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AIRLINE SECURITY

JOINT HEARING

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

AND THE

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

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AIRLINE SECURITY

THURSDAY, SEPTEMBER 20, 2001

U.S. SENATE, SUBCOMMITTEE ON TRANSPORTATION, COMMITTEE ON APPROPRIATIONS; JOINTLY WITH HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON TRANSPORTATION, COMMITTEE ON APPROPRIATIONS,

Washington, DC.

The subcommittees met at 2:10 p.m., in room SD–106, Dirksen Senate Office Building, Hon. Patty Murray (chairman of the Senate subcommittee) and Hon. Hal Rogers (chairman of the House subcommittee) presiding.

Present from the Senate committee: Senators Murray (presiding), Byrd, Kohl, Durbin, Specter, Bond, Stevens, Hutchison, and Domenici.

Present from the House committee: Representatives Rogers, Young, Wolf, Callahan, Tiahrt, Aderholt, Granger, Emerson, Sweeney, Sabo, Obey, Olver, Pastor, Kilpatrick, and Serrano.

OPENING STATEMENT OF SENATOR PATTY MURRAY

Senator MURRAY. Good afternoon. This joint committee will come to order. We are meeting today under extraordinary circumstances. Our country has been attacked. Our people are in mourning and our Nation is preparing for a long battle against terrorism. There is little we can say today to bring comfort to those who lost friends and loved ones in the attack on September 11. Our thoughts and prayers are with all of the victims, their families and their friends. We are all grateful to the rescue workers and relief organizations who are containing the damage and comforting the affected, and we are grateful to the military families of our Nation who may be called on to protect and defend us in the coming months.

In the past few days, I have been struck by how all Americans have come together to show our national unity. At this hearing we have Democrats and Republicans from the House and from the Senate, all coming together to improve aviation safety, and I just want to add that, whatever the coming days may bring, we have got to hold on to this sense of unity we have discovered in the past 9 days.

Because the attacks were launched from our Nation's own transportation system, today we have brought together the Transportation Subcommittees of the House and the Senate for the first joint hearing in recent memory. I want to thank Chairman Rogers especially for recommending that we do this hearing jointly, and I welcome the leadership of the chairman and all of our colleagues from the House.

The terrorist attacks have revealed gaping holes in our transportation system and in our intelligence-gathering system. My purpose in calling this hearing is not to place blame on any one individual or agency. I want to be very clear that there were many failures here. We are not here to blame those workers who operate X-ray machines or screen passengers. We also had a failure of our intelligence system, on which we spend billions and billions of dollars each year. We cannot expect an $8 an hour security screener to foil an attack that a multi-billion dollar intelligence system could not prevent. Those airport security workers are no more responsible than the airlines that hired them, and the airlines are no more to blame than the FAA for allowing a vulnerable system to persist. Similarly, I do not believe the FAA is any more responsible than the intelligence agencies that are charged with monitoring suspected terrorists and thwarting their efforts.

On Monday I met with a number of security screeners in Seattle. I was impressed by their dedication, but I am concerned about the lack of consistent standards, training, and experience throughout each airport and throughout our country. For too long, we have focused on how to do security inexpensively. From now on we have to focus on how to do it well.

In truth, these workers are just part of our transportation system. From the airport parking garage to the turnoff, from the gate to the cockpit, and from the tower to the cabin, thousands of people are responsible for our safety when we step on an airplane. These are human beings, and they are making decisions about safety and security in a fast-moving environment, with little margin for error.

I want to make sure that those workers have the most experience and best training possible, because our transportation security system is only as strong as its weakest link.

As we have all seen in this past week, the aviation industry is a key part of our economy, a part that we cannot allow madmen to shut down. We must be safe, but we must also keep our transportation system running efficiently. In recent days, airlines and suppliers have cut service and laid off employees. The Boeing Company has just announced it is laying off as many as 30,000 employees because aircraft orders have been cancelled or delayed.

I am vigorously supporting efforts to help the ailing aviation industry and its workers. As chairman of this subcommittee, I will work to make sure that the funding is there both to get this critical industry back on its feet and to make our aviation system once again the safest in the world.

We called this hearing today to answer these two questions: Is it safe to fly today, and what steps must we take to prevent future tragedies? To answer these questions, we have this afternoon both Secretary of Transportation Norman Mineta and FAA Administrator Jane Garvey. We also have testimony from the DOT Inspector General and the General Accounting Office, which both have done extensive work in this arena. We will also have a representative from the Boeing Company to discuss specific issues of securing cockpit doors and the safety tradeoffs that come with that enhanced security measure. With the help of our witnesses today, we will take the lessons of this tragedy and turn them into safer airports and safer travel.

Because we have a large number of colleagues here today, I will call on our chairmen and ranking members of the full committee and subcommittee for opening statements. Then we will have the testimony from all of our witnesses, and then each member that is here will have an opportunity to make a statement as they ask their questions after the testimony from our witnesses today.

Chairman Rogers, thank you so much for joining us here today, and please join me with your opening statement.

STATEMENT OF CONGRESSMAN HAROLD ROGERS

Chairman ROGERS. Thank you very much, Madam Chairman. First, I would like to thank Senator Murray and ranking member Shelby for agreeing to this joint hearing today. There will be many hearings in the aftermath of September 11, but this is the first one that shows the unity of both Houses of Congress and both political parties. This is the first bipartisan, bicameral hearing on the crucial subject of aviation security.

We stand united before the American people today to create a stronger front against terrorism. We will do our part on these subcommittees and do it quickly. We will ensure that the Nation's security is fortified and that the American people are assured of their safety as they return to our aviation system.

First, we need to recognize and applaud the extraordinary effort being made by the Secretary, the FAA Administrator, and the thousands of departmental employees who are addressing this crisis. We need to recognize the hard work of our air traffic controllers on September 11 who helped guide thousands of aircraft with tens of thousands of people to the ground quickly amidst the most confusing and harrowing circumstances.

My own view is that many lives were saved by that step, and I congratulate, Mr. Secretary, you and the Administrator particularly for that decision. We all owe all of the employees a big debt and the American people should be proud of the job you are doing on their behalf.

Transportation, as Senator Murray has said, is critical to the Nation's economy. Already we are seeing the economic side effects spreading throughout the Nation. Turmoil in the airline industry leads to cancelled orders for aircraft. That in turn causes cancelled orders for aircraft engines, avionics, and other critical parts. When transportation suffers, the retail, conference and tourism sectors are also equally damaged.

Terrorist organizations, of course, know this. They know the importance of the air transportation system, as the events of September 11 have so dramatically revealed. We must get our transportation networks and transportation industries back on their feet. We must show these organizations that we will not be defeated by these heinous acts.

It is important to look backward to find the holes in our safety net and patch them up. But we must remember that this type of attack has never occurred before. Never has someone used a commercial airliner to deliberately create destruction on the ground, to strike the national symbols and infrastructure of a country.

Since this was an attack using our own transportation system, it is urgent that our particular subcommittees focus on immediate

preparedness. This must include a review of current security programs and their effectiveness as a starting point for a coordinated plan of improvements.

But we must also be inspired to be creative, innovative, daring. We must think of new ways of doing business and develop breakthroughs to meet this threat to our Nation and to our way of life.

Personally, I am focusing on improving three areas of our aviation security posture. I hope the witnesses will address these issues today. I am sure you will. First, of course, the sky marshal program. We must employ sky marshals, as I know we already are, and do it as quickly as possible.

Second, we must secure the cockpit against intrusion by hijackers and deprive them of the capability of using the aircraft as a guided missile, and develop clear procedures to prevent cockpit takeover.

Third, we must find ways to improve security on the ground, including passenger screening and unauthorized access to airport operating areas on the tarmac.

For the good of the Nation, we must all continue to work together. Other committees must work together even as we are. Federal agencies must coordinate, communicate, cooperate for the security of our people. We can do this, we can accomplish this. The American people deserve it and the urgency of our situation demands it.

Thank you.

Senator MURRAY. Thank you, Mr. Chairman.

The ranking member of the Senate Transportation Committee, Senator Shelby, is unable to be here at this moment. Without objection, I will include his statement in the record along with a statement from Senator Campbell.

[The statements follow:]

PREPARED STATEMENT OF SENATOR RICHARD C. SHELBY

Madame Chairwoman. I thank you for holding this hearing and thank the witnesses for making themselves available during a very tragic and stressful time. I do have a number of questions that I will submit for the record, but I would like to make a few comments and observations about the tragic events that occurred on September 11th and about some of the issues and areas that I would encourage you to focus on during this critical response and recovery period.

But before we get to that, we now know that on September 11th, a group of the passengers on United flight 93, the ill-fated flight that crashed in Pennsylvania, in the ultimate act of self-sacrifice and heroism appear to have rushed the cockpit and thwarted the terrorists aboard that flight from inflicting additional damage and loss on this great nation. Without doubt, those fathers, mothers, husbands and wives—patriots one and all—saved the lives of hundreds of Americans wherever that aircraft was targeted. That was an extraordinary act. They understood what was happening and that they would probably never again see their loved ones; but they acted heroically and, in sacrificing their own lives and dreams, probably saved the lives of hundreds of their fellow citizens.

This nation owes them a debt of honor and gratitude that is hard to articulate. They deserve our recognition and our commitment that we will meet, address, and repel the threat that forced them to pay so great a price. They were among the many Americans in New York, Virginia, Pennsylvania, and around the nation who acted courageously during and in the aftermath of the terrorist attack on September 11th. They brought honor to all who love this country and what it represents. They are what America is all about. These were not warriors or law enforcement officials. You might say that they were neighbors, members of parishes, or people we might meet in our grocery stores. They were just "average" Americans. And the world should wonder and our enemies should tremble at their mettle.

As devastating as the heinous act of September 11th was, and as incalculable as the pain, disruption, and loss inflicted upon the victims at the World Trade Center, the Pentagon, and on onboard the four hijacked United and American flights was, America and our very way of life we cherish will endure. No one can make right the loss that the families, the co-workers, the friends and loved ones of the victims suffered because of these despicable acts. But endure we must and endure we will. I know that all of us here today and across this great nation reflect and pray every day for the aggrieved and the fallen.

Madame Chairwoman, Chairman Rodgers, Secretary Mineta, and Administrator Garvey, we must take every step to assure the nation that this tragedy cannot be repeated. That is a tall order. I commend to your attention the comments made by the pilot of United flight 564 on Saturday, September 15th to the passengers aboard that flight after the doors closed and as they prepared to depart from Denver International Airport. He said: "I want to thank you brave folks for coming out today. We don't have any new instructions from the Federal government, so from now on we're on our own." (He explained that airport security measures had pretty much solved the problem of firearms being carried aboard, but not weapons of the type the terrorists apparently used, plastic knives or those fashioned from wood or ceramics.)

He continued: "Sometimes a potential hijacker will announce that he has a bomb. There are no bombs on this aircraft and if someone were to get up and make that claim, don't believe him. If someone were to stand up, brandish something such as a plastic knife and say, 'This is a hijacking' or words to that effect, here is what you should do: Every one of you should stand up and immediately throw things at that person—pillows, books, magazines, eyeglasses, shoes—anything that will throw him off balance and distract his attention. If he has a confederate or two, do the same with them. Most important: get a blanket over him, then wrestle him to the floor and keep him there. We'll land the plane at the nearest airport and the authorities will take it from there.

"Remember, there will be one of him and maybe a few confederates, but there are 200 of you. You can overwhelm them.

"The Declaration of Independence say, 'We, the people . . .' and that's just what it is when we're up in the air: we, the people, vs. Would-be terrorists. I don't think we are going to have any such problem today or tomorrow or for a while, but some time down the road, it is going to happen again and I want you to know what to do.

"Now, since we're a family for the next few hours, I'll ask you to turn to the person next to you, introduce yourself, tell them a little about yourself and ask them to do the same."

Madame Chairwoman. This sounds sensible to me. That pilot's guidance is serious, but these are serious times. Americans are a people who empower themselves to do great things. We should not delude ourselves into thinking that simple pronouncements from the FAA, with all due respect, or tweaks to the Federal Aviation Regulations will allow us to sleep comfortably on transcontinental flights. It is all of our responsibility to ensure the safety of our airways. The passengers aboard United flight 93 knew that instinctively. The pilot on Saturday's flight out of Denver merely reminds of it.

Accordingly, as we review and reform our safety and security procedures, we must ask a simply question: will the actions and initiatives we undertake have prevented the recent terrorist attacks and will they prevent other acts by these barbaric thugs.

Mr. Secretary and Madame Administrator. Our actions must be meaningful, effective, and they must restore the confidence of the American public in the integrity and safety of our transportation systems. If there ever were a time for bold and aggressive steps to improve the safety of our transportation systems, now is that time. I believe—no, I know—that this Congress and the American people will accept and embrace meaningful steps toward that end. We only need look at the full measure of sacrifice made by the passengers aboard United flight 93 to know the depths of our responsibility, and I am heartened by the fact that I know that same spirit is aboard every plane in the sky.

I thank the Chair.

PREPARED STATEMENT OF SENATOR BEN NIGHTHORSE CAMPBELL

Thank you Chairmen Murray and Rogers for holding this important and timely joint-subcommittee hearing.

First of all, I want to express my sincere sympathy to the family members and friends of the thousands of victims of September 11th. Those tragic events are fixed

in our minds and in our hearts, and we are all anxious about the future, but we must move as quickly as possible to ascertain our security deficiencies and prevent such events from ever happening again.

For the past several years, this subcommittee has been concerned with chronic airline cancellations and delays and with the inadequate communication systems in place for reporting such incidents. Each year, constituents have complained by the thousands, but representatives from the airline industry have pointed fingers at one another without much progress being made. Finally, when we were faced with the ultimate need for an industry-wide communication system, the already inadequate system failed miserably.

Additionally, this committee has continually been concerned with security measures at airports and in the air. In my opinion, the lack of adequate security industry-wide has been appalling. Four-inch knives were allowed on planes, security personnel, sometimes folks who do not have a command of the English language, are contracted out by the airlines to the lowest bidder, and cockpit doors are so flimsy that you can kick them in—but you don't need to, because the pilots and crew go in and out during flight. None of this may have been against regulations, but someone should have anticipated that these regulations were completely inadequate to secure public safety. In fact, Mary Schiavo, former Department of Transportation Inspector General has been warning the FAA and the public for years of such dangers. She was responsible for conducting security tests from 1990–1996 and I think it's high time we listen to her and others, including pilots, crew and passengers about any and all security concerns.

We all understand that the airlines must be profitable, but the FAA and the airline industry should be put on notice that the public and Congress are demanding real solutions for serious problems. We want to keep the airline industry safe and financially healthy, because this nation depends so heavily on the services they provide. But today I say to everyone, the continued profitability of the airline industry will not come at the expense of the safety of every American who steps aboard an airplane.

On behalf of all Americans, I demand that we move past the deft deflection of responsibility and do whatever it takes to make certain that security measures are updated and strictly enforced and that the communications systems between the towers, air traffic controllers, the airlines, federal agencies, and ultimately the passengers are fully integrated.

We can and must offer financial support of the airline industry in light of the recent attacks, but that does not mean that emergency financial support comes without our demands the industry improve. Our safety cannot and will not be dependent on the professionalism of minimum-wage employees.

Thank you, Madam Chairman, Mr. Chairman. I look forward to hearing the witness's testimony and their answers to questions and to hear precisely what steps the airline industry intends to make in this regard.

Senator MURRAY. I will turn to the ranking member of the House Subcommittee on Transportation, Representative Sabo.

STATEMENT OF CONGRESSMAN MARTIN OLAV SABO

Mr. SABO. Thank you, Madam Chairman. We are here in response to the devastating acts of terrorists in New York, Washington, and Pennsylvania last week and to evaluate measures necessary to assure civil aviation's security and restore public confidence in air travel. First, I extend my deepest sympathies to the victims and their families. The human losses and senseless destruction are incomprehensible.

I also commend the heroic acts of public servants and private citizens to address the crisis as it was happening, to work hard to rescue victims, and to continue to conduct rescue and recovery operations.

As we begin this hearing, I hope we will proceed with cool and clear heads, focusing first on the appropriate short-term actions we must take now to heighten aviation security. We must also commit to carefully thinking through the longer-term measures needed to

maintain security in air travel and across other transportation modes.

Thank you.

Senator MURRAY. Chairman Byrd.

STATEMENT OF SENATOR ROBERT C. BYRD

Senator BYRD. Thank you, Madam Chairman. I commend you for calling this hearing today. I welcome Chairman Rogers, Mr. Sabo, and our other colleagues. Especially I welcome Mr. Obey and my bosom friend Ted Stevens. I also welcome Secretary Mineta, FAA Administrator Garvey, and other witnesses here this afternoon.

It is most appropriate that this hearing take the form of a joint hearing between the House and Senate. Secretary Mineta, what you see is a bipartisan and bicameral committee ready, willing, and able to help. Just 72 hours after the tragic events of September 11, the Congress demonstrated its ability to respond and to respond quickly by appropriating $40 billion to address the crisis, not a small amount by any means, $40 for every minute since Jesus Christ was born.

That supplemental appropriation bill provided $40 billion for five stated purposes, one of which was to improve aviation security. The House and Senate Appropriations Committees have been funding the Department of Transportation's initiatives in the area of aviation security for years. We have met or exceeded the administration's request, including a substantial increase in funds that were sought after Pan Am Flight 103 exploded over Lockerbie, Scotland, and when TWA Flight 800 exploded over the Atlantic Ocean.

Over the years, at the request of current and prior administrations, we have provided billions of dollars for the deployment of explosive detection systems and for the hiring of hundreds of security inspectors stationed at airports across the country and abroad. Clearly, however, the DOT's efforts in this area have been misguided to a certain extent. At a minimum, they were directed only at one portion of the threat, because just last week four teams of terrorists permeated our aviation security measures with apparent ease and triggered the most horrifying series of events witnessed in our country since the invasion of the United States at Pearl Harbor.

As an immediate step to accompany the reopening of the air traffic control system, the FAA has imposed new safety requirements. If we want a safe and efficient air transportation system, we are going to need to step up to these and other requirements. Some of those requirements will bear a considerable cost and we should have an honest and straightforward discussion of how we expect to pay for these new requirements.

For example, I have heard one proposal that would take all the personnel that worked at security checkpoints and make them Federal employees. That proposal would relieve the airlines of at least a billion dollars of cost every year and transfer that amount or more onto the taxpayers. If that is what is necessary to ensure that we have effective safety at the checkpoints, then we should do it. But 5 or 10 years from now, when attention to this tragedy may have faded a bit, I hope that we will not hear repeated calls to shrink the size of the Federal Government.

In addressing the costs of these new security procedures, I am particularly concerned about the burden that will be placed on the Nation's smaller airports, airports like the ones we have in Bluefield, Clarksburg, Beckley, Parkersburg, West Virginia. These airports have had modest operating budgets. Just the interim security enhancements that were ordered by the FAA last week will work a hardship on these small airports.

This is not to be unexpected, but as we look at the costs that are incumbent on us to improve aviation safety we must recognize the needs of the smaller and more remote outposts of the aviation network.

Separate from the issue of whether emergency funding is needed for airports, I am aware of proposals to provide very sizable appropriations of direct grant assistance to bail out the airlines. The airline industry is essential to this Nation's commerce, producing about $125 billion annually and creating work for manufacturers and other companies. The Federal Government cannot allow this industry to fold without seriously disrupting the U.S. economy and I am fully aware of that, fully supportive of doing whatever needs to be done to keep that from happening.

But if we have now reached the point that this industry must live off the generosity of the U.S. taxpayer, then I think we have a responsibility to ensure that the taxpayers are well served. I am thinking particularly about our constituents that live in smaller cities and towns in rural America. Ever since we deregulated the airlines in 1978, these citizens have been asked to pay through the nose for infrequent and in most instances quite poor air service.

Now, at the same time that the airlines are cutting back service to some cities and eliminating service to others, they are asking for a Federal bailout. I am not necessarily against providing some measured assistance to pump some fresh blood into the airlines. But I must ask, how will we ensure that the airlines are accountable with the taxpayers' money?

I must also ask whether we need to look at re-regulating the airlines to ensure that all taxpayers, not just those in the big cities—and I have nothing against those in the big cities, but not just those in the big cities—get their money's worth.

During a time of war, we should require that there be air service to all parts of America to ensure that there is mobility for all Americans.

Mr. Secretary, I was the Majority Leader in 1978 when we deregulated the airlines, and in sackcloth and ashes I have wept and kicked myself repeatedly over the years since 1978 for going along with deregulation of the airlines. Why? Because the big airlines pulled out of West Virginia as soon as we deregulated the airlines. They left us hanging without adequate service, and then they gouged the taxpayers in these rural communities for service.

We pay—I can get the figures; you have them—$600, $700 for a round trip ticket to Charleston, West Virginia. It is unfair. The airlines provide service to London and back in many instances for less money than they require from the coal miner, the steel worker, the farmer, the school teacher, the little people, if we might call them little, in West Virginia and in other rural communities.

Now, I am going to ask these airlines, you can believe that, because some of this money is going to flow through the Appropriations Committee, what are you going to do for our little people, if you want to call them little? We have been treated like little people and we are tired of it, and I am seething, seething with anger at myself for voting for deregulation.

Now there has come a time when you, the airlines, need help. I am going to be there to help you. I want to help you, because we are all in this boat together. But I am going to ask you some questions about what kind of service you are going to give us, the people in the rural communities all over America.

Thank you. Thank you, our witnesses.

Thank you, Madam Chair.

Senator MURRAY. Thank you, Mr. Chairman.

