

STATEMENT OF MATTHEW V. SCOCOZZA
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BEFORE THE HOUSE COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON COMMERCE, TRANSPORTATION AND TOURISM

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Mr. Chairman and members of the Committee, thank you for inviting me to discuss tourism--in particular, the role of the Department of Transportation in ensuring the security of passengers in aviation. I will lead off with a summary of Title V of the International Security and Development Cooperation Act of 1985, which was signed into law last August, and a brief description of our plan used to assess foreign airports, as required by the law. I will also briefly summarize our efforts to encourage the International Civil Aviation Organization, known as ICAO, to upgrade its security standards.

Under the 1985 Act, the Secretary of Transportation must assess the effectiveness of security maintained at foreign airports being served by U.S. air carriers, foreign airports from which foreign air carriers serve the United States, those foreign airports which pose a high risk of introducing danger to international air travel, and such other foreign airports as the Secretary may deem appropriate. In making an assessment of any airport the Secretary must use, at a minimum, internationally accepted ICAO standards. These assessments must be made in consultation with the foreign governments involved and with the U.S. airlines serving the international airports.

If, after such an assessment is made, the Secretary determines that an airport does not maintain and administer effective security measures, she must advise the Secretary of State and notify the foreign government of our findings and recommend corrective measures.

If deficiencies are not remedied within 90 days after our notification is sent, the law prescribes both mandatory and discretionary U.S. government actions. As a mandatory action, DOT must publish in the Federal Register the identity of an airport having inadequate security, post airport notices, and issue press releases; airlines must include notice of DOT's determination in tickets for transportation between the U.S. and such an airport.

If DOT finds that security at the foreign airport is ineffective, and safety or security of travel to that airport is threatened, it must give the public immediate notice, without giving the foreign government 90 days in which to correct deficiencies. This determination can be made only after consultation with the Secretary of State after the determination is made, the Department of State must issue a travel advisory.

The Act authorizes two discretionary actions. With the approval of the Secretary of State, and after consultations with the foreign government and U.S. carriers, DOT may revoke, suspend, or condition the authority of any airline to operate between the U.S. and a foreign airport determined to have inadequate security. The President may prohibit service to an airport in a third country that is directly or indirectly served by aircraft that also fly to or from the inadequately secured airport.

These mandatory and discretionary actions may be lifted only if DOT, in consultation with the Secretary of State, determines that security is effective.

DOT, with the approval of the Secretary of State, was also given a new emergency power to suspend service between the U.S. and any foreign airport summarily if the safety or security of travel to and from that airport is threatened and the public interest requires an immediate suspension of service.

Under the law, we are required to provide Congress with a semiannual summary of the assessments we make at foreign airports. We are also required to report to Congress any mandatory or discretionary action we take.

Even prior to enactment of the 1985 law, the FAA was very active in assessing security at foreign airports. However, those inspections often were done as an adjunct to the FAA's general responsibilities to ensure the safety and security of airline operations between the United States and foreign countries. The new law gave explicit Congressional support to FAA activities, demonstrating to the international community the strong U.S. commitment to airport security. As a result, we have had more cooperation from the international community. The interest that you and the Subcommittee are showing on this issue continues to demonstrate that commitment.

We are proud of the direct procedure we have set up to implement the Act. The FAA, because of its vast experience in dealing with matters of aviation security, continues to have primary responsibility for actually conducting the airport inspections and reporting the results to the Office of the Secretary. Thus far FAA has visited and made assessments at a large number of foreign airports. We are visiting both those airports currently served by U.S. air carriers and also those which are the last point of departure for foreign air carriers prior to arrival in the United States.

The frequency of assessment of any individual airport varies according to our current threat estimates. Those airports in areas currently considered most dangerous to U.S. interests are scheduled for six assessments per year. Those considered to be least threatened are scheduled for three assessments. The number of airports in each category fluctuates as the threat estimate

changes. Thus far we have not found it necessary to determine that any foreign airport does not comply with ICAO standards. We have developed a mechanism for keeping top policy officials in FAA and the Office of the Secretary informed of ongoing assessment efforts. Any reports of inadequate security will go directly to the key decision makers because we believe it is critical that our top policy officials know about and be prepared to act on any potential problems as soon as they arise.

We believe that as a result of our implementation of the new law and our added emphasis on international inspections, we are making progress in increasing security for our travelers. Our FAA inspectors have worked closely with those responsible for security at international airports, pointing out to them potential security risks and assisting in training their security personnel. We have seen security at a number of airports improve as airport authorities learn more about techniques for avoiding terrorist attacks.

I would like to give an overview of our efforts to encourage the international aviation community to take strong action to insure the safety and security of international aviation. As you may recall, in June 1985, Secretary Dole addressed the International Civil Aviation Organization. She urged ICAO to focus its attention with greater urgency toward combatting terrorism against international air transportation.

I am pleased to report that ICAO has been very responsive to our initiatives. ICAO adopted an initial plan of action that included each of our requests, and later adopted a more specific and formalized work program. It acted promptly upon each of our requests.

In late August, a group of security experts appointed by the President of ICAO met in Montreal to review existing international

practices and to recommend enhancements to ICAO's security standards. In December, ICAO revised and strengthened its security standards, known as Annex 17 to the Chicago Convention. Among the changes are requirements that member nations: expand preflight checks to include measures to discover weapons and other dangerous devices; ensure that baggage that does not belong to any boarded passenger is either not loaded or is thoroughly inspected; and enhance other safeguards at international airports and ground facilities. In addition, it recommended that countries include a clause on civil aviation security in their aviation agreements with other nations.

The majority of the revisions to Annex 17 will become applicable on May 19, 1986. The requirement that baggage of passengers who do not report for boarding be removed from an airplane will not become applicable until December of 1987.

Secretary Dole is committed to seeing that these and other security enhancements are implemented by the international aviation community and that ICAO continue to develop new aviation security initiatives.

That concludes my prepared statement. I would be pleased to respond to any questions you may have at this time.