortcomings of the current system have been well documented. Last year, the General Accounting Office reported that screeners who operate checkpoints have "had difficulty in detecting dangerous objects, missing as many as 20 percent during tests." The agency cited rapid turnover of screener personnel and low wages as major causes of poor performance.

In light of the hijackings that occurred last week, it is now more important than ever that steps be taken to improve the way we screen passengers and their carry-on baggage. The key issue, in our view, is to improve the training, testing, and thereby the proficiency of those individuals conducting the screening of passengers and baggage. I know many in Congress and the aviation industry have called for federalizing screeners. But ultimately the more immediate need is to professionalize aviation security personnel. It is important to note that federalization does not necessarily mean hiring federal law enforcement officers.

At most federal facilities today, checkpoints are operated by contract employees. If this option were to be exercised at airport screening checkpoints, there may be no significant difference between a screener contracted by the Federal Government and a screener working for a security company contracted by the airlines. One proposal is to have federal law enforcement conducting the screening. In any event, the issue is performance standards, not just responsibility for oversight. For that reason, we hope that any solution—whether it include hiring federal law enforcement officials or federalizing those who screen passengers and their carry-on baggage—result in adequately compensated screeners who are trained and tested to a level of proficiency much higher than currently required of commercial screeners.

Deploy Explosive Detection Systems at More Airports: We also need to provide screeners with better equipment. There are a number of innovative technologies that have made detection of explosives and other deadly or dangerous weapons easier to identify. While these systems are commonly viewed as only as effective as the trained personnel who operate them, they are an increasingly essential facet of the aviation security equation. The integration of a new generation of Explosive Detection Systems (EDS), as called for by the 1996 Presidential Commission on Aviation Security and Terrorism, has been an important addition to our efforts to improve the security of our aviation system. These and other new technologies must be integrated into the nation's airports at a much quicker pace and with increased attention to the resources, training and infrastructure requirements necessary for their effective use.

As with any technology, planning and training are critical to realizing the potential of explosive and other weapons detection systems. A significant number of the new generation explosive detection systems are being used at 46 airports around the country. We need to deploy more explosive detection systems at airports of all sizes through a much more swift and coordinated process.

The FAA, through its Security Equipment Integrated Product Team, has been responsible for the purchase and deployment of these systems throughout major airports around the country. They are commonly used for baggage screening of the traveling public, but a higher priority needs to be placed on better coordination with industry on where they are deployed both throughout the system and within individual airports.

EDS baggage screening machines and other resource intensive security technologies come with significant infrastructure, maintenance and training requirements. Terminal and baggage handling areas must be redesigned to accommodate these systems. Airport and airline personnel must be trained on their proper operation and maintenance. In many instances, structural and electrical capabilities may need to be upgraded to accommodate them. All of these elements must be provided for in advance of their deployment, which has unfortunately not always been the case. If it is agreed that the best technologies must be deployed to combat terrorist threats, then it must be done with proper planning, coordination and resources.

Use New Technology to Tighten Access to Secure Areas in and around Airport Terminals: In addition to improving the screening process for passengers and baggage, we need to do a better job of controlling access to secure areas in and around airport terminals. Last year, the DOT Inspector General highlighted the shortcomings in access control technology and procedures at some airports around the country. This is an issue that airport operators take seriously, and we need to continue to improve procedures and deploy new technology to tighten the perimeter of secure areas. Controlling these critical access points is key to improving aviation security and will require capital improvements as well as an increase in research and development efforts.

Enhanced technology should not only be applied to access control measures but to the process of screening personnel entering the secure areas as well. Understanding that the secure area of most airports is an operational area, this will be a daunting task. While there are policy measures that can be taken such as restricting the type and amount of personal possessions that may be carried into the secure area as a matter of course this may not prove to be sufficient. Ideally, each access point from the public to the secure area would be equipped with security screening equipment and trained personnel.

Conduct Background Checks on Those Who Have Access to Secure Areas: Better technology is only part of the equation. Just as we need to have better trained screeners, we must also focus on eliminating undesirable behavior that can nullify even the best technology used to control secure areas. Toward that goal, it is essential that we concentrate our efforts on ensuring that only those persons who have undergone thorough background checks are granted access to secure areas.

Last year, Senator Hutchison introduced S. 2440, the Airport Security Improvement Act of 2000. Like many on this Committee, we strongly supported that legislation because it called on the FAA to work with air carriers and airport operators to strengthen procedures to prevent unauthorized access to secure areas and commercial aircraft. The bill, which was enacted into law on November 22, 2000, requires criminal background checks for security screeners and others who have access to secure areas in the top twenty most at risk airports. The legislation requires background checks for those at other airports to be phased-in over three years. It also requires the FAA to expand and accelerate the Electronic Fingerprint Transmission Pilot program.

In light of recent events, we think the FAA should accelerate the phase-in period for criminal history record checks and allow all airports to utilize the electronic fingerprint assessment technology immediately. It is imperative that the Federal Bureau of Investigation (FBI) give these background checks priority consideration and that the agency be given the necessary resources to process them in a timely manner.

Since the aviation system has been targeted as means of carrying out terrorist activity, we believe that the current criteria applied in assessing who is allowed access to secure areas are inadequate. Airport operators are currently restricted by law to assessing records of convictions for very specific crimes, and we think that the range of activities subject to that assessment should be broadened. We are also aware that various federal agencies keep records of persons with the propensity to commit acts of violence and or terrorism. Airports should be able to submit queries to a single federal entity to have applicants for positions requiring unescorted access vetted against such lists. We believe that this federal entity should take the lead to query all other federal agencies with an interest in terrorist issues to ensure that personnel to whom we grant unescorted access are not suspected of or directly involved in terrorist activity.

Increase the Number of Law Enforcement Officials and K-9 Units at Airports: As I mentioned earlier in my statement, the new security measures that the DOT issued last week required airports to increase the number of uniformed security patrols or law enforcement officials at their facilities. Visible security patrols and uniformed law enforcement officials have proven to be an extremely effective deterrent to acts of violence in airports. The mere presence of uniformed officers at and around screening checkpoints has reduced the number of passengers attempting to circumvent the checkpoint.