Senator Stevens.

STATEMENT OF SENATOR TED STEVENS

Senator STEVENS. Thank you very much, Madam Chairman. In the interest of time, I would like to have my statement appear in the record.

Just two comments. One, I am certain our two committees, the House and Senate Appropriations Committees, will provide the funds to restore and repair the critical transportation services of our country, not just the airlines, but also the rail and port facilities, pipeline and highway facilities. They all must be looked at as far as security is concerned.

Secondly, I want to say, as I said this morning, our two witnesses here probably deserve greater recognition than anyone could realize, because between them they ordered the airplanes to come to the ground. That probably contained other terrorists who would have wreaked great damage, not only in the country, but particularly right here in this city. I hope, Mr. Mineta, you relate, as you did this morning, how you came to that conclusion. And he came to it very fast, because there were planes that were in the air or on the taxi strip that could have caused us all great harm had he not taken that action.

I again publicly congratulate him, and I think we are very, very privileged to have two people such as Secretary Mineta and Administrator Garvey to head this team for us in terms of this subject, and in particular its impact and implications for general aviation and commercial aviation.

Thank you very much.

Senator MURRAY. Representative Obey.

STATEMENT OF CONGRESSMAN DAVID R. OBEY

Mr. OBEY. I thank the chair for calling these hearings, and I agree with much that Senator Byrd and Senator Stevens have said. Today we simply need information. We need action. It would be nice if that action is accompanied by some thought. We also need a sense of balance. We do not need scapegoats.

Members of Congress are going to have plenty of time to make their views known on this subject. Today we need to hear the witnesses. We do not need any opening statement from me. I think we just need to get on to the testimony.

Senator MURRAY. Thank you very much.

We will now turn to our witnesses that are here today. Secretary Mineta, we will begin with you.

STATEMENT OF NORMAN Y. MINETA, SECRETARY OF TRANSPORTATION, OFFICE OF THE SECRETARY, DEPARTMENT OF TRANSPORTATION

ACCOMPANIED BY MICHAEL JACKSON, DEPUTY SECRETARY, OFFICE OF THE SECRETARY, DEPARTMENT OF TRANSPORTATION

Secretary MINETA. Chairman Murray, Chairman Rogers, Chairman Byrd, Senator Stevens, Congressman Sabo, and Congressman Obey, and members of the two Transportation Appropriations Subcommittees: It is with both sadness and resolve that Administrator Garvey and I appear before you today. I join all Americans in my sadness and anger about the lives that were lost during the heinous, cowardly terrorist attack on September 11. 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 that we feel for the families and friends who lost loved ones, we will ensure public safety and protect economic vitality. While it may take time to recreate comfortable confidence in travel, I can assure this committee that we can and we will enjoy a transportation system that is safe, secure, and stable.

I want to also publicly express my gratitude and pride at the performance of the Department of Transportation's employees throughout the crisis. I would like to call particular attention to the professionalism displayed by the FAA, from Administrator Jane Garvey, Deputy Administrator Monte Belger, on down. The FAA has performed magnificently, as have crucial players in our Department, including the United States Coast Guard and all of those who work so well and who were well prepared in our Department of Transportation Crisis Management Center.

On the morning of Tuesday, September 11, I was having breakfast with the deputy prime minister of Belgium, Isabel Durant, who is also their minister of transport, and my chief of staff, John Flaherty, came in and said: Excuse me, Mr. Secretary; may I see you? So I excused myself and went into the office, and the television set was on. The first thing I see is smoke billowing from the World Trade Center building.

So he said: We don't know what it is. We think it might have been some sort of an explosion. So I said: Well, keep me posted, and I went back into the meeting with Mrs. Durant.

Around 5 or 6 minutes later, he came back in and said: Mr. Secretary, may I see you? So I came back out, and he said: It's been confirmed it is an airplane that went into the World Trade Center. And as I am sitting there watching the television, all of a sudden from the right came this grey object, and then all of a sudden this plume of orange smoke that came out from the other side of the building.

So I immediately went into the conference room and said to Mrs. Durant: You are going to have to excuse me; I am going to have to attend to some matters here. By that time I had been called by

the White House to come immediately to the White House, and I went over there, walked into the White House, went into the situation room, and was briefed by Dick Clark, a member of the staff of the National Security Council.

Then he said: You have got to join the Vice President over in the operations center. So I was escorted by the Secret Service over to the operations center.

You know, when one of something occurs it is an accident. When two of the same thing occur, it is a pattern. While we were in the operations center, we then heard about an explosion at the Pentagon. We thought we heard also that it might have been a helicopter. Then it became apparent it was an American Airlines air carrier that had gone into the Pentagon. But when you have three of the same thing occur, it is a pattern.

So immediately I called the FAA and I said: Get all the airplanes down right now. We do not know what is going on. All we are getting are, frankly, watching CNN, Fox, and other reports coming into the operations center. Well, at that point I believe there were a little over 4,500 aircraft in the air, and in less than 2 hours, 1 hour and 56 minutes, we were able to get every one of those airplanes down, due to the great professionalism of the air traffic controllers, flight deck crews, and pilots throughout the country.

All that we have learned since that fateful morning leaves me convinced that this unusual command 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, and the various modal administrations secured thousands of transportation facilities, and the United States Coast Guard secured our harbors and waterways while also readying its rescue operations.

HEIGHTENED SECURITY MEASURES

As we look into the future, the administration is already moving to restore public confidence in our transportation system and infrastructure. On September 11 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 safety of airline passengers as well as people on the ground.

As all of you are very well aware, all of the country's major airports, with the exception of the Ronald Reagan Washington National Airport, have resumed air service operations. We are working with the United States Secret Service, and they are considering the security implications of the reopening of Ronald Reagan National Airport.

Now, because safety is of paramount importance, I required that heightened security measures, including a thorough search and security check of all airplanes and airports, were to 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 to the ticket counters 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 exceptions.

Now, consistent with the strict security measures imposed upon startup last week, I announced on Sunday the creation of two rapid response teams, consisting of FAA employees, to offer specific recommendations to me for the further improvement of security within our national aviation 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. Their reports are due October 1 at the latest, and I am in touch just about daily with the work of those two rapid response teams.

Now, these internal teams will have input from a distinguished group of Americans with a wide range of expertise, and a key assignment to the airport security team is how best to increase the Federal role and presence in security screening. We are past the question of "whether" and are now focused on the question of "how".

Now, please note that the need for a broader perspective as we address both security and commerce is paramount. The events of September 11 have focused media and public attention almost exclusively on aviation, which is understandable. However, our departmental responsibility is to be equally concerned about other modes of transportation. 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 September 12, and we have 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 fact 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 crucial matter. Given the crucial role of air carriers and the role of terrorist attacks in this economic trauma, immediate action is mandated. Today we hope to be submitting a proposal that will include certain general principles and specifics, because we have been working on these issues urgently and intensely since last week. We have worked with airline CEO's, labor union leaders, and the financial community, and we have met with congressional leaders from both sides of the aisle last night, this morning, and these meetings are going on. Those meetings are continuing at this present time.

Now, the package at this point includes $3 billion for airlines to offset new costs for heightened and tightened security, $5 billion in direct economic relief, authorization for use of the war risk insurance program at the President's discretion in the domestic as well as in the international arena, and, fourth, limited modification to certain aspects of collateral liability in order to avert a near-term threat to continued availability of insurance.

These modifications will provide a brief time in which to resolve that threat for the longer term. Also, there has been a strong message of support from congressional leaders on both sides of the

aisle in both bodies of the United States Congress for some near-term financial support, and administration and congressional leaders are attempting to address these issues at this very moment.

Time is of the essence for these proposals, and therefore I hope that the measure that we offer up will move forward immediately. We would then have the time necessary to consider and consult with 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 thanks for the swift bipartisan action that you took last week to provide supplemental appropriations that helped get action under way 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.

PREPARED STATEMENT

Madam Chairwoman, I would like to ask unanimous consent that my full statement be made a part of the record.

Senator MURRAY. Without objection.

Thank you, Mr. Secretary.

[The statement follows:]

PREPARED STATEMENT OF NORMAN Y. MINETA

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 a 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 were 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 al-

most exclusively on aviation, which is understandable. Yet, as Vice President Cheney 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 an 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 which 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 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.

Senator MURRAY. Ms. Garvey.

STATEMENT OF JANE F. GARVEY, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Ms. GARVEY. Thank you. Madam Chair, Chairman Rogers, and Members of the Committee: It is an honor for me to be here today to appear before you. I would like to begin by joining the Secretary in offering my heartfelt condolences and prayers and those of everyone at the FAA to the family and friends of those who were lost last Tuesday. I know a number of you had constituents on several of those flights involved in the World Trade Center. I offer you our condolences as well.

I would also like to take a moment, if I could, to publicly express my profound gratitude to the staff of the FAA and in particular to the air traffic controllers. One editorial writer who traveled on a plane that morning wrote later that: "In a life and death situation that might have been even more catastrophic, the controllers, the systems people, the management supporting them, did their jobs and in so doing brought tens of thousands of Americans safely back to earth." It is a singular honor to associate myself with their professionalism today.

SECURITY MEASURES

As the Secretary has noted, in the aftermath of last Tuesday the President called on all Americans to begin to return to normal as quickly as possible. For those of us at the FAA, that has meant that we need to focus on two principal areas. One is to work with the airport community and with the airlines to put in place more stringent security measures. The Secretary has mentioned a number of those measures. Some of them are clearly visible to the traveling public; others are less so.

I would just add that one overriding principle for us was to create a series of redundancies in the system that would make the system even more secure. We are—and I know this has been mentioned by Chairman Rogers, so I do want to comment on the Federal air marshal program. We are enormously grateful to Congress. The money and the resources that you provided have allowed us to move forward very, very quickly to put in place more Federal air marshals. We think that is extraordinarily important. We are also deeply grateful to the Attorney General, who has come forward with a number of Treasury and Justice officials to help us in that program. We are very grateful for that.

SYSTEM EFFICIENCY

The second focus for us, of course, has been to restore the system. We have been doing that in a methodical and a very deliberate way and in very close daily collaboration with the aviation community and with the airport community. It began, of course, with the airlines by their systematic sweep of all the aircraft that were involved and on the ground. We worked very closely with the airports to bring those airports into full certification. We continue to do that. Every day there are more parts of the system that we want to open up and we will continue to do that on a daily basis.

As the Secretary has mentioned, the incidents of last week have really caused all of us—and I really mean all of us, the airlines, the airport operators, the public policymakers—to rethink the bal-

ance of responsibility for civil aviation security. It has changed the way we think. I think if you look at the security measures that we had in place, much of it was very much geared toward explosives, and we have had to really rethink and challenge every assumption that we had in place before September 11. We are doing that.

RAPID RESPONSE TEAM

That really leads me to my last point. I believe that the measures we have put in place are the right measures, but they are not the only measures. The Secretary spoke about the rapid response teams that we put in place last weekend. We are vigorously working those issues and we believe that those recommendations will allow us to move forward. I will only add that the direction that I have given to the staff based on my conversation with the Secretary is that this must be action-oriented, this must be viewed both in the short term and in the long term with some very specific action items that we can undertake.

Finally, Madam Chairman, if I could, let me just add that, like all Americans, there were moments last week when all of us at the FAA felt quiet moments of despair and to some degree desperation. There were some pretty tough moments in the operations center, but I have to say that even in those moments of despair there was an overarching sense of resolve. We are determined to do whatever it takes to work, if it means 24 hours a day as some people have been working, we are committed to restoring public confidence in the aviation system.

We thank you for your support and your confidence and your continued attention to this issue. Thank you.

Senator MURRAY. Thank you, Ms. Garvey.

Mr. Mead.

STATEMENT OF KENNETH M. MEAD, INSPECTOR GENERAL, OFFICE OF THE SECRETARY, DEPARTMENT OF TRANSPORTATION

Mr. MEAD. Thank you.

I think there are some things that get engraved in your mind, as in marble. I remember to this day President Kennedy getting shot and exactly what I was doing, and the day that the Challenger blew up, and now the World Trade Center and the Pentagon is forever embedded there. So I think I just wanted to start off my brief remarks by expressing sorrow to the many families who have lost loved ones as a result of the attacks of last week and my enormous regard for Secretary Mineta and Administrator Garvey and the many rescue and relief workers that have sacrificed so much over the past week.

I must say that Mr. Dillingham of GAO and ourselves in the Inspector General's Office have for at least a decade, perhaps a little more, made numerous recommendations for strengthening the aviation security system on a number of fronts. Reports showing vulnerabilities in the screening of passengers, checked and carry on baggage and cargo, access to security areas of the airport, and the issue of controlling airport identification badges.

Most recently, a private security company was placed on 36-month probation, ordered to pay over $1 million in fines for failing to conduct background checks, falsifying training records for em-

ployees entrusted with security screening at a major U.S. airport. As recently as Friday, we arrested 12 non-U.S. citizens for illegally obtaining airport access media or identification badges.

I wanted this subcommittee to know that we have temporarily detailed some of law enforcement staff to the Federal Air Marshal program. I think it is a very wise decision to beef up this program and make it more robust. I think that will go a long way toward restoring confidence and having a deterrent effect.

I think we all know that the events of last week show the need to tighten up aviation security, that there are vulnerabilities in it. But it is not going to be foolproof, especially when you have people who are willing to die in the commission of their criminal acts. That is why I think it is always important in discussions, on the subject of aviation security, to say why it is important to root out this terrorism to begin with, because it is going to be impossible to design a system that will be foolproof.

I would like to highlight two sets of issues. One has to do with the governance and organization of aviation security, how we deliver it in this country; and secondly, just highlight a few aviation security areas I think can be strengthened in addition to the measures that have already been put in place over the past week.

ORGANIZATION OF AVIATION SECURITY

Given the scope and complexity of the security challenge as we know it now, coupled with the longstanding history of problems with the aviation security program, I think the time has come to revisit the option of vesting governance of the program and responsibility for the provision of security in one Federal organization or not-for-profit Federal corporation.

It does not mean that everybody has to be a Federal employee, but it does mean a much more robust Federal presence and control. That entity would have security as its primary and central focus, profession, and mission. Under our current oversight system, we have asked FAA to oversee and regulate aviation security and those charged with providing the security, the airlines and the airports, themselves face other priorities, missions, and indeed in some cases competing economic pressures.

I think a centralized, consolidated approach with a security mission would require passenger and baggage screeners to have uniform, more rigorous training and performance standards applicable nationwide. I think that would result in more consistent security across this country and of higher quality.

You will not be able to do this overnight. A transition period would be required. So in the interim some measures have to be put in place to make the best of what we have and restore public confidence. I would just like to make a few points that weigh in this regard. Congress has put a lot of money into these explosive detection machines. I believe they are substantially underutilized. They continue to be substantially underutilized, and I think that we should immediately increase the utilization of these machines. They detect sophisticated explosives. They do a good job, I think, and now is the time to use them, even though it may mean some extra delay in checking in a passenger.

RECOMMENDATIONS TO ENHANCE AVIATION SECURITY

Screening checkpoint security. It is imperative that we get tougher standards out there for these screeners and soon, and that will probably have a resultant effect of increasing their pay somewhat. But that has been a problem going back 14 years.

Airport access controls. This is very important, too. This is where you do not go through the passenger screening station; instead, you go through a door. There is a technique called piggybacking, where a legitimate employee walks through the door and someone can follow that person right out, if they are not careful. So it is very important that we get tight security in the airport secure operations area.

PREPARED STATEMENT

I think also we should immediately begin doing criminal background checks on all employees at the airport and screeners, even those that have been employed for a while, in other words not just new employees.

Those are a few steps I think we can take in addition to the ones that are already in place. Thank you.

[The statement follows:]

PREPARED STATEMENT OF KENNETH M. MEAD

Chairpersons Murray and Rogers, Ranking Members Shelby and Sabo, and Members of the Subcommittees: We want to first express our sorrow to the many families who have lost or are missing loved ones as a result of the terrorist attacks last week. We also want to acknowledge the national response the President, Secretary Mineta, other Department heads, the Congress, law enforcement, and the many rescue and relief workers have taken regarding these attacks.

We have been reporting on aviation security for at least a decade and have made numerous recommendations for strengthening the system covering a broad range of issues within the security system—advanced security technologies, passenger and baggage screening, airport access control, and cargo security. In the last several years alone, we have issued reports showing vulnerabilities with screening of passengers; checked and carry-on baggage and cargo; access to secure areas of the airport; and issuing and controlling airport identification badges.

We also have conducted numerous criminal investigations resulting in prosecutions involving the falsification of airport identification, security screener training records, and background checks. Most recently, a private security company was placed on 36 months probation and ordered to pay over $1 million in fines and restitution for failing to conduct background checks and falsifying training records on employees staffing security checkpoints at a major U.S. airport. Also, since last Friday, we have arrested 12 non-U.S. citizens who illegally obtained security badges necessary to gain admittance to secure areas at another major U.S. airport. We would like the Subcommittees to know that we temporarily detailed some of our law enforcement staff to the Federal Air Marshal Program, and we are assisting the FBI in various aspects of its investigation.

The horror and tragedy of the September 11, 2001 terrorist attacks, with the loss of thousands of lives and the resultant economic damage, illustrates the vulnerability of the current security system. It also shows that our transportation systems, in this case aviation, can be used as a weapon against us. The aviation security system, as a vital national security interest, is a critical line of defense, but it is not foolproof, particularly against terrorists who are willing to die in their criminal schemes. This is why the effort to stop terrorist attacks along with the strengthening of transportation security is so important.

Also, public confidence in the security of the Nation's transportation systems, especially aviation, has been seriously damaged and needs to be restored. The President, Departments of Justice and Transportation and others already have a broad range of security measures underway to address this issue. One such measure is increasing the workforce in the Federal Air Marshall Program. Other additional measures currently in place at all the Nation's commercial airports include in-

creased security such as: eliminating curbside baggage check-in, intensified passenger and carry-on baggage screening at security checkpoints, and limiting access beyond the screening checkpoints to passengers with tickets or ticket confirmations.

Today, I would like to highlight some issues concerning governance and organizational structure of how to approach aviation security and then proceed to some specific areas that need to be strengthened. We will be sharing these points in detail with the Secretary's Rapid Response Teams.

GOVERNANCE, ORGANIZATION AND DELIVERY OF AVIATION SECURITY

The current U.S. system has a variety of organizations responsible for various elements of aviation security. Other Nations use models different from ours. In Belgium, France, and the United Kingdom, the airports are responsible for screening. In the Netherlands, the government is currently responsible for passenger screening, but employs a security company to conduct the screening operations.

Given the scope and complexity of the security challenge as we now know it, coupled with a longstanding history of problems with the aviation security program, we believe the time has come to consider the option of vesting governance of the program and responsibility for the provision of security in one Federal organization or not-for-profit Federal corporation. This entity would have security as its primary and central focus, profession, and mission. Under the current system, those charged with aviation security oversight and regulation (FAA) and those charged with providing the security (the airlines and airports) are themselves facing other priorities, missions, and, in some cases, competing economic pressures.

A centralized, consolidated approach by an organization with a security mission would require passenger and baggage screeners to have uniform, more rigorous training, and performance standards applicable nationwide. The employees of this entity would not necessarily need to be Federal employees, but would be required to meet established performance standards, and would be subject to termination if they do not perform. This should result in more consistent security at our Nation's airports.

A Federal organization or Federal corporation would be responsible for screening passengers, employees (anyone with access to the aircraft or secure areas of the airport), carry-on baggage, checked baggage, and cargo. It would also issue, control and account for identification media at airports nationwide; search aircraft and airport facilities with canine units; and manage airport access control systems. The organization could also include the current Federal Air Marshals; and could take over responsibility for developing, purchasing and deploying advanced security equipment, such as explosives detection equipment. The organization, not the airlines, FAA, or airports, would determine when the security equipment should be used to screen baggage and be responsible for the maintenance and upgrading of this equipment.

This entity would also be able to maintain close ties to the intelligence community, revise requirements or procedures without going through a lengthy rulemaking process, require employees to be U.S. citizens and have background and credit checks, and provide screening personnel better salaries and a career path.

Any change in the governance and organization of this system will require careful analysis, cannot be done overnight, and will require a transition period. In the interim, we must sustain the current system and improve security measures now in place.

CHANGES NEEDED TO SUPPLEMENT AND ENHANCE SECURITY ACTIONS ALREADY UNDERWAY

The aviation security system in place today is a layered system of systems in place at the Nation's airports. This system involves prescreening passengers at check-in; screening passengers' checked and carry-on baggage, and cargo at security control points in the airports; controlling access to secure areas of the airport; and restricting access to secure areas of the airport to unauthorized individuals.

Aviation security in the U.S. is also based on a system of shared responsibilities among FAA, air carriers, and airport operators. FAA is responsible for establishing and enforcing regulations, policies, and procedures; identifying potential threats and appropriate countermeasures; deploying Federal Air Marshals on selected U.S. air carrier flights; and providing overall guidance and oversight to ensure the security of passengers, crews, baggage, cargo, and aircraft. Air carriers are primarily responsible for applying security measures to passengers, crews, baggage, and cargo. This includes screening all passengers, and passengers' carry-on and checked baggage, which is usually performed by contractors. Airports, run by State or local government authorities, are responsible for the security of the airport environment and for

providing law enforcement support for implementation of air carrier and airport security measures.

