

STATEMENT OF ANTHONY J. BRODERICK, DEPUTY ASSOCIATE ADMINISTRATOR FOR AVIATION STANDARDS, FEDERAL AVIATION ADMINISTRATION, BEFORE THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS, SUBCOMMITTEE ON GOVERNMENT INFORMATION, JUSTICE, AND AGRICULTURE, CONCERNING INTERDICTION OF DRUG SMUGGLERS. SEPTEMBER 6, 1984.

Mr. Chairman and Members of the Subcommittee:

I am Anthony Broderick, FAA's Deputy Associate Administrator for Aviation Standards. Among the offices reporting to me is the Office of Civil Aviation Security, which is the FAA's focal point for our efforts in support of those Federal agencies which have responsibilities for drug interdiction. With me today is Raymond Van Vuren, Associate Administrator for Air Traffic, who is responsible for overseeing air traffic operations throughout the country.

We appreciate the opportunity to appear before the Subcommittee to describe the FAA's efforts to assist in combatting the illegal carriage of drugs by air. As the Members of the Subcommittee are aware, the FAA is charged with the responsibility of fostering aviation safety. We are a technical agency rather than a law enforcement agency. Nevertheless, we have a serious concern with illegal drug trafficking because, apart from general social concerns, it can adversely impact aviation safety. Those who transport drugs by air typically have little regard for the safety of others. The profits to be made from illicit drugs apparently outweigh for

many of them the risks associated with poor safety practices. Contributing to that is the fact that profits from drug smuggling may substantially exceed the expense associated with replacing an aircraft used for transporting those drugs. In terms of an impact on safety, we have found that aircraft may fly low or without lights to avoid detection. Aircraft may be modified illegally to increase the payload or range. Pilots may not be certified to operate the equipment flown. In short, there is little doubt that those who smuggle drugs by air can pose a threat to aviation safety.

Both the House and Senate, recognizing the potential safety impact of transporting drugs by air, have reported legislation which will stiffen the penalties for those who do so. H.R. 1580 calls for mandatory revocation by the FAA of airman certificates of those caught illegally transporting drugs, and, except in exceptional circumstances, prohibits the issuance of new certificates to such individuals in less than five years following revocation. The FAA has testified in support both of H.R. 1580 and of S. 2505, a comparable bill which has been passed by the Senate.

We are pleased that our legislative committee, the House Public Works and Transportation Committee, in reporting out H.R. 1580, recognized that a proper role for the FAA is not that of a law enforcement agency but rather one of a supporting nature. In doing so, the Committee emphasized that the legislation "is not

intended to place the primary responsibilities for enforcing the drug laws in FAA." The Committee further observed that the new authority granted FAA would, in addition to aiding the national effort to reduce illegal drug trafficking, contribute to aviation safety by protecting "innocent airmen from threats to themselves and to their aircraft." We agree, and are hopeful that a conference committee will be able to complete action on this legislation so that a final bill can be enacted this Congress.

Let me turn now to a brief discussion of the actions FAA has taken to support the Federal drug enforcement agencies in their efforts to combat illegal drugs. We work closely with the Customs Service and the Drug Enforcement Administration both at the headquarters level and at the local level to enable them to take advantage of our technical capabilities. The FAA participates in the National Narcotics Border Interdiction System. We also have an employee assigned on a fulltime basis to the El Paso Intelligence Center. In addition, our Civil Aviation Security Office maintains on-going contacts at the staff level with these organizations. Through this kind of cooperative working arrangement, we have been able to identify areas where we have been able to provide support that assists these agencies in the detection of drug offenders.

At the Customs Service's request, we have made available to them the technical capabilities of designated air traffic

control facilities in those regions of the country where drug trafficking is most prevalent. We have provided training to Customs personnel in how to monitor radar and coordinate with controllers. We have also provided them with radar displays, dedicated air-to-ground frequencies to their use, and made available to them FAA communication capabilities. Direct lines have also been installed between selected flight service stations and Customs offices to bolster communications.

Through these measures, Customs ability to monitor air traffic entering the United States has been improved for purposes of interdicting suspected or questionable operators. Also, we have jointly established an arrangement whereby FAA is alert for and relays flight information to EPIC on operators designated as being suspected of illicit drug activities.

We are now working with the Customs Service concerning the establishment of a Command, Control, and Communications (CCC) operation in FAA's San Juan, Puerto Rico, combined center and radar approach control facility similar to the CCC currently in operation at the FAA's Miami Air Route Traffic Control Center. Customs has also requested additional space for their CCC operation in Miami, and we expect to be able to comply with this request.

The FAA is also working with EPIC to provide both a short-term and long-term enhancement of our ability to provide flight plan

information on a real-time basis. Installation is currently underway of a communication tie-in between EPIC and FAA's National Communications facility (NATCOM) at Kansas City. An EPIC computer will be used to screen FAA communications for information concerning flight plans of interest to them. Longer-range plans are underway to establish in 1985 an even more sophisticated computer tie-in between EPIC and FAA's new National Automated Data Interchange Network located in Atlanta and Salt Lake City.

The FAA has also worked with EPIC to provide access to data maintained in our Airman and Aircraft Registry located in Oklahoma City. We have been discussing with EPIC the installation of a terminal at EPIC to access the computerized portions of our Registry. We also have three individuals at the Registry who provide telephonic assistance to EPIC and other law enforcement agencies concerning data maintained at the Registry.

One additional action we are currently considering involves a possible change in our air traffic rules concerning operating into the Air Defense Identification Zone (ADIZ) adjoining the U.S. coastal zones. Part 99 of the Federal Aviation Regulations prescribes rules for operating civil aircraft into, within, or out of the United States through an ADIZ. Among the requirements is one calling for the filing of a flight plan.

Aircraft operating at a true air speed of less than 180 knots have been excepted from this requirement. In 1982, this exception was withdrawn for aircraft operating in the ADIZ in the South Florida area (south of 30 degrees north latitude and east of 86 degrees west longitude). We are considering proposing a rule change which would eliminate the 180 knot exception elsewhere in the ADIZ. The Customs Service has indicated that it would be desirable from a law enforcement perspective to do so.

In summary, we have taken a number of measures supportive of the efforts of the drug enforcement agencies which bear the responsibility for interdicting illegal drug traffickers. We will continue to do so. In addition to aiding in achieving the important objective of ridding our society of illicit drugs, stopping the carriage of illegal drugs by air will enhance aviation safety.

That completes my prepared statement, Mr. Chairman. We would be pleased to respond to questions you may have at this time.