Due in part because these programs have been so successful, many have argued for an increase in the number of trained law enforcement officers present in the public and the secure area of airports. Currently the number of officers is small, and our forces are stretched thin across the airport system. We believe that more law enforcement officials should be a permanent addition to airport security and that it is incumbent upon Congress and the Administration to make sure airports have the resources they will need to pay for the additional security.

FAA certified K-9 teams are an important component of an airport's ability to screen passengers and their baggage. The FAA is recognized as having a premier K-9 program. The problem is there are simply not enough FAA certified K-9 units to go around. It is our understanding that K-9 teams from other federal agencies are trained to a different standard than the FAA teams and are therefore not authorized for use to comply with FAA security directives. We strongly believe that the FAA should expand its K-9 program to improve security at more airports. In the meantime, we hope the FAA will consider allowing airports to use K-9 teams trained by other agencies.

Disseminate Intelligence to a Designated Airport Security Coordinator: The FBI, Central Intelligence Agency and other intelligence agencies each play their own part in monitoring, identifying and assessing threats to national security. Some of the information processed by this intelligence community identifies potential threats to the safety of civil aviation, and some of this information is shared with offices in the DOT and FAA. However, very little of this critical data is shared with the front line airport and airline personnel responsible for implementing security procedures.

Aviation security needs to be among the top priorities of the intelligence agencies responsible for identifying terrorist threats. Coordination of intelligence dissemination with the Secretary's Office of Intelligence and Security, appropriate FAA staff and finally airport security coordinators will dramatically increase the likelihood that real threats to the system are met with real local response and preparedness.

As a direct result of the recommendations from the 1996 Presidential Commission on Aviation Safety and Security, aviation security consortia were formed and vested with the authority to work cooperatively with federal regulators to meet the goals of increased aviation security. This increase in the level of effective communication and cooperation has steadily improved the baseline of aviation security. With the events that occurred last week, this type of government and industry cooperation is particularly important. Airport security professionals play a key role in developing, implementing and maintaining effective security measures, and their input should be used as we develop new ways to increase aviation security.

Deploy Federal Security Managers at More Airports: The FAA is responsible for providing threat information to airports and establishing aviation security policies and regulations. The agency's Civil Aviation Security Operations Office has deployed Federal Security Managers to the nation's highest risk airports to assist in coordinating security efforts. This program was originally intended to give these airports direct access to the Associate Administrator for Civil Aviation Security in times of heightened concern. But the scope must be expanded to provide similar coordinated efforts at more airports.

Again, these are just some options that I think Congress and the Administration should explore in an effort to enhance security at our nation's airports. Many of the proposals, such as providing a better screening process, would increase security at airports and on commercial airlines. I know many in Congress have proposed expanding the FAA's Federal Air Marshal program as a way to deter air piracy. While airports don't play a role in the Air Marshal program, I think this week's announcement by the Attorney General regarding the expansion of the program is an extremely positive and important step.

Mr. Chairman, I would like to make two final points. First, a number of the mandated security measures that I described earlier in my testimony have resulted in significant cost increases for the nation's airports. There is no question that these are important to our efforts to enhance aviation security and absolutely necessary given the horrific events that occurred last week. It is our hope that as Congress considers legislation to help the airline industry funds will also be made available to airports for compliance with the new mandated security initiative imposed by the FAA.

I would also like take a moment to discuss Ronald Reagan Washington National Airport. Given the airport's proximity to the White House, the Capitol and other federal buildings and monuments in the Washington metropolitan area, I understand the concerns that some have raised about the possibility that the airport could be used for future terrorist attacks. Those are legitimate concerns that need to be adequately addressed, and additional security measures that should be taken by the airport and the airlines that fly in and out of Washington, D.C. But in the end, I hope the debate will be about how we reopen National Airport—not if we reopen it. As US Airways Chairman Stephen M. Wolf recently said, "Closing Reagan National Airport is an unacceptable visible win for terrorism."

In what has become known as the Marshall Plan Speech, Secretary Marshall said: . . . I need not tell you gentlemen, that the world situation is very serious. That must be apparent to all intelligent people. I think one difficulty is that the problem is one of such enormous complexity that the very mass of facts presented

to the public by press and radio make it exceedingly difficult for the man in the street to reach a clear appraisal of the situation.

Those comments could easily describe the confusion that all of us felt after the terrorist attacks that occurred last week. But just as the United States successfully helped to rebuild Europe, so too can we can strengthen the security of our aviation system. All of us will need to work together, and all of us will need to make some sacrifices. But I'm confident that we can overcome the challenges ahead.

Chairman Hollings, Ranking Member McCain, and Members of the Senate Commerce Committee, thank you again for inviting me to participate in today's hearing on aviation security. All of us at ACI-NA and AAAE look forward to working with you and others in the aviation industry during the days and weeks ahead on ways to enhance airport and airline security.

[The prepared statement of Mr. Hudson follows:]

PREPARED STATEMENT OF PAUL HUDSON, EXECUTIVE DIRECTOR OF THE AVIATION
CONSUMER ACTION PROJECT

Good morning Chairman Hollings, Subcommittee Chairman Rockefeller and Members of the Committee.

My name is Paul Hudson. I am executive director of the Aviation Consumer Action Project (ACAP), an nonprofit organization founded in 1971 with thousands of air traveler supporters that acts as a voice and ear for air travelers and the general public on national aviation issues. ACAP has been a member of the FAA's Aviation Security Advisory Committee since 1991 and has advocated for stronger aviation security for more than 15 years. From 1989 to 1993 I was president of the Families of Pan Am 103/Lockerbie, and a grieving terrorist victim family member. I testified before Congressional committees many times and lobbied for strengthening aviation security, particularly enactment of the Aviation Security Improvement Act of 1990, which forms the basis of the present aviation security system. From 1977 to 1987, I was counsel to the New York State Crime Victims Board, and a consultant to the American Bar Association's Victims Committee and the National Institute of Justice on crime and terrorist victim rights.

