

STATEMENT OF RICHARD F. LALLY, DIRECTOR, CIVIL AVIATION  
SECURITY SERVICE, FEDERAL AVIATION ADMINISTRATION, BEFORE THE  
SENATE GOVERNMENTAL AFFAIRS COMMITTEE, CONCERNING S.333, THE  
OMNIBUS ANTITERRORISM ACT OF 1979. MARCH 30, 1979.

Mr. Chairman and Members of the Committee:

Thank you for the opportunity 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 initiative of this Committee 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 1968-72. 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 5

hijackings--3 directed against foreign airlines, 2 against U.S. air carriers. All of the foreign hijackings can be categorized as acts of terrorism, while the U.S. hijackings were 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 8 of the 9 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 nonterrorists.

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, if 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 within 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 course or have received indepth 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.

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 Committee, Mr. Chairman, we strongly endorse the objectives of S.333.

As to the introductory sections, i.e., Declaration of findings, Declaration of purposes, Definitions, etc., the Department would note that there should be a clear understanding that the measures proposed in the bill are intended to deal with terrorism, only as defined. Many acts of criminal violence, including the hijacking of commercial aircraft, may superficially resemble an act of terrorism, but are not. For example, as stated previously, there were 55 air carrier hijackings during 1977 and 1978. Of these 55, only 8 are classified as terrorist acts; the remaining 47 are criminal acts. We believe it is essential that the distinction be recognized. These nonterrorist crimes should be handled by officials assigned responsibility for them under the existing

statutes. It should also be made clear that nothing in the bill would inhibit the performance of related responsibilities assigned under these existing statutes, such as the Department's responsibility for aviation hijacking.

Turning now to Title I, I would note that, by Presidential directive, crisis management functions and the coordination of related issues which cross traditional jurisdictional boundaries have been assigned to the National Security Council/Special Coordination Committee (NSC/SCC). The membership of the Executive Committee of the interagency Working Group to Combat Terrorism which works under the auspices of the NSC/SCC is almost exactly the same as the proposed Council to Combat Terrorism.

Under the general guidance of the SCC, the management of terrorist incidents is based on the lead agency concept: The Department of State has operational responsibility for international incidents and the Department of Justice and the Federal Bureau of Investigation handle domestic incidents

coming under Federal jurisdiction. Aircraft hijacking has been recognized as a special case, Congress having mandated that the Federal Aviation Administration is to have primary responsibility in this area. Memoranda of Understanding have been signed which formalize these responsibilities: Federal Aviation Administration/Federal Bureau of Investigation, February 26, 1975; Department of Transportation/Department of Defense, September 7, 1978; and Department of Transportation/Department of State, February 15, 1979.

Because the existing organization structure is now providing effective leadership and coordination of U.S. Government activities in combating terrorism, we do not believe that the proposed Council to Combat Terrorism is necessary.

The reorganization of the Department of Transportation, proposed in Title II, Sections 201 and 202, is similarly unnecessary. We believe that the existing framework in the Department has proven to be a workable and effective one, and see no reason to make changes at the present time.

We support the provisions of Title II, Sections 203, Information on Airport Security, and 204, Aviation Security Assistance to Foreign Government, with one minor exception. Our concern is that the period in Section 203 between notification to appropriate foreign government authorities of ineffective security measures at an airport and the determination by the Secretary that the foreign government has failed to upgrade its security measures is too short. We recommend that 180 days rather than 60 days be authorized to permit adequate time within which to make needed improvements

We particularly urge the enactment of the provisions of Section 305 of Title III, Aircraft Sabotage, which 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 306 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 closing, Mr. Chairman, I would like to express our view that the best way to achieve lasting and widespread 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 S.333 place the nations of the world on notice of our resolve to counteract terrorist acts, and provide tools necessary for this effort. At the same time, this

legislation would provide the mechanism for an active U.S. program of helping other countries to 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 and to achieve an acceptable level of security.

That concludes my statement, Mr. Chairman. I will be pleased to respond to questions you or members of the Committee may have.