

STATEMENT OF THE HONORABLE NANCY E. McFADDEN
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before the
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
SUBCOMMITTEE ON AVIATION
concerning the
WHITE HOUSE COMMISSION ON AVIATION SAFETY AND SECURITY
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Mr. Chairman, Senator Ford and Members of the Subcommittee:

I am pleased to be here today to discuss implementation of the final report of the White House Commission on Aviation Safety and Security. With me today is Barry Valentine, Acting Federal Aviation Administration Administrator. We are joined by Monte Belger, Associate Administrator for Air Traffic Service, Admiral Cathal Flynn, Associate Administrator for Civil Aviation Security, and George Donohue, Associate Administrator for Research and Acquisition.

Implementation of the White House Commission's recommendations, and building on last year's work by the Congress and the FAA, sets an ambitious and necessary course of action for us in the coming months and years.

We commend this Committee's early focus on the work of the Commission and the Department's plans and progress with respect to the Commission's aggressive agenda. The Commission Report was made final three weeks ago today. We are working aggressively within the Department and the FAA to develop a comprehensive implementation plan, but as you can appreciate, we have much yet to do. While the Commission's work covered the entire federal government, the lion's share of the work stemming from the Commission's recommendations falls to the FAA. The Commission's recommendations include both broad policy direction--for which we are formulating specific action plans to address over the long term--and recommendations calling for discrete and immediate action.

Last July, when President Clinton called upon the Vice President to convene and lead the White House Commission, he charged the Commission with three specific mandates:

One, to examine the changing security threat and develop a plan of action to address that threat;

Two, to make specific recommendations on how to improve aviation safety;

And three, to look at the technological advances in the air traffic control system and determine what should be done to take best advantage of them.

The Commission also took up the issue of responding to aviation disasters, recognizing--as did Congress--the need for a coordinated federal response.

The Commission, drawing on a breadth of expertise and experience within its own ranks and reaching out to all segments of the aviation community, produced a comprehensive, thoughtful set of recommendations in a matter of months. We are deeply appreciative of the opportunity we had to work hand-in-hand with the Vice President, the members of the Commission and its staff, and we commend them for their invaluable work. We will benefit from their guidance, their independent assessment, and their frank and wide-ranging deliberations.

In our estimation, this is a government commission that really worked. But as the Commission itself recognized, the true test of whether a commission has worked depends upon the implementation of its recommendations.

Four principles will guide our implementation efforts: change, accountability, partnership, and timeliness.

The first word of the Final Commission Report is, notably, the word "change." For us to succeed in achieving the highest levels of safety and security, we must be willing to change many things, from how we regulate to how we pay for the things we do.

For real progress to take place, we must hold individuals and organizations accountable up and down the line of responsibility. The Secretary reads the Commission's charge to him to report annually on the status of implementation as a clear sign that he is accountable to the President, to you the Congress, and, most of all, to the American people. In turn, the FAA leadership will be accountable for measurable progress, for alerting us if they run into unforeseen roadblocks and for identifying areas that require greater review and deliberation.

The responsibility for adapting to change lies with all the partners in aviation. The Commission got it right when it called for greater use of government-industry partnerships in meeting goals. But as the Commission noted, "partnership does not mean that government give up its authorities or responsibilities." We must use the full force of our authority to enforce the law where necessary. But we agree with the Commission that partnerships hold tremendous promise as suggested by our recent experience with the airports consortia and our work with the airlines to ensure that all aircraft will have adequate smoke detection and fire suppression systems. Partnering extends not only to regulated entities, but across federal agencies as well. There is always more we can do to maximize the resources of the Federal Government. And let me say that our concept of successful partnership extends to the Congress, and particularly to this Committee.

We must commit to realistic yet aggressive timelines. In some instances, the Commission provided deadlines for specific recommendations. Where the Commission did not, we will.

Mr. Chairman, Secretary Slater has asked me to convey to you that we are prepared to meet the challenge of implementing the Commission's recommendations with these four principles as our guide. He underscored his commitment to this work by meeting with the Commission members at the first opportunity, following the presentation of their final report to the President on February 12, 1997.