Thank you for holding this hearing ten days after the worst terrorist attack in history. The September 11th attacks proved that airliners can be used as weapons of mass destruction, something never anticipated or even imagined in my many discussions with aviation security officials and experts.

September 11th, 2001 was certainly a day of infamy for the America and the world. That day also changes forever how we look at aviation security and terrorism. With over 5,000 dead on the ground plus about 200 air travelers, the total destruction of the World Trade Center and surrounding buildings, the partial destruction of the Pentagon, the apparent targeting of the White House and U.S. Capitol, plus enormous damage to the American economy, aviation security is clearly a top national security priority. It must be upgraded, at least, to the highest standards of federal law enforcement and national security in the coming months. In the meantime, aviation security must under no circumstances allow a repeat of the September 11th attacks.

Accordingly, we must now focus on emergency measures that can be done in days or weeks and not even consider things that undercut security, while we are still under imminent threat of this new form of terrorism.

Needed emergency measures

ACAP is recommending the following emergency measures to the FAA:

- 1) *Quickly secure airliner cockpits.* Initially this will require deploying armed guards or law enforcement agents or armed flight crews. Later stronger cockpit doors and security barriers or screens must be installed.
- 2) *Restrict or ban carry-on baggage.* Since carry-on baggage can contain weapons that can be used in hijacking and the current screening systems are known to be inadequate, carry-ons should be restricted to one small bag with hand searching or else eliminated entirely.

We are also calling on airline passengers to voluntarily reduce or eliminate their carry-on baggage. This will both improve security and reduce delays.

Backward Steps

Last weekend, the FAA lifted the ban on general aviation (private aircraft) except within 25 miles of New York City and Washington, D.C. With about a million private airplanes in the United States and little or no security systems in place, the

risk of terrorists using such planes with explosives to attack tall or landmark buildings requires temporary restrictions. ACAP recommends that general aviation be banned to within 100 miles of major cities or likely terrorist targets, without special FAA security officers clearance.

On September 17th the FAA lifted the ban on passenger airliners carrying unscreened mail and cargo. This ban was only instituted last week. The ban was in place during the Gulf War and its aftermath. It should be immediately re-instituted.

Pressure is now building to re-open Reagan National Airport. This step should not even be considered until a much higher level aviation security is in place and such systems have been independently tested and found to be effective with the highest level confidence to ensure against a repeat attack on Washington, D.C. Since airplanes taking off or landing at Reagan National Airport are literally seconds away from the White House, the U.S. Capitol building, the Pentagon and other key U.S. Government buildings and other national landmarks, we doubt that such a system is possible.

Medium term measures

The following measures should be done in the next several months, but may take a year or more to complete:

- 1) *Federalization of aviation security* by establishing a separate Aviation Security Agency not within the Transportation Department is essential to break the cycle of incompetence and lack of accountability that is endemic in the current system of private security contractors and airline/airport security under FAA oversight. While I do not wish to dwell on the past, aviation security since 1989 has been the subject of two presidential commissions (after the Pan Am 103 bombing and the TWA 800 disaster), at least one major law, scores of rulemaking and minor legislation. As anyone who saw the "60 Minutes" CBS television program last Sunday now knows, and as those involved with this issue have known for years, the system is broken and has been incapable for over a decade to bring its performance up to the level required by existing security regulations based on past terrorist attacks, much less to anticipate and effectively deal with future ones. Who could rationally argue we should again entrust our national security to private security contractors or airline and airport employees with FAA/DOT oversight? After in the past week losing the World Trade Center, four jumbo jets, part of the Pentagon and over 5,000 lives? The airlines, aviation unions and aviation consumer organizations are united on this point.
- 2) *Cockpit doors must be secured* with strong doors and locks that have keys that are not easily compromised. Presently such doors are intentionally made of light weight materials so that they can be kicked out, in case the door is jammed or locked and the crew needs to make an emergency evacuation. Beyond this, security screens or barriers need to be installed between the cockpit door and the passenger cabin so that hijackers cannot even approach the cockpit door during flight.
- 3) *Passengers, pilots, aviation security and airport and airline employees and contractors must be screened to ensure that suspected or wanted terrorists are not infiltrating the U.S. aviation system.* Presently persons on the FBI or INS or Customs terrorist watch lists or even wanted terrorists are not flagged to be apprehended by airline security, denied boarding, or even subjected to extra security. It has been reported that the Computer Assisted Passenger Profiling System (or CAPPS system) operated by the airlines and of which they are so proud, uttering failed to identify any of the 19 suicide hijackers involved in the September 11th attacks, even though at least two were on the U.S. Government's terrorist watch lists and they used their own names to purchase airline tickets on four hijacked U.S. airliners operated by American and United Airlines. Existing employees with access to secure airport areas are not screened for criminal histories and not required to pass national security checks. Likewise there is nothing to prevent terrorists in the U.S. from obtaining pilot training on airliners or jumbo jet simulators or from renting private airplanes in the United States. Face recognition, optical fingerprint, retina, voice print or other personal identification technology, all currently available technologies, must be used to secure U.S. aviation against would be terrorists.
- 4) *Flight crews must be retrained to resist rather than cooperate with hijackers.* Current training assumes that hijackers are not determined suicidal fanatics and emphasizes cooperation with hijackers so as not to unduly upset them. Clear-

ly this training is largely misguided in light of last week and flight crews must be retrained.

5) *Civil defense training and public education is needed to deal with 21st Century terrorist threats.*

Public education directed to airline passengers should be altered to deal with the present threat of suicide hijackers bent on using airliners as instruments of mass destruction.

Likewise, occupants and operators of skyscrapers or landmark buildings or other large public facilities should be trained in rapid emergency evacuation procedures, in order to minimize casualties in cases of terrorist attack.

Finally, public education campaigns should inform and encourage the public to report to law enforcement suspicious behavior that could indicate terrorist activity.