The Department of Transportation's Office of Inspector General (OIG) and the General Accounting Office (GAO) have issued numerous reports identifying weaknesses in the aviation security system and recommending corrective actions. Many of these weaknesses are still present and need to be addressed without delay. The following paragraphs highlight those areas that need immediate attention by FAA. These areas include security of checked baggage, screening checkpoint security, cargo security, controlling access to secure areas of the airport, issuing airport identification, and the Federal Air Marshal Program. We will be providing this information to the Secretary's Rapid Response Teams.

SECURITY OF CHECKED BAGGAGE

Explosives detection equipment such as the CTX machine was developed to assist screeners in identifying threat items in passenger baggage. In our 1998 report on Deployment of Explosives Detection Equipment, we recommended that FAA develop a strategy to more effectively utilize the CTX machines and enhance screener performance. Recently, Congress passed the Aviation Security Improvement Act of 2000, which requires FAA to maximize the use of explosives detection equipment. Today, however CTX machines are still underused, and screeners' performance needs improvement.

FAA has taken action to increase utilization of bulk explosives detection machines. However, we do not accept the utilization goals that FAA has chosen. It is too low. Nor do we accept that FAA's goals are responsive to the requirements mandated in the Airport Security Improvement Act of 2000. The majority of the machines are still underutilized. A bulk explosives detection machine in use has an immediate, powerful, and visible deterrent effect on potential terrorist attack. One sitting idle does not.

SCREENING CHECKPOINT SECURITY

In our 1996 report on efforts to improve airport security we found screeners frequently failed to detect threat items at security checkpoints. More recently, GAO completed a review titled Long-Standing Problems Impair Airport Screeners' Performance.[1] In this 2000 report, GAO found that long-standing problems combine to reduce screeners' effectiveness in detecting dangerous objects, most notably (1) the rapid turnover of screener personnel, and (2) human factors conditions that for years affected screeners' hiring, training, and working environment. GAO found that despite several laws enacted by Congress, concerns remain over screeners' ability to detect dangerous objects. Furthermore, FAA has acknowledged that screeners' detection of dangerous objects during testing is unsatisfactory and needs improvement.

This is a long-standing problem—one that was reported on over a decade ago by the Department of Transportation and GAO.

CARGO SECURITY

We just completed a follow-up audit of FAA's Cargo Security Program. We continue to find weaknesses in FAA's policy for allowing cargo on passenger aircraft. We will not discuss the details of those weaknesses here today, but will be briefing the Secretary of Transportation, the Federal Aviation Administrator, and the Secretary's recently created Rapid Response Teams.

AIRPORT ACCESS CONTROLS

Controlling access to secure areas of the airport is critical in protecting the airport's infrastructure and aircraft from unauthorized individuals. During late 1998 and early 1999, we successfully accessed secure areas[2] in 68 percent of our tests at eight major U.S. airports. Once we entered secure areas, we boarded aircraft 117 times. The majority of our aircraft boardings would not have occurred if employees had taken the prescribed steps, such as making sure doors closed behind them. In addition to recommending that FAA work with airport operators and air carriers to implement and strengthen existing controls to eliminate access control weaknesses, we also recommended that comprehensive training programs be developed that

[1] Aviation Security: Long-Standing Problems Impair Airport Screeners' Performance, Report Number GAO/RCED–00–75, dated June 2000.

[2] OIG uses the term secure area to define the area of an airport where each person is required to display airport-approved identification. Each airport defines this area, which may be the entire Air Operations Area or may be limited to a smaller, more restrictive area.

teach employees their role in airport security, and make employees accountable for compliance. These recommendations along with others were incorporated into the Airport Security Improvement Act of 2000.

FAA recently issued regulations making individuals directly accountable to FAA for noncompliance with access control requirements. But testing and assessing fines for security violations is not the only answer. FAA must assist airport operators and air carriers in developing and implementing comprehensive training programs. All security training programs, not just for access control, must teach employees their role in aviation security, the importance of their participation, how their performance will be evaluated, and what action will be taken if they fail to perform.

ISSUING AIRPORT IDENTIFICATION

Additional actions are needed to improve the process used to ensure that employees with access to secure areas of an airport are trustworthy. Our 2000 report on Controls Over Airport Identification Media looked at industry's compliance with FAA's background investigation requirements at six U.S. airports and found that the requirements were ineffective, and airport operators, air carriers and airport users[3] frequently did not comply with these requirements.

We made recommendations to FAA to: strengthen background investigation requirements to include initial and randomly recurring FBI criminal checks for all employees; expand the list of crimes that disqualify an individual from unescorted access to secure airport areas; and incorporate in background investigation requirements the use of credit checks and drug tests to help assess whether individuals can be trusted with the public's safety and be permitted to work in secure airport areas.

The Airport Security Improvement Act of 2000 incorporated some of our recommendations and required FBI criminal checks at Category X airports as of December 2000. However, other airports will not enter this program until December 2003, even though FAA has stated the capacity to process additional checks exists. We recommended that all airports be required, immediately, to conduct criminal checks for all employees that have access to secure airport areas, and for all screeners, including cargo screeners. Also, criminal checks must not be restricted to first-time applicants, as the current law provides, but should include all employees regardless of their employment date. Further, criminal checks must be recurring.

We also must consider additional methods of determining the trustworthiness of individuals, especially for individuals who have not been in the U.S. long enough for a criminal records check to be effective. FAA has stated that conducting foreign criminal checks presents numerous problems and, therefore, would not be feasible. FAA also declined to implement the use of credit checks and drug tests because Airport Security Improvement Act of 2000 did not include these requirements. But, we believe that alternate investigation methods, such as those used by Canada, must be explored, including: credit checks, requirements that applicants be U.S. citizens, and an automated profiling system that takes into consideration factors including an individual's place of birth.

FEDERAL AIR MARSHAL PROGRAM

In the 1970's, hundreds of security officers were hired through an agreement between the FAA and U.S. Customs Service. In 1973, after the Customs Sky Marshal program phased out, the FAA continued a limited Air Marshal Program using volunteer special agents from its Civil Aviation Security.

Following the Cuban refugee problems in Florida and the hijacking of Trans World Flight 847 in 1985, the Secretary of Transportation released a report, in 1987, which concluded there was a need for an expanded Federal Air Marshal (FAM) Program to supplement ground security measures. Initially, all FAA security specialists hired between 1985 and 1992 were required to also serve as FAMs. Currently, FAA has a dedicated staff of FAMs, but the actual number of FAMs is classified. We think it is a wise decision to substantially increase use of this Program in the interest of restoring public confidence and as a deterrent to criminal on aircraft.

This concludes my statement. I would be pleased to answer any questions.

[3] Airport users include foreign air carriers, non-air-carrier airport tenants, and companies that do not have offices at the airport, but require access to the secure airport areas.

AVIATION SECURITY TESTIMONY AND REPORTS AS OF SEPTEMBER 14, 2001

Date	Title	Report Number
Testimony		
04/06/2000	Aviation Security. Statement of Alexis Stefani, Assistant Inspector General for Auditing Before the Subcommittee on Aviation, Committee on Commerce, Science, and Transportation, U.S. Senate.	AV–2000–076
03/16/2000	Aviation Security. Statement of Alexis Stefani, Assistant Inspector General for Auditing Before the Subcommittee on Aviation, Committee on Transportation and Infrastructure, U.S. House of Representatives.	AV–2000–070
03/01/2000	Improving Aviation Safety, Efficiency, and Security: FAA's fiscal year 2001 Request For Research, Engineering, and Development, Statement of Alexis Stefani, Assistant Inspector General for Auditing Before the Subcommittee on Technology, Committee on Science, U.S. House of Representatives.	AV–2000–054
03/10/1999	Aviation Security. Statement of Alexis Stefani, Deputy Assistant Inspector General for Aviation Before the Subcommittee on Transportation and Related Agencies, Committee on Appropriations, U.S. House of Representatives.	AV–1999–068
05/14/1998	Aviation Security. Statement of Alexis Stefani, Deputy Assistant Inspector General for Aviation Before the Subcommittee on Aviation, Committee on Transportation and Infrastructure, U.S. House of Representatives.	AV–1998–134
Audit Reports		
12/07/2000	Controls Over Airport Identification Media	AV–2001–010
11/18/1999	Airport Access Control	AV–2000–017
10/21/1999	Deployment of Explosives Detection Equipment	AV–2000–002
07/16/1999	Security of Checked Baggage on Flights Within the United States	AV–1999–113
10/05/1998	Deployment of Explosives Detection Systems	AV–1999–001
07/17/1998	Dangerous Goods/Cargo Security Program	AV–1998–178
06/01/1998	Management Advisory on Review of Security Controls Over Air Courier Shipments.	AV–1998–149
04/17/1997	Federal Air Marshall Program	R9-FA–7–006
7/03/1996	Efforts to Improve Airport Security	R9-FA–6–014
09/20/1993	Audit of Airport Security	R9-FA–3–105

AVIATION SECURITY—INVESTIGATIONS

[February 3, 1999 through September 14, 2001]

Subject Area	Date	Summary
Screeners & Baggage Handlers.	Sept. 14, 2001	Employees who are non-U.S. citizens without proper INS status were authorized to enter secured areas of Dulles, ongoing investigation.
Security Badges	Sept. 14, 2001	Arrest warrants were issued against non-U.S. citizens who obtained security badges at Miami International Airport.
Security Badges	Sept. 13, 2001	Employee at Miami International Airport pleads guilty to using job in ID section to make false security badges for coworkers.
Cockpit Access	June 7, 2001	Civilian used false FAA ID card to obtain unauthorized cockpit access on 3 separate flights.
Access Control	June 5, 2001	Non-employee of Miami International Airport illegally used an Airport Secured ID Display Area access badge to gain entry to a secured area.

AVIATION SECURITY—INVESTIGATIONS—Continued

[February 3, 1999 through September 14, 2001]

Subject Area	Date	Summary
Access Control	February 1, 2001	Miami International Airport employee gained access to secured areas by providing false data on Airport ID Badge application.
Screeners	October 25, 2000	Private firm (Argenbright) failed to conduct background checks on checkpoint screeners at Philadelphia Airport. Company fined $1 million, $350,000 restitution and $200,000 in investigative costs.
Access Control	May 1, 2000	Employees at Dallas-Ft. Worth Airport allowed unauthorized personnel to use their security badges to gain access to secured areas.
Screeners	March 27, 2000	Private firm (Aviation Safeguards) falsely certified on at least 70 occasions that criminal background checks had been accomplished on employees seeking access to secure areas at Miami International Airport.
Access Control	Feb. 3, 1999	Miami-Dade County Police Office falsely certified that criminal background checks had been accomplished on 22 employees seeking access to secure areas at Miami International Airport. Upon hiring, applicants had clearance to enter secured areas of the airport.

Senator MURRAY. Thank you, Mr. Mead.

Dr. Dillingham.

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

Dr. DILLINGHAM. Thank you, Madam Chairman. Thank you for the opportunity to be here this afternoon. We join with others in acknowledging that we do not know all the elements of our Nation's aviation security system that failed and served as a contributing cause to the horrendous disaster that occurred on September 11. We also are cognizant of the fact that aviation security is a shared responsibility and that no security system will be 100 percent safe. However, we do believe that more can be and should be done to increase the effectiveness of our Nation's aviation security system.

The work we have done for this committee and other committees of the Congress over the last few years has identified weaknesses and potential vulnerabilities throughout the system. As a basis for going forward this afternoon, I would like to present a summary of our assessment of security concerns in three areas: one, air traffic control or ATC; two, unauthorized access to secure areas; and three, the performance of the passenger and carry on baggage screening system, including how the United States and selected other countries' systems differ. I would also like to offer some suggestions as to some immediate actions that might improve aviation security in these areas.

AIR TRAFFIC CONTROL

With regard to ATC security, our reviews of ATC security have identified significant deficiencies in the physical security of the facilities that house ATC systems, the systems themselves, and the security status of the FAA personnel and contract personnel who assess these systems. The potential implications of these deficiencies is tremendous. The ATC system is the heart of our aviation system. It is the system that manages the tens of thousands of aircraft that cross the Nation on a daily basis.

Over the past few years, we have made nearly 25 recommendations to address these identified deficiencies. To its credit, FAA has worked to address these recommendations and is making some progress. However, most have yet to be completed.

UNAUTHORIZED ACCESS TO SECURE SPACES

With regard to secure areas, in May of 2000 we reported that our special agents had used fictitious law enforcement badges and credentials to gain access to secure areas in airports and bypass security checkpoints at two airports. They walked unescorted to airport departure gates. These agents had been issued tickets, boarding passes, and could potentially have carried weapons, explosives, or other dangerous objects onto the aircraft.

FAA acted immediately to require airport law enforcement officers to review the credentials of all armed law enforcement officers seeking to board aircraft. This was an interim measure as a more permanent fix is being developed.

PASSENGER AND BAGGAGE SCREENING

With regard to passenger carry on baggage screening, this has been a longstanding problem. Our research showed that in 1978 screeners were missing about one out of ten threat objects that FAA used to test performance. FAA and the airlines characterized that level of performance as significant and alarming. By 1987 they were missing two out of ten.

For the decade of the nineties, test results showed that in some cases screener performance has gotten worse. In our latest research we found that as testing gets more realistic, that is as the tests become more closely to approximate how a terrorist might attempt to infiltrate a checkpoint, the screener performance declined significantly.

A principal cause of performance problems is the rapid turnover among screeners. It exceeds 100 percent annually at most large airports, leaving few skilled and experienced screeners on the job, to say nothing of security issues associated with that. People leave these jobs because of low wages with few if any fringe benefits, the repetitive, monotonous nature of the work, and by and large the efforts today to address this problem area have been slow and largely ineffective.

We believe the tools, techniques, and technologies are available to address these challenges. Generally, they have either not been used or not used effectively or just taken more time than should. A case in point is the promulgation of rules to implement the provisions of FAA's Reauthorization Act of 1996 that would establish

screening company certification programs. The relevant rule is now scheduled for issuance this month, more than 2½ years later than originally scheduled.

Now I would like to turn briefly to what we found in our examination of screening companies and screening programs in foreign countries. The question is, are there lessons that we can learn from other countries? The answer is maybe. The foreign screening operations we examined differed significantly from U.S. operations in many of the areas we listed as challenges in the United States. Generally speaking, the screening operations required more extensive screener qualifications and training, including higher pay, better benefits, and often included different screening techniques, such as a physical patdown of some passengers.

One other significant difference is that in most of these countries responsibility for screening is placed with the government or airport authority instead of air carriers. The foreign screening operations reported significantly lower screener turnover and there was some evidence that they may have better screener performance as well.

FAA and the air carriers have implemented new controls that promise a greater sense of security. We believe that to further minimize the vulnerabilities in our aviation security system more needs to be done. Some immediate actions that we would suggest is: limiting passengers to one carry on bag, with increased manual searches; screen all airport and airline employees who have access to sterile and secure areas, including mechanics, ramp workers, food service workers, vendors, store employees, at the same time limiting access; strengthen—and I think this is the most important—strengthen intelligence-sharing among law enforcement agencies, FAA, and cleared airport and airline personnel. A key action is to complete the promulgation of the screening company certification regulation.

Concurrently, it might be time for Congress to consider whether airlines should continue to bear primary responsibility for screening operations at the Nation's airports. It has been observed that previous aviation tragedies have resulted in a cycle of activity, but the long-term resolve and actions to correct flaws in the system diminishes as the memory of the crisis recedes. The future of the Nation's aviation system and, as we are only beginning to understand, so much more hinges in large part on overcoming this cycle.

The GAO continues to stand ready to assist this committee in this extraordinarily difficult challenge. Thank you.

[The statement follows:]

PREPARED STATEMENT OF GERALD L. DILLINGHAM

TERRORIST ACTS ILLUSTRATE SEVERE WEAKNESSES IN AVIATION SECURITY

Madam Chairman, Mr. Chairman, and Members of the Subcommittees: 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 2½ 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.

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 problems 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.

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[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).

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 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

[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).

[4] Information 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).

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 fast-food 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.

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, 2½ 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 least one country, practices may help to improve screeners' performance. This country conducted a screener testing program jointly with FAA that showed that its screeners detected over twice as many test objects as did screeners in the United States.

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

Senator MURRAY. Thank you, Dr. Dillingham.

I especially want to welcome Mr. Queen for being here today. He is Vice President of Engineering and Product Integrity for the Boeing Company. They have spent a great deal of time, I know, in assisting the Secretary of Transportation. I spent a great of time with him earlier this week out in Seattle and he flew out here with me yesterday from Seattle. So we appreciate your coming all the way across the country and the Boeing Company for working with all of us as we try to make sure we have done the right thing for the safety of our airlines.

Mr. Queen.

STATEMENT OF HANK QUEEN, VICE PRESIDENT FOR ENGINEERING AND PRODUCT INTEGRITY, THE BOEING COMPANY

Mr. QUEEN. Thank you, Chairman Murray and Chairman Rogers. As you say, I am Hank Queen. I am Vice President of Engi-

neering and Product Integrity for Boeing Commercial Airplanes. I am responsible for the design, certification, product development, and continued operational safety of all Boeing commercial airplanes.

I would like to start by offering, on behalf of the entire Boeing Company, our condolences to the friends and families of the victims of the terrible events of September 11. We build a little bit of ourselves into every one of those airplanes.

Senator MURRAY. Do you want to pull the mike closer?

Mr. QUEEN. And it was truly horrifying to us to see our airplanes used as weapons of destruction.

The Boeing Company supports the measures already taken to strengthen security of the aviation system and we agree that the aviation system security is paramount and must be taken to a higher level. Boeing is pledging total cooperation and support to this effort. On September 12 Boeing began working with the airlines, the government, airline associations, pilot associations, and flight attendant associations on immediate and longer-term actions to address this new threat.

We must take a systematic approach to aviation security. The first line of defense is airport security. The crew in the airplane should not be the last line of defense.

I am here today specifically to address improved aircraft security. As we consider our options for achieving that goal, we must ensure that we do not jeopardize safety in other unintended ways. As you know, every part of the airplane is subject to Federal aviation regulations established to ensure safety. These regulations require a delicate balance of multiple safety objectives. For example, cockpit doors must be lockable, but not inhibit emergency evacuations. Also, the structure of the flight deck must be able to withstand pressure differences in the event of a rapid decompression. That is why cockpit doors are designed with vents that open or the entire door opens whenever there is a significant pressure difference between the cockpit and the cabin.

There have been over 600 decompressions in commercial jet transportation history. Half of these were severe enough to cause the oxygen masks to deploy. Approximately 50 of these rapid decompressions could have stressed the structure, and in fact 2 of these led to accidents that resulted in new requirements and changes in the commercial airplane fleet. So solutions to enhance the integrity of the flight deck door must allow for rapid decompression.

There is another important consideration as we look at changes. There are more than 7,000 commercial jet airplanes registered in the United States, with over 40 different flight deck door designs. We need to keep these numbers in mind as we consider any design changes to improve aircraft security. Finding solutions that can be implemented quickly with a large number of airplanes is essential. We face many challenges. However, we have a dedicated team working to meet these challenges. They are coordinated with the government and airline manufacturing efforts since September 11 and we have included in this effort examining such possible changes as crew procedural changes to restrict access to flight decks, using all the resources in the cabin to overpower hijackers,

and potential maneuvering of the aircraft; also, there have been near-term design and hardware changes to further inhibit entry to the flight deck; longer term solutions, such as securing the flight deck to deny access to hijackers and technology to prevent the use of airplanes as a weapon. We are also working with NASA and the FAA on other technologies, such as bomb protection and advanced ballistic materials.

So in summary, we do recognize the need for immediate improvements in aviation security. We are actively working with the airlines, the FAA, pilot associations, flight attendant associations, and others to rapidly develop solutions in response to the actions of September 11.

Thank you.

Senator MURRAY. Thank you, Mr. Queen.

[The statement follows:]

PREPARED STATEMENT OF HANK QUEEN

AIRPLANE SECURITY

Thank you Madam Chairman Murray and Chairman Rogers. I am Hank Queen, Vice President of Engineering and Product Integrity for Boeing Commercial Airplanes. In that position, I am responsible for design, certification, product development and continued operational safety of all Boeing commercial aircraft.

Let me open my remarks by offering, on behalf of the entire Boeing Company, our condolences to the friends and families of the victims of the terrible events of September 11. We at Boeing have spent our working lives dedicated to a safe and efficient global air transportation system, a system that enhances peace and prosperity through the flow of people, goods and ideas around the world. We build a little bit of ourselves into every one of our magnificent airplanes. To see those airplanes used as weapons of destruction horrified us beyond words. Our hearts go out to all those touched by these vicious acts.

The Boeing Company supports the measures already taken to strengthen the security of the aviation system. We applaud the recent action taken by Transportation Secretary Norm Mineta in naming two high level rapid response teams to address airport and aircraft security issues. Boeing is pledging total cooperation and support to this effort. In fact, on September 12, government, Boeing, airlines, airline associations, pilot associations and cabin attendant associations began working together on immediate and longer term actions to address the new threat. The team's activity and progress to date will become a part of the support to the rapid response team.

Enhancements to commercial aviation security must be approached by looking at the entire system, as the airlines, manufacturers and government work together to provide a layered defense against many threats. The aviation security environment is very complex. (Figure 1). The first layer is to prevent unauthorized access to the airport and the airplane. The crew and the airplane should be the last lines of defense. Boeing has been increasingly involved with aviation security as the threat has grown. However, on September 11, 2001, we were all shocked with a new threat, that of using the aircraft as a weapon.

