STATEMENT OF THE HONORABLE FEDERICO PENA
SECRETARY OF TRANSPORTATION
before the
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
concerning
AVIATION SECURITY MEASURES
AUGUST 1, 1996

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to address the committee on the important subject of aviation security. With me today are Federal Aviation Administration Administrator David Hinson, Rear Admiral Paul Busick, the Director of the Department's Office of Intelligence and Security, and Rear Admiral (retired) Cathal Flynn, the FAA's Associate Administrator for Civil Aviation Security.

Your hearing today is convened in the aftermath of a great tragedy--the crash of Trans World Airline Flight #800 on July 17th shortly after takeoff from JFK International Airport, taking with it 230 passengers and crew.

Let me begin by conveying again, on behalf of the entire Administration, the profound sorrow we feel for the families and others who lost loved ones in the crash. The President, the First Lady, Administrator Hinson, and I met with family members and others in New York last week. They have suffered enormously and the entire nation shares their grief.

I also want to convey my deep pride and thanks to the federal, state and local officials, and volunteers who have joined in the massive recovery effort. The NTSB, the FBI, the FAA, the U.S. Navy, FEMA, state and local police have all worked around the clock, in a consolidated effort on all fronts since July 17th. In particular, I want to recognize the efforts of the men and women of the Department of Transportation's United States Coast Guard--they are a source of pride to me as their Secretary and to the entire nation. Semper Paratus.

As of today, we do not know the cause of the crash of TWA flight #800. But--regardless of whether or not we ultimately conclude that the crash was caused by an act of terrorism--we do know that we live in a world where the threat of terrorism is increasing. And we do know that no single government agency can fight that growing threat alone. We must work together in a nonpartisan national effort that includes all branches of our government and industry, and enlists the aid of the American people to fight the scourge of terror.

As we saw with the despicable act of terrorism last week in Atlanta, terrorist attacks in this nation are aimed at innocents--at our families and our

children--they are cowardly attempts to defeat the American spirit and the spirit of democracy. And we must not--and will not--let them prevail.

That is why earlier this week the President called together the bipartisan leadership of the Congress. In his words, "when our Democracy and our people are attacked, whether it's from within or without, we come together."

The President, Speaker of the House Gingrich, Majority Leader Lott, Minority Leader Daschle, and Minority Leader Gephardt have all pledged to work together to strengthen our capacity to combat terrorism. As you know, on April 24th the President signed legislation strengthening the powers of our domestic law enforcement agencies to fight terrorism. Now, the bipartisan leadership is working with the President on a package of additional measures that could strengthen further our domestic law enforcement capacity to deal with these kinds of threats.

It is in that spirit of cooperation and conviction that I look forward today to discussing aviation security issues with the Members of this Committee--specifically, what the Congress, the Administration, and the industry have done in the past and how we can work together to meet the growing threats and challenges of the future.

I believe a key element of any successful strategy must be the recognition that aviation security is not simply a transportation issue--it is a national security issue that must be put in the context of our government-wide efforts to combat domestic and foreign terrorism.

Along those lines, the Administration is actively working with our partners around the world to address the challenge of terrorism internationally. The latest step is the ministerial meeting of the G-7 nations and Russia in Paris this week. The American delegation, led by Attorney General Janet Reno, is seeking to increase the level of international cooperation to deal with this global threat.

As the members of this Committee know, current law dictates that responsibility for aviation security is a shared one. Let me outline briefly the different roles. The FAA, in concert with the nation's security, intelligence, and law enforcement agencies, continuously assesses threats and vulnerabilities. It identifies, through regulations, the measures to be taken for both existing and anticipated threat situations, and works with the aviation industry to implement those measures, using its enforcement tools where necessary. The aviation industry, through its managers and employees, implements those measures. Air carriers are responsible for applying security measures to passengers, service and flight crews, baggage, and cargo--in short, everyone and everything that enters the aircraft. Airports are responsible for maintaining a secure ground environment and providing

law enforcement support. The cooperation and vigilance of passengers and shippers is also an integral part of the system.