Conclusion

I do not wish to dwell on the past (pre-September 11th, 2001) nor to play the blame game nor the I-told-you-so game, nor the Casandra prophesy game, but neither should we have historical amnesia. I have included as an addendum to this testimony, a snapshot of the public record showing how the same proposals to improve aviation security, since at least 1990, have been made over and over to the U.S. Government, only to be largely or completely ignored. These same security measures still remain to be done to secure American aviation and national security against terrorist attack.

I would like to close with some important questions for this Committee, the U.S. Government and the American people:

—Will American democracy rise to the terrorist challenge *this time*?

—Or will we revert to the feckless pattern of the past, minimizing or ignoring terrorism for the sake of short term commercial convenience?

As you hear the siren call of “normalization” please remember, even after Pearl Harbor and the German conquest of most of Europe, some powerful American and British industrialists and leaders sought trade, compromise and nearly business as usual with the enemy. Many others resisted common sense wartime security measures such as turning out the lights in coastal cities causing the loss of many merchant marine ships to submarine attacks. Americans have in the past often learned the hard way that enemies who declare war on the United States really mean it.

If our form of government and way of life is to survive, you must get *deadly serious* about aviation security and terrorism. I fear that a second attack could destroy the U.S. Capitol, the White House and other landmarks and would show our present security and government officials as too weak and incompetent to defend America’s national security. And make no mistake, no new form of terrorism has ever not been repeated many times over.

There is an old saying that says, “God looks after babies, drunks and the United States of America.” The luck of the USA ran out on September 11th, 2001. Now we must make our own luck, or face the consequences. Again thank you for the opportunity of testifying before you today. I would be welcome any questions.

ADDENDUM TO TESTIMONY OF PAUL HUDSON

The following aviation security measures were recommended by Presidential Commissions or enacted since 1990 but never really implemented due primarily to aviation industry opposition:

- 1) criminal history background checks for all persons with access to secure areas of airports.
- 2) use of bomb detectors for checked luggage.
- 3) passenger—checked luggage bag matching.
- 4) upgrade security screener training (was 0–5 hours now about 12, recommended to be 40 to 350).
- 5) mail and cargo on passenger airliners to be screened for explosives.
- 6) appointment of assistant secretary for Intelligence and Security (position has been left vacant).
- 7) hardening of airframe and luggage containers to resist explosives.
- 8) Policies and procedures to ensure that international terrorism reporting on air transportation are shared with DOT/FAA.
- 9) Federal monetary benefits to victims and families of terrorist victims.
- 10) Improve human intelligence gathering on terrorism.
- 11) FAA certification of screeners and aviation security companies.

Also the Federal Sky Marshall Program was essentially disbanded in the 1990's.

The President's Commission on Aviation Security and Terrorism concluded in May 1990 (p. i) that "the U.S. civil aviation security system is seriously flawed and has failed to provide the proper level of protection for the public." The Commission found the FAA "to be a reactive agency—preoccupied with responses to events to the exclusion of adequate security planning in anticipation of future threats." The Commission also found that Pan Am had a history of security lapses before and after the bombing of Pan Am 103 in December 1988.

For more detail see my and aviation security advocates testimony before congressional committees in 1989 and 1990, before the President's Commission on Aviation Security and Terrorism (1989–90), the White House Commission on Aviation Safety and Security (1996–98) and before the Congress in 1996–98, including the following:

1) Testimony of Paul S. Hudson on behalf of the Families of Pan Am 103/Lockerbie before the Subcommittee on Aviation of the Senate Commerce, Science and Transportation Committee, August 7, 1990, listing 29 amendments to strengthen the then pending Aviation Security Improvement Act of which 4 or 5 were adopted. Measures not adopted included establishment of an outside review board for aviation security to ensure FAA/airline/airport compliance, closing the loophole authorizing undefined exemptions from security employment restrictions, requiring independent or public review of air carrier security standards and plans, minimum funding for aviation security R & D of \$250 million per year, establishment of an Aviation Security Administration reporting to the Secretary of Transportation, mandating installation and use of explosive detection equipment when certain technical criteria were met, and requiring fair compensation to terrorist victims for economic and non-economic loss.

2) Testimony of Paul S. Hudson on behalf of Families of Pan Am 103/Lockerbie before the Senate Commerce, Energy and Transportation Committee, September 25, 1996.

The key legislation is the Aviation Security Improvement Act of 1990 and various amendments to that law. The key committees are the Senate and House Aviation Subcommittees, the Senate Commerce and House Transportation Committees, the Transportation Appropriation Subcommittees, House Foreign Affairs, Senate SC on Terrorism (Foreign Affairs), Judiciary Committees.

The CHAIRMAN. Senator Rockefeller.

Senator ROCKEFELLER. Thank you, Mr. Chairman. Gentlemen, I also appreciate your patience. Duane, let me start with you. We've been talking about federal air marshals and we want them. Federal air marshals can sit in two places, in fact, on an airplane. They can sit at or they can sit in the cockpit. We've divided those two very distinct parts of the airplane trying to secure one, in absolute terms, to make sure this cannot happen again in the form that it has. I saw you on national television say that nothing is not on the table. I forget what the question was in terms of the stun gun or of the firearm but in any event, there was nothing off the table and I was pleased about that and happy for that. The Federal Marshal AFT, with only 32 available in the country right now and with lots of money, there could be a lot of training but if the person isn't yet up to speed in experience, if in training he might be, or she, the shooting of a gun in the wrong place is catastrophic. So, knowledge of the plane and its systems is crucial. I cannot help but think that the, from a tactical point of view, from a visual point of view, from a psychological point of view that there is no, obviously, greater symbol of control than the pilot. There's also the visual advantage that the pilot has his back, or her back, to whoever it is hopefully cannot enter into the reconfigured cockpit as soon as that can be effectuated. My question to you is what do you see as the pluses and minuses of pilots with their back to the intruder, should that ever happen, and remember with all of the rural places we're talking about and the turbo props you're talking about folding often,

folding doors as opposed to much more secure ones that you have on the larger airplanes. Your sense as to pilots' willingness, in view of other responsibilities they have and pilots' effectiveness in terms of having either a stun gun or other form of protection to dis-enable somebody who might get in.