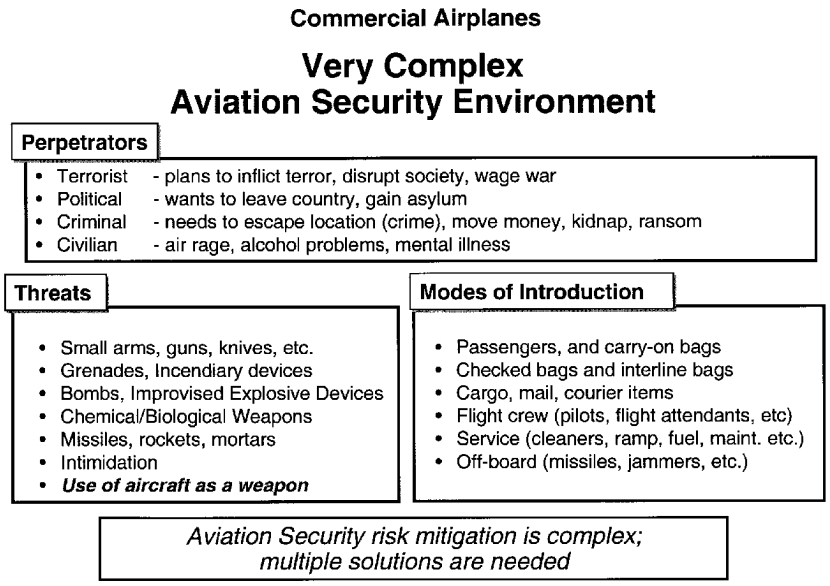


Figure 1

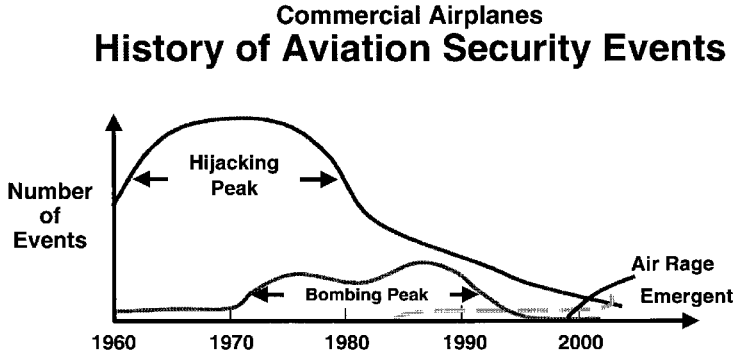
HISTORY

In the 1960's, skyjacking incidents led to the need to screen carry-on baggage and incorporate both noticeable and behind the scenes security changes to airports, airline operations and airplane designs.

After the Lockerbie bombing, the International Civil Aviation Organization (ICAO) began to address aircraft design standards that could enhance security. In 1997, they called upon their member nations to adopt new design requirements to address the threat of bombs, fire, smoke, bullets, and grenades.

In October 27, 1999, the FAA directed its Aviation Rulemaking Advisory Committee to study implementation of the ICAO requirements. On June 11, 2001, to counter the increased threat of passenger air rage, the FAA added strengthening flight deck doors to the committee's work agenda.

This history is shown on Figure 2.



- **Hijacking 1960-1980. Mitigated by metal detectors, x-ray, physical search**
- **Bombings 1970-1990. Mitigated by new security procedures, explosives detectors, deterrence.**
- **Air rage (irrational passengers) growing in late 1990's**
- **Emergent threats: Hand-held missiles, chemical/biological weapons, nav/comm jamming, civil aircraft as weapon, etc.**

Past security threats have been mitigated by new procedures and technologies.

Figure 2

The fundamental approach to airplane security has been to keep dangerous objects and individuals off airplanes. Current Federal Aviation Regulations governing airplane design and operation have addressed the many hazards facing a modern commercial transport.

FLIGHT DECK DOORS AND FEDERAL REGULATIONS

As you know, every part of the airplane is subject to Federal Aviation Regulations. The regulations affecting flight deck door design require a delicate balance of multiple safety objectives. (Figure 3) The design balances the needs for providing a sterile environment for the flight crew; the ability for rescue crew to reach the pilots; the need to withstand rapid depressurization in the flight deck or passenger compartments; and, the need for the pilots to command emergency situations in the cabin.

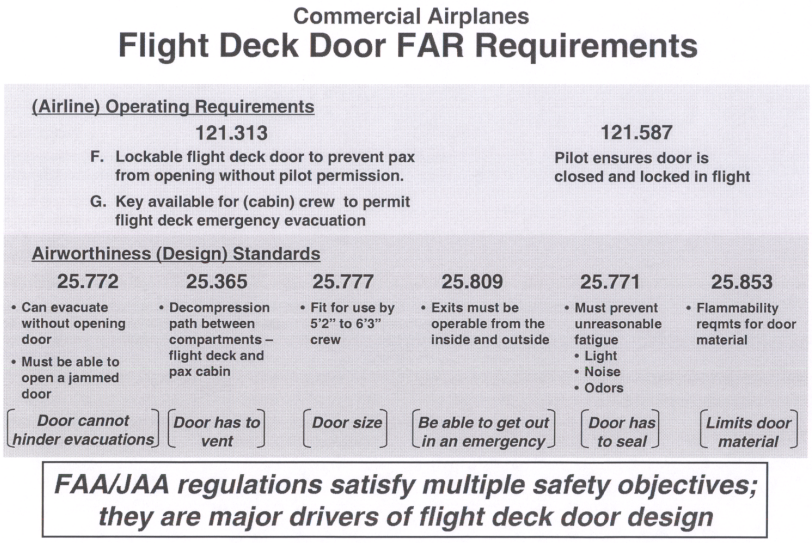


Figure 3

We are making assessments about what could be done to better ensure aviation security through potential changes to aircraft. Some of these enhancements may require FAA rule changes.

The FAA regulations drive the design of the flight deck and door installation. Summaries of the major rules that the design must satisfy are:

—The flight deck must be secure from passengers. This is why cockpit doors have locks and why pilots are required to keep the doors shut and locked during flight.

—The lockable door cannot inhibit emergency evacuations. This is why cockpit windows or emergency escape hatches are designed to open and why cockpit doors are designed to open under force from rescuers.

—The flight deck must be able to withstand pressure differences between the cabin and the flight deck in the event of a rapid decompression. This is why cockpit doors are designed with vents that open, or the entire door opens, whenever there is a significant pressure differential between the cockpit and the cabin. There have been over 600 decompressions in commercial jet transportation history. Half of these were severe enough to cause the oxygen masks to deploy. Approximately 50 were rapid decompressions that could stress the structure. Only two of those led to accidents.

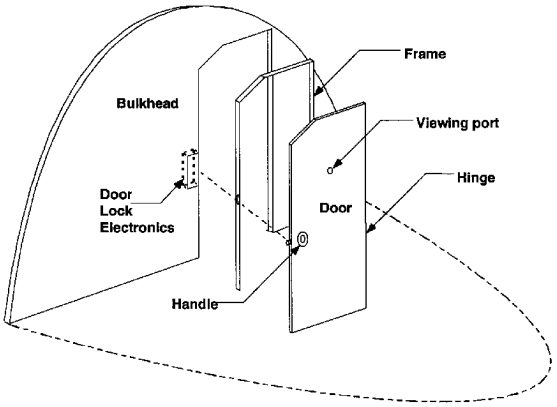
—The flight crew must have overall command of evacuations. This is why cockpit doors are designed to be forced open in the event the door gets jammed.

—The door must prevent light, noise or odor from entering the flight deck and fatiguing the crew.

Solutions to enhance the integrity of the flight deck door must allow for rapid decompression and address both the door itself and the door's installation. The door hinge, door lock, door frame and the bulkhead on which the door is mounted must be all considered. (Figure 4)

Commercial Airplanes

Flight Deck Door & Bulkhead



Intruder protection includes more than just the door

Figure 4

There are more than 7,000 commercial jet airplanes registered in the United States, with over 40 different flight deck door systems. (Figure 5) The balance needed to meet competing door design requirements will lead to different solutions for most of the doors in service. (Figure 6) There may not be a simple design solution that can be quickly implemented. Enhancements may take from several months to years to install in the fleet and must be integrated with existing safety requirements.

Commercial Airplanes

7,069 Registered Jet Airplanes in the USA

Airbus		Boeing		Other	
A300	118	707	87	L1011	83
A310	48	717	55	AVRJ	36
A319	167	720	2	B111	12
A320	232	727	787	B146	19
A321	23	737	1,483	CRJ7	2
A330	9	747	239	CRJT	325
A340	2	757	626	DJET	37
		767	351	E135	70
		777	112	E140	1
		DC8	196	E145	210
		DC9	497	FK10	119
		DC10	303	FK28	24
		MD11	70	FK70	2
		MD80	692	IL76	9
		MD90	19	T154	1
				YK40	1

Many airplanes, configurations and customers - Scope of problem is large

Figure 5

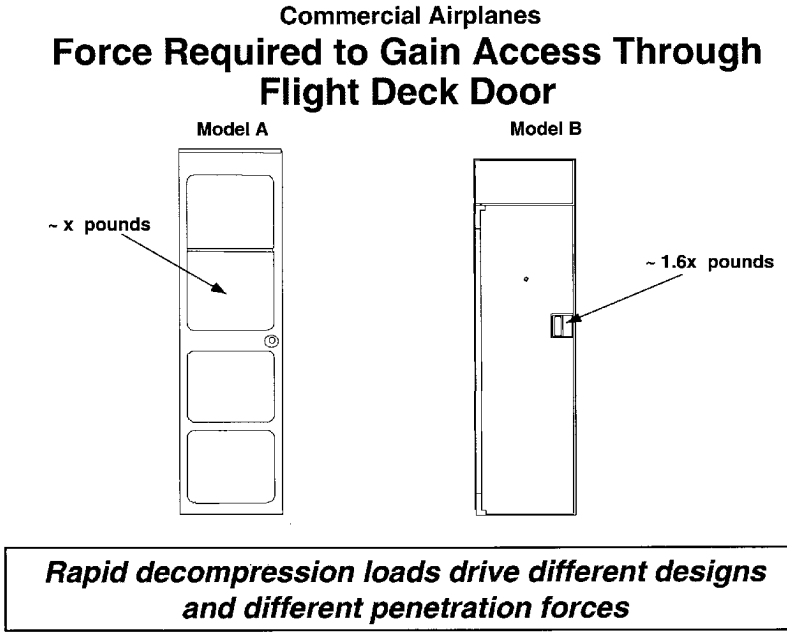


Figure 6

HARDENED DOORS

Boeing has provided a bullet resistant, reinforced flight deck door with Kevlar material to one customer on two models of aircraft. As requested by the customer, we also:

—Installed a steel plate over the door lock mechanism
—Strengthened flight deck door jams, headers, hinge pins and latch mechanism
—Lined the forward walls of the lavatories immediately aft of the flight deck
—Lined the rest of the bulkhead near the lavatories.

Even with these changes, this does not prevent access by a determined intruder. This installation does not meet current FAA regulations.

TRANSPONDERS

We know there are many questions about transponder systems and the ability to turn them off in flight. Transponders continuously transmit aircraft identification, altitude and air speed data to ground radar. The flight crew can turn off the transponder when requested to do so by Air Traffic Control because of clutter on the ATC radar screen or when there are faults in the transponder. Flight crews are trained to use the transponder to notify ATC when the aircraft is in distress and/or being hijacked. The crew can also use special radio terminology to alert ATC of a hijacking. There are also special codes between the flight deck and cabin crews to indicate a hijack situation. Even with the transponder turned off, the flight path of the airplane is still visible on radar.

If it is deemed necessary to change the existing transponder design requirements, the designs can be changed. However, once again, there are more than 7,000 airplanes in the U.S. fleet, so it would take time to incorporate changes.

INDUSTRY AND GOVERNMENT ACTIVITY SINCE SEPTEMBER 11

The coordinated government, airline and manufacturer efforts since September 11, 2001 have focused on possible changes in the following areas:

—Immediate flight and cabin crew responses such as procedural changes to restrict access to flight decks, using all the resources in the cabin to overpower hijackers, and potential maneuvering of the aircraft.

—Examining near-term design and hardware changes to prevent entry into the flight deck.
—And identifying longer-term solutions to study such as secure and hardened flight decks to deny access to hijackers, and technology to prevent the use of the airplane as a weapon.

Boeing is beginning to look at what would be required to deny unwanted access to the flight deck if that is where the government and industry decide to go. A truly impenetrable door design would have to go beyond a simple dead bolt or add-on door brace. The door may have to prevent access by people, fire, smoke, toxic gases, bullets, and grenades. It would also have to meet multiple other safety objectives.

Boeing is also working on other technologies with NASA and the FAA such as bomb protection and advanced ballistic materials.

SUMMARY

Boeing is actively working with the airlines, the FAA, pilot associations, flight attendant associations and others to develop practical measures in response to the acts of September 11. We will focus on airplane-related issues, including flight deck security and modifications to operating procedures, in the context of broader system solutions to enhance safe, efficient global air transportation. (Figure 7)

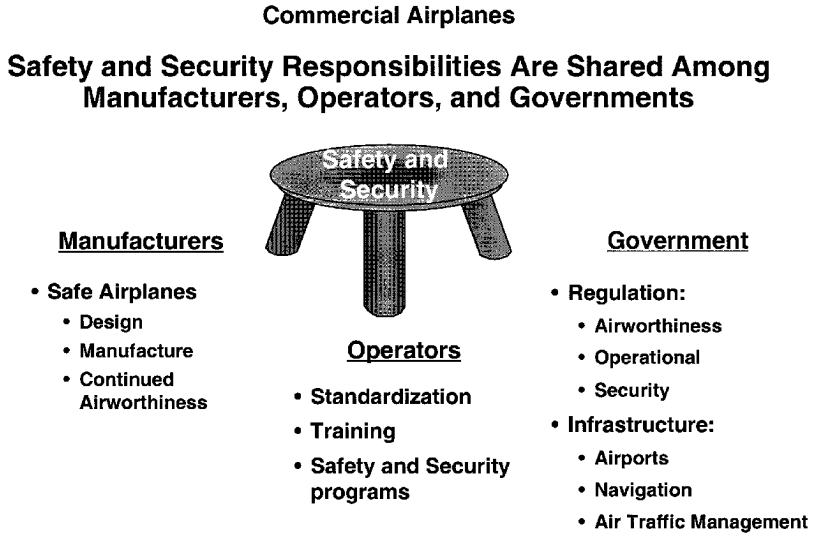


Figure 7

SECURITY BADGES

Senator MURRAY. We will now move to the question portion of this hearing. There are a number of colleagues here who have questions to ask, so we are going to keep strict adherence to the 5-minute time. We will do this. I will open with questions, turn to Mr. Rogers, and then go back and forth from side to side as we move through all our committee members.

I would like to remind all of our colleagues that at 4:30 we will go into a closed hearing session. So we have a lot of people to get to in a short amount of time and I would ask our witnesses to keep their answers short, giving us the information we need as quickly as possible.

BOGUS CREDENTIALS OF AIRPORT AND AIRLINE WORKERS

Mr. Mead, let me begin with you. You stated in your remarks that we have arrested 12 non-U.S. citizens since last Friday who had illegally obtained security badges that allowed them access to the secured section of the airport. Can you tell us if all airport personnel have been revalidated and granted new badges since September 11?

Mr. MEAD. No, I do not believe so.

Senator MURRAY. So is it likely that we still have some individuals with bogus credentials?

Mr. MEAD. Yes.

Senator MURRAY. Ms. Garvey, can you respond and tell us what we are doing about that?

Ms. GARVEY. Madam Chair, actually we have directed all the airlines and the airports to revalidate the badges. There is more perhaps we could add in the closed session. They were directed to do that, I believe yesterday or the day before yesterday, and that is both for airports and airlines.

Senator MURRAY. So that process is in place and moving forward?

Ms. GARVEY. It is under way.

PROPOSED SECURITY RECOMMENDATIONS

Senator MURRAY. Mr. Secretary, the Department of Transportation has received numerous recommendations to close the loopholes in our security systems. The Inspector General, the GAO, NTSB, Pan Am 103, many, many commissions. The FAA's record for moving out on these recommendations has been painfully slow. Can you tell us what some of the principal causes for these delays are and what measures you have put in place to make sure that these specific delays do not repeat themselves now at this critical juncture?

Secretary MINETA. Madam Chairman, let me speak to the time since I have been Secretary of Transportation, since January 25. One of the problems that I have found when I got to the Department was the prolonged time it does take to get rules and regulations out. That now has changed and we are getting the rules and regulations out on a timely basis.

Last year Senator Hutchison had a bill on airport improvements in security. We got those rules out this year and those were pending at OMB. This is the one that gave the FAA more authority to increase the level of training requirements, the kinds of standards, as related to the screeners. That was at OMB when September 11 occurred. So OMB is holding it up right now, pending any improvements we may want to add to that rule.

But in terms of my stewardship, I am going to make sure, as I have since the 25 of January, that rules and regulations are promulgated on a timely basis.

EMERGENCY SECURITY RECOMMENDATIONS

Senator MURRAY. Ms. Garvey, you have put out a number of emergency procedures since September 11 regarding the security of

the system. Should we expect further system directives in the very near term?

Ms. GARVEY. Madam Chair, you will be seeing more. Every day we are in constant communication with both the airports and the airlines. Some have asked for further clarification on some of the emergency rules, so we are doing that. As the Secretary mentioned, we are also, as a result of the rapid response teams, expecting some additional recommendations. So there will be more to come. I think we will in some cases be seeing a very fundamental change.

Senator MURRAY. In the next several days, what are you looking for?

Ms. GARVEY. Well, actually in the next several days there may be additional rules or amendments based upon what we are hearing from the airlines, although I talked with some of the airline officials today and they were focusing more on clarification in a couple of areas. So almost on a daily basis we are putting out some clarification where need be.

If I could also make just one very quick mention, you are right, we take too long in government to get rules out. The public process sometimes in responding to some of the comments—I think of the certification rule as one of them—is sometimes overwhelming. We should make no excuses there. We should simply do better.

I will say that with the Gore Commission there were 31 recommendations and 28 have actually been implemented. There are seven, including the two rules that both you and the Secretary spoke about, rather, that are pending and ready to go, and one thorny negotiation with the post office that I see coming to a rapid conclusion, in part as a result of this terrible tragedy.

Senator MURRAY. So I can assume that your agency is moving forward quickly to enact as many of these as possible?

Ms. GARVEY. Yes, you can, Madam Chair.

SCREENING AT SECURITY CHECKPOINTS

Senator MURRAY. Mr. Mead, Dr. Dillingham, let me ask you this question. As you know, there have been many reports that have criticized the airlines for failing to do adequate screening at security checkpoints. Your investigators, you testified, have brought weapons and bomb-like devices onto aircraft with relative ease, and unauthorized personnel got in secure spaces around the aircraft just as easily. To your knowledge, has the FAA ever used its authority to shut down a concourse temporarily when screeners are not doing a good job?

Mr. MEAD. I can't speak to that in open session.

FINES AND ENFORCEMENT

Senator MURRAY. Dr. Dillingham, I assume the same. Well, let me ask you if you think the fines that the FAA has imposed on airlines in the past are adequate?

Mr. MEAD. In some cases yes, in some cases no. I see from where we sit a lot of variance among FAA regions. It is not consistent across the board. I think they can do a lot more in the enforcement end of things in assessing fines.

Senator MURRAY. Do you think increasing fines will mean increasing responsibility on the airlines to do the right thing?

Mr. MEAD. In my opinion, Senator Murray, it would help. But I think the issue needs to be addressed through the front door, and I think the front door is making sure that we have screeners of higher caliber, that are better motivated and have some type of career path.

Senator MURRAY. Dr. Dillingham.

Dr. DILLINGHAM. If fines are increased, the agency will have to stick with the fine. You cannot have a fine where you pay 50 cents on the dollar or 25 cents on the dollar if you hold out long enough.

SCREENING AND ACCESS VIOLATIONS

Senator MURRAY. Mr. Secretary, let me just end with you. Can you share with us how the FAA's enforcement posture has changed regarding screening and access violations since September 11?

Secretary MINETA. Since the 11th? Well, it has increased appreciably. After we increased the requirements being placed on airports and airlines, each of the airports—not each of the airports, but there are FSM's, Federal security managers, and those FSM's are responsible for making sure that the airports that are under their jurisdiction were adhering to the new increased stringent requirements.

So before any of the airports could be cleared to be added back onto the list to be able to have planes going in and out, the FSM had to sign off that the airport was now meeting those stringent requirements. A lot of those are visible stringent requirements; some of them are not.

Senator MURRAY. I assume your agency has authorized the FAA to take enforcement activity on these?

Secretary MINETA. Take enforcement action?

Senator MURRAY. Take enforcement action, since the 11th on violations, fines, shutting down an air carrier?

Secretary MINETA. I will have to ask Administrator Garvey if there have been any airports since Tuesday the 11th that have been fined or whatever.

Ms. GARVEY. We have asked our security managers and, by the way, also the airport directors. I spoke with 31 of the top airport directors on Monday and asked them to pull together technology security companies and the airport station managers, the airline station managers, to talk directly with them, making sure everybody understands what the regulations are, what the changes are, what needs to be done, and report back to security managers if they were having any difficulty. We have asked our security managers to redouble their efforts in those areas. So we have got a lot to keep up with. But they are circling back and getting to us.

Whether or not there has been any specific or additional fines since the 11th, I would have to get back to you on that. I do not know of any now. I know they have been given strong direction to be as aggressive as they need to be.

Senator MURRAY. And they understand what will be enforced?

Ms. GARVEY. Yes. Yes, they do.