The key question for all of us is how well does that system work. And, Mr. Chairman, that is a question the FAA asks and checks every day. In fact, the various reports prepared by the Department's Office of Inspector General and the General Accounting Office are based on FAA's own findings and investigative work. Let me stress that again, the FAA itself has teams of inspectors that it sends out to try to penetrate airline security and assess vulnerabilities at airports. The FAA uses the data from these special assessments in two ways. First, to alert airlines and airports to problems in their compliance with Federal security requirements, with follow-up enforcement as appropriate, and second, to identify additional steps and regulations that may be necessary.

With respect to the industry's compliance--let me say the FAA has worked very hard and continues to work hard to gain industry compliance. The industry does a better job today than it did several years ago, but it's not good enough. That conclusion is echoed in the Inspector General's most recent report.

There are a number of actions we have taken and will undertake to improve industry compliance. We have been working closely with industry to increase compliance, particularly with access control and challenge regulations, and adjust pertinent regulations and policies as necessary. From January through early August 1994, FAA spent over 40,000 agent hours at 75 airports performing focused inspections to acquire raw data and improve compliance. FAA aviation security special agents accomplished these tasks by attempting to breach access control points, and by getting airport operators and air carriers to increase their identification-badge display performance by testing the system.

We recognize that the key to any effective aviation security system is the vigilance and abilities of the people staffing the screening checkpoints. To aid screening personnel, FAA conducts security human factors research, and evaluates better equipment, training, and procedures. For example, the FAA has developed on-line computer-aided testing, one of the capabilities offered by the Screener Proficiency Evaluation and Reporting System (SPEARS). The system can help train air carrier screeners and maintain their proficiency by projecting on the x-ray monitor, either from the screening checkpoint or a remote location, the images of dangerous articles. It can then track whether the screener correctly detects the threat. The FAA expects the airlines will use SPEARS as an efficient means of improving their screeners' performance.

As the public is aware, we establish new or heightened security measures immediately in response to discrete events--such as the UNABOMBER threat

at Los Angeles Airport last year, where we implemented a series of targeted countermeasures in the face of a specific, credible threat from the UNABOMBER. In the case of the Summer Olympics this summer in Atlanta, we developed contingency plans, conducted security exercises, deployed specialized explosives detection equipment, implemented enhanced counter-hijacking measures, increased surveillance, issued security directives, implemented temporary air traffic control restrictions, and strengthened our inter-agency coordination.

Less obvious, we move forcefully to uphold stringent security levels at airports around the world on a case-by-case basis. We have also committed funds for extensive operational testing of advanced technologies, such as hardened baggage containers and new EDS systems, despite the tight budget climate. These are only some unclassified examples of work we undertake on a continuing basis.

I want to address the second issue--that is, assessing security requirements. Presidential Decision Directive 39, dated June 21, 1995, directed me to reduce vulnerabilities affecting the security of all airports in the United States, and all aircraft and passengers. Based on that directive, FAA's assessments, and national intelligence information, last year the Office of the Secretary and the FAA began a thorough re-evaluation of the existing civil aviation security systems. In the short term we took several steps to address our heightened concern.

On August 9, 1995, at my direction, the FAA required airports and airlines to intensify their security measures within the United States. On October 1 of last year, I asked the FAA to direct implementation of even more stringent security measures than those announced in August.

All airports and air carriers have contingency plans previously approved by FAA that address certain security concerns. They are given options, and may seek amendments to their plans or propose alternative measures. Many individual adjustments in many localities have been made since last August to tailor measures to specific situations. Many adjustments to those measures have been made in the intervening months.

Significantly, we direct airports and air carriers to impose or adjust security measures based on assessments received from law enforcement and intelligence agencies with whom we are in continuous consultation. The cooperation and support provided my Department by other federal agencies, and particularly by the FBI, has been outstanding.

We took additional steps announced by the President last week--including more intensive screening of passengers on international flights, and more intensive screening of carry-on baggage for domestic and international flights.