Mr. WOERTH. Well, Senator, if I can make a simple statement, we can't be Sky King and Wyatt Earp at the same time. I mean, our principal duty is to fly the airplane but we're left with a situation right now until all of the adequate additional security measures of keeping bad guys off the airplane. We're already to the point where theirs a bad guy on the airplane, we've failed most of the system to that point. So, we are advocating in our testimony submitted to you here that we would at least like those non-lethal tasers or stun guns installed in the aircraft. We believe we could use those. But obviously the federal marshal program is going to be much more effective. We want law enforcement taking care of security. Pilots are trained to fly airplanes, not be law enforcement agents and we're looking, as our first priority, at other people in security and law enforcement to take care of firearms and take care of that form of security.

Senator ROCKEFELLER. In that there are two sections to the airplane and again, this is a matter of money and as yet untrained, completely untrained, unavailable personnel. Would that include having a marshal in the cockpit itself in the event of the failure of a door system and understanding that, that is going to take some time to put that into 7,000 airplanes.

Mr. WOERTH. Sir, our anticipation is the federal marshal should be incognito, passenger inside, the passenger cabin.

Senator ROCKEFELLER. But not the cockpit.

Mr. WOERTH. But not the cockpit. A lot of it is a practical question. We know that even with a rapidly increasing number, hopefully, of these federal marshals, that the incognito aspect of it, the uncertainty on how many of them there are and where they are would be better use of them for a deterrent if perpetrators or hijackers are never quite sure which flight, or where this agent is. So, it is for that reason if he walks in the cockpit and sits down, they know where he is. I'm not sure how effective he will be. He will help us defend the cockpit but it can cost an awful lot of havoc.

The CHAIRMAN. If the distinguished Senator would yield, that is what Glick and Bingham proved on that plane that was down in Pennsylvania because if they had been up in the cockpit or recognizable as marshals, they would have been done away with with the cord cutter long since but that Glick was a judo expert and old Bingham was just as big and they decided and they said so on the telephone, we're going to take them. And that's why you and I were saved or the White House was saved, one or the other. But definitely have them incognito.

Senator ROCKEFELLER. I will conclude with that. Captain Woerth, I just—The control center, absolute all psychological senses of the cockpit and short of the installation of the installation of the best possible door or the failsafe door to protect the pilot and therefore the cockpit and therefore the passenger and therefore the sense of confidence of the traveling public. I think the cockpit has to be a very, very secure place.

Mr. WOERTH. I agree with you, Senator Rockefeller and I think the pilots have to believe it is a very, very secure place.

The CHAIRMAN. Very good. Senator Allen.

Senator ALLEN. Thank you, Mr. Chairman. My question is going to be focused on technologies. I was reading very quickly through Captain Woerth's near term and long term recommendations here. All of us, along with the pilots clearly understand that we need to make sure that never again can an aircraft be used as a weapon. There are quite a few ideas, many of which you have in your recommendations here to make sure that the cockpit is like a vault that is only opened from the inside. Long haul flights may need lavatory services somehow in it or a double door that closes the lavatory if a pilot needs to use it. There are all these ideas about air marshals and I think that the air marshals are going to be part of our lives on commercial flights in the future. In fact, one of the Members of this Committee, Senator Hutchison, has a bill to look into that. Now, it seems to me in the area of technology that we do have the technological capacity on modern day aircraft to permit a pilot to turn over control of the aircraft to some remote site under a matter of duress. I was looking at your recommendation 17 where you're talking about biological chemical matters. That means you need to know what's going on. There needs to be sensors or maybe there also needs to be ways that you can immobilize people in the back. You also say in recommendation 18 that the FAA should immediately develop and implement air traffic control communication code for advising all pilots as far as radio contact. Now, I've heard of some research that would effectively limit where a flight may travel. There's a topographic computer model for the route that any flight could be built in and designate areas that are off limits. The limits could be at all altitude floor or ceiling. It could be a virtual fence around a city whether that's Washington, D.C. or Manhattan or the loop in Chicago. There could even be a virtual dome put into place over a building if that were the concern. It's my understanding that such a system of this kind would be very possible especially on our newer fly by wire aircraft. I would ask you, Captain Woerth, although I would be interested in Mr. Meenan's views as well, if you feel that such a concept, since you represent pilots, of the control authority transfer or automatic ground control avoidance technologies are feasible and practical?

Mr. WOERTH. They may be feasible but I do not believe they're practical. Certainly, not in the near term answers that the nation is looking for. They would most likely be used in the most sophisticated new fly by wire aircraft, whether that be Boeing or Airbus. That still leaves 5,000 other airplanes that would have to be retrofitted and may not be capable of employing that technology. So, I would think the amount of money that we would spend on the project, sir, I think into the security element up front, avoiding the problem after a direct airplane would be better spent. I do believe it is possible but I think as the Congress and the Administration prioritizes its resources and where they're going to put the money first, that is probably why it was farther down on our list of recommendations.

Senator ALLEN. Since September 11th, costs are obviously still a concern but safety is the primary concern. I would like to see this

technology as a way of helping pilots so that they can somehow push a button, and make communication with a location on the ground. The rest of that flight would be taken over remotely so hijackers, even if they do somehow get in, could not use the airplane as a weapon. We will have to explore this in our Subcommittee with Senator Wyden. Mr. Meenan, are your views similar to those of the Captain's?

Mr. MEENAN. I would concur fully with Captain Woerth. Many of these avionics and control solutions is something that need to be looked at but I think we need to focus much more immediately on the things we know we can do in the very near term.

Senator ALLEN. Which is securing the cockpit.

Mr. MEENAN. Well, securing the cockpit is one of them. Sky marshals as we've all discussed is another and generally upgrading the security at airports through a federal program to take control of that.

Senator ALLEN. Thank you.

The CHAIRMAN. Very good. Senator Wyden.