[The information follows:]

COMPLIANCE WITH SECURITY MEASURES

Since September 11, FAA Security Special Agents have documented 1,487 findings on airports, air carriers, and screening checkpoints for compliance issues with the new security measures. Of these, 1,462 have been resolved through immediate corrective action and for the other 25, Enforcement Investigative Reports (EIR) have been initiated. The 25 cases that could result in enforcement action are still under investigation by the respective civil aviation security field offices.

SECURITY CONTRACTS

Secretary MINETA. If I might, one of the questions I asked Administrator Garvey last week, since these are contracts between the security company and the airlines at any given airport, I asked can we as the DOT/FAA go in and abrogate those contracts and throw them off the property?

Senator MURRAY. Can we?

Secretary MINETA. We are in the middle of still looking at that. It is very difficult for us to be able to go in and do that since it is an airline-security company contract. But if they are not meeting standards——

Senator MURRAY. But it is my understanding that you can shut an airport or an airline down if they do not meet the enforcement standards that you have put out, correct?

Ms. GARVEY. That is correct, yes.

Senator MURRAY. Thank you. I will yield to Mr. Rogers.

AIRPORT SECURITY COMPANIES

Mr. ROGERS. Following up on the same point, and that is security of the personnel, the passengers and the baggage that is allowed on an airplane, that is the airlines have the obligation, do they not, to check passengers and baggage that come on their planes; is that not correct?

Secretary MINETA. That is correct.

Mr. ROGERS. So they have contracted at various airports, the airlines have, with security companies to perform that chore for them, correct? Is that not a low bid contract?

Secretary MINETA. Generally they are.

Mr. ROGERS. So the security company is interested, and the airlines presumably, in getting the job done as cheaply as they can, correct?

Secretary MINETA. There are certain standards that are required, even if it is low bid.

BAGGAGE SCREENERS

Mr. ROGERS. But those standards have not been enforced, have they? In fact, we have been waiting now for 3 years or more in the Congress for the FAA to issue a final rule on the performance of screeners; is that not correct, Madam Garvey?

Ms. GARVEY. Mr. Chairman, that is the rule that the Secretary was referring to, that is ready to go, that we are looking at again to determine whether, in light of what we experienced last Tuesday, we want to make any additional changes. But it is ready to go, and you are right that that is something that has been required.

AIRPORT SECURITY, INC.

Mr. ROGERS. Let me ask Mr. Mead: Have you checked out Dulles Airport, for example, on the qualifications of the employees of the, is it, the Argenbright Company?

Mr. MEAD. Yes. I think you may be referring to—the Dulles Airport work is on going. Philadelphia Airport clearly had a problem.

Mr. ROGERS. I want to ask you about Dulles. Did you check on the employees at the screening operation at Dulles Airport?

Mr. MEAD. Yes, we are checking.

Mr. ROGERS. Tell us the makeup of the staff there in terms of their citizenship in the United States, for example.

Mr. MEAD. Yes, a substantial percentage of them are not U.S. citizens.

Mr. ROGERS. What percent?

Mr. MEAD. I think it is about 80 percent. It may be somewhat more.

Mr. ROGERS. 80 percent of the people checking for terrorists at Dulles Airport are not American citizens?

Mr. MEAD. I believe that is so.

Mr. ROGERS. Is that one of the airports where one of these planes originated the other day?

Mr. MEAD. Yes.

LOGAN AND NEWARK SCREENERS

Mr. ROGERS. Have you checked Logan in Boston in the same fashion?

Mr. MEAD. No.

Mr. ROGERS. Or Newark?

Mr. MEAD. No.

Mr. ROGERS. What about whether or not those employees have been checked for a criminal record?

Mr. MEAD. New employees, under a law that was passed recently, have to undergo a criminal background check. That does not apply to existing employees. In my statement, sir, I recommended that it should apply to all employees.

ARGENBRIGHT VIOLATIONS

Mr. ROGERS. Well, the company that has been employed by the airlines at Dulles, what is the name of the company there at Dulles?

Mr. MEAD. Argenbright.

Mr. ROGERS. Do they also have the Philadelphia contract as well?

Mr. MEAD. Yes, sir.

Mr. ROGERS. Have you noticed any unusual things happening under that contract in Philadelphia?

Mr. MEAD. Well, in Philadelphia less than a year ago, because of falsification of training records and problems with background checks, there was a criminal plea to a $1 million fine.

Mr. ROGERS. A criminal plea by whom?

Mr. MEAD. By Argenbright.

Mr. ROGERS. In criminal court?

Mr. MEAD. Yes, sir.

Mr. ROGERS. Have they paid the fine?

Mr. MEAD. I do not know if they have paid the fine.

Mr. ROGERS. Do they still hold the contract in Philadelphia?

Mr. MEAD. Yes, they do.

Mr. ROGERS. And at Dulles?

Mr. MEAD. Yes, sir.

Mr. ROGERS. And other airports?

Mr. MEAD. Yes, sir.

Mr. ROGERS. Where?

Mr. MEAD. 46 other airports.

Mr. ROGERS. Let me get this straight. One company is checking for terrorists at 46 of our Nation's airports and the company itself is in violation of America's criminal laws?

Mr. MEAD. That is true, at least in Philadelphia.

Mr. ROGERS. And at one of the other airports that you are very familiar with, Dulles, 80 percent of their employees screening for terrorists are not even citizens of the United States of America?

Mr. MEAD. No. Well, currently I am not sure if this particular security company should be singled out there, because there is no requirement in the program currently that they be U.S. citizens.

Mr. ROGERS. Has this company been in trouble at any other airports that they are in?

Mr. MEAD. I cannot speak to that, sir. I would have to get back to you on the record.

TURNOVER OF AIRPORT SECURITY SCREENERS

Mr. ROGERS. What about the turnover rate, Mr. Dillingham? I have been reading the GAO's report on aviation security issued June of 2000. You are the principal author, are you not?

Dr. DILLINGHAM. Yes, sir.

Mr. ROGERS. Tell us about the type of personnel screening companies are hiring around the country at the airports to screen for terrorists.

Dr. DILLINGHAM. Let me get back just a little bit to the point you raised before. Screeners do not have to be a U.S. citizen. They can have a resident alien card as well.

The other point you raised with regard to Argenbright, I think IG Argenbright is also a foreign-owned company as well.

With regard to the types of personnel that are being hired, one of the requirements is that you have a high school diploma or a GED. We have not checked the records of individual companies, but in the course of doing our work we clearly got the idea that this was not a job where you would find the most skilled person.

Mr. ROGERS. They are minimum wage jobs, are they not?

Dr. DILLINGHAM. Yes, sir.

Mr. ROGERS. And the turnover rate is exorbitantly high, is it not?

Dr. DILLINGHAM. Yes, sir.

Mr. ROGERS. In one airport the turnover rate is 400 percent a year?

Dr. DILLINGHAM. Yes, sir.

Mr. ROGERS. At Atlanta it is 375 percent a year, at Baltimore-Washington 155, Boston Logan 207, Chicago O'Hare 200, and Houston 237 percent a year, at St. Louis 416 percent a year; is that correct?

Dr. DILLINGHAM. Yes, sir.

Mr. ROGERS. So these are untrained, inexperienced, lowest paid personnel, many of them certainly not citizens, and the company got the contract by the lowest bid?

Dr. DILLINGHAM. Yes, sir.

Mr. ROGERS. Now, what is wrong with this picture?

Dr. DILLINGHAM. I think the picture is clear to everyone. There are a couple of things that even make this a little more problematic. It is not only that the high turnover rate means that the people that are doing the baggage checking have very little experience, but it is also the case that they are there long enough to learn the techniques of baggage screening and going through screening points. So you have a huge number of people out there who know parts of how aviation security works. That is probably as important as the lack of experience on the screening pad there.

WATCH LIST OF TERRORIST SUSPECTS

Mr. ROGERS. Let me ask anyone that may know—Madam Chairman, I thank you for the time—we let 19 hijackers get through the system the other day. None of them were caught or stopped. I assume that all 19 of those names or at least a portion of them were on a watch list, were they not?

Ms. GARVEY. Mr. Chairman, they were not on a list that was provided to the aviation community. Perhaps we could say more in closed session.

Could I just add one note to what Mr. Mead said about the Dulles situation? Mr. Mead has been very forthcoming with us at the FAA about his investigation and has reported to us as recently as a few days ago about the status of it. We are working very closely with him. Although these are contracts, obviously, nationwide these are contracts with airlines, we are working closely with them to look at what options are available. So we know this is a real issue.

Mr. ROGERS. Well, this system, not curbside baggage curbing, not checking checked baggage—none of those things were relevant, were not the proximate cause of Tuesday. The proximate cause, the real cause, was these people got through our screening system at three of our Nation's major airports. So we know where we need to do work.

Mr. Secretary?

Secretary MINETA. Mr. Chairman, the only problem is that, even though they did get through the screening system, the question is what is it that would have triggered them to be stopped. They were carrying either plastic-type knives—they had box-openers, which are this long with a sharp hook, razor-sharp. But under the four-inch requirement at the time, it would not have been picked up as being an illegal carryon knife.

COMPUTER ASSISTED PASSENGER PRESCREENING SYSTEM

Mr. ROGERS. There is a little thing called CAPPS.

Secretary MINETA. But as Administrator Garvey said, and I am not sure at this point as to whether or not those names were part of the CAPPS. They were held by the Immigration Service. They knew. They had them on the Immigration watch list. But again,

there is no requirement that Immigration submit that to DOT or to FAA to pass it along to the airlines to be part of the CAPPS.

Mr. ROGERS. It seems to me that if you are on a terrorist watch list one of the places that that name ought to go quickly is the FAA to go into the computer-assisted profile system.

Secretary MINETA. Mr. Chairman, that is something we can discuss more fully in a closed session.

Mr. ROGERS. Thank you.

Senator MURRAY. Thank you, Mr. Chairman.

Chairman Byrd.

OTHER TRANSPORTATION MODES, TERRORIST RISK ASSESSMENT

Senator BYRD. Madam Chairman, I think that the line of questioning that has been opened by Mr. Rogers is one that ought to be pursued, perhaps quite extensively, in closed session. This goes to the weakness of the 5-minute limitation on questions.

Let me shift to another area, and I will try to be brief. I have to leave soon. What steps, in view of the likelihood, Mr. Mineta, that in the future terrorists will turn their attention to still other untried mechanisms to disrupt our way of life, either on the water or on the railways, what steps have you been able to take to minimize the risk of terrorism on all modes of transportation—railroads, bridges, and so on—since September 11?

Secretary MINETA. Well, first of all, right from the 11th of September when we activated the crisis management center with all of the DOT modes, they notified all of the companies or facilities within those jurisdictions, whether they be ports, pipelines, truck companies, railroads, et cetera. They were all notified in terms of taking increased security measures. Pipeline companies employed helicopters to check their pipelines. Railroads, whether it be at the station or whether it is freight rail or Amtrak, they increased their security measures.

That is something that I ask each of our modes every day, as to what is going on. When someone says, well, I talked to the railroads or talked to whomever, to me that is not satisfactory. What I want to know is what are they doing; once they institute those measures, are we monitoring them to make sure that they are in fact doing what they told us?

So we are trying to be as comprehensive and inclusive as possible. I get a briefing every morning at 8:30 or 8:00 o'clock from the intelligence agencies, as does Administrator Garvey. I asked on Wednesday the 12th of September whether or not all these things we have been told and read about, whether or not there is a matrix that we could build with all that information we knew since I have been there on the 25th of January to even come near indicating that an airplane would be used as a lethal weapon, where the targets might be, what the kind of things that might occur.

Senator BYRD. Excuse me, if I may interrupt. I am on a very limited time.

Secretary MINETA. Yes, sir.

Senator BYRD. In other words, you are saying to me, I hope, that, while everyone is focused quite properly on the new threat of hijacked aircraft being used as weapons, I hope you are assuring me that you are also focusing on the containment of other threats,

other vulnerabilities, in our transportation system, such as railroads, bridges, and so on?

Secretary MINETA. Absolutely, absolutely. That was why I said in the statement our responsibility is to be equally concerned about other modes of transportation, and we are focusing not just on aviation, but on the security aspects of all modes of transportation.

ESSENTIAL AIR SERVICE

Senator BYRD. Good, good. I am pleased to have that assurance.

I have one other question. I introduced it in my opening remarks. I happen to believe that the airlines should not be allowed to take billions of dollars in relief from the general treasury and simultaneously reduce or eliminate air service to taxpayers in small cities and rural communities. Now, this sounds very critical of the airlines. I guess you can understand why I seem to be a little bitter in the light of the history, which I have also already mentioned, as to the treatment that small communities have had in rural areas of this country since and beginning with the deregulation of the airlines, concerning which I feel very badly with respect to my own vote.

But let me ask you specifically, how does your statutory proposal address the issue of maintaining air service to our small cities, our towns and rural communities during this industry downturn?

Secretary MINETA. In the package that is being discussed right now, there is no further enhancement of the Essential Air Service program. It stands as it is right now, at $50 million. Hopefully, there would be some discussion about the possibility of increasing that amount, but right now it is $50 million for the Essential Air Service program as we know it right now.

Senator BYRD. Mr. Mineta, I just hope that we will give more attention than that to our rural areas in this country.

Secretary MINETA. Yes, you and I, sir, have had many conversations about this. So to the extent that it has been a budgetary limitation, it has been kept at $50 million.

Senator BYRD. Well, you and I really have not had many conversations along this line. Perhaps the fault is mine, but we are looking ahead now, and I hope that we will focus our attention in considerable degree at least on the plight of the small areas, these communities, the small towns in the rural areas of this country, as we quite properly consider helping the big airlines, bailing out the airlines, which in times past in considerable measure have turned their backs on the rural areas of this country.

Madam Chairman, I want to thank you. I want to thank all the other members, and I beg their pardon for having to step out during the questioning and meet with Senator Stevens and Mr. Young concerning the appropriation bill. Thank you.

Thank you, Mr. Mineta. Thank you.

Secretary MINETA. Thank you very much, Mr. Chairman.

Mr. ROGERS. Mr. Sabo.

Mr. SABO. We wish Senator Byrd well in his meeting. Before I start, I would like to yield 30 seconds to our colleague Frank Wolf, who has to get back to the floor.

Mr. WOLF. Thank you, Mr. Sabo, and I thank both the chairmen.

Very, very quickly, with the airlines in trouble financially, they are not going to move ahead aggressively. Secondly, we need to federalize the inspection service immediately, including the baggage and doing background checks. You cannot do background checks on people who have only been here for a year because they cannot go back over to the country.

Third, it ought to be in the Department of Justice, which is the law enforcement agency, so that the FAA is not conflicted with promoting aviation. It should be in law enforcement. Also, we should secure the cockpit.

When we come back in private session, I will raise some of the issues that you already know. We should have air marshals, but we have armed pilots in certain airlines. We had air marshals. We have pilots who are well trained, and as pilots—particularly since they got up and left the seat—I believe the pilots ought to be given weapons, as in some other airlines, whereby they can be in essence an air marshal. Had the pilots in this case had weapons, these cases would not have happened.

With that, I will just yield back the balance of my time and thank you. But we ought to federalize this. There is no contracting out, there is nothing that any private sector or nonprofit can do. We do not contract out the FBI, we do not contract out the Customs Service. We ought not contract out this.

I thank the chairman.

AIRLINE FUNDING REQUEST

Mr. SABO. Let me indicate, I really do think this issue of how we deal with the cockpit is absolutely crucial. As everything we discover, all issues are more complicated than one thinks. But that clearly would have dealt with the heart of the problem on September 11. I think it also fundamentally deals with the problem of other hijackings. If the hijackers know they are not going to get control of the plane, there is not much reason for doing it.

But let me ask a question on a different subject. I understand the administration is sending up their request on the airline package which includes $5 billion. I am curious as to the source. I assume it does not come from the $40 billion. Is it an emergency supplemental that is being requested? What form does it take?

Secretary MINETA. I will tell you. Let me ask our Deputy Secretary Michael Jackson to come up, because he just returned from a meeting with the House and Senate leadership, I believe it was, or at least the House leadership, on discussions relating to the package that is being considered for submission to Congress.

Mr. SABO. As I understand it, you are allocating $3 billion from the $40 billion for some of the enhanced security measures?

Secretary MINETA. The $3 billion, I believe, comes from the original $20 billion, and I will have to see where they came out in this meeting today.

Mr. JACKSON. Congressman, we are proposing that the additional $5 billion would be a new emergency appropriation.

Mr. SABO. It is not something that is coming out of this committee's jurisdiction?

Mr. JACKSON. It will have to have an appropriation and so the House and Senate will have to deal with that issue as an appropriation, to my understanding.

Mr. SABO. Mr. Chairman, I will yield and let you move on to other committee members.

Senator MURRAY. Thank you very much.

Senator Kohl.

Senator KOHL. Thank you, Madam Chairman.

Earlier this week a member of my staff discovered some disturbing facts regarding chartering of aircraft. We are talking about private jets. She called several companies that charter these jets of all sizes and tried to determine how difficult it would be to rent a jet. I do not want to get into the details of what she discovered, but let me just summarize it by telling you that one representative actually said to this person on my staff, and I quote: "Renting one of our jets is not that different from renting an automobile. The procedures are not entirely dissimilar."

So I would like to get into this whole question of private aircraft and how people secure them, how they get a hold of them, what kind of security we have with respect to private aircraft. I can tell you, in my own experience, I have used private aircraft from time to time and I have never had any security whatever in connection with the boarding of an aircraft, myself or the people with whom I travel, my friends. When you go down after you have secured an aircraft, if you are renting it and there are pilots, you simply walk into the place and they say, are you Mr. Kohl, and I say yes, I am, and off we go, and everything else is come as come be.

Now, there is no, to my experience and what I have been able to learn in the last week, there is literally no security with respect to private aircraft in this country. I would like you to please comment on that, not with respect so much to what has been, but with respect to what is going to be, because the citizens of America need to be protected from all the things that can happen as a result of a private aircraft being hijacked as it is from commercial airlines. Is that not true, Secretary Mineta?

SECURITY OF PRIVATE AIRCRAFT

Secretary MINETA. Senator, let me have Administrator Garvey address that issue.

Ms. GARVEY. Senator, I will take your cue and focus on the going forward. You are right that private charters do not have to meet the same security requirements. Public charters who have individual passengers pay for their individual seats do have to go through the same security requirements. Public charters involving aircraft with 30 or fewer seats have to meet security requirements, under certain conditions. The applicability of securing requirements to private charters is going to change in November of this year. This was an issue, we felt was an issue, even before this incident had occurred, and we have been developing a change, a regulation change, which is to go into effect in November of this year. With the new requirement, private charters will be treated the same as public charters with 30 or fewer seats.

I think what we need to do in the next 30 days is see if we can move that November date up even sooner, and we are doing that.

One note, though, or really a compliment to the general aviation airports and to the fixed base operators who operate on larger aircraft—they are, on their own, really stepping out and putting in place some additional security managers, using in many cases a member of the local police force.

But again, November of this year was the original date for the change. We will see about moving it up.

[The information follows:]

AVIATION REGULATIONS FOR PRIVATE CHARTERS

The FAA did issue Special Aviation Regulation (SFAR) 91 on October 1, 2001, addressing security checks for all operators, including private charters, that enplane or deplane passengers into sterile areas. The SFAR essentially advances the November 14, 2001, date for private charters to comply with the provisions of the amendment to part 108, which was published on July 17, 2001.

The FAA is requiring operators to implement security procedures: (1) by October 6, 2001, for all aircraft operations in which passengers, crewmembers, or other persons are enplaned from or deplaned into a sterile area regardless of weight; and (2) when notified, for all aircraft operations conducted under part 91 in aircraft with a maximum certificated takeoff weight exceeding 12,500 pounds. Item No. 2 applies regardless of whether passengers, crewmembers, or other persons are enplaned from, or deplaned into, a sterile area.

Senator KOHL. So you do recognize the danger inherent in that whole private aircraft business?

Ms. GARVEY. Yes, sir, and the new requirement will treat private charters in the same way, with the same security requirements as public charters with 30 or fewer seats.

Senator KOHL. Well, I will be looking forward to seeing that; and you are saying hopefully even sooner than November?

Ms. GARVEY. That is correct, Senator.

Senator KOHL. Thank you. I thank you very much.

I thank you, Madam Chairman.

Mr. ROGERS. Mr. Olver.

TRACKING FLIGHT TRAFFIC

Mr. OLVER. Thank you very much, Mr. Chairman.

I am going to attempt something I have never done before, which is to try to get three questions in my 5 minutes. I have a very short follow-up to the question posed by Senator Byrd a little bit earlier. Many of the airlines have announced 20 to 25 percent reduction in the total flights that they expect to be carrying out in the near future. Is anybody from the Secretary, the Administrator, or the IG's Office, watching whether the flight reduction is coming disproportionately from any sector of the country or from large communities or small communities? Is there any pattern beginning to emerge from that? And if there is not, if it has not been looked at, should we not be looking at it somewhere in your area?

Secretary MINETA. Our office has not. It is something that I will take a look at.

Mr. MEAD. I think it should be looked at. It is probably a little early to say exactly what the patterns are going to be, but I agree wholeheartedly it is something that needs to be watched, and we will do that.

COCKPIT SECURITY

Mr. OLVER. I think I am getting agreement that it should be looked at, and I trust that you will look at it rather carefully as this develops.

I want to follow up on Mr. Wolf. My colleague from the House had zeroed in on two issues. Cockpit security was number one. Mr. Queen, you had mentioned that there was something like 7,000 planes and 40 designs. Are there either national airline companies from other countries that have a system of restricted access all the way to—well, I think this goes through a process of hardening—perhaps all the way to an access which is totally outside the access from the passenger cabin, separate access for the flight deck?