We believe the model can be found for how to proceed with implementation if we look to the initial report of the White House Commission. As you will recall, the White House Commission presented its initial set of security recommendations to the President on September 9, 1996, within 45 days as requested. The Congress quickly and decisively enacted the 1996 FAA Reauthorization Act -- including security, family assistance and financial reform titles -- along with a substantial supplemental appropriation. The FAA has acted quickly on the recommendations directed to it and has fully accomplished a number of them. Other federal agencies followed suit.

The four principles I outlined for you a moment ago are readily apparent in this effort. We have changed in substantial ways our approach to airport and airline security with a new focus on partnership. Progress made to date would not have been possible without the collaboration between government and industry, and most importantly, between the Congress and the Administration. We have held people accountable for meeting specific goals within specific timelines, and where we have missed the mark, we have been up front about it and made adjustments to attain our goal.

To give you specifics on the progress made by the Department and the FAA on the initial security recommendations, let me take a moment to review for you some accomplishments to date. Airport consortia, the foundation of our new call to partnership, have been established at all of the 41 major airports where FAA personnel are permanently deployed, and they have submitted action plans to the FAA for review. These will serve as a model for formalizing 152 additional consortia at airports nationwide.

The FAA has ordered 54 certified explosives detection systems (EDS), and all of them should be deployed by early FY98, at the rate of two to three a month. As you know, units have already been deployed at New York's JFK and Chicago's O'Hare airports. They are currently being tested and will become operational. this month.

The Screener Proficiency Evaluation and Reporting System, known as SPEARS, includes computer based, multi-media screener training, as well as on-line, threat image projection. Computer-based training for x-ray machines

and EDS should be available in April. The threat image projection component for conventional x-ray devices will also be available in April, but it is already being used in EDS.

Deployment of explosives trace detection devices began with the installation of two units in November 1996 in Atlanta and continues today at Chicago, New York, and Washington area airports. Contracts to purchase up to 489 trace explosives detection devices, 20 automated x-ray devices, and as many as five quadrupole resonance and detonator detection devices are in process. We plan on complete deployment of this equipment in the current fiscal year.

The FAA is expanding the K-9 program, the deployment of police officers with bomb-sniffing dogs, to all Category X airports and selected Category I airports. With the supplemental funding made available by Congress for 114 dog teams, FAA's procurement of canines and the training of handlers is well underway. The first class this year concludes March 25th, with three more scheduled for students from three major airports.

The FAA is hiring 300 additional security-related personnel to improve security with new regulations and aggressive testing and inspection, in addition to filling 118 new positions specifically dedicated to dangerous goods and cargo security. By the end of March, a total of 96 new employees will have been hired, and 52 of these new hires will have been trained.

Other agencies have also been hard at work. The Federal Bureau of Investigation is reducing fingerprint check turnaround time and working with FAA to refine airport risk assessment, and conduct threat and vulnerability analyses. FAA and the Bureau of Alcohol, Tobacco and Firearms have held a series of meetings to discuss a joint pilot program on canine explosives detection, and are formulating a draft protocol to govern the joint deployment. The National Transportation Safety Board has assumed the role and responsibility of being the federal government's lead agency in dealing with assistance to the families of aviation disasters.

Our experience with the Commission's first set of recommendations shows what can be done, given the resolve, the will, and the mandate. As I have

discussed and Administrator Valentine will elaborate, we are putting together a comprehensive, specific implementation plan. At the same time, work is proceeding on some of the specific recommendations: rulemaking for smoke and fire detection and suppression; implementation of passenger-bag match; and development of an automated passenger profiling system.

Within thirty days of the issuance of the final report, the Department and the FAA will have taken seven concrete actions.

First, I am pleased to report that Secretary Slater will appoint this week the task force, as required by the Aviation Disaster Family Assistance Act, which will consider a myriad of issues relating to the treatment of family members of victims of aviation disasters. The Task Force will include governmental representatives from the National Transportation Safety Board, Federal Emergency Management Agency, and the Departments of Defense, Health and Human Service, Justice, and State. Most importantly, the task force will include family members of the victims who lost their lives as the result of aviation disasters. The Task Force will be reporting its findings to the Congress this October.

