

STATEMENT OF LANGHORNE BOND, FEDERAL AVIATION ADMINISTRATOR,
BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
SUBCOMMITTEE ON AVIATION, CONCERNING INTERNATIONAL TERRORISM.
FEBRUARY 28, 1979.

Mr. Chairman and Members of the Subcommittee:

Thank you for inviting me to appear before you today on the subject of international terrorism. We in the Department of Transportation share your concern about the alarming increase in terrorist acts throughout the world and the increasing tendency to use terrorism to achieve political objectives. Clearly, there is a need to strengthen worldwide measures not only to condemn terrorism but to work toward its elimination from the political scene. We applaud the interest of this Subcommittee and your desire to build on the steps already taken by our government and governments elsewhere in the world to free all nations from this threat.

In November 1977, Secretary of Transportation Adams appeared before a special meeting of the Council of the International Civil Aviation Organization (ICAO) in Montreal to point out the increasing severity of the threat of terrorism, to urge universal adoption of and adherence to the conventions on hijacking and aircraft sabotage, and to emphasize to the

Council that we must have more stringent international standards for the security of aviation. Terrorist incidents have continued to occur since that time, underscoring far better than words the need for effective action.

For a number of years, transportation, particularly aviation, has been a target for terrorist attack, often in the form of aircraft piracy. In each of the past 2 years, 1977 and 1978, there have been more hijackings worldwide than anytime since the peak years of 1968-1972. In 1977, there were 30 hijackings of scheduled airlines of which 5 involved U.S. carriers. In 1978, there were 25 hijackings of scheduled airlines of which 8 involved U.S. carriers. Six of these foreign hijackings, but none of the U.S. hijackings, were acts of terrorism--that is crimes intended to achieve political goals and objectives. It appears that this increase in the number of hijackings is continuing. To this point in 1979, there already have been 4 hijackings--3 directed against foreign airlines, 1 against a U.S. air carrier. Two of the foreign hijackings can be categorized as acts of terrorism, while the U.S. hijacking was not.

While the increase in hijackings is clearly a source of concern, there exists an effective countermeasure. Of the 42 foreign air carrier hijackings occurring in 1977 and 1978, 30 can be attributed to weaknesses in passenger screening procedures. Of the remaining 12, 4 were not screening related and information on 8 is incomplete at this time. Similarly, two of the three foreign hijackings this year are known to have resulted from defective passenger screening procedures.

It should be particularly noted that all 8 of the terrorist hijackings that have occurred from 1977 to the present were facilitated by either a total lack of or seriously defective screening. In those incidents, the hijackers, who were armed, boarded the aircraft through the normal boarding process. Properly operating passenger screening systems should have detected and intercepted those weapons. Universal application of effective passenger screening systems should bring about a significant reduction in the number of aircraft hijackings by terrorists as well as by non-terrorists.

In contrast to the foreign experience, no U.S. hijacking since 1973 has involved real firearms or explosives passing undetected through passenger screening points. FAA regulations

governing the security of air transportation currently cover 36 U.S. and 73 foreign airlines operating approximately 15,000 scheduled passenger flights each day to and from 623 U.S. and foreign airports and boarding some 700,000 passengers and more than one million pieces of carry-on baggage daily.

In spite of the complexities of this system and the fact that the person or baggage we are looking for is literally one among millions, our experience, as well as the experience of other nations who have adopted similar aggressive antihijacking programs, demonstrates that passenger screening systems work. In the U.S., during the period 1973 through 1978, over 2 billion persons were screened and over 3 billion pieces of carry-on items inspected for over 30 million airline flights. This activity resulted in the detection of more than 17,000 firearms and almost 6,000 related arrests. None of the 25 U.S. airline hijackings that occurred during this period involved real firearms or explosives passing undetected through passenger screening points. Moreover, it is estimated that 75 hijackings or related crimes may have been prevented by U.S. airline and airport security measures.

The commitment of the U.S. government to effective and universal passenger screening is firm. Further, we recognize and applaud the airlines, the airports, the airline pilots and their organizations for their continuing endeavors in seeking improvements in international civil aviation security and their vigorous efforts to promote a safe and secure flying environment.

Both the International Civil Aviation Organization (ICAO) and the United Nations have addressed themselves to the improvement of aviation security. We welcome their work. In 1974, ICAO incorporated a number of international Standards and Recommended Practices for Security in Annex 17 of the Convention on International Civil Aviation, known as the Chicago Convention. This Annex is being reviewed continuously with a view toward improving its effectiveness. For example, in May of 1978 the ICAO Council submitted to member states for comment a series of changes to Annex 17 and, as a result, Amendment #3 was adopted in December 1978. This amendment, among other things, requires that aircraft especially subject to attack be identified and provided additional security at all stopovers. The U.S. will continue to seek further strengthening of international aviation security standards.

In July 1978, at an Economic Summit Conference held in Bonn, Germany, President Carter and the heads of State of six other participating nations issued a Declaration of their commitment to intensify joint efforts to combat terrorism. The Declaration announced that, where a country refuses extradition or prosecution of those who have hijacked an aircraft or if the country does not return the aircraft, the seven nations would take immediate action to cease all their flights to that country and to halt all incoming flights from that country or its airlines. Follow-on meetings attended by representatives of the seven countries were held in Bonn in August and Ottawa in October 1978. The purpose of these meetings was to develop necessary implementing procedures and to encourage other nations to join in the Declaration. Since the Declaration, there have been five international hijackings that the seven states have monitored or dealt with in the framework of the Declaration.

Many, if not most, nations and airlines of the world now have active civil aviation security programs and are making significant improvements in the security of their air transportation systems. The U.S. has endeavored to speed these

improvements by providing technical assistance to other countries. In this connection, FAA technical assistance teams have visited many countries; hundreds of foreign officials and technicians have attended our aviation security training courses or have received in-depth briefings on aviation security; and we have made available our training materials to numerous foreign governments and airlines.