Is that true, that there are companies, national companies or other than our companies, that do that sort of thing?

Mr. QUEEN. I will tell you what I know and do not know. I do know that there are some customers who, after delivery, do what is called door-hardening.

Mr. OLVER. The customer has done it?

Mr. QUEEN. Airlines, yes, after delivery from Boeing. I know that we, at Boeing, on one customer's airplanes, two different model types, in the late eighties added kevlar to their doors on the cockpits.

Mr. OLVER. Is there any kind of a report that would summarize the kind of hardening mechanisms that are in place by airlines, different airlines or different nations?

Mr. QUEEN. I personally do not know. I think we have an opportunity in the working group that we have to gather that kind of information. To be honest, most airlines are a little reluctant to share that because they do not want to share the details of what they have done to enhance their security.

Mr. OLVER. That is probably obvious, that they would be reluctant. But I would be very interested in seeing what we can know about that kind of thing.

Mr. QUEEN. We will try to find out.

FEDERAL RESPONSIBILITY FOR AIRPORT SECURITY

Mr. OLVER. Then my third one—I am getting close to doing this—has to do with Mr. Mead and Mr. Dillingham. Mr. Mead, each of you has used some cases, cases of breakdowns in the security system, some of them looking fairly egregious and some of them looking like a randomized pattern almost. Mr. Mead, you have said it is time, I think very close to your words, to have Federal responsibility for airport security.

Mr. Dillingham said it might be time to give that responsibility. It seems that the case is fairly strong. That is Mr. Wolf's other zeroed-in point.

I am curious if the Secretary and the Administrator would give us their estimate of how close we are to the time to do this kind of overall security responsibility directly under a Federal agency.

Ms. GARVEY. The rapid response team, of course, that the Secretary mentioned will be coming to the Secretary very soon with a response. I can tell you that the principle going in is that we need,

we absolutely need, a fundamental change in the way we approach screening.

The second principle going in is that we absolutely need to have a much stronger Federal presence. I think some of the questions that Chairman Wolf pointed to—for example, should it be in Treasury—as Mr. Mead said—we were talking about that this morning and he said the devil is sometimes in the details.

So we are very, very close to coming to the Secretary with these options very much fleshed out. But the fundamental principle about it must change, it must change, and we need to have a much stronger presence. Whether that assumes a true federalization is, I think, the issue we are working on now.

Mr. OLVER. Any other comments, Mr. Secretary?

Secretary MINETA. I guess what we are trying to do throughout the system as we see these shortcomings is try to plug, so to speak, the loophole, because there is no question that life is vastly different for all of us, whether you are a passenger or an airline operator, in terms of the requirements. We are going to be looking at, we are looking at all these requirements.

Mr. OLVER. How long would it take to get a thoughtful response to that question of whether we need to do that nationalization?

Secretary MINETA. We hope to be able to do that very quickly. Part of the solution may be in part of the funding that is available through the emergency supplemental bill.

Senator MURRAY. Thank you very much.

I would remind all of us that we do want to go into closed hearing in half an hour, so if we can keep our questions and answers short I would appreciate it.

Mr. MEAD. I just want to say that there has been a lot of talk about federalization or nationalization. I think it is a term that is not self-defining. Ms. Garvey said, I think, the devil is in the details on exactly what we mean by that.

Senator MURRAY. Thank you.

Senator Specter.

Senator SPECTER. Thank you, Madam Chairman. Let me thank you and Chairman Rogers for suggesting this joint hearing. I think it has been a very good hearing. I would also be interested to work with the House colleagues to see the interaction. Perhaps we ought to do it more often.

Mr. Secretary, in just the few minutes I have I am going to direct my questions to you. At the outset, let me say it is reassuring to have you in this tough position in these tough times with your legislative background and your capabilities in this arena.

I think that Congressman Rogers has been very effective in his examination in pointing out some major deficiencies which really need very prompt correction. It is very distressing to hear Inspector General Mead comment about the criminal conviction and payment of a large fine for a company which is handling security clearance in many places, and then to hear that they ought not to be singled out, that there may be similar problems at other places.

I quite agree with Dr. Dillingham that it is fine to have resident aliens with green cards in key positions, but I do believe that it merits some inquiry to be sure that they are not part of some plan with some foreign conspirators. There is no inference that that is

so, but it requires a look. When you, Mr. Secretary, say that there is no positive factor established because some of the evidence is box-cutters and knives, of course we do not know as we sit here, probably will never know, what happened on all the other planes, whether the others had guns or what they had.

I think it has become very obvious that the existing steps at airports need to be corrected immediately. We have seen the very serious deficiency in law enforcement officials and immigration notifying the FAA as to what is happening. So that there is a good blueprint which is emerging fairly rapidly in a fairly brief hearing.

FEDERAL LOAN GUARANTEES FOR AIRLINES

Mr. Secretary, the questions that I want to cover with you, in the couple minutes that I have, relate to the response of the airlines. It seems to me that there is a solid legal basis at least for consideration on losses which are directly attributable to the terrorist acts being borne by the country, as opposed to by any specific business entity or individual. This is really an attack on our country and we are at war. When we try to figure out what is fair and just, some consideration ought to be given to how we are going to bear these costs, whether they are national costs as a cost of war.

I had asked you informally before the hearing started—that is when, people might be interested to know, we transact most of our business, as opposed to the formal question and answer session, which may be somewhat guided or inhibited by the television cameras. But a constituent, US Airways, is only symbolic of the entire airline industry as to what is happening, and the $5 billion in cash has to be supplemented by stopgap loan guarantees of $12.5 billion behind it, and speed is really the essence of what we have to accomplish.

The Congress, to its credit, which is somewhat unusual, responded very promptly last week with $40 billion as the President requested and a resolution for the use of force. It is my hope that we will move promptly with a package which will stop the hemorrhaging now.

Last week, had there been $2.5 billion advanced, it is entirely possible that might have foreclosed the matter for a larger advance. So I would hope that you would weigh in from your authoritative position to couple to $5 billion with a backup $12.5 billion loan guarantee.

Secretary MINETA. Senator Specter, since those negotiations were going on while I was here and I sent Deputy Secretary Jackson to those meetings that went on between the White House and the House leadership, I believe he can bring us up to date on what is going to happen on that issue specifically of loan guarantees.

Senator SPECTER. Thank you.

Mr. JACKSON. Senator, the administration has reached a position where we would be supportive of a package of additional financial supplemental aid for the near term and believe that that is an important component of the stabilization of the airlines. So we are supporting money for safety, as the Secretary described in his opening remarks, and money for the $5 billion initial recapitalization and cash infusion, some prospective and retroactive insurance

liability, terrorism insurance provisions, and a few other items that are being discussed this afternoon.

So on the longer-term financial mechanisms, we are supporting some measure there.

Senator SPECTER. The $12.5 billion backup line of credit?

Secretary MINETA. Senator, I think the amount is something that is still in flux. I think the subject matter you are interested in is part of the package. As to how much it is specifically, it is still open.

Mr. JACKSON. And how that would be structured and administered.

Secretary MINETA. And how it would be structured.

Senator SPECTER. Madam Chairman, one further question.

Senator MURRAY. One further question. You are 2 minutes over your time.

REOPENING OF REAGAN NATIONAL AIRPORT

Senator SPECTER. Mr. Secretary, with respect to Reagan National Airport, very important for the Nation, especially for US Airways, the biggest occupant there. It is very close to the Capitol, about 90 seconds. But it is comparable to Dulles, which is 2½ minutes. I know it is a security issue, but could you give us some idea as to what may happen with Reagan National Airport with respect to reopening?

Secretary MINETA. Senator, you have hit it on the head. It is a security issue. We are working with the National Security Council and, more specifically, with the United States Secret Service on this issue, trying to fashion some way to get Reagan National Airport back on line. The desire is to have takeoffs to the south and arrivals from the south and nothing going north or approaching from the north, but that cannot be done all the time, because the laws of nature and the physics of aircraft lift require a different set of wind conditions and they do not always exist in terms of a southerly approach or a southerly takeoff.

But in any event, I suggested maybe putting a sky marshal on every flight that departs National or comes into National. Well, that is a whole slug of flights in terms of the number of air marshals that we will have. In any event, every day we are talking to the National Security Council/U.S. Secret Service about coming up with alternatives as to what we might be able to do to get Reagan open, up again, recognizing that there is a major airline that is on the precipice.

Senator SPECTER. Thank you.

Thank you.

Mr. ROGERS. Mr. Pastor.

BAGGAGE SCREENING

Mr. PASTOR. Thank you, Mr. Chairman. I want to thank the leadership of the subcommittee for holding this joint hearing. Also, I would express my condolences and heartfelt sympathy to the pilots, attendants, and passengers who perished in this tragic attack, and hopefully from this hearing we will secure the airline industry, but also secure the entire transportation industry.

One of the things, during these hard times we look for culprits, but I have to tell you that a person's status, legal immigrant, does not translate into a guage for judging loyalty. I know that they have to do background checks. I know we have to be secure. But being here legally but not being a citizen does not translate to disloyalty. I just have to remind my friends what happened in Oklahoma. Those were U.S. citizens. So we just need to be careful in how we translate loyalty and status.

I know you have ongoing investigations on how the terrorists got on the planes and what they carried. What security measure right now in place do you think would avoid it happening again?

Secretary MINETA. Next question. I do not have a good answer for that one.

Mr. PASTOR. This last weekend I traveled back to Phoenix and back to D.C. and I see still people carrying as many bags as they want.

Secretary MINETA. Well, we have not done anything on the limit. We were just talking earlier about limiting it to one bag per person, including purses for women.

Mr. PASTOR. Well, I have to tell you——

Secretary MINETA. That is not in effect yet.

Mr. PASTOR. I understand that.

Secretary MINETA. The question is should we be doing things like this.

Mr. PASTOR. I saw in Dulles Saturday, where people had their carry on bags, and the impatience of many of the passengers, the pressure put on the people looking through the bags. I can tell you that, even though they are trained and they are trying to beef up security, I am sure there were some things that passed through those bags that you would not want to have carried on airplanes.

Secretary MINETA. I experienced the same thing when I went to BWI to watch what was happening there on Saturday, and the long lines. The whole function of wanding an individual was sort of a function of how long is a line. Long line, nobody got wanded. Yet we said specifically random wanding of passengers coming through the security point. That does not say give up wanding because it is a long line. It still says random wanding.

Mr. PASTOR. But then who would be selected randomly? Why not everybody? Because there are certain people that obviously——

Secretary MINETA. But by the same token, I know that when the line got shorter everybody got wanded.

Mr. PASTOR. Well, I would think that possibly they might look at me and I might profile someone that might be carrying something they should not be carrying. I may be wanded, but someone what may not look like a terrorist might not be wanded. I think you need to wand everybody, even though it takes time.

People ought to be limited to carrying one bag that is small enough that it can be monitored and be made secure and at least allow a person to carry an ID, maybe a plane ticket and a few things. But I think that is going to stop probably 90 percent or more of the things that you do not want to have on airplanes not to get on airplanes.

Secretary MINETA. ID's are required.

Mr. PASTOR. I understand it, but what I am saying is the bag you carry should be small enough that it can be secured within a reasonable amount of time, but allow the things that you need to carry on to be carried on—your ID, your ticket, and a few things, pocketbook and stuff like that. But there are still things on the airline. In first class I saw the attendant opening a bottle of wine with a corkscrew, and it is longer than four inches. What are you going to do with a glass that is still being used, or bottles that are given out. So there are different ways that people can still use what is being used on the airlines to handicap an attendant or possibly create chaos on an airline.

SECURITY OF OTHER TRANSPORTATION MODES

Senator Byrd asked a question. In Japan they use the subways in a terrorist attack. What are we doing to ensure that the subway trains are secure?

Secretary MINETA. Well, both the Federal Raiload Administration and the Federal Transit Administration have been having conversations with either APTA or with AAR on specific things that are going to be required of the railroads to increase their surveillance and security measures, part of which I suppose goes back to that earlier question that was raised by someone about the cost of this kind of surveillance, especially with public transit agencies. How do you do it with a transit agency that has, let us say, 57 buses or 1,300 buses? How do they inspect those vehicles to make sure as they are going through the Holland Tunnel that they do not have some unwanted baggage on it?

Those are being talked about right now, and the early part of next week I hope to be getting a report back on some of the specific stuff they will be looking at and incorporating in terms of their operation.

Mr. PASTOR. I thank the panel, Madam Chair.

Senator MURRAY. Senator Durbin.

Senator DURBIN. Thank you, Madam Chairman. Chairman Rogers, I thank you for this hearing. I thank you for this hearing. I think this is appropriate and timely.

I also want to thank Secretary Mineta and Administrator Garvey. You have a tough job and you have done good work. In fact, in many ways your public service has saved lives, particularly in light of this national crisis.

UNIFORMED LAW ENFORCEMENT OFFICERS AT AIRPORT SCREENING POINTS

I would like to focus, if I can, on an area of questioning which has already been addressed. There has been a lot of attention since I returned to Washington on our airlines. I think it is appropriate and I hope that we move very quickly to respond. It appears that the legislation moving forward is focusing on the solidness of the airlines—loans, grants, tax considerations, questions of liability. These are all very important and without the prompt attention of Congress and our action I am afraid that we will face an even greater crisis in our airline industry.

This is the first hearing I am aware of that has focused on the security aspect of this. I would suggest to everyone here the fact

that yesterday in the United States of America airlines operated at 31 percent of their capacity has much more to do with security than it does with solvency. I think people are reluctant to use our airports and our airlines, this brings me to my question, Secretary Mineta.

I do not think there is anything that has come forward in this hearing today which will make people feel safer about using our airports and airlines. I am sad to report that, because I want us to return to normal as quickly as possible, but the questions that have been propounded and answered and the testimony that we have about the gross inadequacy of the screening system in American airports has to give every member of this panel pause, let alone the flying public.

The suggestion that we have gone to the lowest bidder time and again, hired people who are not well trained, not as conscientious as they should be, who are not well supervised, who have often been found to fail in their attempts to stop people who would bring weapons on airplanes, has to be a matter of great concern to all of us.

LAW ENFORCEMENT OVERSIGHT OF BAGGAGE SCREENERS

My specific question to you, Mr. Secretary, is this. On September 11, 2001, in a matter of moments you made a decision which saved lives. You brought down planes across America, as you said, in less than 2 hours. Because of that decision, people are alive today who might not otherwise be alive. I would like to ask you this: Are you prepared now through the FAA to make an order that at every screening station in every airport in America there will be a uniformed law enforcement officer to supervise the activity of these screeners until Congress can respond with the administration to federalize this activity with the appropriate people to give us the sense of security we need?

Secretary MINETA. I know that at Baltimore they are doing that. There is a police officer at the screening point overseeing that operation. That is what I saw Saturday. Whether or not we are considering doing that nationally, let me ask whether Administrator Garvey or General Canavan.

Ms. GARVEY. Senator, the major airports are doing just that. We contacted them immediately and said, we would like you to use your local, State police, your local county police, metro police, whatever, and beef up the security, the security checkpoints. I was looking at some numbers the other day and they are dramatic.

The challenge for us is that many of the Federal law enforcement officers that we want to use we are using Federal marshals on the aircraft. So in many ways we are relying on some of the local officials at the local level. But I do think at the larger airports they have done that. This weekend we are going to be visiting some of the major airports to see if there are additional things we can do.

Senator DURBIN. May I suggest, it seems eminently sensible, based on what we have heard today at this hearing, that we have an order coming from the FAA at every airport in America that every screening team, every screening device, has a uniformed law enforcement officer there. I think it accomplishes two things. It reminds the employees of the seriousness of what they are doing and

it could certainly discourage some wrongdoers from trying anything.

Yesterday I went to Lambert Airport in St. Louis. There were five people at my screening station. Three were conscientiously doing what they were trained to do and two were involved in a kind of game-playing and horseplay that high school teachers would not tolerate. That is unacceptable. If this is truly our first line of defense, before we start talking about arming pilots and sky marshals, should we not put a law enforcement official at every screening device in every airport?

Ms. GARVEY. That would be one option. Two is to use the AIP funding. The Secretary has asked for a recommendation on that, to use AIP funding so that they can supplement those forces.

Senator DURBIN. Thank you very much.

Thank you, Madam chair.

[The statement follows:]

PREPARED STATEMENT OF SENATOR RICHARD J. DURBIN

Chairman Murray, Chairman Rogers thank you for holding this important hearing today. And a special thank you to Secretary Mineta and Administrator Garvey for taking time to come back to Capitol Hill to brief us and to work with us on ways to make our aviation system the safest in the world. I want to commend the Secretary and the Administrator for their quick work on Tuesday, September 11, to halt national aviation operations and to institute a ground stop for all aircraft. These prudent actions likely prevented further tragedy and confusion.

This Congress and this Administration must expeditiously develop a cooperative, comprehensive plan to ensure the safety of the traveling public, the security of our airports, and the continued economic viability of the aviation industry.

First and foremost, the federal government should immediately take responsibility for the screening of passengers and luggage and the control of security checkpoints at our nation's airports. We can no longer rely on contractors and subcontractors nor on employees with high turnover rates. We need well-trained, professional federal government security experts to be the central line of defense for airport security.

I plan to introduce legislation shortly that would require these airport security check points to be staffed by federal—FAA—employees. I also will co-chair a Governmental Affairs Committee hearing with Senator Lieberman on Tuesday, September 25, to more thoroughly examine this issue. While this proposal appears to be supported by the airlines and by the Administration, I think it's important for Congress to act swiftly to codify this important change.

I have heard from a number of Downstate Illinois airports who support the stronger security procedures. However, these airports are being asked to shoulder a heavy financial burden. For example, the Central Illinois Regional Airport in Bloomington-Normal will likely need to spend as much as $30,000 per month for additional security measures. These funds are above and beyond what has been budgeted and could create a financial hardship for the airport. The Department should explore ways to help smaller airports by providing resources and technical assistance to upgrade security and enhance passenger safety.

With regard to on board security, I am encouraged by Monday's announcement that federal law enforcement officers will resume the sky marshal program. This gives peace of mind and real safety assurances to the traveling public. I am a cosponsor of Senator Hutchison's Emergency Aviation Security Act, which would reinstate the federal sky marshal program.

However, I believe we can do more. Clearly, we have the technological expertise to explore additional cockpit security, from video cameras to tamper proof transponders. While we pursue common-sense solutions like stronger and more secure cockpit doors, we shouldn't delay developing high-tech solutions that very well may save lives.

Finally, the airline industry is still reeling from last week's senseless attacks. While carriers are doing their best to resume operations while implementing stringent new security procedures, it's clear that they face a significant economic loss, both short- and long-term.

It has been estimated that the industry is losing $250 to $300 million a day as a direct result of the attacks. In fact, some airlines have already announced major layoffs—nearly 90,000 employees throughout the industry. Chicago-based United Airlines announced lay offs of 20,000 employees. Milwaukee-based Midwest Express has cut 15 percent of its workforce. American Airlines will trim 20,000 jobs. U.S. Airways will be cutting 11,000 jobs while Continental scales back by 12,000 employees. Last week, Midway Airlines permanently shut its doors. And now the Boeing Company has announced a workforce reduction of up to 30,000 employees by 2002 due, primarily to falling aircraft orders.

I strongly support legislation that would help the airline industry get back on its feet through special grants and loans. This industry is simply too important to my home state of Illinois and to the nation for it to face an uncertain future. So many Illinoisans and Illinois communities rely on commercial service for economic development and tourism, not to mention the more than 50,000 airline jobs that are based in the Chicagoland area and throughout the state.

I appreciate the difficult tasks that lie ahead for the Department, the Congress, and our nation. Together, we can craft common-sense solutions that protect passengers and ensure that our aviation system is the safest in the world.

Mr. ROGERS. Mr. Callahan.

Mr. CALLAHAN. Thank you, Mr. Chairman. I will be brief because I think it is important that we go into executive session as quickly as we can.

Obviously, we have some very chilling deficiencies in the system. I do not think this committee's role is to lay blame on anyone, but rather as appropriators to find out what resources you need to correct the problems. We are not an authorizing committee and we are not permitted to make rules and regulations. We are appropriators. I think that we have shown a great willingness to the executive branch of the government, both with the financial problems facing the airline industry and with DOT, by saying there are deficiencies, tell us what you need to correct the problem.

This business of just asking people if they packed their own bags is not working. In fact, it is asinine that we go through that. The fact that we have noncitizens who cannot even speak English scanning people—undereducated, unable to speak English, and not doing an appropriate job because they are undertrained and underpaid.

We are coming to you as our representatives in the executive branch of government and telling you we have the money, we will provide it for you, provided you tell us what you want, and we need answers immediately.

I think, Madam Chairman, the quicker we go into executive session so we can find out some of these problems, the more concerned we are going to be and the more willing we are going to be to work with DOT to correct the problems. We need to do this, Mr. Secretary, immediately. We need to begin this process before we recess this year, which we are going to try to do before the end of October. We need to provide you with resources, if indeed you need them, or authorization if you need any authorization.

So I am ready, willing, and able to go into executive session to listen to the other horror stories that we do not want to make public, and with good cause, but to tell you that our role in this play is as appropriators who provide resources. We are willing to do that. You justify what you need the money for.

Thank you.

Secretary MINETA. That is very reassuring, Congressman Callahan. Thank you very much.

Senator MURRAY. Senator Bond.

Senator BOND. Thank you very much, Madam Chairman.