Senator WYDEN. Just a couple of questions. If the government was responsible for security, wouldn't it be possible to move more quickly when it came to dealing with these issues? I mean, right now, as I understand it, you've got a regulated entity. You've got regulated companies and that is a big part of the problem with respect to the process of getting these matters out more quickly. Do any of you an opinion?

Mr. MEENAN. Very much so. Our view is very strongly that dealing with terrorism, there are seven tools at your disposal—diplomacy, economic sanctions, military action, court action, intelligence gathering, law enforcement, and the last line of defense, not the first, is counter measures security systems—things that we're talking about here. The government controls all of the first six. We have been asked in the past to control the seventh. We think the evidence is clear that that is not the way to go. This has to be under a unified, single point of control for the kind of speed you're talking about, Senator Wyden.

Senator WYDEN. My time is short. Do any of you disagree with what that answer entailed?

Mr. WOERTH. No.

Mr. BARCLAY. Among our members, at the moment we're still trying to come up with a position on the screening issue and the only difference we agreed that it should come from the airlines. Some airports out there, Orlando and Tampa are two of them, that Senator Nelson visited, think it would be best if they used their local law enforcement people under a federal set of standards but still you would have law enforcement there. Most of our members agree that it is a federalization of the process would be best.

Senator WYDEN. Mr. Dillingham. Mr. Hudson. I want to ask about one other matter.

Mr. DILLINGHAM. Yes, Senator Wyden, we believe too that the less levels that you have in between control and action, the more rapidly you can get things accomplished.

Senator WYDEN. Mr. Hudson, any disagreement?

Mr. HUDSON. I would agree. The fact that we have private contractors, we have air lines and we have the government and we

have airports. There's a communication problem. There's a confidence problem. We don't think the system is going to improve significantly. We have proposed a federal aviation security agency be created so that it can be brought up to the same standard as we have for other specialized federal law enforcement in national security agencies.

Senator WYDEN. Mr. Dillingham, I have a question for you. I have been reading on the floor of the United States Senate and in this Committee this morning essentially from 15 years of reports that you all have issued literally going back to that 1987 report on certification of screeners and again and again, you have documented the delays and inaction and as I've said as well, now is not a time for a blame game and there's plenty to go around for various presidents and various congresses and various interest groups. What's your counsel to this Committee today so that now on this set of key questions, not just the screeners, but the other issues that we're looking at? What's your counsel for this Committee so that 15 years from now we're not going through essentially the same drill? For example, do you think it ought to be the role of this Committee to cut through some of the political turf battles which clearly held up some of the actions that were warranted? Should we step in at some point with respect to resolving some of the cost questions? What's your counsel so that 15 years from now we're not just going through this once again?

Mr. DILLINGHAM. Senator Wyden, I think that I would like to think that we have a sea change from what happened a week or so ago and that we won't be here six years from now or 15 years from now in the same situation but clearly we must understand that no security system is 100 percent safe and there's no guarantee that something like this or from another dimension won't happen again but it seems to me that everybody is on board now and the issues are at the margins but it is clear that everyone says we have to move now and not later.

Senator WYDEN. I guess I would tell you I'm still concerned because I went back and looked at all those reports and people were on board before when those recommendations were issued. They were almost always unanimous recommendations and I think my feeling is, and I want to talk to my colleagues, particularly the Chairman of the full Committee and the Chairman of the Subcommittee is that if the administration doesn't come back on this question of federalizing security functions with specifics pretty quickly, I hope that Senator Hollings and Senator McCain and Senator Rockefeller and Senator Hutchison, the bipartisan leadership of this Committee will work with all of you and the interested parties so that it is resolved. I don't see any other kind of path. We made it clear today. We're anxious to work with the administration and I would say my only non-negotiable point at this point only one non-negotiable point is to let this thing drag on as it has in the past. We've had plenty of well meaning people but the vulnerability slipped between the cracks and in order to do it, we're going to have to work closely with all of you. And I thank you, Mr. Chairman.

The CHAIRMAN. Senator Boxer.

Senator BOXER. Yes, I apologize for having to go out and meet some constituents. I have two questions. One of them is specifically to talk about pilot training many of you want to address them and then the second, I'm going to ask each of you if you were us, and forgetting any money concerns, is if that wasn't a question, what would the top one, two and three things be? If you've only gone one, that's fine, but just give me about those ideas. But before, I was thinking, Mr. Chairman, that I have supported with many of my colleagues, a check when people go to get a gun and it used to be a three day check. We check on them before they can get the gun. Now, we've got it down to a 24 hour check. We're using computers. Before they get a gun. Now, we have a situation where American planes have been used as missiles, weapons and I'm just thinking, pilots come, you know, potential pilots come from other countries and they go in and it doesn't seem to me there's much of a check. So, I'd like to know how you feel, and again depending on if you have the expertise on this, what's an idea? I would think we ought to have a check on each and every person who comes. I mean, I wouldn't profile anyone. I would just say, this is now a whole other ballgame and could you support something like that where we have a pretty good check and then if there's any reason to believe a problem, we would hold it off indefinitely until we cleared the individual to go to pilot school. Any of you want to talk about that? Captain, do you have a feeling on that?

Mr. WOERTH. Well, I think this will probably demonstrate my lack of knowledge in security and law enforcement which is why I want law enforcement agencies or a new agency we recommended be created to deal with law enforcement and security. I don't think the FAA is competent to do it and I don't think the airlines are competent to do it and I know I'm not competent to do it but I want the intelligence community and all those involved with law enforcement to be able to find these type of individuals so they do not get to the airport and if they do get to the airport, they don't get into my aircraft and if they get to the aircraft they never get into the cockpit. So, that's how I approach it.

Senator BOXER. Well, I couldn't agree with you more. I think this is something for law enforcement and I think when the airlines are going to come before us later, one of the things I want to do is take that whole part of it away from them. And frankly, my own view, away from the FAA. It is a law enforcement issue we're dealing with and I personally think the FAA has not done well. Witness all these reports and I hope, Mr. Chairman, when you're looking at this whole issue of airport security, when we think about whose these screeners would work for, let's think about what their function is. Their function isn't keeping the skies clear and doing air traffic control. It's keeping criminals away from innocent people. So, I hope you'll think about that. It may be a difficult thing because it's a new way of thinking but, Captain, I agree. Anybody else have thoughts on this pilot question? Yes.