The Department issued a proposed rule requiring airlines to keep a comprehensive passenger manifest for international flights last year, and I pledge that the Department will issue its final rule this spring. Further, the Department intends to issue by March 12th an Advanced Notice of Proposed Rulemaking on a similar requirement for domestic flights.

We were very pleased when the Vice President announced, on the very day the final report was released, that NASA is committing \$500 million over the next 5 years specifically to meet the goal of reducing fatal accidents by a factor of five within a decade. With that commitment, FAA and NASA are working jointly to make this goal a reality.

Just last Thursday, our Department and the Department of Defense announced agreement on the availability of a second civil frequency for the Global Positioning System, as called for by the Commission as part of a

broader program to maintain U.S. leadership in aviation and satellite technology.

Before March 12th, the FAA will issue a proposed rule to conduct criminal background checks for screeners at airports and their supervisors. This proposed rule is consistent with section 304 of the 1996 FAA Reauthorization Act.

Additionally, the FAA will issue an Advanced Notice of Proposed Rulemaking that will require the certification of companies performing screening functions, including requirements for air carriers that use their own employees to perform screening. This is consistent with section 302 of the 1996 Act.

And finally, within thirty days of the issuance of the Commission's final report, the FAA will conduct a system-wide operations test of the Northwest Airlines software used for passenger profiling. Northwest anticipates full operational capability by the end of April. We intend to review the profiling system with officials from the Department of Justice to ensure that civil liberties are not compromised.

Before closing, I would like to touch on a subject on everyone's mind--how do we ensure the financial resources necessary to enhance safety and security for everyone flying. Nearly two years ago then-Secretary of Transportation Federico Peña testified before this Committee about the financial realities facing the FAA. While the aviation sector is growing steadily, we all are working together to balance the overall federal budget. This Committee recognized that fundamental analysis and change in FAA's financial underpinnings was -- and still is -- needed.

Last October's FAA Act provided for the National Civil Aviation Review Commission and its Funding Task Force. The first fruits of that legislation can be found in the Coopers and Lybrand analysis of the FAA's current structure and finances. The report points to the fact that the many limitations, constraints and conflicting stakeholder and customer objectives imposed on the agency's decision-making processes must be minimized or

eliminated and replaced with greater operating flexibility in order for the FAA to accomplish its goals. Now that he has been confirmed and sworn-in, Secretary Slater is acting swiftly to make appointments to the National Civil Aviation Review Commission, and I know that Congress will do the same. We will be asking much of this Commission and are hopeful that at least the findings of the Funding Task Force, if not the Commission overall, will be ready for the final FY 1999 budget. In the meantime, we can undertake the basic analytic work on costs that will allow us to act on the Commission's conclusions as soon as they are available. This will save significant time at that point.

As the Commission's Final Report states, by virtually any measure, the aviation system in the United States is the best in the world. Every system, however, can be improved, made safer, more secure, and more efficient. Every aviation tragedy is a stark reminder of that reality.

Mr. Chairman, the White House Commission has completed its work. Our formidable task is to focus on the immediately achievable; simultaneously lay essential groundwork for implementing the longer term recommendations; and all the while integrating these efforts with the ongoing work of the Department and the FAA. The Commission's recommendations must be viewed in tandem with efforts already underway across government to raise aviation safety and security performance across the board. These include Congress' enactment of the "Federal Aviation Reauthorization Act of 1996" just last October, reports from the Government Accounting Office, the "90-Day Safety Review" led by former Deputy FAA Administrator Linda Daschle, and the FAA's Challenge 2000 initiative.

The Department looks forward to continuing our work with all of the partners in the aviation community, and especially this Committee. Today's examination, as the hearings previously held by this Committee and the legislation it has enacted, contributes directly and significantly to our efforts.

Thank you. That completes my prepared statement. Mr. Valentine would now like to present his statement, and then we would, of course, be pleased to respond to any questions you may have.