Mr. Secretary, Administrator Garvey: First, I join in saying, thank you for the tremendous job that you have done. Really, you took heroic actions to minimize potential future danger. In the long and very difficult hours since then you have been very responsive. I can only imagine the amount of burdens on your shoulders. Thank you for doing that.

Now, there are a number of things that I may or may not be able the touch on in this time, but I am interested in the security issues, and I happen to feel that somehow we need to have Federal law enforcement officials doing the screening. I am advised that at the St. Louis Airport the turnover of screeners is 416 percent per year. That kind of makes you wonder about how well qualified they could be if they are turning over that fast.

But I have been exploring and discussing on the floor a number of things we need to do to help the airline industry, and I want to take this opportunity, since this might be my only opportunity to get to you, Mr. Secretary, in a public forum, to ask your view on the liability issue, because we are preparing to put in probably $5 billion to the airlines, $3 billion to security.

LIABILITY OF AIRLINES

It is my view that if we do not do something to limit the scope of liability to the carriers and provide backup so that everybody with a legitimate claim can be paid, that we will be dropping $5 billion down a rat hole. I made this argument on the floor and it was countered by someone saying: Well, do not worry about liability because any lawsuit is 3 to 5 years down the road. My understanding, and I ask your comment on this, Mr. Secretary, is it is not whether or how many lawsuits will ultimately result in judgments for plaintiffs, but the fact that there are potentially 5,000 plus, plus, plus lawsuits out there that is inhibiting the ability of the airlines, even the relatively well-to-do airlines, getting the continuing funding they need, the short-term funding, and inhibiting the ability of other airlines just to get the cash they need to keep operating in the next couple of months. The prospect of unlimited liability going forward without some war risk protection that you have proposed makes it unlikely that they will be able to buy the insurance that you require them to have before they operate.

Would you comment on that for the record, please, sir?

Secretary MINETA. First of all, New York has what is referred to as a collateral damage liability law. So right off the bat, United and American Airlines are facing tremendous liability.

Senator BOND. If I may interrupt, Continental conducted the screening and USAir brought some of the passengers in.

Secretary MINETA. That is correct. You are absolutely right. I suppose if you wanted to, if I get in a taxi and get on Continental and then get on United Airlines, then someone could take it all the way back to the taxi company if they wanted to.

But in any event, part of the problem is now the capital markets have dried up for the airlines. So that is why in this legislation that will be coming to you there is a provision dealing with the whole issue of liability, both retrospective as well as prospective.

The details of that are being worked out right now, but the liability issue is very, very big for all the airlines. So that is going to be an integral part of that package.

AIRLINE OPERATIONS

Senator BOND. In your judgment—and I might ask the Administrator to comment on it—are we likely to see airlines, significant airline carriers, unable to continue because of a lack of availability of access to the financial markets without this liability limitation?

Secretary MINETA. I believe that is the case. That is the case right now.

Senator BOND. Madam Administrator, is that the case?

Ms. GARVEY. It is, Senator.

Senator BOND. So you are saying that if we are going to appropriate money, as I strongly believe we must, and I support what appears to be developing as the administration's package, that must, in addition to including the assistance for the airlines in security measures, it must include liability protections as well?

Secretary MINETA. That is correct. The other piece of it is the fact that in some instances—in meeting with one of the CEO's of an airline, he said that they had already received their 7-day cancellation notice. Others are finding tremendous increases in their insurance premiums. So it is not only a case of insurance premiums going up, but it is also in some cases insurance not being available to them at all.

Senator BOND. Thank you very much, Mr. Secretary.

Thank you, Madam chair.

Mr. ROGERS. Ms. Kilpatrick.

AIRLINE EMPLOYEE BENEFITS

Mrs. KILPATRICK. Thank you. Thank you, Senator Murray, as well as Congressman Rogers, for having this hearing.

Of the money being appropriated, $3 billion from what I understood the Secretary to say earlier as a part of the $40 billion that was passed last week; another $5 billion which we think will be in a new supplemental to recapitalize the industry; and the $12.5 billion in loan guarantees, is there language—and I am stressing in the strongest way possible that there be language—that would make sure that those dollars go to not just security, but the employees?

We have heard today over the last 24 hours that nearly 100,000 employees will be laid off. Where will those employees be laid off? What kind of benefits will they have? What kind of health care will they be able to obtain for themselves and their families?

I want to make sure that these moneys do not go to the CEO's and other high-ranking officials who already make over $1 million a year. I want to make sure that the money does not go to the stockbrokers, although I am a stock owner in some of them and we may take a brunt. It has to go to the families who have also been serving these airlines.

There has been a lot of discussion, and I would like you to answer that, Mr. Mineta. I want to make sure that when we do infuse the money into the industry that it goes to securing the industry and making whole as much as possible those employees who have

served well. No more curbside check-ins, so that is inconvenient for a lot of us. What happens to all of those employees? What happens to the baggage handlers and all that?

Secretary MINETA. The latter part of last week, maybe on Thursday or so, because most of the focus was on foreign and military relations and operations, the President established, let us call it, the DCPC, Domestic Consequences Policy Committee. So there are a number of us who are part of that Domestic Consequences Policy Committee. One of the things that the President has explicitly outlined is to make sure that unemployment benefits, that retraining moneys and programs that are similar to what would be otherwise available under the Trade Adjustment Act assistance, would be there for those in the airline industry.

AIRPORT SECURITY FIRMS

Mrs. KILPATRICK. Happy to hear it, and I will continue to work with that. But finally for me, this company that is in 46 airports, that had the low bid contract and non-citizens that handle security, and has criminal convictions, who hired them?

Secretary MINETA. The airline is the one that contracts with each——

Mrs. KILPATRICK. An airline? One airline? So do they all go together and hire them or does each airline?

Secretary MINETA. The airline hires the company and then the airlines—well, let me have Ken maybe go into that, because he has maybe got the list of airports with the contractors.

Mr. MEAD. Different airlines can hire the same security company and that does happen.

Mrs. KILPATRICK. Obviously, low bid?

Mr. MEAD. In some airports, Dulles for example, you have the airlines get together there, they hire one vendor. In the case of Dulles it is Argenbright. In the case of other airports, where you have an airline, say, that has a dedicated concourse, and you have two or three concourses at that airport, you may have in fact three different firms providing the security, each hired by a separate airline.

FEDERALIZATION OF AVIATION SECURITY

Mrs. KILPATRICK. Really, finally for me is the suggestion that much of what I have read today and has been said before, the suggestion that the Federal Government become more active in that and that we take that responsibility from the airlines and perhaps do something more federally. Mr. Secretary, Madam Garvey, what is your position on that?

Secretary MINETA. We are looking very actively at that whole issue of what some people have called nationalization. Some people have referred to it as federalization. In any event, it is going to be an enhanced system, better than where we have been, let us say, on the 11th of September. In fact, right away, before the airlines were able to get back in, we had increased the security measures.

But on the screeners specifically, one of the things we will be looking at is this whole issue of federalization.

Mrs. KILPATRICK. Thank you, Madam Chair, Mr. Chairman.

COCKPIT SECURITY—DOOR HARDENING

Senator MURRAY. Thank you.

I am going to ask just one quick question and then turn it back over to those who have not had an opportunity. Mr. Queen, while you are here and we have your expertise, we have heard a lot in recent days about hardening the cockpit doors with kevlar and some kind of suggestions like that. From your expertise, can you tell me if there are specific safety tradeoffs if we were to require those doors to be hardened?

Mr. QUEEN. The short answer is yes, because as you look at the doors, at least in our models today, anywhere between 80 pounds to 130 pounds of force is required to open the door, and they are designed to open at that force because they are the vent path in the event of a decompression. So at a very low delta psi, on the order of a tenth of one pound pressure on that door, they open. It adds up to about that much.

The reason why that happens is you need to protect the basic structure of the airplane. So a quick example is, on the 757, if you were able to increase that to one psi, hold the door to that level of pressure, you have put about 9,000 pounds of pressure on the bulkhead and 6,000 pounds of pressure on the cockpit floor, and both the floor and the bulkhead have control cable runs that are critical to the control of the airplane, and you could not ensure that those bulkheads or floor would not fail and you would lose control of the airplane as a result of that.

So clearly there are things we can do to make the doors more secure, but since they are the only available venting path out of the cockpit, we have to also make sure we meet that equal pressure requirement, which is why we have to be careful not to rush into something without understanding all the consequences.

Senator MURRAY. Thank you very much.

Mr. ROGERS. Mr. Tiahrt.

Mr. TIAHRT. Thank you, Mr. Chairman. I do have a statement I would like to put in the record and go directly to my questions.

Ahead of us I think there is a bright day in aviation, but a lot of things are going to have to happen before we get there. We have talked about these things. We have seen them on the television, heard them on the radio. We have talked about them in this committee, we have talked about the need for sky marshals and increasing the strength of security doors. But there are some things that we have not talked much about. We can begin to look at some of the employees whose lives have been disrupted. And while there is no comparison as we look at the families of those who lost their lives.

MANUFACTURERS FINANCIAL IMPACT AND FEDERAL RESPONSE

When we look at the people whose lives are going to be disrupted, I would urge, Mr. Secretary, that the administration create a policy which addresses these work interruptions and layoffs. The Administration should allow employees who have lost their jobs, whether they were working for the airlines or for aircraft manufacturers, to receive benefits in terms of retraining and education or perhaps a hardship withdrawal on 401[k]'s without any penalty.

These steps will help to soften the blow. Perhaps we could create a program which would allow an employee to move from a technician to an engineer or from a parts deliverer to a machinist. Such a program would let them improve their lives while their employment is interrupted.

Administrator Garvey, there are several long and complicated things that I would like you to consider and perhaps get back to me with your thoughts. We are seeing some ripple effects that get to Wichita, Kansas. There may be as many as 4,000 or 5,000 people laid off at the Boeing Company alone. There are three other manufacturers in that area—LearJet, Beech, and Cessna. Each of them are impacted because they are single-engine aircraft, they are business jets, they are charter jets.

We do not know the impact, but I would like for you, Mr. Secretary, and you, Administrator Garvey, to include in a financial stabilization package, small manufacturers as well as large manufacturers like Boeing, because they are going to be impacted by this event of September 11. Just one sentence would solve that problem and allow them to stabilize the jobs they have for their people and also the industry that they are such a vital part of. That one sentence is to include in protections, "air carriers and other companies that hold FAA certificates and rely on U.S. airspace to conduct their primary business."

If you could give me some assurance that you will fight for those people who are part of this ripple effect, I would be very happy.

Secretary MINETA. There is nothing in there to limit it in terms of what kinds of companies would be eligible, other than that, for instance, some of the funds are for airports, some of the funds would be for airlines. The airlines could be major commercial or it could be a cargo.

Mr. TIAHRT. Or it could be charter airplanes, I am assuming, too, charter airlines?

Secretary MINETA. Charter? 91, I am not sure. I do not think Part 91 is covered. I am not sure. Part 135 and Part 121 are covered, but I am not sure it gets down to the Part 91 charters.

Mr. TIAHRT. As you and Deputy Secretary Jackson get into the recommendations that come from the administration, I hope that you will include small manufacturers as well as larger manufacturers of aircraft, the charter companies. They are part of this air transportation industry that is 10 percent of our gross domestic product. They are a very important spoke in our economic wheel, and if one part of it is shaken, I am afraid it will have additional bad effects.

IMPACTS ON GENERAL AVIATION AND FLIGHT SCHOOLS

Administrator Garvey, I would like you to get back with me on any indication of security measures that may be proposed for general aviation as a result of these terrorist attacks. Also, I note that the pilots association has been outstanding to work with as far as the FAA and they have some good recommendations. I would like to know what guidance you have given your staff and organizations involved with them in terms of helping craft a solution for class B flight training prohibitions and what will be acceptable for the future.

My third concern is about these flight schools. We know that some of these terrorists were actually trained in America's flight schools. I think that is an awful, awful thing. Certainly it clouds everything. But in the future we want people to fly. We have a pilot shortage now. Perhaps we could develop some guidelines, some red flags. I do not want to penalize flight schools because we had a deficiency within the INS. We should be able to give them some kind of guidelines so that they can operate safely and protect our skies and yet continue with the business of training future pilots. I believe that is very important for our industry. Please give me some kind of an idea as to what guideline or direction you plan to go in those areas, because my goal is to have safe skies and people back traveling again and feel confident in doing that.

Ms. GARVEY. Congressman, we actually are working on that today. That was one of the areas, when we lifted the ban last night on some of the restrictions in aviation, that was an area that was still outstanding. We heard mention this morning about perhaps doing background checks on some of the students who would register at the flight schools. We are looking at a couple of other recommendations as well.

PREPARED STATEMENT

So if I could get back to you in a day or two as we think those through and talk them through among ourselves, I will do that. We know it is a real issue, not just for your State, but for other States as well.

Thank you.

Mr. TIAHRT. Thank you.

[The statement follows:]

PREPARED STATEMENT OF CONGRESSMAN TODD TIAHRT

The terrorist attacks last Tuesday left an enormous void in the hearts of all Americans. It has not only had an emotional impact on our nation, it is having an economic impact as well.

I would not begin to compare America's horrible loss of lives to the potential loss of jobs as a result of this horrific act. However, I believe it is the responsibility of both Congress and the Administration to guarantee that the air industry moves forward. As we work to secure air travel for all citizens, we must work to secure the jobs of those who depend on this industry for their livelihood.

Mr. Secretary, as you know it's not just the pilots, flight attendants, and CEOs of the major commercial carriers who feel the pinch of an industry-wide slowdown. It's the Skycap who doesn't know if he can count on checking bags at curbside to make a living. It's the counter agent whose job will be among the first to go if travel doesn't pick-up. It's the Travel Agent who fears for the future of her small business as a result declining bookings. And it's any of the thousands of workers, such as those at Boeing, who face massive layoffs as a result of the impact this tragedy has had on the commercial aircraft production industry.

There is no spoke more important to America's economic wheel than the air industry. And one of the most important components of that spoke is general aviation. As you know, the shutdown of the National Airspace System had a significant economic impact on general aviation and the long-term viability of many GA companies has been threatened. I urge my colleagues in the House and Senate, as well as President Bush, to remember the issues facing general aviation in any efforts to craft a financial stabilization package. This sector of the air industry is vitally important to America's transportation system, manufacturing base, and our economy.

Thank you for appearing before the committee today and I look forward to working with you as we strive to protect America's air passengers and strengthen our air industry.

Mr. ROGERS. Secretary Mineta has another engagement that he is late for already. We have kept him now half an hour past the time he allowed for us. Before he leaves, if any of the remaining four members would have a quick question for the Secretary before he is excused, we would entertain that now. But we hope you would be very brief.

Mr. Aderholt.

DATABASE TRACKING OF POTENTIAL TERRORISTS

Mr. ADERHOLT. Since before the terrorist attacks, I understand that there has been the use of a computer database scripting language mechanism that has been used by the Department of Defense to link different databases together in order to compare and correlate their data. I understand that meetings have recently taken place between the FAA and the companies that could provide this technology. I think this is something that the FAA should take into consideration to see if there can be an implementation of some kind of database so that they can review the technology to screen out those potential terrorists that could be on there.

I just wanted to ask you what your thoughts on that might be.

[The information follows:]

GENERAL AVIATION SECURITY MEASURES

The security measures the FAA currently is working for general aviation primarily involve air traffic restrictions. In addition, to enhance security of aircraft operations, on October 1, 2001, the FAA issued Special Aviation Regulation (SFAR) 91, which imposes security requirements for the following operations, including general aviation:

—1. Aircraft that enplane passengers from or deplane passengers into a sterile area, and

—2. Aircraft weighing more than 12,500 pounds maximum certificated takeoff weight. For this category, notification of the security procedures would be in the form of a NOTAM (Notice to Airman), which may or may not direct implementation of the procedures for all affected operators simultaneously.

The SFAR:

—1. Immediately implements security procedures for private charters and all other operations in which persons are enplaned from or deplaned into a sterile area, regardless of aircraft weight. Security procedures include the screening of passengers, crew, other persons, and their accessible property and aircraft searches.

—2. When activated by FAA by NOTAM, implements security procedures for operation of aircraft in excess of 12,500 pounds maximum certificated takeoff weight except for those required for security measures under parts 108 and 129, regardless of enplanement and deplanement through a sterile area. The FAA is closely monitoring threat information and if conditions warrant, the agency is prepared to impose additional security measures.

FLIGHT SCHOOLS

The FAA continues to consider what security measures might be effective and appropriate for flight schools. Criminal history background checks for persons applying for enrollment in flight schools are among these; however there are some practical problems. Flight schools train many foreign students who come to the United States specifically for pilot training. As foreign citizens, they would not be tracked in U.S. law enforcement databases. In addition, criminal history checks would not necessarily deter an individual from receiving flight training, since an individual can arrange for informal, non-regulated training.

Secretary MINETA. Let me turn to Administrator Garvey on where we are on the database technology.

Ms. GARVEY. Well, you are absolutely right, those discussions have been under way. It is something we are looking at aggres-

sively and it may very well be part of the program as we move forward with some of the money that we have received from Congress and from the President. This may be something that we will target. It is not something that has been, as you know, a high priority for us because of other competing interests in the past, and we also obviously want to hook in with the FBI and with the other intelligence agencies as well. So those discussions are ongoing and we would be happy to keep you and your staff informed of that.

Mr. ADERHOLT. Thank you.

Thank you, Mr. Chairman.

Mr. ROGERS. This only applies to the Secretary. If you have a peculiar question that only he can answer, let us ask that now. Then we will come back to the others.

Ms. Granger.

SKY MARSHALS IMPLEMENTATION

Ms. GRANGER. I have one question. I do not know, perhaps it is not yours. But I understand it takes 14 weeks additional for sky marshals for special training. If that is true, then if we said do it or you said do it, how long would it be before they would be on the planes?

Secretary MINETA. We hope to have sky marshals in the air, in terms of the new group we are getting in right now, very, very quickly. I do not know where the 14 weeks figure came from, but no, it is going to be much quicker than that.

Again, just for security purposes, we just have not been talking about how many or when they are going to be on board. We already had a small force, but we are having it implemented through other agencies that are volunteering their folks to be trained quickly. In the meantime, as we get those temporary folks into the airplanes, we are going to build up our own air marshal program. So those will be on board very quickly.

Mr. ROGERS. Mrs. Emerson.

Ms. EMERSON. Mr. Secretary, I would love to ask you a question, but I am going to save mine for Ms. Garvey.

Mr. ROGERS. Mr. Sweeney.

AIRLINE SOLVENCY PROPOSAL

Mr. SWEENEY. Thank you, Mr. Chairman. I will be very brief. In fact, I want to thank the Secretary and the rest of the panelists for being here. I am going to make a point, because I am going to submit my questions to you or speak to your staff directly.

But like Senator Byrd and many other members, I have had great consternation, as you know, as it relates to the airline performance. Lest I appear to be gratuitous here, I, as one member, suffered losses on the 11th. So I would urge you in your negotiations with the airlines on the solvency package to develop as comprehensive a response in terms of their role as corporate citizens, because that mindset, I believe, as one member, led in part to some of the lapses that we have now.

So I would urge you to understand that many of us are going to move in the direction we need moving, because we recognize national priorities here. But underneath that is a deeper problem, as you know.

Secretary MINETA. We recognize that as well, sir.

Mr. ROGERS. Mr. Secretary, we realize you are late for your meeting and we deeply appreciate your agreeing to stay this extra half hour. We are going to let you go about your business. We hope the other members of the panel can stay briefly for any remaining questions the members have not had a chance to ask. But thank you so much, Mr. Secretary, for being here. We congratulate you on your good work.

Secretary MINETA. Thank you very much, Mr. Chairman, Madam Chairman. Thank you very much, and to all the members of the panel.

Senator MURRAY. Thank you, Mr. Secretary. We appreciate you being here. We will let you go, and I will ask our members that did not have their 5 minutes to quickly ask their remaining questions. We do want to recess and reconvene in Hart 219 as quickly as possible in a closed session.

Mr. ROGERS. Mr. Aderholt?

Mr. ADERHOLT. No.

DATABASE TRACKING OF POTENTIAL TERRORISTS

Mr. ROGERS. Ms. Emerson.

Ms. EMERSON. I want to just address something, and this might be something that we actually need to talk about in closed session, but it goes back to what Robert was talking about as well as others at the beginning. You know, I think we have a lot to do for the second, third, fourth lines of defense, if you will, to stop a potential hijacker. But we still have not attacked and we still must address the first line of defense, which is when somebody books a ticket on an airplane how can we find out very quickly if that person is on a potential list of suspects.

It is something that I have been studying, that the Israeli government does. I think that it would be certainly an important investment for us to try to determine how to best weed those folks out before we even proceed to a security checkpoint in an airport. I cannot tell you how strongly I feel about that, because so much—it appears that if we were able to do that, and I am certain the technology is there to do that, and the cooperation could be there to do that, that many of these problems may possibly be averted in the future.

So, please.

Ms. GARVEY. Congresswoman, thank you. Let me say, first of all, there is a process in place and I would appreciate the chance to talk about that in more detail in closed session. Having said that, I think that you raise an excellent point, which is are there more technologies out there, are there other procedures that we need to put in place. So again, what I would like to do is cover what we do in closed session and then offer some thoughts on other things we are thinking about.

Ms. EMERSON. Thank you.

Senator MURRAY. Thank you.

Senator Domenici has asked for 3 minutes of time before we adjourn and I would be happy to allow him that.

AIRLINE SAFETY AND PUBLIC CONFIDENCE

Senator DOMENICI. Thank you very much, Madam Chairperson.