Mr. HUDSON. Senator, we recommend that steps need to be taken to secure the entire U.S. aviation system again infiltration by terrorists. There's over 40 trained pilots on the FBI's wanted list now out of the last terrorist incident. We know that half the hijackers of the 19 had at least some pilot training. In addition to the people

that work in the airports and the airplanes, we think that passengers, pilots, aviation security, airport, airline employees and contractors must all be screened to ensure that suspected or wanted terrorists are not infiltrating our aviation system. Part of what happened last week is, I think, a lack of communication. Supposedly at least two of the hijackers were on a U.S. government terrorist watch list. I don't know if that's true but that's been in the news reports but none of them were flagged as far as we know of the 19.

Senator BOXER. I'm just getting at a different point. I'm getting at a point in keeping them out of the flight schools. For example, when someone comes in and says, I don't want to learn to land and I don't want to learn how to take off, I just want to know how to steer, we ought to now know that that's something that we need to think about but, frankly, some of these people, we know that would never have gotten into these flight schools if they had to go through some kind of law enforcement check. Could I ask that last question. Could each of you give me don't pass the buck here please. What do you think and this is just a personal opinion. I'm not asking you to speak for anybody else. What could we do in this bill because frankly, Mr. Chairman, you're going to have to lead us. I'm sad to say that's what I think is going to have to happen. Now, why do I say I'm sad. Because what I heard before is, and I love them, a lot of holding back. I don't think we can hold back. I talked to too many people who were directly affected. I'm worried about them dealing with this, coping with this and I'm worried about our economic future when you need to get people. So, you're going to have to do this. So, I wonder if each of you can give me your top issues that you think we could do to make things safer, to restore confidence in the public. Top one, top two, top three or just top one. Let's start with Mr. Meenan.

Mr. MEENAN. Senator, I think first of all, as we've said, we think that federalizing the system is the place to start.

Senator BOXER. Federalizing the safety.

Mr. MEENAN. The safety and security system. That probably needs some further exploration because rather than creating a traditional new federal organization, maybe there's a way to do it through some kind of government cooperation. Other kinds of mechanisms that might make more sense, but we've got to deal effectively with that safety issue in order to assure the public that it is safe to fly. I think the second two things are, somewhat off the subject and more pertinent to this afternoon, we've got to assure the stability, the financial stability of the airline industry because if they start falling, we're going to have even more problems on our hands and therefore, there is a dying, crying need for major cash infusion and loan guarantees as well as steps to be taken to deal with the liability concerns and the insurance issues that have arisen out of the incident of last week.

Senator BOXER. Okay, very good. Captain?

Mr. WOERTH. I think the most important thing we can do to install public confidence and have a secure system now is to have the public believe and have it be true that the cockpit is a fortress, that that cockpit door is going to be so secure and designed so well that it cannot be penetrated and with the additional federal marshals

on the airplane, that there is somebody who can take care of the cabin. When the public knows that, believes that, and it's true, we're going to have our airline system back. We're going to have our economy back.

Senator BOXER. Thank you. Mr. Barclay.

Mr. BARCLAY. I think I've got to give you four. We need to put more security on the airplane and I'll leave that to Duane to figure out. We need to professionalize the screeners in some federal sense or local law enforcement. We need to harden the perimeter of airports, both the perimeter of the entire airport and the perimeter around aircraft and I think finally, there's a fourth one that hasn't been talked about too much. The failure of our system was that we set up a system to catch criminals and rational people and one individual crazy. We didn't set up a security system in aviation to catch a special ops team of suicide pilots trained to do this and trained to try to get around anything we were doing. So, that's why it's a new day. We are now in almost a semi-military operation of defense and we have to account for that. Part of that will be we were, in any system we were out there on Monday that out of 670 million passengers, we were looking for 18 suicide pilots who were trying to hid from us and they got on as regular passengers with the crudest of weapons and they wanted to use the airplane as a bomb. It was an almost unimaginable scenario. We now know it is imaginable. Knowledge is one of the most powerful weapons they carried on that airplane with them. What they were going to do the fourth airplane showed that once everybody knew what they were going to do, it wasn't going to work. So, we need to narrow that pool of 670 million. Of the 670 million, about 90 million people who travel in the system are foreign nationals. We need to in a military operation we need to if we're going to fish for some of these folks, we need to make the ocean smaller and I think there are a number of things where we can use technology. We can use screening one time for people who want to volunteer for it because they travel a lot and then biometrics to make sure they are who they say they are when they're going through so we can focus our resources on the people we don't know traveling in the system and the people who are more dangerous potentially.

Senator BOXER. Good. Mr. Dillingham.

Mr. DILLINGHAM. Senator Boxer, I think the initiatives that have been put in place since September 11th are sort of the immediate, and we should maintain those as we move towards a different paradigm for aviation security, in aviation security beyond just screening. Our work has shown that there are many gaps in the aviation security system from the outside to the ATC system just across the board. I think from that point, the point was made earlier on that once the bad guys are on the plane, you've almost lost the battle. There is a system in place, computer assisted passenger, CAPS is what it's called. And what it does is it, based on certain characteristics, it triggers extra scrutiny for the passenger. There are a number of criteria but can't be spoken about but to my knowledge, that database is not linked to law enforcement databases. It is not linked to those lists that other law enforcement agencies have so that a bad guy can get an airplane ticket and no one knows who

that person is. It doesn't have to be that way. That needs to be done right away. And last.

Senator BOXER. That's an excellent idea. I'd not heard that before.

Mr. DILLINGHAM. It's clearly something that can be done quickly. There are some issues that have to be worked but like I say, we're in a sea change now and again, we support a new paradigm for aviation screening and security all the way around.

Senator BOXER. Mr. Hudson.