We regularly conduct security inspections of U.S. flag carrier and certain foreign carrier facilities outside the U.S. This involves visits to most of the major foreign airports. The purpose of these inspections is to assure that the airlines are in compliance with our Federal Aviation Regulations. During the course of the inspections, our representatives meet with foreign airport security officials and any airport security weaknesses or deficiencies observed are called to their attention. This inspection activity has produced security improvements at many foreign airports and has helped to assure the continuing effectiveness of airline security measures required by Federal Aviation Regulations.

Incidentally, in April of this year, FAA will be hosting here in Washington an international aviation security conference where new procedures, techniques and equipment will be

discussed and demonstrated. Representatives from approximately 80 countries and interested aviation agencies including ICAO are expected to attend along with most of the foreign airlines subject to U.S. security requirements.

Turning now to the legislation before this Subcommittee, Mr. Chairman, we strongly endorse the objectives of H.R. 1834.

Section 6 is one of the portions of the bill most pertinent to the Department of Transportation. It would require that assessments of certain foreign airports be conducted by the Secretary of Transportation to determine the extent to which they effectively maintain and administer security measures. If it is determined by the Secretary that an airport does not maintain effective security measures, the responsible government would be notified and corrective actions recommended. If corrective action were not taken within 180 days, the identity of the airport would be published in the Federal Register and prominently posted at U.S. air carrier airports. Further, consideration would be given to the imposition of certain measures against air carrier operations to or from that airport. We have examined this section carefully and believe it to be a reasonable, balanced approach

to a most difficult problem. Of course, any such publication and posting of airports with inadequate security should not detail deficiencies in a manner that would aid potential hijackers or saboteurs.

We do have one concern that is related to this section. Section 4(b) of the bill requires that any country against which the sanction provisions of section 6 are applied be included on the list of countries aiding and abetting terrorism. Inclusion on this list would, unless the President grants a specific exception, result in the application of the sanction provisions of section 5 of the bill. We are quite concerned about this because the failure to provide adequate security measures is substantially different from aiding and abetting terrorists. In fact, in some cases economic reasons may be the cause of inadequate security measures being applied by a country and the sanction provisions of section 5 could very well compound these problems. We believe that the suspension of air service provided for by section 6 of the bill is sufficient to deal with inadequate security measures as opposed to assisting terrorist acts and strongly recommend that section 4(b) be deleted from the bill.

Section 7 authorizes the Secretary to promote international aviation security by providing technical assistance to foreign states. As I indicated earlier, for several years we have had a limited program of assistance to foreign governments, funded primarily by the Law Enforcement Assistance Administration (LEAA). We welcome this authorization as it will enable us to continue this important and worthwhile program.

Section 8 of the bill would require an extension to charter operations of the security measures currently applicable to scheduled passenger operations. I am pleased to report that regulations providing this coverage have already been issued and screening of public charter flights began July 25, 1978. We do have one concern about this section of the bill which I would like to briefly touch on.

For a number of years, the FAA did not require screening of charter flights. The rationale for this was that we considered that there were built-in safeguards for charter flights that did not exist for normal scheduled airline flights. For example, CAB regulations required that charter passengers be members of some form of affinity group and that tickets be purchased well in advance of the proposed flight. However, with the changing nature of charter flights, these same

safeguards were no longer of general application to charter flights. Accordingly, we amended our rules to require screening of "public" charter flights but did not apply the rules to "private" charter flights for which safeguards remain.

Private charter flights are those in which the person or organization seeking to charter an aircraft, in other words the charterer, bears the entire cost of the charter. The charterer may not be directly or indirectly reimbursed by either those who are aboard the flight or by anyone else for the costs incurred in order to qualify as a private charter. A common example would be a charter flight of a college or professional sports team. Private charters also include air movements of either a civil or military nature conducted under contract with the U.S. government or a foreign government. We believe that sufficient safeguards exist for private charters so that to require passenger screening would be an unnecessary burden. For that reason, we would be pleased to work with the Subcommittee staff to amend the section to permit the FAA Administrator to exempt private charters from statutorily mandated screening.

We particularly urge the enactment of the provisions of section 10 that would implement the Montreal Sabotage Convention which was ratified by the U.S. in 1972. It is important that legislation providing for U.S. implementation be enacted at the earliest possible time. Section 11 of the bill would provide additional measures for prosecution of individuals involved in aircraft piracy or related criminal activity. We also urge adoption of this section as it will provide even greater deterrence for persons who would commit crimes affecting the security of air transportation.

In my judgment, the best way to achieve lasting improvements in aviation security is through the multilateral efforts of all concerned nations working primarily through ICAO, a recognized international, safety oriented organization. Further, the work of ICAO should continue to be supplemented through bilateral efforts of those nations, including the U.S., that have led in the development and implementation of effective aviation security programs.

It must be made clear, nonetheless, that the U.S. is prepared to take unilateral action, including the imposition of sanctions, if necessary to protect U.S. citizens. The provisions of H.R. 1834 place the nations of the world on notice of our resolve to counteract terrorist acts, and provide tools necessary for that effort. At the same time, this legislation would provide the mechanism for an active U.S. program of helping other countries upgrade airport security and sharing with them our expertise and experience. This legislation adopts a firm policy toward countries whose airports do not have effective security, but it also provides for giving to those countries help they may need to make necessary improvements in order to achieve an acceptable level of security.

Mr. Chairman, that completes my prepared statement. Mr. Lally and I would be pleased to respond to questions you may have concerning aviation security as well as questions pertaining to H.R. 1834.