I just wanted to make an observation for you all and to ask if you agree. First let me ask, before this terrorist act were American citizens flying in airplanes safe? Was it a safe way to travel?

Ms. GARVEY. Yes.

Senator DOMENICI. Has anything changed so that it is unsafe now as compared to 3 weeks ago? Should the American people be worried about flying American airlines once you release them to fly? Who wants to answer that? Do you, Jane Garvey?

Ms. GARVEY. Thank you very much, Senator. Certainly before the 11th, I think all of us really believed that the system was safe. I think what we encountered on the 11th was something that none of us had ever imagined possible. As I mentioned a little bit earlier and mentioned again this morning, much of what we had focused on in the area of security never took into account someone who is willing to commit suicide and was willing to use an airplane as a lethal weapon.

So in that sense it has changed all of the rules. We are asking ourselves every day, of course, what else we should be doing, what else we can be doing. Congress has certainly raised questions. The chairman started with the three areas that we are focusing on: more Federal marshals, securing the cockpit, much better security system, even federalizing it, as has been suggested. I think those are all steps we must take to deal with what is a very new reality for us.

Senator DOMENICI. I just want to say, before this act, it was my opinion as one Senator that the American economy was in recession. I believe that will be proved up here in about a month or less, that we are growing at a negative rate. If you stay there for a couple of quarters, it is deemed to be America in recession. I think that was going to happen whether or not the terrorist attack occurred.

What I am fearful of is that it will last longer than it should because the American consumers will not return quickly to their original habits and be American consumers, who buy a car if that is what they intended to do, or add to their house or go shopping and buy some new clothes for the ensuing season. If there is fear among the American people and they do not return to being consumers, I am very fearful that we will have a recession that will last very long, because the consumers are going to lead us out of it.

So I am very hopeful that wherever you can, everybody in charge of our American airline industry, as soon as possible tell the American people with confidence that it is safe to fly. I think in that context it is as safe today as it was 3 weeks ago, once you let the airlines all take off and clear the airports. I think that is what will be the case. It will be as safe or safer than it was.

I am hopeful that the American people will believe that that is the case, so they will start flying again, and they will also believe that it is time to buy the car they planned to buy, not wait around. The terrorists will have won if our consumers wait around because they are fearful.

Do you have any thoughts on that?

Ms. GARVEY. Restoring public confidence is really what we are very, very focused on. The methods that we are taking, the fact that we will be using the system ourselves, I hope will be the right steps. I think certainly the suggestions that we have heard today are absolutely initiatives we must undertake and undertake quickly.

Senator DOMENICI. Thank you very much. I appreciate it.

ADDITIONAL COMMITTEE QUESTIONS

Senator MURRAY. Thank you.

Senator Shelby was unable to be here in this open session today. He was in New York City reviewing the damage.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTION SUBMITTED BY SENATOR HERB KOHL

CONTAINER HARDENING

Question. In light of the recent disaster, it is expected that the FAA will greatly increase its security spending. And while greater security on the ground will clearly be a priority, we must not overlook the continued threat posed by in-flight explosions. In 1991, the Aircraft Hardening Program was initiated, which included funding for the Hardened Container Project. The goal of the program is the protection of commercial aircraft from catastrophic damage or critical system failure due to in-flight explosions. What is the current status of this project? It is my understanding that this project has required a great deal of cooperation between the FAA and the air carriers. Have the air carriers assisted the FAA in the implementation of the project? Does the DOT plan on using a portion of the supplemental that was passed by Congress last week for the Hardened Container Project?

Answer. The Transportation Security Administration (TSA) continues to support the hardened container program and is attempting to foster a relationship with U.S. air carriers to support another operational demonstration program. To date, one of the major difficulties in executing an operational demonstration has been the lack of a U.S. air carrier willing to assist in the evaluation effort. Operational data gathering has been limited to the demonstration program with Tower Air, which is no longer in business.

Since air carrier ground handling equipment and procedures vary, we anticipate other modifications to accommodate air carrier operations will be necessary. Damage tolerance limits have yet to be established for hardened containers. Therefore, once the units exhibit any visible damage, their blast-resistance cannot be assured and the units should be pulled from service for repair. An operational evaluation would provide the opportunity to establish damage tolerances for the containers.

Unfortunately, the level of support provided by U.S. air carriers prior to 9/11 was minimal. Both Federal Aviation Administration (FAA) and now the TSA have worked with the airline industry in developing the fabrication standard for the hardened container, but there has not, so far, been a significant level of interest on the part of air carriers in taking steps to implement the project.

Within the supplemental passed by Congress, there is $100 million of operational funds available for the aircraft hardening program. However, these resources will be used for cockpit hardening rather than container hardening.

QUESTIONS SUBMITTED BY SENATOR BEN NIGHTHORSE CAMPBELL

LINES OF COMMUNICATION

Question. Every time we have a hearing involving the FAA and/or the airlines, the question of the stability of the line of communication between the airlines and their customers is always raised. Now it is clear that the line of communication between everyone involved in air travel—the FAA, Federal authorities, airlines, and customer—is severely deficient, if not to say completely inadequate. What steps are you going to take to improve this so that information moves quickly and accurately

from the air traffic controllers to the airlines to the passengers, and most importantly, to the appropriate agencies in the event of an emergency?

Answer. The FAA, in concert with the Department of Defense, NORAD, and other federal agencies, has in place policies, procedures, and a communications infrastructure to monitor aircraft for suspicious activity and deviation from authorized flight. Awareness, refinement, and training on these policies and procedures since September 11, 2001, are on going. A system is in place for interagency, DOD, and law enforcement information sharing to facilitate each organization's requirements. Additionally, the FAA is currently working with the Office of Homeland Security and other agencies to meet interagency requirements for enhanced ground/ground communications and surveillance availability. Certain current and planned technologies are considered Security Sensitive Information (SSI) and are prohibited from dissemination.

COCKPIT DOOR

Question. A recent Washington Post article reported not only FAA concerns with the cockpit doors, but also individual pilots concerns with the fact that these doors are flimsy and easily penetrable. It seems to me that these doors are probably no more effective than the curtains that separate the first class cabin from the rear of the plane. In light of the recent testimony of the men convicted of the 1993 World Trade Center bombing regarding the use of hijacked airplanes in a terrorist attack, such as the attacks of September 11th, 2001, why hadn't the FAA taken appropriate precautions after such a clear warning?

Answer. No specific and credible information regarding an active conspiracy to use a commercial aircraft as a weapon against U.S. targets was passed to the FAA prior to the events of September 11, 2001. Regardless, clearly we could have done more to prepare for such attacks.

SECURITY LOOPHOLE RULE

Question. For years we have realized that there is need to increase the levels of airline security and to assess threats and to coordinate actions to deal with these threats. One commission after another has been created to look into how to deal with these threats. Rules to tighten security loopholes were proposed in 1997 and were to take effect this month. Why has it taken so long for these rules to go into effect?

Answer. The vast majority of the measures recommended by both the 1990 President's Commission on Aviation Security and Terrorism following the Pan Am 103 disaster, and the 1996 White House Commission on Safety and Security following the TWA 800 crash, have in fact, been implemented.

The implementation of some recommended measures have been difficult. The rulemaking process requires an agency to properly consider and evaluate quite substantial industry comments, write and coordinate the lengthy final rules, implement security program requirements, and deploy systems for detection and measuring performance at airports. FAA is also required to complete a thorough analysis of the impact of the rules on small businesses. There was significant OMB interest in these rules that would affect many small entities as defined by the Small Business Administration. FAA estimated, but could not conclusively determine, whether or not the proposed rules would have a significant economic impact on a substantial number of small entities. Therefore, FAA undertook an outreach to small businesses and conducted listening sessions during extended comment periods.

In the meantime, numerous improvements were implemented via air carrier and airport security programs or through Security Directives in response to immediate threats. The change in perspective produced by both the terrible attacks of September 11th, and by the increased awareness of the threat posed by Al Qaeda worldwide will make the full implementation of appropriate security measures much quicker in the immediate future.

CROSS-CHECK

Question. Two of the accused hijackers were listed on the FBI's list of terrorists to watch. We know that these men were on the planes because their names were listed on the flight manifests. How could these men purchase tickets and board a plane when they are on the FBI list of terrorists without any second glances?

Answer. Prior to September 11, 2001, as a matter of routine, FAA was not provided comprehensive watch lists from the FBI and other agencies on individuals of interest to those agencies. As of September 11, 2001, the FBI and other entities provide information on a case-specific basis to the FAA concerning individuals who pose

a threat to civil aviation. To the extent such information is authorized for public release, it is used by the FAA to alert air carriers to such individuals.

Question. It is so easy to check whether a person is using a stolen credit card or trying to cash a bad check. Why is it so difficult to have a cross-check system, not only with the FBI, but with all law enforcement agencies, to see if there are any threatening people purchasing tickets or checking onto our nation's airplanes?

Answer. We believe this technique does in fact have merit and are pursing ideas of this type.

SECURITY PERSONNEL

Question. Airlines subcontract security responsibilities to companies with the lower bid who in turn hire inattentive, uneducated, and poorly trained security personnel without thorough background checks. The FAA's own tests have shown that security checkpoints can be easily breached. The FAA testers have casually thrown fake guns and grenades into purses and bags that went undetected by security. Fake identification badges are also used by testers and go unnoticed by the security personnel. What are the FAA's plans to overhaul how security personnel are hired and trained to make sure that the security deficiencies are corrected?

Answer. With the assumption of direct federal responsibility for the screening of passengers, baggage, and cargo, the screening personnel working for the TSA will be better trained, better paid, and subject to thorough background checks.

GENERAL AVIATION

Question. The FAA's shutdown of all flights last week has been having a major effect on general aviation companies. In states such as Colorado, small businesses that provide sight-seeing flights, crop dusting, and shuttle aircraft are experiencing enormous financial losses with no end in sight. What steps are you taking to ensure that general aviation companies and small business that depend on access to our skies are included in any possible aid packages while ensuring that these airports and aircraft meet increased national security regulations?

Answer. We understand that the terrorist attacks of September 11 have put a strain on general aviation companies. The Air Transportation Safety and System Stabilization Act, Public Law 107–42, which directs the President to provide compensation to air carriers, does not apply to general aviation companies. However, a financially healthy airline industry is a powerful engine for generating economic growth and prosperity. As air carriers are able to recover financially from the effects of the terrorist attacks, we are confident that other segments of the industry, including general aviation, will recover as well. The U.S. Department of Transportation has been working diligently to provide payment relief under the Act, and to date, the Department has already disbursed almost $4 billion to more than 300 air carriers.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

AIRPORT SECURITY MEASURES

Question. Press reports indicated that two of the suspected terrorists were on an FBI watch list. Does the FBI or the Department of Justice supply these watch lists to the FAA? Does the FAA supply that list to airline carriers?

Answer. Specific information on current procedures with respect to the use of intelligence and investigative "watch list" information is sensitive and may be provided in closed session. Prior to September 11, 2001, as a matter of routine, FAA was not provided comprehensive watch lists from the FBI and other agencies on individuals of interest to those agencies. As of September 11, 2001, the FBI and other entities provide information on a case-specific basis to the FAA concerning individuals who pose a threat to civil aviation. To the extent such information is authorized for public release, it is used by the FAA to alert air carriers to such individuals.

Question. Were American Airlines and United Airlines provided these names before this attack?

Answer. No. American Airlines and United Airlines were not provided these names before this attack?

Question. Is it routine for airlines to match up passenger lists with potential threat lists? And if these names were not provided, is this a procedure that should now be put in place?

Answer. When the FAA provides names and other identifying information with respect to individuals thought to pose a credible threat to civil aviation, most airlines on a voluntary basis search reservation systems for possible matches. And in

some instances where the information is sufficiently specific, they would be directed by FAA to take action to prevent such persons from flying.

Specific measures to make more effective use of law enforcement and intelligence information are themselves sensitive and can be provided as appropriate in closed testimony.

Question. The criminal investigation into last week's terrorist attacks is on going. Attorney General Ashcroft announced last week that new armed, plainclothes federal agents will begin flying on domestic commercial flights, augmenting the Federal Air Marshal Program. Putting armed marshals on the thousands of commercial flights every day will surely be expensive. And even with the promised new agents, it will be virtually impossible to patrol every flight. What additional steps are the Department of Transportation and the Federal Aviation Administration taking to ensure passenger safety?

Answer. The Federal Air Marshal program has been greatly expanded since September 11. Details of this expansion and related activities are classified or sensitive security information. In addition, air carriers have strengthened cockpit doors, modified procedures to be followed in the event of an attempted hijacking, and taken other steps, some of which we would prefer to discuss in closed testimony. Some measures can be discussed in open testimony. The FAA and the TSA have reviewed a range of options that will contribute to increase security including, but not limited to: Hardening the flight deck door and associated bulkhead; continuous operation of the transponder; emergency alerting systems; video/audio surveillance on-board the aircraft; and arming the flight crews with non-lethal weapons and physical defensive tactics.

With regard to these options, the FAA issued rules for hardening the cockpit doors, first mandating a "quick fix" within 45 days, followed by a permanent fix later.

In addition, FAA formed a working group consisting of members from FAA, TSA, industry groups, Federal law enforcement agencies, and regulated Part 108 air carriers. The group's purpose was to update the "Crew Training Common Strategy" to deal with new threats against civil aviation security. The Aviation and Transportation Act required the FAA to develop guidance for a new "Common Strategy". After significant participation from the groups mentioned above, the "Crew Training Common Strategy—Detailed Guidance" document was completed and distributed to regulated Part 108 air carriers on January 18, 2002.

Question. The FAA has implemented strict new rules designed to make aviation travel safer. Many small airports in my State, however, have implemented emergency stopgap measures that will have to be replaced with expensive security service long-term. What will the Department of Transportation and the Federal Aviation Administration do to make sure that airports can afford these security measures?

Answer. As you know, the Aviation and Transportation Security Act made many aspects of aviation security the direct responsibility of the Federal government. This includes direct supervision of passenger, baggage, and cargo screening and various law enforcement measures. It also created a mechanism for airports to obtain relief from the 300-foot standoff distance (anti-car bomb) measures by substituting other equivalent, but less costly measures. The new TSA is committed to assisting airports of all sizes to have the most effective security possible that is commensurate with the threat and that is most cost effective. However, aside from costs to be borne by the TSA, other increased security costs, especially physical improvements, will have to be borne by the individual airports.

Question. The airlines are reporting losses of $330 million a day due to decreased passengers and schedules. Also, many major airlines and airplane manufacturers have announced plans to cut back at least 20 percent of their operations and lay off employees. All this will inevitably lead to airlines cutting service to some areas of the country. What are the Department of Transportation and the Federal Aviation Administration doing to ensure that air service will be maintained at small and rural airports?

Answer. Following the attacks of September 11, airlines reduced service across the country. Based on an analysis the Department of Transportation (DOT) did in November, the service reductions among communities of different sizes were relatively proportional across the spectrum from large-hub airports to the nonhub airports to which you referred. That is, carriers have reduced service at the small, nonhub communities in approximately the same percentage as at medium and large hubs. Of course, individual communities may have suffered more or less than the average of the group. In addition, the Department's Essential Air Service (EAS) program provides a safety net to all eligible communities by guaranteeing them that they will maintain at least some level of air service that will link them to the national air transportation system.

Question. How long will the airline bailout package of $15 billion keep the airlines going?

Answer. The terrorist attacks of September 11th had a profound effect on the financial position of the airline industry. The DOT has disbursed nearly $4 billion of the $5 billion in compensation to airlines provided by the Air Transportation Safety and System Stabilization Act. In addition, America West was granted a loan guarantee in accordance with procedures established by the Act. Anecdotal evidence suggests that quick action under the Stabilization Act has had the intended effect of stabilizing the industry and restoring the confidence of the financial markets in the airline industry. We are beginning to see some encouraging signs in airline traffic due to increasing consumer confidence in the safety and security of air travel as a result of government initiatives to enhance airline security. Airline stocks are steadily improving as travelers head back to the skies and as analysts boost airline stock valuations.

Question. What additional steps must Congress take to ensure the long-term viability of our nation's airlines?

Answer. Though the financial condition of most carriers is improving, it is too early to tell how far the recovery process will go and how long it will take. It is premature to speculate about the need for additional steps that Congress might take to ensure the long-term viability of the airline industry. However, the DOT will continue to closely monitor developments in the airline industry and will take whatever steps we believe necessary to secure a safe, financially sound, and competitive airline industry.

Question. A great emphasis has been placed on upgrading security measures at airports around the country. At this same time, though, ridership on trains and buses has increased dramatically over the past week. Press reports indicate that ID's and bags are not being checked at train stations and bus terminals around the country. What measures are being taken by the Department of Transportation to ensure security at these transportation terminals?

Answer. The DOT has not taken any direct measure to ensure security at train stations around the country. However, Amtrak has increased its security immensely, placing surveillance in critical infrastructure areas such as bridges and overpasses. Amtrak has also tightened procedures for checking and confirming passenger identification when purchasing and obtaining train tickets. Additionally, it has instituted numerous other security measures to heighten security throughout the Amtrak system.

The nation's transit systems are inherently "open" environments. They are designed to move people quickly to their destinations, and therefore must provide quick, easy access for passengers. In addition, they are intended to make low-cost transportation alternatives available for everyone. Unlike airports, where it is appropriate to check all bags being taken onto a plane, posting security checkpoints at every bus stop or subway station entrance would raise costs and reduce personal mobility to the point where public transportation would no longer be viable. The "three-legged stool" of security, personal mobility, and economic vitality is one that requires careful adjustment to ensure an appropriate balance. Recognizing this, the Federal Transit Administration's (FTA) security focus is on helping public transit agencies prioritize risks, manage risks to acceptable levels, and mitigate the impact of potential incidents.

The FTA has undertaken a five-part security initiative to help enhance the security of the nation's public transportation systems. This is not a "one-size-fits-all" undertaking, as every transit system has different requirements. The five parts of the FTA's security initiative are: assessment, planning, testing, training, and technology. First, enhancing transit security must begin with an in-depth, professional assessment of the threats to and vulnerabilities of each transit system. The FTA deployed expert security assessment teams to the 30 largest transit agencies to assess the security gaps in the agencies' high-consequence assets, including terminals, and to make specific recommendations to reduce the threats to acceptable levels. The second component is planning. The FTA is providing hands-on assistance to transit agencies as they develop and refine their security and emergency management plans in light of the security assessment findings and heightened terrorist threats. Third, The FTA is working with local transit agencies to conduct full-scale emergency drills to test their plans and equipment. Fourth, the FTA is offering additional security training and workshops. It is imperative that we have a transit workforce that understands security issues and is fully prepared to respond should a security incident occur. Transit workers are, after all, the "eyes and ears" of transit agencies, and they are in the best position to protect customers from potentially harmful situations. The final component involves technology and research. The FTA

is identifying technologies that show promise in a transit environment and enhance security of our transit terminals.

QUESTION SUBMITTED BY CONGRESSMAN ED PASTOR

AIRLINE INDUSTRY AND RELATED BUSINESSES EMERGENCY AID

Question. Secretary Mineta, and Administrator Garvey, as a longtime supporter of the airline industry, this is an issue that is of major concern to me. I agree that this attack has had a disastrous impact upon the airlines, and Congress must act to save the industry. This is why I support your request for an emergency aid package.

However, not only have I been an advocate for the airlines, but I have also been a supporter of the entire airline industry. As you know, this industry includes not just the major carriers, but the thousands of small businesses across the country that provide essential parts and services to the airlines as well. These supplies include women and minority-owned small businesses, many of which depend upon the airlines as a major or sole source of revenue. They not only lack the ability to survive a major downtown in airline travel, but also lack the clout and financial backing of other major creditors to the airlines carriers. I want to make sure that these establishments are not left to perish when we move to support the airline industry simply because their voices are not as loud as the major Wall Street players.

If the Federal government appropriates direct aid to the major airline carriers, how could they be compelled to prioritize their financial responsibilities in a manner that is fair and equitable to all of those in the industry that have been financially injured?

Answer. The Federal Aviation Administration (FAA) and the Department of Transportation (DOT) have a strong commitment to American's small businesses. As markets adjust to the impact of the terrorist attacks on the World Trade Center and the Pentagon, the strong working relationships between these businesses and the airlines will insure their survival.

To further encourage economic recovery, DOT provided direct compensation under Public Law 107–42 to over two hundred air carriers, many of them small businesses. Funds paid to date total almost $4 billion of the $5 billion that was authorized. Unlike the loan guarantee program also authorized by Public Law 107–42, compensation was mandated for those carriers who were eligible under the statutory criteria.

In addition, DOT construed the legislation as permitting smaller carriers to receive payments even though they did not report financial and operating data. We also undertook several initiatives to lessen the regulatory burden for small businesses applicants: a separate application form was adopted for air taxi operators, and we are now considering methods to simplify for them the independent audit procedures that are required prior to final payment.

Also, the Small Business Administration now has an "Expanded Economic Injury Disaster Loan Program" to provide low-interest loans to small businesses across the Nation that are having trouble meeting their ordinary and necessary operating expenses due to the terrorist attacks or Federal actions in response to the attacks.

Taken together, we believe that these programs will provide sufficient relief to the industry and no further action at this time is necessary.

CONCLUSION OF HEARING

Senator MURRAY. Mr. Chairman, if there are no further questions for this panel, we will recess the session and move to the closed session as quickly as possible in Hart 219. We ask members to move there quickly and we will resume the hearing as quickly as possible.

Mr. ROGERS. Thank you.

[Whereupon, at 4:55 p.m., Thursday, September 20, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

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