Mr. HUDSON. Senator, I have a number of things in my testimony but I'll boil it down to just one thing. Secure the cockpits. Do that in a matter of days, not weeks or months and if you do that, other things will start to fall into place and the system will recover. If you don't do that, Lord knows what is going to happen. We need, in our estimation, 30,000 temporary air marshals. We have approximately one million law enforcement and police officers in this country, 2 million in the military. I'm told by the FAA it would give them one to three days of training to do this. We need to do it now. Not talk about well, maybe in the future, maybe on some random basis, etc., etc., The passengers will start to come back. If you don't do that, I fear that we're in a very bad spiral.

Senator BOXER. Mr. Hudson, I could not agree with you more. Matter of fact, God bless you for saying that. I just think this panel has given us a roadmap and I hope that we'll be able to convince our colleagues to take it, follow it, because I think if we follow them, we're going to be okay.

The CHAIRMAN. I agree 100 percent and I thank also Mr. Hudson and each of the panelists. When I invited the Secretary of Transportation last week I said, now, don't wait for hearings. I said I'm not trying to get hearings. I'm trying to get results. Some of the things are obvious. For one, the federalization, I want the panel to know I've been fighting a rear guard action to keep them from privatizing the controllers. You're not going to hear anybody put in a bill to privatize the controllers any more and I've been fighting. We had Secretary Pena with all these other secretaries, Secretary Card, all of them came up and said, federalize it and I've been fighting it for years. And Mr. Barclay, yes, they have thought of it. Tom Clancy, the famous mystery writer. He wrote a book five years ago, I think, *A Rising Sun*, or something that went right straight into the Capitol during a joint session and the President, the Vice President, the entire Congress was gone and a certain fellow took over the government and that kind of thing. I don't speak fancifully. The truth of the matter is this is the greatest intelligence failure we've ever had in history, in the history of our government. Terrorists took and blew up the World Trade Center eight years ago, killed six or eight people. I know they injured thousands. Thereafter, we had the Mogadishu and the same fellow tells us about it in Somalia. We had the proposition of the barracks there in Saudi Arabia and bin Laden bragged about it. Then we have the embassies in Kenya and in Tanzania and he said, whoopee then. Then he blew up the *USS Cole* just last October and said all year long, here in the year 2001, he had been saying, let's wait, we've got coming events. It's going to be a greater thing happening and I don't know how you ever get the attention of that crowd. And

don't get me started on it. They want analysts now. I want cold intelligence. You've got to infiltrate. This war has got to be fought not in uniform but in raggedy clothes and without publicity. How you route them out and everything else like that. It is not a military action but in any event, you folks have been very patient. You favored the committee and I wanted to give you a chance going down the list just somewhat like Senator Boxer. If you've got anything you want to comment about that you've heard here this morning or that we ought to know about, we've got your statements. But, Mr. Meenan, did you want to make any comment? I don't want you to go over here and say, we waited all morning long and the fellow wouldn't even allow me to say what I wanted to say.

Mr. MEENAN. Senator, I think we have covered the issues pretty thoroughly this morning. As I said to Senator Boxer, I think the important things to do now are to deal with these security issues. The whole panoply of issues we've heard about and the best place to start that is with the federal government inserting itself because we need the majesty of the United States to deal with this issue. Secondly, we need to save the airline industry because if we don't, it is not going to be around to have any of this make any difference.

The CHAIRMAN. There isn't any question. That's why we've got a hearing here in less than an hour and it's very important and you've got to make a judgment up front if we're going to save the airlines and we're going to cap it off for the airlines at a certain level. Otherwise, we're going to get into a limbo of everything that is coming up. Well, you've got to save this. We've got to save them in the first original instance. It is not just trial lawyers. It's corporate lawyers subrogated. Two big towers full of business executive, Mr. Barclay and with those lawyers, I know. I can give you a personal story about it but in any event, they're not going to think they're worth their pee unless they stop bringing claims and everything else. So, we've got to cap it off but Captain Woerth, do you have a comment?

Mr. WOERTH. I would like to emphasize, if it wasn't obvious in our testimony, the questions here we talked a lot about passenger aircraft and you made a point that it's not just passenger aircraft. I want to emphasize that that was on a United Flight and an American Flight. It could just as easily been Federal Express or UPS or DHL and our cargo pilots and our cargo system and everything to do with cargo needs the same level of scrutiny if this threat is going to be stopped with aviation. So cargo is every bit as important as the passenger aircraft.

The CHAIRMAN. Very good. Mr. Barclay.

Mr. BARCLAY. Well, thank you and the security and safety has got to come first. Second, you just asked the Committee that since you're moving right into the other hearing, please keep in mind that airports, airlines have symbiotic relationship and the same thing that's happening to the airlines is happening out there at the airports. The costs have shot up to meet emergency regulations. The revenues are down and those local governments are struggling with trying to provide the new security. So, if you keep that in mind in the bills you put together, we would appreciate it.

The CHAIRMAN. You're right. We have taken the poor sky cap at the curbside check in and put him on the bread line. Mr. Dillingham.

Mr. DILLINGHAM. Mr. Chairman, again, security is more than screeners and we also would like to suggest that now that we're going to be considering in your next panel finance related to airlines that this is an opportune time to think about the financing of the security aspect of it as well. And, again, as so many people have mentioned, if we can break the cycle and not come back again, it would be a good thing.

The CHAIRMAN. Thank you very much. Mr. Hudson.

Mr. HUDSON. Mr. Chairman, I would just ask you to remember when you hear as we did a little bit this morning the calls to return to normalcy, the calls to relax security over what we had in the last week. Normalcy in the past has always meant return to complacency and vulnerability. We cannot let that happen again. Secondly, I'd ask you to keep in mind that normalcy in wartime is very different than normalcy in peacetime. We are essentially in a wartime situation and we have to change our mindset to reorient to that. Thank you

The CHAIRMAN. Well, let me thank the panel very, very much on behalf of the Committee and the Committee will be in recess subject to the two o'clock call hearing this afternoon.

[The hearing was adjourned at 1:20 p.m.]