There will also be additional controls on air transport cargo. Additional classified measures were also instituted.

Perhaps most significant in the long-run--based on a Presidential Directive to all federal agencies--we began a government-wide re-evaluation of the aviation security baseline. For more than a year, the White House has been an active participant in this effort. Ironically, the Aviation Security Advisory Committee--which is the forum of government, aviation industry, and public interest groups chosen to address the issues associated with increasing the aviation security baseline--met the morning of July 17th--the day of the TWA tragedy.

Mr. Chairman, the current aviation security system was designed to meet the needs identified immediately before and subsequent to the Aviation Security Improvement Act of 1990. The Aviation Security Advisory Committee has been tasked with reporting on whether additional steps--beyond full implementation of the 1990 Act--are necessary in light of the increasing threat and how we can effectively implement and fund any additional measures.

Concurrent with this effort is the work that will be done by the Commission--to be headed by the Vice President--announced by President Clinton last week. In the short term, the Commission will develop an action plan for the President on deploying new technologies that can detect the most sophisticated explosives. I know that members of this committee share our commitment to rapid deployment of EDS technology.

Over the longer term, the Commission will focus broadly on issues related to national security and the increasing terrorist threat. It will also take a comprehensive look at how government oversees aviation safety. Consistent with the Vice President's regulatory reinvention work in other areas, we will explore ways government and the private sector can work together to improve safety for the flying public. Finally, the Commission will examine the air traffic control system, focusing on the advent of new technologies, such as the global positioning system, and how such technology will affect the way the system operates.

Mr. Chairman and Members of the Committee, as I have said earlier in my statement--terrorism is a national and an international problem, which demands a national solution. I believe that the efforts of the President and the Vice President to bring together the departments of the Executive Branch--in partnership with Congress and industry--are exactly the way we must approach this issue.

To put this in a broader context, the Commission's work is yet another step in an on-going and intensifying effort by this President and this administration to step up the battle against terrorism.

That effort has included successful operations to locate and return terrorists to the United States; heading off major terrorist incidents before they have taken place--including the alleged plot by Ramzi Yousef involving airlines; and law enforcement and investigative efforts that have led to arrests and prosecutions in terrorist cases such as Oklahoma City and the World Trade Center bombing.

The security issues that the Commission must examine, and which we as a nation must face, are enormously important. Tighter security steps inevitably bring with them added costs--perhaps several billion dollars in the case of EDS deployment. In fact, the costs of security are yet another reason for the Congress to move swiftly on FAA finance reform. As you know, Mr. Chairman, this Administration has led the effort--along with Senators McCain, Ford, and Hollings to reform FAA's financing system. Both the Administrator and I have been before Congress on several occasions over the last number of years to push for financing legislation. In the short run, as I have said before this Committee in the past, it is critical that the Congress move to reinstate the 10% ticket tax--which was proposed in the President's budget submitted in January.

In closing, Mr. Chairman, we as a nation must collectively recognize that there are fundamental changes ahead of us, and that the extent and nature of even those changes will not be static. We have seen throughout the history of terrorism that, as systems are designed to thwart a possible terrorist attack, terrorists are working on new and different ways to beat the system. Effective security requires the best intelligence, constant vigilance, and a continuing application of resources. There are no simple solutions or shortcuts. On behalf of the Administration, let me say that we look forward to working with you to meet the challenges I've outlined today.

As President Clinton has stated, the safety record of United States aviation is unmatched in the world, and air travel remains the safest means of transportation. But we can't rest on our record and we won't.

Mr. Chairman, I would be pleased to answer your questions. Let me stress that there are many issues associated with aviation security that are more appropriately addressed in a closed session, given the sensitive security information involved. So in advance, I ask the Committee's indulgence of our judgments as to what issues and what level of detail are appropriate to discuss in open session. Of course we would be pleased to provide further information in the closed context--as we have done in the past through numerous individual and group briefings.

Thank you.